

Item Number: 13
Application No: 16/00514/FUL
Parish: Scampston Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs R Stephenson
Proposal: Change of use, partial rebuilding and extension of agricultural buildings to form 24no. additional dog boarding kennels with attached individual covered exercise areas, office and food preparation area, change of use of detached building to an isolation block comprising 8no. kennels and open plan exercise pound, change of use of detached building to a covered dog exercise area to include sheeting over the open eastern gable end, change of use of building that abuts the proposed kennels to a covered dog exercise area, use of adjacent grass paddocks as outside dog exercising areas and for dog agility classes and formation of visitors parking area (part retrospective application)
Location: Wintringham Common Farm Malton Road West Knapton Malton North Yorkshire YO17 6RL

Registration Date:
8/13 Wk Expiry Date: 26 May 2016
Overall Expiry Date: 9 May 2016
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Countryside Officer	No views received to date
Environmental Health Officer	No objection subject to conditions and clarifications
Land Use Planning	No views received to date
Environmental Health Officer	Concerns have been adequately addressed, comments made
Parish Council	No objections
Highways North Yorkshire	No objection

Neighbour responses: Simon And Sarah Lacey, Mrs M Ruston, Mr Christopher Legard, Colin And Kathryn Milburn, Mrs Janet Sanderson, Mrs Erica Denton, Mr Thomas Cammish, Mrs Karen Hyatt, Mrs J F Maud, Ms Nicola Readman, Mrs Ann Sanders, Mrs Kate Warnock-Smith, Julia Peacock, Dr Katie Longmire, Mr Martin Denton, Mrs Stephanie Lacey, Mrs Diane Hebb, Mrs Ann Gates, Mrs Margery Bainbridge, Mrs Sarah Lally-Marley,

SITE:

The application site comprises a dwelling and range of traditional and modern farm buildings. A boarding kennels is operated from the site at present. The site is located within the open countryside within the Vale of Pickering landscape character area, to the north of West Knapton. Access to the site is gained via a private drive from Malton Road directly north of the Knapton Maltings. The application site is located at the end of the private access road which is approximately 1.2km in length. It is stoned for the first 800m and has sufficient width for two cars to pass. The final 440m has a tarmac surface and is single car vehicle width. There are also two farms (Poplar Farm and West Farm) served by the same private access.

PROPOSAL:

Planning permission is sought for the change of use, partial rebuilding and extension of agricultural buildings to form 24no. additional dog boarding kennels with attached individual covered exercise areas, office, and food preparation area. A change of use of a detached building to an isolation block comprising 8 no. kennels and open plan exercise pound, together with the change of use of detached building to covered dog exercise area to include sheeting over the open eastern gable end, and the change of use of building that abuts the proposed kennels to covered dog exercise area use of adjacent grass paddocks as outside dog exercising areas and for dog agility classes. The formation of visitor parking areas is also proposed (part retrospective application).

The retrospective aspects include:

- The 8 isolation kennels as proposed
- The use of the modern farm building to the south of the Wintringham Common Farm as an outdoor dog exercise area;
- The use of paddocks surrounding the site as outdoor exercise areas;
- The weekly dog agility classes;
- The use of part of a building on the north eastern side as an outside exercise area

The elements of the application that are not retrospective include:-

- The change of use, alteration and extension of an existing agricultural building to 24 no. kennels. The building is proposed to be 'L' shaped and has maximum measurements of 29m by 24m and is 2.4m to the eaves and 4.4m and fencing to the ridge height, together with the outdoor exercise pens.
- The installation of stock boarding and insulated sheeting to the eastern elevation of the modern farm building;
- The creation of a visitor parking area and screen fence to the north of the proposed isolation unit.

The proposed materials for the traditional agricultural buildings are brick and clay pantile with wire mesh for the outdoor runs.

