JMAD Architecture
Unit G19 Boston Enterprise Centre
Venture House, Enterprise Way
Boston, Lincs, PE21 7TW

STATEMENT IN SUPPORT OF APPLICATION MADE UNDER S73 TO VARY CONDITIONS 2 AND 3 OF APPLICATION NUMBER: H04-0072-16 (PROPOSED MENAGE WITH LIGHTING AND CHANGE OF USE TO ALLOW DOG TRAINING, AGILITY, DOG DAYCARE AND CANINE MASSAGE BUSINESS) TO INCREASE THE SIZE OF THE TRAINING MÉNAGE AND CHANGE THE HOURS WHEN IT CAN BE USED.

Background

In April 2016 under application number: H04-0072-16 planning permission was granted for a change of use to allow dog training, agility, dog day care and canine massage business, including associate ménage and lighting at Crossgate Farm House, 58 Quadring Road Donington Spalding.

The application was approved subject to conditions:

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. no's. 15135-01A, 15135-02D, 15135-03C and letter entitled 'Proposed business use,' Reason: For the avoidance of doubt and in the interests of proper planning.

3 The training of dogs shall only be undertaken between the hours of 9.00am to 7.00pm. Reason: In the interests of the amenity of local residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

4 There shall be no more than two dogs in day care at the premises at any time, in addition to the applicant's own dogs. Reason: To protect the amenities of nearby residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

5 There shall be no more than 13 dogs in total at the premises at any one time, including the applicant's own dogs. Reason: In the interests of residential amenity. This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

6 The 2 metres high double sided timber feather edged fence shown on dwg. no. 15135-02D shall be erected before the development hereby permitted is first brought into use and shall thereafter be so maintained. Reason: To provide an acoustic screen in order to protect the amenities of nearby residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

7 The training methods shall be in accordance with those outlined within the letter entitled 'Proposed business use' accompanying the application. Reason: This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006 to further define the terms of the permission in the interests of the amenities of the locality.

JMAD Architecture
Unit G19 Boston Enterprise Centre
Venture House, Enterprise Way
Boston, Lincs, PE21 7TW

8 Details of any additional external lighting to be installed on the premises, beyond what has already been agreed in drawing number 15135-02D shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The lighting shall be installed in accordance with the approved details. Reason: In the interests of the amenities of both the area and near neighbours. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

The approved operational development is complete and the dog training, agility, care and massage business is undertaken in accordance with the imposed conditions.



Fig.1: Photo of existing training ménage

Proposal

Section 73 of the 1990 Act provides that application may be made for planning permission without complying with conditions applied to a previous permission (e.g. variation or removal).

"(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—
(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application. "

JMAD Architecture
Unit G19 Boston Enterprise Centre
Venture House, Enterprise Way
Boston, Lincs, PE21 7TW

This is an application under s.73 of the Town and Country Planning Act 1990 to vary conditions attached to an implemented permission, number: H04-0072-16.

Condition 3:

3 The training of dogs shall only be undertaken between the hours of 9.00am to 7.00pm. Reason: In the interests of the amenity of local residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

In recent months there has been a growing demand for extended opening on week nights to accommodate clients who work full time and are unable to visit the site before 7pm. Condition 3 of the permission limits visitation on week night to 7pm. The proposal seeks to allow an additional hour extending opening from 7pm to 8pm on week nights (i.e. a one hour increase only). Weekends would remain as existing.

Whilst there was an objection made in respect of the initial planning application, there have been no complaints made regarding the use of the site since the permission was implemented. This is demonstrative that the applicant runs a well-managed operation and that the dog training facility is compatible in a countryside location. The proposed change in opening hours, to allow one additional hour during week nights would not cause any harm to amenity.

It is therefore recommended that planning permission is granted subject to the revised condition set out below (change highlighted in grey):

3 The training of dogs shall only be undertaken between the hours of 9.00am to 8.00pm Monday to Friday and 9.00am to 7.00pm Saturday and Sunday. Reason: In the interests of the amenity of local residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

JMAD Architecture
Unit G19 Boston Enterprise Centre
Venture House, Enterprise Way
Boston, Lincs, PE21 7TW

Condition 2:

Having operated the approved ménage for dog training, it is considered that this area would benefit from a minor increase in size to offer an improved area for agility training.

