

Application No	S/35029
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Application Type	Full Planning
Proposal & Location	CHANGE OF USE OF AN OUTBUILDING TO 12 KENNELS AT DURCLAWDD FACH, LLANNON, LLANELLI, SA14 8JW

Applicant(s)	MR NEIL BUCKLEY, DURCLAWDD FACH, LLANNON, LLANELLI, SA14 8JW
Agent	MR CRAIG MASTERS, 80 GLYN ROAD, BRYNAMMAN, AMMANFORD, SA18 1ST
Case Officer	Gary Glenister
Ward	Llannon
Date of validation	26/01/2017

CONSULTATIONS

Head of Transport – Has no objection subject to the imposition of an appropriate condition on parking.

Head of Public Protection – Has no objection to the proposal subject to the imposition of appropriate conditions.

Llannon Community Council – Has not commented to date.

Local Member – County Councillor E Dole has requested that the application be reported to Planning Committee as there is potential noise pollution and that Committee undertake a site visit. County Councillor D Jones is a Member of Planning Committee and has not made prior comment. Former County Councillor Thomas was also a member of Planning Committee and did not make any observations.

Neighbours/Public – The application has been advertised by the posting of three site notices with one reply received to date raising the following matters:-

- The base map incorrectly identifies the neighbouring property's name.
- There has been no consultation with neighbours as stated on the forms.
- Neighbours have had no individual consultation letters.
- Rural area with little background noise.
- Kennels will generate noise only 85m from neighbouring property.

RELEVANT PLANNING HISTORY

The following previous application has been received on the application site:-

D5/13498 Glasshouse
 Permitted Development

07 February 1991

APPRAISAL

THE SITE

The site is an existing agricultural building which forms part of a small holding approximately 1.5km East of Llannon. The site is accessed via a single track road with passing places which serves several dwellings and a farm in addition to the applicant's property. There is a farmhouse and converted barn to the West, however it is noted that the barn is in third party ownership. There is a third party property to the South which is relatively close at 90m but accessed via a long private drive from the C2130.

The site is elevated compared with the access road, however it is not prominent in the landscape overall given the limited scale and surrounding vegetation. The building is not actively used for agriculture presently and is used for ad-hoc storage for the holding.

The barn is of agricultural portal frame construction with concrete block lower walls and corrugated sheeting above. The ground levels are such that the barn is split level following the contour of the site as reflected on the plans.

THE PROPOSAL

The application seeks full planning permission for a change of use of the existing split level agricultural building to form a commercial boarding kennel. The double barn is proposed to be subdivided into twelve kennels with an internal exercise area. Three of the kennels are proposed as a quarantine unit.

The barn is proposed to be finished with vertical soft wood cladding above the existing block work. The roof is proposed to be corrugated fibre cement sheets as existing.

No new buildings are proposed, however there would be external parking within the curtilage of the site. It should however be noted that the applicant has stated that there will be a pick up and drop off service to avoid customers visiting the site, so the site has been assessed on this basis.

PLANNING POLICY

In the context of the current development control policy framework the site is outside the settlement development limits of Llannon as defined in the Carmarthenshire Local Development Plan (LDP) Adopted 10 December 2014.

Policy SP1 Sustainable Places and Spaces states:

Proposals for development will be supported where they reflect sustainable development and design principles by:

- a) Distributing development to sustainable locations in accordance with the settlement framework, supporting the roles and functions of the identified settlements;
- b) Promoting, where appropriate, the efficient use of land including previously developed sites;
- c) Integrating with the local community, taking account of character and amenity as well as cultural and linguistic considerations;
- d) Respecting, reflecting and, wherever possible, enhancing local character and distinctiveness;
- e) Creating safe, attractive and accessible environments which contribute to people's health and wellbeing and adhere to urban design best practice;
- f) Promoting active transport infrastructure and safe and convenient sustainable access particularly through walking and cycling;
- g) Utilising sustainable construction methods where feasible;
- h) Improving social and economic wellbeing;
- i) Protect and enhance the area's biodiversity value and where appropriate, seek to integrate nature conservation into new development.

