DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0412-23**	**Applicant:**	**Mr T Dominy**
Proposal:	Proposed extension to commercial kennel to create physio and grooming facilities.		
Location:	Green Peace Boarding Kennels Green Peace Hurdletree Bank		
Terminal Date:	27th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 12- Achieving well-designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a proposed extension to a commercial kennel to create physiotherapy and grooming facility at Green Peace Boarding Kennels.

Site Description

The application site is located on the northern side of Hurdletree Bank, approximately 250m west of the Hurdletree Bank/Cranesgate N junction. The site comprises the existing kennels building, with the associated dwelling known as Exel Villa to the south. There is an existing gravel car park to the front of the site, which includes access, parking and turning for Greenpeace Boarding Kennels. There is dense, mature landscaping on the north, east and west boundaries, with the southern boundary open to the associated dwelling. The site is surrounded by agricultural fields and is within a countryside location.

History

H23-0941-94 - Full - New cattery and kennels - Approved March 1995

H23-0584-95 - Con Comp - Details of landscaping and tree planting (Condition 4 of H23/0941/94) - Approved June 1995

H23-1267-07 - Full - Extension to existing kennels and erect cattery - Approved November 2007

H23-1607-07 - Con Comp - Details of walling and waste (Conditions 4, 5 and 8 of H23/1267/07) - Approved January 2008

Consultation Responses

Whaplode Parish Council

No Comment

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water from the site using an existing drainage system. However, it is unclear from the site drawings mentioned within the application form what this existing system is. If the applicant intends to discharge any treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern, eastern, and western site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

LCC Highways/SUDs

No objection.

The proposed development is a new building to house physiotherapy and grooming facilities at an established commercial kennel business. No changes are being proposed to be made to the existing access arrangements for the business, which have proven to be safe and suitable and would be expected to remain so for any increase in visitors to the business associated with the enhanced facilities.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Planning Considerations

Principle of Development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site lies on the countryside as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of SELLP, 2019 is aimed to steer new development to the most sustainable locations. It defines a settlement hierarchy from which a sequential approach should be applied. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

However, the proposed development is a new building to house physiotherapy and grooming facilities at an established commercial kennel business, it is therefore, considered that the proposal is acceptable in principle.

Layout, Scale and Design

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposed building would comprise of an L shade and would measure 13m by 12.8m with a building depth of 4.8. the maximum height of the building would be 4m with an eve's height of 2.6, the building will have a render finish with roof pantiles. The building would be set back 43.41m from the public road, 11.5m from the dwellinghouse and would be screened with a heigh boarded fence.

The proposed building would not be readily visible from the street as it is set well back from the main road. The proposed materials would not be at odds with the visual amenity in the surroundings, as the existing kennels have a white paint finish.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location; and a sense of place by complementing the historic environment.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

In terms of residential amenity, the nearest dwellings are situated some 200m to the east and 220m to the west. The new building is to house physiotherapy and grooming facilities, the kennels business has already been established and it is considered that the proposed used od the building would not create any adverse impact on the neighbouring dwellings. No objections have been received from the nearest residents. Taking the above into consideration it is considered that sufficient reason doesn't exist to reject an expansion of the existing business.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Highway Safety

There are no changes proposed to the existing parking arrangements. Highway Authority have been consulted as part of the application process and have confirmed there are no objections to the proposal. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms. 2 parking spaces are indicated on the block plan for the new dwelling.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, the South Holland Strategic Flood Risk Assessment (2017) indicates that the site is within an area identified of no hazard. The proposal therefore satisfies the sequential test.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP and advice within the Framework of the SELLP in terms of flood risk.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

No objections are raised to the proposal on character, amenity and highway safety grounds. In terms of flood risk, the site is within an area of no hazard within the South Holland Strategic Flood Risk Assessment (2017). Means of drainage can be addressed by means of a condition.

The proposal therefore satisfactorily accords with Policies 1, 2, 3, 4, 30, 32 and 36 of the SELLP, 2021. There are no material considerations in this case that are of such weight as to outweigh

factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved.

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.