

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sourton **Ward:** Bridestowe

Application No: 00583/2015

Agent/Applicant:

Exbourne Planning Services
Fenlea
Exbourne
Okehampton
Devon
EX20 3QS

Applicant:

Ms D Winther
Holly Berry
Thorndon Cross
Devon
EX20 4NE

Site Address: Holly Berry, Thorndon Cross, Okehampton, Devon, EX20 4NE

Development: Erection of kennel building and cattery buildings.

Reason for application being presented to the Committee: The application was referred to Committee by Councillors Mott and Hockridge



Recommendation: Conditional approval

Conditions

3 Year time limits

Accordance with plans

Details contained in management plan to be accorded with

Details contained in Noise Assessment Report to be accorded with

Access alterations to be provided prior to use commencing

Commercial use on 1No cattery as indicated only

Only kennel building as shown to be used for housing for dogs

External lighting to be agreed with LPA

Surface water and foul drainage details to be provided in accordance with submitted details

Key issues for consideration:

Proposed use in this location, impact on landscape and nearby occupiers, highways issues, environmental health and ecology

Site Description:

The site is to the north of the A3079 and is land to the west of 'Holly Berry'. It currently comprises pasture land and is well screened by hedging to the road side.

The Proposal:

Erection of kennel building and 2No cattery buildings. The kennel is proposed to be a charity dog kennel for a maximum of 9 dogs and 1No charity cattery. It is proposed to erect a separate cattery in the rear garden area of Holly Berry.

Consultations:

- County Highways Authority:
No objection subject to the inclusion of condition
- Environmental Health Section:
We have reviewed the above application, and feel that the applicant has adequately demonstrated that noise will not be an issue; through good management practices, distance to nearest receiver, and the background noise levels.

As such we do not have comments to make on this application.

- Sourton Parish Council:
Council resolved to object to the application on the grounds of noise impact on the area, residents and existing businesses.
- Ecologist:
The ecology report advises that ecology impacts are limited subject to appropriate design and control of external lighting (i.e. to avoid light spillage onto hedgerows that have potential to be used by protected species).

If minded to approve the application please apply a condition along the following lines:

- Any external lighting shall reflect recommendations for avoiding light spillage (section 5 of Extended Phases 1 Habitat Survey, J G Ecological Services, May 2015) and should first be agreed in writing by the LPA.

- Natural England
No comments to make

Representations:

Representations from Residents

Comments have been received and cover the following planning related points:

- Commercial Kennels would impact on quality of life for residents through noise pollution
- Disturbance to adjacent bridleway
- Tourism businesses would be adversely impacted by kennels
- If animals are contained in soundproofed kennels, how will they be exercised?
- Highway safety issues
- Previous objectors should have been informed of current application
- Application should go before committee
- Site is not remote
- Cattery could be used as more kennels
- Water pollution issues
- Changes to access welcomed

Relevant Planning History

00010/2015 - Erection of charity kennels and cattery and formation of new vehicular access from public highway - Withdrawn

ANALYSIS

Principle of Development/Sustainability:

Policy NE10 states:

Development within the countryside outside settlement limits or not otherwise in accordance with policies or allocations in the Plan will not be permitted unless:

- (i) It provides an overriding economic or community benefit and cannot be reasonably located within an existing settlement;
- (ii) It does not cause unacceptable harm to the distinctive landscape character of the area and the important natural and made features that contribute to that character including views;
- (iii) Where the development is not associated with agriculture the best and most versatile land is only developed if sufficient lower grade land is not available or that available lower grade land has an environmental value that outweighs agricultural considerations.

The application has been submitted with supporting information in respect of the need for the charity facilities. Due to the nature of the use, it would not be appropriate for the 2No cattery's and kennel to be located within a settlement. It is considered that the proposal does not result in unacceptable harm to the distinctive landscape character of the area. The area of agricultural land used is minimal and has been used as pasture land, it therefore does not result in the loss of the best or most versatile land.

Design/Landscape:

The proposed buildings are considered to not be disproportionately large and would not result in harm to the wider landscape character. The site is well screened, thus with the modest height of the buildings, it is considered that the proposal does not harm the wider landscape and the design of the buildings is acceptable.

The land rises to the north, with Ashbury Gold Course being sited to the north east. A public right of way runs approximately 40 metres to the north of the proposed kennel, due to the screening on the site and the screening adjacent to the boundary with the public right of way, it is considered that the kennel building will not be overly prominent and does not harm the wider landscape.

Neighbour Amenity:

The proposed kennel is sited 45 metres to the north of the boundary with the site to the south, which adjoins the A3079. The nearest residential properties are sited approximately 50 metres to the south of Holly Berry. The proposed kennel has been designed so as to minimise potential noise and disturbance. These measures include the layout of the kennels so the dogs cannot see each other, the orientation of the building and its openings as well as the materials used to provide acoustic double glazing and insulated walls. On the basis of the details submitted, the Council's Environmental Health Officer has reviewed the application and detailed Noise Impact Assessment and has offered no objections to the proposals.

It is considered that the use will not have a harmful impact on local tourist businesses.

The proposed exercise area for the dogs is to be sited at the western end of the site, which is sufficiently far from residential properties.

Highways/Access:

The previous application proposed a new access to the A30749, which was unacceptable to the Highway Authority. This application proposes an improvement to the existing access to provide suitable sight lines, this is considered acceptable by Highways. It also provides a benefit of improving forward visibility for all traffic on the approach to a junction and busy lay-by. The Highways Officer concluded that the improvement to the access would suitable offset the modest increase in use at the access and the provision of the improved access can be secured by a condition.

Other Matters:

The surface water drainage is proposed to utilise soakaways and foul waste via a digester plant, these details are acceptable and will be conditioned to be provided. Planning applications are advertised in accordance with the requirements of The Town and Country Planning Act 1990 (as amended). It is considered that the proposal will not adversely affect the use of nearby rights of way and Bridleways.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP15 – Traffic Management

SP16 – Safer Communities

SP17 – Landscape Character

SP19 – Biodiversity
SP20 – Promoting High Quality Design
SP24 – Sustainable Rural Communities

West Devon Borough Council Local Plan Review 2005(as amended 2011)

NE10 – Development in the Countryside
T9 – The Highway Network

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.