Policy GP1 Sustainability and High Quality Design states:

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well-lit environments and areas of public movement);

- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

Policy TR2 Location of Development – Transport Considerations states:

Proposals which have a potential for significant trip generation will be permitted where:

- a) It is located in a manner consistent with the plans strategic objectives, its settlement framework and its policies and proposals;
- b) It is accessible to non-car modes of transport including public transport, cycling and walking;
- c) Provision is made for the non-car modes of transport and for those with mobility difficulties in the design of the proposal and the provision of on site facilities;
- d) Travel Plans have been considered and where appropriate incorporated.

Policy TR3 Highways in Developments - Design Considerations states:

The design and layout of all development proposals will, where appropriate, be required to include:

- a) An integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport;
- b) Suitable provision for access by public transport;
- c) Appropriate parking and where applicable, servicing space in accordance with required standards;

- d) Infrastructure and spaces allowing safe and easy access for those with mobility difficulties;
- e) Required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced;
- f) Provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

Section 7.3 of Planning Policy Wales Edition 9 – November 2016 and paragraphs 3.2.1 to 3.2.4 of Technical Advice Note 6 encourage the re-use of rural buildings as follows:-

7.3 Promoting diversification in the rural economy

7.3.1 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects⁵. Small-scale enterprises have a vital role in promoting healthy economic activity in rural areas, which can contribute to both local and national competitiveness. New businesses in rural areas are essential to sustain and improve rural communities, but developments which only offer short-term economic gain may not be appropriate. Local authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working. Information communications technology, in particular broadband, is vital to communities and business in rural areas. Improvements to information communications infrastructure networks should be supported throughout rural Wales.

7.3.2 While some employment can be created in rural locations by the re-use of existing buildings⁷, new development will be required in many areas. New development sites are likely to be small and, with the exception of farm diversification and agricultural development to which separate criteria apply⁸, should generally be located within or adjacent to defined settlement boundaries, preferably where public transport provision is established. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating appropriate small-scale rural enterprises in or adjoining small rural settlements. The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.

Paragraphs 3.2.1 and 3.2.3 and 3.3.4 of TAN 6 Planning for Sustainable Rural Communities (July 2010) states:

- 3.2.1 When assessing planning applications for the re-use or adaptation of a rural building, the primary consideration should be whether the nature and extent of the new use proposed for the building is acceptable in planning terms. It should not normally be necessary to consider whether a building is no longer needed for its present agricultural or other purposes (although in the case of a tenanted agricultural building, the value in planning terms of the existing use should be taken into consideration). In circumstances where planning authorities have reasonable cause to believe that an applicant has attempted to abuse the system by constructing a new farm building with the benefit of permitted development rights, with the intention of early conversion to another use, it will be appropriate to investigate the history of the building to establish whether it was ever used for the purpose for which it was claimed to have been built.
- 3.2.3 Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building.
- 3.2.4 Planning authorities should consider setting out in development plans their approach to proposals for the re-use of complexes of buildings with a large aggregate floor area, and of individual buildings which are especially large. The economic and social needs of the area and environmental considerations may be particularly relevant to such proposals.

Good design is encouraged at all levels and national policy contained in Planning Policy Wales Edition 9 – November 2016 provides the following guidance:-

Paragraph 4.11.1 states: Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.

Paragraph 4.11.2 states: Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals. These objectives can be categorised into five key aspects of good design:

Paragraph 4.11.3 states: The design principles and concepts that have been applied to these aspects should be reflected in the content of any design and access statement required to accompany certain applications for planning permission and listed building consent which are material considerations.

Paragraph 4.11.4 states: Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone (see Section 3.4).

Paragraph 4.11.8 states: Good design is essential to ensure that areas, particularly those where higher density development takes place, offer high environmental quality, including open and green spaces. Landscape considerations are an integral part of the design process and can make a positive contribution to environmental protection and improvement, for example to biodiversity, climate protection, air quality and the protection of water resources.

Paragraph 4.11.9 states: The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Paragraph 2.2 of Technical Advice Note 12 Design (March 2016) states:

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

Paragraph 2.6 & 2.7 of Technical Advice Note 12 Design (March 2016) states:

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design (Figure 1). The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Paragraphs 3.1.1 and 3.1.2 of TAN 6 Planning for Sustainable Rural Communities (July 2010) states:

3.1.1 Strong rural economies are essential to support sustainable and vibrant rural communities. A strong rural economy can also help to promote social inclusion and provide the financial resources necessary to support local services and maintain attractive and diverse natural environments and landscapes.

3.1.2 Planning authorities 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 employment⁷. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.

THIRD PARTY REPRESENTATIONS

The base map has errors in terms of the name of the neighbouring property, however it is clearly shown and the impact on third parties has been considered as part of the planning process.

The form suggests that neighbours have been consulted prior to submission, however the objector states he wasn't. The application was advertised by way of site notices rather than individual letters. This is in accordance with the General Development Procedures Order which requires either letters or notices. In this case, in order to consult an area wider than just properties which are contiguous with the site, notices were displayed.

The site is in a rural area with little background noise, therefore a noise report was sought and received to set out how the proposal would affect noise. A management plan has also been submitted to ensure that noise is controlled and third parties would not be affected. The proximity of third party properties is noted, with the objector's property some 90m to the South-South East of the site but accessed separately from the South rather than the farm access. Given the separation distance and small scale of the operation, it is not considered likely that there would be unacceptable noise impacts.

The objector draws reference to the 400m threshold used when considering whether an agricultural shed is permitted development and states that dogs would be noisier than agricultural animals. This is not material as full planning permission is being sought for the change of use of the building and the merits of the case are being assessed.

CONCLUSION

After careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, it is considered that the site has an existing agricultural building which is proposed to be re-purposed for boarding kennels to provide a service to dog owners and employment and an income for the small holding.

The principle of re-using the barn for a rural enterprise is supported by local and national policy in order to create jobs and diversify the rural economy. However this needs to be balanced by the concerns of the local community in respect of potential noise pollution.

The case has been carefully examined by the public protection service in terms of potential noise pollution and is not considered likely to have an unacceptable adverse impact on third parties. The case has been examined by the Head of Transport and given the "pick up and drop off" service proposed, is not likely to have highway safety implications and therefore is considered to be in accordance with the above policies.

RECOMMENDATION – APPROVAL

CONDITIONS

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-
 - 1:1250 & 1:200 scale Location & Site Plans. Drawing No. 01-0117A received 26th January 2017;
 - 1:50 scale Existing and Proposed Floor Plans. Drawing No. 01-0217 Rev A received 27th February 2017;
 - 1:50 scale Proposed Elevations. Drawing No. 01-0417A received 18th January 2017.
- 3 Prior to any use of the development herewith permitted, 3 no. car parking spaces (each measuring 2.6m x 4.8 m, hard surfaced and surface delineated), shall be made available, and thereafter maintained at all times, within the curtilage of the site.
- 4 The proposed development is to be constructed in accordance with the detail provided in the Durclawdd Fach Dog Kennels, Llannon Planning Noise Assessment Acoustic Report A1140 R01A.
- 5 Dog drop off, pick up and visiting times shall be appointment only and between the times of 08:00am – 16:00pm.
- 6 Feeding of the dogs shall only take place between the times of 08:00am – 08:30am and 17:00pm – 17:30pm. Feeding should take place within the building envelope.
- 7 The rating level of sound emitted from the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.
- 8 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 7. The assessment shall be undertaken under the supervision of the Local Authority.
- 9 In the event that Condition 7 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 7. These measures will then be implemented forthwith.

REASONS

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interests of visual amenity.
- 3 In the interests of highway safety.
- 4-9 To protect the amenities of surrounding residents.

REASONS FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy GP1 and EMP2 of the LDP in that the change of use of the agricultural building is considered to be an acceptable employment opportunity in the open countryside which is appropriate in terms of scale and design, and will not cause unacceptable loss of amenity to neighbouring uses.
- The proposed development complies with Policies TR2 and TR3 in that the proposal is not likely to be detrimental to highway safety.

NOTES

- 1 Please note that this permission is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions which the Council has imposed on this permission will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions which require the submission of details prior to commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website (www.carmarthenshire.gov.uk).