



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 28th November 2013

Subject: APPLICATION Ref: 13/04469/FU – Continued use of outbuilding for dog boarding business (for up to 5 dogs at 72 Acaster Drive, Garforth, Leeds, LS25 2BQ)

APPLICANT

Mr and Mrs T Bowers

DATE VALID

25th September 2013

TARGET DATE

10th January 2014

Electoral Wards Affected:

Garforth and Swillington

Yes

Ward Members consulted

(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the specified conditions below:

1. In accordance with approved plans
2. Kennels only to be operated by persons who reside at 72 Acaster Drive and not to be sold or let separately
3. No more than 5 dogs to be boarded at any one time
4. Kennels only open to customers between 09.00 and 16.00 Mon – Fri, 10.00 and 14.00 Sat and not at all on Sundays. Deliveries and other operations only within the above times
5. Dogs to be kept in kennels and not allowed into any runs between hours of 20.30 and 08.00 on any day
6. Solid waste disposed of in accordance with Operational Business Plan
7. No lighting fittings to be directly visible to nearby residential premises
8. Dogs only to be boarded in soundproofed kennels and not in any other part of the kennels or other building within the garden of 72 Acaster Drive
9. Exercising of dogs within the site only to take place within identified area

Full wording of the conditions to be delegated to the Chief Planning Officer, including any revisions and additional conditions as may be required.

1.0 INTRODUCTION:

- 1.1 This planning application is presented to Plans Panel at the request of Ward Cllr Mark Dobson, in order to consider the amenity impacts of the development proposals on existing residents. He has requested to speak to Panel on behalf of a constituent.
- 1.2 Councillor Dobson did raise concerns on behalf of the same constituent, in respect of the previous application for dog boarding kennels at this site, but agreed to the granting of permission on a temporary basis of one year to monitor whether the use gave rise to any complaints.

2.0 PROPOSAL:

- 2.1 In October 2012 planning permission was granted for the change of use of stables to dog boarding kennels for a temporary period of one year, to enable the use to be monitored to see if any issues arose regarding impact on residential amenity. The temporary permission was also subject to a condition limiting the number of dogs to be boarded at the kennels to no more than 3.
- 2.2 There are 4 kennels in total on site but the applicant has been licenced by the Council separately to board up to 5 dogs. The applicant has therefore been operating the kennels on the basis of the licence since it was granted in 2012.
- 2.3 This application, therefore, seeks planning permission to continue using the former stables as kennels for the boarding of up to 5 dogs on a permanent basis.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises a semi-detached house and its curtilage in a residential area.
- 3.2 The property has an extremely long garden some 95 metres in length rising from the back of the house quite substantially to the rear (southern) boundary. Beyond the southern boundary are open fields used for agriculture.
- 3.3 The western boundary lies adjacent to the garden of 70, Acaster Drive which runs the full length of the application garden.
- 3.4 The eastern boundary lies adjacent to the gardens of 8 and 10, Nidderdale Close. The garden to No.8 adjoins, approximately, the first 30 metres from the rear of the house and the remaining 65 metres adjoins the garden to No. 10.
- 3.5 The boundaries are comprised of substantial dense hedges approximately 4 metres high, parts with high fences approx 3 metres in front and other parts where the boundary comprises high fences with some trees behind. The southern boundary comprises a 2 metre high fence with diagonal slatted fencing.
- 3.6 The original stables subject of this application are situated some five metres in from the southern boundary at the end of the garden away from the house and immediately adjacent to the eastern boundary. They are single storey, L-shaped, clad in stained timber with a flat roof and are 8 metres long. The building has a caged area with a tiled access walkway giving access to each external dog run. The runs are separated from each other by metal screens and the kennels themselves are soundproofed using kingspan acoustic panels. The kennels and associated access walkway are built up from the level of the land as it falls away to the north. There is a further door into that part of the building which forms the foot of the L. The building has external lights attached to the fascia of the building for illumination at night, if needed.

