



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 5 October 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 05 OCTOBER 2017

Application Ref: 17/0469/FUL

Proposal: Full: Change of use and extension of equestrian building to provide dog breeding facility, erection of office building and associated works (Part Retrospective).

At: Douglas Hall Cottage, Spenbrook Road, Newchurch In Pendle

On behalf of: Mr W Lancaster

Date Registered: 25/08/2017

Expiry Date: 20/10/2017

Case Officer: Alex Cameron

Site Description and Proposal

The application site is located in an Area of Outstanding Natural Beauty. It is situated in an elevated location on the eastern side of the site with a newly constructed track to the north of it. There is an existing timber building to the east side of the site which was granted planning permission to be erected as a stable block in 2015. However, the building is currently in unauthorised use as a dog kennel.

This application is for the retrospective use of the stable building as a dog breeding facility, extension of the building to its east side, doubling its size mirroring the existing building, and the erection of an associated single storey 6.8m x 6.8m office building to the north. The extension and office building would be finished with timber clad walls, corrugated metal sheet roofs and timber windows and doors.

Relevant Planning History

13/14/0442P Erection of an extension and creation of a granny annex.

13/14/0052P Formation of an access and track (Part Retrospective).

13/15/0110P Retention of a dog breeding kennel (retrospective)

13/15/0516P Erection of an agricultural building – Refused and at appeal.

13/15/0581P Erection of a stable and change of use of land – Approved

16/0316/FUL Erection a building for the sale of canine products - Refused

Consultee Response

PBC Environmental Health - No comments to make. The proposal is not likely to have a negative impact in terms of environmental pollution.

LCC Highways – No objection, the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted and Note being applied to any formal planning approval granted.

Public Footpath 38 (Goldshawbooth) passes through the site the applicant should be aware that the above Public Right of Way must not be obstructed during the proposed development.

Note: The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way, including any temporary stopping-up or diversion, should be the subject of an Order under the appropriate Act. Footpath 8 (Goldshawbooth) may be affected by this development.

Goldshaw Booth Parish Council: No comments received at the time of writing the report

Public Response

A press and site notice were posted and nearest neighbours notified. Over 140 responses have been received objecting to the development on the following grounds:

- the construction of the buildings would not providing adequate animal welfare conditions in terms of temperature regulation;
- lack of dog exercise facilities;
- general concerns relating to animal welfare in terms of the operation of the premises;
- lack of staff rest facilities;
- lack of market need.

Officer Comments

Policy

National Planning Policy Framework

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Paragraph 115 requires great weight to be given to conserving the landscape and scenic beauty in, amongst others, Areas of Outstanding Natural Beauty.

Adopted Core Strategy

Policy ENV1 requires great weight to be given to the landscape and scenic beauty of the AONB. Proposals are to be considered on a needs basis and be in scale and respect for their surroundings.

Policy ENV2 seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution.

Development in the Open Countryside SPG

The Open Countryside SPG is referenced as a supporting document to policy ENV1. In relation to dog kennels it states that such development normally requires new buildings and extensive fenced areas. The countryside (except in the AONB) can be an appropriate location for such uses, subject to an existing access arrangement. However it is important to ensure that the landscape character of an area is protected.

Principle of the Development

Dog kennels are a Sui Generis use and there is no specific policy relating to their location, however, due to their nature they are typically based in countryside locations.

The Open Countryside SPG does address dog kennels and indicates that they can be an acceptable use in the open countryside subject to acceptable landscape impact, however it indicates that the AONB is an exception to this. The SPG is not a policy document and cannot be read as forming policy that dog kennels cannot be located in the AONB. Neither the adopted Local Plan Part 1 nor the Framework preclude development of kennels in the AONB.

This is because the AONB is more sensitive to landscape impact rather than a conflict between a dog kennel use and the AONB designation in principle. Therefore, subject to the landscape and other planning impacts of the development being acceptable the location of the proposed development is acceptable in principle.

Landscape Impact and Design

A previous application for a canine products retail shop building on this site was refused in 2016 partly on the grounds of its visual and landscape impact. This was due to its highly prominent location on raised land at the brow of the hill overlooking Spenbrook and its inappropriate materials.

The proposed buildings and car park would sit in a more sheltered position on the east side of the site screened by the land levels to the north, south and east and the buildings and trees to the west. As such the proposed extension, office building would not be prominent in the landscape. The car park is existing and does not harm the landscape, its proposed tarmac surfacing would not be visually detrimental.

The design and materials of the proposed extension and building would be in keeping with the existing building and appropriate in their immediate setting.

Taking these factors into account, the proposed development would not result in an unacceptable landscape or visual impact and would acceptably preserve the natural beauty of the AONB.

Residential Amenity

A dog breeding facility use is one that is likely to generate noise from barking dogs. The site is approximately 130m from the nearest dwelling not associated with the use, this distance is acceptable to ensure that the development would not result in unacceptable residential amenity impacts.

Highways

The car park provides an acceptable level of car parking provision for the proposed use.

Other Issues

Numerous concerns have been raised relating to animal welfare. The operation of the premises in terms of animal welfare is controlled by other legislation, such as licencing requirements. These matters are not material considerations in the determination of this planning application.

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 proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore 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 development must be begun not later than the expiration of three years beginning with 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: Proposed Site Plan, 001B, 002A, 003D, 101.

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

3. The erection of the external walls of the development hereby approved shall not commence unless and until samples of the external materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The erection of the buildings hereby approved shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

5. Within one month of the date of this permission, a scheme for the removal of animal waste from the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented within 1 week of being approved and shall thereafter at all times be in operation.

Reason: In the interests of residential amenity and in order to protect the health of nearby occupants.

6. The breeding kennels hereby approved shall be only be used in conjunction with the existing dwelling at the application site and shall not be operated as a separate or independent business at any time.

Reason: The separation of the uses may lead to an unacceptable loss of amenity to the occupants of the properties.

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LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26th September 2017