

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **02 FEBRUARY 2022**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT
AND ECONOMY)**

SUBJECT: **PROPOSED CONSTRUCTION OF 12 BOARDING
KENNELS**

**APPLICATION
NUMBER:** **063337**

APPLICANT: **MR & Ms HOLLAND**

SITE: **BROOKSIDE, BLACK MOUNTAIN, NERCWYS,
FLINTSHIRE**

**APPLICATION
VALID DATE:** **09/08/2021**

LOCAL MEMBERS: **COUNCILLOR C THOMAS**

**COMMUNITY
COUNCIL:** **TREUDDYN COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **LOCAL MEMBER REQUESTS COMMITTEE
DETERMINATION TO ASSESS IMPACT UPON
LOCAL RESIDENTS AND HIGHWAY NETWORK**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full planning application seeks consent for the erection of a detached kennel building and associated development on land to the east of the existing detached dwelling Brookside, Black Mountain, Nercwys .It is proposed to be located behind an existing stable block on the frontage of the site and adjacent to the existing riding arena at the rear of the site . The site is in open countryside, outside the Clwydian Range Area of Outstanding Natural Beauty, but adjacent to its boundary.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 Proposed conditions:

1. Time on commencement of development
2. In accordance with approved plans
3. Limit number of dogs on site to 12
4. Kennel building to be acoustically insulated and ventilated in accordance with noise report
5. The acoustic fence to be constructed on the north boundary in accordance with conclusions noise assessment report
6. Only 1 dog to be walked at any one time between 09.00- 17.00
7. Landscaping scheme to be submitted and approved in writing
8. Details of external lighting to be submitted and approved in writing to conserve the dark sky designation and the nocturnal wildlife.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C Thomas

Request Planning Committee_determination. Preliminary concerns relate to

- a) inappropriate location for kennel business
- b) impact on_tranquillity of Area Of Outstanding Natural Beauty and
- c) inadequacy of access/ highway drainage

Treuddyn Community Council

Object on following grounds:

- a) conflict with livestock
- b) effect on tranquillity of Area Of Outstanding Natural Beauty
- (c) inadequacy of access
- d) adverse impact on wildlife
- e) appropriateness of sites use for commercial development and
- f) over development of the site.

Highway Development Control Manager

No objection and do not intend to make a recommendation on highway grounds

Clwydian Range Area of Outstanding Natural Beauty (AONB)
(Joint Advisory Committee)

The application site is outside the designated Area of Outstanding Natural Beauty (AONB) but as it is adjacent to the boundary, it is considered to be within the setting of the protected landscape.

Whilst not disputing the principle of the development, The Joint Advisory Committee requested the submission of amended plans to address initial concerns and the use of sympathetic materials .As a result raise no objection subject to imposition of conditions including lighting.

Do however register concerns that the boarding kennels have the potential to impact on the local tranquillity by virtue of noise disturbance and the potential traffic implications will also be significant factors in the consideration of the proposal.

Community and Business Protection

Following submission of a noise assessment and management plan do not considered that the scale of development proposed will have an adverse impact on the living conditions of the occupiers of nearby properties. Recommend that any permission be subject to conditions limiting numbers of dogs on site / exercised at one time , the kennel building being acoustically insulated and the installation of acoustic fencing.

Welsh Water/Dwr Cymru

As the applicant intends utilising an alternative to mains drainage – advice should be sought from Natural Resources Wales (NRW) on acceptability of drainage scheme.

Natural Resources Wales (NRW)

NRW sought clarification that the foul drainage would be less than 2 cubic meters day. This was confirmed by the applicant who also confirmed that the disposal of solid animal waste is proposed to be removed from the site by a specialist company, Pet Waste Solutions. In light of this clarification NRW have no objection to the proposal. It is however noted that the site is within the River Dee and Bala Lake Special Area of Conservation (SAC), but the application submitted is unlikely to increase the amount of phosphorus entering the catchment NRW are satisfied that the proposal is not likely to have a significant effect on the River Dee SAC.

Airbus

No aerodrome safeguarding objection

4.00 PUBLICITY

4.01 Neighbour Letter Notification

14 letters of objection received, (some being multiple letters from same address points) the main points of which can be summarised as follows;

- previous application for stables on the site refused
- impact on living conditions of occupiers of existing properties in proximity to the site
- do not consider that the use will be beneficial to local residents
- noise impacts cannot be ameliorated at all times
- highway network not suitable for exercising of dogs
- proposal will lead to increased pressure for further expansion.