3.7 The garden is split into four distinct areas. An area adjacent to the foot of the L-shape and between this and the southern boundary, separated from the rest of the garden by timber fencing. The rest of the garden is separated into 3 further areas, one of which contains the kennels and is secured by mesh fencing with a lockable gate. The lower level contains garden structures including a decked sitting area and a shed/summer house. The land then drops to the patio level which contains other garden structures, seating/barbecue areas.

3.8 To the front of the property there is a paved area for vehicle parking which is capable of accommodating two vehicles.

4.0 RELEVANT PLANNING HISTORY:

4.1 There have been various planning applications on this site, mainly relating to extensions to the house.

4.2 H33/206/87 - use of land as garden extension and the erection of a block of three stables to the rear of a semi-detached house. This is the permission for the construction of the stables which now forms the subject of this application. This was granted on 12th October 1987.

4.3 12/03824/FU – Change of use of stables to dog boarding kennels granted 30th October 2012 (limited to a 1 year temporary permission and no more than 3 dogs to be boarded at any one time).

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following a request for further background information relating to the existing use, the applicant confirmed dogs started boarding in November 2012 and that business has been really good with dogs boarding most weeks including operating at full capacity throughout the summer months (May to late Sept).

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by a site notice posted on 4th October 2013. The date by which representations should be received was 25th October 2013.

6.2 Individual letters were sent out on 26th September 2013 to persons who made representations in respect of the previous application. In addition individual letters were also sent to the occupants of dwellings on Nidderdale Close that lie between those persons who previously made representations. This letter was sent out on 14th November 2013 and any representations received will be reported to the Panel.

6.3 One letter of objection has been received from a local resident, together with a follow up letter from the same objector, requesting the application be reported to Plans Panel and that Councillor Dobson be allowed to speak on their behalf. The reason for objection relates to being able to hear dogs barking when sitting in their garden and that the extension to the kennel would mean more dogs and more barking.

6.4 Councillor Dobson, whilst not making any comment about the proposal, has requested that the application be reported to the Panel and that he be allowed to speak on behalf of the above constituent.

6.5 Two other letters have also been received from local residents which state that they have not noticed any adverse effects from the use over the past year in terms of either noise or parking problems.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Highways - no objections to the proposals subject to a condition restricting the scale of the use to no more than 5 dogs to be boarded at any one time.

7.3 Highways' Traffic Team have not received any complaints relating to traffic/parking issues on Acaster Drive during the past year whilst the kennels have been operated on this basis.

7.4 Neighbourhoods and Housing Anti-Social Behaviour Team, who would be the team who would deal with complaints about barking dogs, have confirmed that they have not received any noise complaints in relation to the applicants' property.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

Local Planning Policy

8.2 Relevant planning policies in the Leeds Unitary Development Plan (Review) 2006 are listed below:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

T2: Developments need to be adequately served by existing or proposed highways and have provision for adequate parking.

Emerging Local Development Framework Core Strategy

8.3 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed. The examination took place in October 2013. As the Council has submitted the Publication Draft Core Strategy for independent examination some weight can now be attached to the document and its contents recognising that the weight to be attached may be limited by outstanding representations which have been made which will be considered at the future examination. Notwithstanding this, the strategic nature of the Core Strategy is such that it doesn't contain any policies which are directly relevant to this proposal.

National Planning Policy Framework

8.4 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development and as part of achieving this amenity issues have to be satisfactorily resolved (including that noise from development shouldn't give rise to significant adverse impacts on quality of life – paragraph 123).

9.0 MAIN ISSUES

1. Principle of development

2. Impact on residential amenity
3. Highway implications

10.0 APPRAISAL

Principle of development

- 10.1 The application proposes to retain, on a permanent basis, the change of use of an existing former stable building to boarding kennels. The principle of the development has, therefore, already been accepted but only for a temporary period. The main issue for consideration, therefore, relates to residential amenity issues, as this was the reason why only a temporary permission was deemed appropriate. Amenity issues are discussed in detail below.

Impact on residential amenity

- 10.2 The main issue usually associated with boarding kennels is that of noise and the objection letter received picks up on this point. In order to address this issue as it was also raised when the original application was made the applicant prepared an Operational Business Plan in support of the application that specified the proposed method of operation for the boarding kennel business. This still forms the basis on which the business would be run.
- 10.3 Each kennel has been provided with sound proofing to ensure that when dogs are within the kennels, barking is barely audible outside the building. To the front of each kennel is a mesh sided run area which the dogs can use during daytime hours. The sides of the runs where they adjoin each other have been provided with metal panels so that dogs are less aware there are other dogs adjacent which might cause them to bark.
- 10.4 Indeed on a recent, unannounced, site visit by the case officer, a dog in the soundproofed part of the kennels, could only be heard barking when standing close to the kennels, but this was muted and could not be heard as you moved away from the kennels towards the back of the house. A dog in a neighbouring garden could however be heard barking clearly at the time of the visit.
- 10.5 In addition to the above the dogs are exercised individually, usually by walking within the open space to the south of the site. Occasionally dogs are exercised in the garden area but this takes place in the area immediately to the rear (south) of the kennels and between the kennels and the southern boundary. This area is the furthest away from the nearest dwellings. A condition limiting dog exercising to this area is advanced to ensure that dog activity is kept as far away as possible from the nearest dwellings and in such cases dogs are supervised by the applicant. This is how the applicant has operated the business during the past year.
- 10.6 It is accepted that despite the mitigation measures conditioned, some noise may still be generated. As such, it is considered appropriate to retain the condition that regulates when dogs can be outside their kennels. The condition requires that no dog be allowed outside of the kennels between the hours of 20:30 hours and 08:00 hours.
- 10.7 The Environmental Health Officer, in respect of the previous application, discussed in detail with the applicant control measures to minimise noise problems when dogs are outside the kennels, which the applicant has taken on board and resulted in the various measures as discussed above. Accordingly no residential amenity objection is raised to the use being allowed to continue operating from the site.
- 10.8 As part of this current application, the applicant would wish to board no more than 5 dogs at any one time. Whilst this is more than was allowed by the original planning

permission (limited to 3 dogs), the applicant obtained a license for 5 dogs in the belief this was acceptable and has essentially operated on this basis for almost a year. As can be seen from the foregoing information, the operation of the kennels on this basis has not resulted in any complaints to the requisite authorities. In addition, although there has been one letter of objection to the continuation of the use from a local resident who previously objected to the proposal, there have been 2 further letters; one of support and one of no objection (including one from a local resident who, in relation to the previous application had expressed concern). In respect of the previous application 13 letters of objection and no letters of support were received.

- 10.9 In the light of the above, it is also considered reasonable to allow the use to continue offering boarding for up to 5 dogs.
- 10.10 Dog waste is collected when walking the dogs and disposed of in dog waste bins in the area, on the walk. Waste from the runs or kennels is disposed of in an appropriate manner in the applicant's domestic bin or down the toilet. This method of dealing with dog waste has been agreed by the animal welfare officer in licensing and is proposed to continue.

Highway implications

- 10.11 Highways officers have raised no objections to the proposal subject to a condition restricting the number of dogs to be boarded at any one time to no more than 5. Such a condition is suggested.
- 10.12 The applicant is also suggesting that dogs can only be brought and collected outside of the times when children are going to and from school as there seems to be much more activity, both vehicular and pedestrian, at these times. It is suggested, therefore, that dog owners only be able to attend between the hours of 09:00 hours and 16:00 hours and again a condition requiring this is suggested.
- 10.13 There are two parking spaces on the site, one of which will be occupied by the applicant's car, leaving one space for visitors bringing or collecting dogs. As the business is run on an appointment basis the availability of parking for clients can be actively managed. Indeed the Highways Traffic Team has indicated that they have not received any complaints regarding traffic or parking issues during the past year whilst the kennels have been in operation.

11.0 CONCLUSION

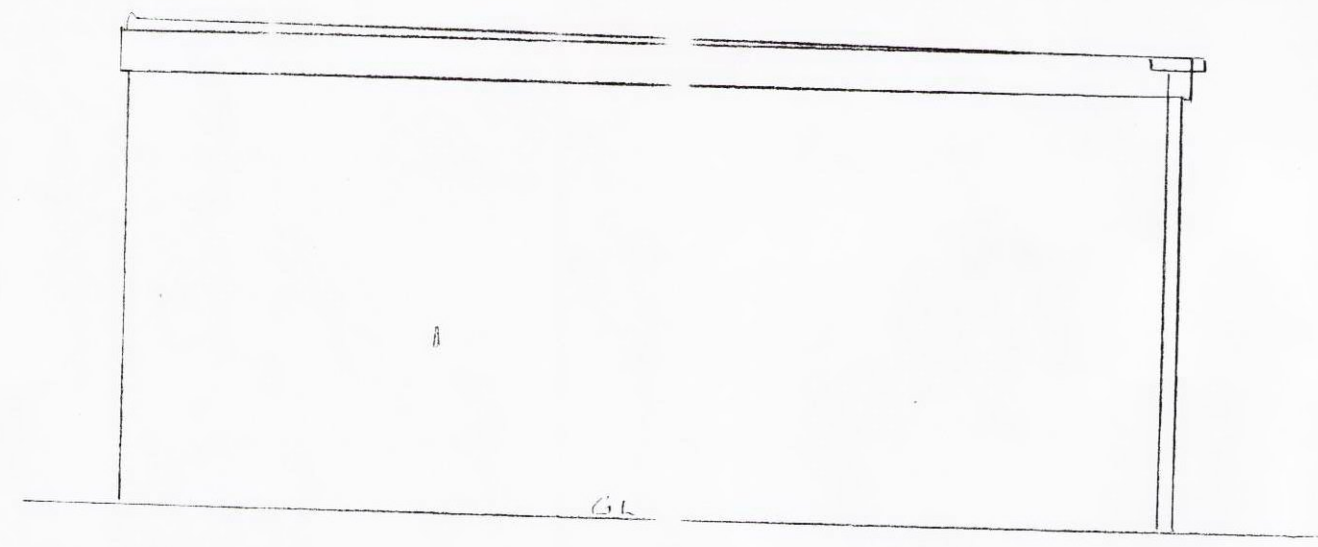
- 11.1 The temporary permission was issued so that the amenity impacts of the use could be monitored. No complaints have been received during the previous year and the level of representation to this application which seeks a permanent permission for the business does not suggest it is causing any significant amenity problems which warrant a refusal recommendation. In the light of the foregoing, the proposal is considered to accord with local policies designed to protect amenity issues and the suggested conditions will provide sufficient control of operations such that any potential issues are sufficiently mitigated. As such the proposal can be supported and is recommended for approval.

Background Papers:

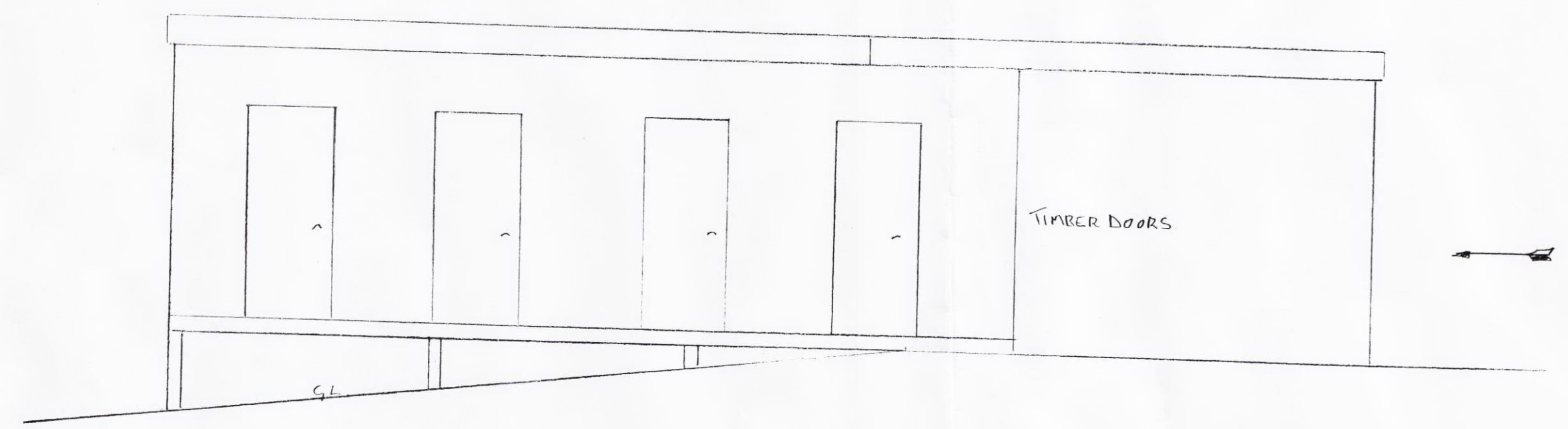
Planning application and application history files.
Certificate of Ownership: signed by applicant.

