

Proposed change of use of site from residential
and dog breeding

Report Item No
A1

Cavendish Lodge Back Lane Cavendish Bridge Shardlow
Derby DE72 2HL

Application Reference
20/00457/FUL

Grid Reference (E) 444552
Grid Reference (N) 329762

Date Registered:
2 March 2020

Consultation Expiry:
5 May 2020

Applicant:
Mr Martyn Jenkins

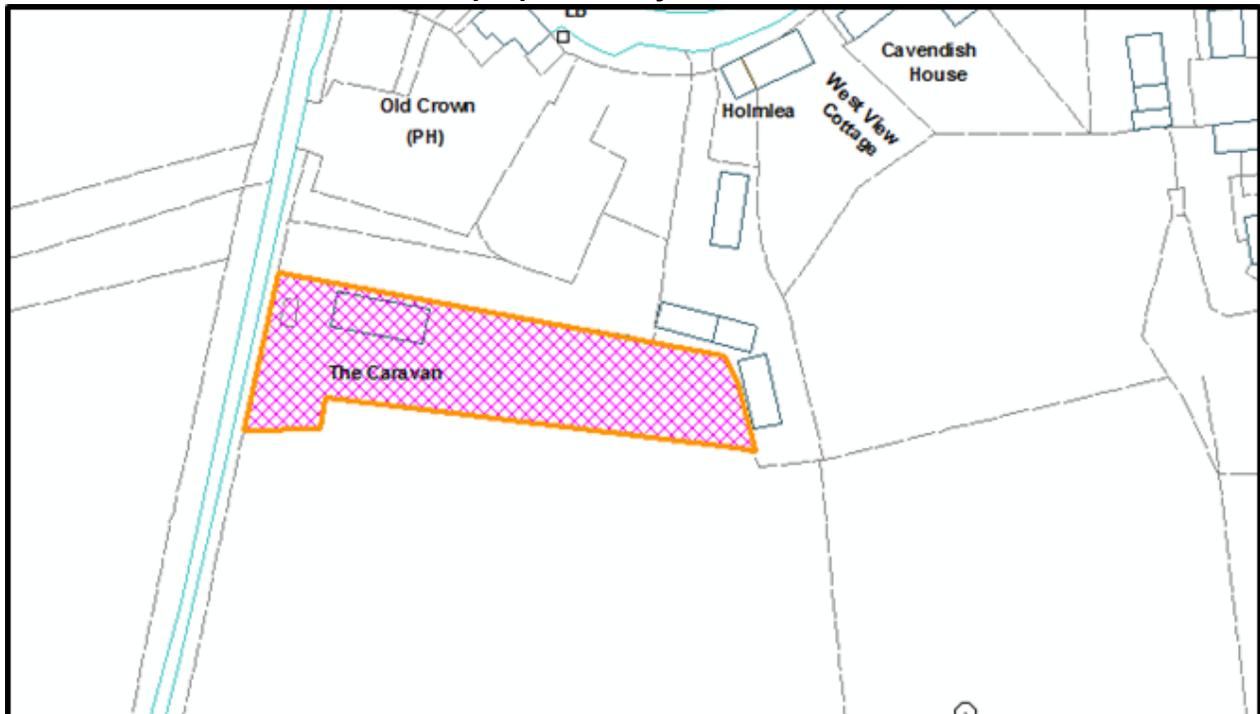
8 Week Date:
27 April 2020

Case Officer:
Chris English

Extension of Time:
None Agreed

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Canny) has requested it to be considered by Planning Committee given the contentious nature of the application and concerns relating to impacts on residential amenities and flooding.

Proposal

The application is for the proposed change of use of site from residential to residential and dog breeding at Cavendish Lodge, Back Lane, Cavendish Bridge.

Consultations

9 letters of neighbour representation have been received raising objection to the development. 7 letters of support have also been received. Castle Donington Parish Council strongly object to the application over concerns relating to impacts on neighbouring properties amenities, flooding impacts and animal welfare. The Environment Agency, Leicestershire Council's Lead Local Flood Authority and North West Leicestershire District Council's Environmental Protection Team have no objections to the application.

Planning Policy

The site lies outside the Limits to Development as identified in the adopted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted Local Plan and other relevant guidance.

Conclusion

The site lies outside the Limits to Development but the conversion of existing buildings is considered to be acceptable in principle. The scheme does not give rise to any significant impacts regarding design, highway safety, residential amenities or flooding. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

Introduction

Planning permission is sought for the change of use of site from residential to residential and dog breeding at Cavendish Lodge, Back Lane, Cavendish Bridge. The site currently comprises of a dwelling and two existing outbuildings.

The applicant has 12 dogs in total, 8 breeding bitches and 4 dogs. The applicant has advised that the business would operate as follows:

- The breeds of dogs are Border Terriers and Golden Retrievers
- No more than one litter bred at one time
- Maximum 8 litters per year (border terriers average litter is 2-5 puppies, Golden Retrievers average litter is 4-8 puppies)
- Kennels unsupervised no more than three hours at a time
- Dogs will be kept inside buildings at night and when unsupervised
- Dog waste would be collected professionally
- Puppies will be sold from the premises

The site is located outside the Limits to Development, as defined by the Policy Map to the adopted Local Plan.

Additional information has been provided throughout the course of the application detailing insulation of the outbuilding.

Precise measurements of the proposal are available to view on the submitted plans.

Relevant planning history:

14/01114/CLE - Certificate of lawful existing use of existing timber building as a dwelling with ancillary storage buildings - Permitted 3rd March 2015.

