
Report of the Chief Planning Officer

Report to Plans Panel North & East

Date: 11th May 2017

Subject: 17/00406/FU – Change of use of domestic swimming pool and garage to canine hydrotherapy use (sui generis) at 81 Wakefield Road, Garforth, LS25 1AR

APPLICANT

Ms Michelle Parker

DATE VALID

2nd February 2017

TARGET DATE

7th April 2017

Electoral Wards Affected:

Garforth and Swillington

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: GRANT PERMISSION subject to the specified conditions:

1. Temporary time limit (1 year)
2. Development to comply with approved plans
3. Opening hours 8:30 to 17:30 Monday - Friday, 09.00 to 14.00 Saturdays, Not at all on Sundays or Bank Holidays.
4. Parking spaces to be laid out and marked out
5. Insulation measures/noise mitigation measures to be implemented/ details of a noise management scheme to minimise disturbance to local residents (no opening of certain doors and windows).
6. Management plan for use (appointment system/dog owners to remain present/use of appropriate drying equipment for dogs)
7. Bins details and collection details.
8. Front Gates onto Wakefield Road to remain open during business hours.
9. No more than 2 dogs on site at one time.
10. Residential garden not for use by customers and dogs.
11. Window on rear elevation of swimming pool building to remain closed when pool in use.

1.0 INTRODUCTION

- 1.1 The application proposes to change the use of a domestic swimming pool to a canine hydrotherapy use (sui generis) with laying out of designated parking spaces to the front of the site and use of part of the garage for a reception area at 81 Wakefield Road, Garforth.
- 1.2 The application is reported to Plans Panel at the request of Ward Member Councillor Mark Dobson who feels that the proposal will adversely impact residential amenity with regard to noise and traffic movements in the area.

2.0 PROPOSAL

- 2.1 The application seeks the change of use of the domestic swimming pool situated within a residential garden (within a building) to a canine hydrotherapy use. Part of the existing garage is also proposed to be converted as a reception area. An area of existing hardsurfacing/paving to the front of the site will provide designated customer parking. The proposed use is a canine hydrotherapy pool for dogs that are either in recovery or pain. It is not a dog grooming facility.
- 2.2 The opening times originally sought by the applicant were - Monday to Friday 08.30 – 18.00 and Saturdays 09.00 – 14.00. However, please note that it is proposed to limit the opening times on weekdays until 17.30 hours in line with advice received from the Environmental Health officer.
- 2.3 It is proposed that no more than 2 dogs will be on site at any one time and the appointments are booked in half hour sessions.
- 2.4 Additional works/noise mitigation measures proposed by the applicant are:-
- Heightened sound insulation
 - Re-routing of existing garden fence so dogs can't use the domestic garden
 - Terms and conditions of use for customers
 - Astro turf/hard floor areas inside waiting area and around the pool
- 2.5 Resident parking will continue to be provided on site located at the side of the dwelling and in part of the large domestic garage. The existing hard-standing to the front of the property will be extended to provide 2 x customer parking spaces.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is located on Wakefield Road and forms part of a semi-detached (right hand –side dwelling) which has been previously extended. The extension was for a detached indoor domestic swimming pool with attached domestic garage (L-shaped) which is located to the rear of the site with hard surfacing to the front and side.
- 3.2 The domestic house on the site is 2-storey which is red-brick and cream rendered with grey roof tiles. The part of the site that forms the buildings for conversion is single storey with pitched roof and is a mix of render/wood and brick.

- 3.3 The site is accessed by pedestrians and vehicles from Wakefield Road where there is a metal gate which is a maximum of 2m in height. Off street parking is currently available within the garage, driveway and front of the property via an area of hard-standing. There is a bus stop just up from the site on Wakefield Road (with waiting restrictions extending across the site access).
- 3.4 The boundary treatment to the adjoining property No. 79 Wakefield Road is a 2m high hedge at the front and to the rear is a 1.8m fence; the boundary treatment to No. 83 Wakefield Road is vegetation and 1.8/2m fence.

4.0 RELEVANT PLANNING HISTORY

- 4.1 17/00407/ADV –One non-illuminated sign – pending.
- 4.2 33/189/03/FU - Part single part two & part 3 storey rear extension and detached garage with swimming pool extension to rear – Approved 23 May 2003.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions have occurred with the applicant and further information following highways comments and comments made through other representations has been provided.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application was published by site notice dated 24th February 2017 and by letters sent to immediate neighbours.
- 6.2 66 letters of representation have been received, 13 objections and 53 of support and the following comments have been made:-

Objections

- Not the right place for this use
- Where is reception/waiting/kennelling/toileting facilities/dog proof perimeter
- Does garage form part of the business?
- Garforth has one already (Barrowby Lane)
- Noise pollution (up to 20 dogs a day)
- Parking and highway safety issues lead to increase in on street parking and increase in traffic and highways
- Impact upon immediate neighbours amenity and loss of privacy
- Safety risk
- Residential area in nature
- On-site parking does not allow for turning of vehicles
- Restrictive covenant

Support

- Great idea, don't see a problem, valuable addition, beneficial to area and much needed, high demand
- Max of 2 dogs a day is like having 2 dogs as pets at home, max 2 cars
- Noise would be minimal

- Useful to local people/dog owners
- Dogs owners using them will be responsible
- See no issue with environmental health
- Similar business in area (10 beauticians, 8 hairdressers, 9 hairdressers)
- Insulation measures can be used
- Shortage of this use and they are useful facilities
- Know the potential proprietors – they have high standards in life and business

6.3 The applicant has responded to representations received by providing further information/measures. In the light of this, original contributors have been re-consulted with a revised expiry falling on the day of the Panel meeting. Accordingly any further representations received will be reported to Panel Members as part of the officer presentation.

7.0 CONSULTATIONS RESPONSES

7.1 Highways: Further information initially requested regarding parking provision/layout. Additional information clarifying customer and domestic parking/turning arrangements provided so no objection subject to conditions.

7.2 Environmental Health: No objection subject to the proposed sound insulation measures being implemented and the use being operated in accordance with the submitted management plan. Conditions recommended.

7.3 Flood Risk Management – no objection, it will not create a flood risk

8.0 PLANNING POLICIES

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

P10: High quality design, Residential and visual amenity.
T2: Accessibility.

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following saved policy is also considered to be relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

8.4 No Natural Resources and Waste policies are considered to be specifically relevant to the proposal.

Supplementary Planning Guidance

- 8.5 Leeds Parking Policy (SPD, adopted).

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 The NPPF gives a presumption in favour of sustainable development and seeks to ensure proposals do not undermine quality of life (para.58, NPPF).
- 8.9 It should be noted that the development is not liable for CIL.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on residential amenity
3. Highway implications
4. Representations

10.0 APPRAISAL

Principle of development:

- 10.1 This application proposes the utilisation of an existing domestic swimming pool situated within the rear garden of a residential curtilage to a canine hydrotherapy use. It is also proposed to convert part of the existing domestic garage to a reception area.
- 10.2 In use terms, the primary residential use for the wider site would remain and a canine hydrotherapy use is not considered to represent a main 'town centre' use. Accordingly the development can be supported in principle subject to the residential amenity and any highway implications being fully resolved.

Impact on residential amenity:

- 10.3 A main potential area of concern for neighbours relates to noise as a result of the dogs themselves and also the increase in comings and goings at the site. In considering this issue, the proposal has been amended and now incorporates the following measures to help address the concerns which have been raised by neighbours:
- Heightened sound insulation via the use of Kingspan Insulated Wall and Roof systems (including a version which is specifically designed for higher humidity environments such as a swimming pool) to contain noise from dogs and customers to within the building.
 - Re-routing of existing garden fence to restrict access to the main domestic garden
 - Terms and conditions of use – including: hours of use/use of drying equipment/appointment system/customer parking arrangements
 - Astro turf/ hard floor areas inside waiting area and around the pool
 - Strategy for the disposal of waste
 - Nos. of dogs that will be on site at one time limited to two
- 10.4 Furthermore, the use of part of an existing garage structure as a reception area is now also proposed so that all activities associated with the use can now be undertaken within these two interconnected buildings.
- 10.5 The buildings subject to the change of use are located at the bottom of the garden of No. 81 Wakefield Road along the boundary with No. 42 Queensway (rear) and between Nos. 79 and 83 Wakefield Road. The only part of the common boundary with neighbouring properties that does not have a building along its boundary is with the adjoining semi-detached house, No. 79, where there is a 1.8m high boundary fence. There are no windows directly facing onto Nos. 79 or 83 with the existing doors/windows from the swimming pool element of the building fronting on the applicant's own garden. There is a very small window on the rear elevation of the swimming pool building.
- 10.6 The applicant has confirmed in correspondence that there will be no more than 15 – 20 dogs per week day and on a Saturday will be a maximum of 10 dogs.
- 10.7 It is noted that the proposal, changes the nature of the swimming pool's use and that there will be increased in comings and goings to the site. However, it is considered that taking into account the details submitted by the applicant regarding noise/mitigation measures, and having regard to the comments from the Environmental Health Officer, that potential/envisaged noise issues can be mitigated and managed through the listed conditions at the beginning of this report. In addition it is recommended that a temporary permission be granted in the first instance so that the situation can be monitored in light of the potential impact on the amenities of neighbours.

Highway Impact

- 10.8 The application property has a large area of hardstanding to the front and side. This provides a large parking area which is more than adequate for a domestic dwelling. Highways Officers sought a revised plan for the parking layout that clearly shows off street parking for the residents and customers and so that vehicles can manoeuvre

and leave the site in a forward gear. Accordingly no technical highways objection is raised subject to the imposition of appropriate conditions.

Representations

- 10.9 Regard has been to the representations received and it is considered that the substantive and relevant material planning matters raised have been addressed above. None of the other points raised are considered to be either material to the determination of the application or of such weight to lead to the conclusion that planning permission should be withheld.

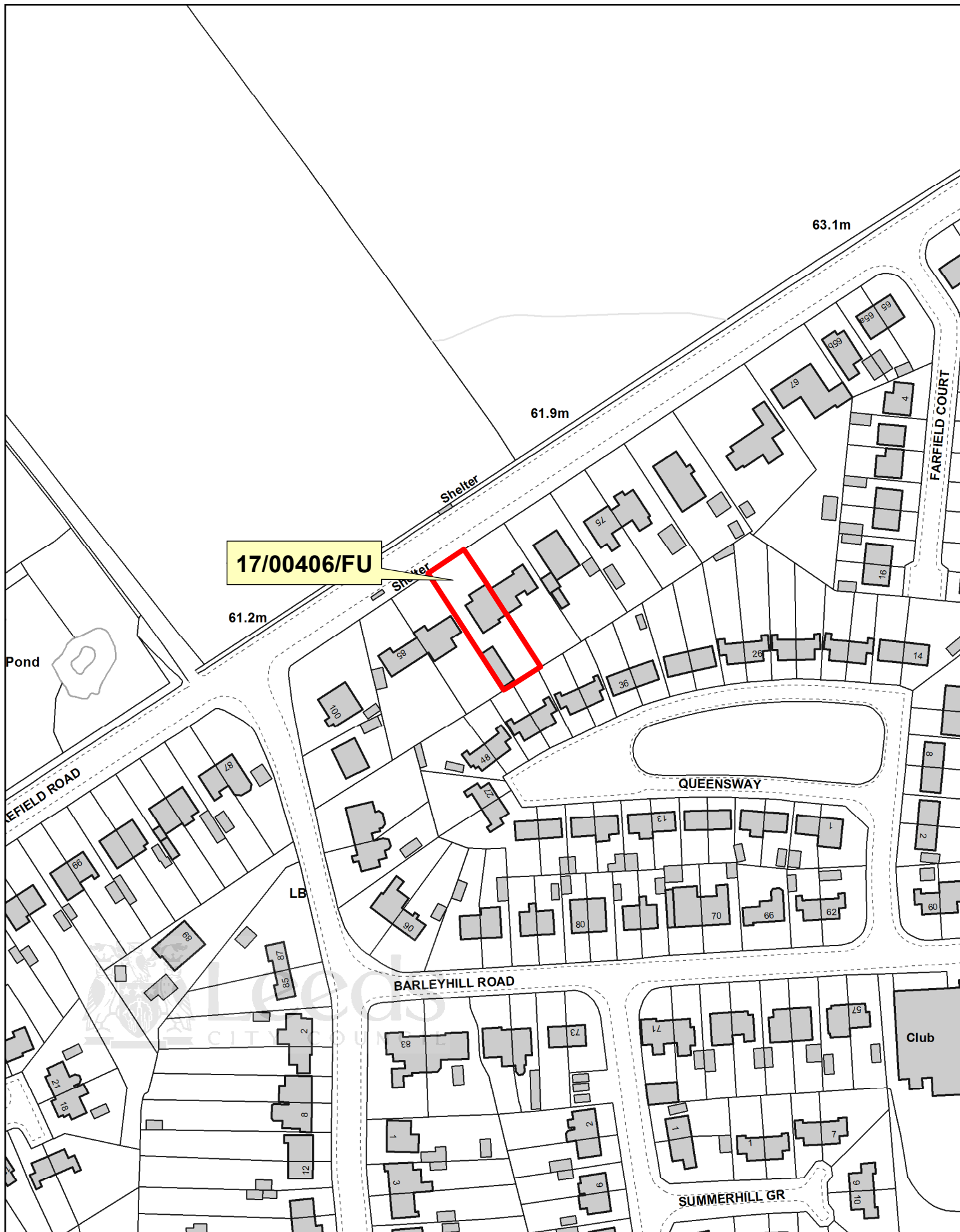
11.0 CONCLUSION

- 11.1 This proposed commercial development in a residential area has potential to result in a significant loss of amenity for neighbouring residents. However, that subject to appropriate controls including the hours and days of use, restricting the numbers of dogs attending the facility and the sound proofing of the buildings in question then the amenities of neighbouring residents should not be adversely affected. However, in light of the character of the use, and the sensitivity of the location, it is considered that a temporary permission, for a year, should be granted so that the environmental effects associated with the use can be monitored/reviewed.

Background Papers:

Application file:-17/00406/FU – 81 Wakefield Road

Certificate of Ownership (Cert B - served on Mr & Mrs Greenhill – 17/01/17)



NORTH AND EAST PLANS PANEL

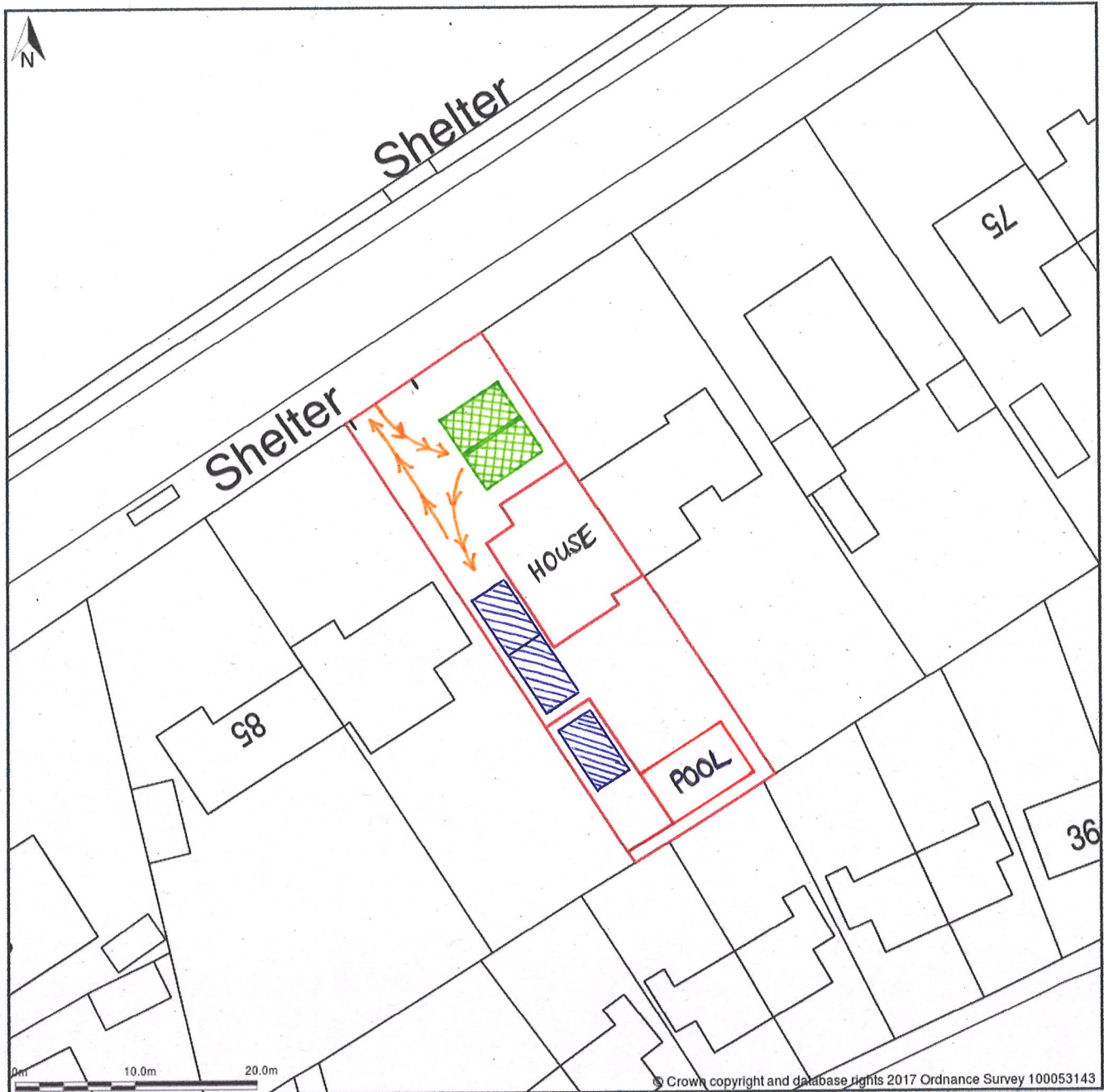
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SCALE : 1/1500




81 Wakefield Road, Leeds, LS25 1AR




Block Plan shows area bounded by: 439807.0, 433126.0 439897.0, 433216.0 (at a scale of 1:500) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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 = Residents parking
Spaces X 3.

 = Customer Parking
Spaces X 2.

 = Direction of
entry / exit.