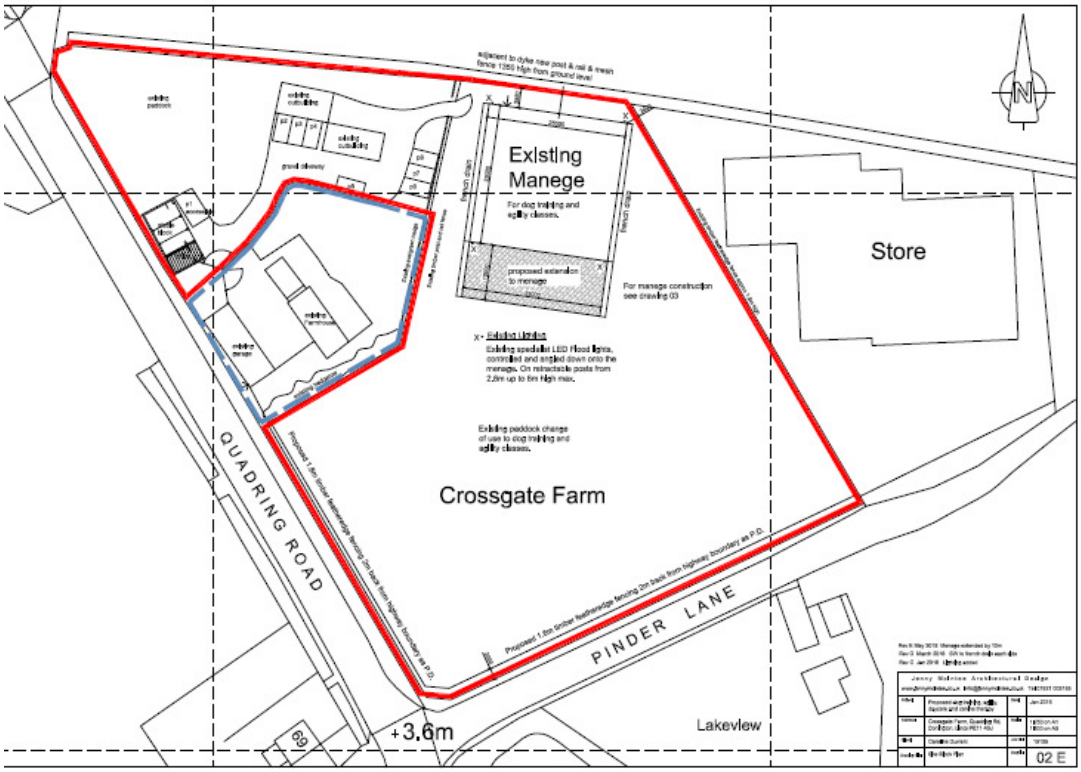


Fig.2: Proposed site plan. Shaded area indicates area where the ménage would be increased. Works would be undertaken using materials to match the existing utilising the existing lighting.

The photo at Fig.1 is demonstrative of the quality of the development and that the site is boarded by sufficient soft screening. The minor increase in size would have a negligible impact on the character or appearance of the area.

It is therefore recommended that the standard compliance condition is amended to substitute the approved block plan with the block plan set out at Fig.2 and condition 2 is amended as follows: (change highlighted in grey):

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. no's. 15135-01A, 15135-02E, 15135-03C and letter entitled 'Proposed business use,' Reason: For the avoidance of doubt and in the interests of proper planning.

JMAD Architecture
Unit G19 Boston Enterprise Centre
Venture House, Enterprise Way
Boston, Lincs, PE21 7TW

Conclusion

In summation, the proposed changes are minor in nature and would allow the training facility to respond to customer demand following feedback since its implementation. The changes would not harm visual or residential amenity and the proposal complies with Local Plan policies. It is therefore recommended that the proposed variation of conditions 2 and 3 of H04-0072-16 are approved.