

REFERENCE: P/17/824/FUL

APPLICANT: Mr A Mallett Ar Graig, Laleston, CF32 0LY

LOCATION: Ar Graig Laleston CF32 0LY

PROPOSAL: Change of use of the land from residential to a mixed use for residential and a dog breeding business and the erection of a new building for a dog breeding facility.

RECEIVED: 27 September 2017

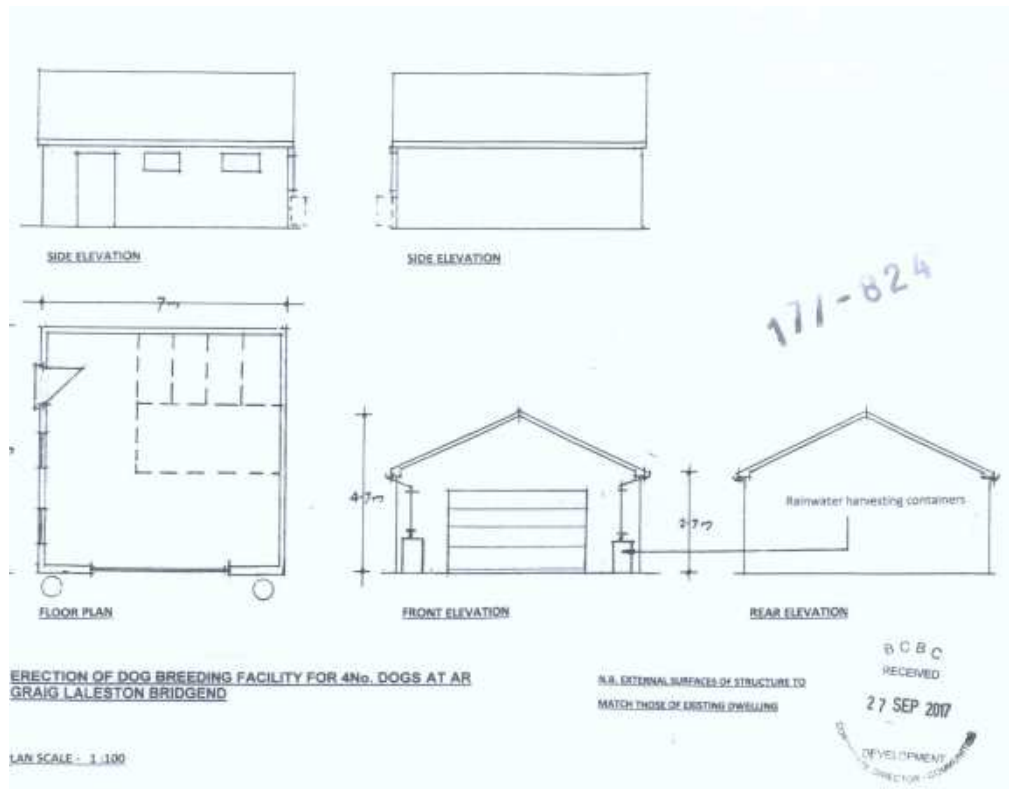
SITE INSPECTED: 18 October 2017

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the change of use of the land from residential to a mixed use for residential and a dog breeding business and the erection of a new building for a dog breeding facility at Ar Graig, Laleston, Bridgend.

The proposed building will measure approximately 7m x 7m with an overall height of 4.7m with a pitched roof. The building will be finished with a slate roof, brickwork with rendered walls, UPVC windows and doors and a roller shutter style door to match the existing dwelling. Internally, the building will comprise of 4 separate kennels.

