

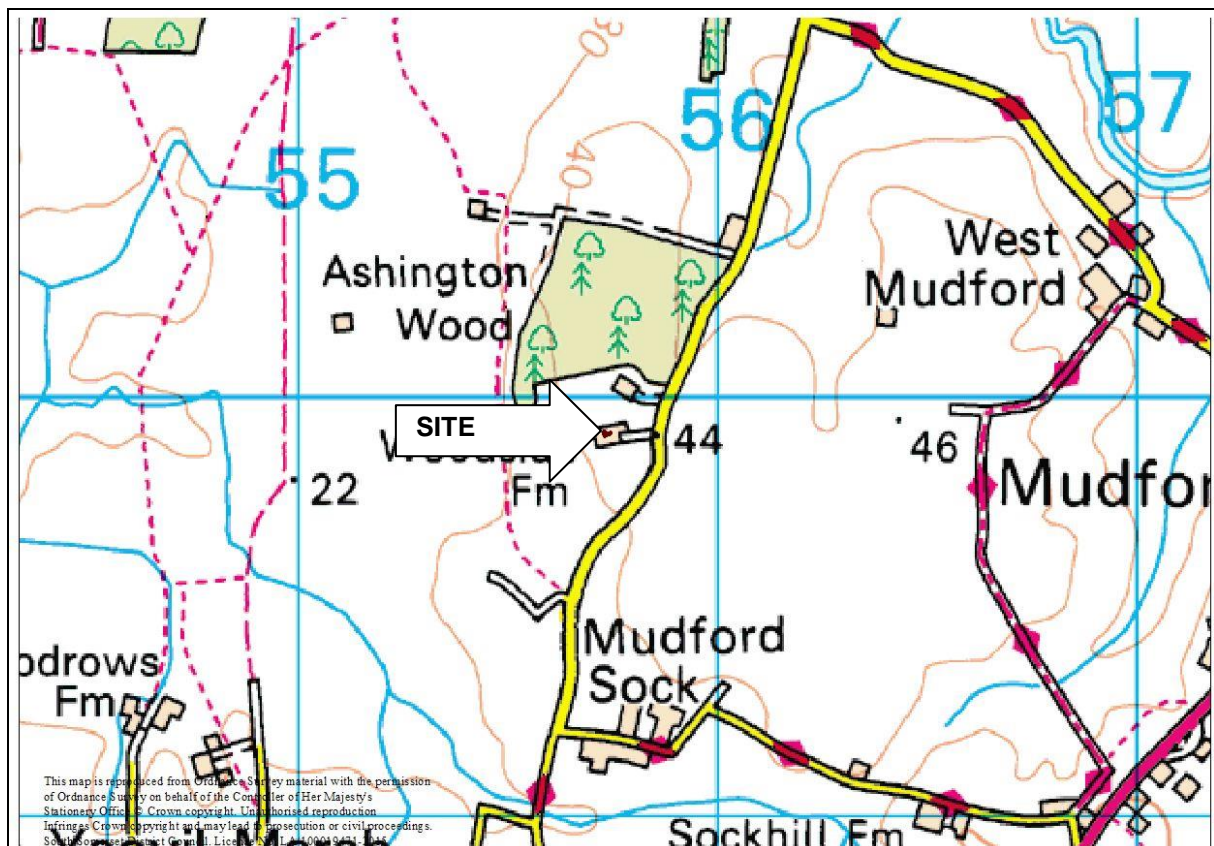
Officer Report on Planning Application: 15/03137/FUL

