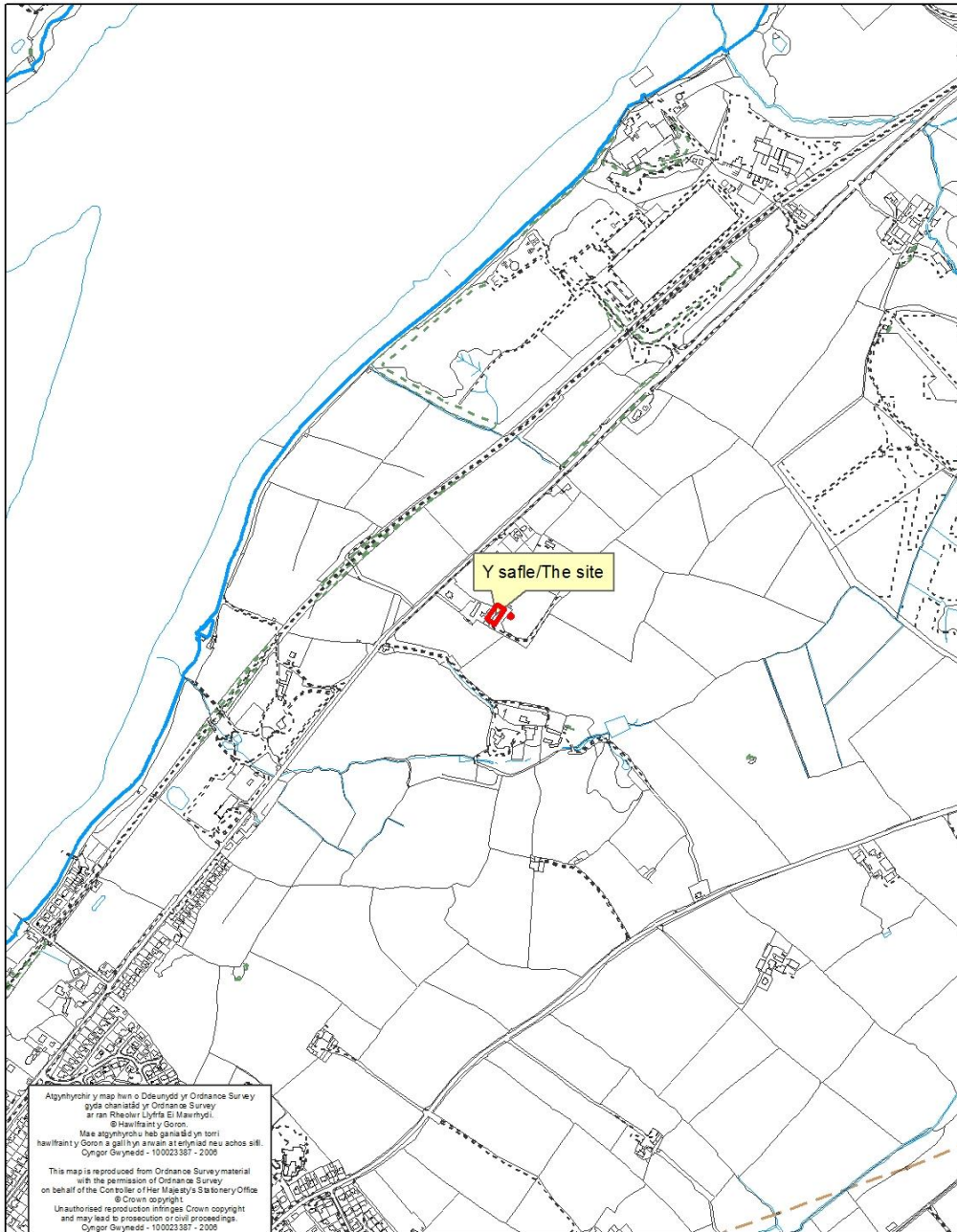


Number: 5.1



Rhif y Cais / Application Number : C14-1228-14-LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



PLANNING COMMITTEE	DATE: 13/06/2016
REPORT OF THE SENIOR PLANNING AND ENVIRONMENT SERVICE MANAGER	CAERNARFON

Application Number: C14/1228/14/LL
Date Registered: 08/03/2016
Application Type: Full - Planning
Community: Caernarfon
Ward: Menai (Caernarfon)

Proposal: CONVERT PART OF EXISTING AGRICULTURAL BUILDING INTO 11 DOG KENNELS TOGETHER WITH SITING OF A SEWAGE STORAGE TANK NEARBY

Location: PARCIA BACH, BANGOR ROAD, CAERNARFON, LL551TP

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS.

