

APPLICATION NO	PA/2008/1363
APPLICANT	Northcroft Boarding Kennels & Cattery
DEVELOPMENT	Planning permission to retain kennels (amended design), four cat pens and owner's dog run
LOCATION	Northcroft Boarding Kennels & Cattery, Belton Fields Lane, Westgate, Belton
PARISH	BELTON
WARD	Axholme Central
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee Objection by Belton Parish Council
POLICIES	Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply. North Lincolnshire Local Plan: Policy ST3 – the site lies within the open countryside. Development outside development boundaries will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside. Policy RD2 – development in the open countryside will be strictly controlled. This policy lists the type of development considered to be acceptable within the open countryside. Policy DS1 provides general design guidance in relation to all new development. PPS7: Sustainable Development in Rural Areas: This document provides general guidance in relation to new development within the open countryside.
CONSULTATIONS	Highways: Do not wish to restrict the grant of permission. Environmental Health: 'I am aware that the kennel extension which was previously granted planning permission has not been built in accordance with the approved plans. It is my understanding that the approved kennel plans face east, however the existing built kennels actually face west.

Complaints of noise relating to Northcroft Boarding Kennels date back to December 2007. Previous to this date, this department had no history of complaints relating to the kennels. I can confirm that this department has carried out routine noise monitoring, but at this present time we have been unable to establish whether or not a legal nuisance exists.

There is one domestic premise which is directly adjacent to the kennels on its northern boundary, and two further premises which are to the west and south of the kennels at a distance of 180 metres and 220 metres from the kennel block respectively. The area is fairly flat and open and in such circumstances noise from barking dogs will easily travel these types of distances when not adequately controlled. Typically summer months when the kennels are full and people are outside enjoying their garden tend to be the periods of time when noise problems are exacerbated.

It has been suggested by local residents that the main cause of the barking is that the dogs can see people resorting to and from the kennels and conversations with visitors are often held in view of the dogs. It has also been suggested that the situation is being made worse by the fact that the kennels are facing west rather than east.

Having visited the site, it is apparent that the kennels cannot be turned round to face east without demolishing the existing new kennel block extension and rebuilding it. This is due to the fact that the new kennels have been built directly adjacent to the eastern boundary of the site. Whilst this department concedes that changing the direction of the kennels may improve the level of noise disturbance for a property to the west of the site, it is not certain that it will improve the situation for properties to the north and south of the site. This being the case, this department has discussed with the applicant the possibility of erecting an acoustic barrier on the western side of the kennel blocks, along with the introduction of a noise management procedure.

I can confirm that this department is now in receipt of the following information which has been submitted in support of the application:

- letter dated 23 January 2009 from Adam James Consultancy Ltd
- letter dated 16 January 2009 from Craig Ferris of Northcroft Boarding Kennels which includes Noise

Minimisation Guidance dated 2009, a Training and Induction Policy dated 2009, a specification of the roof for the existing kennel block extension, and a drawing which proposes the location of an acoustic fence.

The submitted noise specification for the kennel block roof suggests that its noise reduction performance is in the order of 25dB. This is a normal figure expected of standard acoustic insulation. It would be possible to improve the performance of the roof by adding a specifically designed suspended ceiling. It is unlikely, however, that this would improve the situation significantly as there are other acoustically weak points in the building where noise would escape. These are primarily the dog gates/flaps which allow the dogs access to the external runs and any doors or windows which are left open. The current kennel block has double glazing installed to doors and windows, with most of the windows being of a non-opening type. Some of the windows are able to be opened. The owners of the kennels state that they do not open these windows.

It is likely that the majority of the noise complaints relating to the kennels are associated with noise from barking dogs in the outside runs. At present the dogs have full view of the public right of way to the west of the site and full view of any individuals which resort to and from the premise. An acoustic fence would have the benefit of both screening the view of human activity both on and off the site and reducing the expected noise levels at residential properties.

The plan/sketch submitted with the application shows the proposed location of an acoustic fence. The proposed location and height of the fence appears to be acceptable. The proposed height of 2 metres would be suitable to ensure that the line of sight of the outside runs is obscured from any nearby residential property. The proposed location and extent of the fence is such that it would ensure that noise did not escape from the sides of the kennels. Unfortunately the applicant has not provided a detailed specification of the acoustic fencing. This aspect is important when assessing the potential attenuation capacity of the fence. It is essential that these types of structures do not have any gaps and are of sufficient density and of sufficient absorbency to ensure that sound transmission is limited and additionally sound is absorbed rather than reflected from the surface of the fence.

I am aware that within the last year the owners of the kennels have tried to improve the way they manage the noise issues. I am of the understanding, from information supplied by the applicant, that the kennels allow dogs to be dropped off and picked up between the following hours: 1000-1200 hours and 1600-1800 hours on any day, dogs are not walked before 0800 hours in the morning on any day, dogs are kept in the internal runs between the hours of 1900 hours and 0800 hrs and the kennels close at 1900 hours.

It is recommended that the following conditions are placed on the planning permission:

- (1) All windows serving the approved dog kennel block shall be fitted with non-opening double-glazed units within three months of the date of this permission.
- (2) Within one month of the date of this permission a detailed technical specification for an acoustic fence shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the size and design of the panels and gate, including:
 - (a) the expected noise attenuation of the product(s), including the noise reduction over the frequency spectrum;
 - (b) the density of the product(s); and
 - (c) the absorptive capacity of the product(s).
- (3) Within two months of written approval for the acoustic fence technical specification, an acoustic fence shall be sited in accordance with the letter and associated plan submitted by the applicant dated 16 January 2009 and the approved acoustic technical specification required by condition (2) above. The approved scheme shall be maintained and retained thereafter.
- (4) No kennel dogs shall be walked before 8am or after 7pm on any day.
- (5) Clients shall not drop off or pick up dogs from the kennels outside the following hours on any day: 10am to 12 noon and 4pm to 6pm.

- (6) Kennel dogs shall not have access to the outside pens between the hours of 7pm and 8am on any day.'

PARISH COUNCIL

Object. 'The parish council is opposed to this application because the dog kennels face each other with no barrier or sound-proofing to stop them seeing each other which results in continuous barking at each other. This incidentally was not the layout for which they were originally given permission thereby being a breach of planning permission. The cattery faces the dogs which again causes the dogs to bark and again no sound barriers and the noise travels to nearby houses. Why were these buildings allowed to each other in the first instance? We enclose a copy of a letter of complaint sent to us.'

PUBLICITY

Advertised by site notice and adjoining properties notified. Four letters of objection (three from the same objector) have been received raising the following material planning considerations:

- change in orientation and position of the kennel block has caused additional noise and disturbance
- loss of sound barrier
- additional noise and disturbance from customers
- kennel block is not full to capacity so potential for increased noise and disturbance
- hedge around the site will not reduce noise
- acoustic fence will not reduce noise
- statutory nuisance is being caused

ASSESSMENT

This is a retrospective application as the works have already been carried out on site. The application is to retain a block of dog kennels comprising 10 covered kennels with dog runs with a corridor and path incorporated into the design, 4 cat pens and 1 dog kennel and run for the owner's dog(s).

The main issues associated with this case are whether the proposal is acceptable in planning policy terms and, if so, whether the impact the development has on the open countryside and on neighbours is acceptable.

The site is located within the open countryside where this type of facility is often located due to the large area of land required and access to public rights of way for dogs to be walked. It is also an employment-related use appropriate in the open countryside. The proposal therefore accords with policies ST3 and RD2 of the North Lincolnshire Local Plan and advice given in PPS7.

The site has an extant permission for an L-shaped block of kennels attached to the original block of kennels on the site (2004/0932). This permission expires on 22 July 2009 and therefore can still be implemented on site. This earlier permission granted 30 additional dog pens with runs on the site giving a total of 40 dog pens and runs within the one kennel block. The dog runs on this application faced eastwards and southwards.

The current retrospective application the subject of this report is for 10 additional dog runs and pens. The dog runs face west towards the access road. Therefore this application is for a total of 20 dog pens and runs within the one kennel block as opposed to the 40 already approved on the site.

It is accepted that dogs do create the potential for noise and disturbance on the site and to the surrounding area. When customers enter the site or people pass the site they are visible to the dogs in their runs. This creates noise from dogs barking. There is a 2 metre high hedge along the western boundary of the site which will potentially screen vehicles and pedestrians using the access road in the summer months, although in the autumn, winter and spring months vehicles and pedestrians will be visible.

The nearest dwelling is approximately 16 metres from the application site. A 3 metre high conifer hedge is located between the properties. This hedge reduces the visual impact of the kennel block to the neighbour but will not reduce noise from the dogs.

It is accepted that the dogs on the site are causing noise disturbance to adjoining properties. It is considered that an acoustic fence placed in front of the kennel block will screen from view customers arriving at the site and passers by. This should reduce noise levels. Planning conditions can also be used to ensure that the dogs are kept in pens in the evenings and the hours that customers arrive to drop off and pick up dogs can also be controlled. Conditions can also ensure that non-opening double-glazed windows are installed in the new kennel

block. These conditions will help to reduce noise levels from the site.

The applicant has also applied to retain four cat pens and the owner's dog pens. The cat pens are sited adjacent to the boundary hedge and are 17 metres from the dog kennel block. Some trees are located between the buildings. Cats are not typically noisy animals and the location and design of the cat pens are considered acceptable.

The owner's dog kennel resembles a shed. It is located adjacent to the 3 metre high conifer hedge. The dogs in the kennel block are not visible to the owner's dogs. The dogs in the owner's dog kennel will not be visible to the dogs in the kennel block and will therefore have a minimal impact on noise levels from the site. These two buildings are considered to be acceptable.

In terms of the visual impact on the countryside, the buildings are visible within the landscape. However, the kennel block approved in 2004 was much larger than the kennel block now erected on site. As a result, the visual impact of this building on the countryside is somewhat less than what has been previously approved. The kennel block is 2.3 metres high and the pens are metal-fronted. The visual impact of the kennels is minimal in this case.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

All the windows serving the approved kennel block shall be fitted with non-opening double-glazed units within three months of the date of this permission and thereafter retained as such at all times.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

2.

Within one month of the date of this permission a detailed technical specification for an acoustic fence shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the size and design of the panels and gates, including the expected noise attenuation of the products and the noise reduction over the frequency spectrum, the density of the products and the absorptive capacity of the products.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

Within two months of the written approval for the acoustic fence technical specification, an acoustic fence shall be sited in accordance with the letter and associated plan submitted by the applicant dated 16 January 2009 and the approved acoustic technical specification required by condition 2 above. The approved scheme shall be maintained and retained at all times.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

All kennel dogs shall be kept in the enclosed part of the dog pens of the approved kennel block with no access to the dog run area part of the pen between the hours of 7pm and 8am every day.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Customers using the dog kennels shall only drop off and collect their dogs between 10am and 12 noon and 4pm and 6pm every day.

Reason

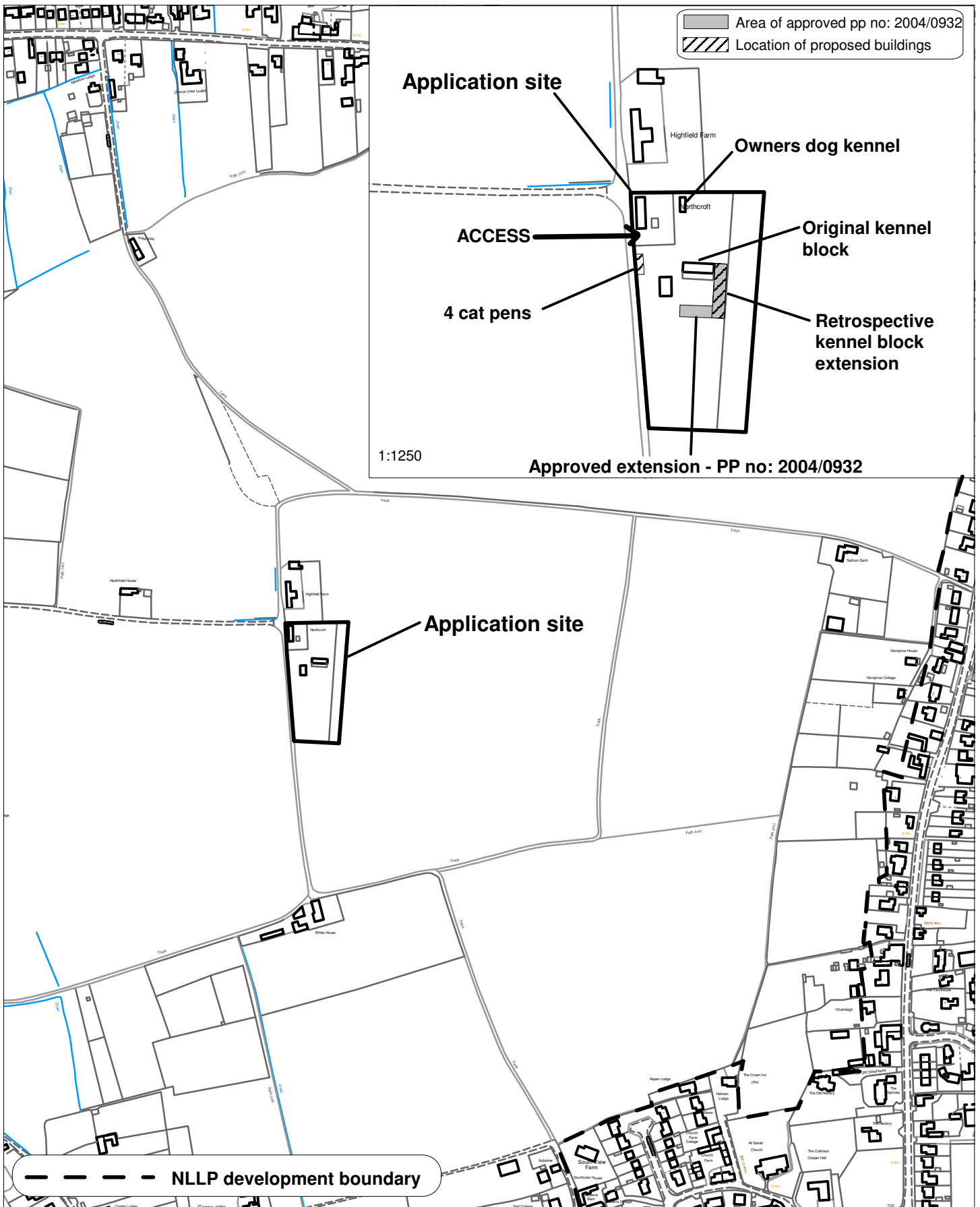
To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No kennel dogs shall be walked before 8am or after 7pm at night on any day.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.



Drawing Title: 2008/1363

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Highways and Planning Service

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