

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1167-22 **Applicant:** Mr M Adamonis

Proposal: Erection of dog kennels with allocated office & kitchen spaces - retrospective (previously approved under H16-0986-19)

Location: Fulney Cottage Low Road Spalding

Terminal Date: 30th January 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01 Spatial Strategy
02 Development Management
03 Design of New Development

National Guidance**National Planning Policy Framework 2021**

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT**PROPOSAL**

This is a retrospective change of use application at Fulney Cottage, Low Road Spalding for the Erection of dog kennels with allocated office & kitchen spaces - retrospective (previously approved under H16-0986-19). The previous approval granted a temporary approval for a period of one year. This application seeks permanent permission for the use. No dogs were kennelled on site at the time of the unannounced officer site visit.

The kennels are 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 a external area to the front and a flap that opens both ways allowing for entry and exit to the kennel without human intervention. The maximum capacity of the kennels is 24 dogs.

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. The site is in Environment Agency Flood Zone 3 and is subject to Danger for All / Danger for Most hazard, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the kennels are not for human use, there is not a requirement to raise finished floor levels.

RELEVANT HISTORY

H16-0986-19

Full - Proposed dog kennels with allocated office and kitchen spaces (retrospective) - Approved (One year temporary permission to assess impact) - 21 November 2019.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections

South Holland District Council - Environmental Protection

No objections

South Holland Internal Drainage Board

Requests a surface water drainage strategy. As the application has been in place for over three years it is not considered that a drainage strategy condition is necessary in this instance.

PLANNING CONSIDERATIONS

Principle of development

The site is in a predominately rural location which lends itself to the proposed use. The adjacent road, which is a major thoroughfare, will help to reduce any noise on site. No official noise complaints have been made to the Environmental Protection Department since the site commenced operation over three years ago. The principle of development is considered acceptable in this location.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the buildings is considered to be acceptable for the site. Some trees have been removed within the site but it cannot be determined whether they were removed to facilitate this proposal or before such time. As the site is situated behind established frontage boundary trees and a 1.8 metre high close boarded fence around the kennels, there is not considered to be a material impact on the character and appearance of the surrounding area.

2. The design and orientation is considered to be appropriate for the kennel use.
3. The buildings are constructed from timber with a corrugated bitumen roof. These materials of construction are common for kennel and cattery buildings.
4. The existing access is not being altered and there is not considered to be a material increase in traffic as the site is the only property served by this road, which is located next to the A16 which is subject to heavy vehicular use.
5. The capacity of existing community services and infrastructure is not impacted by the business.
6. 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, however, no official noise complaints have been made to the Environmental Protection Department since the site commenced operation over one year ago. The buildings are well shielded from public view so there is not considered to be a visual intrusion impact from the kennels.
7. The site is in Environment Agency Flood Zone 3 and is subject to Danger for All / Danger for Most hazard, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the kennels are not for human use, there is not a requirement to raise finished floor levels.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the buildings is considered to be acceptable for the site. Some trees have been removed within the site but it cannot be determined whether they were removed to facilitate this proposal or before such time. As the site is situated behind established frontage boundary trees and a 1.8 metre high close boarded fence around the kennels, there is not considered to be a material impact on a sense of place, nor the character and appearance of the surrounding area.
5. The existing access is not being altered and there is not considered to be a material increase in traffic as the site is the only property served by this road, which is located next to the A16 which is subject to heavy vehicular use. Adequate space remains for cycle and bin storage and ample parking provision for the dwelling and business remains.
11. 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, however, no official noise complaints have been made to the Environmental Protection Department since the site commenced operation over one year ago. The buildings are well shielded from public view so there is not considered to be a visual intrusion impact from the kennels.
12. The site is in Environment Agency Flood Zone 3 and is subject to Danger for All / Danger for Most hazard, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the kennels are not for human use, there is not a requirement to raise finished floor levels.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that this retrospective application is acceptable on this site. As no official complaints have been made to the Environmental Protection team since the use commenced over one year ago then a further temporary one year permission is not considered necessary in this instance. The kennels will not generate a material increase in traffic and are well shielded from public view. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.