SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 24 June 2020**

(Author: **Joan Isus - Planning Officer)**

Purpose: **To consider Planning Application H09-0256-20**

Application Number:	H09-0256-20	**Date Received:**	13 March 2020
Application Type:	FULL		
Description:	Increase number of dogs on site from 13-20 and use of site as breeding and training gun dogs including erection of kennel.		
Location:	98 DOG DROVE NORTH HOLBEACH DROVE SPALDING		
Applicant:	Mrs C Holmes	**Agent:**	Mrs C Holmes
Ward:	Whaplode and Holbeach St Johns	**Ward Councillors:**	Cllr A C Beal Cllr P A Redgate

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0256-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a District Councillor.

2.0 PROPOSAL

2.1 This is a full planning application that seeks permission to increase the number of dogs on site from 13 to 20 and use of site as breeding and training gun dogs including erection of kennel at 98 Dog Drove North, Holbeach Drove.

3.0 SITE DESCRIPTION

3.1 The site is located within a frontage development along the western side of Dog Drove North. The development in the vicinity is characterised by a mixture of residential and agricultural uses.

3.2 The dwelling house faces the highway in line with the frontage whereas the rear part largely extends to the west comprising domestic garden, vast gravelled area, kennels, outdoor runs and glasshouses. The kennels are confined to the northern boundary of the site. The outdoor runs are adjacent to the west and the proposed kennels will be between the runs and the northern boundary.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H09-1244-18 - Use of site for the keeping of more than 6 dogs (retrospective) and the erection of a kennel block (retrospective) - Approved

H09-0715-15 - Erection of dwelling approved under H09-0693-14. Amendments to include changing carport to utility and office with storage over and amend arched soldier course to straight soldier course above windows - Approved

H09-0693-14 - Erection of a dwelling - Approved

H09-0019-12 - Siting of temporary mobile home in association with existing nursery - Approved

H09-1069-10 - Proposed glasshouse and storage shed - Approved

H09-0609-09 - Proposed erection of glasshouse - Approved

6.0 REPRESENTATIONS

6.1 SHDC Environmental Protection

Note that there is an objection to the application and noise is given as one of the reasons. However no noise complaints have been received since the original permission was granted. Therefore no objection to the application but would wish to limit the number of adult dogs to twenty and would ask that the permission (if granted) be made personal to the applicant.

6.2 South Holland IDB

No objection.

It is reminded to comply with Board's byelaw and other legislation.

6.3 LCC Highways/SUDS Authority

No objection.

6.4 Public

One resident representation has been made objecting to the proposals on the following grounds:

-Further noise and disturbance due to the increase of the number of dogs;

-No boundary fencing has been proposed
-It has not been mentioned the location where the dogs will exercise and train;
-Several pets have been attacked and killed by the dogs;
-Concerns about further dogs might escape to the road and undermine highway safety in the area;
-No details about the reason for the demolition of the glasshouses;
-Request to ascertain whether further dogs will be hosted in the future on the site should permission be given to this application.

One further resident representation has been received supporting the proposal on the following grounds:

-The applicants are knowledgeable and well equipped to undertake the kennel business;
-Unlikely impact of the kennel extension with regards to noise, odour or visual amenity;
-Additional dogs will be cared for to the same high standards;

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of development

7.3 The proposed development lies on land designated as countryside in accordance with South East Lincolnshire Local Plan (SELLP), 2019.

7.4 The proposals entail the extension and consolidation of the existing kennels which obtained planning permission under H09-1244-18. Therefore, the principle of development for the intended works is acceptable.

7.5 The key material considerations are addressed below.

7.6 Design and layout

7.7 The floorspace of the proposed kennels will be approximately 67 square metres. The scale, height and appearance of the proposed development will be similar to the current kennels on the site.

7.8 The new kennels will be aligned with the existing ones on the northern site boundary. The glasshouses on the site will be partially demolished to accommodate the additional kennels. The proposed block plan indicates the units will not encroach on the adjacent field. The adjacent outdoors run will be accordingly altered to accommodate appropriately the kennels and prevent any unsympathetic form of development upon the area.

7.9 A new native hedge will be planted on the southern boundary to improve the aesthetics of the site and mitigate any visual impact of the works perceived by the residents of Carlton House (No. 114).

7.10 On balance, the proposed site layout and scale, height and appearance of the development will not create any cumulative impact upon the local character of the area. Therefore, this application is considered to comply with the criteria listed in Policies 2 and 3 of South East Lincolnshire Local Plan (SELLP), 2019.

7.11 Residential amenity

7.12 The increase in the number of dogs, as a result of the additional kennels, will be from 13 to 20. Given the nature of the proposals, the key issue of the planning assessment is ascertain whether such increase will be acceptable or inappropriate in terms of amenity standards of residents in the vicinity.

7.13 No complaints about noise and disturbance from the dogs were received by SHDC Environmental Protection with regards to the previous application. This department has been consulted this time and raised no objection. Should permission be granted, it has been requested to add a condition in order to limit the number of adult dogs up to 20 and restrict the dog activity to the applicants.

7.14 On balance, it is concluded that the proposed development will not cause any unacceptable harm upon residential amenity and will comply with one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

7.15 Flood risk and drainage

7.16 The kennels will constitute a use which is one of the least vulnerable ones in terms of flood risk according to the Flood Risk Vulnerability Classification set out in national planning guidance.