1. Description:

- 1.1 The application was deferred at the Planning Committee on 16.05.16 in order to hold a site visit prior to making a final decision on the application itself. The Committee was concerned about the impact of the proposal on the residential amenities of neighbouring residents based on noise and disturbance together with the suitability of the existing access to the site.
- 1.2 This is a full application to convert the rear part of the existing agricultural building in order to create 11 dog kennels and site a sewage storage tank on a plot of green land behind the yard. The proposal would also include the creation of an isolation unit to house dogs should they suffer from an infection or illness together with a lounge/office and a food preparation room. The kennels would be placed in a row with the actual kennels inside the agricultural building and the open spaces would be located outside the agricultural building. The kennels would be 3.8m long (with 2m protruding into the outdoor area) and their width would vary from 1.5m-1.8m which could be accessed from a corridor running along the rear.
- 1.3 It is proposed to install a sewerage storing tank approximately 11m to the east from the kennels on a plot of green land in a location which is more than 50m away from any well and watercourse. The intention is for the tank to be emptied occasionally by a licensed company. The agricultural holding is served by an access from the A487 trunk road with a driveway (which has recently been widened) linking the property and the access itself.
- 1.4 The site is located on the western outskirts of Caernarfon in a partially rural area which includes dispersed residential dwellings located to the north, west and to the south-east of the application site. The nearest dwelling, Tal Menai (which offers a B&B service), is located 89m to the west while dwellings to the north are located between 110m and 148m away. The cluster of residential dwellings to the south-east are located between 188m and 211m away. The area to the north and to the north-east of the site is an open agricultural area and the area to the south of the site includes established trees and coppices as well as a cluster of residential dwellings including Penrhiw, Stablau, Bryn Parcia, Parcia and Bwthyn Parcia.
- 1.5 A Design and Access Statement was submitted with the application. In addition, an amended noise assessment was undertaken at the request of the Public Protection Service as the original assessment was insufficient to enable the Service to provide detailed advice on the proposal itself.

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2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 Under the Well-being of Future Generations (Wales) Act 2015 the Council has a duty not only to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act, and in making the recommendation the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. It is considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed decision.

2.3 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

POLICY A3 – PRECAUTIONARY PRINCIPLE

Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 – AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B24 - ALTERATIONS AND BUILDING EXTENSIONS WITHIN DEVELOPMENT BOUNDARIES, RURAL VILLAGES AND THE COUNTRYSIDE

Ensure that proposals for alterations or extensions to buildings conform to a series of criteria aimed at protecting the character and amenity value of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

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POLICY CH33 – SAFETY ON ROADS AND STREETS

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY D10 - CONVERTING BUILDINGS FOR INDUSTRIAL OR BUSINESS USE.

Proposals to change the use of buildings to small scale industrial or business use will be approved provided the chosen location can be justified and they conform to specific criteria regarding the scale and nature of the development and the relationship of the development with nearby buildings/uses.

2.3 National Policies:

Technical Advice Note (TAN) 6 - Planning for Sustainable Rural Communities, (2010).

TAN 11 - Noise, (1997).

TAN 12 – Design, (2009).

TAN 23 - Economic Development, (2014).

Planning Policy Wales, Edition 8, (2016), Chapter 3 - Determining and Enforcing Planning Decisions, Chapter 7 - Economic Development, Chapter 13 - Minimising and Managing Environmental Risks and Pollution.

3. Relevant Planning History:

3.1 Application number C12/0202/14/YA – prior notice about a decision regarding an agricultural or forestry development to demolish existing shed and erect a new shed in its place - approved in March, 2012. The rear part of this shed is the subject of this current application whilst the remaining floor area of the shed continues to be used for agricultural purposes.

3.2 Enquiry number Y14/001609 - enquiry in advance from the applicant and her agent regarding the principle of creating dog kennels in Parciau Bach.

4. Consultations:

Community/Town Council: Support provided that relevant officers are satisfied with the increase in traffic flow into and out of the site and also with the noise level that could affect occupants of nearby houses.

