

19-2022-0783



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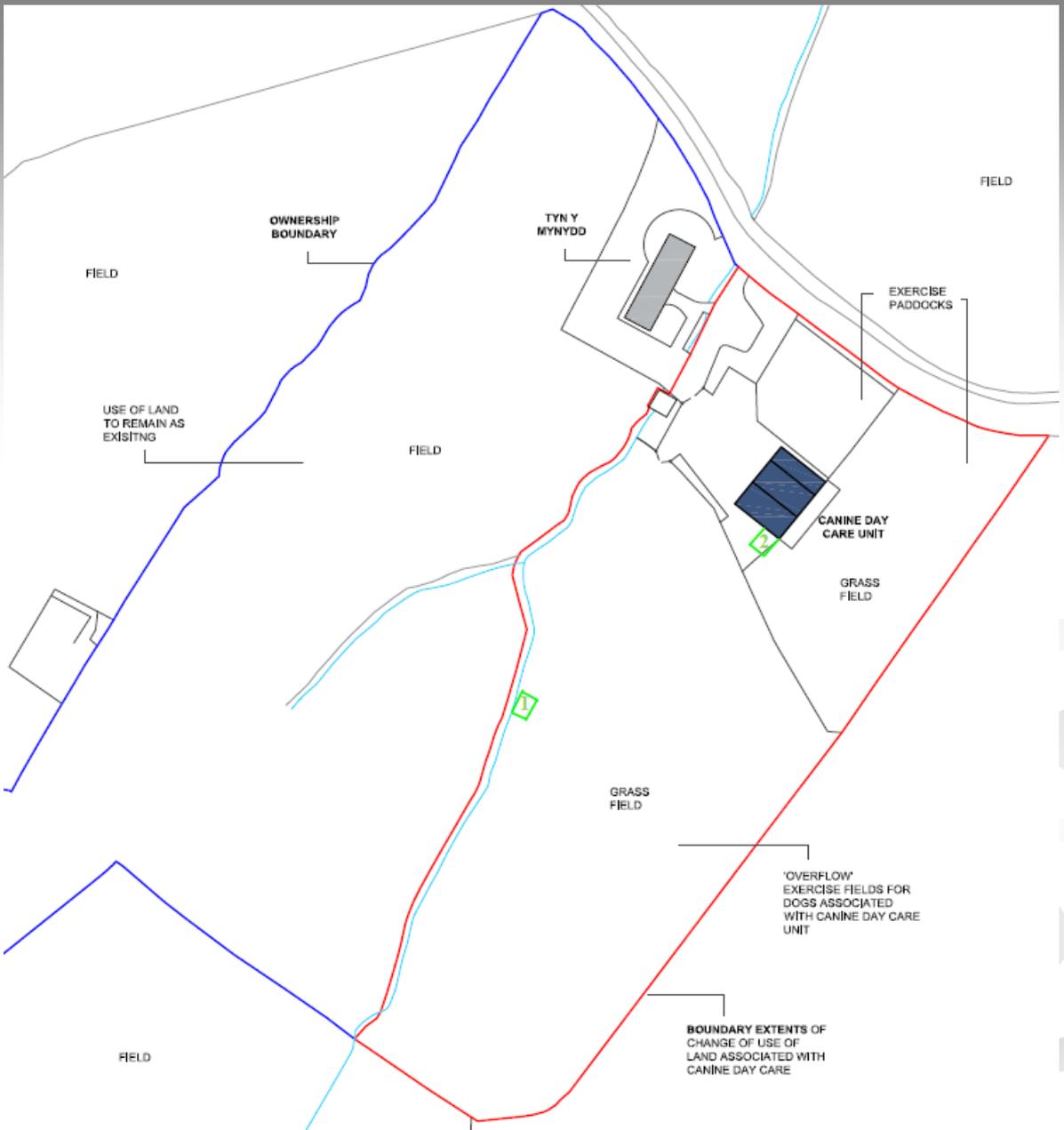
18/2022/0783

Ty'n y Mynydd, Llanelidan

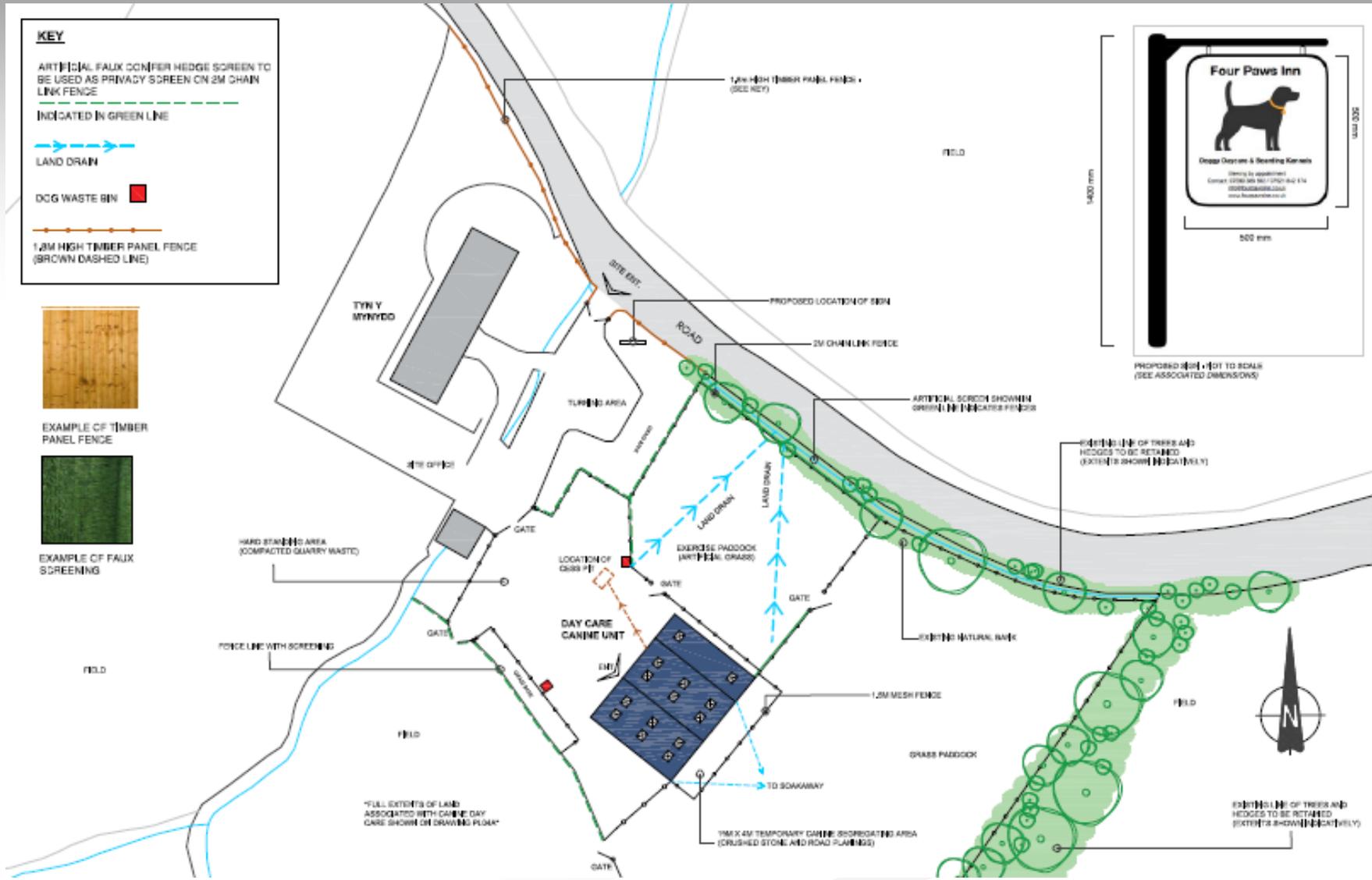
**Change of use of agricultural building and land
to canine day care and boarding, installation of a
cess pit and associated works
(retrospective application)**



