

Design and Access Statement

August 2023

Retrospective application for change of use to a mixed use of residential/dog grooming and boarding and retention of attached outbuilding at:

10 Mill Pond Avenue, New Mills, High Peak SK22 4HL

- **Applicant**
Neil Hicks
- **Planning Authority**
High Peak Borough Council
- **Proposal**
Retrospective application for change of use to a mixed use of residential/dog grooming and boarding and retention of attached outbuilding
- **Location**
10 Mill Pond Avenue, New Mills, High Peak SK22 4HL
- **Agent**
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1.00 Background

The property lies within the Built up Area Boundary, outside the Conservation Area and is not listed. The property is accessed via Mill Pond Avenue.

The site area is 154m². The site is flat.

The property is a semi-detached, two storey 'dwelling house'. The applicants, and owners of the property, have used the property uninterrupted for over 8 years proceeding this application for a mixed use of residential/business use for dog grooming and boarding. Up until planning enforcement contacted the applicant on 9th June 2023 there has been no complaints about the mixed use nature of the property. The visit, and subsequent advice from planning enforcement, has resulted in this planning application.

Figure 1 shows the existing plans and elevations of the property and identifies the areas of the property used for mixed use (ground floor areas, outbuilding and rear garden).

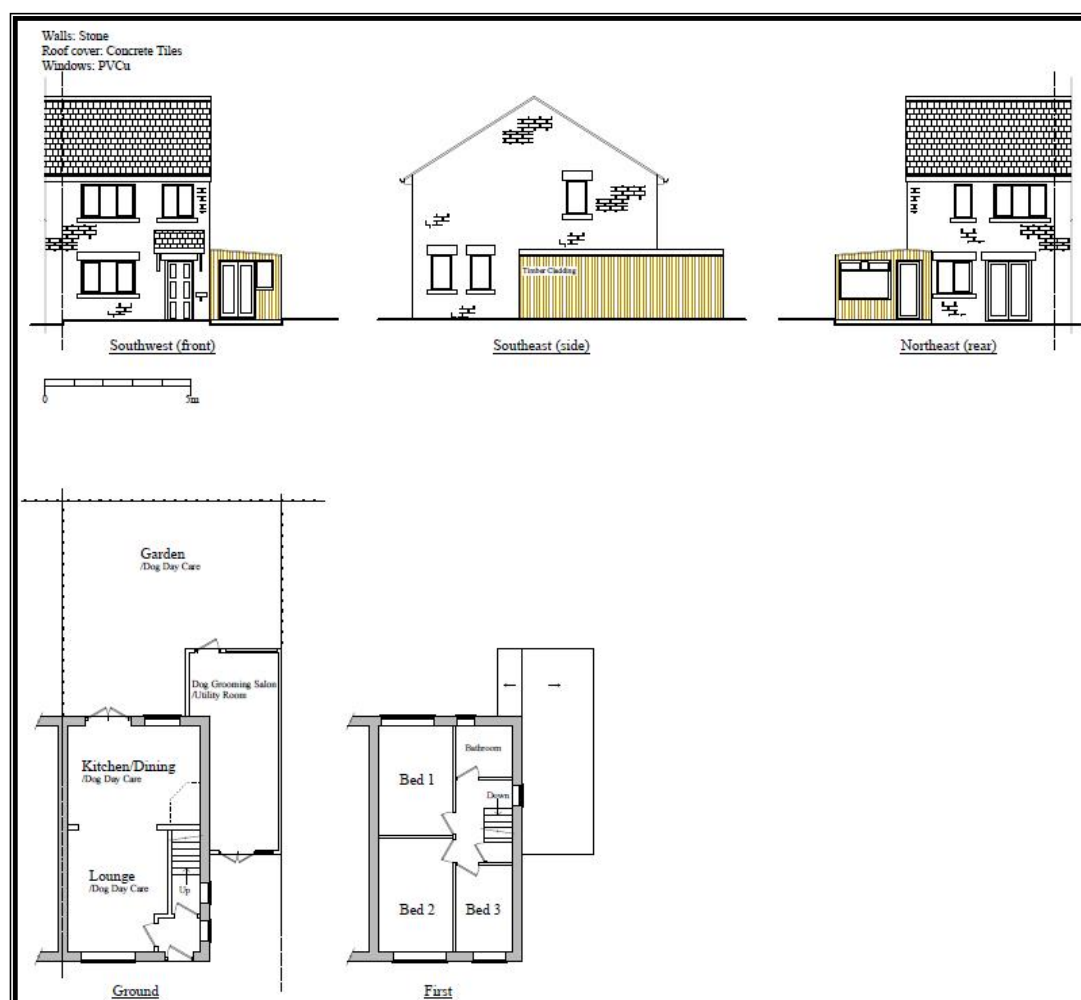


Figure 1: Existing floor plans and elevations

The specific business activities relating to the dog grooming and boarding are as follows:

- a) The dog home boarding 'business' is licensed by High Peak Borough Council.
- b) The attached outbuilding to the side of the property is used for dog grooming purposes and as a utility room (washing machine, dryer and domestic storage). The outbuilding has been in use continuously for this mixed use for over 3 years prior to this application and is also used to groom the applicant's 3 dogs.
- c) The applicants' 3 dogs use the mixed use facilities, and note, the outbuilding used for grooming would not require planning permission if used solely for incidental domestic use (i.e. to groom their own dogs). It is the business use within the outbuilding that has triggered the need for planning approval for the structure and use.
- d) The business generates 8 customers/day, 5 days a week: 6 boarding or day care dogs and 2 for grooming.
- e) The garden is cleaned throughout each day with chemical cleaner as per the terms of the dog home boarding licence.

2.00 The Proposal

This application seeks retrospective permission for change of use to a mixed use of residential/dog grooming and boarding and retention of attached outbuilding.

3.00 Design

The proposal is for retrospective permission for change of use to a mixed use of residential/dog grooming and boarding and retention of attached outbuilding.

