

Parish:	Hilgay	
Proposal:	Use of property for part residential and part dog day care and home boarding business	
Location:	Cronins Cottage Steels Drove Hilgay Norfolk	
Applicant:	Miss Hanna Cronin	
Case No:	19/01339/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 24 September 2019 Extension of Time Expiry Date: 25 October 2019

Reason for Referral to Planning Committee – Called in by Cllr Holmes

Neighbourhood Plan: No

Case Summary

The proposal is for the retrospective change of use of a residential property and outbuilding to form a dog day care and home boarding business. The site lies outside the development boundary for Hilgay on land which is therefore considered countryside.

The seeks consent for up to 10 day care dogs on site at any one time, with 5 dogs boarding in the adjacent dwelling overnight.

Key Issues

Principle of development
Noise and disturbance of neighbours
Highway safety and access
Form and character

Recommendation

REFUSE

THE APPLICATION

The application seeks retrospective permission for the change of use of a residential outbuilding to dog day care. The agent states an intention for the day care of up to 10 dogs on site at any one time, with 5 dogs boarding in the dwelling to the east of the site overnight.

The application site comprises a dwelling, its curtilage and an outbuilding. The application site is bordered to the west by a neighbouring dwelling, and to the north by agricultural fields. The site runs parallel to Steels Drove.

The change of use to dog day care and boarding is proposed to the outbuilding to the west of the site, with an outdoor exercise area adjacent to the west boundary and parking/turning provided to the east of the outbuilding. An existing hedgerow and chain link fence around the west of the site separates the dog outdoor/exercise area from the adjacent neighbour.

SUPPORTING CASE

The applicant has been successfully running a small-scale dog day care and home boarding business at the application site since late 2018.

In April 2019, the Borough Council Licensing Officer, Mrs Lucy Hartley, confirmed the following

“We have recently licensed this premises for home boarding of dogs and doggy day-care. The premises meet all of our conditions.”

It is understood that this license is for up to 16 dogs, although the applicant only requires permission for a maximum of 10 dogs and is happy to accept a planning condition with that restriction.

Home boarding means just that, the dogs are treated as part of the home. The number of boarding dogs, as opposed to day-care, will be restricted to five and these will be housed in the dwelling, Cronin's Cottage. Dogs will not be housed nor left unattended in the outbuilding on the site. This building is for general daytime use during inclement weather or to provide shade during hot weather. These are not 'kennels' but just for general daytime use.

There is a double gated entrance to an outside area for general use and 'meeting' area. This area will be fenced off from the remaining garden area to the west, which will only be used for occasional training and exercise, owing to its proximity to Fen View. Dogs are exercised off-site on a daily basis. There are many options for dog-exercise, all within walking distance of the application site.

Dogs will usually only bark when visitors arrive, albeit only briefly in most cases. All dogs are assessed for temperament, behavior and compatibility with other dogs. Persistent barking dogs are not accepted and if they turn out to be such, would be asked to be collected and excluded. Husky breed and security type dogs are not accepted, this service is for family pets only.

The applicant is assisted by her Mother and volunteer friends on a daily basis, meaning that the dogs are supervised at all times, even if the applicant has to leave the premises for any reason.

Noise is kept to a minimum by organising drop-off and collection times and excluding persistently noisy dogs. Dogs are perfectly happy to roam around and do not generally make any noise. In the evening the dogs are taken indoors and spend the night in the house. There is no outside kennelling.

Traffic generation from a typical daily schedule is between 4-8 trips per day. Boarding dogs do not substantially increase this number of trips because it only involves one return trip, maybe over a week. This very low number of vehicles visiting the site is further controlled by ensuring that, in order to provide one-to-one attention, there is at least 15 mins between handover and collections. This programming makes sure that there is no clash of vehicles using the road or the parking and turning facilities. Additionally, there are several dogs whose owners live in the village and, therefore, walk them to the site.

It is hoped that the Borough Council will support the applicant in her low-key, small-scale enterprise to provide a very useful service to the local community, whilst causing no harm to the amenities of the local residents.

PLANNING HISTORY

19/00462/F: Application Withdrawn: 10/07/19 - Change of use to a mixed use for residential and dog day care. - Cronins Cottage
Steels Drove

15/01832/F: Application Refused: 07/01/16 - Site for standing two mobile homes to provide units of living accommodation - Cronins Cottage - DELEGATED DECISION

RESPONSE TO CONSULTATION

Parish Council: NO RESPONSE

Highways Authority: NO OBJECTION subject to condition.

