

Planning Ref: 24/01081/CONDIT
Applicant: Mrs Georgina Bevin
Ward: Peckleton



Hinckley & Bosworth
Borough Council

Site: Land East Of Archers Lane, Peckleton,
Leicestershire
Proposal: Application to vary condition 6 on planning permission 22/01229/FUL.
Amendment to opening hours

1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2 That the Head of Planning be given powers to determine the final detail on planning conditions.

2. Planning Application Description

2.1. This application seeks to vary condition 6 attached to planning permission ref: 22/01229/FUL which was for the change of use from agricultural to a secure dog walking paddock with associated fence and parking.

2.2. Application 22/01229/FUL was approved subject to conditions. Condition 6 limits the operating hours of the approved dog walking paddock stating:

'There shall be no dogs on site in connection with the business hereby approved except between the hours of:

Monday to Friday	Saturday to Sunday
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07.00am to 19.00 pm	1 st March to 29 th September	08.00 to 19.00pm	1 st March to 29 th September
08.00 to 17.00pm	1 st October to 30 th November	08.00 to 17.00pm	1 st October to 30 th November
08.00am to 16.00pm	1 st December to 31 st January	08.00am to 16.00pm	1 st December to 31 st January
08.00 to 17.00pm	1 st February to 28 th February	08.00 to 17.00pm	1 st February to 28 th February

Reason: To ensure that the use is compatible with the surrounding countryside and to protect the amenities of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD'.

- 2.3. The applicant is seeking to vary condition 6 to extend the opening hours to “better accommodate customer demand for access during daylight hours before and after the workday”. In the application form submitted the applicant states that since they opened, they have received positive feedback, with many customers expressing that having the dog park open earlier and later would allow them to exercise their dogs in a safe environment during these times.
- 2.4. The applicant has provided two options with their preference being that the site could be open 06:00 to 21:00 all year round but with the understanding that booking times would be dependent on daylight hours. Alternatively the applicant has provided the below options

Monday-Sunday January 08:00- 17:00 February 07:00-18:00 March 06:00-19:00
 April 06:00-20:00 May 1st to August 31st - 06:00-21:00 September 06:00-20:00
 October 06:00-19:00 November 07:00-18:00 December 08:00-16:00.

3. Description of the Site and Surrounding Area

- 3.1. The site is located off Archers Lane, Peckleton which is approximately 2.1 miles from Desford and 4.0 miles from the market town of Earl Shilton. The site is within a countryside location. The land parcel is on a local dog walking route. The site is bound by hedgerows.
- 3.2. The site is surrounded by farmland on all sides. The nearest residential properties are 250 metres to the south in Peckleton Village and are separated from the site by open fields.
- 3.3. The applicant had previously used the land to produce free range broilers but had to stop due to the rising cost of production. The chickens were kept in movable hutches that rotated round the fields. The dog paddock was a diversification away from this agricultural use in order to bring an income to the applicant given the rising cost and difficulties the broiler industry is facing.

4. Relevant Planning History

22/01229/FUL	Proposed change of use from agricultural to a secure dog walking paddock with associated fence and parking	Permitted	10.11.2023
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5. Publicity

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site. No representations have been received.

6. Consultation

- 6.1. Peckleton Parish Council- No comments received
- 6.2. HBBC Environmental Health (Pollution)- No objections

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 Policy DM1: Presumption in Favour of Sustainable Development
 Policy DM4: Safeguarding the Countryside and Settlement Separation
 Policy DM7: Preventing Pollution & Flooding
 Policy DM10: Development and Design
 Policy DM17: Highways and Transportation

Policy DM18: Vehicle Parking Standards

- 7.2. National Planning Policies and Guidance
National Planning Policy Framework (NPPF) (2024)
Planning Practice Guidance (PPG)

Appraisal

- 7.3. This application should be read in conjunction with the previously approved application 22/01229/FUL. As the principle of the development, design and other such details have been accepted by the earlier scheme, the main issue for consideration is the removal of Condition 6 and the potential resultant:

- Impact on neighbouring amenity

Impact upon neighbouring residential amenity

- 7.4. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 7.5. Paragraph 135 of the NPPF requires that development should ensure that a high standard of amenity is provided for existing and future users.
- 7.6. Condition 6 was imposed to ensure there are no adverse impacts on the amenity of the occupiers of neighbouring properties and to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.
- 7.7. The facility operates under the opening hours as listed above. The proposed extension of opening times would better accommodate customer demand for access during daylight hours before and after the workday on a seasonal basis.
- 7.8. HBBC have not received complaints about the current operation of the facility since its operation began. HBBC's pollution officer has also not raised an objection to the variation of condition 6.
- 7.9. The nearest residential property is over 200 metres away on Main Street Peckleton over mature boundary's therefore any noise or light pollution potential from the restricted number of dogs (and as a result cars) on site is not likely to be significant. Acoustic fencing did not form part of the approved application due to the above distances and limited noise potential. Of the two options it is considered the preference of opening hours or 06:00-21:00 is acceptable in this case given the low number of dogs and distance from residential properties. It is acknowledged that the longer opening hours allows for seasonal variation and would be shorted in winter months due to shorter daylight hours. The proposed amendments to condition 6 are considered to be acceptable and the resultant development would not have an adverse impact on neighbouring amenity and is in accordance with Policy DM10 of the SADMP and the Good Design Guide.

8. Equality Implications

- 8.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3. There are no known equality implications arising directly from this development.

8.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

9.1. The proposed development comprises the extension of opening hours for an existing dog walking facility in the countryside. The proposal involves the variation of Condition 6 of 22/01229/FUL for an existing dog walking facility on a well maintained site. Application 22/01229/FUL showed that the development would lead to an enhancement of the immediate setting and would provide some economic growth and job creation benefits. The development is and remains to be in accordance with Policy DM4 of the SADMP in that regard.

9.2. As outlined in the report considering the existing use of the site, the potential increase in users of the site outside of the previously permitted hours and the distance to neighbouring properties, the variation of condition 6 regarding opening hours would not have a significantly adverse impact on neighbouring amenity. As such, the proposal would continue to be in accordance with Policy DM10 of the SADMP and is therefore recommended for approval.

10. Recommendation

10.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

When referring to the original consent condition 1 is no longer relevant as the development has commenced, this has therefore been removed. Condition 2 (now condition 1) is still relevant as it relates to the approved plans. Condition 3 and 4 (now condition 2 and 3) are still relevant but have been amended as the access arrangements have been implemented but do now need to be maintained in perpetuity. Condition 5 (now 4) restricts the number of dogs on site and is still relevant. Condition 6 (now 5) is the subject of this S73 application and has been amended in line with the latest operating hours. Condition 7 (now condition 6) and condition 8 (now condition 7) have been discharged and the conditions have been amended to ensure compliance with the previously approved details.

10.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan Drg No. IP/AHO/01 submitted on 29/12/2023

Amended Red Edge Site Plan submitted on 30/10/2023

Land Registry Plan Drg No. RHC-23-042-02 received on 17/10/2023

Visibility Extents Plan Drg No. RHC-23-042-01b received on 04/05/2023

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. The access arrangements, parking and turning as shown on Site Location Plan, received by the Local Planning Authority on 30 October 2023 shall be maintained and available for use in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

3. The vehicular visibility splays as demonstrated on Visibility Extents, drawing number RHC-23-042-01 Rev B shall be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2024).

4. In terms of users of the site there shall be no more than 2 customers & 4 dogs on site at any one time.

Reason: In the interests of protecting residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. There shall be no dogs on site in connection with the business hereby approved except between the hours of 06:00 and 21:00.

Reason: To ensure that the use is compatible with the surrounding countryside and to protect the amenities of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. The fence/gates and hard & soft landscaping scheme shall be carried out in accordance with the details approved under application 24/00227/DISCON.

Reason: To improve the screening along Archers Lane and to ensure no adverse impacts on the character and appearance of the surrounding area and amenity of the occupiers of neighbouring properties in accordance with Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

7. Waste collection shall be carried out in accordance with the details approved under application 24/00227/DISCON.

Reason: In the interests of protecting amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.