

**Committee Report****Date: 05.02.2020**

**Item Number** 03

**Application Number** 19/01074/FUL

**Proposal** Construction of a new boarding kennels and new access

**Location** Fair View Knitting Row Lane Out Rawcliffe Preston Lancashire PR3 6SX

**Applicant** Jemma White

**Correspondence Address** c/o Kennelbuild Limited  
Miss Carla Priestley 32A Quakers Coppice Crewe Gates Industrial Estate Crewe CW1 6FA

**Recommendation** Refuse

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob Clewes****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee at the request of Councillor Peter Cartridge. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is a field located on the eastern side of Knitting Row Lane, Out Rawcliffe. The site comprises of an undeveloped field with the boundaries marked by established trees and hedges. To the south of the site there is a group of well-established trees. The surrounding area is predominantly Countryside with much of the land used for agricultural purposes. The nearest neighbouring properties are Fair View to the immediate north (the applicant's residence), Ivy Cottage on the western side of Knitting Row Lane (opposite the site) and Home View situated on the eastern side of Knitting Row Lane further to the south.

**3.0 THE PROPOSAL**

3.1 The proposal is for the creation of a new boarding kennel business and the erection of an associated kennel building, access and parking/turning area. The proposal is to be accessed off a new access achieved off Knitting Row Lane and the building is located to the south eastern corner of the site. The building is single storey consisting of three projecting wings in a T-shaped foot print. Each wing is attached to a central entrance which provides the main access to the building. The maximum width of the building is 36.5m and a maximum depth of 26.25m. Each wing has a width of 8.6m. Each wing comprises of two elements, both with mono-pitched roofs.

The taller roof has an eaves height of 2.7m and a ridge height of 3.5m and the shorter roof has an eaves height of 2.2m and ridge height of 2.6m. The central entrance lobby has a hipped roof with an eaves height of 3.5m and a maximum height of 5.25m. The materials are to be a mix of painted blockwork, timber cladding and composite cladding for the elevations and composite cladding for the roof.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 None

#### **5.0 PLANNING POLICY**

##### **5.1 ADOPTED WYRE BOROUGH LOCAL PLAN**

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- EP8 - Rural Economy

##### **5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019**

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

- Section 15 - Conserving and enhancing the natural environment

## OTHER MATERIAL CONSIDERATIONS

5.3 None

## 6.0 CONSULTATION RESPONSES

6.1 OUT RAWCLIFFE PARISH COUNCIL - Concerned about noise disturbance to nearby properties resulting from the operation of the kennels as the site is in a quiet rural area. Object on the grounds that there is no evidence to demonstrate the achievement of acceptable levels of noise impact through mitigation. We would at least expect to see the implementation of acoustic screening through tree planting / fencing. Also concerned about the impact of the additional traffic associated with the development on the local rural roads, which are very narrow and in a very poor condition generally.

6.2 LCC (HIGHWAYS) - No objections subject to conditions requiring parking and turning areas to be provided and applicant to enter into a Section 184 agreement for the creation of the new access.

### 6.3 GREATER MANCHESTER ECOLOGY UNIT

6.3.1 The report is not clear in relation to whether or not the Local Record Centre (LRC) search has been undertaken. In paragraph 2.1 it states that a biological records search from LERN has been undertaken, however within paragraph 3.4 it states that they have not been authorised to obtain records from LERN. This needs clarifying.

6.3.2 The site is located within a Sensitive Waterbird Area for pink footed geese and whooper swan which is not referenced at all within the report. The lack of reference to Sensitive Waterbird Areas suggests that a LRC search has not been undertaken. It is advised that this is undertaken as part of the application, and that further analysis and impact assessment in relation to waterbirds is made. This is especially relevant in relation to functionally linked land for the European Sites, which are designated for their waterbird assemblages. An assessment of the likely impacts on these species should be made, in relation to both the direct impact of the construction works on the site, and also further information on potential recreational disturbance which could occur, for example if dog walking/exercise, will take place outside of the proposed development site.

