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PLANNING STATEMENT

Application for variation of condition following grant of planning permission. Vary condition No. 8 (hours of use) of Permission Ref. No. 23/01883/FUL.

Applicant: DNA Vetcare.

Property Address: 49 Leigham Court Road, London, SW16 2NF.

January 2024

1.0 INTRODUCTION

1.1 This Planning Statement is submitted on behalf of the applicant, DNA Vetcare, in respect of a planning application for variation of a condition following the grant of planning permission.

1.2 This Statement comprises:

- A description of the application property and surrounding area;
- A description of the proposed development;
- A summary of relevant planning history; and,
- An assessment of the proposed development against relevant planning policy.

2.0 APPLICATION PROPERTY AND SURROUNDING AREA

2.1 The application relates to a lower ground floor premises at 49 Leigham Court Road.

2.2 The immediate context to the site is mixed use and there is a large variety of land uses nearby.

2.3 The application premises is to be occupied by DNA Vetcare. DNA Vetcare are an experienced and reputable veterinary practice due to the high level of facilities and speciality team. The premises at 49 Leigham Court Road is highly suited to its needs and customer base.

3.0 PROPOSED DEVELOPMENT

3.1 It is proposed to vary the hours of use of the premises which are restricted by condition No. 8 of Permission Ref. No. 23/01883/FUL. The nature of the veterinary practice is such that the permitted hours of use are restrictive to how the practice needs to operate in order to meet the needs of patients. Such are the hours of use at present that essentially no use whatsoever can be made of the premises beyond 7.00pm on weekdays, 4pm on Saturdays, and 12pm on Sundays/public holidays. Enabling the hours of use to accommodate sick animals needing to stay on the premises, whilst causing negligible impact to surroundings, is essential to allowing the veterinary practice operate as it needs to.

The table below illustrates the current permitted hours of use, and the hours of use which are being sought:

	Permission Ref. No. 23/01883/FUL	Hours of Use Now Sought	
		'Public' Hours	Management of patients / emergency cases
Monday to Friday	08:00 to 19:00	08:00 to 20:30	Unrestricted
Saturday	09:00 to 16:00	09:00 to 18:00	Unrestricted
Sundays, & public / bank holidays	09:00 to 12:00	09:00 to 16:00	Unrestricted

3.2 The hours of use sought are explained in more detail below:

'Public' Hours: These are the hours that the veterinary practice would remain open to walk-in members of the public. So essentially there would be no change to the current situation in this regard.

Managing patients & dealing with emergency patients: To meet patient needs it is sometimes necessary for a vet and a nurse to remain on the property after 'public' hours. Current hours of use are totally inflexible with regards to allowing necessary patient recovery time for routine and non-routine procedures and for emergency stabilisation of critical patients admitted later in the day. In the current conditions they effectively mean that patient triage and treatment cannot take place up to several hours before the practice is due to close and emergencies received late during 'public' hours would need to be diverted to a facility that is less well equipped to deal with the case. For example if an animal were admitted for assessment and management of trauma at 6pm on a weekday (which is within permitted hours of use), it might need 2-3 hours of recovery and be monitored until considered stable. This is not currently feasible and the proposed varied hours of use would enable the patient to be treated without current constraints and without the need to return the animal to its owners or be transported to a less well equipped facility.

It is also noted that at present all critically ill patients, trauma patients, patients requiring high level observation (i.e. seizures, heart failure, severe respiratory disease) could only remain in the practice until the end of the day and would then need to be moved to a 24hrs facility which is potentially dangerous for the patient, and very stressful for the client. DNA Vetcare has an excellent team and facilities to manage these patients in a critical care setting in the infrequent instances that the need arises.

3.3 In light of the above the applicant requests that the condition on hours of use be varied to meet the needs of the practice. A suggested varied condition is as follows:

“The use hereby permitted shall not be open to members of the public outside the hours:

08:00 Hours to 19:00 Hours - Monday through to Friday

09:00 Hours to 16:00 Hours - Saturdays

09:00 Hours to 12:00 Hours - Sundays, Bank Holidays or Public Holidays

Outside of these hours the premises shall operate on an emergency basis only.”

3.4 It must be stressed that the premises will not be used as an emergency clinic i.e. a clinic to which emergency cases are brought at any time of the day. DNA Vetcare Group already have such a facility nearby. It is however necessary from time to time to be able to cater for sick animals after public hours e.g. for the circumstances referred to above. For the most part such instances would require a single vet and nurse to be present. The animals involved would be particularly quiet – typically being in an anaesthetic state or very sick/weak.

