

<b>Date of Meeting</b>	04 <sup>th</sup> October 2017
<b>Application Number</b>	17/07011/FUL
<b>Site Address</b>	Land South of Shoe Cottage, The Shoe, North Wraxall, Wiltshire, SN14 8SG
<b>Proposal</b>	Change of use of dog kennelling business, erection of dog kennels and conversion of existing building to a small retail unit.
<b>Applicant</b>	Mr Neil Edwards
<b>Town/Parish Council</b>	North Wraxall Parish
<b>Ward</b>	By Brook – Cllr Baroness Jane Scott OBE
<b>Grid Ref</b>	380775 174237
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Charmian Eyre-Walker

### Reason for the application being considered by Committee

The application has been called into committee by the Cllr Baroness Jane Scott OBE, on behalf of North Wraxall Parish Council for the following reasons : There are kennels at The Shoe and an additional business will impact unfavourably on all residents. There are no public footpaths within at least a mile of the proposed premises and walking numerous dogs would cause problems on the busy main roads – A420 and Fosseway and should walks be made across local farmland it could cause transmittable diseases to both animals and humans and ground contamination.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission is GRANTED.

#### 2. Report Summary

The key issues are the impact of the proposal on the amenities of local residents, particularly in terms of noise, and impact on highway safety.

12 letters of objection and 2 letters of support have been received.

North Wraxall Parish Council has not submitted comments on the application at the time of writing.

#### 3. Site Description

The proposal lies within the open countryside outside of any defined settlement and within Cotswolds AONB. The site is a domestic property with land to the south which is currently a mixture of gardens and paddocks. There a few animals (horses etc) kept on that land and it is understood that the applicants have 5 of their own dogs.

The land is open and gently slopes down to the residential dwelling. There is a gravel parking and turning area near to the existing buildings which are stables and the converted stable building to a shop of pet food and associate items.

The nearest dwelling is approximately 90m from the proposed kennels.

#### **4. Relevant Planning History**

N/08/02200/FUL – Change of use of land for the keeping of horses; erection of stables, storage barn and access track for private leisure PERMISSION

#### **5. The Proposal**

The proposal seeks planning permission the construction of a U-shaped building which will house a total of 12 kennels and associated feed and an indoor circulation space. The building will be timber clad with corrugated sheeting roof to very much appear as a stable block It would measure approx. 10m in length by 4.5m in depth including the overhang and the long rear section of the U –shape is approx 18m. The height of the building would be approximately 3.5m.

The application also seeks retrospective permission for an existing outbuilding to be used as a pet supplies business and reception area. The building measures approx 5.5m x 4.5m and approx 3.8m in height,

#### **6.Planning Policy**

##### Wiltshire Core Strategy:

CP38 Retail and Leisure

CP 48 Supporting Rural Life CP51 Landscape

CP57 Ensuring High Quality Design and Place Shaping

CP60 Sustainable Transport

CP61 Transport and new development.

##### National Planning Policy Framework (NPPF):

Achieving sustainable development – Core Planning Principles (paras 7, 14 and 17)

Chapter 7 Requiring Good Design (paras 63 and 66)

Chapter 11 Conserving and enhancing the natural environment (paras 109, 115 and 123)

#### **6. Consultations**

North Wraxall Parish Council has not submitted comments at the time of writing.

Highways state that it is understood that the application is a partial retrospective proposal that seeks to normalise the use through a proposed change of use to allow a small scale dog kennelling business to operate as ancillary to the existing activities. They are satisfied that the location close to the junction of the A420 will mean that there is not a significant highway impact due to the above proposal and Highways would recommend the number of dogs served to be kept under 15 as the design and access statement does indicate a number of 12 dogs to be housed.

No highways objection is raised.

Environmental Health raises no objection subject to conditions including submission of noise insulation for the kennels.

Licensing have visited the premises and consider it appropriate for receiving a licence for the premises.

Drainage do not object subject to conditions.

## **7. Publicity**

The application was advertised by way of site notice and neighbour notification.

12 letters of objection, including the NFU on behalf of local farmers, have been received and 5 letters of support. Objections can be summarised as follows:

- Noise generated...already is some noise.
- Toxic dog waste
- Suitability of roads for walking and traffic generation. Access to foot paths and potential to contaminate land.
- Insufficient space to exercise dogs..the run area will get muddy very quickly
- The shop will increase traffic.
- The proposal contradicts the conditions put on the stables application at the site – N/08/02200/FUL.
- Proximity of another kennels nearby will “set off” all the dogs.
- Not commercially viable leading to pressure for alternative uses of building, where there are no amenities.
- Unsuitable building materials for cleanliness and warmth.
- Inappropriately sited signage.

## **8. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy forms the relevant development plan for the application area along with guidance in the NPPF (as set out above).

