

a) DOV/16/00721 - Part change of use from residential to business (for dog sale and re-homing) and associated operational work at 10 Lambton Road, Dover

Reason for report: Called in by Councillor Sue Jones.

b) Summary of Recommendation.

Planning permission should be granted.

c) Planning Policy and Guidance

Dover District Council Core Strategy

Policy CP1 states 'the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services'.

Policy DM1 states that 'development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses'.

Policy DM13 states 'parking provision should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives. Provision for non-residential development, and for parking provision, should be informed by Kent County Guidance SPG4, or any successor. Provision for residential development should be informed by the guidance in the Table for Residential Parking'.

National Planning Policy Framework (NPPF) 2012.

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states 'that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole'.
- Paragraph 17 sets out the core planning principles... Planning should... always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..."take account of the different roles and character of different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it..."
- Paragraph 152 set out that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate measures are not possible, compensatory measures may be appropriate'.
- Paragraph 203 states 'that local planning authorities should consider whether otherwise acceptable development could be made acceptable through the

use of conditions or planning obligations. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Other Guidance/Relevant Matters

None relevant.

(d) Relevant Planning History

DOV/14/00936 – Part change of use from residential to business (for dog sale and rehoming) – Granted with a temporary permission with the use being discontinued on or before 5th December 2015.

(e) Consultee and Third Party Responses

Councillor Jones: Objects

The change of use will have a material impact from noise and is unsuitable on environmental health grounds in a residential area.

Dover District Councils Environmental Health Officer:

No observations made. There have been no complaints regarding any noise and disturbance in the operations of the business since the permission was previously granted.

The use of Veolia to collect the dog waste from a trade bin is considered appropriate in this case.

Dover District Councils Licensing Officer

The premises have been inspected by a veterinary surgeon and by the licensing team. They meet the current criteria for boarding establishment for Dogs License as well as a Dog Breeding Licence. However, the applicant has been advised to obtain written confirmation that Dover Doodles can trade without current planning permission.

Dover Town Council: Objects

The Town Council still does not agree that the business is suitable for such a high density residential area and stand by their original objection on planning permission DOV/14/00936.

Third Party Responses:

One letter of objection has been received.

Although not living in the area, they object to this application as there are a few rehoming centres in this area and the abandoned dogs in those homes should be rehomed before starting up another one. Does the applicant have KCC registration to be allowed to breed puppies?

This is a high density residential area and it is thought that the noise of dogs barking day and night would be detrimental.

There are too many abandoned dogs in the town and making money from selling these poor animals is not ethical.

f) The Site and the Proposal

- 1.1 The existing property is within the urban confines of Dover and within a residential area. The existing property is a two storey semi - detached dwelling. The front garden is all hard standing and can provide parking for 2 cars. There is a side access to the rear garden. The rear garden is approximately 23 metres in length and backs onto Coombe Court flats.
- 1.2 The ground floor area provides a kitchen, bathroom, lounge (used as whelping area) and a conservatory (with sundries associated with the operation, training of puppies and additional space for litters).
- 1.3 The rear garden accommodates a dog shed (6 x 3m), four outside kennels (1.2 x 3m), isolation unit (3.5 x 1.2m), shed (2.1 x 1.8m), grooming shed (1.8 x 1.8m), conservatory (5.5 x 2.5m).

Proposed Development

- 1.4 Planning permission is sought for the part change of use from residential to business (for dog sale and rehoming) and associated works including the erection of kennels and buildings in the garden which are already in place. An isolation unit is also included in case of canine illness as well as a grooming shed where dogs she looks after are groomed. The applicant would like to keep a maximum of 10 dogs on the site at any one time. However if there are litters on the site due to capacity reasons the number of dogs for re-homing would be reduced. The applicant has submitted an explanatory note in respect of the application attached at appendix 1.A temporary permission was granted in 2014(DOV/14/0936) for a part change of use from residential to business (for dog sale and rehoming).The original temporary permission expired in December 2015.The use had ceased accordingly. However, recently (September 2016) puppies have started to be advertised. The applicant has advised that she is not advertising re-homing until a planning permission is granted although she currently has a dog for re-homing. At present it would appear that the business, albeit on a reduced scale, is now operating from the site without the benefit of planning permission. In addition Environmental Protection have confirmed that the applicant does not yet have a licence for re-homing and breeding. The applicant has advised that once a planning permission is granted then she will apply for a licence. Environmental Protection have confirmed a licence would be granted.
- 1.5 The applicant owns 1 stud dog and 4 bitches that are bred from. The applicant advertises the stud dog on her web-site.
- 1.6 Those buying the puppies (from the applicant's bitches) can come to the property for education on training.
- 1.7 The applicant has confirmed that they have a maximum of 1 – 2 dogs a week maximum in the quiet breeding times for rehoming and 1 – 2 monthly when litters are present.
- 1.8 The maximum total number of dogs on the premises at any one time is five dogs owned by the applicant and there is room for an additional 5 dogs for re-homing. If the conservatory is being used for puppies/second litter then there will be less rehomed dogs on the premises. The applicants own dogs (5 no – 1 stud and 4

bitches) are kept in the kennels in the garden. If any of the applicants own bitches have litters, however they are kept indoors along with dogs for re-homing.

2. Main Issues

2.1 The main issues in the consideration of this application are;

- Principle of the development
- The potential impact on the residential amenity.
- The impact on the visual amenity.
- Sustainability overview.
- Highway safety.

2.2 Assessment

Principle of Development.

2.3 The site is within the urban confines where the purpose of new development is acceptable. In this case the proposed use would be within a dwellinghouse within a residential area. Whether the use would be acceptable in these circumstances would turn on the merits of the proposal and an assessment of its particular impacts.

3. Impact on Residential Amenity.

3.1 The property is located within a residential area and concerns have been raised over the potential impact the proposal may have on the local vicinity in terms of noise and disturbance. Since the grant of the original temporary permission (DOV/14/0936) a number of additional outbuildings have been erected in the rear garden unlawfully. The original consent was given on a temporary basis to allow the local planning authority to review the impacts at the end of the conditioned period. It has been confirmed that since the start of the development Dover District Council have received no complaints on Environmental Protection or Planning Enforcement grounds.

3.2 At the time of your Officers visit, dogs barking at the property was witnessed. However, this was considered to be no worse than the general effects of dogs barking in the neighbourhood, experienced when standing in the garden of the property. The applicant has set out that to help address concerns over dogs barking that "the dogs are not left in the kennels to bark, they are allowed to roam the garden at different time intervals during the day. They also get walked up the local hills where they can run off the lead to tire them out", to overcome this potential problem. It should be noted that the applicants own dogs were those on the site that were barking and if there was no business running from this site that the applicant would not require a planning permission or any licence to keep this number of dogs at her home. Given there has been no evidence of complaints from local residents in respect of the business, it is considered the noise from the business has not been harmful and has not been detrimental to the living conditions currently enjoyed by the local residents. Although the original temporary consent related to no more than 6 dogs being kept on the site at any one time, of which 4 were the applicants own it is considered that due to the circumstances and nature of the business that the increase in number of dogs would not result in the potential for any more disturbance than may already be experienced from dogs being kept at the property. It is

considered appropriate however, to impose a condition limiting the amount of dogs on the site to a maximum of ten dogs at any one time to safeguard as far as possible the residential amenities currently enjoyed by the occupiers of local residents.

3.3 A condition was imposed on planning permission DOV/14/00936 for an appointment book to be kept and maintained at all times, containing the reason for the visit, date and time of the visit of all the customers. This has given the local planning authority the opportunity to assess the level of intensity of activity and use created by the proposed development. In respect of the earlier permission, during the period of April 2014 – March 2015 there were a total of 24 individual visits to the property in respect of the litters. Between the same periods of time there were 8 appointments regarding stud services and one dog was rehomed. The number of appointments between April 2015 – March 2016 totalled 25 visits; these included the viewing of litters and the subsequent collection of the puppies. One dog was rehomed within the same period. It is not considered that the generation of additional vehicle movements to and from the property is of such a high level of intensity that this would cause an unacceptable level of noise and disturbance to the neighbouring occupants. The applicant has stated the opening times of the business are Monday – Saturday between the hours of 9 – 6pm. It is considered appropriate to impose a condition to limit the visiting times to between these hours and to ensure that all arrangements are with pre-arranged appointments in the interest of protecting residential amenities. A condition should also be attached requesting that a visitor's book/appointment book is kept and maintained. These restrictions would replicate the condition imposed on DOV/14/0936.

3.4 Concerns were raised over the potential impact that the proposed development may have on the local residents in respect of environmental health grounds within a residential area. Bearing in mind there have been no complaints from local residents in respect of smells and odours and Dover District Councils Environmental Health Officer, has raised no observations in respect of this application, it is considered that any potential impact in respect of environmental health concerns are minimal. With regards to the disposal of dog waste, the Environmental Health team consider the trade collection of waste from the site, in a trade bin every 1 – 2 weeks is acceptable.

4. Impact on Visual Amenity

4.1 There are no external alterations to be made to the existing dwelling, so the visual appearance within the street scene remains unaltered. To the rear of the property there are a number of outbuildings and kennels which have been erected within the rear garden. As has been said above some are new and are indicated on the submitted block plan. These are all low key buildings in terms of size and are not readily visible from any public vantage points and therefore the proposal is not considered to result in a detrimental impact in respect of the visual impact of the wider area. The applicant should note that should they wish to erect any additional outbuildings, planning permission would be required as the property would no longer benefit from permitted development as if planning permission was granted then the site would be a mixed use as a dwellinghouse and business use where no permitted development rights would apply. Buildings are to some extent noticeable from neighbouring gardens, however as they are low key and are largely confined within existing boundary treatment. Therefore the potential impact on neighbours is minimal.

5. Highway Safety

5.1 The property has space for two off street parking spaces of which one is allocated solely to the needs of the business. By imposing a condition on a planning permission to ensure all visits are prearranged this would limit any additional pressures to park on

the highway. That said there is on street capacity for additional parking. It is not considered that the proposed development would result in a detrimental impact on the highway safety and complies with the aims and objectives of policy DM13 of the Dover District Cores Strategy (adopted 2010).

6. Conclusion

- 6.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development meaning that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. There is a sustainability argument in favour of having development in the confines. It would reduce the need to travel. It is a facility that would be close to people it would serve and is widely accessible, not just by private car. To the south of the site is a bus stop on Coombe Valley Road. The National Planning Policy Framework encourages mixed use developments, (paragraph 69) seeking to bring together people who work, live and play in an area. The application therefore has some environmental and social benefits in line with aims and objectives of paragraph 7 of the National Planning Policy Framework. It is recognised that these benefits need to be weighed against potential concerns associated with noise and disturbance. However, as set out in this report no record of complaints has been received and your Officers assessment is that the development is acceptable, subject to appropriate conditions.

(g) Recommendation

- I. PERMISSION BE Granted for the following reasons subject to conditions set out to include, in summary: i) carried out in accordance with the approved details, ii) no customers or deliveries shall be admitted to the site outside the times of 0900 to 1800 on weekdays and Saturdays and no times on Sundays and public holidays. iii) No customers shall visit or attend the site without pre-arranged appointments, iv) No more than ten dogs shall be kept on the at any one time, v) an appointment book shall be maintained at all times and shall contain names, reason for visit, date and time of visits to the site of all customers to the site. This appointment book shall be made available for inspection, on demand at any reasonable hour by an officer of the local planning authority, vi) a log book shall be maintained with a list of the dogs on site at all time. This book shall be made available for inspection, on demand at any reasonable house by an officer of the local planning authority.

Case Officer
Karen Evans