SCALE 1:50
A1 PAPER
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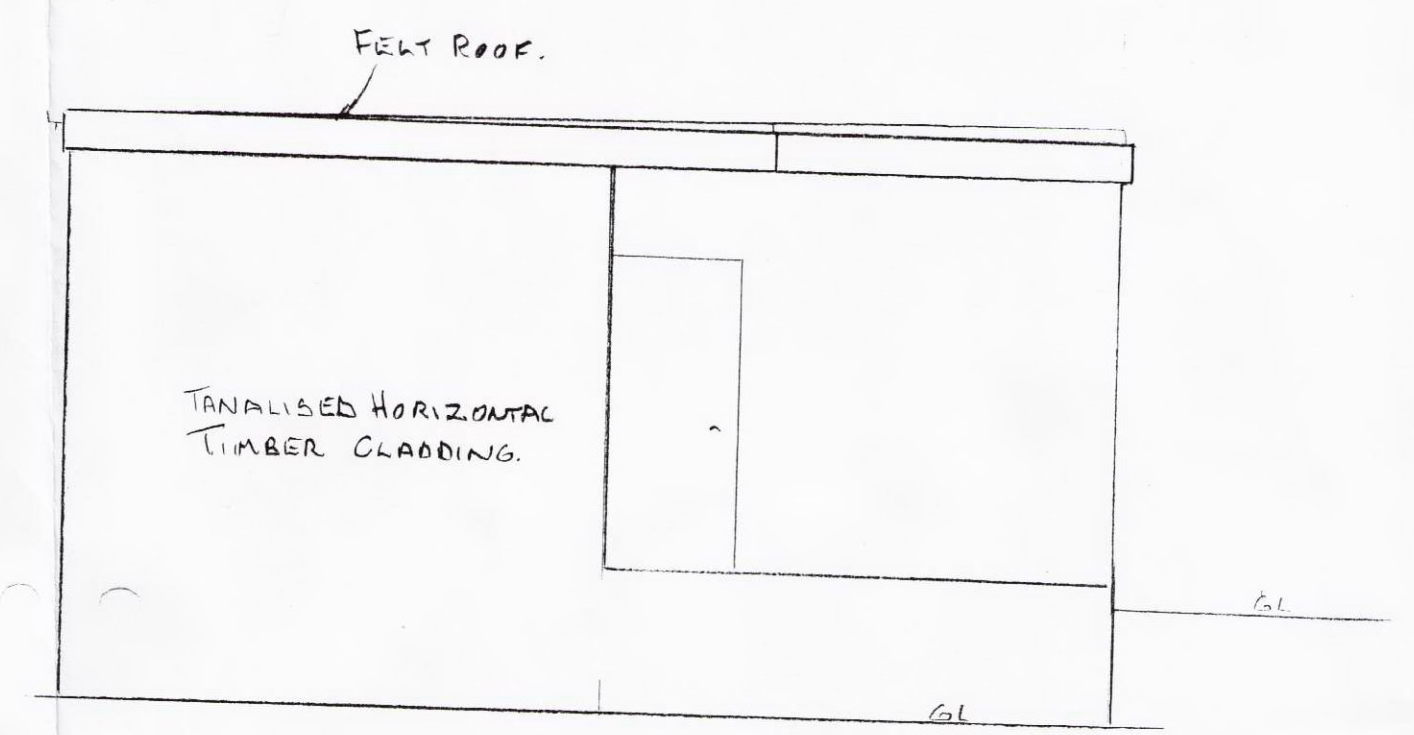