The proposals require no new structures or alterations to existing structures on site.

4.00 Planning Policy and Principle of Development

The site lies within the Built up Area Boundary and is not within a conservation area.

Planning Portal Guidance

The Planning Portals guidance on home working states:

'You do not necessarily need planning permission to work from home. If no material change of use occurs, then permission is not required. It is possible however to create a material change of use while not changing the primary use of the dwelling.'

If the answer to any of the following questions is 'yes', then permission will probably be needed:

- *Will your home no longer be used mainly as a private residence?*
- *Will your business result in a marked rise in traffic or people calling?*
- *Will your business involve any activities unusual in a residential area?*
- *Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?'*

Comment:

- The property is used mainly as a private residence.
- The business generates 8 customers/day, 5 days a week: 6 boarding or day care dogs and 2 for grooming. This activity has been ongoing for over 8 years with no neighbour complaints. The customer visits are staggered throughout the day to prevent any marked rise in traffic. The customer visits are short stay and have no impact on parking.
- There are 8 residential/dog grooming businesses in the New Mills area and the keeping of dogs in a residential area would not be deemed unusual.
- The garden is cleaned throughout each day with chemical cleaner to avoid generating smells as per the terms of the dog home boarding licence. Dogs do bark at times, as do the neighbouring properties' dogs, but the applicants are experienced dog handlers and take swift and effective measures to control this potential noise nuisance.

Local Plan Policy

Policy S 4, 'Maintaining and Enhancing an Economic Base' states

'...Encouraging flexible working practices via home-working where there is no adverse impact on residential amenities, and allowing the development of live-work units on residential and mixed use sites....'

Comment:

We argue strongly that there is no adverse impact on residential amenity resulting from the business activities. This point is discussed in detail elsewhere.

Section 5 - Development Management Policies states:

'5.108 - Small businesses, self-employment and home-working are an important part of the local economy. Although there has been modest business growth across the plan area new business start ups have been low in comparison with the regional average.'

Comment:

The business, which is award winning, is fully licensed for dog home boarding and provides a valuable service to the local community. It is an important part of the local economy in terms of the services it provides and the income it generates, which is vital to the applicant's financial security. Any enforcement action resulting in the closure of the business would be financially and emotionally devastating for the applicants.