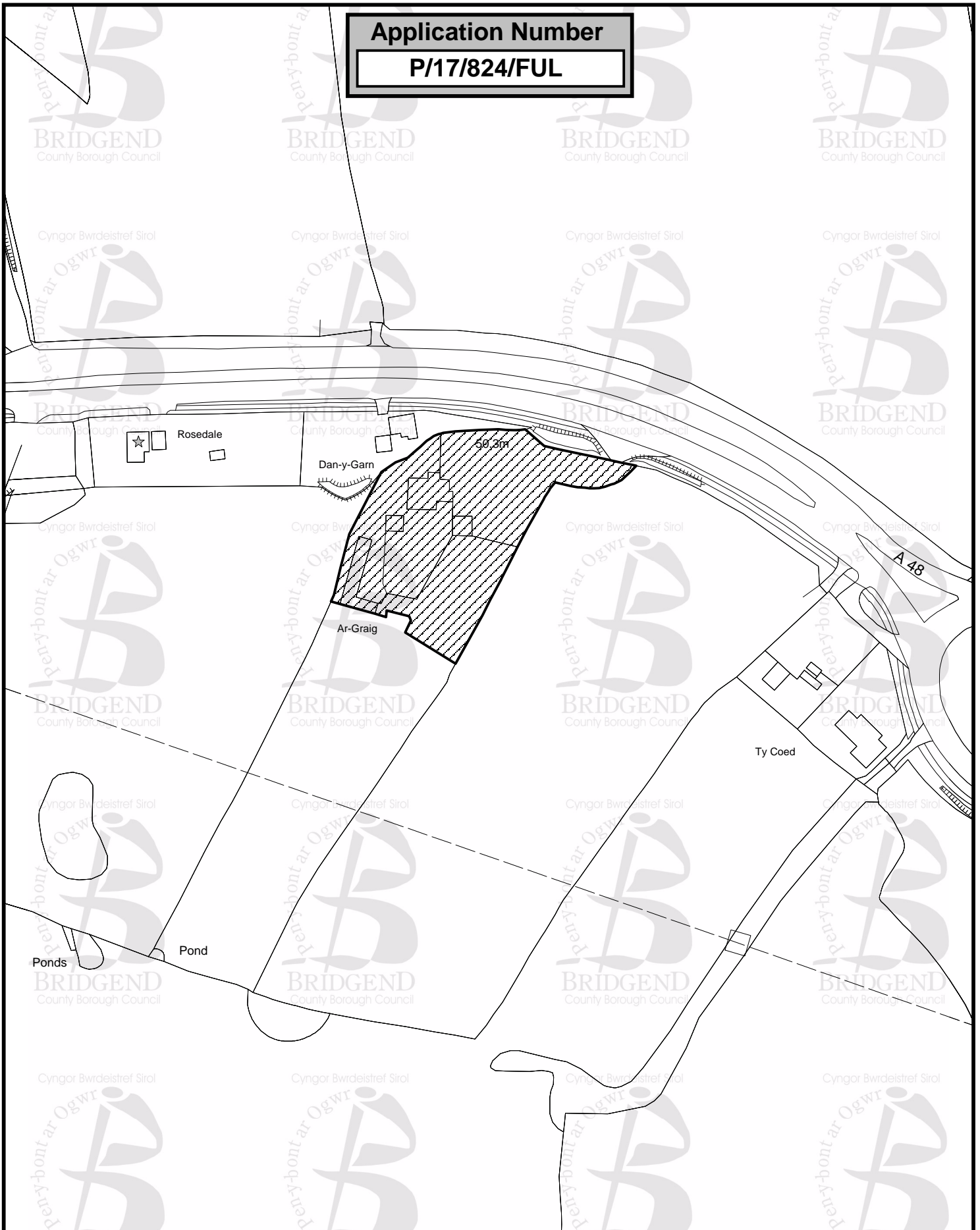
Proposed Elevations and Floor Plans:



An amended plan was submitted on 20 December 2017 showing the re-location of the proposed building to the east of the dwelling house. A further amended red line boundary plan was submitted which included all the land in which the applicant owned as this was to be used in connection with the proposed use. The description of the application was also changed to include a change of use of the land from residential to a mixed use for residential and dog breeding business and the erection of a new building for a dog breeding facility.