- impact upon Area of Outstanding Natural Beauty (AONB)
- methodology and conclusions of Noise Assessment questioned

5.00 SITE HISTORY

058236 Stable block private use Approved 12.10.18
 043890 Stable block /menage part in retrospect Refused 3.3.08
 043893 Extension to dwelling Approved 16.10.07
 042025 Extension to dwelling Approved 09.11.06
 019919 Alteration to roof Approved 07.07.92

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR 1 - New Development
 GEN1 - General Requirements for Development
 GEN3 - Development in the Open Countryside
 AC 13 Access and Traffic Impact
 AC18 Parking Provision and New Development
 D2 Design
 L2 Area of Outstanding Natural Beauty
 EWP13 – Nuisance
 RE 4 Rural Enterprises

Supplementary Planning Guidance Notes (SPGN)

SPGN8 – Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) 2018
 SPGN 11 - Parking Standards

National Planning Policies

Planning Policy Wales (PPW) - Edition 11 (February 2021)
 Future Wales The Development Plan 2040
 Technical Advice Note (TAN) No 11 Noise

7.00 PLANNING APPRAISAL

7.01 Introduction

Brookside is an existing detached property located within the open countryside to the north west of the village settlement of Nercwys. The site is outside but adjacent to the boundary of the Clwydian Range Area of Outstanding Natural Beauty (AONB).

7.02 The dwelling and its associated curtilage is located in proximity to a small number of detached residential properties namely Ty Gwyn to the west, Tyddyn Uchaf to the north and Gaer Faen Farm to the north east. Ty Gwyn is the nearest property to the application site, being approximately 105m from the proposed kennel building.

Proposed Development

- 7.03 The plans, which have been amended since initial submission, propose the erection of a detached 12 bay kennel building with internal exercise area, and associated office and toilet facility.
- 7.04 The building is proposed to be sited approximately 61m to the east of the existing dwelling Brookside, and behind an existing stable block and adjacent to an existing outside riding arena. It would measure approximately 27m x 12m x 4m (high), and be constructed having timber faced external walls and a metal sheeted roof.
- 7.05 Access to the site would be derived from the existing access that serves the dwelling and equestrian uses with parking available within the site curtilage. The equestrian uses on the site are solely for private purposes by the applicant.

Main Planning Considerations

- 7.06 The main planning considerations to be taken into account in determination of this application are:-
- a) the principle of development
 - b) impact of development on the character of the site /wider landscape
 - c) impact on living conditions of occupiers of nearby properties
 - d) adequacy of access

The principle of development

- 7.07 The guidance offered in Planning Policy Wales Edition 11 is generally permissive of development which is appropriate to an open countryside location.
- 7.08 This guidance is reiterated in the Flintshire Unitary Development Plan by virtue of policies STR1 , GEN1 and GEN3 which are permissive of development that is considered essential to have an open countryside location , providing that the development harmonises with the site and its surroundings and where it is considered that it will not have a significant adverse impact upon the living conditions of nearby residents .The proposed development should also provide access and parking provision which is not detrimental to highway safety in compliance with policies AC 13 and AC1 8 of the Flintshire Unitary Development Plan .

Impact of Development on the character of the site and wider landscape.

- 7.09 As referenced, the application site is located in the open countryside, and also adjacent to the boundary of the Clwydian Range Area of Outstanding Natural Beauty (AONB). In accord with the planning policy framework, the impact of development on the inherent

character of the landscape and special qualities such as tranquillity requires careful assessment.