HISTORY:

The planning history includes:

2015: Planning application withdrawn for the change of use, partial rebuilding and extension of agricultural buildings to form 24 no. additional dog boarding kennels with attached individual covered exercise areas

2014: Agricultural Notification for an agricultural building for the storage of feed and machinery determined

2009: Planning permission granted for the change of use, alteration and extension of agricultural building to form boarding kennels for 28 dogs to include erection of attached exercise areas and associated parking

2005: Planning application approved for the erection of a building for the housing of sheep

2005: Agricultural Notification determined for a building for the housing of sheep

POLICY:

National Planning Policy

National Planning Policy Framework (NPPF) 2012
National Planning Policy Guidance (NPPG) 2014

Local Plan Strategy

Policy SP9 - The Land- Based and Rural Economy
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP19 - Presumption in favour of sustainable development
Policy SP20 - Generic Development Management Issues

APPRAISAL:

The main considerations in relation to this application are:

- The principle of the proposed development;
- The scale and design and alterations to the buildings;
- Highway safety;
- Impacts upon residential amenity;
- Landscape impacts;
- Ecology and biodiversity; and
- Developer Contributions

In 2009 planning permission was granted for kennels to accommodate up to 28 no. dogs. The plans approved on that application showed 28 kennels and an isolation kennel.

Following the implementation of the earlier approval, the applicants created an additional 8 isolation kennels and a food preparation area and associated dog run. In addition the applicant obtained a Licence for keeping up to 56 dogs at the site and accommodated more than 1 dog in some of the 28 No. kennels at the site therefore in breach of the 2009 planning permission. The applicants have also used a modern farm building to the south of Wintringham Common Farm and paddocks surrounding the farm as dog exercise areas. In addition, regular agility classes for dogs have been operated weekly from the site, together with the use of part of an agricultural building to the north east of the approved 28 No. kennels as a covered dog exercise area.. All of these operations are unauthorised and for which the applicant is seeking retrospective planning permission. The fact that the development/uses have taken place without planning permission is not in itself a material planning consideration.

In addition, the planning application also seeks planning permission for the change of use, alteration and extension of an agricultural building to create 24 No. additional kennels. Together with works to the eastern elevation of the modern agricultural building to help alleviate barking and a rearrangement of the entrance and parking layout.

Including their Isolation kennels there would be a total of 60 No. kennels on the site, with the abovementioned proposals. The applicant has stated that the kennels would be used to accommodate no more than 80 No. dogs in total and that 56 No. dogs have been accommodated on site currently in accordance with their licence, albeit without the benefit of planning permission.

Members should also note that the Dog licence and planning permission are two mutually exclusive regulatory regimes. Obtaining consent for one does not confer consent for the other.

Principle of the proposed development

The appropriate re-use of these traditional agricultural buildings as boarding kennels is supported in principle by Policy SP9 of the Local Plan Strategy.

Access and Highway Safety

The existing access to the public highway on Malton Road has been considered safe by the local Highway Authority for the proposed expansion of the existing kennels. The existing private road for the first 800m allows two cars to pass each other and the final 440m is single track only. The track contains speed bumps and apart from a 90 degree turn, (which is an open sided corner) the track is in a straight line affording vehicles good visibility and time to pull over. As such, the proposal is not considered to be detrimental to the safe operation of the public highway. The operation of the private road is a matter for the owner and those who use the road. The Local Planning Authority is satisfied that the proposed development has a satisfactory access to the public highway and will not be detrimental to highway safety.

Design, scale and alterations

The proposed changes to the buildings from a design perspective are considered acceptable and to reflect the traditional appearance. The materials proposed are also considered to be acceptable.

Landscape Impact

The re-use of these existing buildings and the proposed outdoor uses are not considered to have an adverse effect upon the Vale of Pickering landscape character area. The proposed alterations and uses will have limited impact from any public vantage points.