7.17 However, Paragraph 163 of NPPF (2019) and Policy 4 of SELLP (2019) encourage the incorporation of sustainable drainage systems to new development, unless there is clear evidence that this would be inappropriate.

7.18 The installation of a soakaway is proposed to manage sustainably the surface water runoff coming from the proposed extension. In doing so, the design of the development is appropriately resilient to the effects of surface water flood risk and overall climate change following Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

7.19 Conclusion

7.20 In light of the considerations above, the proposed development is considered to comply with Policies 1 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

7.21 **Additional Considerations**

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications

that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

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

   PL01A
   Application Form

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

2. This permission shall operate for the benefit of Mrs C Holmes and the use hereby approved shall be terminated at such time as Mrs C Holmes ceases to occupy the premises.

   Reason: This Condition is imposed so that the Local Planning Authority retains control over the future use of the land as permission on this particular occasion is granted due to the particular standard of care demonstrated by the applicant in respect of the dogs.

3. The number of dogs on site shall not exceed 20 (Tweenty) adult dogs at any one time and an 'adult' dog shall be defined as any dog over the age of 15 months.

   Reason: In the interests of residential amenity.
   This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

---

Background papers:- Planning Application Working File

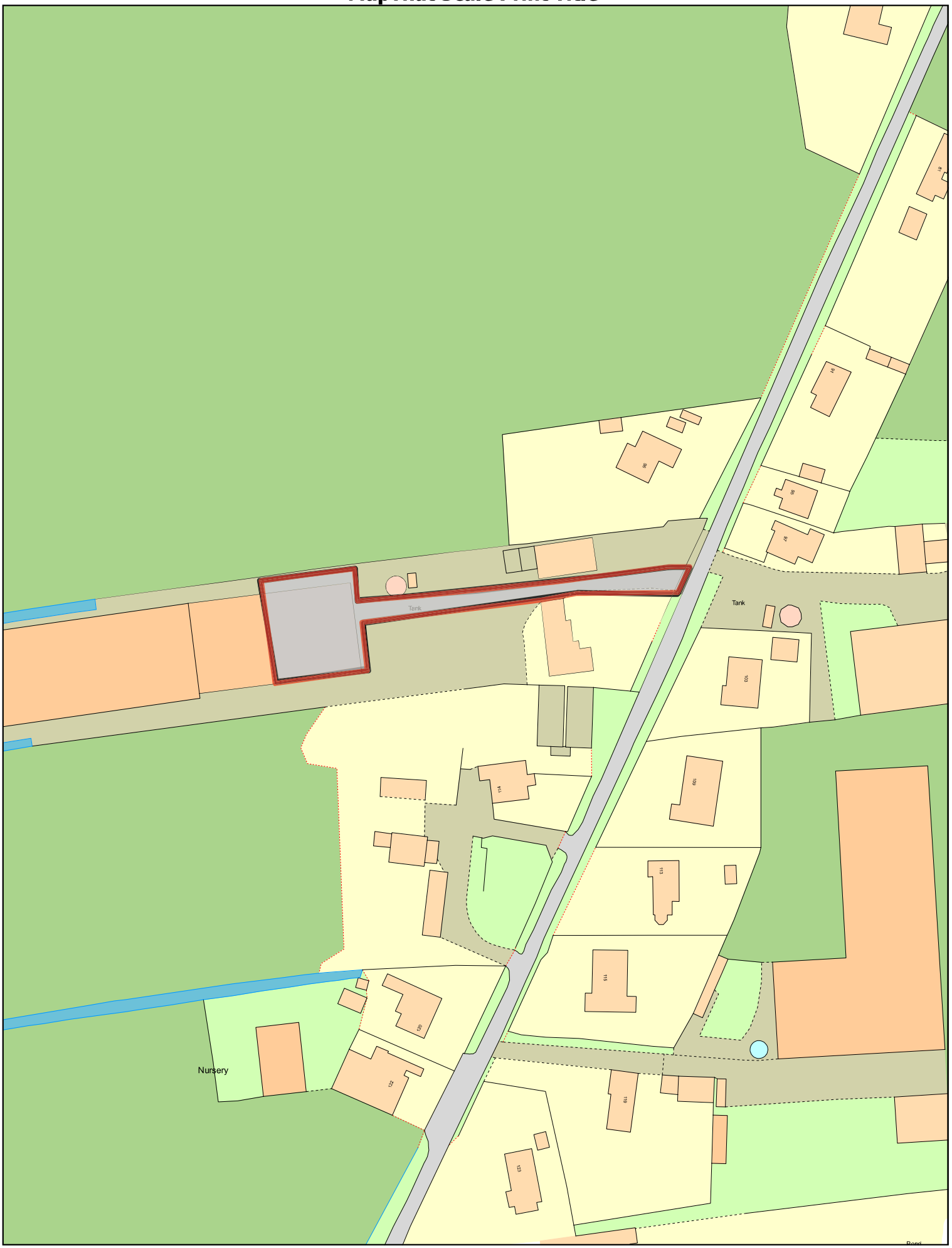
Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

© Crown copyright and database rights 2018 Ordnance Survey 100018351.

MAP SCALE 1:1250
CREATED DATE: 15/06/2020
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE