

**APPLICATION NO** PA/2014/1289

**APPLICANT** Miss L Stephenson

**DEVELOPMENT** Planning permission to vary condition 3 of PA/2006/1601 dated 10/011/2007 to allow access to the kennels from 6am to 7pm

**LOCATION** Sandwood, Whins Gate, Eastoft

**PARISH** EASTOFT

**WARD** Axholme North

**CASE OFFICER** Scott Jackson

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Eastoft Parish Council

## **POLICIES**

**National Planning Policy Framework:** Section 3 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

**North Lincolnshire Local Plan:** Policies RD2 and DS1 apply.

**North Lincolnshire Core Strategy:** Policies CS1 and CS2 apply.

## **CONSULTATIONS**

**Highways:** No objection.

**Environmental Health:** This department has historically received complaints in relation to noise from the site, however investigations have never established a noise nuisance. Recommend variation to the condition to read:

‘The dogs shall be kept enclosed within the kennels with no external access between 7pm and 6am. The only exception to this shall be to enable dogs to be returned to their kennel after a race meeting.’

## **PARISH COUNCIL**

Object on the grounds that the existing dogs numbering 50-60 in total howl and upset the neighbourhood in the early mornings and at night. The returning of dogs following race meetings upsets other dogs and this often takes place outside of these times. At present members of staff arrive at 6.45am and proceed to feed and walk the dogs. The proposed variation seems to constitute unsocial hours for the neighbourhood.

## **PUBLICITY**

Neighbouring properties have been notified. No comments have been received.

## **ASSESSMENT**

The application site is a kennels used for the keeping of greyhounds in the open countryside outside of Eastoft. Permission was granted to retain this use and the associated kennel block under PA/2006/1601 subject to various planning conditions. The kennels are located approximately 200 metres to the rear of Sandwood and are bounded by residential properties to the east and open fields to all other sides. There is a drain running along the southern side of the site and a telecommunication mast that is visible to the south-east of the site. The kennel block is located at the very rear of the site with a field used for dog walking located between the kennels and neighbouring residential properties. This application seeks planning permission to vary condition 3 of the 2006 planning application to allow the kennels to be accessed from 6am until after 7pm when the dogs are returned from races.

**The main issue in the determination of this planning application is whether the variation to the planning condition will result in loss of residential amenity.**

The applicant is seeking to vary the condition on the 2006 planning permission to allow a greater degree of access to the kennels on a daily basis. At present the condition permits access to the kennels between the hours of 8am and 7pm on a daily basis, it requires feeding only to take place during these times. The applicant has submitted a supporting statement with the planning application setting out why access to the kennels is required outside the permitted hours. It states that occasional access is required from 6am onwards for attending veterinary appointments in the south or preparing dogs before attending morning race meetings in Sheffield. This results in dogs using the emptying paddocks before travel to the vets/race meetings. Similarly access is required after 7pm to unload and settle the dogs following travel home from race meetings. The statement goes on to highlight that the times of attendance at race can vary from week to week.

It is worth noting that Environmental Health has considered the proposal and raised no objection to the variation to the hours of access, including from 6am on a daily basis. In addition they have recommended that access is only permitted outside these hours when associated with the return of dogs following a race meeting. Furthermore they have commented that noise complaints have been received in relation to the kennels in the past, however a statutory noise nuisance has never been established. It is considered that allowing access to the kennels for an additional two hours in the morning (i.e. from 6am rather than 8am) will not result in loss of residential amenity through noise disturbance to neighbouring properties at unsocial hours, particularly given the rural location of the kennels and the distance to residential properties.

Paragraph 28 of the National Planning Policy Framework states that planning policies should support economic growth in rural areas and support the sustainable growth and expansion of all types of business and enterprise in rural areas. It is considered that by allowing access to the kennels outside the hours of 6am and 7p, solely for the purpose of returning the dogs following a race meeting would allow the degree of flexibility being requested by the applicant and would ensure that an existing business can continue to operate in this rural location. It is worth noting that the applicant resides at the site and is

therefore available for the day-to-day management of the business and the dogs in terms of noise management.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

The planting which has been implemented in accordance with the details in the applicant's letter of 8 December 2006 shall be maintained at all times unless otherwise agreed in writing by the local planning authority and shall be allowed to grow to a height of 2 metres and then retained at that height. Any specimens becoming diseased or dying shall be replaced in the next planting season with the same species.

**Reason**

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

2.

No more than 64 dogs shall be kept on the premises at any one time. Only greyhounds shall be kept and no breeding of dogs or commercial boarding shall take place at any time.

**Reason**

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

3.

The dogs shall be kept enclosed within the kennels with no external access between the hours of 7pm and 6am. The only exception to this shall be to enable dogs to be returned to their kennels following a race meeting.

**Reason**

To define the terms of the permission and to minimise the impact of the development on adjacent properties, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

All windows to the kennels shall be double-glazed and kept shut at all times. A suitable air exchange system shall be installed to allow ventilation in accordance with details to be submitted to and agreed in writing by the local planning authority.

**Reason**

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

5.

Within one month of the date of this planning permission all the external walls shall be painted a dark green colour and be thereafter so maintained.

**Reason**

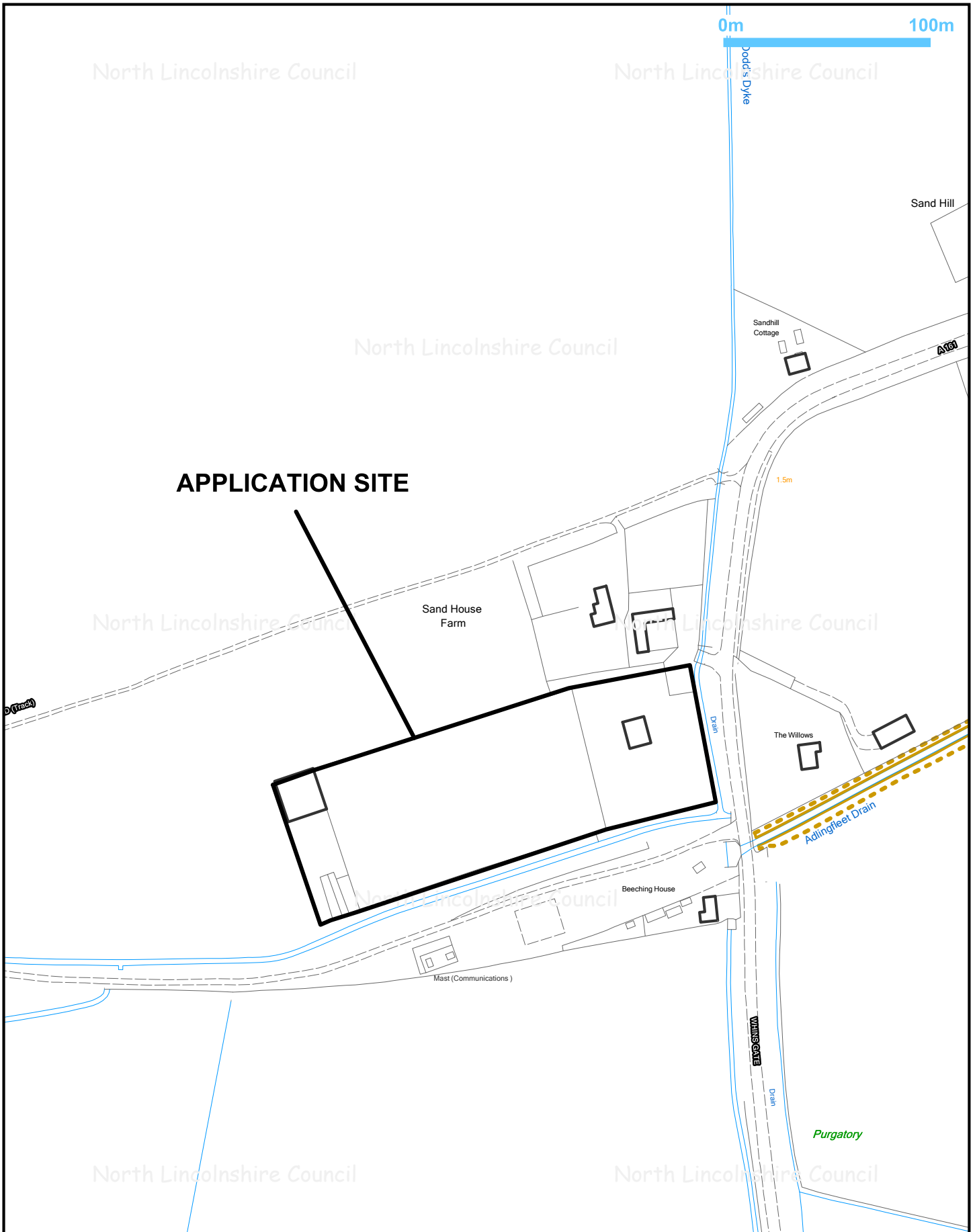
In the interests of the visual amenities of the area and to comply with policy RD2 of the North Lincolnshire Local Plan.

**Informative 1**

Please note that those planning conditions which were formally discharged against planning permission PA/2006/1601 (the original application) are also considered to be formally discharged as part of this planning permission. The conditions are replicated for continuity and to allow changes to be made to those details previously approved.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

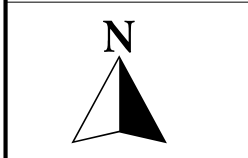


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