Noise, disturbance and amenity impacts

The site has an authorised use as kennels to house up to 28 No. dogs. Members will appreciate that the site is located within the open countryside and it is relatively isolated. The following properties are the closest to the site:

- Knapton Lodge - 680m to the east of the site
- Wath House Farm - 1.15km to the north east of the site
- Poplar Farm - 520m to the south of the site
- West Farm - 160m to the south of the application site

Objections regarding noise have been received from the occupiers of Wath House Farm, West Farm and Knapton Lodge. In addition noise recordings of current activities and diary notes of noisy activity from the occupiers of Knapton Lodge have been submitted for the Environmental Health Officer to consider.

When Officers visited the site (on several occasions), there were no issues regarding traffic movements or passing problems. The noise from the kennels was not audible on the approach road. Upon arriving into the main courtyard area, once the dogs are disturbed, barking was evident. The barking soon ceased after entering the buildings or being out of sight of the dogs. In addition, Officers consider the outdoor exercising of dogs in the modern farm building to the south (which is open sided on its eastern side) is also likely to give rise to some of the noise, stated to have been heard by the objectors. With the extension of the proposed kennels, there is the possibility of the barking noise increasing. It is considered that the prevailing wind are likely to be south westerly and this would carry the noise away from West Farm and Poplar Farm and towards Knapton Lodge and Wath House Farm. This could explain why the occupiers of those properties have reported as being affected by noise and disturbance.

The Environmental Health Officer had requested that noise recording be undertaken from the 4 identified properties to ascertain the noise levels at the properties. Upon further reflection the Environmental Health Manager considered that level of noise testing was too resource intensive. It was subsequently decided by the Environmental Health Officer that noise recording initially recorded should be taken from Knapton Lodge and West Farm only.

Following the noise monitoring and further careful consideration the Environmental Health Officer has stated the following:

'Further to the many phone calls, discussions, meetings and visits relating to the above application , I feel I am now in a position to give my formal response. I can confirm my opinion that it is possible to control the noise emitted from the above premises, and the associated development, by a combination of physical and management controls, and I believe that subject to the conditions, outlined below, and minor clarifications of structural finishes, I have no objection to this development.

My main concern relating to this type of development in any location is the potential to affect residential amenity due to noise from dog barking, and to a lesser degree from noise due to increased activity on site, and smells from dog faeces and its disposal.

The location in a rural farmland area is such that there are few residents who are potentially affected, and may of them already experience noise and smells from farming activities and possess dogs themselves.

I have looked at the objections to this development and the complaints regarding existing (albeit in part) unauthorised use, and have carried out monitoring visits and recordings to both complainants and applicants premises. It is of note that Environmental Health have received no complaints regarding noise from the activities on site prior to this planning application submission. Letters have been sent to objectors to see if they would like recording equipment to be installed and to request diary evidence for the nature of the noise complained about. Only one objector has provided diary evidence, with themselves and one other having had recording equipment installed, one to the Southwest of the site and one to the East. The recordings carried out over several days did not capture any significant noise disturbance, and comments were made that 'its been quiet lately'.

It has been difficult to determine the exact reasons for barking complaints and the evidence obtained from complainants suggests it varies on an hourly and weekly basis, but no substantiated evidence suggests that barking continues for more than a few minutes at a time. I have been on site or at complainants property for up to an hour being unable to hear any barking, whilst there have been more than 40 dogs on site. Complainants have suggested that there have been prolonged periods i.e. weeks, when no barking is disturbing them.

No complaints have been made that barking continues overnight or much earlier than 7:30 am.

It is apparent that whilst the dogs are within their own individual kennels that barking is not an issue, (no complaints are received beyond 6pm when they are kennelled for the night)

Barking appears to cause an issue when the dogs are exercising , when there is an agility class, or when they are distracted e.g. by the arrival of a new dog or visitor to the site.

This application seeks to increase the number of dog kennels on the site , and to enable greater flexibility, by the construction of additional accommodation at the Eastern side of the site and by applying to use facilities for exercising dogs within the paddocks and an existing modern 'barn' building. The use of the barn building for external exercising of dogs gives me greatest concern. It is possible to sound insulate this building and the proposal is for part screening of the open gable end with sandwich composite panels but leaving the bottom section open mesh. I am concerned for this on two fronts. Firstly the open part is from ground to above dog height and will consequently allow barking to transmit through the open area.

