

Item Number: 8
Application No: 20/01104/FUL
Parish: Malton Town Council
Appn. Type: Full Application
Applicant: Miss Louise Arundale
Proposal: Change of use of part of ground floor office space to use as a dog day care and boarding facility
Location: Greengate Centre Greengate Malton North Yorkshire YO17 7EN

Registration Date: 2 December 2020
8/13 Wk Expiry Date: 27 January 2021
Overall Expiry Date: 30 December 2020
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Malton Town Council Recommend refusal based on close proximity to residences, members concerned about noise and disruption

Highways North Yorkshire No objection

Environmental Health No objection

Representations: Rev John Waller, Ms Alex White, Mr Graeme England, Mrs Sarah Cook, Miss Rebecca Cross, Mr Roy Milner (all objection).

SITE:

The application site relates to the ground floor of the Greengate Centre which is a substantial two storey building in the centre of Malton. The building was previously a Church and community space but was granted permission for change of use to commercial office space in 2015. The first floor is a flat occupied by the applicant. The site is within the town development limits in a mixed use area. The nearest residential properties are numbers 6- 16 (even) and number 24 Greengate immediately to the north of the site. To the south of the site is a delivery/service yard and parking area associated with businesses on Wheelgate. Public footpath number 25.60/28/1 passes the site to the east and south and links Greengate to Wheelgate. The site is within the Conservation Area although the application does not involve any building works.

HISTORY:

15/00268/FUL- Change of Use of community building (Use Class D1) to commercial office space (Use Class A2). APPROVED 21.05.2015.

PROPOSAL:

Planning permission is sought for the change of use of part of ground floor office space to use as a dog day care and boarding facility.

The applicant states that this would be a very small scale home care/boarding business with a maximum of four dogs at any one time. The applicant explains that the dogs would be cared for as though they were their own domestic pets and the numbers of dogs involved are within the boundaries of normal pet ownership.

The dogs would be accommodated in the ground floor of the existing building. Internal alterations and fitting out would be necessary to meet the requirements of the Animal Welfare Act. There would be no external alterations to the building and at no stage will any dogs be accommodated outside or any kennels constructed in the outdoor area. The dogs would be allowed in the outdoor area to the east of the building for short periods but would not be left unsupervised.

The majority of dogs will be full day care dogs and would usually be brought to the site on foot and dropped off between 07:00- 08:00 hours and collected between 17:00-18:00 hours with owners parking on Greengate or Wentworth Street car park. The dogs arriving for boarding are usually brought later in the day.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP6 Delivery and Distributing of Employment Land and Premises
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance 2014 (PPG)

REPRESENTATIONS:

The application is subject to six objections from the occupants of numbers 6, 12, 14, 16 and 24 Greengate and also Elim Ryedale Church. The objections relate to noise disturbance from dogs in unfamiliar surroundings; barking which may upset neighbours dogs and increase noise further; odour from dog waste; dogs fouling in the surrounding area; flea infestation and dogs escaping from the site and also access/parking concerns and that the site is within a Conservation Area.

The concern that the change of use will result in a decrease in property values in the area is not a material consideration and cannot be taken into account in the determination of this application.

In addition to the concerns raised by local residents the Town Council recommend refusal due to close proximity to residences and concerns about noise and disruption.

APPRAISAL:

Principle of the development

The site is located within the town development limits where the principle of a small scale business operation associated with an existing dwelling (in this case a first floor flat) is considered to be acceptable, subject to all other planning matters being considered.

Impact on residential amenity

The detached building stands within a rear yard off Greengate. The surrounding area is characterised by mixed use which includes residential development to the north.

The terrace of dwellings immediately to the north of the application site have rear gardens which back onto the application site boundary. The outdoor area associated with the proposed use is enclosed by a horizontal lap timber panel fence along the northern side and railings along the east and southern sides.

As required by Policy SP20 development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

Policy SP20 also requires that the proposed development would need to be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses.

The Town Council recommends refusal of the application on the basis of close proximity to residences and concerns about noise and disruption. Furthermore, the objections from neighbours raise concerns in relation to noise disturbance and odour.

The concerns in relation to noise disturbance from dog barking is noted. However, the proposed business is a relatively small, single person venture which will cater for a maximum of four dogs at any one time. All accommodation would be provided within the building and any dogs using the enclosed outdoor area to the east of the building would be supervised at all times. These matters shall be controlled by conditions if planning permission is granted. The applicant has explained that the substantial detached building has predominantly thick walls. The applicant states that she has simulated multiple barking dogs inside the property at extremely high volumes using recordings and almost no noise escapes.