- 7.10 For Members information, amended plans have been submitted, at the request of the AONB Joint Advisory Committee in order to secure the introduction of timber faced block external walls, to achieve a more vernacular appearance.
- 7.11 The site already has development upon it by virtue of stables to the front of the site and a riding arena measuring approximately 20m x 40 m to the rear of the site. The kennel building is proposed to be located adjacent to the riding arena, being set at a lower level than the riding arena which is enclosed by a 2m high landscape bund This helps to screen the development and help assimilate it both into the site and wider landscape at this location.
- 7.12 The proposed kennel building is a detached low profile pitched roof building 4m in height, 27 m in length and 12m wide. The land to the rear is characterised by open fields enclosed by a mixture of mature hedgerow inclusive of some mature trees. This helps to assimilate the development into the site and wider surroundings. The kennel building is not skyline development or prominent in relation to the frontage of the site or its access.
- 7.13 Having regard to the above, it is considered that the use of materials, and an acceptable scheme of lighting as requested by the AONB Committee, in addition to the requirement for additional landscaping, can be secured by the imposition of conditions, if Members are mindful to support the application.
- 7.14 Impact on Living Conditions of nearby occupiers
Due to the nature of this application consultation has been undertaken with the Council's Community and Business Protection Department, in order to assess the potential noise generation from the proposed use and its operation upon the living conditions of nearby residents.
- 7.15 In progression of the application a noise assessment report and noise management plan have been submitted in support of the proposed development. In response Community and Business Protection have confirmed that the noise assessment provided demonstrates that the scale of operations and noise associated with the proposed use, will not have an adverse impact upon the living conditions of occupiers of nearby residential properties. As such there is no objection to the proposal subject to the imposition of conditions to:
- i) limit the number of dogs on site an any given time to a maximum of 12

- ii) the kennel building being acoustically insulated and ventilation being installed in line with the recommendations of the noise assessment and report
- iii) the acoustic fence along the boundary of the site being constructed in accordance with the recommendations of the noise report; and
- iv) dogs being exercised individually .

7.16 The conclusion and methodology of the noise assessment report has however been questioned by a third party and this has been raised with Community and Business Protection who have confirmed that the methodology and findings of the report are acceptable if conditioned as referenced above.

7.17 Whilst concern has been raised with regard to the noise of barking dogs adversely impacting upon the tranquillity of the local area of the Area of Outstanding Natural Beauty, it is considered that most people using the Area of Outstanding Natural Beauty would be for exercise and leisure purposes, and would be passing through the area, therefore any noise would be of a transient nature.

Adequacy of Access

7.18 As part of the consideration of the application the Highway Development Control Manager has assessed the adequacy of the highway network, the access and the parking provision for the site and its use as a boarding kennels. The Highway Authority has raised no objection to the proposal and has advised that they do not intend to make a recommendation of highway grounds, as such the proposal is considered to be compliant with the provisions of policies GEN1, AC13 and AC 18 of the Flintshire Unitary Development Plan and the guidance offered in Supplementary Planning Guidance Note No 11 Parking.

Other matters

7.19 Concerns have been raised with regards to development on the site, as some of this development had already taken place at the time of the submission of this application. The stable block and riding arena submitted as application 043890 was refused in 2003. The refusal was not challenged at appeal and now by virtue of the length of time that has lapsed since its construction, it is immune from enforcement action. Concerns have been raised with regards to impacts of development upon wildlife, these are noted, however the site has no special wildlife designation. It is considered that development site clearance works already undertaken is unlikely to significantly impact upon wildlife.

7.20 Whilst it is noted that the site is within the catchment area of the River Dee and Bala Lake, Special Area of Conservation (SAC), Natural Resources Wales, confirm no direct or indirect impacts as a result of development.

7.21 It is anticipated that exercising of the dogs will be undertaken within a designated area, prohibiting free run of the adjoining countryside, Nocturnal wildlife would be safeguarded by a lighting scheme, details of which would be conditioned to be submitted to and approved in writing by the Local Planning Authority, in compliance with the Dark Sky Guidance.

8.00 CONCLUSION

The change of use and erection of the kennel building is considered to be an appropriate use in the open countryside. It has been demonstrated that subject to the recommendations of the noise assessment / management plan submitted in support of this application, that the proposal will not significantly adversely impact upon the living conditions of nearby residents or the Area of Outstanding Natural Beauty. The surrounding highway network, access and parking arrangements are appropriate, suitable and safe for the proposed use. The location, scale and design of the kennel building will not be prominent in the landscape. Landscaping can assimilate the development in to the plot and the surrounding countryside, as such the proposal is considered to be compliant with national guidance, the planning policies of the Flintshire Unitary Development Plan and the Supplementary Planning Guidance, as referenced above and it is recommend to grant conditional permission.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

Contact Officer: Barbara Kinnear

Telephone: 01352 703260

Email: Barbara.kinnear@flintshire.gov.uk