6.3.3 Measures are proposed to protect the designed sites from dust and noise pollution, and any planning permission which may be granted should secure these measures via a suitable worded condition.

6.3.4 Great crested newts could potentially be present on the site given the number of ponds that are located within close proximity to it. The report states in table 3 there is no suitable habitat on the site for great crested newts, however the scrub and hedgerow could potentially be suitable and detail as to why the grassland isn't suitable for great crested newts should be included. A description/HSI assessment of adjacent ponds to have been included to support the findings. Further information is therefore required here to support the conclusions. Assuming the conclusions of the report can be supported, a condition requiring a Reasonable Avoidance Method Statement (RAMS) for great crested newt would be required.

6.3.5 Work should be timed to avoid the main bird nesting season (March-August inclusive) unless it can be otherwise demonstrated that no active bird nests are present.

6.3.6 No other protected species were found to be present on the site. Measures are included to avoid harm to any mammals (such as badger or hedgehog) should they enter the site during the construction, and these should be secured through a suitably worded condition. An informative should also be used to ensure that the developer is aware that the grant of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. If at time protected species are found to be present on the site, work should cease immediately and the LPA must be contacted.

6.3.7 The report contains a number of enhancement measures for biodiversity, which is in line with the NPPF. These should be secured and adopted within the proposed development where ever reasonably possible.

6.4 LANCASHIRE FIRE AND RESCUE - Standard advice regard building control regulations.

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY) - No objection subject to suggested mitigation being implemented.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - Require further information on means of foul drainage.

6.7 WBC PARKS AND OPEN SPACES MANAGER (TREES) - No objections.

## **7.0 REPRESENTATIONS**

7.1 Two representations received in support of the application providing the following comments:

- There is a need for such facilities in the area
- There is a lack of suitable kennel in the area

7.2 Two representation received raising objection to the proposal and making the following points:

- Increase in noise disturbance impacting on neighbouring amenity
- Knitting Row Lane is not an appropriate road for this type of development
- There are at least 5 businesses offering boarding facilities within 15 minutes of the application site and there is sufficient provision
- Proposal would result in too much competition for existing businesses impacting on their trade

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Agent contacted over various matters including the submission of noise and ecology surveys and the submission of revised plans showing dedicated parking and turning areas and reduced application site boundary (Red edge). Both requested reports have been submitted and the revised plans were provided indicating the details requested by the Local Planning Authority.

## 9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Drainage
- Ecology
- Trees
- Contamination

9.2 The application site is located in an area designated as Countryside within the adopted Wyre Local Plan (2011-2031). Therefore the most relevant policy in terms of the principle of the development is Policy SP4 (Countryside Areas). Part (a) of the policy supports the diversification of agricultural businesses and Part (h) supports the expansion of business in rural areas in line with policy EP8 (Rural Economy). Parts b-g of SP4 are not relevant. With regards to Part (a) the policy allows for new development for the diversification of an agricultural business. A main consideration in this planning application is whether the proposal involves the expansion of an existing agricultural business which, should this be the case, could also be given support not only in policy SP4 (a) but also under policy EP8 (Rural Economy) that allows for the expansion of existing businesses within the countryside.

9.3 The application site is currently an undeveloped field and not used for any specific purpose and is not related to an existing agricultural enterprise. As such the proposal cannot be considered diversification of an agricultural business. Therefore the proposal cannot be supported via Part (a) of SP4. Further to the above Part (h) of SP4 allows for the expansion of business in rural areas in accordance with policy EP8 (Rural Economy). In this case the proposal involves a new business unconnected with an existing business, as such it fails to comply with Part (h) of SP4.

9.4 It is acknowledged that there are kennel businesses operating in the Borough within countryside areas, however it is nevertheless considered that the creation of this new business falls outside proposed development that is considered appropriate for a countryside area as set out in Policy SP4. Therefore the proposal is contrary to the provisions of Policy SP4 of the WLP31.

9.5 Policy SP2 of the WLP31 seeks to ensure that proposal development is sustainable and contributes to the continuation or creation of sustainable communities in terms of its location and accessibility. The site is located approximately 1.5 miles from the nearest settlement, Hambleton, but is not considered to be physically well-related to it. The nature of the road network, being single width lane in parts and not suitable for other forms of travel except motor vehicles, means that it is considered to have poor accessibility, particularly as journeys to and from the site are most likely to be made in private cars. Therefore this unsustainable location would not support a use which would potential consist of daily comings and goings from the site. As such the proposal is contrary to Policy SP2 of the WLP31.

Visual Impact / Design / Impact on the street scene

9.6 The application site is within designated countryside area, which should be recognised for its intrinsic character and beauty. Development which adversely affects the open and rural character will not be permitted. Policy SP4 of the WLP31 is relevant and states that proposals in the countryside area should respect the countryside's character and not have an adverse impact on the open and rural character. Policy SP4 does not allow development that adversely affects the countryside character. Core Development Management Policy CDMP3 (Design) requires new development to be designed to respect or enhance the character of the area.

9.7 The proposed building is large in foot print and whilst is considered single storey and relatively low profile would nevertheless form a significant development in this location. There are some established trees and hedges along the western side boundary of the field and the boundary fronting Knitting Row Lane however the building would nevertheless encroach into and erode the open and rural nature of the surrounding countryside and would have a detrimental effect upon it. Policy SP4 states the countryside should be recognised for its intrinsic character and beauty. Development which adversely impacts on openness and rural character will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that out-weigh the harm.

9.8 Although single storey the prominence of the proposed building would be visible in the wider landscape which has an open character and there would be a perception of significant development where there was none previously. As identified above although there is screening along the boundary with the road this screening would lose leaf in the winter providing greater views of the development.

9.9 The development could be mitigated somewhat by further landscaping however, planting would take some time to become established, would have to be exceptionally dense and tall to hide the development and would not be a permanent feature. In any event, screening would not overcome the actual loss of the landscape and would not make the development acceptable. The development of the land for boarding kennels would result in visual harm to the open character of this countryside location and there is insufficient justification for the building for the reasons outlined above. The result would constitute a visually obtrusive development in the countryside and would adversely impact on the open and rural character of the area. The application is contrary to Policies SP4 and CDMP3 of the WLP31.

#### Impact on residential Amenity

9.10 The proposal is adjacent the applicant's residence, Fair View, and near to two other residential properties, Ivy Cottage and Home View. There is the potential for noise disturbance from the operation of the proposal due to the barking of dogs. The applicant has submitted a noise impact assessment confirming that there will be an impact to the neighbouring properties and that mitigation is required in order to achieve an acceptable impact. The findings of the report have been accepted by the Council's Environmental Health officer who recommends that the proposed mitigation outlined in the report should be implemented and secured via an appropriately worded condition. It is considered that this is appropriate. Taking the above into account it is considered that the impact to neighbouring amenity is acceptable subject to the implementation of the mitigation measures proposed.

#### Impact on Highway / Parking

9.11 The proposal includes the creation of a new access onto Knitting Row Lane to serve the site. LCC Highways acknowledge that Knitting Row Lane is a narrow rural lane with grass verges and hedgerows on either side but that roads in the area experience low traffic volumes and the proposed increase in vehicle movements does not result in a severe impact. As such they have raised no objections to the proposal on highway safety grounds and have requested standard conditions regarding parking and manoeuvring areas. These conditions are considered appropriate. Policy CDMP6 also requires the provision of an Electric Vehicle Charging Point (EVCP) and a condition should be attached to any subsequent approval. It is considered that the proposal complies with Policy CDMP6 of the WLP31.

#### Drainage

9.12 The application proposes that the development is served by separate foul and surface water drainage schemes. The surface water is to be dealt with via a rainwater water collection system with the collected water to be re-used within the development. This accords with the provisions of Policy CDMP2 of the WLP31. The Council's drainage engineer raised concerns over the initial plans as the nature of the foul drainage had not been provided. A revised site plan was submitted outlining how the foul waters are to be dealt with. The foul drainage scheme is to consist of a treatment plant (Klargester) and the treated water to then be distributed into the ground via a perforated pipe network. The submission of these plans shows that there is a technical solution to dealing with foul waters and it is considered that an appropriately worded condition is required to ensure that the drainage scheme is fully compliant with policy CDMP2 of the WLP31.