Principle of Development

The National Planning Policy Framework makes it clear that planning applications should be considered 'in the context of the presumption in favour of sustainable development'.

Paragraph 14 of the NPPF explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay.

The proposed development would constitute sustainable development identified in the Framework satisfying the 3 dimensions - social; economic and environmental.

Sustainable Development

The National Planning Policy Framework makes it clear that applications should be considered 'in the context of the presumption in favour of sustainable development'.

This development will constitute "sustainable development" for the following reasons:

- Continuation of an established business which provides employment opportunity to the applicants and a valuable service to the local community.
- The environmental impact of the business activities is minimal. Thus the proposals make a positive contribution to the site and locality in environmental terms.

5.00 Amenity

The property is used mainly as a private residence.

The applicants, and owners of the property, have used the property, uninterrupted for over 8 years proceeding this application, for a mixed use of residential/business use for dog grooming and boarding.

Up until planning enforcement contacted the applicant on 9th June 2023 there had been no complaints about the mixed use nature of the property from neighbours or otherwise.

The business generates 8 customers/day, 5 days a week: 6 boarding or day care dogs and 2 for grooming. This activity has been ongoing for over 8 years with no neighbour complaints.

The customer visits are staggered throughout the day to prevent any marked rise in traffic. The customer visits are short stay and have no impact on parking or amenity of neighbouring properties.

The garden is cleaned throughout each day with chemical cleaner to avoid generating smells as per the terms of the dog home boarding licence. Dogs do bark at times, as do the neighbouring properties' dogs, but the applicants are experienced dog handlers and take swift and effective measures to control this potential noise nuisance.

The proposal causes no overlooking or privacy issues with the surrounding properties,

The site affords ample garden/amenity space for the both the business activities and residential use.

The business activities on site do not result in a loss of amenity to the occupiers of the adjacent properties or wider residential properties.

6.00 Access

Access is provided to the property via Mill Pond Avenue.

Mill Pond Avenue has ample on street parking, particularly for the short term nature of the visits to the property, as demonstrated in Figure 2 and 3. Furthermore, the turning head shown on Figure 3 ensures vehicles can enter and leave Mill Pond Avenue safely in forward gear.



Figure 2: Access to Mill Pond Avenue showing on street parking



Figure 3: On street parking on Mill Pond Avenue and turning head

The site has good accessibility by cycle, on foot, by public transport and for those with disabilities. The site provides inclusive access and access for emergency vehicles.

7.00 Heritage and Conservation

The site lies within the Built up Area Boundary and is not within a conservation area.
No heritage assets are affected by the proposals.

8.00 Environmental Analysis

Site stability, contamination and soil types

The property/land would not be designated as contaminated land.

Sunlight and Daylight

The property is not significantly over shaded by other buildings or trees.

Wind and micro climate

The site is partially screened from high winds although in common with most local sites is subject to turbulence as a result of the surrounding high ground.

Flood risk and drainage

The site has no flood risk.

Archaeological and historic features

No known archaeological features exist on site. No heritage assets are affected by the proposals.

Views into and out of the site

The site has the benefit of being adjacent to attractive open areas with views to the Peak District hills.

Ecological and wildlife

No bird or mammal habitat will be affected by the proposals.

Arboriculture

No trees will be harmed by the proposals.

9.00 Conclusions

It is clear from the foregoing that the proposals would constitute sustainable development as identified in the National Planning Policy Framework satisfying the 3 dimensions - social; economic and environmental and complies with policies set out in the Adopted High Peak Local Plan (April 2016).

The business, which is award winning, is fully licensed for dog home boarding and provides a valuable service to the local community. It is an important part of the local economy in terms of the services it provides and the income it generates, which is vital to the applicant's financial security. Any enforcement action resulting in the closure of the business would be financially and emotionally devastating for the applicants.

The business activities on site do not result in a loss of amenity to the occupiers of the adjacent properties or wider residential properties.

Mill Pond Avenue has ample on street parking, particularly for the short term nature of the visits to the property

In light of the above we would therefore urge High Peak Borough Council, in accordance with Local Policy and the National Planning Policy Framework, to grant permission for this application.