The proposal seeks planning permission the construction of a U-shaped building which will house a total of 12 kennels and associated feed and an indoor circulation space. The building will be timber clad with corrugated sheeting roof to very much appear as a stable block. It would measure approx. 10m in length by 4.5m in depth including the overhang and the long rear section of the U – shape is approx 18m. The height of the building would be approximately 3.5m. It is proposed that the number of dogs kept at the site (including the applicants own) will not exceed 12.

The application also seeks retrospective permission for an existing outbuilding to be used as a pet supplies business and reception area. The building measures approx 5.5m x 4.5m and approx 3.8m in height. The size of the shop falls well short of the threshold for requiring an Impact Assessment (200sqm) and is more akin to a farm shop concept (as contained in policy CP48), with passing trade and those visiting in association with kennels, together with an on line shopping element.

The site lies in the Cotswolds AONB, where the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (para 109 NPPF and policy CP51 of the Wiltshire Core Strategy) with great weight being given to conserving landscape and scenic beauty in (inter alia) AONBs (para 114 NPPF). The building proposed is not of large scale and is of a design appropriate to such a location. The existing hedges will screen the development from most public vantage points and the impact on the AONB is not considered

to be sufficiently detrimental to warrant a refusal.

There is a fenced exercise area for the dogs to run in (as they don't have individual runs) which measures approx 25m x 25m. Other exercise is to be taken off site. The remainder of the land shown on the plans is to be retained for private equestrian and agricultural use. The existing stables and haybarn will continue to be used to support those uses.

Parking is in a gravelled area which is more than large enough for a significant number of vehicles. Only the applicants will be employed at the site.

The business model of the proposal involves more of a dog hotel than boarding kennels with the majority of dogs being collected by the proprietors and any visitors to the kennels being made by appointment only. The shop is open during normal hours 9am-6pm, but the size of the unit limits the amount of stock that can be held and sold, so that it is unlikely to be more than of local interest or limited passing trade and not a destination retail unit diverting trade from other centres. There is some intention to establish a web based business, which can be dropped off locally. Highways do not object to the facility. The size can be controlled by way of planning condition.

There is a nearby kennel and cattery business within about 400m of the proposed facility and there is concern about combined noise emanating from the facilities. However, Public Protection do not object and the soundproofing of the kennels will mean that inside, at least, little sound will be heard outside the site. The number of dogs is relatively small at 12 (including the owners own) and it is not considered that "anticipated" noise can be used to refuse an application where sound proofing is proposed.

The exercise of dogs is part of the business model and will involve some local walks and some off site ones. The level of exercise and facilities for the exercise of dogs is not a planning consideration, but covered in the licensing of the premises. The future use of the building, should the business fail, will be dealt with on their planning merits.

Dog waste is to be disposed of via a cesspit in the dog exercise area (to be emptied when necessary) and the water run-off from wash down areas disposed of to a septic tank. Drainage's comments on this are awaited but it is considered that this matter can be appropriately addressed by condition.

## **Conclusion**

The proposal is considered to be compliant with policies CP51, CP57, CP60 and CP61 of the Wiltshire Core Strategy and guidance in the NPPF.

## **9. Recommendation**

The recommendation is for permission subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The proposal and site (including the house) shall be used for the kennelling of no more than a total of 12 dogs at any one time.

REASON: In the interests of residential amenity

- 3 The retail facility at the site shall be limited to the building shown on approved plan Drwg AH2017/56 1 of 2 and limited to a maximum of 30sqm of retail and storage space. The products sold shall be limited to dog food and associated dog care products.

REASON: In the interests of highway safety and sustainability.

- 4 No Construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

- 5 No development shall commence on site until a scheme of acoustic insulation and noise control has been submitted to and approved in writing by the Local Planning Authority. The scheme should specify the acoustic insulation and other measures to be put in place to prevent and control the emission of noise from the development including noise from dogs. The approved scheme shall be implemented in full before the development is occupied/use commences and maintained at all times thereafter. In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

BS8233: 2014 and demonstrate that the noise generated by the development will not cause an exceedance of the guideline noise levels contained in Section 7.7 BS8233:2014 at any residential or other noise sensitive property near to the development. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: To protect residential amenity.

- 6 No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular: dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.
- 7 No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: In the interests of residential amenity.

- 8 Former agricultural use of the site/buildings may have given rise to potential sources of land contamination e.g. oil storage, pesticides or herbicides, asbestos etc. As it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/buildings and how development works will address any potential for land contamination which may exist.

REASON: In the interests of residential amenity.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg AH2017/56 sheet 1 of 2 and sheet 2 of 2 received 1<sup>st</sup> August 2018.

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

- 10 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

#### INFORMATIVES:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.