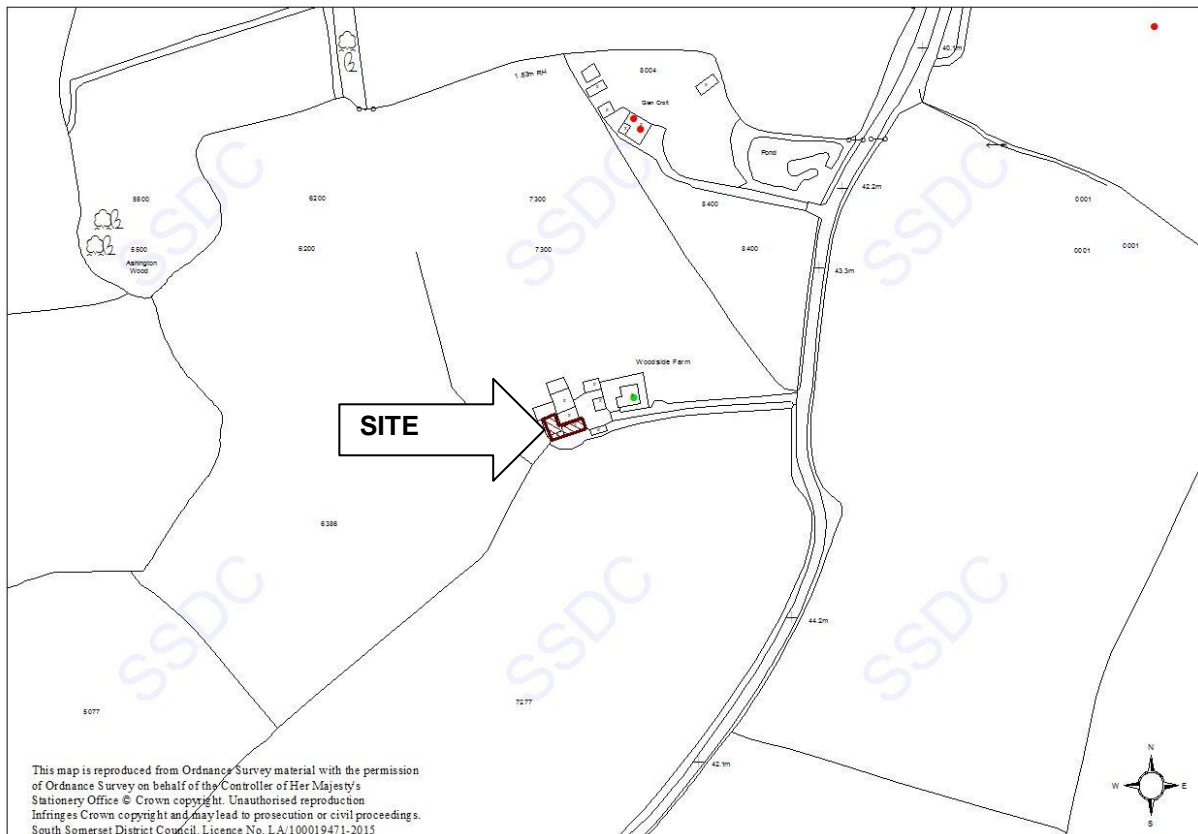
Proposal :	The erection of dog boarding kennels with office/feed room (GR 355773/119923)
Site Address:	Woodside Farm Ashington Lane Limington
Parish:	Mudford
IVELCHESTER Ward (SSDC Member)	Cllr Tony Capozzoli
Recommending Case Officer:	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
Target date :	24th August 2015
Applicant :	Mr P Nesbit-Bell
Agent:	Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Area East Committee at the request of the Area Chair and the Ward Member due to enable local concerns to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is a small farm, amounting to 5.4 hectares. It is located off a quiet country lane, in Ashington, to the west of Mudford. In addition to farmland, the farm comprises a bungalow and garage, together with a number of agricultural farm buildings. The nearest residential property to the site is Glen Croft, which lies more than 130m to the north east of the proposed development. The bungalow is subject to an agricultural tie, attached by condition to planning consent 20521, dated 25/07/1953:

"The building shall be occupied by members of the agricultural population only, this is to say persons whose employment or latest employment is or was employment in agriculture, as defined by Section 119 (1) of the Town and Country Planning Act, 1947, or in forestry or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons aforesaid."