2. Publicity

8 Neighbours have been notified.

Press Notice published Derby Evening Telegraph 11 March 2020.

3. Summary of Consultations and Representations Received

9 letters of neighbour representation has been received raising concern on the following grounds:

- Noise and disturbance
- Flooding
- Animal welfare
- Impact on property values

Impacts on property value is not a material planning consideration and has therefore not been assessed as part of this application.

7 letters of support have also been received during the course of the application.

Castle Donington Parish Council strongly object to the application on the basis of noise and disturbance impacts and flooding implications.

The Environment Agency have no objections to the application.

Leicestershire County Council's Lead Local Flood Authority have no comments on the application.

North West Leicestershire District Council's Environmental Protection Team have no objections to the application subject to insulation and noise control measures.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 11 and 12 - Achieving sustainable development
Paragraphs 38, 47, 54 and 55 - Decision-making
Paragraphs 80 and 83 - Building a strong, competitive economy
Paragraphs 102, 108, 109 and 110 - Promoting sustainable transport
Paragraphs 124, 127 and 130 - Achieving well-designed places
Paragraphs 163 and 164 - Meeting the challenge of climate change, flooding and coastal change

Adopted North West Leicestershire Local Plan 2017

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S3 - Countryside
D1 - Design of new development
D2 - Amenity
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
Cc2 - Flood Risk

Other Policies and Guidance

National Planning Practice Guidance.
Leicestershire Highway Design Guidance.
Good Design for North West Leicestershire SPD - April 2017.

5. Assessment

Principle of Development

The application site is located outside the Limits to Development in the adopted Local Plan. Policy S3 of the adopted Local Plan states that the expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings are considered to be acceptable in principle within the countryside, subject to all other planning matters being addressed.

Scale and Design

The site currently comprises of a single storey garage/workshop that measures 7.5m by 5.1m and 2.6m in height approximately 3.6m south of the north boundary alongside outdoor runs and a 2.4m by 4.8m storage container. As a result of the proposed change of use, there would be no physical alteration to the site as the proposed dog breeding business would operate from existing outbuildings on the site. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

During the course of the application, a number of comments have been received raising concerns over the impacts of the proposal on neighbouring properties amenities. The neighbouring residential properties that are most likely to be affected by the proposal are Nos. 1 and 2 Cavendish Cottages and Holmlea Cottage, Cavendish Bridge.

As previously established, the proposal does not involve any new structure and seeks to utilise existing buildings for the operation of the dog breeding business. The site is approximately 38m south of the rear most boundary to Holmlea Cottage and approximately 51m to the property. The site is approximately 23m south-west of existing farm buildings on land adjacent to Holmlea Cottage. The site is also approximately 51m to the rear most boundary of Nos. 1 and 2 Cavendish Bridge and approximately 60m to the properties.

Throughout the application, North West Leicestershire District Council's Environmental Protection Team requested information in regards to the specification of the sound insulation used, where it would take place and what noise monitoring and control system would be in place to protect the residential amenities of the nearby residents. The Council's Environmental Protection have also made the Local Planning Authority aware of nine separate noise complaints received during the months of June and July 2019.

The applicant has confirmed that the outbuilding to house the dogs has a 4 inch cavity that is filled with 100ml insulation and lined with 15ml plywood with lap boards externally cladding the building. The ceiling would be insulated with 'rock wool', lined with plywood. Furthermore, to the north of the building is an existing 1.8m high close boarded fence. The Council's Environmental Protection Team have no objections and have requested a condition be imposed to secure the aforementioned details.

Given the distance from the site to the closest neighbouring residential properties and the proposed insulation measures in combination with existing boundary treatments, it is considered that the noise generated from the dog breeding use would not result in significantly detrimental disturbance impacts that would warrant refusal of planning permission.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Flood Risk

Typically, due to the scale and nature of the proposal, the Environment Agency or Lead Local Flood Authority would not be consulted on this type of application. However, given the concerns raised by neighboring properties and the Parish Council, formal comments have been sought.

The site is located within Flood Zone 3a. As the site will be utilising existing buildings there will

be no increased risk posed to people or property during a flood incident as the residential element will remain unchanged. The proposals to convert existing out buildings on site to kennels, as part of a mixed use development is classified as a 'less vulnerable' use in line with the NPPF guidance. Subsequently the Environment Agency have no objection to the proposal and have recommended notes to the applicant be included on any planning permission granted relating to the property level resilience and flood plan arrangements.

Highway Considerations

Due to the scale and nature of the proposal, the application is to be assessed against the Leicestershire Highways Standing Advice document.

As a result of the proposal, the existing off-street car parking provision and access arrangement for the residential dwelling would remain unaltered. Given the small scale of the proposed business with a maximum of eight litters per year, it is considered there would not be significant increase to regular comings and goings from the site that would require any additional off-street car parking spaces to be provided or have a detrimental impact on the wider highway network.

On balance, the proposal is therefore considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the Leicestershire Highway Design Guide.

Other Matters

Throughout the course of the application, concerns were raised in regard to the welfare of the animals on site. The Council's Environmental Protection Team have confirmed that the granting of a dog breeding license would be dependent on the applicant meeting the criteria set out in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. As such, a note to applicant would be included on any planning permission granted to advise the applicant that it is important to ensure the standard of the kennels comply with these regulations.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Time
- 2 Plans
- 3 Use
- 4 Insulation
- 5 Maximum number of dogs
- 6 Maximum number of litters a year

