

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0986-19 **Applicant:** Mr Mindaugas Adamonis

Proposal: Proposed dog kennels with allocated office and kitchen spaces (retrospective)

Location: Fulney Cottage Low Road Spalding

Terminal Date: 2nd December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full partially retrospective change of use application for proposed dog kennels with allocated office and kitchen spaces at Fulney Cottage, Low Road, Spalding. The kennels are under construction and no dogs are currently kennelled on site.

The kennels are to be in four blocks with a courtyard in the middle and are sited to the north and east of the dwelling. The maximum height of the buildings is 2.4 metres. The buildings are constructed from timber with a corrugated bitumen roof. Each kennel has under floor heating installed and is to have soundproofing on the walls. Each kennel has an external area to the front and a flap that opens both ways allowing for entry and exit to the kennel without human intervention.

Site Description

The proposal is outside of defined settlement limits, has no immediate neighbours and is immediately to the East of the A16. The site is on a lower topographic level than the A16 and the roofs of the kennel buildings are partially visible to passing vehicles and pedestrians.

History

None

Consultation Responses

County Highways & SUDS Officer

No objections

Historic Environment Officer

No archaeological impact.

Environmental Health Technician

No objection in principle. Suggests that number of dogs be limited to 24 to reflect the number of kennels, and that permission be temporary to enable any potential impact to be properly assessed.

Planning Considerations

- Principle of development
- Potential noise impact

Principle of development

The principle of development in this location is acceptable. The siting of the building is such that it has minimal impact on the visual amenity of the occupants, neighbouring residents, passing vehicles or the character of the surrounding area. There are no dwellings in the vicinity of the proposal to the north and south, with the nearest to the west being located 60 metres away and to the east 130 metres. There are no hard rules as to the appropriate proximity to kennels and the Environmental Health Officer recommends a temporary approval.

Potential noise impact

No residential comments have been received but that does not mean that it can be assumed that residents would be accepting of the potential level of noise that kennels can generate. The background traffic noise of the A16, separation distances and soundproofing should diminish noise somewhat, but it is proposed that a one year temporary permission is granted so an accurate noise assessment can be made if required.

Conclusion

From the details submitted, a good level of amenity is given to any dogs on the site. It is not expected that a large level of noise would be generated but a temporary one year permission is

considered appropriate to assessing any potential detriment to neighbours.

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.