The agent has stated that until recently, the applicant's partner was employed in agriculture, thus complying with the planning condition.

This application proposes the erection of 9 dog boarding kennels, together with 2 isolation kennels and an office/feed room. The kennels will provide an inside sleeping/rest area for dogs with an outside run, together with walkways on either side of the accommodation. A Nissen hut store and open sided barn will be removed to make way for the kennels, whilst a garage and open end barn will remain. The kennels will be partly enclosed by an established boundary hedge. The exterior walls of the kennels will be stained timber boarding, together with wire mesh where the runs are external. The mainly flat roof will be constructed of corrugated sheeting. The roof of a small lean-to element of the development will be covered by solar panels.

The agent states that there is sufficient room to park two vehicles within the farm building yard and for them to turn and leave the site. The applicant anticipates that on average 4 kennels per week will be occupied, which are likely to generate 8 visits per week.

HISTORY

20521 - Erection of bungalow and services and dairy - conditional approval - 25/07/1953.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The following policies are considered relevant:

South Somerset Local Plan (2006-2028)

SD1 (Sustainable Development)
SS1 (Settlement Strategy)
EP5 (Farm Diversification)
TA5 (Transport Impact of New development)
TA6 (Parking Standards)
EQ2 (General Development)
EQ7 (Pollution Control)

National Planning Policy Framework

Chapter 1 (Building a strong, competitive economy)
Chapter 3 (Supporting a prosperous rural economy)
Chapter 7 (Requiring good design)

National Planning Practice Guidance

Design
Noise

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

PARISH COUNCIL - Recommends refusal, due to access, parking, disposal of dog waste (effect on livestock) and noise.

COUNTY HIGHWAY AUTHORITY - No objection subject to conditions

SSDC HIGHWAYS CONSULTANT - *"Visibility to the south is adequate measuring in excess of 2.4m x 43m (the road alignment assists in encouraging low traffic speeds in the region of 25-30mph)*

- *In the opposite direction (to the north) a visibility splay of 2.4m x 30m is currently achievable to the centreline of the road, although additional trimming of the hedge could provide further visibility in this direction*
- *Ashington Lane is very lightly-trafficked*
- *The existing access is of a gravel/loose stone finish*
- *The position of the existing entrance gate does not allow a car to pull off from the*

highway for the gate to be opened

The proposal is for 11 kennels. As such, I do not consider the development proposal would generate significant levels of traffic on a daily basis. While the access is not to full standard, I consider the probability of a vehicle emerging from the site at the same time as a vehicle may be travelling along Ashington Lane to be low. Having a full standard visibility splay to the south assists when emerging from the access, and therefore on balance I do not believe a highway objection can reasonably be substantiated for such a low-key use." He also advises the following: "given the limitations of the existing access (particularly in respect of visibility in the northerly direction) I would recommend an 'informative' is attached to any consent, stating that should any future proposals be submitted that would lead to a further increase in traffic generation, such proposals would need to ensure that full visibility can be achieved in the northerly direction."

ENVIRONMENTAL PROTECTION - *"I am aware that local concerns have been raised regarding loss of amenity due to noise with regard to this application. Given the scale of the operation and the distances to the nearest residential properties I cannot substantiate an objection to this application however should the application be approved I would recommend that the following condition be applied. Before the development commences a scheme of acoustic attenuation shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority. Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy."*

NATIONAL GRID - No objection - has provided information for the applicant (see informative at end of this report)

SSDC LANDSCAPE ARCHITECT - No objections

SSDC ECOLOGIST - No objections

SSDC LICENSING - (verbal response) - confirmed that disposal of dog waste would be looked at as part of the licensing application

REPRESENTATIONS

Occupants of 28 properties have objected to the proposal.

Concerns raised include (these issues will be considered in the 'Considerations' section, below):

- Noise and disturbance to local residents from barking dogs
- Increase of traffic on a quiet, single-track lane
- Disturbance to wildlife
- Agricultural occupancy condition
- Is this actually farm diversification?
- Unwanted competition for other boarding kennels
- Disposal of dog waste and potential for spread of disease to farm animals
- Rumours that the applicant may wish to train dogs at the site at some point in the future

CONSIDERATIONS

Principle

A couple of contributors have questioned how this proposal can be considered to be farm diversification. Woodside Farm, at 5.4 hectares in size, is a small agricultural holding, which is not currently operating as a working farm. This application therefore does not relate to farm

diversification, but relates to a new business, which at this time is proposed to comprise dog boarding kennels [and at a later date beef and sheep farming]. As such, this application is not being assessed in relation to local or national farm diversification policies. This application proposes to change the use of a small area of land from agricultural to a sui generis use, demolish an existing redundant agricultural building and erect a dog boarding facility with 11no. kennels and associated exercise runs. The building would have 149.6 sqm of gross internal floorspace. It is considered that, subject to compliance with the Local Plan in relation to other issues (as described below), this small-scale change of use would not have any significant implications for the future operation of an agricultural business at Woodside Farm. As such, the principle of the development is considered to be acceptable.

Residential amenity/noise

The proposed kennels are located well away from neighbouring dwellings. The nearest residential property (other than the applicant's own bungalow), is Glen Croft, which is located more than 130m away to the north east of the application site. The next nearest residential property is more than half a kilometre to the north east of the site. As such, it is considered that the proposed building would not be overbearing upon neighbouring properties.

Several strong objections have been received from neighbours (and people further afield) in relation to noise from barking dogs, and the negative impact this would likely have on the residential amenity of those living near to the site. This concern was discussed with the Environmental Protection Officer, who also had conversations with a number of the objectors. It is acknowledged that there is likely to be some barking at times, but it is important to acknowledge that the Environmental Protection officer does not object to the kennels subject to the provision of further details of the specification of the kennels in terms of acoustic attenuation. A condition is recommended accordingly. It should be noted that there is provision to investigate complaints regarding noise under the Environmental Protection Act 1990 and as such, this matter could be dealt with by the Environmental Protection team, if future complaints should arise. Given the above, it is considered that the objections on noise grounds cannot be given sufficient weight to justify the refusal of planning permission.

With the above in mind, it is considered that the proposed development accords with policies EQ2 and EQ7 of the South Somerset Local Plan and the NPPF.

Visual amenity

Having regard to the small scale, the location, design and materials used, it is considered that the proposed development would not significantly impact on the landscape character of the area. In particular, it is considered that the siting and design of the proposed building would minimise its impact on the visual amenity of the surrounding area. The kennels would relate well to the existing group of small agricultural buildings on the site, and being single storey, they would not be readily visible from beyond the immediate site boundaries. This view is supported by SSDC's Landscape Architect, who raises no objection to the proposal. It is therefore considered that the proposed development accords with policy EQ2 of the South Somerset Local Plan and the NPPF.

Highways/parking

A number of objectors have voiced their concern about the potential for the proposal to cause congestion in Ashington Lane, which is a narrow, lightly-trafficked, single-track road.

SSDC's Highways Consultant raises no objections subject to conditions. Somerset County Highways Authority states that the proposed development is broadly in line with local and national policy, and they also raise no objections, subject to conditions.

Having regard to the above, and noting that the small-scale nature of the development would be unlikely to result in a significant level of additional traffic movements, it is considered that,

subject to conditions (see end of report) the proposal would have an acceptable impact on highway safety. The level of on-site parking provision is also considered to be acceptable. It is therefore considered that the proposed development accords with policies TA5 and TA6 of the South Somerset Local Plan and the NPPF.

Compliance with agricultural tie

The farm's bungalow is subject to an agricultural tie, attached by condition to planning consent 20521, dated 25/07/1953:

"The building shall be occupied by members of the agricultural population only, this is to say persons whose employment or latest employment is or was employment in agriculture, as defined by Section 119 (1) of the Town and Country Planning Act, 1947, or in forestry or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons aforesaid."

The applicant's partner was until very recently full time employed in agriculture and plans to establish a herd of beef animals and a flock of sheep when she moves in; being last employed in agriculture enables the applicant and his partner to comply with the agricultural tie. Further clarification of details of her recent full time employment has been sought; Members will be updated with such details at the committee meeting. Nevertheless, on the basis that the Council is satisfied that the site's owners comply with the agricultural tie, it is considered that a dog boarding business of this scale could reasonably operate from the site without being in breach of the tie.

Other issues

A number of other issues have been raised by objectors in relation to the applications:

Impact on wildlife

Concerns were raised that barking dogs could impact negatively on local wildlife. SSDC's Ecologist does not consider that such disturbance would be a significant constraint nor issue. He states that the site and immediate surrounds are very unlikely to support any wildlife of significant conservation status that would be sensitive to such noise, and that whilst there is likely to be 'common' wildlife in the area, small impacts from noise are not sufficient justification to refuse the application. In any case, any such wildlife may well habituate to the noise. He also refers to the demolition of the Nissen hut to make way for the kennels, and concludes that it is not likely to be used for roosting by bats. He raises no objection to the proposal.

Competition for other boarding kennels

This is not a material planning consideration, and as such, is irrelevant in the consideration of this planning application.

Disposal of dog waste/potential for spread of disease

A concern has been raised regarding hygiene/spreading of disease to farm animals due to the disposal of dog faeces. This is not a material planning consideration and would be governed by other regulations outside of the planning system, including Licensing. Where there are other regulations that need to be complied with, it would be necessary for the applicant to address these independently of the planning application.

Possibility of future dog training

One objector believes the applicant may wish to run a dog training business from the site in the future. This does not relate to this application, and would require a separate planning application. As such, this concern is irrelevant in the consideration of this planning application.

Conclusion

In conclusion it is considered that, subject to conditions, the proposal broadly accords with the policies of the South Somerset Local Plan (2006-2028) and the NPPF. As such it is considered that the application is approved.

RECOMMENDATION

Grant permission for the following reason:

01. Having regard to the siting, location, access, parking, design, scale and nature of the proposal, it is considered that it has an acceptable impact on the visual amenity and landscape character of the surrounding area, the residential amenity of neighbouring properties and highway safety. As such, it accords with policies SD1, SS1, TA5, TA6, EQ2, EQ7 of the South Somerset Local Plan (2006-2028), the NPPF and the Somerset County Highways Standing Advice.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

Drawing no: 3452/15/0, date-stamped 29/06/2015;
Drawing no: 3452/15/1, date-stamped 29/06/2015;
Drawing no: 3452/15/2A, date-stamped 29/06/2015;
Drawing no: 3452/15/3A, date-stamped 29/06/2015;
Drawing no: 3452/15/4A, date-stamped 29/06/2015;

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

03. No work shall commence on site unless a scheme of acoustic attenuation has first been submitted to and approved in writing by the Local Planning Authority that specifies the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme shall be maintained and shall not be altered without the prior written approval of the Local Planning Authority.

In the interests of amenity, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

04. Prior to first use of the development hereby approved:

1) The first 6m of the access from the carriageway edge shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

2) Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

3) 2no. parking spaces for the development and a properly consolidated and surfaced turning space for vehicles shall be provided and constructed within the site in

accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

4) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

05. The building hereby approved shall be used only as dog boarding kennels, and not for any other purpose.

Reason: To determine the scope of this permission and for the avoidance of doubt.

Informatives:

01. The applicant is advised to have regard to the information provided by the National Grid in its letter to the Local Planning Authority dated 23/07/2015, a copy of which can be viewed on the Council's website.

02. The applicant is advised of the following comment from the Council's Highway Consultant:

"Should any future proposals be submitted that would lead to a further increase in traffic generation, such proposals would need to ensure that full visibility can be achieved in the northerly direction" [as per the requirements of the Somerset County Highways Standing Advice 2012].