

Application No: 2007/210	Application Type: Full
Proposal: Erection of boarding kennels to accommodate 27 dogs	Location: Higher Bridge Clough House Coal Pit Lane Waterfoot
Report of: Head of Planning, Legal and Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 26 June 2007
Applicant: Mr L D Marson	Determination Expiry Date: 25 May 2007
Agent : Mr S Hague	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	X
Other (please state)	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. APPLICATION DETAILS

1.1 The Site

This application relates to a broadly triangular site, of approximately 0.4ha in area, that bounds to Coal Pit Lane. This small field lies immediately to the north of the applicant's house, within an area identified as Countryside in the Rossendale District Local Plan.

2. PLANNING HISTORY

No previous planning history exists for the site.

3. The Proposal

3.1 Permission is sought to erect a single-storey building of stone/slate construction, to accommodate 27 dogs kennels/exercise areas, together with a wash area, reception, staff room and toilet facilities. The building would be 21m in length and 10.6m in width, with a gutter height of 2.3m and a ridge-height of 3.7m. The building would be sited towards the eastern boundary of the site, taking access from the track which presently serves the applicants house, with four car parking spaces to be provided immediately adjacent to it.

3.2 In support of the proposal the applicant says:

"It has become apparent that there is a distinct lack of this facility within this and the local surrounding area. I aim to build a luxury boarding kennels to house boarding dogs to fulfill demand by local residents. The building is to be built in keeping with the surrounding area, out of stone with a slate roof. There is to be a reception/office area with toilet facilities. The office will lead to a compound area to which the dog shower room and each of the dog kennels are accessed and at the far end of the kennel courtyard will be a fire door as a secondary escape route.

3.3 *Eco friendly lighting will be used throughout the kennels in a bid to conserve energy. We will be fitting our own underground water tanks with submersible pumps to catch and hold rain water which will then be utilized for the hosing down of kennels on a daily basis. An underground septic tank will be fitted and used for the daily cleansing of kennels and runs. Harsh disinfectants and cleansing agents are not required in kennels which are cleaned thoroughly on a regular basis.*

3.4 *We would always try to prevent the dogs from making noise in the first instance, however in the event of a dog or dogs barking the kennels have been designed to acoustically dampen as much noise as possible to alleviate disturbance to neighbouring properties. The kennels themselves will be soundproofed and each dog will be locked away in an evening thus creating no noise during the night. The runs face inwards into the courtyard compound which separates the two rows of kennels in a bid to contain and muffle noise*

rather than being projected across the valley should the runs have been facing outwards.”

4. POLICY CONTEXT

Rossendale District Local Plan (Adopted 1995)

- DS5 - Outside Urban Boundary
- DC1 - Development Control
- DC4 - Materials
- DC12 - Cat and Dog boarding establishments

Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Main Development Locations
- Policy 7 - Parking
- Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

- PPS1
- PPS7
- PPG13
- LCC Parking Standards

5. CONSULTATIONS

5.1 LCC (Highways)

No objection.

RBC (Environmental Health)

No objection, subject to the imposition of conditions in relation to sound insulation.

Environment Agency

No objection, subject to the imposition of conditions in relation to the provision of a scheme relating to discharge of foul and surface water.

6. REPRESENTATIONS

- 6.1 As a result of neighbour notification letters issued on the 3 April 2007 and posting of a site notice, two letters of support have been received and seven letters of objection
- 6.2 The letters of support say that the applicant is of good character and has always kept their dogs under control and clean and in a clean environment.
- 6.3 The letters of objection express concern about the following matters:
 - Need for the kennels/Impact upon adjoining livestock
 - Scale of the proposed building
 - Hygiene/Noise problems
 - Water supply/Power supply issues

- Inadequate access/Construction traffic
- Adverse affect on rural character
- Potential for increased fly tipping
- Decrease property value

7. ASSESSMENT

- 7.1 The application site is located within the Countryside outside the Urban Boundary, wherein Policy DS5 of the Local Plan indicates that development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area or the rehabilitation and re-use of existing buildings.
- 7.2 However, in recognition of the fact that it is often difficult to find suitable sites within the Urban Boundary on which to locate catteries and kennels there is a specific policy in the Local Plan relating to them. Policy DC12 reads as follows :
- 7.3 The Council will consider development proposals for dog and cat boarding/breeding facilities on their merits. However, in all cases the requirements of the following criteria will have to be met:
- a) The proposals shall not result in any unacceptable loss of amenity to the occupiers of property surrounding the site and in the locality: in particular, adequate measures shall be taken to control noise from the site and premises.
 - b) The proposals shall not create unacceptable highway safety and traffic problems and shall include adequate vehicle parking and turning facilities.
 - c) Any buildings and other facilities should be of good design, reflecting local building tradition, the characteristics of the site and use appropriate materials. Wherever possible existing buildings/enclosures should be modified or adapted for use.
 - d) Where appropriate, adequate screening and landscaping should be provided.
 - e) The facilities provided shall fully meet the welfare, health and hygiene requirements of the animals.
 - f) The scheme shall include full acceptable details for drainage and the disposal of foul effluent, including animal faeces.
- 7.4 Noise
The proposed building would be more than 100 metres from the nearest neighbouring dwelling.
- 7.5 The Council's Environmental Health Officer is satisfied that the proposal would not result in unacceptable noise disturbance for neighbours subject to conditions to ensure : 1) the building is constructed with the necessary acoustic insulation; & 2) the windows to the kennels remain closed between the hours of 8am and 8pm.
- 7.6 Highway Safety/Traffic

The applicant has advised that two people will be employed in the operation of the kennels and is proposing to provide parking for 4 cars within the site. They estimate that a maximum of 10 vehicles will visit the site each day. The applicant has committed to funding the upkeep of part of the road. However, the road is unadopted and its up-keep is a private matter, not something which the Council has no jurisdiction over.

7.7 The Highway Authority raises no objections to the proposal.

7.8 Design & Appearance

The single-storey building proposed is to be constructed in natural stone and natural slate materials.

7.9 It is considered that the proposed building would not look out of place in the locality as it would be an acceptable design and traditional facing materials.

7.10 Landscaping

7.11 The applicant has indicated on the submitted drawings that they intend to undertake boundary planting. A condition is recommended to secure this.

7.12 Welfare/Health/Hygiene Requirements

7.13 The Council's Environmental Health Officer advises that dog boarding establishments require a Licence to operate and that they have been in communication with the applicant regarding the standards needing to be met in terms of animal welfare/health/hygiene.

7.14 Drainage/Waste Disposal

7.15 The Environment Agency has no objection in principle to the proposed development. In accordance with its wishes, a condition is recommended to ensure implementation of a satisfactory scheme of foul and surface water drainage.

7.16 Other Matters

7.17 In relation to matters raised by objection letters not already discussed, the applicant has also made reference in her supporting evidence that the dogs will not be exercised off a lead and, therefore, the potential for harm to the livestock of neighbours is negligible.

7.18 Residents comment on a potential decrease in property value. This is not a material planning consideration and cannot therefore be taken into account.

7.19 Should this application be approved, hours of construction can be the subject of a condition to minimise any potential disturbance.

8. CONCLUSION

- 8.1 It is considered that, subject to conditional control, there is no objection in principle to the proposed development, nor will it detract to an unacceptable extent from the character and appearance of the area, highway safety, the amenities of neighbours or in respect of any other material planning consideration.

9. RECOMMENDATION

- 9.1 That permission be granted subject to the following conditions :

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. Notwithstanding any details shown on the previously submitted plans and specification, the development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To protect the appearance of the locality and in the interests of the amenities of local residents, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
3. Before the development hereby approved commences, the building shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be implemented prior to the development hereby approved first being brought into use and shall thereafter be maintained.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
4. The windows to the kennels to remain closed between the hours of 8pm and 8am.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
5. No development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The submitted scheme shall provide details of the protection to be afforded during construction to planting to be retained, of the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and visual amenity, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

6. All hard-surfaced areas/walls/fences forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to first use of the building, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building. Any trees or plants in the approved scheme of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and visual amenity, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

7. Before the building hereby permitted is first brought into use, the parking and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out in accordance with the approved plan, and shall thereafter be kept freely available for use as such.