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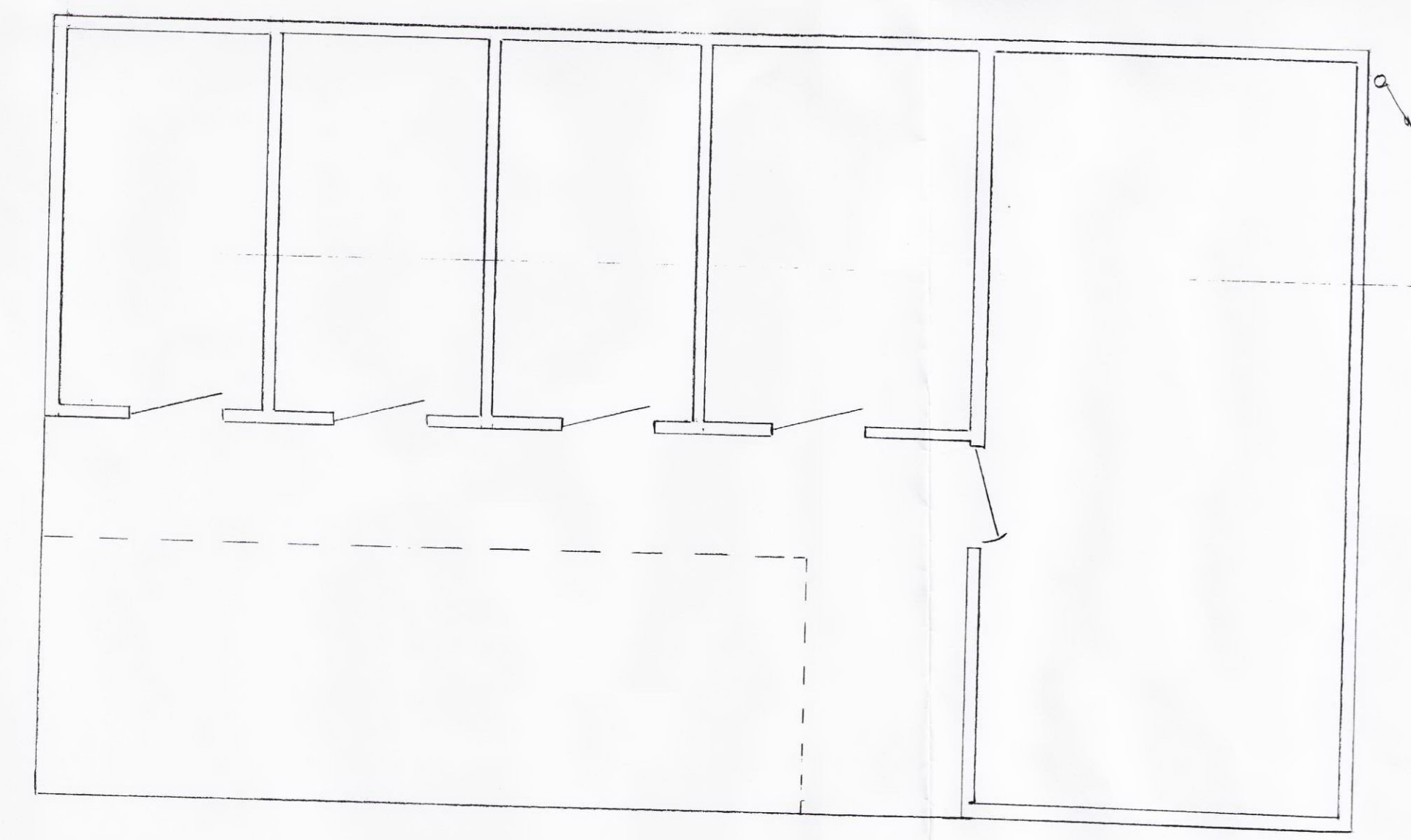
VIEW ON FROW