4.0 PLANNING HISTORY

4.1 The ‘parent’ planning permission for the premises is that of Permission Ref. No. 23/01883/FUL which was granted permission on the **09th January 2024**. Condition No. 7 imposes noise level restrictions on the use. Condition 9 controls the hours which the MRI scanner can be used. Furthermore Condition 10 requires that records of any complaints be kept.

These conditions will be fully adhered to and will ensure that the variation of condition will not have any adverse noise impact on neighbours.

4.2 It is noted too that a Noise Impact Assessment Report was submitted with planning application Ref. No. 23/01883/FUL, and it assessed typical noise emissions associated with veterinary activity. With regards such activity it concluded:

- Noise to external façade: breakout noise in worst case scenario through complex transmission paths (i.e. through various rooms/walls) would be negligible.
- Noise through internal separating floors: worst-case level of noise transmission through the separating floor due to animal noise would correspond with a negligible increase in ambient noise levels in assessment with the IEMA guidance criteria. In addition the proposal including any refurbishment of the ceiling which would be expected to further improve sound insulation performance.

5.0 PLANNING POLICY

5.1 According to the Lambeth Proposals Map the site is not affected by any restrictive planning designations.

5.2 It is considered there are no policies in the Lambeth Local Plan (2021) that would prevent a proposal of this nature in principle.

5.3 Policy Q2 (Amenity) states:

“Development will be supported if:

...

the adverse impact of noise is reduced to an acceptable level through the use of attenuation, distance, screening, or layout/orientation in accordance with London Plan policy D14

...”.

It is submitted that there would be no loss of surrounding amenity as a result of the proposed condition variation.

The works would have negligible impact on neighbouring residential amenity. It is set out in section 5.4 below that there are many reasons as to why the proposed condition variation can take place without adversely affecting the proper planning and sustainable development of the area.

5.4 In support of the proposal it is submitted as follows:

- The premises is located within a mixed use character area and there are a variety of land uses nearby.
- A refurbishment of the property (including noise insulation) will meet and/or exceed all building control requirements.
- A Noise Impact Assessment Report was submitted with planning application Ref. No. 23/01883/FUL and finds no issue with regards potential noise break out.
- Condition No. 7 imposes noise level restrictions on the use. Condition 9 controls the hours which the MRI scanner can be used. Furthermore Condition 10 requires that records of any complaints be kept.
- Animals will only be kept beyond ‘public’ hours when needs arise and this is expected to be infrequent as it is in the interests of the practice (i.e. reducing running costs) to only have the premises staffed and animals on-site during ‘public’ open hours.

- The practice will be run to an extremely high standard. DNA Vetcare have an excellent reputation due to the high level facilities and speciality training of the team.
- There is ample precedent across London of veterinary practices operating in a similar manner as that proposed. Two such examples are:

1) The London Animal Hospital in Camberwell which was granted permission by Lambeth Council in December 2016 (Ref. No. 16/04237/FUL). Condition 9 of this permission states as follows:

“The use of the premises hereby permitted shall not be open to members of the public other than within the following times: 07.00 hours to 21.00 hours, excluding emergency visits to managed in line with Operational Management Plan”.

(The Management Plan referred to in this condition is essentially a description of how the practice works which this Planning Statement seeks to do in this instance).

2) The London Cat Clinic at Spa Road began operating under a planning permission with restriction on opening hours but later had this varied by condition stating:

“The use hereby permitted for Class D1/E(e) Veterinary Surgery purposes shall not be open to members of the public outside of the hours 08:00 to 20:30 on Monday to Friday or Saturday 09:00 to 18:00 or 09:00 to 18:00 Sundays and Bank Holidays. Outside of these hours the premises shall only operate on an emergency basis”.

It should be noted that the London Animal Hospital is a much larger facility than the 49 Leigham Court Road premises, and the London Cat Clinic is similar in size. Both examples are in similar mixed use character areas as No. 49 with residential properties in close proximity.

6.0 CONCLUSION

6.1 DNA Vetcare is requesting that permitted hours of use can cater for client needs. Accordingly it is requested that condition No. 8 of Permission Ref. No. 23/01883/FUL be varied akin to the suggested re-worded condition (as per para. 3.3 above). There is ample precedent of veterinary practices operating in a similar manner.

6.2 It is considered the proposed variation of condition would not be contrary to the Lambeth Local Plan (2021).