#### Ecology

9.13 The application is supported by an ecology survey. The findings of the report state that there was no evidence of protected species and limited potential for protected species to be using the site. The report also proposes a series of recommendations in order to avoid harm to mammals which are considered appropriate. Whilst there are elements of the report which are considered acceptable the Council's ecological consultants have raised concern over other elements, in particular reference to Pink Footed Geese and Whooper Swan. The lack of reference to Sensitive Waterbird Areas suggests that a LRC search has not been undertaken. It is advised that this is undertaken as part of the application, and that further analysis and impact assessment in relation to waterbirds is made. This is especially relevant in relation to functionally linked land for the European Sites, which are designated for their waterbird assemblages. An assessment of the likely impacts on these species should be made, in relation to both the direct impact of the construction works on the site, and also further information on potential recreational disturbance which could occur, for example if dog walking/exercise, will take place outside of the proposed development site. Taking the above into account it is considered that the proposal does not comply with Policy CDMP4 of the WLP31 as insufficient information has been provided to enable the LPA to be satisfied that there will be no harm to protected species.

#### Other Issues

9.14 Flood risk - The application site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding as such there is no requirement for a site specific flood risk assessment nor the submission of a Sequential Test.

9.15 Trees - The Council's tree officer has raised no objection to the proposal and considered that there will be no impact to adjacent trees.

9.16 Contamination - The Council's environmental health team have raised no issue with regards to the proposed development and therefore it is considered that no further assessment nor planning conditions are required for the proposal

9.17 In the representations received it was stated that there are existing kennel businesses in the area that can cater for the need and this would also create added competition that was not required. Competition is not a material planning consideration and so carries no weight in this assessment.

## **10.0 CONCLUSION**

10.1 The application would not meet the criteria in policy SP4 and represents an unjustified and inappropriate form of development in the countryside in an unsustainable location. The proposal would also be visually detrimental to the character of the countryside area due to its significant size. Finally the proposal has failed to provide sufficient information to allow the Council to be satisfied that the proposal would not lead to harm of protected species. The proposal is therefore contrary to Policies SP1, SP2, SP4, CDMP3 and CDMP4 of the adopted Wyre Local Plan (2011-2031) and the provision of the NPPF.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

12.1 Refuse planning permission

### **Recommendation: Refuse**

1. The proposed use would result in the creation of a stand-alone business in an area of countryside as designated in the adopted Wyre Local Plan (2011-2031). The proposed does not constitute either an expansion of an existing business or diversification of an agricultural business and is located in an unsustainable location and not well-related to the nearest settlement of Hambleton. As such it is therefore considered contrary to Policies SP2, SP4 and EP8 of the adopted Wyre Local Plan (2011-2031).

2. The proposal by virtue of its form and siting in this countryside area would introduce development into an undeveloped area of countryside and lead to an urbanising effect, and represent an unacceptable and unnecessary encroachment/projection into the countryside area which would diminish the open and rural character of the countryside. Therefore the proposal is contrary to the provisions of Policy SP4 and CDMP3 of the adopted Wyre Local Plan (2011-2031).

3. Insufficient information has been submitted to enable the Local Planning Authority to assess the proposed development with regard to Ecological matters and conclude there would be no resultant harm on protected ecology habitats and

species. The sites characteristics including its undeveloped landscape and location within a Sensitive Waterbird Area for Pink Footed Geese and Whooper Swan means the area may be of value to birds and other protected species. Furthermore Great Crested Newts could potentially be present on the site given the number of ponds that are located within close proximity to the site and a description/HSI assessment of adjacent ponds should be provided to provide clarity on this issue. In addition the Local Planning Authority as the competent authority are unable to rule out that an appropriate assessment is required having regard to the relevant Habitat Regulations. The proposal therefore fails to comply with Policy CDMP4 of the adopted Wyre Local Plan, section 15 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017.