Transportation Unit: No recommendation as it is assumed that the proposed development would not have a detrimental impact on any road or proposed road.

The Welsh Government (Transportation): Following the receipt of additional information from the applicant regarding the design of the existing access, it is

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instructed for any planning permission to include a relevant condition and notes.

Natural Resources Wales: No objection, but submit an observation that the sewage storing tank should be moved by licensed contractors for disposal from the site; that solid waste should be collected, bagged or stored in a suitable container and disposed of at a licensed site and it is recommended to install a high level alarm in the foul water tank in order to prevent an overflow.

Public Protection Unit: There is potential for the development to have a detrimental impact on nearby residents if an operational plan is not submitted in the right manner which complies with national standard conditions. Following submission of an amended noise assessment, it is believed that the proposal is acceptable on the grounds of noise pollution subject to including appropriate conditions relating to restricting the number of dogs on the site at any time to 13 only, insulating the roof of the building, restricting the noise level that could derive from the site to the existing background noise level, submitting a dog control plan as well as restricting the number of dogs to only 3 within the exercise area.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period has ended and correspondence was received objecting on the following grounds:

- Noise deriving from the dog kennels which would affect the amenities of local residents during the day when dogs will need to be taken for a walk and during the night. Noise disturbance already exists as a result of the farm's activities. Noise impact on a local bed and breakfast business.
- Concern regarding increased traffic in and out of the site from this part of the trunk road. It is very difficult to exit onto the trunk road due to the busy rush of vehicles that use the road itself.
- More consideration required for the venture e.g. details on isolation area, safe resource to store medicines etc.
- Substantial water flow running from fields near Parciau Bach and a need to ensure that suitable water disposal arrangements are in place.
- The accuracy of the design and access statement's contents e.g. its contents are misleading as residential dwellings are located around the application site.
- Potential for dogs to escape and run across nearby agricultural land at the expense of the safety and residential amenities of neighbouring occupants.

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5. Assessment of the relevant planning considerations:

The principle of the development

5.1 The principle of converting buildings for industrial or business use has been based on Policy D10 of the Gwynedd Unitary Development Plan (GUDP). This specific policy states that proposals to change the use of buildings to small scale industrial or business use will be approved provided that they can conform to a number of criteria relating to:-

1. That the scale and nature of the development are acceptable considering its rural/urban location and size of the said building;
2. The development would not lead to unacceptable relationship with nearby buildings or current use.

5.2 The purpose of the policy is to create a variety of local employment opportunities by converting buildings for commercial and industrial uses. This objective is also reflected nationally by the Welsh Government in the following documents:-

1. Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities (2010) which notes that "should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment". It also states that the impacts of such developments on the local community and environment will need to be kept to the lowest possible level.
2. TAN 23 Economic Development (2014) states that Local Planning Authorities should guide economic development to the most appropriate locations, rather than prevent or discourage such developments.
3. In addition, Planning Policy Wales (2016), Chapter 7 Economic Development states that "small-scale enterprises have a vital role in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness".

5.3 Given the assessment below, it is believed that the principle of the proposal is acceptable subject to conformity with other relevant policies and subject to including appropriate mitigation measures by imposing relevant planning conditions.

Visual amenities

5.4 The proposal constitutes using 3.5m of the existing agricultural building's rear space with kennels extending outwards by 2.2m into the rear yard for approximately $\frac{3}{4}$ of the length of the building itself. The design of the kennels would be fit for purpose, practical and simple and include grey block-work for the walls with galvanised fencing above. Windows above the kennels and in the food preparation room and lounge as well as the doors would be made of UPV-c and timber and new walls for the food preparation room and lounge would be made of rendered block-work. Given that this part of the agricultural holding is not visible from the trunk road or from any public right of way and bearing in mind the scale of the extension, it is not believed

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that it would have a detrimental impact on the character of this part of the landscape. Therefore, it is believed that the proposal is acceptable based on the requirements of Policy B22, B23, B24 and B25 of the GUDP.

