

Application Number:	2010/618	Application Type:	Full
Proposal:	Retention of Existing Kennel Building & Construction of New Kennel/Storage Building Including Parking Area	Location:	Willows Farm, Gib Hill Lane, Crawshawbooth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	13 September 2011
Applicant:	Mr & Mrs Ainsworth	Determination Expiry Date:	10 August 2011
Agent:	Janet Dixon Town Planners Ltd		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
Email:	Planning@rossendalebc.gov.uk		

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received



Other (please state):

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

	RECOMMENDATION(S)
	Approval, subject to the conditions detailed in Section 9 of the report.

APPLICATION DETAILS

1. SITE

The application relates to Willows Farm, the main complex of buildings of which is located in the Countryside area approximately 300m to the east of Goodshaw Lane.

The farm comprises of several buildings, some of substantial size. Whilst the farmhouse and those buildings immediately adjacent to it are not in the Applicants ownership, two of the large portal-frame buildings on the north side are, as too is a residential caravan. The Applicant operates a business from the site that trades under the name Willows, Wags and Whiskers, permission having been granted on Appeal in November 2007 for the change of use of agricultural buildings to livery, indoor arena, cattery and kennels, and for the construction of external runs.

Access to the site is gained via Gib Hill Lane off Goodshaw Lane. Committee Members may re-call visiting this area in respect of Application 2010/32, which was reported to the meeting in June 2010 and related to Gib Hill Stables, which is situated mid-way along Gib Hill Lane.

Public Footpath 35 runs on a north/south axis to the west of Willows Farm at its northernmost point connecting with No.36. Footpath No.36 runs on a north east/south west axis along the access road to the farm and continues until it partially cuts through the north east corner of the existing stables building. It then continues to the north east forming a 'V' shape clipping the north western corner of the existing cattery. Goodshaw Baptist Church is located approximately 250m to the west.

2. RELEVANT PLANNING HISTORY

2007/283 Change of use of agricultural buildings to livery, indoor arena, cattery and kennels and construction of external run
Refused by the Council due to concerns about the adequacy of the access.

Permitted on Appeal in November 2007, subject to Conditions; see Appeal Inspectors decision letter.

2008/643 Certificate of Lawfulness for permanent residential use of caravan
Approved

3. THE PROPOSAL

The cattery/kennel building allowed on appeal under planning reference 2007/283 allowed for 24 kennels comprising 12 kennels for dogs and 12 for cats.

This application has been submitted following investigation of a complaint received by the Enforcement Team revealed that alterations had been carried out to that building permitted as the cattery/kennels, in effect creating a separate dog kennel building and a cattery building, entailing partial re-construction of the external walls/roofs.

Retrospective permission is sought for the retention of the existing detached kennel building

(27.9m x 13.7m) and the erection of new detached kennel building (27m x 13.7m) to be located on the eastern side of the existing building. Like the existing kennel building, the new building would be 3.7m high to eaves and 5m high to the ridge and constructed with lower part of the walls clad with red brick and the upper part clad with profiled metal sheeting. Similarly the roof will comprise profiled metal sheeting, with clear roof sheets allowing light into the building.

Whilst the existing building is used as kennels/office with a total of 28 kennels, the proposed building would be used as kennels including external runs, grooming area and bedding & feed store, totalling 12 kennels.

As is the case with the existing building, pedestrian access to the new building will be via the double doors in the north elevation and vehicular access in the south elevation to rear.

It is proposed that the existing park area would be extended to include open land to the east of the proposed new building. This will be utilised to provide 3 additional parking spaces for the proposed development.

The total number of dog kennels on the site would therefore be 40 as opposed to the 12 permitted under application 2007/283. The site has been licensed by the Council's Environmental Health Unit for up to 40 dogs.

In support of the application, the applicant points out:

- Willows, Wags and Whiskers has proved to be a successful business, so much so that the 12 kennels are frequently fully occupied.
- Now that the business is operational it has become clear that a dedicated room in which to groom dogs and cats during their stay is required. This need was not anticipated at the outset, but such a facility would make the operation of the business easier.
- Similarly the amount of storage space required to operate the business was underestimated at the outset. It is anticipated that the new building will help provide sufficient space for the storage of feed and bedding for the horses, cats and dogs.
- In the existing building there are 28 kennels and a license has been granted for 40 dogs, which means that 2 or 3 dogs from one family can be kept together in one kennel.
- The 3 additional car parking spaces proposed are more than adequate for the additional kennels; there are rarely more than 2 cars visiting the existing kennels at any one time as 20% of dogs are collected and dropped off by the applicant and many dogs are booked in for 1 or 2 week stays so the owners visit only twice – at the beginning and the end.

The applicant has also provided details regarding Public Footpath 36 which forms a 'V' shape and marginally crossing the existing stables and cattery. The applicant's have advised that this was due to it previously connecting to an old route that has now been diverted. The 'V' shape is now rendered unnecessary as the point of the 'V' does not connect to any other route. There is a route available across the hard surfaced forecourt which is more direct and

logical for pedestrians. The onward route east for Footpath 36 lacks a stile in the fence line. The applicant is willing to provide this.

4. **POLICY CONTEXT**

National

PPS1 Sustainable Development
PPS4 Economic Growth
PPS7 Rural Areas
PPG13 Transport
PPG24 Noise

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
RDF2 Rural Areas
W1 Strengthening the Regional Economy
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS5 Development outside the Urban Boundary and Green Belt
DC1 Development Criteria

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)
RBC Submitted Core Strategy DPD (2010)

5. **CONSULTATION RESPONSES**

LCC (Highways)

No objection

RBC (Environmental Health)

The kennels have been licensed for up to 40 since June 2009 and it is considered that more dogs than this will have a detrimental effect on the amenity of the neighbours in relation to noise. Accordingly, it recommend that the number of dogs on the site is limited to a maximum of 40.

There is no objection to the ancillary uses of building for storage, dog and cat grooming and cattery.

RBC (Land Drainage)

The developer is encouraged to implement Sustainable Urban Drainage Systems techniques. Recommend condition that details of drainage and an assessment of hydrological and hydrogeological context of the development have been submitted to and approved by the Local Planning Authority.

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 10/1/11 and the relevant neighbours were notified by letter on 7/1/11. Following receipt of an amended noise survey the application was re-advertised and neighbours were re-notified.

Seven objections have been received to the proposal. The following matters have been raised:

- Noise from the existing kennels continues to be excessive and is an unacceptable nuisance. To increase dog numbers still further will make the current unacceptable situation even worse.
- The noise and disturbance created by customers and their cars also adds to that of the dogs and would be increased further by extra kennels.
- The application is in fact misleading in that it suggests that there would be an increase from 12 to 26 kennels when in reality it would be from 30 to 44.
- The applicants have breached the permitted opening hours on many occasions as dogs have been brought to the establishment as early as 6.30am.
- The report regarding noise levels is not a true representation of the total problems, based upon findings of a survey carried out during the winter months (when all windows and doors are closed, and not an ordinary week in the holiday/summer season).
- The proposal would result in the loss of amenity to the adjacent residents.
- The increase in traffic associated with this business has certainly contributed to the deterioration of Goodshaw Lane and Goodshaw Avenue.

7. ASSESSMENT

The main issues to consider are: 1) Principle; 2) Character and Appearance; 3) Neighbour Amenity; 4) Highway Safety; 5) Public Footpath

Principle

In the adopted Local Plan, the application site lies within a Countryside Area, wherein Policy DS5 would preclude development other than for the purposes of agriculture, forestry or other uses appropriate to a rural area, unless for the rehabilitation and re-use of buildings providing that they comply with Policy DC1.

Whilst it is acknowledged that the proposed use of the buildings for kennels is appropriate in the rural area, it is difficult to accommodate such a use within the Urban Boundary. The Council did not have objection in principle to the kennels/cattery proposed by Application 2007/283. The current application seeks permission for an intensification of a use already occurring on the site lawfully.

Accordingly, I do not consider there to be an objection in principle. The degree to which the development will harm the essentially open and rural character of the area, and cause other harms (particularly in terms of noise nuisance & traffic generation) is assessed below.

Character and Appearance

The original building approved under 2007/283 for the change of use to 12 kennels/external runs/cattery, has been altered to measure, 27.9m x 13.7m x 3.7m high to eaves and 5m to ridge. The building is constructed with lower part of the walls clad with red brick and the upper

part clad with profiled metal sheeting. As a consequence of the alteration to the original building, a separate building to house the approved cattery has been formed. The new building, measuring 27m x 13.7m x 3.7m high to eaves and 5m to ridge, would be located on the eastern side of the existing building. Like the existing building, it would be constructed with lower part of the walls clad with red brick and the upper part clad with profiled metal sheeting.

Both the existing and proposed buildings would be located adjacent to the existing stables/farm buildings and due to their scale/massing and sympathetic materials, are considered not to be unduly prominent or obtrusive in the landscape. Nor would they unnecessarily and unacceptably erode the essentially open and rural character of the area.

Neighbour Amenity

In support of the proposal, the applicant has submitted a Noise Assessment Report (revised April 2011) relating to the proposed activities. The noise assessment was based on the existing building and the proposed building taking into account the license for up to 40 dogs. The Report concluded:

- The development will have an insignificant impact on the existing noise levels at the nearest residential property (The Willows which will be well within the requirements of BS 8233 and the WHO Guideline.
- Due to the distance involved and the effective screening provided by the existing buildings at Willows Farm, the noise generated at the site would be inaudible at the residential properties on Goodshaw Lane.
- In order to achieve the lowest possible noise level at the adjacent residential property (The Willows), the gap between the existing kennels and the proposed kennels is screened off using similar panels to that proposed for the buildings.

When the Case Officer visited the site the arrival in a motor vehicle did not cause the dogs to bark, nor did the case officer entering the lobby of the building. Whilst the number of dogs that could be housed under the previous permission was not limited, the numbers were in effect restricted as only 12 kennels were approved. The proposal, would therefore, increase the number of dogs permitted at the site. It is considered that a significant increase in the number of dogs could significantly increase noise associated with the development which may have the potential to cause detriment to neighbours, particularly at times when dogs are being fed/walked/or when people enter the kennels.

I concur with the view of the Council's Environmental Health Unit that an increase upon the number of dogs at the premises beyond those that might be expected of 12 kennels is possible without undue detriment, however the number of dogs that may be kept at the premises ought to be limited to 40, consistence with the License.

Highway Safety

Access to the site is gained via the Gib Hill Lane off Goodshaw Lane. Gib Hill Lane is an unmade narrow track serving The Willows Farm and other properties in the area. The Highway Authority has not raised objection to the proposal. The scheme is considered acceptable in terms of Highway Safety.

Public Footpath

The definitive route of Footpath No.36 is not obstructed by the development proposed. Whilst it does run marginally across the existing stables and the cattery it is clear on the ground that Members of the Public would not use that specific route. The route that users of the Footpath would take is further away from the buildings than that shown on the definitive map. As the

development proposed does not affect the line of the Footpath there is no detriment caused in this regard. It is considered appropriate to condition a stile as the applicant's have offered.

8. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the countryside and does not unduly affect visual and neighbour amenity or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1, PPS7 & PPG24, Policies DP1-9 / RDF1 / RDF2 / RDF4 / EM1 of the Regional Spatial Strategy for the NW of England (2008), and Policies DS5 /DC1 of the Rossendale District Local Plan (1995).

9. RECOMMENDATION

Approval, subject to the conditions below :

CONDITIONS

1. 'Building 2' as shown on the submitted drawings shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with drawings numbered TRI-0167 Rev D sheets 1-5, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.
Reason: *To ensure the development complies with the approved plans and for the avoidance of doubt.*
3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority.
Reason: *To ensure that the development will be of satisfactory appearance.*
4. Not more than 40 dogs shall be kept at the premises at any time.
Reason : *To define the permission and to protect the amenities of neighbour, most particularly residential neighbours from unacceptable noise disturbance, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
5. Within 3 months of the date of this permission a scheme of surface-water drainage shall be submitted to the Local Planning Authority for its approval in writing. The approved scheme shall be implemented within 6 months of the date of this permission, unless otherwise first agreed in writing by the Local Planning Authority.
Reason : *To ensure a satisfactory means of drainage and minimise the likelihood of flood risk, in accordance with Policy DC1 of the Rossendale District Local Plan.*
6. Within 3 months of the date of this permission a scheme of hard and soft landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including provision of a stile for Public Footpath No.36. The approved scheme shall be implemented within 12 months of the date of this permission, unless otherwise first agreed in writing by the Local Planning Authority, and any trees or shrubs

removed, dying or becoming severely damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason: To secure the satisfactory development of the site and in the interests of visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.

8. Within 3 months of the date of this permission a scheme detailing the management regime of the approved use, including exercising and feeding and hours of opening to the public, shall be submitted to and approved in writing by the local planning authority. The approved use shall not be operated other than in accordance with the approved scheme.

Reason: To safeguard the amenities of neighbours most particularly residential neighbours from unacceptable noise disturbance, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.