

Agenda Item	Committee Date	Application Number
A7	20 July 2020	19/01457/FUL

Application Site	Proposal
Herons Wood Farm Lancaster Road Conder Green Lancaster	Part retrospective application for recladding and change of use of agricultural buildings and land to form associated reception building and dog training buildings with associated works comprising demolition of agricultural building and erection of a kennel building, demolition of lean-to and erection of an extension to dog training building, erection of a stables building, creation of hardstanding for parking and internal access road, creation of a pond, installation of a package treatment plant and dog waste tank and erection of a 2.4m mesh fence

Name of Applicant	Name of Agent
Mr T Jayousi	Mr Dan Ratcliffe

Decision Target Date	Reason For Delay
7 April 2020	Delayed site visit due to Covid 19 restrictions

Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Approval subject to receipt of plans showing acceptable visibility splays.

1.0 The Site and its Surroundings

- 1.1 The application site is located on the eastern side of Lancaster Road to the north of Conder Green. The site comprises a cluster of buildings, including a dwellinghouse with ancillary domestic outbuildings, and former agricultural buildings associated with the historic use of the site as a poultry farm. Land levels increase from west to east and the site is offered a degree of screening from the highway by a number of trees within the site. The site is approximately 2.8km from the southern fringe of Lancaster.
- 1.2 The nearest residential property is Heronswood, which is located about 230m from the southern site boundary. There is also a touring caravan site associated with this property. The nearest residential property to the north-west is Woodside, which is located about 240m from the front of the site. There are several residential properties on Tarnwater Lane and these are located in excess of 800m to the north and north-east of the site. Ashton Garden Centre and Lancaster Golf Club are located to the north of the site on the opposite side of Lancaster Road.
- 1.3 The site is bounded by agricultural grazing land to the north, east and south and the public highway Lancaster Road (A588) to the west. The site is not covered by any statutory nature conservation or landscape designations but is located within the Countryside Area, as identified on the Local Plan proposals map.

2.0 The Proposal

- 2.1 The application proposes a change of use of the former poultry buildings and land to a dog boarding kennels and canine retreat. The application is part retrospective as the recladding of the buildings has already taken place as well as one building having been demolished. The demolished building will be replaced by a 90 metre long building comprising 100 kennels. A small extension has also been erected to one of the buildings in place of a previous lean-to element. The site will comprise a reception building, group dog training building, solo dog training building and a kennel building. The submission also

involves the erection/recladding of a small stables building, creation of hardstanding for parking and internal access road, creation of a pond, installation of a package treatment plant and dog waste tank and erection of a 2.4m mesh fence adjacent to the solo dog training building in order to provide an external exercise area.

- 2.2 The submitted Planning, Design and Access Statement sets out that the facility will provide boarding kennels for short term stays (1-14) nights and residential training courses (5-21 nights) as well as for dogs being trained for sale. The kennel building, (which will replace the demolished poultry building) has been designed by a specialist kennel provider and will comprise 10 separate compartments each containing a row of 10 suites. A central corridor will allow staff and visitors to access each individual kennel compartment. The Planning, Design and Access Statement explains that this design is crucial to prevent unnecessary disturbance to the dogs. The kennel compartments will be separated by two food storage and preparation/kitchen and laundry areas.

3.0 Site History

- 3.1 There is a limited planning history which spans a number of decades. It is noted that a 1989 application gained consent for change of use of the poultry unit to light industry/storage. However, an application for a lawful development certificate was unable to demonstrate that this consent had ever been implemented.

Application Number	Proposal	Decision
18/01646/ELDC	Existing lawful development certificate for the use of buildings as mixed business uses (B1, B2 and B8)	Withdrawn
17/01429/RCN	Renewal of permission for agricultural workers caravan (pursuant to the removal of condition 2 on planning permission 2/4/6343 relating to the occupation of the caravan being limited to agricultural workers only)	Withdrawn
89/0664	Change use redundant poultry unit to light industry/storage	Permitted
2/4/1045	Cottage and turkey house	Permitted
2/4/6343	Renewal of permission for agricultural workers caravan	Permitted