Photographs submitted to me (which should form part of the application) showing an offset screen which demonstrate a temporary solution by screening the dogs whilst allowing fresh air and an open view for the dogs, should be further enhanced by applying an absorptive material, e.g. Rockwool to the inner side held in by open meshwork. It should be higher than the open fronted part to provide an effective sound barrier

From discussions with the applicant I feel the key part to ensuring that this development is acceptable (particularly in the long term) is the management of noise through a management plan which should form part of this application, and which should be conditioned to ensure that it is reviewed every two years, when operational or relevant physical changes are made, when change of ownership occurs, or at the request of the LPA. I also feel that it should be conditioned that the domestic accommodation onsite should be tied to the business use, to ensure that a member of staff is on site and available to deal with emergencies etc, and to ensure the continued residential amenity of the occupants.

As regards the noise management plan I would ask that it include the following (although this list may not be exhaustive),

The stated aim of the noise management plan would be reduce the incidence of dog barking causing neighbourhood disturbance by

Adequate exercising

Satisfactory welfare provisions, feeding, water provision and toileting

Management of dog breeds that cause problem

Establishing a routine for the dogs

Screening dogs from distractions, such as other dogs or human arrivals, or deliveries.

It should state the hours of use, normal arrangements for acceptance of new arrivals, the type of boarding to be used and where, the role of the various exercise areas (density and hours of use), the closing of windows doors and popholes, and the hours for agility classes, and location and parking arrangement for such.

In terms of the planning application currently before us, I welcome some of the amendments now provided at our request. However I have the following comments to make

The rearrangement of the reception/ customer/deliveries parking area into its new location by the domestic residence, is an essential part of this application. It is vitally important that this area is screened from the rest of the kennels to reduce disturbance, and the reception of dogs should form part of the noise management plan. This needs to be conditioned such that it is constructed prior to any new kennelling coming into operation.

The wooden gate and fence which divided the new development on the eastern edge from the paddock needs to be specified to an acoustic standard, possibly something along the lines of this

<http://www.acoustic-supplies.com/products/jcw-sound-gates/>

It is important that the fence and gates are sufficiently high and dense, without gaps to provide some acoustic insulation.

The number of dogs, other than domestic pets, kept onsite shall be limited to 80, with the new kennelling area to be used solely for longer term keeping. '

As a result of this, amended plans have been received to reflect the changes that are required to help alleviate the noise from barking dogs. The changes relate to the operation and layout of the entrance and parking areas, the cladding and stock proof fencing for the modern farm building and the fencing on the eastern side of the proposed 24 no. new kennels.

A Noise Management Plan has also been submitted by the agent, and is appended to this report.

The Environmental Health Officer in response to the Management Plan:

'I believe we have now come to a point where my concerns have been adequately addressed. I'll leave it to your discretion as to whether any of these measures will require to be conditioned e.g. opening/delivery hours and dog numbers, and a requirement to review/resubmit the noise plan at a given interval. I don't think there is much we can do regarding customer behaviour re driving, maybe it could be included in the noise plan , e.g. a sign to be erected reminding them to be careful and considerate to neighbours whilst exiting the establishment.'

In view of the above and the amendments made to the application, Officers consider that a condition restricting the kennels to no more than 80 No. dogs at any one time, and that the development is only undertaken in accordance with the Management Plan, that is reviewed every 2 years or updated following any significant change in activity at the site should be sufficient to safeguard the residential amenities of nearby occupiers.

The increase in vehicle movements to and from the kennels is not considered to give rise to a material adverse effect upon the occupiers of West Farm or Poplar Farm.

In view of this, it is considered that the proposed development subject to conditions should not give rise to a material adverse effect upon the amenity of occupiers of nearby properties.