General and residential amenities

- 5.5 Reference has already been made in the above assessment that residential dwellings are located in the vicinity of the planning application site. The nearest property to the site (Tal Menai B&B) is located 89m to the west, Brynmor is located 110m to the north-west, Bryn y Wawr and Rhiw are located 149m to the north-west and Penrhiw and Parcia Lodge are located 188m and 198m respectively to the south-east of the site. Other dwellings are located in a cluster of houses to the rear of Penrhiw including Bryn Parcia, Parcia and Bwthyn Parcia. Land immediately surrounding the proposed kennels is open agricultural land without any substantial vegetation especially to the north although some vegetation in the form of shrubs and trees is located to the south of the site itself. A number of these dwellings' occupants have objected to the application based on the potential that noise and disturbance from the kennels as dogs barked would disturb them and detrimentally affect the residential amenities of nearby residents. In response to these concerns and at the request of the Public Protection Service, the applicant has submitted an amended noise assessment which states that the proposal, if permitted, would have the minimum impact effect on the area's general amenities and therefore, it would comply with national statutory requirements.
- 5.6 Concerns that are not material planning concerns were also received such as the possibility of dogs escaping and running freely across nearby agricultural land and ensuring a safe provision to store medicines etc. These are managerial matters and it is the applicant's responsibility to supervise the dogs and ensure that they comply with other regulations that are outside the planning system.
- 5.7 Taking into account the scale, design and location of the proposal as well as the results of the amended noise assessment and the response of the Public Protection Service to this assessment, it is believed that the noise concerns could be sufficiently mitigated by including relevant conditions (and following national guidelines) should this application be permitted. Should complaints (e.g. based on noise nuisance) be received after the business is established, relevant regulatory bodies have the power to investigate those complaints. Therefore, it is believed that the proposal is acceptable based on the requirements of Policy A1, A3, B23, B33 and D10 of the GUDP.

Transport and access matters

- 5.8 It is not proposed to change the design of the existing access that serves the property from the A487 trunk road. There is a clear visibility of 166m to the south and 145m to the north which is sufficient to comply with statutory standards. The first 10m of the driveway to the application site was widened under a previous application which enables two vehicles to pass each other and there are sufficient parking and turning spaces within the site. A response from the Welsh Government on the proposal to use the existing access for the proposed use was submitted and, provided that there is no more than a 5% increase in the existing traffic level into and out of the site, there is no objection to the proposal. Should there be an increase of more than 5% in the traffic level, the existing access would then have to be upgraded to statutory standards. The applicant has submitted additional information with the application that refers to transport matters:-

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- On average, 10 journeys a day are currently made into and out of the site (5 in and 5 out) by the applicant's vehicles along with occasional vehicles delivering goods to the site itself.
- The applicant intends to pick-up the dogs herself rather than the dogs being dropped off by their owners. Therefore, it is anticipated that there will not be much increase in traffic that would visit and travel in and out of the site using the existing access.
- Any access to the site by the public/owners would be an exception and by invitation only (between 3pm and 6pm on Sundays) and there are two reasons for the visiting time restriction; (i) to reduce noise disturbance for dogs that could derive from nearby vehicle movements and (ii) to reduce traffic that would use the existing access onto the trunk road.

Therefore, to this end, it is believed that the proposal would not have an impact on the local roads network and considering this, the proposal is acceptable based on the requirements of Policies CH33 and CH36 of the GUDP.

Response to the public consultation

5.9 As referred to above, objections were received regarding this proposal for a number of reasons including a reason that is not material to planning. It is believed that the relevant planning objections have received full consideration in the above assessment and there is no matter that outweighs the policy considerations and the relevant advice noted.

6. Conclusions:

6.1 Taking the above assessment into consideration, it is believed that the proposal is acceptable and complies with the relevant local and national planning policies and guidelines as noted in the report and that there is no other material planning consideration that contradicts this.

7. Recommendation:

7.1 To approve – conditions:-

1. Five years
2. In accordance with the plans.
3. Condition regarding implementing the permission in accordance with the information received from the applicant on 13.05.15 together with restricting opening hours for the public to between 15:00 and 18:00 on Sundays only.
4. Restricting the number of dogs to 13 only on the site at any time and to 3 dogs only in the exercise area at any one time.
5. Condition regarding insulation details to be agreed with the Local Planning Authority and to be in place prior to housing any dogs on the site.
6. The isolation kennel to be limited for that specific purpose only and not to be used as a normal kennel.
7. Restrict noise levels to existing background noise levels.
8. Submit a dog control plan to be agreed with the Local Planning Authority.