During the previous withdrawn application on site (19/00462/F), the Local Highway Authority originally suggested a holding objection to the application as a result of the substandard highway conditions in the vicinity and stating concern over the suitability of Steels Drove to cater for the additional traffic generated. Steels Drove has a meandering alignment with tight bends and the carriageway width is narrow and visibility around bends is restricted. The Local Highway Authority therefore suggested localised road widening would enable cars to pass and improve visibility.

Following additional information supplied as part of this application, the Local Highway Authority reiterated their concerns raised under the previous application however stated a number of conditions to minimise the impact on the highway network:

- 1) The application be run on an appointment basis only and that visits are restricted as being a minimum of 15 mins apart (or other such time period which avoids cars meeting)
- 2) The number of dogs under day care for any one day are restricted.
- 3) A temporary application period be approved, so that the impact of the application site can be assessed over a period of time against the constraints suggested above.

Additional correspondence from the Local Highway Authority stated that in the absence of the above conditions, the fall-back position would be localised carriageway widening would be required to ensure suitable highway conditions.

CSNN: NO OBJECTION subject to condition.

Concerns from CSNN also remained similar to the withdrawn application 19/00462/F.

The site is immediately adjacent to the boundary of a residential dwelling and, due to the layout, almost 'cuts into' the plot of that dwelling in the south eastern corner.

CSNN noted that the dogs are inside the dwelling overnight and the building on site is used as an indoor day area, however the exercise areas and handover area are immediately adjacent to the boundary with 'Fen View'. Noise is extremely difficult to control in external areas, and dog barking is no exception.

Had the site been the other way around, with the dwelling to the western end and the exercise area to the eastern end, it would have been much more preferable. The information submitted by the applicant indicates that 5 dogs are currently boarded on site. Whilst the applicant requests consent for the day care of up to 10 dogs, due to the concerns regarding the layout of the site and its proximity to the neighbours, this would be the maximum number suitable.

CSNN consider that, with other control measures including the occasional exercise area to the west not being used by the dogs and the provision of acoustic fencing along shared boundaries, the site is not capable of accommodating more than 5 dogs. CSNN would therefore only be prepared to remove their objection, provided the site and business is controlled by these measures and the following conditions:

- 1) The use of the site for residential and day care for dogs, with associated infrastructure, hereby approved shall remain within the ownership of the applicant and linked to the donor dwelling, and shall at no time be separated or sold as a separate business site.
- 2) No deliveries of dogs shall be undertaken outside the hours of 0730 and 0915 on weekdays and no collections of dogs shall occur outside of the hours of 1430 and 1715, nor at any time on Saturday, Sundays, Bank or Public Holidays. Such deliveries and collections shall be by appointment only and shall be planned with a minimum of a fifteen minute break between them, to ensure they occur one at a time.
- 3) The maximum number of dogs on site shall not exceed 5 at any time.
- 4) No dogs shall be housed or located in the western area of the site, beyond the fencing on drawing reference 13452 labelled as 'new fence', at any time.
- 5) Within one month of this consent being issued a 2m high acoustic fence shall be installed along the boundaries with 'Fen View'. This fence shall remain fully maintained in this location in perpetuity.

Further information from CSNN, dated 15th November 2019, confirmed that given the layout of the site and proximity to neighbours they maintain their objection to the application if more than 5 dogs total were proposed.

REPRESENTATIONS

Three letters of objection

- proximity to outdoor amenity space
- noise and disturbance
- lack of noise mitigation measures
- proposed opening hours
- lack of footpath provision and highway safety
- inconsistencies with dog numbers proposed
- wash down area and drainage issues
- Acoustic fencing would not negate the issues

Two letters of support

- convenient location
- valuable service
- no noise impact
- no need for passing places

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key issues are:

Principle of development
Noise and disturbance of neighbours
Highway safety and access
Form and character

Principle of Development

The proposal is for the retrospective change of use of an outbuilding to allow the operation of a dog day-care/boarding business. The application site is located outside the development boundary for Hilgay. CS10 – The Economy supports the provision of small scale employment uses in the countryside to meet a local business need. Under CS10, development must satisfy the following criteria:

- It should be appropriate in size and scale to the local area
- It should be adjacent to the settlement

- The proposed development and use will not be detrimental to the local environment or local residents

The proposal site is located on Steels Drove, Hilgay approximately 70m from the development boundary shown on inset map G48 of the Site Allocations and Development Management Policies Plan (2016) and is therefore considered suitably located adjacent to the settlement to comply with this part of the relevant policy. The principle of the change of use to dog day care is therefore considered acceptable, subject to accordance with other policies of the local plan, as discussed below.

