

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER**

TO: COLNE AND DISTRICT COMMITTEE

DATE: 6th July, 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT AREA COMMITTEE 6th JULY, 2017

Application Ref: 17/0149/FUL

Proposal: Full: Retain converted storage building for use as boarding kennels for up to 5 dogs including external alterations to windows and doors and use of field for exercise area.

At: Lower Broach Farm Skipton Road Colne

On behalf of: Mr G Proctor

Date Registered: 21 April 2017

Expiry Date: 16 June 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is an outbuilding and adjacent field to the rear of Lower Broach Farm located in Green Belt.

The proposal is retain the building for kennelling of up to 5 dogs. The building has had some external alterations in the form of replacement upvc windows and doors. A field to the immediate rear of the building would be used to exercise the dogs.

No dogs were present in or around the building at the time of the site visit.

An adjacent building has been converted and is being used to accommodate cats. This building also has upvc windows and doors together with external timber and wire frames and raised decked areas had been erected.

One room in the cattery block has been fitted out with grooming equipment with associated signage confirming that this was its intended use.

Signage has also been erected around the site advertising the business as PoppiesPaws grooming and boarding. The premises has a website which advertises the site as being open for business as well as a member of the British Dog Groomers' Association and UK Kennel and Cattery Association.

Following discussions with the applicant he has stated that the use as a kennels has not yet been implemented although internal and external works to facilitate this use had been undertaken. The applicant states that the cattery building is for his own cats and not for a commercial enterprise.

The applicant has been advised that planning permission would be required for animal grooming and that this element has not been applied for as part of this application.

Relevant Planning History

13/14/0356P – Subdivision of existing property to create two dwellings – Approved 1st October, 2014.

16/0334/FUL – Full: Change of use of storage building to boarding kennels for a maximum of 5 dogs (no external alterations) – Withdrawn.

Consultee Response

LCC Highways – A larger scale drawing showing the proposed passing place should be provided as it's unclear on the drawing submitted (Drawing No 01).

The passing place should be on the left hand side in the verge as you approach Lower Broach Farm. Given the width of the track the passing place should be a minimum length of 10m x 2m wide to allow a vehicle to pull in fully.

PBC Rights of Way

PBC Environmental Health – Require noise insulation measures to roof and information on how kennels will be ventilated and cooled to allow windows to be kept shut for noise control. If dogs are to be exercised outdoors we require a noise management plan for this activity.

Foulridge Parish Council

Public Response

Nearest neighbours notified by letter. Three comments received raising the following issues:

1. Noise pollution – noise of dogs barking would travel down the field to our property;
2. Access to Farm – along the private road should not be used for commercial purposes and would increase traffic;
3. The lane from Skipton Road to Brookside (approx. 200m) is owned by Noyna Meadows Ltd and allows access for the occupants of the Farm only;
4. The lane is a public footpath and there is no safe place for pedestrians. It is unmade and suffers degradation with no passing places;
5. The junction is difficult with busy traffic and low visibility;
6. The property is less than 200m away with no natural soundproofing or barriers;
7. Gardens will become unusable due to constant barking and windows not opened in summer;
8. How will waste be treated – both dog and food?;
9. The premises is advertised as a boarding kennel and grooming parlour which will increase use of the lane. A collection and delivery service does not reduce the number of trips it only means the same vehicle is used;
10. There are no proposed trading houses and people will also come to view the premises prior to booking their dogs in which will also increase numbers;
11. How will the buildings be soundproofed? Double glazing will only work if the windows and doors are closed;
12. External alterations to existing barns and listed buildings should not be allowed;
13. Will an application for 5 kennels go to 6, 6 to 7 and so on?

Officer Comments

The main issues are impact on amenity, design and materials and highway issues.

1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

Development in the Open Countryside Supplement Planning Guidance is also relevant here as this document encourages suitable proposals to diversify the rural economy and that the countryside can be an appropriate location for animal-based uses such as kennels.

The National Planning Policy Framework (NPPF) para 32 requires all developments to achieve a safe and suitable access to the site.

2. Impact on Amenity

There would not be any undue impact on visual amenity as the building to be used as a kennel has been converted from an existing outbuilding.

There is an established cluster of buildings including the applicants dwelling and other outbuildings. The kennels would not be isolated from these and would not have any additional impact on the open countryside and Green Belt than at present.

Supplementary Planning Guidance: Development in the Open Countryside recognises that dog kennels normally require new buildings and extensive fenced areas and that such uses can be appropriate in the countryside provided that the landscape character of the area is protected.

The development would be low key in terms of visual impact and provided no more than five dogs were accommodated at any one time the general comings and goings would not be so intensive as to cause undue impact. With regards to noise and disturbance appropriate noise insulation can be used on the building to mitigate potential noise from dogs barking.

The nearest residential properties are some distance away and are unlikely to experience noise from the kennel building itself and the field to be used for exercise is away from residential properties. Taking into account the small scale of the business and the limit of five dogs would ensure that disturbance when exercising the dogs would be minimal.

The building itself would not impact anymore on the open countryside then existing and accords with the advice given in Development in the Open Countryside: Supplementary Planning Guidance.

Subject to appropriate conditions there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2 and the Open Countryside SPD.

3. Design and Materials

There have been changes already carried out to the building in terms of replacement upvc windows and doors which are acceptable and are not detrimental to the building which does not have any architectural merit and it not listed.

Therefore this proposal is acceptable in terms of design and materials and accords with policy ENV2.

4. Highway Issues

The access to the site is a single width track and LCC Highways have requested that improvements to the access and the inclusion of a passing place would be required in order to accommodate the increased traffic flow.

.A passing place measuring 2m x 6m is proposed to the right hand side of the access track. However, LCC Highways have requested that the passing place should be on the left hand side and should be a minimum length of 10m x 2m wide in order to allow a vehicle to pull in fully.

The application indicates a drop area for two cars is proposed near to the courtyard. The agent has been requested to provided further details of this and provide a longer passing space on the left hand side if possible.

Subject to the amendments requested above the proposal would be acceptable in terms of highway safety.

Comments received from nearby residents refer to the access track being privately owned and that the applicant does not have business use rights of way over this access. This would be a private legal matter for the relevant parties to seek agreement on.

Summary

Subject to the applicant being able to provide an acceptable passing place to accommodate the increase in traffic to the site then the scheme would provide a safe and suitable access to serve the development and subject to appropriate conditions then this use would be acceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal for use of the building for kennels for up to 5 dogs is acceptable subject to appropriate conditions. The development complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 01.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the use details of the noise insulation measures for the kennels and details of ventilation and cooling measures shall have been submitted to and have been agreed in writing by the Local Planning Authority. All agreed measures shall thereafter be carried out in accordance with the approved implementation timetable and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to prevent noise nuisance.

4. The number of dogs to be accommodated within the kennel building at any one time is limited to a maximum of five.

Reason: To ensure that the development is small scale and would not result in amenity issues.

5. The proposed development shall not be brought into use unless and until the car parking spaces and turning areas has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th June 2017