

6 DCNE2009/0883/F - PROPOSED BOARDING KENNELS AND CATTERY AT ACTON MILL FARM, SUCKLEY, WORCESTER, HEREFORDSHIRE, WR6 5EJ.

For: Mrs R Hooper per Richard Gittings, 61 Primrose Crescent, Worcester, WR5 3HQ.

Date Received: 17 April 2009

Ward: Frome

Grid Ref: 71106, 50368

Expiry Date: 12 June 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The site, which is known as Acton Mill Farm, Suckley, lies in open countryside and within the parish of Acton Beauchamp. The site is situated to the west of the U65622 leading to Stony Cross. The farm buildings and stables are to the northwest of the farmhouse which has a separate splayed access to the farmhouse. The farmhouse access is to the south, which inclines sharply to higher ground. The farm holding is 21 acres and is situated within the lower valley of the rolling landscape, where the landform slopes from the north and inclines to the south. There is a mill pond and weir to the south of the farm which is shielded by trees that stretches east to west along the field boundary. Neighbouring properties are to the north known as No. 1 & 2 Malvern View and Judy's Cottage; to the northeast The Poplars and to the southeast The Bant and Slate House. There is a Mill 13m southeast of the Acton Mill Farm, a Grade II Listed Building, which is associated with the applicants property. The Landscape Character Assessment characterises the area as Principal Timbered Farmlands.
- 1.2 The application proposes the construction of a boarding kennel and a cattery for 20 dogs and 10 cats. The two buildings would be formed in a line 7m south of the existing large barn. The dimensions of the kennels are 21.8m (l) x 8m(w) x 3.3m(h). Each kennel provides a bedding and exercise area measuring 2.9m(l) x 1.8m(w). The dimensions of the cattery are 9.7m(l) x 7m(w) x 3.3m(h). Each cattery provides a bedding and exercise area measuring 2.5m(l) x 1.3m(w). There are two isolation units, one for dogs measuring 5m(l) x 2m(w) and for cats 3.5m(l) x 2m(w). The dog isolation unit is situated between the kennels and cattery leaving a gap of 5m to each building and the cat isolation unit is 5m west of the cattery. It is also proposed to construct an acoustic wall 24m to the east of the kennels measuring 18m (l) x 2.6m (h).
- 1.3 Supporting information was submitted with the application in the form of a Design and Access Statement and Noise Assessment carried out by M.A. Thorne, Acoustic Associates, Worcestershire.
- 1.4 This is a second application because no noise assessment formed part of the previous application, which was withdrawn.

2. Policies

Planning Policy Statements

- | | | |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development |
| PPS7 | - | Sustainable Development in Rural Areas |

PPG24 - Planning and Noise

Herefordshire Unitary Development Plan 2007

S1 - Sustainable Design
 S2 - Development Requirements
 S6 - Transport
 S11 - Community facilities and services
 DR1 - Design
 DR3 - Movement
 DR4 - Environment
 DR13 - Noise
 E12 - Farm diversification
 T8 - Road hierarchy
 T11 - Parking provision
 LA2 - Landscape character and areas least resilient to change
 CF2 - Foul drainage

3. Planning History

MH97/0176 Change of use - other - Malvern Hills District Council
 Approved 16.4.97

DCNE2003/1466/S Implement shed, general agricultural store
 Prior approval not required - 28.5.03

DCNE2003/1661/F Erection of stables and new access to farmstead
 Approved 30.7.03

DCNE2004/0564/F Extensions to agricultural buildings
 Approved 27.4.04

DCNE2004/2625/F Erection of additional stables
 Approved 1.11.04

DCNE2005/1365/F Proposed hay store
 Approved 31.5.05

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager recommends that the existing access would benefit from improvements in terms of cutting back the hedgerow and the provision of a bound surface at the entrance and as such recommends conditions.

4.3 The Head of Environmental Health and Trading Standards observations are as follows:-

"My concerns about potential nuisance from dog barking have been addressed by a noise consultant's report. Other than the consultant identifying the location of the kennels are within Worcestershire, the report is satisfactory and concludes that noise from dog barking should not

cause nuisance to the occupiers of nearby residential property. Therefore I have no objection to the application".

- 4.4 The Head of Environmental Health and Trading Standards - Licensing observations are as follows:

"The plan at present does not give us enough detail to determine if it meets the requirement for licensing. I have visited the premises and I have no worries concerning their ability to comply when completed". Clarification was sought in terms of details to satisfy the licensing requirements and a copy of the conditions relating to animal boarding for dogs and cats was forwarded on the 19 May 2009.

5. Representations

- 5.1 Acton Beauchamp Parish Council observations are as follows:-

"Cannot support the proposed kennels, is in too close proximity to other households, who do not want the noise of barking dogs. Not a suitable site".

- 5.2 Cradley Parish Council has no objections, but request Council to consider noise impact in the area.

- 5.3 A Design and Access Statement was submitted, along with a noise assessment. In summary these state:-

- The site is located on the outskirts of village, accessed from either the A44 or A4103.
- Entrance to the site is via existing driveway to the north west of the farm.
- Proposed work involves the erection of boarding kennels and cattery.
- The scale and form is appropriate to its setting and in keeping with the form of existing buildings.
- The buildings will not be over dominate or detrimental to the wider local area.
- The buildings will be constructed of concrete blocks with galvanised steel mesh to front of pens and green minnel felt to roof on insulated decking.
- Foul and waste water taken to kalghester septic tank with the outfall taken into a biodisc system.
- The area has a flat hard standing for ease of access for the ability of all age ranges and appropriate wheelchair access with designated disabled parking.
- Acoustic Associates carried out a background noise survey and the necessary modelling to assess the potential effect of noise on nearest neighbours.
- The position of kennels and cattery takes advantage of the existing buildings.
- The Local Authority agreed that the Supplementary Planning Guidance (SPG) issued by South Holland District Council to be used as the basis of the assessment.
- Guidance gives noise emission levels and recommends that the calculated noise does not exceed background noise levels (33dBA lowest, 34.7d BA average, as measured).
- Daytime background noise levels measures were 33LA90 or more.
- The noise at the most exposed location is calculated to be 32.4LAeq
- The SPG considers this assessment to be acceptable.

- 5.4 The applicant submitted a further letter in support of her application. The main points are summarised:-

- Proposed kennels and cattery will provide work opportunities locally, together with the proposed Care Farm environment for people with learning disabilities.
- Likelihood of hearing dogs and cats is highly remote due to the siting of the unit.

- The countryside is very important and this will be a way of providing and sustaining the countryside.

5.5 Six letters of support have been received from:-

Roger & Barbara Blackburn, Suckley Post Office, Tan House, Longley Green, Suckley, Worcestershire. WR6 5DU
Mrs PR Heath, 3 Woodland Road, Suckley, Worcester. WR6 5EA
Noelle Wilson, Manager, Top Barn Training, Top Barn Farm, Holt, Worcester. WR6 6NH
Mrs S Bodley, 1 Malvern View, Suckley, Worcester. WR6 5EJ
Miss L Cox, 27 Damson Way, Suckley, Worcester. WR6 5EW
RJ & KY. Boyle, 'St Kitts', Cradley, Nr. Malvern, Worcester. WR13 5UR

The main points are summarised:-

- The proposed kennels and cattery can only enhance the community as a whole providing additional employment opportunities.
- Increase number of visitors to the area which can only benefit existing businesses.
- Support rural initiatives to help local people and preserve the countryside in which we live.
- Noises and smells are part of the countryside.
- The applicant provides support for three adults with leaning disabilities, this development will be invaluable for their supportive care.
- Property situated closest to Acton Mill and the kennels and cattery will be a positive inclusion in our local community.
- Prospect of kennel local to us is welcomed because there is a great demand for this service.
- Opportunity to provide extra income for the farm knowing how difficult it is to make a living from farming.

5.6 Five letters of objections were received from:-

Mr & Mrs Withorn, Slatehouse Cottage, Acton Mill, Suckley, Worcester, WR6 5EJ
Mr & Mrs WJ Ranford, The Bank, Suckley, Worcester, WR6 5EJ
L.C. Hubbard, Priory Redding, Suckley, Worcester, WR6 5EH
Richard & Barbara Wall, The Poplars, Suckley, Worcester, WR6 5EH
Matthew & Hannah Dovey, Judy's Gate, Suckley, Worcester, WR6 5EH

The main points are summarised:-

- Kennels & cattery will worsen the traffic situation along a narrow single lane.
- Noise will be excessive because property situated in a valley.
- Proposal is against agriculture and not of any local interest to the local community.
- Planning concerned of size and shape of building should also be concerned with usage.
- Noise assessment figures, although technical jargon, not convincing.
- Noise assessment meaningless from practical experience from noise of two or three dogs kept at these premises in the past.
- Noise levels measured in decibels relate to high pitched sounds and do not compare to yapping dogs.
- The noise report misleading dogs in kennels will bark at the slightest provocation, ie. when other dogs collected/delivered.
- Sound of a barking dog will carry for a long distance.
- Annoyance will be more noticeable in this area - sound of livestock grazing 2-3 fields beyond Acton Mill can be heard.

