

Design, Access and Planning Statement

Retrospective Change of Use from residential to residential and a dog care/dog boarding use (Sui Generis)

Project Address:	45 Stoneycroft Rd, Earl Shilton, LE9 7JB
Date:	30.01.24
Planning Authority:	Hinckley and Bosworth Borough Council

Introduction

HOMZ (the agent) has been instructed to submit a retrospective planning application to the Local Planning Authority Hinckley and Bosworth Borough Council (the Planning Local Authority) for the change of use from residential to residential and a dog care/dog boarding use (Sui Generis) (the proposal) at 45 Stoneycroft Rd, Earl Shilton, LE9 7JB (the site).

The extents of the site and proposal can be seen outlined on the drawings accompanying this planning statement.

This statement outlines the site, the proposal, the planning history, relevant planning policies within the statutory development plan, and finally all relevant material planning considerations are assessed against the planning policy context.

Site and Location

No 45, the application site, is located within a predominantly residential area of Earl Shilton on the north east side of Stoneycroft Road. Earl Shilton Albion Football Club and playing field are to the east.

The town centre is located some 450m to the north east and there are a range of small businesses located within the surrounding area. The site is well connected by road as well as by public transport along Hinckley Road.

The site consists of a detached bungalow and a detached triple garage set in a large corner plot.

The Proposal

The proposal consists of the retrospective change from residential to residential and a dog care/dog boarding use (Sui Generis) (the proposal).

This proposal includes fencing to be erected to infill between the existing brick pillars to ensure privacy and screening. No other external changes are proposed.

The facilities at 45 Stoneycroft will provide a state-of-the-art and much needed small animal rehabilitation centre based in Earl Shilton, Leicestershire.

Under the trade name Dog Hydrotherapy the applicant will operate a small animal hydrotherapy and rehabilitation services (dogs being the most common patient) to patients who have suffered injury, have existing neurological or orthopaedic medical conditions, as well as offering minimum weight bearing fitness treatments. In addition, the site will accommodate a small element of dog boarding for up to 6 animals.

The site will accommodate the following uses:

- Part residential to ensure a member of staff is able to be present on site for the patients at all times
- Small scale dog boarding
- A hydrotherapy pool for non-impact, non-weight bearing and condition treatment
- A state-of-the-art underwater treadmill for weight reintroduction, conditioning, specialised conditioning and rehabilitation
- A class IV light therapy machine to facilitate in the healing process of wounds as well as an added therapeutic service to patients suffering with osteoarthritis
- Shower area for pre and post treatment
- Staff kitchen/break room
- Reception
- WC

The working opening hours will be as follows:

Monday: 09:00-17:00

Tuesday: 09:00-17:00

Wednesday: 09:00-17:00 (with 17:00-20:00 extended hours to allow for clients working hours)

Thursday: 09:00-17:00

Friday: 09:00-17:00

Saturday: 09:00-17:00

The above activities will be performed by qualified staff, including Veterinary Physiotherapists and Level 3 Small Animal Hydrotherapists. The business also works solely on Veterinary referral to ensure the patients' welfare.

Planning History

00/00904/FUL for a side extension to dwelling and erection of boundary wall was granted subject to conditions on 13.10.00.

Planning Policy

The following planning policy and guidance documents are recognised as material considerations for the assessment of this application

- National Planning Policy Framework 2023;
- National Planning Practice Guidance;
- Emerging Local Plan

- Core Strategy (2009)
- Site Allocations and Development Management Policies DPD (2016)

The following section will evaluate the proposals in accordance with the relevant policies and supplementary design guidance of the Council to demonstrate why the proposal should be considered as acceptable in principle and in strict accordance with the Councils development criteria.

National Planning Policy Framework 2023 (NPPF)

The new National Planning Policy Framework was revised in 2023 and the following paragraphs are considered to be relevant.

Paragraph 38 confirms that Local Planning Authorities should approach decisions on proposed developments in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 confirms that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the Development Plan, and is a material consideration in planning decisions. This paragraph also states that decisions on applications should be made as quickly as possible, and within statutory timescales, unless a longer period has been agreed by the applicant in writing.

Paragraph 54 advises that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

Paragraph 55 advises that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided.

Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 119 advises that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions

Paragraph 124 highlights that Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) Local market conditions and viability;*
- c) The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) The importance of securing well-designed, attractive and healthy places.*

The National Planning Policy Framework states that planning should aim to ensure that developments function effectively and contribute to the overall quality of an area. Development must respond to local character and history, reflect the identity of local surroundings and materials and should be visually attractive as a result of good architecture and landscaping.

Paragraph 130 states that *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

Development should:

- a) Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) Optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;*
- f) Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Core Strategy (2009)

Policy 2: Development in Earl Shilton states that to support the regeneration of Earl Shilton, the council will ensure there is access to a range of employment opportunities.

Site Allocations and Development Management Policies DPD (2016)

Policy DM1: Presumption in Favour of Sustainable Development states that planning applications that accord with the policies in the Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Borough Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- b) Specific policies in that Framework indicate that development should be restricted.

Policy DM10: Development and Design states that Developments will be permitted providing that the following requirements are met:

- a) It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;
- b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
- c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
- d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;
- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;

h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;

i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

Policy DM17: Highways and Transportation states that Development proposals will be supported where they:

a) Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;

c) Demonstrate that there is not a significant adverse impact upon highway safety

Policy DM18: Vehicle Parking Standards states that all proposals for new development will be required to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available (e.g. public transport and cycle provision) and appropriate design. Any development will be expected to provide disabled parking provision.

Assessment

Principle of development

The proposed development is for a property located within the settlement boundary. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.