Ecology

No response has been received to date from the Countryside Management Officer. An Ecological Report has been submitted that considers the risks to protected species to be low, with Section 3.6 of the Report there are recommendations and conclusions regarding undertaking the proposed works. In view of this a condition is recommended to ensure compliance with those recommendations/conclusions.

Other issues

The Parish Council has no objection to the application. There have been objections raised from 4 third parties. The issues raised include:

- Noise from the dogs
- Traffic levels on the access road
- Safety and speed of vehicles using the access track
- Rights of access over the track

In addition there has been several noise recordings and videos submitted from the occupiers of Knapton Lodge of barking dogs. Together with diary details of noisy activity from the site. These have been considered by colleagues in Environmental Health who have assessed the information before reaching their informed views regarding noise and amenity impacts, as appraised above.

The rights of way over the access track is not a material planning consideration. The use and comments about the use of the private road is noted, however, this is not considered to generate a material adverse effect upon the amenities of Poplar Farm and West Farm. The road is largely straight and there is good visibility along the road. It is also important to point out that there are single track roads within Ryedale that are likely to accommodate more traffic than the single track road in this case.

There has also been 16 letters of support that raise the following points:

- That the kennels are professionally well run, with good hygiene and the dogs are well cared for;
- The proposal allows the retention of traditional buildings;
- That the applicant provides a charitable element for rescued dogs and this could be expanded with the proposals;

- The kennels provide local employment and training opportunities;
- It is a good location for such a use;
- There is minimal noise produced by the use;
- Highway safety and access is satisfactory and drop offs are often staggered;
- The agility classes are healthy exercise for the dogs and owners;
- That those objecting hold different views to hunting than the applicants;
- That the change of use of agricultural land to exercise areas will not create a nuisance to surrounding properties

With the exception to the comment regarding views on hunting, these comments in support of the application are relevant and should be noted by Members.

Developer Contributions

The proposed development is not chargeable to CIL.

In view of the above assessment and subject to the conditions listed below, the application is recommended for approval.

National Planning Practice Guidance

National Planning Policy Framework

Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP13 Landscapes

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan

3 The works hereby approved shall only be undertaken in accordance with section 3.6 of the Julian Hall Report Ecological Report dated 23 November 2015 submitted with the application.

Reason: In order to take full account of protected species and to satisfy Policy SP14 of the Local Plan Strategy.

4 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall only be undertaken in accordance with the Management Plan in respect of the method of operating and running the dog boarding kennels enterprise at Wintringham Common Farm, West Knapton submitted by Mike Punched during the consideration of this application. This Management Plan shall be updated and approved in writing by the Local Planning Authority every 2 years and following any changes in activity to that contained within a Management Plan for the site.

Reason: To protect the amenities of surrounding properties and to satisfy Policy SP20 of the Local Plan Strategy.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

site location plan;
Drawing no. 15-111-4;
Drawing no. 15-111-7;
Drawing no.15-111-3;
Drawing no.15-111-6

Reason: For the avoidance of doubt and in the interests of proper planning.

- 6 There shall be no more than 80 dogs accommodated with the buildings comprising the boarding kennels at any one time.

Reason: To protect the amenities of surrounding properties and to satisfy Policy SP20 of the Local Plan Strategy

- 7 The following works:

- The creation of the visitor parking, new entrance arrangements and 1.82m high close boarded screen fence adjacent to the Isolation Unit detailed on drawing no. 15- 111-3;
- The insertion of stock boarding and insulated material to the eastern elevation of the modern farm building detailed on drawing no. 15-111-6;

shall be undertaken within 3 months of the date of this permission

Reason: To protect the amenities of surrounding properties and to satisfy Policy SP20 of the Local Plan Strategy.

- 8 Wintringham Common Farm House shall not be sold off or leased separately from the kennels buildings at Wintringham Common Farm.

Reason:- In the interests of residential amenity to Wintringham Common farm house and surrounding residential occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Prior to the commencement of the development hereby approved precise details including elevations of all on site fencing and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenities of nearby occupiers and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties

