

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0383/12/AD - BASSINGBOURN

**Change of Use of land from agricultural land to dog training, and the erection of 3 portacabins for a shop, day care facility and training area
- Field Adj The Cemetery, The Causeway, Bassingbourn
for Mrs Karen Scott, Barking Mad Dog Training**

Recommendation: Delegated Approval

Date for Determination: 26 June 2012

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

To be presented to the Committee by Paul Derry

Site and Proposal

1. The site is a field located adjacent to the designated Bassingbourn village framework. It fronts onto the Causeway to the south, where there are residential dwellings to the roads southern side. There are further dwellings to the west where the rear gardens extend to the western boundary of the site. To the east is Bassingbourn Cemetery, and the land to the north appears in agricultural use. The aerial photographs appear to show the land was previously in agricultural use.
2. The retrospective application, validated on 1st May 2012, seeks to regularise the dog training business currently in operation at the site. The field has been divided up by post and rail mesh fencing into areas of play and training. The business also has daily day-care for dogs. There are three portacabins on site. These are container style structures with flat roofs and have been painted green. The application is accompanied by a Design and Access Statement, and further transport information was submitted as an amendment dated 10th July 2012.
3. Members should be aware the application has an "AD" suffix. It was originally submitted with advertisements to be included, but these were removed. Unfortunately the suffix cannot be manually changed.

Site History

4. There has been no planning applications on the site for 28 years. The application submitted prior to this time, given the intervening time period, are not considered relevant to the determination of this application.

Planning Policy

5. **Local Development Framework Development Control Policies (LDF DCP) 2007 - DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/7 Development Frameworks, NE/6 Biodiversity, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
6. **National Planning Policy Framework** states planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultations

7. **Bassingbourn-cum-Kneesworth Parish Council** recommends refusal of the application given concerns regarding noise, the visual impact of the portacabins, and parking on The Causeway in bad weather.
8. The **Council's Environmental Health Officer** notes there are no records of complaints in respect of dogs barking, although the proximity to neighbouring properties is a concern. A temporary consent for a one year period is recommended to gauge any impact and report any concerns. An informative regarding animal boarding establishments licenses is also proposed.
9. The **Local Highways Authority** objects to the application in its current format given the lack of transport information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway. A transport statement addressing traffic generation, arrival and departure times and visibility splays that can be achieved should be provided. If approved, conditions regarding pedestrian visibility splays, drainage of the access, materials for the access, access width, use of gates, and dimensions of parking spaces. An informative regarding works to the public highway is also proposed.

Representations

10. Two letters of objection have been received on grounds of noise disturbance. One notes if approval is granted, it should not include dogs on site on a Sunday.
11. Two letters of support has been received although concerns are raised regarding parking on the verge rather than the site, and the transportation of mud onto the highway. No toilet or welfare facilities are provided.

Planning Comments

12. The key considerations in the determination of this application are impact upon the amenity of the occupiers of adjacent properties, impact upon the street scene, and highway safety and parking.

Impact upon the Amenity of the Occupiers of Adjacent Properties

13. The application seeks the use of the entire field for dog training. There are residential dwellings along the western boundary of the application site and

along the southern side of The Causeway directly south of the site. The rear gardens of the properties along Elbourn Way to the west back onto the field. There is local concern from residents and the Parish Council regarding noise from the dogs on site. Given the nature of the use, there are likely to be dogs on the site at all times during the day, although no dogs are kept on site overnight.

14. The Council's Environmental Health Team had received no complaints prior to the submission of the application regarding noise. As a result of the one complaint received recently, monitoring has taken place and at those times, noise levels were not considered excessive. Given the proximity of the dwellings and their garden areas to the site, there remains a concern that without proper control, excessive noise could disturb occupiers of the neighbouring properties. Whilst the application seeks a permanent consent on the site, the Environmental Health Officer has recommended a temporary one-year consent to enable further monitoring during this period. This is considered acceptable in this instance, and a condition restricting the use is considered to meet the tests within the NPPF. A one-year period would enable further monitoring of noise from the site. The Environmental Health Officer has confirmed monitoring in the 12 month period can take place to assess the noise. If this is unacceptable, then a renewal of consent could be declined at that stage.
15. The applicant has stated that the day care runs between 08:00-18:00 Monday to Friday, with training between 10:00 and 15:00 on Thursdays and Fridays, 08:30 and 15.00 on Saturdays, and 11:00-13:30 on Sundays. Members of the public have requested that no dogs be allowed on the site on a Sunday in order to ensure no noise one day a week. This is considered acceptable given the proximity of the neighbours, and a condition can restrict the times of dog visits on the site, and this would also prevent any overnight activity.

Impact upon the Street Scene

16. The application includes the retention of three portacabins, located in the southeast corner of the site, by the hedgerow that forms the boundary with the Cemetery. The portacabins are low structures, and have been painted in dark green. They provide space for a small shop, a play area, an indoor training area, an area for cages, an office and a store, all of which would be ancillary to the business on site. There is a good hedge to the front boundary, which would screen the majority of public views into the site. This hedge does screen the portacabins, although they are visible through the access area and above the hedge further westwards, which is lower in nature. Given their colour and backdrop, the portacabins are considered acceptable in the street scene. The structures are not considered worthy of retention on a permanent basis given their "temporary" appearance. Ordinarily, a recommendation of a five year consent for the retention of the portacabins is likely to be acceptable. However, given the recommendation of a one-year temporary consent for the use discussed above, the structures should be given temporary approval in line with this.
17. Fencing has been added to the site to divide up the separate training areas. This fencing is approximately 1m in height and is considered permitted development given its location away from the public highway. The play equipment laid out on the site appears temporary in nature, and would not be considered to be development.

Highway Safety and Parking

18. There is a single point of vehicular access to the site, which runs to a gate approximately 4.1m in width. Given the presence of the grass verge and footpath, vehicle-to-vehicle visibility appears satisfactory. The speed limit along The Causeway has also reduced from 40mph to 30mph during the course of this application. The Local Highways Authority has objected to the application as submitted given the lack of information provided. An amended was received dated 10th July 2012 providing further information. The Local Highways Authority comments on this additional information have yet to be received. Members will be updated in due course.
19. With regard to parking provision, the front area of the field has been set aside for on-site parking. There is significant capacity for vehicles far beyond any likely demand caused by the site. The application therefore has adequate off-street parking provision.
20. There is local concern regarding the potential for parking on The Causeway and the potential impact upon highway safety. The road is relatively straight in the vicinity, and a small amount of short-term parking should not cause any serious highway dangers. Again, Members will be updated on the comments of the Local Highways Authority. There is further concern regarding the potential for mud to be deposited on the highway, especially in wet weather, given the parking area being laid to grass. Some mud deposition is likely to occur given the nature of the use, although not to a serious level to warrant any refusal of the application.

Recommendation

21. Subject to any comments from the Local Highways Authority, grant a temporary approval, subject to the following conditions.

1. The use, hereby permitted, shall be discontinued and the three portacabins removed and the land restored to its former condition within 12 months of the date of this consent.

(Reason - In order that the effect of the development upon the amenities enjoyed by neighbouring residents can be assessed during this period so that any future application can be decided on this assessment in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

2. The use hereby permitted, shall not take place other than between the hours of 08:00 and 18:00 on weekdays, 08:30 and 15:00 hours on Saturdays, and at no time on Sundays or Bank Holidays.

(Reason - To prevent noise disturbance at unsociable hours and on Sundays for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Plus any conditions recommended by the Local Highways Authority.

Background Papers: the following background papers were used in the preparation of this report:

- Local Development Framework Development Control Policies 2007.

- National Planning Policy Framework
- Planning File refs: S/0383/12/FL.

Contact Officer: Paul Derry – Senior Planning Officer
Telephone: (01954) 713159