Reason: To ensure safe and satisfactory on-site provision of car parking and manoeuvring areas, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

8. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans prior to the development hereby approved being brought into use and shall thereafter be maintained.

Reason: To ensure a satisfactory means of drainage, in accordance with Policy DC12 and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

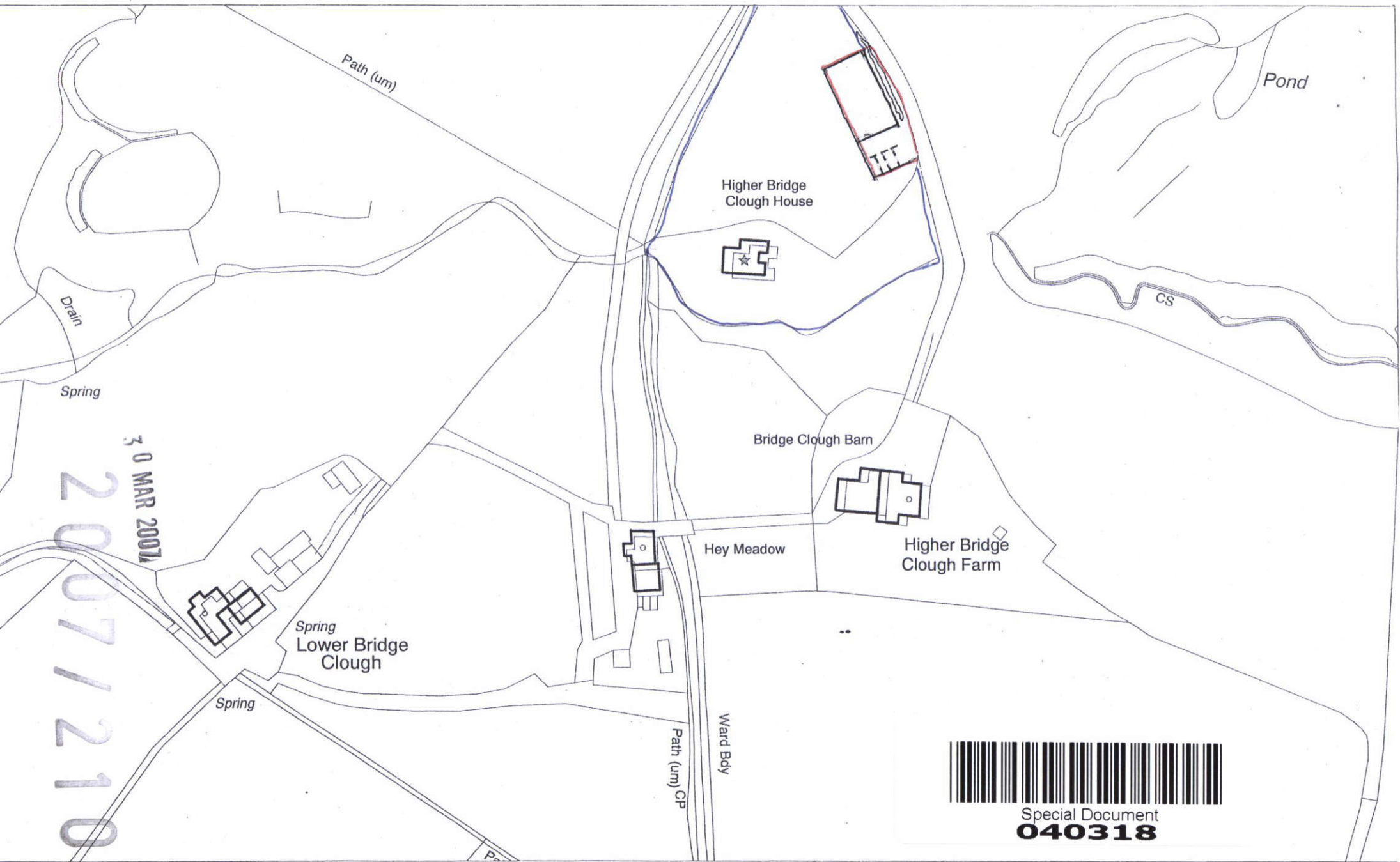
9. The development hereby permitted shall be carried out in accordance with the amended drawing received on 9 May 2007.

Reason: To define the permission and ensure a satisfactory form of development.

10. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: For the avoidance of doubt and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

Contact Officer	
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Path (um)

Pond

Higher Bridge Clough House

Drain

Spring

CS

Bridge Clough Barn

30 MAR 2007

2007/210

Hey Meadow

Higher Bridge Clough Farm

Spring Lower Bridge Clough

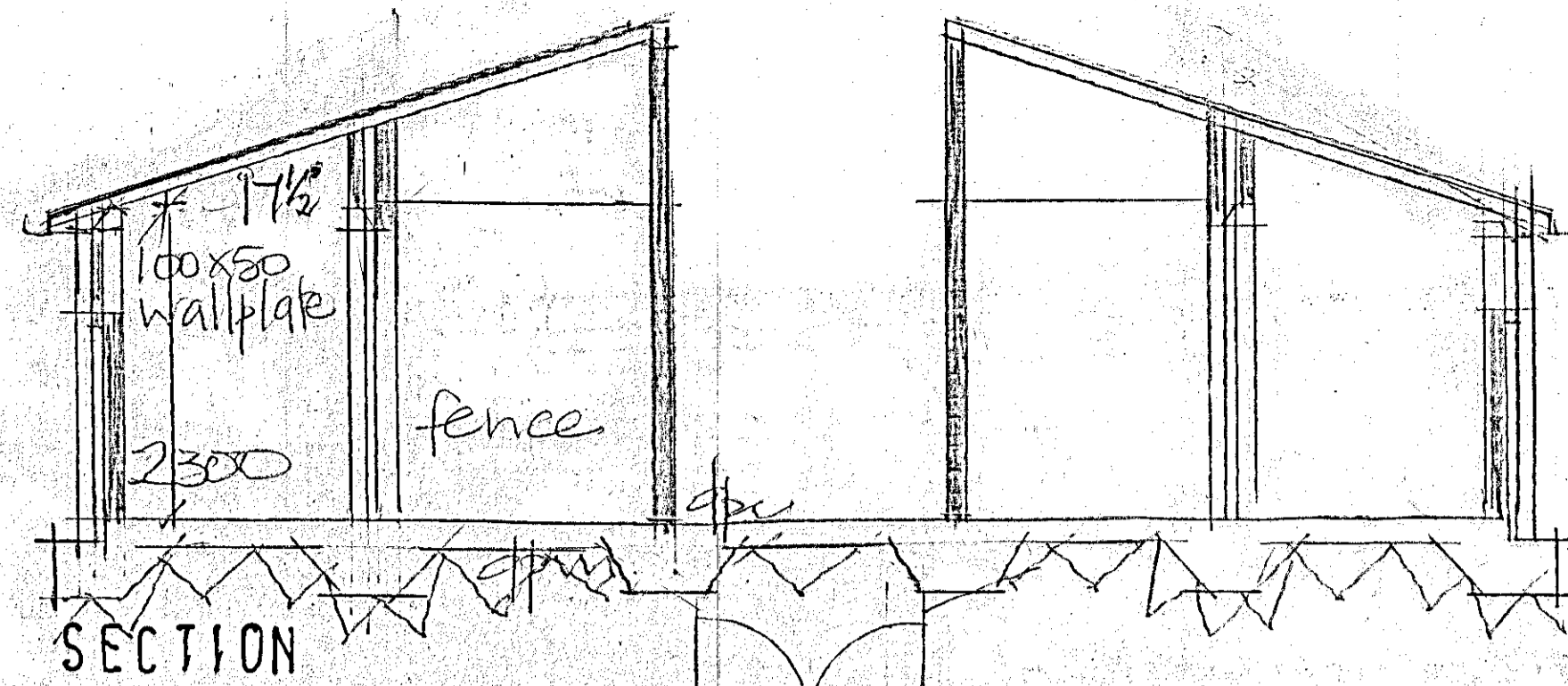
Spring

Path (um) CP

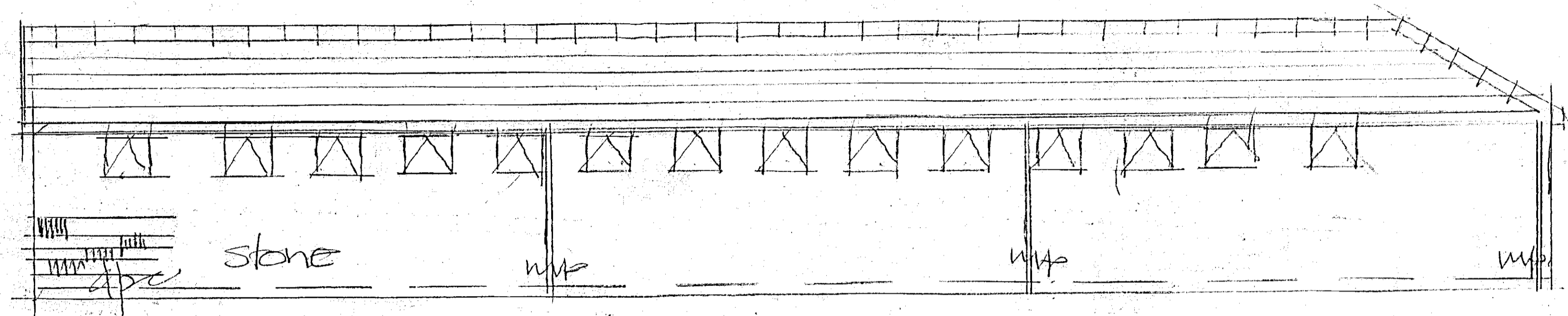
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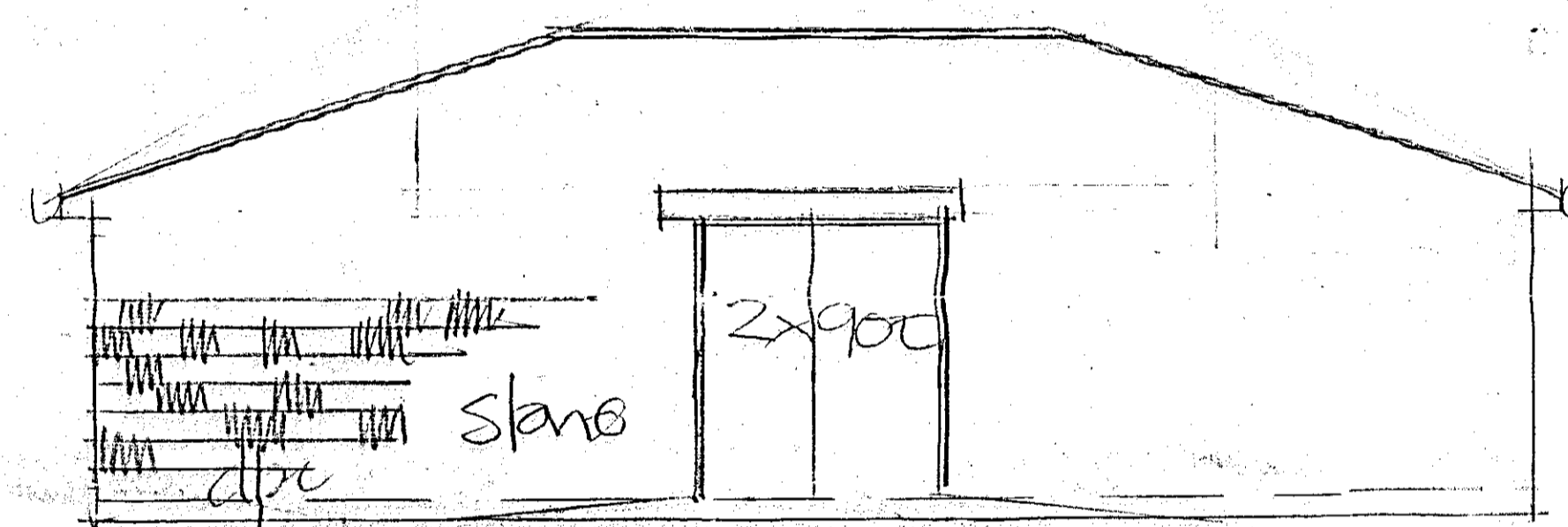
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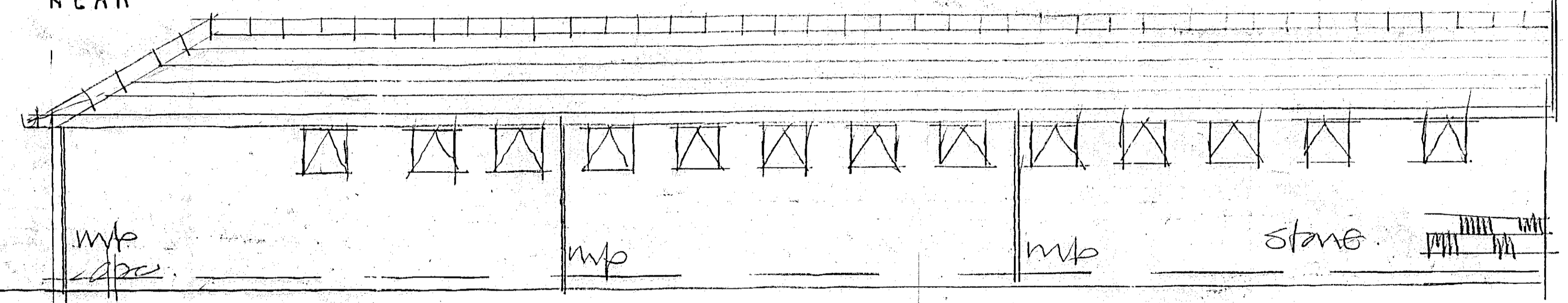
FRONT



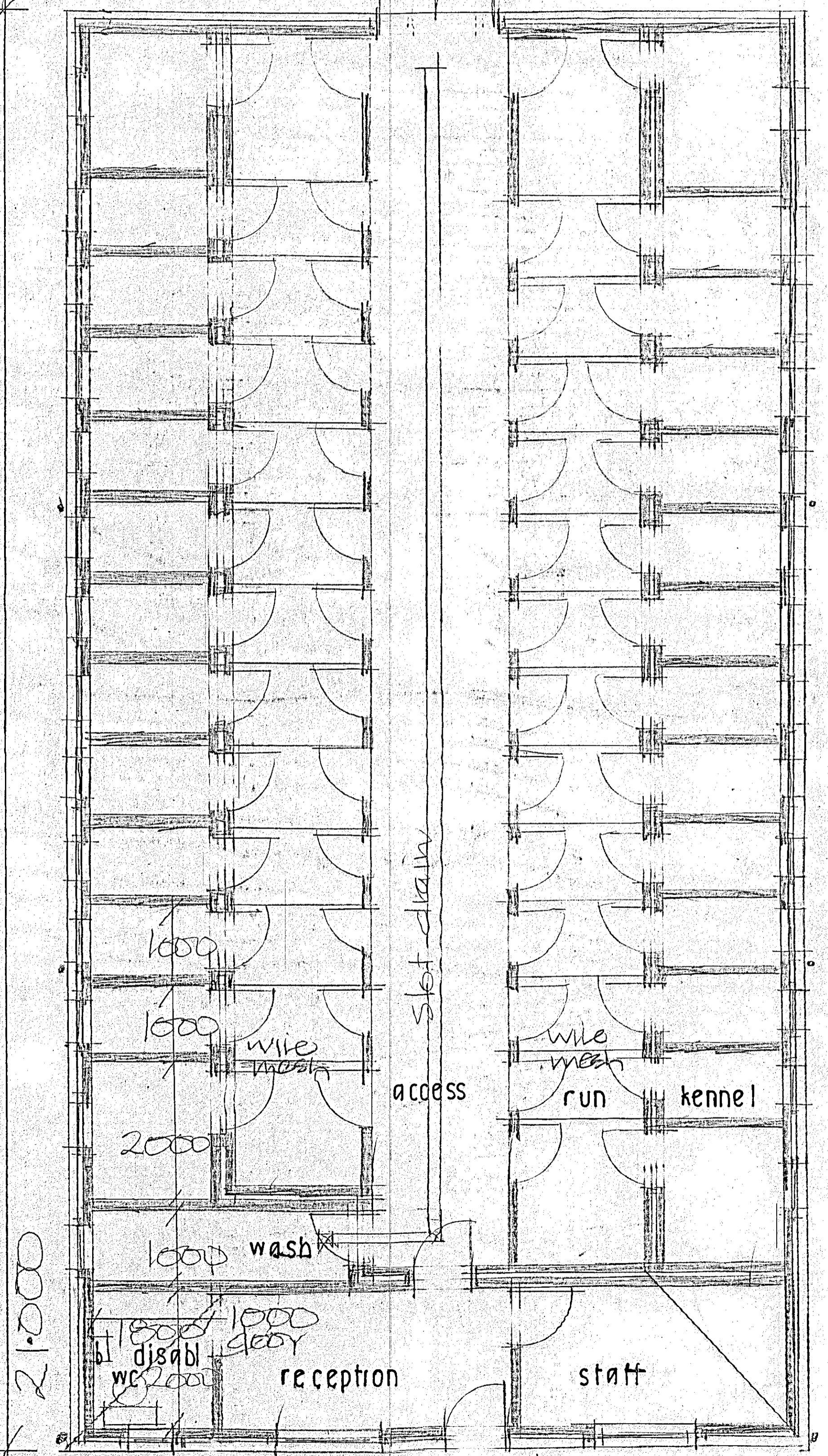
SIDE



REAR



SIDE

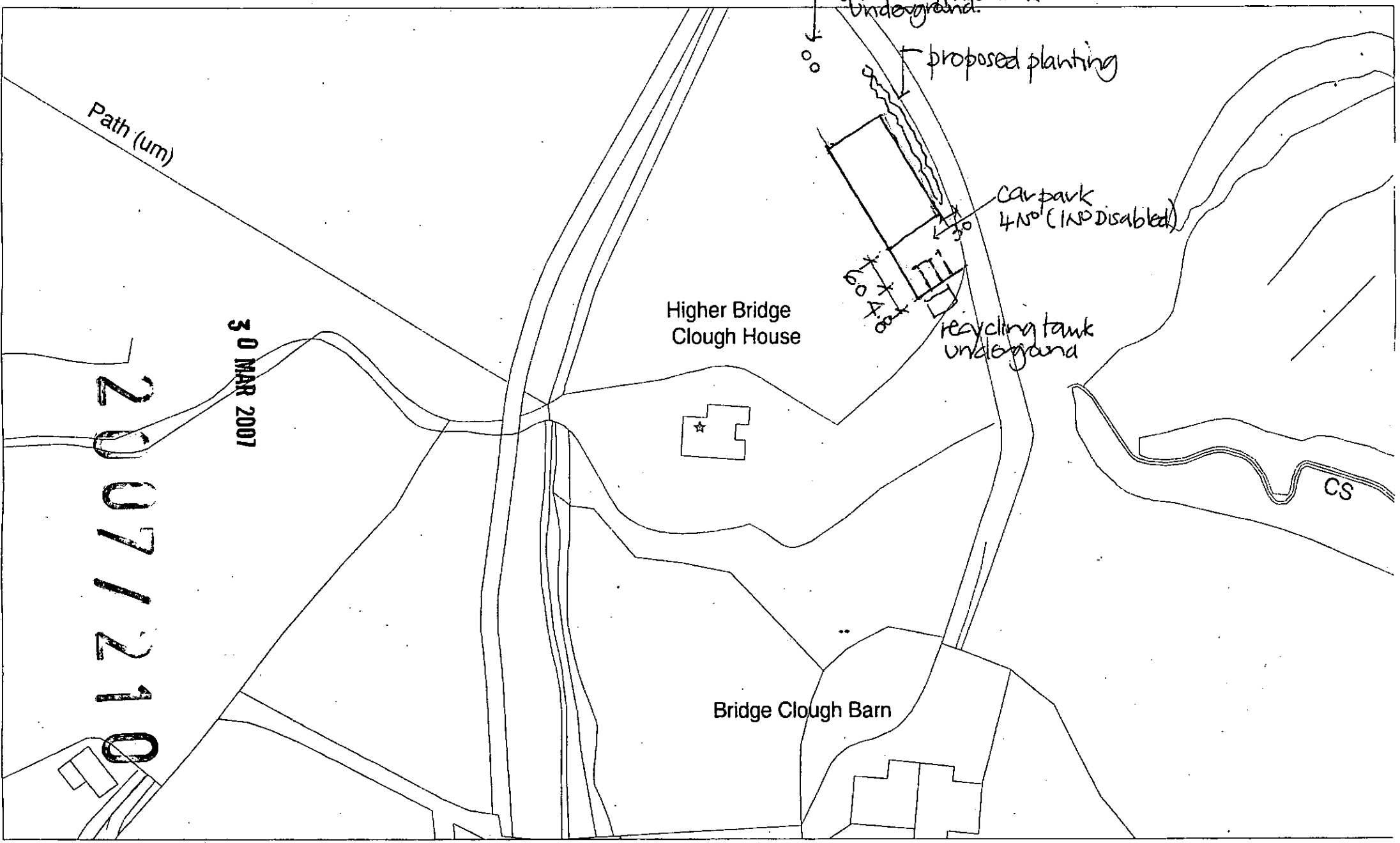


PLAN

NOTES

- ALLOW FOR ALL PERMISSIONS UNDER THE PARTY WALL ACT 1936 BUILDING TO THE BOUNDARY
- ALLOW FOR CHECKING ALL SERVICES EXISTING GROUND WITH TRIAL DIGS
- ALLOW FOR MAKING ALL CONSTRUCTIONAL AND MATERIAL QUERIES BEFORE WORKS START
- ALL WORKING DIMENSIONS TO BE CHECKED ON SITE BEFORE CONSTRUCTION
- ALL WORKS TO COMPLY BUILDING REGULATIONS 2000 AMENDMENTS
- ALL STRUCTURAL TIMBERS STRESS GRADED TREATED ENDS
- ALL CAVITIES TO BE CONTINUOUS REINFORCED CONCRETE LINTELS TO OPENINGS CAVITY CLOSERS TO DOOR WINDOW REVEALS CILLS
- WINDOW VENTILATION TO 1/20th FLOOR AREA TRICKLE VENTS TO 8000mm²
- ALL ELECTRICAL WORKS TO NICEIC REGULATIONS BY REGISTERED ELECTRICIAN ISSUING COMPLETION CERTIFICATE TO PARTP BS7671
- ROOF 17/12 PITCH
- MARLEY MODERN CONCRETE TILES TO SPECIFICATION ON 50x25 TREATED BATTENS ON ROOFING FELT ON 100x50 RAFTERS AT 400 CENTRES OFF
- 100x50 WALLPLATE STRIPPED 1200x30x6 MM HS STRAPS AT 1000 CENTRES UP VERGE
- WALLS
- 100 BED COURSED STONE 50 CAVITY 100 THERMAL BLOCKWORK
- STAINLESS STEEL WALL TIES AT 750 HORIZONTALLY 450 VERTICALLY
- FLOOR FOUNDATION
- 150 REINFORCED 1.2.4 CONCRETE SLAB WITH THICKENERS TO ENGINEERS
- DETAILS ON 1200 VISQUEEN DPM ON BLINDING ON 150 COMPACTED HARDWARE DRAINAGE
- 100 GUTTER INTO 68 RAINWATER PIPE TRAPPED GULLY
- 100 SUPERSLEEVE 1.40 DRAIN INTO RECYCLING TANK
- 100 DRAIN INTO SEPTIC TANK /SETTLEMENT TANK TO FOUL WASTE

20.07/210
30 MAR 2007



Path (um)

Septic tank / filter tank
underground

proposed planting

car park
4 No (1 No Disabled)

Higher Bridge
Clough House

recycling tank
underground

Bridge Clough Barn

CS

30 MAR 2007

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