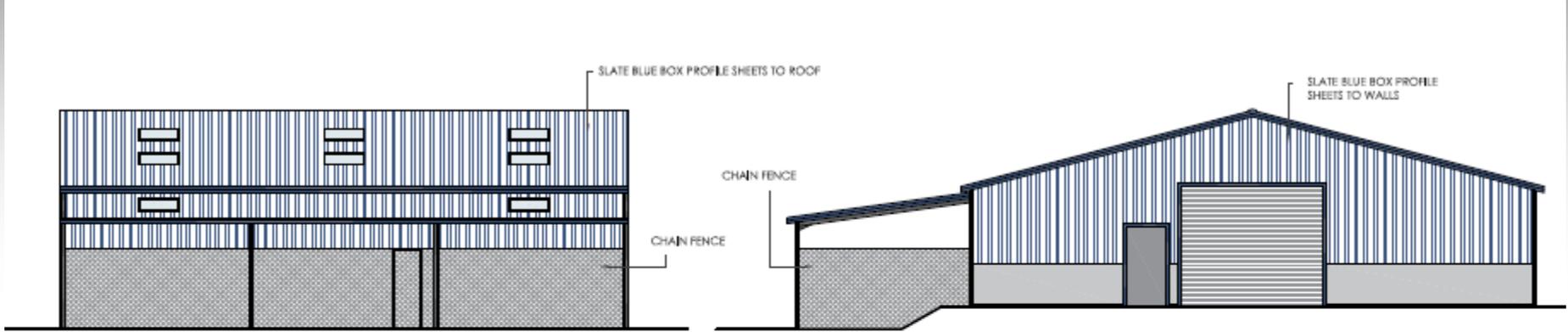
Location Plan



Site plan

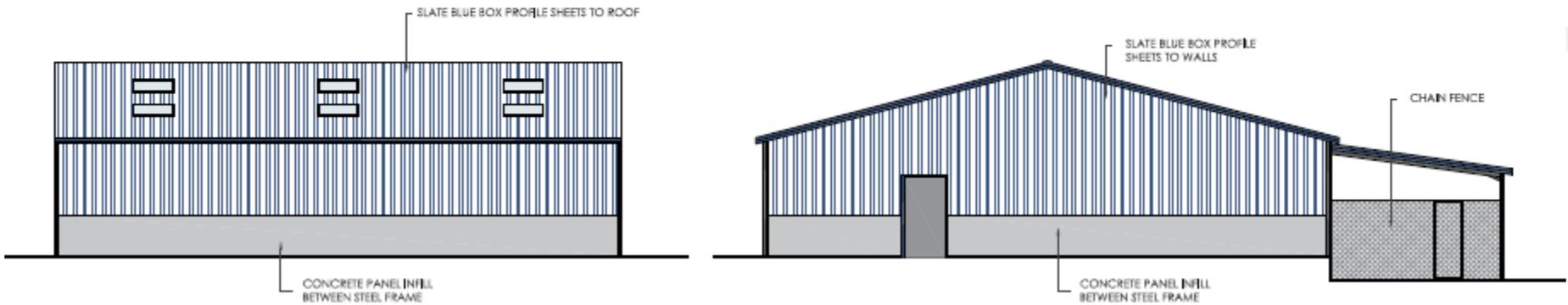


Detailed Site plan



PROPOSED SIDE ELEVATION 1

PROPOSED FRONT ELEVATION



Elevations of building



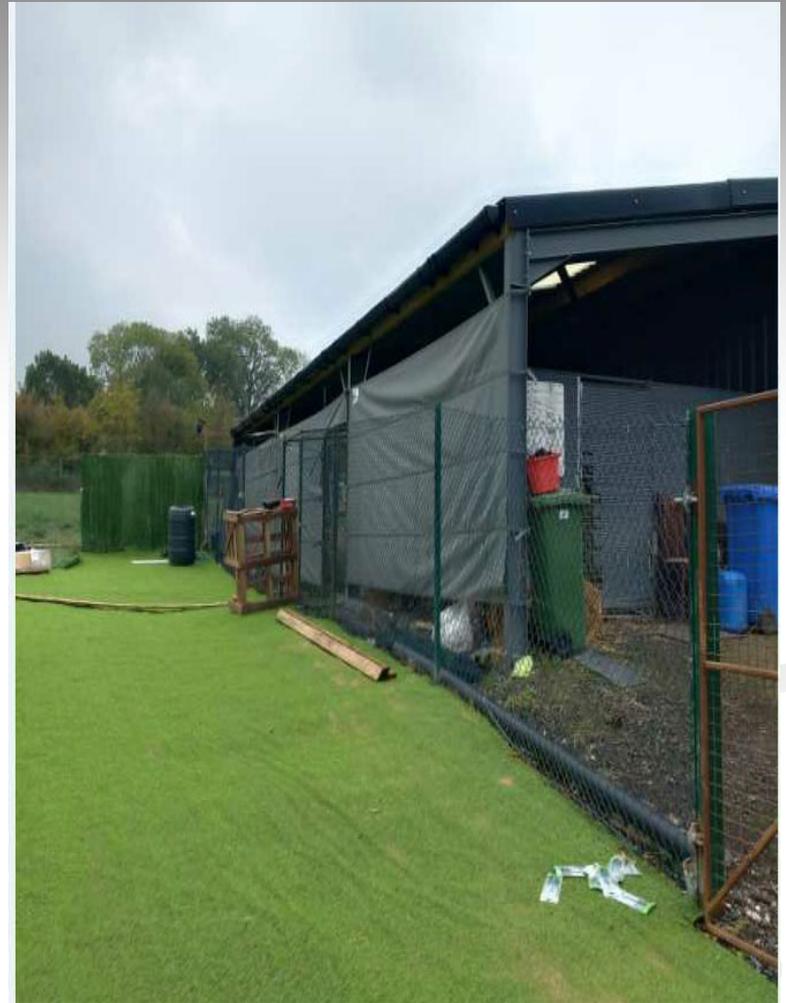
Front elevation of converted building



Exercise fields



View within exercise paddock to exercise field



View of lean to area



Fence from yard to large field



Fence within paddock



Visitor parking near
entrance



Entrance into site and driveway
to yard/building

WARD : Llanelidan

WARD MEMBER(S): Cllr Hugh Evans

APPLICATION NO: 19/2022/0783/ PC

PROPOSAL: Change of use of agricultural building and land to canine day care and boarding, erection of site office, installation of a cess pit and associated works (retrospective application)

LOCATION: Tyn Y Mynydd, Llanelidan Ruthin LL15 2LG

APPLICANT: Huw And Kim Edwards, Four Paws Inn

CONSTRAINTS: None.

PUBLICITY UNDERTAKEN: Site Notice - No
Press Notice - No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

LLANELIDAN COMMUNITY COUNCIL-
No comments received.

NATURAL RESOURCES WALES

No objection and provide advice on the cesspit installed which they consider to be acceptable form of drainage. Advise a level alarm is installed to the tank to prevent overfilling but acknowledge that weekly checks are held of the tank.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Traffic, Parking and Road Safety:

- Highways Officer
No objection.

- Public Protection Officer -

The report has been completed by a suitably qualified acoustic consultant using the required standard of monitoring equipment and makes use of the most relevant guidelines for assessing noise in this scenario. The applicants in their justification statement state that the day care element of the enterprise operates from approx. 10:00hrs until approx. 15:00hrs, only on weekdays and this is when the maximum number of dogs are on site although that will vary from day to day. Boarding facilities for seventeen (17) visiting dogs and five (5) of the applicants own dogs is available within the building on site. The report has been completed based on the assumption twenty (20) dogs are being exercised in the outside areas at any one time. Both the modelled and measured decibel (dB) readings in the report show the predicted noise impact on the closest receptors during the day and night to have no adverse impact when using BS8233 methodology. Assessing the predicted modelled noise levels using BS4142 for the 12hrs between 07:00 & 19:00hrs against measured background dB's shows a slightly elevated dB level at both receptors but guidance states an adverse impact on the receptors is unlikely. A site visit to the premise identified the open sided lean-to section of the north eastern elevation of the proposed kennel building as a potential noise source due to the barking of dogs housed in the outside runs under the lean-to, reverberating off the hard surfaces.

Recommend conditions are attached around details of attenuation for the hard surfaces of the north east elevation lean to area, no more than 20 dogs are exercised within the exercise fields between 8am and 6pm daily and that no dogs are left in the north eastern elevation lean to area over night.

RECONSULTATION RESPONSES:

Noise Assessment updated following inconsistencies with numbers of dogs on site during assessment

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

- Public Protection Officer -

I have reviewed the latest submitted Noise Impact Assessment dated January 23rd 2023 which has taken into consideration that there could be up to twenty (20) dogs at the same time in each of the three (3) outdoor exercise areas and assumes a worst-case scenario (as per relevant guidance) of twelve (12) dogs barking simultaneously in each exercise area.

Using the modelled data for the two (2) closest receptors there is a potential for a +5dB increase over background when all the dogs are barking in the worst-case scenario. BS4142 classes this as “Adverse Impact is Unlikely.” Using the measured data the difference is -2dB compared to background at the Dibleys Nursery, which is classed as “No Adverse Impact” and +4db at the South West receptor, which classes this again as “Adverse Impact Unlikely.” The accepted acoustic understanding is that the minimum change in dB level a person with good hearing can detect is +3dB.

Recommend conditions are attached around details of attenuation for the hard surfaces of the north east elevation lean to area, no more than 20 dogs are exercised within the exercise fields between 8am and 6pm daily and that no dogs are left in the north eastern elevation lean to area over night.

RECONSULTATION RESPONSES:

Details of noise attenuation insulation installed to north east lean to area provided.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Public Protection Officer –

No concerns regarding the insulation installed on the lean to as shown in photo dated 23/06/2024.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Lynne Dibley, Dibleys Nurseries, Cefn Rhydd
Mark & Lynne Roberts, Bodlywydd Ucha, Llanelidan
Bryan and Nerys Williams, Waen Wen, Llanelidan
Graham & Janet Thomas, Pant y Celyn, Llanelidan

Summary of planning based representations in objection:

Concerns over the number of dogs boarding at the property and expansion of the business

Concerns over the waste disposal of the septic tank.

Questions over where the dog waste will be disposed of.

The Noise Assessment does not quantify the noise when large groups of dogs are barking etc

The Noise Assessment does not consider noise close to other residential properties

Noise concerns vary throughout the day but also on weekends.

The noise is intrusive and unpleasant and impacts negatively on quality of life

No sound proofing in the barn which could help reduce noise levels.

Noise is impacting on mental health and well being

Additional noise checks should be carried out and mitigation/ sound barriers installed

Neither support nor object

Denise/ Ray Foster, Cricor, Pentre Celyn
Delyth Morris, Nany Uchaf, Llanelidan
David Brimfield, Vale View, Cricor, Pentre Celyn

Representations:

The noise survey does not take into account some of the properties due to topographical geology of the land

Noise assessment does not take into account impacts when dogs are all inside or on pack runs as was undertaken when all were exercised in the field.

The noise is not of high levels but is constant throughout the day when the dogs are exercised.

Noise reducing measures should be introduced and monitored.

The noise travels a long distance

The noise should be monitored and numbers of dogs restricted to keep noise disturbance at a minimum.

Concerns over noise impacts to glamping business and impacts on character of the AONB

EXPIRY DATE OF APPLICATION: 30/10/2022

EXTENSION OF TIME AGREED: 19/07/2024

REASONS FOR DELAY IN DECISION (where applicable):

- Additional information required
- Reconsultations on additional information
- Delay in key consultation responses
- Case Officer workload
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks retrospective planning permission for the change of use of an agricultural building and land to canine day care and boarding, erection of site office, installation of a cess pit and associated works at Four Paws Inn, Ty'n y Mynydd, Cricor, Llanelidan.
- 1.1.2 The existing agricultural machinery storage building has been converted to a boarding kennels for 17 boarding dogs overnight (not including their own dogs). This includes a lobby area, WC, utilities room and separate kennel areas split into; 10 kennels, 8 kennels and 4 kennels.
- 1.1.3 The 22 bays/kennels have been installed with 1.6m high metal frames and sheeting walls. There is an external storage area to the north east side of the building under a lean to roof extension and open bay which is also used by dogs for shelter.
- 1.1.4 The total number of visiting dogs on site is proposed to not exceed 57 which includes a maximum of 40 day care dogs and a maximum of 17 boarding dogs. All dogs are allowed to run free off the lead in the enclosed 3 fields and approximately 20 dogs are allocated per enclosure, segregated by size and supervised at all times by a member of staff per enclosure.
- 1.1.5 The business offers a morning collection service for the dogs in for day care arriving to site around 10 am and drops them home in the afternoon leaving site at 3pm in their 4 'doggy taxis'.

- 1.1.6 Doggy day care customers include on average, 25-35 dogs per day (maximum 40) which only operates on weekdays. Only 17 boarding dogs stay overnight within the building.
- 1.1.7 The business employs 3 full time staff and accommodate students on work experience from Coleg Cambria and university students.
- 1.1.8 A cess pit is in situ to the north east of the building within the drive/parking area.
- 1.2 Other relevant information/supporting documents in the application
 - 1.2.1 Planning Statement, Noise Impact Assessment, Operational Statement, Noise Management Plan, shelters details.
- 1.3 Description of site and surroundings
 - 1.3.1 The kennels building is located approximately 45m to the south east of the dwelling and retains its former agricultural appearance of blue box profile sheeting and a roller doors to the front. It has an additional lean to extension with chain link fence as external storage area, which is also used by dogs as a shelter.
 - 1.3.2 There are three exercise paddocks, a crushed slate paddock with fake grass overlay measuring 200sqm immediately to the north of the building and two grass paddocks, a smaller one to the east of the building measuring 770sqm and a larger overflow exercise field is to the south of this paddock and building which borders the stream to the west measuring 2500sqm.
 - 1.3.3 The main access into the site has been modified and set back from the road, an area of land to the front of the dwelling has been excavated to create a parking area and a driveway leads up to the building which is enclosed. There is an office shed building within the grounds of the site.
- 1.4 Relevant planning constraints/considerations
 - 1.4.1 The site is located outside of any development boundary defined in the LDP.
- 1.5 Relevant planning history
 - 1.5.1 Previous permission for extension to dwelling and erection of agricultural building in 2015 for storage of machinery and animals
- 1.6 Developments/changes since the original submission
 - 1.6.1 Details of foul drainage confirmed to be cess pit not septic tank or package treatment plant. Updated versions of Noise Impact Assessment submitted. Other information provided by applicant on site operations and number of dogs on site.
- 1.7 Other relevant background information
 - 1.7.1 The application has been submitted retrospectively. The business, '4 Paws', has been operating for a while and a growing service has been the doggy day care service where customer's dogs are collected in vans and brought back to the site to the enclosed paddocks. The boarding service runs alongside this and has space for 17 dogs overnight, not including the owner's dogs which reside in the house.

As the dogs spend the majority of the day outside, the applicants state that this keeps noise levels down compared to conventional kennels where dogs are kept inside for the majority of the day. The business currently has 500 customers, employs 3 full time staff and regularly accommodates students on work experience. On a typical day, day care customers would be 25-35 dogs per day and only operates on weekdays. Dogs are brought to the site by 10am either by their owners or picked up by the vans and returned home from the site at 3pm each day.

2. DETAILS OF PLANNING HISTORY:

2.1 19/2015/0963 Erection of extensions and alterations to existing dwelling and associated works, REFUSED 09/11/2015

The reason(s) is(are):

1. It is the opinion of the Local Planning Authority that the proposed extension would, by virtue of its design, scale and location have an adverse impact on the character and appearance of the existing dwelling and the surrounding open countryside. Therefore the proposal is considered to be in conflict with criteria i) and criteria ii) of policy RD3 of the Denbighshire County Council Local Development Plan and advice contained within Planning Policy Wales paragraph 4.11.9 and Denbighshire SPG 1 - Extensions to Dwellings and SPG 24 - Householder Development Design Guide.

2.2 19/2015/0975 Erection of agricultural building for the storage of machinery and animals and alterations to site access (partly retrospective) GRANTED 03/12/2015

2.3 19/2016/0073 Erection of extensions and alterations to existing dwellings and associated works, GRANTED 25/02/2016

2.4 19/2017/0870 Proposed external door and window details submitted in relation to code no.19/2016/0073 (non material amendment).

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

Local Policy/Guidance

Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE4 – Re-use and adaptation of rural buildings in open countryside

Policy PSE5 – Rural economy

Policy ASA3 – Parking standards

Supplementary Planning Guidance

Supplementary Planning Guidance Note: Re-use and adaptation of rural buildings

Supplementary Planning Guidance Note: Parking Requirements In New Developments

Supplementary Planning Guidance Note: Trees & Landscaping

Government Policy / Guidance

Planning Policy Wales (Edition 12) February 2024

Development Control Manual November 2016

Future Wales – The National Plan 2040

Technical Advice Notes

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

TAN 12 Design (2016)

TAN 18 Transport (2007)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Section 9.1.2 of the Development Management Manual (DMM) confirms the requirement that planning applications 'must be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise'. It advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned.

The DMM further states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Section 9.4).

The DMM has to be considered in conjunction with Planning Policy Wales, Edition 12 (February 2024) and other relevant legislation.

Denbighshire County Council declared a climate change and ecological emergency in July 2019. In October 2020 the Council approved an amendment of its Constitution so that all decisions of the Council now have regard to tackling climate and ecological change as well as having regard to the sustainable development principles and the well-being of future generations.

The Council aims to become a Net Carbon Zero Council and an Ecologically Positive Council by 31 March 2030. Its goal and priorities are set out in its Climate and Ecological Change Strategy 2021/22 to 2029/30. The actions, projects and priorities in the Strategy directly relate to council owned and controlled assets and services. One priority of the Strategy is to promote the existing policies within the Local Development Plan (LDP) 2006 to 2021 and Supplementary Planning Guidance (SPG) which contribute to environmentally responsible development. In preparing these reports to determine planning applications we therefore highlight the LDP 2006 to 2021 and appropriate SPG. Applications that are determined in accordance with the LDP 2006 to 2021 are environmentally responsible developments.

Planning applications are assessed in accordance with statutory requirements including The Environment (Wales) Act 2016, national policy (Future Wales, PPW 12) and local policy (LDP 2006 to 2021) and therefore they are assessed with regard to tackling climate and ecological change which is a material consideration.

The following paragraphs in Section 4 of the report therefore refer to all statutory requirements, policies and material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Loss of agricultural land
- 4.1.3 Visual amenity
- 4.1.4 Residential amenity and noise impacts
- 4.1.5 Drainage (including flooding)
- 4.1.6 Highways (including access and parking)

4.2 In relation to the main planning considerations:

4.2.1 Principle

The Welsh Government's updated its Technical Advice Note 6 (TAN 6) Planning for Sustainable Rural Communities in July 2010. It is broadly supportive of a strong rural and agricultural economy. It states:

"The Welsh Assembly Government's objective is a sustainable and profitable future for farming families and businesses through the production and processing of farm products while safeguarding the environment, animal health and welfare, adapting to climate change and mitigating its impacts, while contributing to the vitality and prosperity of our rural communities. The planning system can play an important part in supporting the future sustainability of agriculture."

LDP Policy PSE 4 relates to "Re-use and adaptation of rural buildings in open countryside" and allows for conversions where a scheme makes a positive contribution to the landscape, any architectural features of merit are retained, it is demonstrated that an employment use is not viable, and any resulting dwelling is affordable for local needs.

The Re-use and adaption of rural buildings SPG amplifies LDP Policy PSE4 and at 6.1 it states 'The Council would consider conversion to holiday accommodation or tourist facilities as an economic use.'

The application seeks retrospective consent for the use of the agricultural building and land to create an employment use involving doggy day care and boarding kennels and the change of use of agricultural land to dog exercise areas.

It is considered that a proposal to convert the existing outbuilding to an economic use would be acceptable in principle and in compliance with the objectives behind Policy PSE4.

Local Development Plan Policy PSE 5 relates to the local economy and supports tourism and commercial development throughout the County subject to detailed criteria, including consideration relating to the character and distinctive qualities of the local landscape. It states that appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and*
- ii) any suitable existing buildings are converted or re-used in preference to new build; and*
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and*
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.*

The proposal is to reuse the existing agricultural building rather than the erection of a new build unit, which is considered to be in line with criteria ii) of the Policy. The proposal for dog day care and boarding is considered to be appropriate in nature to its rural location and the scale of the operation is not considered to be unacceptable. The business provides employment to local people and students.

The agricultural building is already existing and the fields are used for exercise areas and involves no physical development. The site is located in a rural area with the nearest residential property approximately 280m away (Cefn Rhydd Bungalow and Cefn Rhydd at Dibleys Nurseries). It is considered that the scale of the business which caters for 17 dogs overnight and up to 40 maximum during the day to not be unacceptable in this location in terms of the nature of the business and scale of the operation.

The proposal is not for a new building and a business case was not required as part of the application. The Planning and Operational Statements demonstrate the business has been successful over recent years and there is a demand for this type of canine day care in the area.

Having regard to the policies discussed above, the proposal is considered acceptable subject to an assessment of the localised impacts which will be considered in the remainder of this report.

4.2.2 Loss of agricultural land

Planning Policy Wales (PPW 12) Section 3.58 and 3.59 obliges weight to be given to protecting land of grades 1, 2, and 3a quality in the Agricultural Land Classification (ALC). PPW 12 notes this land is considered to be the best and most versatile and

justifies conservation as a finite resource for the future. It indicates that land of this quality should only be developed if there is an overriding need for the development, and either previously developed land or land of a lower grade is available, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations

The site lies within the open countryside surrounded by farmland and some agricultural land would be lost to the change of use to dog exercise areas.

According to the Predictive Agricultural Land Classification (ALC) Map for Wales, the land is considered moderate quality grade 3b quality agricultural land.

The land in question is classified as 3b, and therefore is not safeguarded by Planning Policy Wales. It is further noted that the fields/enclosures themselves are not proposed to be developed, and could therefore be returned to agricultural use without much intervention. Officers consider the proposal is therefore acceptable with regards to the use of agricultural land.

4.2.3 Visual amenity

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The visual amenity and landscape impacts of development should therefore be regarded as a potential material consideration.

PPW 12 Section 6.3.3 states '*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.*'

No representations have been received on visual amenity grounds.

The proposal is for the change of use of an agricultural building to dog boarding kennels and change of use of land from agricultural to dog exercise areas. No external changes are proposed to the building. The proposal would utilise the existing access into the site which has been improved and a customer/visitor parking area is located near the entrance with a large yard area with turning space for the vans is to the front of the building, which is fully enclosed.

Whilst the proposal will result in the loss of a number of agricultural fields to dog exercise areas, the appearance of the fields would largely remain as existing, bar a few temporary toys and structures used for play. Having regard to the siting of the building and the existing fields which are not visible from public vantage points and are well screened by mature hedgerows and trees, Officers do not consider the proposal would result in a detrimental impact on the character of the local area.

Details of fence boundaries have been provided which involve the high metal fences being reinforced with green fake grass sheets to provide more screening and to help reduce the noise from the dogs barking if they see cars arriving. Officers acknowledge that fences are required to be high enough to prevent dogs jumping over but consider it reasonable that an appropriate landscaping scheme should be incorporated to soften the fence boundaries which are visible, particularly from the entrance into the site. Native hedgerow planting would also provide a net benefit for biodiversity.

Large areas of the site near the entrance and yard area to the front of the kennel building have been gravelled and levelled to provide a driveway, parking and turning

area. These areas have recently been constructed and are considered to require additional landscaping to soften their appearance within the site. Officers consider this detail can be controlled by condition which would also provide a benefit to biodiversity.

Having regard to the design, siting, scale, massing and materials of the proposal, in relation to the character and appearance of the dwelling itself, the locality and landscape, it is considered the proposals would not have an unacceptable impact on visual amenity and would therefore be in general compliance with the tests in the policies referred to.

4.2.4 Residential amenity and noise impacts

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The residential amenity impacts of development should therefore be regarded as a potential material consideration.

Representations have been received on residential amenity grounds stating that noise generation from the site impacts the amenity of nearby properties.

The nearest residential property is approximately 280m to the north west, Cefn Rhydd Bungalow and Cefn Rhydd at Dibleys Nurseries, 750m to the north is Bodlywydd Uchaf, 570m to the north east is Nant Uchaf, 1km to the east, Pant y Celyn and 370m to the south west, Plas Onn.

The Planning Statement states that there are 17 dogs kept overnight at any one time. No dogs are kept in the outdoor lean-to area during the night as any boarders would be kept in the main building in the separate pens and day care visitors would be taken home each night. Following a site visit, the Public Protection Officer initially advised that the building itself is well insulated but the external lean-to area/pens are not enclosed and require further noise attenuation measures to soundproof to prevent reverberation from the hard surfaces. The Public Protection Officer initially advised that no dogs should be permitted to stay in the lean-to area overnight between 6pm and 8am. Insulation measures have since been installed to the internal roof of the lean to building in line with the Public Protection Officers recommendations. This area is only used by day care dogs as shelter which return home each night and Officers understand that no boarding dogs are kept in this area overnight as this is not the service that has been paid for. The Public Protection Officer has advised that they now raise no concerns regarding potential noise impacts from this area.

It is considered reasonable to assume that the dogs bark less when out in the fields where the noise is dispersed more easily. Having regard to the location of the residential properties which are 280m and 360m away from the site, it is noted that these are separated from the site by fields, hedges, trees, roads and the dwelling itself in the case of Cefn Rhydd, which the noise report concludes will block some of the noise emitted from the building itself. The Public Protection Officer has advised that the topography of the site will also play a large part in reducing the noise impacts of the site on the surrounding properties as they are located a far enough distance away to not be unacceptably impacted by the noise from the site. Public Protection Department have advised that no formal noise nuisance complaints have been received from the site since the application was validated (5/09/2022).

Officers acknowledge the comments received from nearby residents regarding the noise impact from barking dogs. The updated Noise Impact Assessment concludes that 'adverse impact is unlikely' to the two closest receptors when 12 dogs are barking simultaneously in each exercise area which is classed as the worse- case scenario.

The Public Protection Officer has reviewed the report and recommends conditions are attached to control the number of dogs outside at one time. This would involve no more than 20 dogs exercised outside within each of the three external exercise areas between the times of 8am and 6pm daily. Officers consider this to be a sensible number of dogs per enclosure given the site has been operating as such for a number of years without any statutory noise complaints to the Council. As the noise assessment concludes the noise from dogs exercised outside is not unacceptable to nearby receptors, Officers consider this condition to be reasonable and is recommended to be attached to any decision to grant.

The sound insulation mitigation measures recommended by the Public Protection Officer have been installed and they have raised no objection to the scheme from a noise impact perspective. Officers are of the opinion that additional landscaping around the site could help contribute towards reducing the noise impacts whilst also having an amenity and biodiversity benefit.

Whilst it is not considered that the levels of noise from the use would result in a sufficiently unacceptable impact on residential amenity as to justify the refusal of permission in this regard, members are advised that the granting of planning permission does not preclude the Public Protection Department from carrying out a formal investigation should a noise nuisance complaint be received in the future.

With respect to comments received, the dog waste is collected and put into a dedicated waste bin which is collected and removed from site weekly. It is not considered that odour is an issue at the site.

Having regard to the scale, location and design of the proposed development, it is considered that the proposals would not have an unacceptable impact on residential amenity, and would therefore be in general compliance with the tests of the policies referred to.

4.2.5 Drainage (including flooding)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The drainage and flood risk impacts of development should therefore be regarded as a potential material consideration.

Concerns have been raised over the waste disposal of the septic tank.

The applicant has clarified the foul drainage from the building is managed by a cess pit already installed.

NRW have raised no objection to the cess pit installed at the site to serve the building and advise an alarm is fitted to ensure it can be emptied periodically before overflowing.

Limited details of surface water drainage are provided with the submission. However, the area of works (parking area, and fake grass area) far exceeds 100sqm in area. The proposal therefore requires separate approval from the Sustainable Drainage Approval Body (SAB) which will control how surface water is dealt with within the site to ensure no detriment to other land owners/properties. SAB approval is covered by separate drainage legislation to Planning and surface water drainage does not need to be controlled through the Planning process.

4.2.6 Highways (including access and parking)

The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.

Policy ASA 3 requires adequate parking spaces for cars and bicycles in connection with development proposals, and outlines considerations to be given to factors relevant to the application of standards. These policies reflect general principles set out in Planning Policy Wales (PPW 12) and TAN 18 – Transport, in support of sustainable development.

The Parking Standards in New Developments SPG sets out the maximum parking standards for new developments.

No representations have been raised on highways grounds.

The canine day care facility is located close to the dwelling and excavation works have been undertaken to create a parking area and turning area connected to the main dwelling for use by visitors, just off the main access. A large embankment supporting the smaller exercise paddock is to the rear of the parking area.

Visitors to the site are encouraged to park in this location as well as within the yard area to the front of the building where gates are left closed to prevent dogs escaping during transfers. There is ample parking for the vans connected to the business near the building which undertake the pick-up and drop-off doggy day care service for the majority of dogs which use the site. This area is not visible from the public road.

Highways Officers have raised no objection to the proposed scheme and it is therefore considered to be acceptable from a highways perspective.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 It is clear that the key consideration on this application is that of noise, and the impact on other residential properties in the area. Officers stress that the application is accompanied by an independent professional assessment of the noise impacts of the proposal. Using industry standard techniques, it concludes that the proposal is acceptable. Further, this report has been assessed by the Council's own Public Protection Officer who has also visited the site.
- 5.2 The Council's Public Protection Officer concurs with the results of the noise assessment, and subject to conditions being imposed restrict the number of dogs outside in each enclosure at any one time, considers that the proposal would not result in an impact upon neighbouring properties so unacceptable as to justify refusing to grant planning permission.
- 5.3 Subject to conditions, the proposal is considered to be acceptable and is recommended for grant.

RECOMMENDATION: GRANT - subject to the following conditions:

1. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Proposed elevations (Drawing No. TY-1192-PL02) received 2 September 2022
 - (ii) Proposed floor plan (Drawing No. TY-1192-PL01) received 2 September 2022
 - (iii) Proposed site plan (Drawing No. TY-1192-PL03B) received 23 June 2024
 - (iv) Proposed site plan (Drawing No. TY-1192-PL04A) received 23 June 2024
 - (v) Location plan (Drawing No. TY-1192-PL05A) received 16 December 2022
 - (vi) Noise Impact Assessment (E2 Consultants Ltd. dated 24 August 2022 V2) received 20 December 2022
 - (vii) Additional info from agent on foul drainage - Received 19 October 2022
 - (viii) Additional info from agent -specification of cesspit - Received 20 October 2022
 - (ix) Site Office floor and elevations - Received 16 December 2022
 - (x) Additional information email- site operations - Received 16 December 2022
 - (xi) Shelters document (reference to Site Plan 4 R1) - Received 23 June 2024
 - (xii) Green Infrastructure Statement- Received XXXXXX
 - (xiii) Noise Assessment Plan (dated December 2022) - Received 14/01/2023
2. Within 2 months of the date of this permission, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
 - a) proposed new trees, hedgerows, shrubs or vegetation, including confirmation of species, numbers, and location to include details of supplementary planting to the north west elevation of fence above the parking area opposite the dwelling;
 - (b) the timing of the implementation of the planting scheme.
 - (c) surfacing of all parking, driveway and turning areas;
 - (d) means of enclosure of bin storage area.The development shall be carried out in accordance with the approved details.
3. All planting comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the approval of the landscaping details (as required by condition 2 of this permission). Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing
4. Only those designated exercise areas shown on the approved plans, shall be used to exercise dogs cared for as part of the Dog Day Care and Boarding Business. A maximum of 20 dogs shall be exercised within each of these designated areas at any one time.
5. Notwithstanding any approved plans and documents the Dog Day Care Business shall not operate outside of the following hours: 07.30hrs - 18.00hrs Monday to Friday, nor on Bank

Holidays. No dogs cared for as part of the Dog Day Care Business shall remain on site outside of those hours.

6. A maximum total of 40 day care and 17 boarding dogs shall be supervised and cared for on site at any one time.
7. Notwithstanding the hereby approved plans and documents, the development shall proceed in strict accordance with the details contained in the 'Processes to reduce noise emission from operations' section of the Noise Assessment Plan (dated December 2022).
8. Within 3 months of the date of this permission, a scheme for biodiversity enhancement shall be submitted to the Local Planning Authority for approval in writing. This shall include provision for roosting bats and nesting birds including the number, location and specification of those features which shall be shown on appropriate plans. The development shall be carried out strictly in accordance with the approved details.

The reasons for the conditions are:

1. For the avoidance of doubt and to ensure a satisfactory standard of development.
2. In the interests of landscape and visual amenity.
3. In the interests of visual amenity and to maintain and enhance biodiversity.
4. In the interests of residential amenity.
5. In the interests of residential amenity
6. In the interest of clarity and protecting residential amenity
7. In the interests of residential amenity
8. In order to maintain and enhance biodiversity