Proposal Benefits

The establishment of a state-of-the-art dog treatment facility at 45 Stoneycroft represents a significant benefit in relation to the provision of veterinary rehabilitation and therapy in the area. This facility has been designed to provide with advanced therapeutic technologies, improving the standard in the treatment of canine health conditions.

The facility is specifically equipped to address a range of health conditions prevalent in the canine population, including osteoarthritis, hip and elbow dysplasia, cruciate ligament disease, and various spinal and neurological disorders. These conditions necessitate specialised treatment approaches. The inclusion of a hydrotherapy pool and an underwater treadmill is particularly noteworthy, providing a non-impact, non-weight-bearing environment essential for initial stages of recovery, while carefully managed reintroduction of weight supports enhanced rehabilitation.

Furthermore, the facility's incorporation of a class IV light therapy machine represents an innovative approach to wound healing and pain management, especially beneficial for dogs suffering from osteoarthritis. The facility also demonstrates its commitment to comprehensive care through the inclusion of a designated shower area for pre and post-treatment, and a residential space for staff to ensure constant supervision and care.

The choice of location for this facility at 45 Stoneycroft, Earl Shilton, is strategic. It offers easy and equal access from surrounding towns and villages such as Hinckley, Nuneaton, and Leicester, significantly expanding the facility's reach. The off-road parking area, located directly in front of the premises, minimises the distance pets need to travel from vehicle to facility, a critical factor for those in rehabilitation.

The establishment of this dog treatment facility at this chosen location is also anticipated to have a beneficial impact on the local community. It will create employment opportunities, foster community ties around pet health, and enhance awareness of the importance of specialised pet rehabilitation.

Design and Character

Other than the proposed fencing, which is no greater in height than the existing boundary treatments, no external changes are proposed to the application site as a result of the proposed change of use.

Furthermore, the application site would remain residential in part. Bearing this in mind, along with no external changes or outbuildings proposed, it is considered that the proposal would maintain the application site's residential character and would not be out of keeping with the nature of the street scene. Notwithstanding the change of use proposed, the application site would still have the appearance of a residential site and the proposal would not alter the appearance of the street scene.

The proposal is in accordance with Policy DM10 of the SADMP.

Residential amenity

The facility's operational focus on rehabilitation and therapy for dogs means that the potential for noise generation is considerably lower than that of a traditional dog kennel. Kennels, typically housing a larger number of dogs, are more prone to higher levels of noise due to the nature of temporary stays and the unfamiliar environment for the animals.

In contrast, the proposed treatment facility at 45 Stoneycroft is geared towards a controlled, therapeutic environment. The dogs undergoing treatment here are likely to be calmer due to the nature of the care they receive, the presence of trained staff, and the calming environment designed for recovery and therapy.

Moreover, the facility's specific equipment, such as the hydrotherapy pool and underwater treadmill, is used for therapeutic purposes, which do not contribute significantly to noise levels. The boarding of up to 6 dogs is comparable with domestic pet keeping levels and as such will not result in an detrimental impact.

The presence of a residential staff member ensures that any potential disturbances are promptly managed, maintaining a peaceful environment both within and around the facility.

However, in the interests of keeping disturbance and nuisance levels upon neighbouring properties to a minimum, a condition ensuring no dogs are housed outside can be imposed should planning permission be granted, along with a condition requiring the submission of a noise management plan.

Subject to conditions, it is considered that the proposed development would not significantly conflict with Policy DM10 of the SADMP.

Equipment waste management

The hydrotherapy pool and underwater treadmill is treated the same as any public or household swimming pool, spa or jacuzzi using chlorine along with pH and alkalinity adjusters to keep the water treated and clean. Both the hydrotherapy pool and underwater treadmill has separate specialised filtration systems specific to the intended use. Once the pool and treadmill tank is full and treatment levels are achieved, they will be maintained and tested daily. Records of testing will be kept.

Accessibility and parking

The proposed dog treatment facility at 45 Stoneycroft, Earl Shilton, has been planned with a strong emphasis on minimising its impact on local traffic and providing ample parking. The site boasts a spacious parking area capable of comfortably accommodating up to 12 vehicles, depending on their size. This ample parking provision is a critical aspect of the facility's design, ensuring that it adequately meets the needs of its clients and staff, without imposing undue pressure on local parking facilities. There are also EV charging points provided.

The operational model of the facility, which involves treating clients individually through a pre-arranged booking system, further mitigates the potential for parking congestion. With treatments scheduled for durations of 40-60 minutes, it is projected that there will be no more than two clients on-site at any given time. This efficient scheduling, combined with dedicated parking for staff, ensures that the parking availability is more than sufficient to accommodate the facility's operational requirements.

In terms of traffic impact, the facility's approach to client management plays an important role in minimising its influence on the surrounding area. The individual treatment schedule, spaced throughout an 8-hour operational day, is expected to result in a maximum of 16 vehicle

movement per day. This equates to an average of max 2 cars per hour, a level of traffic that is comparable to the routine comings and goings at a residential property with family and friends visiting. Consequently, the proposed facility's impact on local traffic, noise, and overall traffic flow in the area is anticipated to be minimal.

The considered approach to parking and traffic management at the proposed dog treatment facility at 45 Stoneycroft not only demonstrates a commitment to minimising its environmental and community impact but also reflects a well-planned operational strategy.

The proposed development is in accordance with Policy DM17 and DM18 of the SADMP.

Conclusion

For the above reasons, we see no reason for the Council to withhold our request for planning permission and kindly request that the council make a reasonable decision on this submission in line with the developmental objectives and timescales of the National Planning Policy Framework.

Should the Planning Authority have any further questions in relation to this proposal or feel that certain conditions would be necessary to accommodate this proposal, Homz would welcome a conversation on any of these matters.