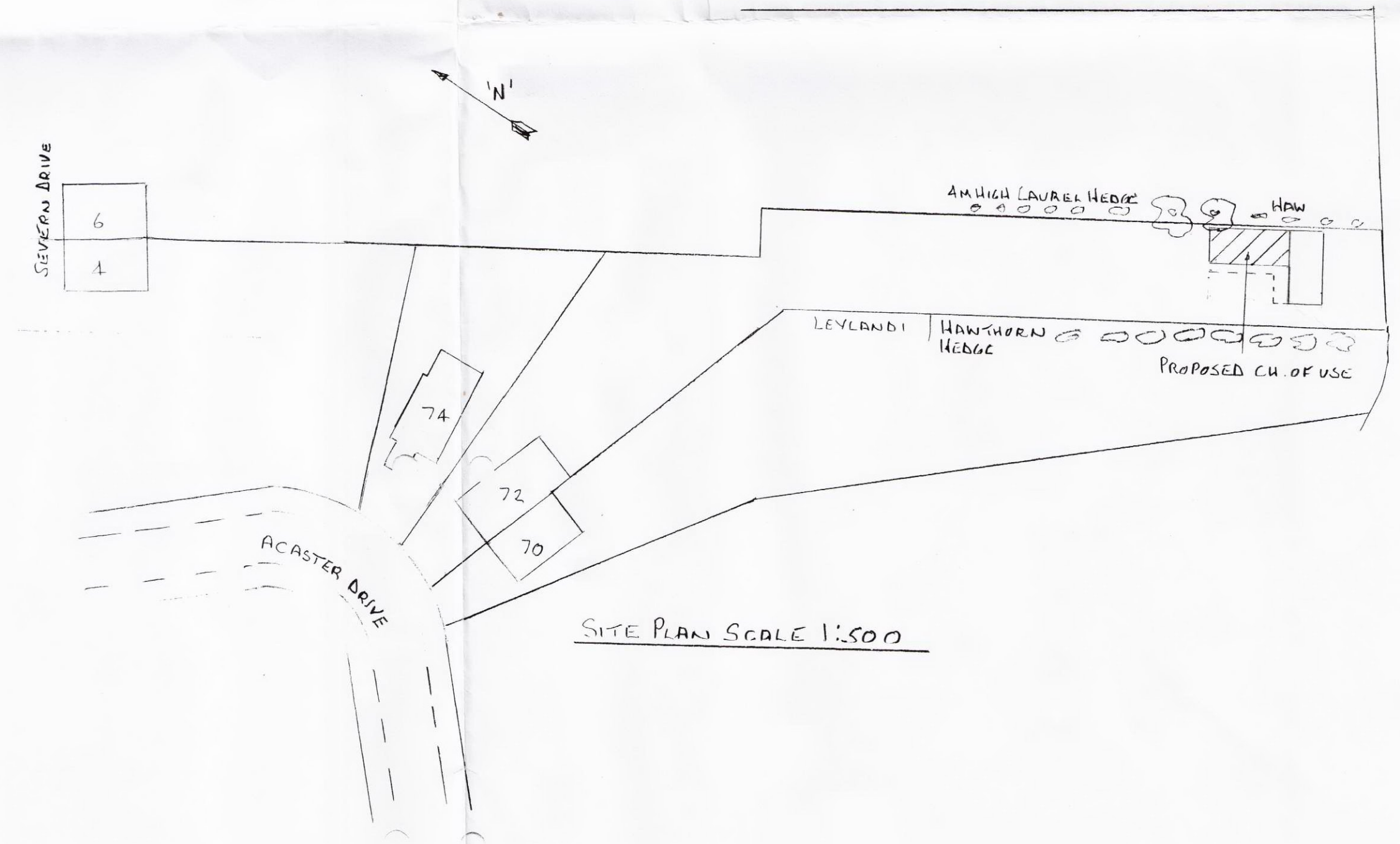
FRONT ELEVATION



SIDE ELEVATION



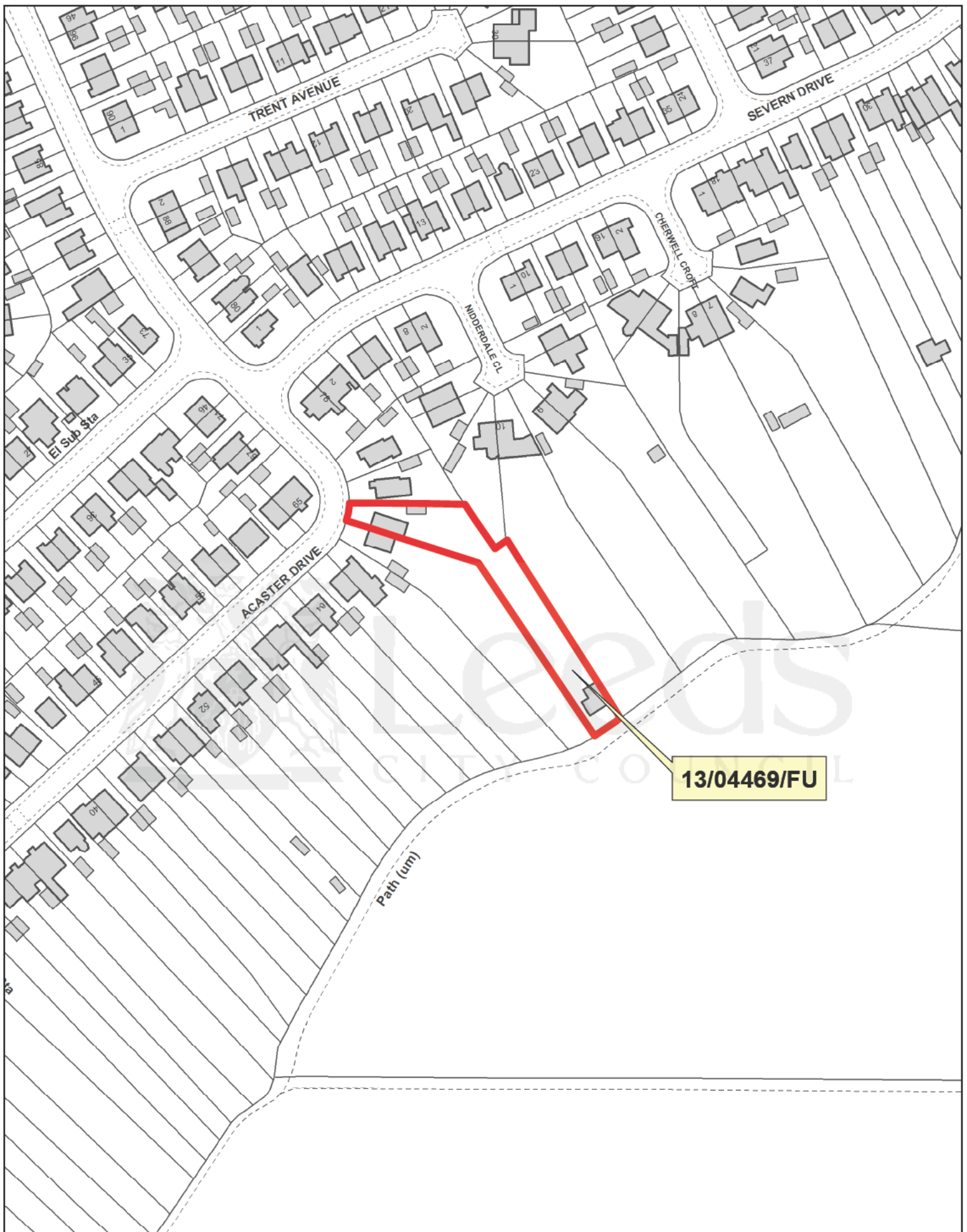
PLAN



SITE PLAN SCALE 1:500

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PROPOSED CHANGE OF USE OF
EXISTING OUT BUILDINGS TO KENNELS
FOR MR & MRS ANNE BOWERS
72, ACASTER DRIVE



NORTH AND EAST PLANS PANEL

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