Noise and Disturbance of Neighbours

The proposal site comprises an approximately 50m wide piece of garden land which fronts Steels Drove. The western extent of the site, shown as the outdoor area for occasional training and exercise only on the proposed plan, is positioned in close proximity to the neighbouring dwelling, with approximately 7m between the west boundary of the site and the side elevation and conservatory of this neighbouring bungalow.

Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location when taking into account the likely effects on living conditions that could arise from the development. In doing so, planning decisions should mitigate and reduce to a minimum potential adverse impacts from noise from new development and avoid noise giving rise to significant adverse impacts on quality of life.

Paragraph 006 (ID: 30-006-20190722) of the PPG discusses the factors that influence whether noise should be a concern. The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. The dog day care is proposed with hours of drop off/pick up from 7:30 until 17:15. This will result in up to 10 day care dogs outside in the exercise area, which is located approximately 7m from the neighbouring dwelling, at any one time throughout the day. The rural character of the area leads to a low background noise level in the vicinity, which further exacerbates the potential for noise and disturbance of adjoining dwellings. Whilst no dogs are proposed to be on this part of the site during boarding hours, given the siting of the outdoor areas and proximity to the neighbouring dwelling it is not considered that mitigation or control measures such as acoustic fencing are capable of adequately addressing the noise impact of the development.

Comments from CSNN suggested limiting the total number of dogs on site to 5 and the construction of acoustic fencing to form a barrier between the outdoor drop off area and the occasional exercise space. They also recommended conditions to limit the number of dogs in the occasional exercise area at any one time. Whilst the comments are noted, the agent has stated that they require permission for up to 10 dogs to allow a viable business use, and therefore, due to the number of dogs proposed to be on site at any one time and the limited distance between the source of the noise and the neighbouring property, the acoustic fencing is not considered to adequately address the adverse impact of the noise and disturbance.

The proposal is therefore considered to give rise to conditions to the detriment of residential amenity and the application is therefore considered contrary to paragraph 180 of the NPPF, policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

Highway Safety and Access

The Local Highway Authority states that the proposed use, for day-care and boarding of dogs, could lead to around 40 vehicle trips to and from the site per day. This intensification

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of use of Steels Drove is considered to give rise to potential highway safety concerns. Steels Drove is a classified road that has a meandering alignment typical of rural areas with tight corners in the vicinity of the application site. The carriageway width is narrow, with passing places only achieved through the use of private driveways. The concern raised surrounded the suitability of Steels Drove to cater for the additional traffic generated in the areas towards the site.

The Local Highway Authority recommended a number of conditions to limit the times of drop off/collection from the site to 15 minute intervals and recommended only a 2 year temporary consent to allow full consideration of the impact on the highway network given the insufficient width of the road in the immediate locality. Consideration has therefore been given to the proposed scale of the development and the number of associated vehicle movements. Whilst the intensification of traffic along this part of Steels Drove may lead to a minor impact on the road network, adequate parking and turning spaces are available on site to accord with the required standards and the application did not draw objection from the LHA on this basis. Whilst the comments from the Local Highway Authority regarding the suitability of Steels Drove are noted, on balance, given that the vehicle numbers involved are small scale, it is not considered necessary to implement a temporary consent on highway grounds. The application is considered to comply with CS11 of the Core Strategy (2011) and DM15 of the Site Allocation and Development Management Policies Plan (2016).

Form and Character

The proposal site is rural in character although the proposed changes are considered unlikely to lead to significant adverse visual impact on the form and character of the area.

Crime and Disorder

There are no specific crime and disorder issues arising from the development.

CONCLUSION

Whilst the highways impact of the development is considered acceptable on balance, the day care of ten dogs in this location, 7m from the neighbouring property's side elevation is considered to lead to adverse impacts on the residential amenity of surrounding properties. Given the low background noise levels in the immediate vicinity, the barking of 10 dogs would be of significant volume and highly audible. It is not considered that this impact could be adequately mitigated through the erection of acoustic fencing or other noise barriers. Consequently, the proposed development would be likely to adversely affect the living conditions of nearby occupiers with particular regard to noise and disturbance. Therefore, it would conflict with Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) which requires that developments do not have a significant adverse impact on the amenity of others.

Overall, the proposed development and use is considered detrimental to local residents and therefore fails to comply with paragraph 180 of the NPPF (2019) and policies CS06, CS08 and CS10 of the Core Strategy (2011) and policy DM15 of the Site Allocations and Development Management Policies Plan (2016).

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The change of use to part residential and part dog day care and home boarding business represents an undesirable and unneighbourly form of development, detrimental to the amenities of occupiers of adjoining residential properties, particularly by reason of noise and disturbance as a result of the number of dogs proposed and the proximity of outdoor areas to shared boundaries. The application is therefore considered contrary to Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).