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Environmental Health	No objections – satisfied that the sound levels associated with barking dogs have been correctly cited and therefore calculated/predicted sound levels at the boundary of the nearest receptor, taking into account buildings and distance, are correct. Also satisfied that the orientation of the buildings will assist in minimising noise impacts associated with the use. Whilst noise may occasionally be heard, it would fall within a ‘no observed effect level’ or ‘lowest observed adverse effect level’; this is based upon resultant sound levels and taking into account likely background at this location. The construction of the proposed development and its distance from the nearest dwelling and caravan park, together with the proximity of the A588 and associated road traffic noise, is likely to result in ‘no observed effect levels’ to the nearest sensitive receptor. Any concerns about noise issues from the outdoor exercise area can be controlled by a range of measures, such as by limiting the number of dogs or the hours of use. However, there is unlikely to be unreasonable noise impact from this source.
Planning Policy Officer	No objections – the applicant has sufficiently justified the requirements set out in Policy DM7 of the Development Management DPD.
Arboricultural Officer	No objections – suggests additional planting should be provided on site.
County Highways	Awaiting views on requested revised visibility splays. Comments will be reported verbally at the Committee meeting.
Lead Local Flood Authority	No comments received within the statutory consultation period.

Natural England	No objections – based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Parish Council	Neither supports nor objects to the application but raise the following points: 1) The visibility splays are very important as the road is fast and there is a bend. 2) There is a possibility of noise, although neighbours are not close. 3) Quite a few trees have been cut down already and the Parish Council asks that the Tree Officer be asked to take a view on this. The Parish Council considers that no more trees should be cut down. 4) It appears that permission of the planning application has been anticipated as work of some kind appears to have already started.

5.0 Neighbour Representations

- 5.1 10 pieces of correspondence have been received objecting to the proposal and raise the following concerns:
- Noise - impacts of barking dogs on residential amenity and on occupants of touring caravans; the area is tranquil and a place of leisure; not clear what type of dog was used for the loudness of barking calculations; questioning whether Environmental Health has seriously considered the application
 - Odour - smell created by the large amount of dog waste
 - Highway - access from this road is dangerous; increased traffic
 - Impact on local businesses - dogs escaping from the site attacking and killing a sheep; adverse impact on tourism
 - Visual amenity - impact of proposal on the local environment
 - Safety - particularly of children, living or visiting nearby, especially if dogs are to be trained as guard dogs and by nature could possibly result in vicious attacks
 - Dog welfare - insufficient outside space within the site to exercise 100 dogs; dogs in a confined space gives rise to a number of serious environmental issues; type of business proposed has strict licencing conditions attached and as work has already commenced on site and continued during lockdown this may already demonstrate a propensity to ignore the rules/law
 - Unsuitable site - the applicant has clearly looked at a number of sites before settling on this one, but we would submit it's simply just not suitable
 - Non-planning matters - adversely effect on property prices and make property less desirable to sell; facilities proposed are already provided in the area
- 5.2 One item of support has been received and makes the following points:
- The development will improve the character of the area as the site had been derelict for a number of years.
 - It will be good to see something useful on the site which will offer a service to the community.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 83 and 84 – Supporting a prosperous rural economy
Paragraph 109 and 110 – Access and Transport
Paragraphs 124 and 127 – Achieving well-designed places
Paragraphs 170, 175 and 176 – Protecting and enhancing biodiversity

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas

DM8 – The Re-use and Conversion of Rural Buildings
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM22 – Vehicle Parking Provision
DM23 – Transport Efficiency and Travel Plans
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage

- 6.5 Following receipt of the Inspector's Report, the policies in the emerging Local Plan are considered to have substantial weight. The policies in this emerging Local Plan that are relevant to this application are:

Review of the Development Management DPD 2020

DM29 – Design
DM34 – Surface water run-off
DM44 – Biodiversity
DM45 – Protection of Trees, Hedgerows and Woodland
DM46 – Development and Landscape Impact
DM47 – Economic Development in Rural Areas
DM49 – The Re-use and Conversion of Rural Buildings
DM60 – Enhancing Accessibility and Transport Linkages
DM61 – Walking and Cycling
DM62 – Vehicle Parking Provision
DM63 – Transport Efficiency and Travel Plans

Strategic Policies and Land Allocations

SP4 - Priorities for Sustainable Economic Growth
EN3 - The Open Countryside

7.0 Comment and Analysis

- 7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Noise impacts and residential amenity
- Landscape and visual impact
- Trees and ecology
- Access and highway impacts
- Drainage

7.2 Principle of the development

- 7.2.1 In relation to economic development in rural areas, Policy DM7 (and the corresponding policy DM47 in the emerging Local Plan) sets out that proposals which maintain and enhance rural vitality and character will be supported where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. DM7 goes on to say that this includes economic development which is of an appropriate scale and nature and assists in the diversion of the rural economy, including the diversification of agricultural holdings. DM7 also allows for other development proposals in the rural area where they involve the alteration, replacement, extension or change of use of existing buildings, in accordance with other Local Plan policies. DM7 also acknowledges that some development proposals require a rural location due to the nature of the use.

- 7.2.2 Policy DM8 (and the corresponding policy DM49 in the emerging Local Plan) offers support to the principle of the re-use and conversion of rural buildings. The policy supports the re-use and conversion of rural buildings subject to a number of criteria that relate to the state of the existing buildings, the natural environment and the visual impact on the local landscape. Policy DM16 offers support for the conversion or redevelopment of suitable existing buildings in accordance with all other relevant policies within the Development Management DPD. The NPPF also encourages the sustainable growth and expansion of

all types of business in the rural area both through the conversion of existing buildings and well-designed new buildings.

7.2.3 The submission highlights a number of benefits which would arise from the proposal, including the creation of 8 jobs and the re-use of the site which has been derelict for some time. The applicant has provided details of other suitable sites in more sustainable locations in the district which have been assessed for the proposed use. The applicant's assessment criteria are set out as follows:

- Close to Lancaster where the applicant lives and where there is anticipated demand for the proposed use.
- Semi-rural location with sufficient distance from neighbouring residential properties.
- Existing residential property on site to ensure someone is on site on a 24-hour basis.
- Located on a main route/into/out of the city and with public transport links.
- Redundant previously developed site
- A number of large existing buildings which had potential for conversion for the proposed use.

7.2.4 The assessment concluded that the other sites considered either failed to meet the required specifications for the proposed use or were not available. The level of information provided has been considered by the Planning Policy Officer and found to be consistent with that provided for similar applications for the same type of use elsewhere in the District. It is therefore considered that the submission has satisfactorily met the requirements set out in Policy DM7.

7.2.5 Policy DM8 expects proposals to re-use existing buildings which are of a substantial and permanent construction and can be converted and re-used without any major structural works. There were initial concerns that the retrospective works which have been undertaken on site involved comprehensive demolition and rebuild. These concerns were resolved following an internal inspection of the buildings as the internal framework and footprints were deemed to be original. Consequently, the submission is judged to largely accord with policy DM8.

7.2.6 The site is within a rural location with no footpaths along the highway adjacent to the site. There is a public transport route which runs and provides stops along Lancaster Road linking the site to the built-up area in addition to cycle routes approximately 1km from the site. It is considered that although the site has some sustainability merits, those visiting the site are likely to use private transport. It is therefore not a location that is considered to be sustainable, and a development that increases vehicle movements to and from the site would raise concerns. However, it also needs to be acknowledged that this is an existing rural business site and historically there would have been daily vehicle movements associated with the poultry farm.

7.2.7 Overall, it is considered that the principle of the re-use of this site is acceptable subject to other relevant policy considerations set out below.

7.3 Noise impacts and residential amenity

7.3.1 It is acknowledged that the application has raised a number of objections from residential occupants living in the surrounding area. One of the primary concerns raised relates to the potential of noise from 100 barking dogs (kennel at maximum capacity). Noise from barking dogs can range approximately between 80-90dB, and in the event of a number of dogs barking at any one time potentially could easily exceed 100dB, at source. However, such noise does not increase exponentially. The Environmental Health Officer has advised that the human response to sound is logarithmic, with each tenfold increase (i.e 10dB) in sound intensity being judged, on average, to double the loudness of that sound. A 3dB increase, which corresponds to a doubling of sound intensity, produces a small but perceptible subjective increase in loudness to the human ear. When more than one noise source is operating at once, it is necessary to consider how sound pressure levels combine. As dB values are logarithmic, as mentioned above, the doubling of intensity equate to a 3dB difference. So, if you have 2 sound sources at 90dB, effectively this equates to 93dB. To calculate the resultant sound at a receptor, a 6dB reduction is assumed per doubling of distance in free field conditions (this is inverse square law in relation to reduction in sound intensity). The Environmental health Officer has provided a basic illustration, that at 256 metres – 93dB will end up being 39dB.

7.3.2 The submitted Acoustic Assessment sets out that the new kennel block will be constructed with a composite metal steel framed building providing a minimum of 45dB sound reduction. An internal insulated ceiling will be provided to the block with the roof constructed from the insulation metal profile

sheeting, 19/1000 liner, 180mm rock mineral wool 23Kg/m³, 32/1000 outer. This will provide a minimum attenuation of 45dB attenuation. The individual kennel blocks will then be built inside this building from blockwork, providing further attenuation. The Acoustic Assessment has been considered by the Environmental Health Officer who has concluded that the proposed development and its distance from the nearest dwelling (about 230m away) and caravan park, together with the proximity of the A588 and associated road traffic noise, is likely to result in 'no observed effect levels' to the nearest sensitive receptor.

7.3.3 Other concerns raised include that of the safety of farm animals and it is understood that there has been a recent incident of sheep worrying close to the site. The Case Officer cannot confirm if the dog involved in this incident belonged to the applicant. However, if this were found to be the case this would be taken into consideration by the Council's Environmental Health Officer during any application for a dog boarding licence which would be required in respect of the kennel. In terms of site security, it also noted that it is proposed that the existing bungalow on site will be occupied by two staff members on a 24 hours basis. It should be noted that although a number of the objections refer to the proposed development being occupied by "100 Alsatians", there is no intention by the applicant to restrict the use of the site to one particular breed.

7.3.4 While the concerns of nearby residents regarding noise concerns are noted, the Environmental Health Officer has raised no objections to the scheme subject to the details contained within the Acoustic Assessment being conditioned. As such the proposal is found to be acceptable in respect of noise and residential amenity.

7.4 Landscape and visual impact

7.4.1 The site is located in the open countryside and is not covered by any specific landscape designation. Notwithstanding this, Policy DM28 (and the corresponding policy DM46 in the emerging Local Plan) requires development to be of a scale and keeping which is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. The site is set within a gently undulating landscape and while it is acknowledged that some scrub and tree removal has taken place there remains substantial tree screening of the site. The site has previously been developed with a poultry unit and associated buildings and the current submission seeks to re-use these buildings, demolish/rebuild one and erect a small stable structure. There will be no additional built development on site. Photographs taken prior to the commencement of work on site provide evidence of the poor external appearance of the original buildings. The training buildings and stable building have been repaired and re-clad in dark green profile cladding. The reception building has also been repaired and re-clad in dark grey profile cladding. The new kennel building will be of the same scale and footprint as the poultry building it will replace and will also utilise dark green external cladding. It is considered that in terms of its built form, appearance and use of recessive colours, the proposal would not be incongruous in this location.

7.4.2 It is considered that there is opportunity to enhance the site further with additional planting, particularly around the proposed pond area and along the southern site boundary. This has been discussed with the agent who is in agreement to the imposition of a landscaping condition. Overall, it is considered that the development would not have a significant adverse landscape and visual impact

7.5 Trees and ecology

7.5.1 Policy DM29 (and the corresponding policy DM45 in the emerging Local Plan) advises that development should positively incorporate existing trees and hedgerows within new development. The submission includes an Arboricultural Impact Assessment which states that the proposed development layout will not require the removal of any trees. While this is technically the case as no additional built development is proposed, it was evident during the site visit that some clearance of trees and vegetation had taken place. These trees had no protection by law and the agent has explained that this was for the purposes of tidying the site and to improve visibility at the site access. The Arboricultural Officer has reviewed the submission and considers that there is opportunity for new planting within the site through under planting the more wooded areas and buffering them with planting, and planting the more open boundaries with a hedge and/or standard trees. As highlighted in paragraph 7.4.2, the agent is agreeable to a landscaping condition.