- Potentially listening to 20 dogs and other pet dogs in the area would be unfair and intolerable.
- Location of kennels would amplify the noise nuisance levels.
- No scheme in place to show how sound pollution levels will be minimised.
- No acoustic management in way of construction materials.
- Unacceptably impact upon the local residential amenity in what is a tranquil area.
- The noise nuisance will have a detrimental effect upon wildlife.

5.7 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues in the determination of the application are considered to be the impact upon the residential amenity and wider surroundings, impact upon the landscape qualities and the impact upon the safe operation of the highway network.

6.2 The proposal is to provide boarding kennels for 20 dogs and a cattery for 10 cats, albeit situated on the farm holding, it is situated within the open countryside and within a 180m radius of residential properties where particular concern has been focused upon the noise impact of such development. Given that the previous application was withdrawn by virtue of a noise assessment not undertaken, the applicant has now submitted such an assessment in order that your Officers' can consider the likely impact upon the countryside and residential amenity.

6.3 Planning Policy Guidance Note 24: "Planning and Noise" states that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system has the task of guiding development to the most appropriate locations and does not cause an unacceptable degree of disturbance.

6.4 Policy DR13 of the Herefordshire Unitary Development Plan outlines that development should be directed to the most appropriate locations and sites, where activities that generate or potential to generate levels of noise that may give rise to injury or complaints needs to be considered. Noise is increasingly recognised as a form of environmental pollution and is a material consideration in planning decisions.

6.5 The application submitted a noise assessment having regard to the South Holland Supplementary Planning Guidance (SPG). This document has not been reviewed through the Local Development Framework of the South Holland District Council, however, their Environmental Health Officers' regularly use the SPG to comment upon applications for Development Control Officers'. The noise consultant sought confirmation from this Council's Environmental Health Officer who considered that the SPG provided guidance to carry out the noise assessment for the proposed kennels.

6.6 The assessment identified four noise receptor points from a number of residential properties namely, Judy's Cottage approximately 184m; 1 & 2 Malvern View approximately 149m, The Mill approximately 105m, The Bant approximately 211m. Over the period of 1 hour, the methodology from the SPG was used to assess the potential noise from dogs barking, i.e the number of dogs $20 \times 0.6 =$ which is a total of 12 dogs barking at any one time. The noise data collected from the four properties shows that the daytime background noise levels measured 33LA90 and the noise from dogs at the most exposed location was calculated to be 32.4LAeq, this being The Mill, closest of properties. The SPG recommends that the proposal will be acceptable if the calculated noise does not exceed the background noise such as (33 dBA lowest, 34.7dBA average). In this case the noise levels would not exceed these measurements.

Furthermore, an acoustic wall is to be constructed to the east of the buildings, to further reduce the potential noise risk from the kennels.

- 6.7 The objections received having regard to the noise nuisance are noted and whilst their concerns have been taken into account, the Council's Environmental Health Officer has considered the detailed acoustic report and considers that the noise from dog barking should not cause nuisance to the occupiers of nearby residential property. If, complaints are received, Environmental Health Officers' can investigate and consider using powers under the Environmental Protection Act 1990.
- 6.8 The buildings would be situated 7m south of the existing large agricultural building. This position has been considered in terms of remaining close to the existing buildings and to act as a noise barrier. The buildings are constructed side by side with the isolation units situated between, but retaining a 5m gap between buildings. Given that the buildings are to the rear of the range of buildings, and shielded by the tree belt to the south of the site, the buildings would not be visually harmful upon the landscape qualities.
- 6.9 The Council's Licensing Officer, provided conditions that are required to be met in order to obtain an animal boarding establishment licence. The buildings are in line with each other to ensure that the dogs and cats do not see sight of one another. The size of the each kennel and cattery is adequate in size in terms of bedding and exercise area. The construction of the building, the roofing and ventilation is acceptable subject to inspection. Waste will be collected and disposed through the Kee NuDisc which is a self-contained, covered, single piece packaged treatment system. In terms of licensing the layout, size and functioning of the buildings would be carefully considered before a license would be issued, which is dealt separately through Environmental Health and Trading Standards. Without an animal boarding establishment licence, the kennels and cattery would not be operational, even if the Council is minded to support the application.
- 6.10 Turning to highway issues, concerns were raised having regard to the access and local road network because it is served by a single lane U65622 via the C2064. The Council's Traffic Manager has no objections to the proposal subject to remedial works being undertaken and recommends conditions.
- 6.11 The proposal has demonstrated that the environmental and social impacts have been minimised through careful consideration of siting, landscape, highway and residential amenity, as such the proposal satisfies national and local plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3 H03 (Visibility splays)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

4 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

5 Before development commences a drawing scaled at 1:50 detailing the construction of the acoustic wall shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

6 The building shall be enclosed with sound insulating materials in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of use hereby permitted.

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

7 I24 (Standard of septic tank/soakaway system)

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives

- 1 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 HN28 - Highways Design Guide and Specification**
- 4 N15 - Reason(s) for the Grant of Planning Permission**
- 5 N19 - Avoidance of doubt - Approved Plans**

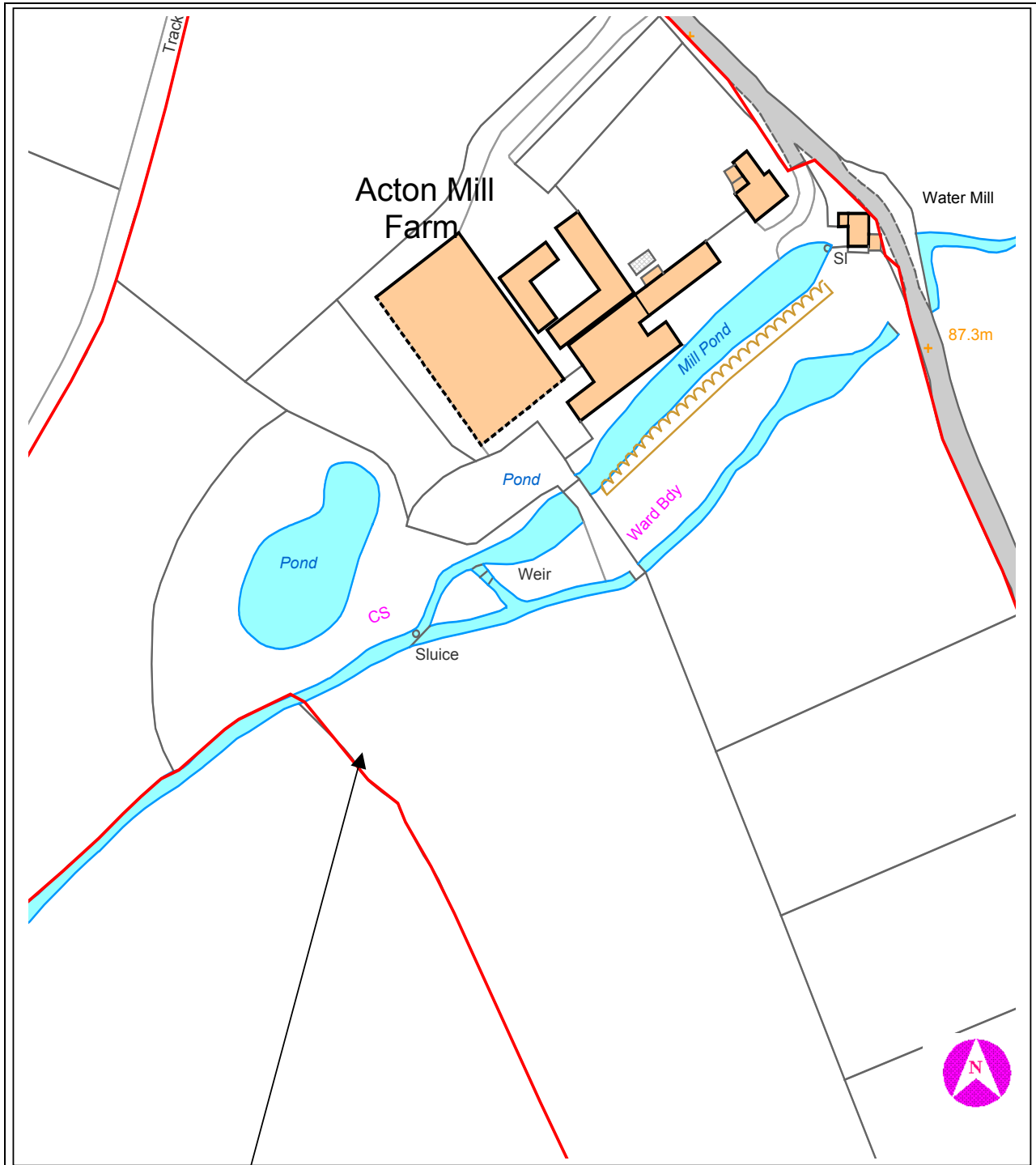
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2009/0883/F

SCALE : 1 : 1250

SITE ADDRESS : Acton Mill Farm, Suckley, Worcester, Herefordshire, WR6 5EJ

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