

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 March 2019

(Author: David Grant - Planning Officer)

Purpose: To consider Planning Application H20-1081-18

Application Number: H20-1081-18

Date Received: 25 October 2018

Application Type: S73A CONTINUATION

Description: Proposed 18 kennels with 4 metre run to front for non-commercial use - approved under H20-0483-15 - Modification of Condition 3 to remove reference to number of dogs and wording non-commercial use

Location: ALMA HOUSE 67 BROADGATE ROAD SUTTON ST JAMES

Applicant: Mrs Beverley Street

Agent: Mrs Beverley Street

Ward: The Saints

Ward Councillors: Cllr M D Seymour

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H20-1081-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by the Planning Committee, including a number of objections.

2.0 PROPOSAL

2.1 This is a retrospective full planning application at Alma House, 67 Broadgate Road, Sutton St James, for a proposed 18 kennels with 4 metre run to front for non-commercial use - approved under H20-0483-15 - Modification of Condition 3 to remove reference to number of dogs and wording non-commercial use, in order to allow a dog breeding licence.

3.0 SITE DESCRIPTION

3.1 The site is in the open countryside with the nearest property over 300 metres from the kennels. A large gravelled area to the side and rear of the existing house is where the kennels are sited. A two metre high fence has been provided around the side and rear of the proposal site to help minimise noise disruption.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final

report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

South East Lincolnshire Local Plan (SELLP) (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), February 2019

Paragraph 11 - The presumption in favour of sustainable development
Paragraphs 16 & 17 - Plan Making
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 H20-0483-15

Proposed 18 kennels with 4 metre run to front for non commercial use - Approved - 12 August 2015.

6.0 REPRESENTATIONS

6.1 Ward Member

Cllr M D Seymour - if considered for approval, wished it to go to Committee as concerns of noise of more dogs being added to what is already there.

6.2 Sutton St James Parish Council

The Parish Council and its residents have concerns over the number of kennels that already cause environmental issues with the noise and smell that the kennels generate, which still haven't been resolved. A commercial premises would exacerbate these issues.

6.3 County Highways & SUDS Officer

No objections.

6.4 SHDC Environmental Protection

No objection in principle.
Noise prediction calculation carried out based on 30 adult dogs. Specified noise level arrived at in the calculation does not exceed the background noise level in that area.
Request that should permission be granted, total number of adult dogs be limited to 30.

6.5 Public

A number of objections have been received. The points raised summarised as follows:
- Noise from dogs at all times of the day;
- Already running as a commercial enterprise;
- Dog welfare;

- State of the site;
- Odour;
- Noise complaints procedure is a "rigmarole".

Two supporting comments are:

"The applicant takes care of the dogs and has their welfare and best interest at heart and she has been a valued volunteer foster carer for the past few years, and she has shown time and time again her devotion and desire to help dogs in need and for her to be receiving false, libellous and totally unfounded accusations about puppy farms is nothing short of a travesty. Another rescue is no longer in operation and the applicant has committed to looking after both the long stay residents and the temporary foster dogs, who are able to be rehomed until they can find suitable lifelong homes."

"I would like to give my full support to this application. Beverley brings her dogs to me for grooming on a weekly basis and they have always been very well looked after and in good condition. She clearly takes great care of them and has their welfare and best interests at heart."

7.0 MATERIAL CONSIDERATIONS

7.1 The key issues for consideration in this application are:

- Policy and Principle of Development;
- Noise

7.2 Policy and Principle of Development

The site already has permission for 18 kennels under reference H20-0483-15. Condition 3 on the decision notice states:

"The development hereby permitted shall be used solely for non-commercial purposes in association with the existing dwelling known as Alma House (67 Broad Gate). No boarding of dogs shall be undertaken on the premises and the maximum number of dogs on site, at any one time, shall not exceed 18.

Reason: To protect residential amenity.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan."

7.3 The applicant freely admits that the current number of dogs on site exceeds the approved number. The Environmental Health Officer has calculated that a limit of 30 adult dogs on site does not surpass excessive noise calculations. A limit on the number of total dogs on site has not been given as it is impossible to predict the number of puppies in a given litter, which will then be sold under a breeding licence. The applicant has applied for a breeding licence in October 2018 and the granting thereof would be subject to the outcome of this planning application.

The Local Planning Authority has no concerns about a commercial operation of this scale operating in the open countryside.

7.4 Noise

7.5 Despite the volume and vociferous nature of the noise complaints, not one of the objectors has gone through the process of having noise monitoring equipment installed at their property. As of 26 February 2019 the Environmental Health Officer has yet to receive a complaint with documented evidence to back up the noise concerns of some residents of Sutton St James. Should the Planning Committee seek to refuse this application, the existing permission for 18 dogs will remain. The comments from Environmental Protection are critical in this regard.

7.6 Conclusion

7.7 Regardless of the objections submitted, there is no documented evidence to support any noise complaints. Therefore, the Local Planning Authority is of the view that given the Environmental Health Officer comments and imposition of a condition limiting the proposed use on site to 30 adult dogs, that a refusal would be difficult to justify. The recommendation for this application is

therefore one of approval.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions set out in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Block Plan (1:500)
Site Location Plan (1:2500)

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

2. The maximum number of adult dogs on site, at any one time, shall not exceed 30.

Reason: To protect residential amenity.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