If permission is granted a planning condition shall also require the operator of the business to maintain an up-to-date register/diary of appointments which shall be made available for inspection by an officer of the Local Planning Authority upon request.

The abovementioned restrictions should limit the operation of the business to a relatively domestic scale that would not involve large numbers of dogs at the premises at any one time or the introduction of a significant level of additional traffic in the area with the majority of dogs collected by the applicant or brought to site on foot. Public footpath number 25.60/28/1 passes the site to the east and south and links Greengate to Wheelgate. The site is centrally located within the town and is easily accessible on foot and public footpath number 25.60/28/1 passes the site to the east and south and links Greengate to Wheelgate. In terms of the other concerns raised by neighbours there are no issues anticipated in relation to flea infestation or the dogs escaping from the site given the existing boundary treatment.

The Environmental Health Officer has considered the potential impacts and has no objections to the proposal. The EHO has also advised that a condition on any licence given under Animal Welfare legislation would require the operator to conduct familiarisation sessions with new dogs and assess whether their interactions with the other dogs is likely to be an issue, particularly in terms of barking. The maximum number of dogs will also be determined by the licence (see Informative at the end of this report).

The ventilation of the ground floor of the building would be via a high-capacity extractor fan into the brickwork in the main room with a vent on the southern elevation.

In terms of waste management the applicant has confirmed that all animal waste will be collected in sealed heavy duty bio-degradable refuse bags and disposed of in the business waste bin each day. With regard to bedding the applicant has advised that some owners will supply their own bedding which is taken home when the dog is collected. For those that do not, the applicant will use veterinary bedding which is fully machine washable.

All areas within the building used by dogs would be cleaned using veterinary grade disinfectant which kills 99.9% of bacteria, fungi and viruses whilst being fully safe for use on all water washable surfaces. The cleaning product can be disposed of safely using normal drainage facilities.

There are no issues anticipated in terms odour and disposal of associated waste would be a matter for the operator/clients. The concern about dog fouling in the surrounding area is not a matter of planning control being a responsibility of individual dog owners and is covered by other legislation. It is considered that the nature and scale of the business would not give rise to any concerns in relation to pollution or waste management.

It is not anticipated that the business use would have any significant detrimental impact on the amenities of neighbours in terms of overlooking/loss of privacy impacts.

Overall, subject to the business operating in compliance with planning conditions and any conditions imposed as part of an Animal Welfare Licence, it is not anticipated that this proposed use would give rise to any unacceptable pollution or disturbance in compliance with the relevant parts of Policies SP16 and SP20.

Highway impact

Policy SP20 advises that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”. There have been concerns raised by neighbours in relation to access and parking.

The building benefits from one vehicular parking space within the private shared yard. The applicant has confirmed that occasionally they may collect dogs in their van and use the allocated space. The applicant expects that clients will use the town's municipal car parks and deliver and collect their dog(s) on foot.

The highways officer states that given the proposal involves the re-use of an existing building, located within a town centre, with long stay municipal parking close at hand there are no objections to the proposed development.

The change of use relates to a small scale business that would be limited to a maximum of 4 dogs at any time. It is not anticipated that the use would result in highway conditions prejudicial to highway safety in compliance with the requirements of Policy SP20.

Conclusion

The recommendation of the Town Council and the concerns raised by neighbours have been noted, however, in the absence of objections from the Environmental Health Officer, it is not considered reasonable to refuse the application on matters of residential amenity.

It is considered that the applicant has demonstrated that this small scale home business can be operated from the premises without harm to the residential amenity of neighbouring properties and conditions can be imposed to limit the scale of the use and restrict the use of the outdoor area.

In light of the above assessment it is considered that, on balance, the proposal is acceptable and complies with Policies SP1, SP6, SP16, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. The recommendation to Members is one of conditional approval.

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan
Ground Floor Layout

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

3 There shall be no more than 4 dogs accommodated within the building comprising the dog day care and boarding facility at any one time.

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

4 The facility shall only be operated with a prior appointment booking system. The owner/operator shall maintain an up-to-date register/diary of bookings which shall be made available for inspection to an officer of the Local Planning Authority on request.

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

5 No dog(s) shall be left unsupervised in the garden/outdoor area to the east of the building as shown on the Location Plan at any time.

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

6 No dog(s) shall be accommodated (kennels) in the garden/outdoor area to the east of the building as shown on the Location Plan at any time.

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

7 The dog day care and boarding facility hereby permitted shall remain ancillary to the use of the first floor flat currently known as Greengate Centre, Flat 1 and shall not be sold or let off separately from the flat.

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

INFORMATIVE

1 Condition 3- Subject to The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 which may restrict the number of dogs to less than 4.