7.5.2 The submission includes an Ecological Appraisal which states that although the wooded areas within the site have potential for use by roosting bats, the buildings themselves offered very low potential. The

Appraisal suggests that a landscaping scheme should utilise plants which are native and wildlife friendly e.g. night flowering species would be beneficial to bats. It also suggests that wildflower seed could be used to plant verges to enhance the ecological value of the site and provide continuity between the site and the wider area. Hedgerows around the site should be retained or improved where possible and it is proposed that some roosting provision for bats will be incorporated into the converted buildings on site.

- 7.5.3 The Ecological Appraisal concludes that there was no evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development subject to proposed mitigation which will be conditioned.

7.6 Access and highway impacts

- 7.6.1 The proposal will utilise the existing highway access for the site which is 5m wide with gates set back approximately 8.5m from the highway. This access has previously accommodated daily trip movements, including a number of large, slow-moving vehicles with trailers associated with historic poultry farming. There is a 60mph speed limit in the vicinity of the site and the highway consultee considers Lancaster Road in the vicinity of the site to be "lightly trafficked". Nevertheless, this road does carry a significant level of HGVs and farm traffic.

- 7.6.2 The existing hedge lines and boundary walling are set to an overall height of 1.2 metres within the visibility splays. However, most of the land within the northern splay indicated on the submitted plan is not within the ownership of the applicant. The agent has been advised to provide plans showing the visibility splays that are achievable in each direction (i.e. within the ownership of the applicant and Highway Authority). Updated views from the highway consultee on this point are awaited and will be reported verbally at the Committee meeting. Whilst the access has previously been used in connection with the former poultry farm with daily movements of tractors and trailers into and out of the site, the application form states that this facility will have 8 full time employees and the plans show 100 kennels, so vehicular movements to and from the site will increase when comparing the existing use with the proposal.

- 7.6.3 The submitted Transport Statement sets out that drop-offs and pick-ups will be coordinated during specified windows, outside of peak times. Whilst visitor movements will already be managed through a booking system, the submission suggests there is a further option for the business to coordinate pick-up and drop-off activities using a small van. The application form sets out that there will be 10 standard parking spaces and one parking space for those with impaired mobility, but the submitted site plan shows 20 standard parking spaces, so amendments have been sought to rectify this. The provision of secured cycle storage on site would be conditioned.

- 7.6.4 Although it is expected that there will be increased vehicle movements resulting from the development, the proposal could be acceptable from an access and highways perspective subject to the acceptability of the revised visibility splays.

7.7 Drainage

- 7.7.1 Surface water drainage will be dealt with via permeable paving, gravel and swales within the site. A new package treatment plant is proposed to be located in the western part of the site to serve the existing dwelling as well as toilet facilities within the buildings on site. Foul waste from the kennels building will be treated anaerobically and a specially designed tank is proposed to be installed between the reception building and the kennels building. Precise drainage details will be conditioned.

- 7.7.2 Overall it is considered that surface and foul water resulting from the development can be adequately dealt with.

8.0 Planning Obligations

- 8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

- 9.1 The proposal will involve the re-use of an existing site while improving its overall appearance as a result of the elevational alterations. The scheme does not propose built development over and above the existing layout and it is considered that there would not be a significant adverse impact on landscape or visual amenity. The issue of noise arising from the scheme has been fully considered by the Environmental Health consultee and it is judged that acceptable attenuation will be provided. Therefore,

the proposal is considered acceptable in terms of residential amenity. Subject to the receipt of details of appropriate visibility splays, the scheme can be viewed favourably.

Recommendation

Subject to receipt of plans showing acceptable visibility splays, that Planning Permission **BE GRANTED** subject to the following conditions:

1. Plans
2. No further works until contaminated land investigation
3. Details of colour and finish to walls and roof of the kennel building, extraction vents; all external surfacing materials including highway access; secured cycle storage; details of any boundary treatments, including gates.
4. Landscaping scheme
5. Foul and surface water drainage including details of dog waste tank.
6. Provision and protection of visibility splays
7. Implemented in accordance with the details set out within the acoustic assessment
8. Ecology mitigation
9. Operated in accordance with management plan to be submitted and agreed to include maximum number of dogs on site; maximum number of dogs to be exercised outside, hours of operations
10. Provision of parking prior to operation
11. Use as boarding kennels and dog training only

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance

Background Papers

None