Application Number

P/17/824/FUL



Scale 1:1,750

**Date Issued:
29/05/2018**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
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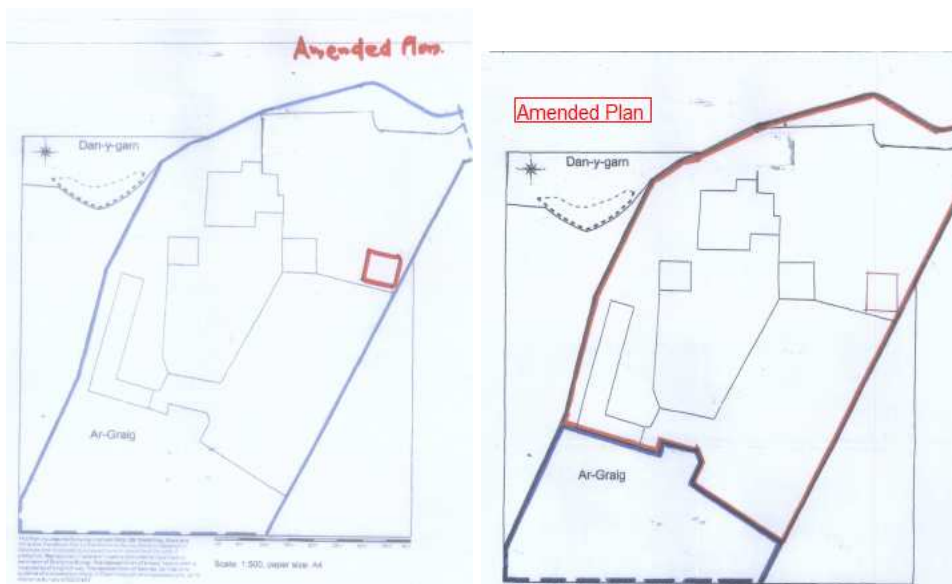
O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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The proposed use of the building relates solely to the breeding of four French bulldogs with each dog delivering one litter of up to 4-5 puppies within a 12 month period.

Access to the site is via the existing driveway from the A48 with parking and turning areas us to be accommodated within the site.

The applicant confirmed at the site inspection that the dwelling house is currently used for dog breeding.

Ar Graig is a detached bungalow set within a rural location and is located outside of the defined residential settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan. The property contains a garage, stables and a detached holiday let unit that has now been converted into use as a granny annex in conjunction with the host property. The neighbouring property known as Dan y Garn is located to the north of the application site but is located at a lower level and is screened from the application site by a high tree lined embankment.

RELEVANT HISTORY

P/15/771/LAP - Certificate of Lawfulness For Proposed Use Of Stables As Ancillary Accommodation – Approved – 06/01/2016.

P/15/164/FUL - Convert 6 No. Stables To 2 No. Self-Contained Holiday Let Units – Refused – Appeal Allowed – 21/10/2015.

P/13/164/FUL - Alteration And Extension Of Existing Detached Dwelling - Re-Sub Of P/12/729/FUL – Approved (with conditions) – 24/04/2013.

P/12/729/FUL - Alteration And Extension Of Existing Detached Dwelling - Refused – 30/11/2012.

P/04/1672/FUL - Detached Double Garage – Approved – 18/01/2005.

PUBLICITY

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

Re-consultation was undertaken on 3 January 2018 which allowed for responses to consultations/publicity – the re-consultation period expired on 17 January 2018.

CONSULTATION RESPONSES

Following re-consultation, the following comments were received:

Merthyr Mawr Community Council has raised an objection to the amended position of the building for the following reasons:

- Location within the curtilage;
- Near to neighbours with noise and odour issues;
- Animal welfare, no area to exercise dogs and puppies;
- Design of the building, small windows, light and ventilation issues for the dogs and puppies;
- Traffic survey required to determine the impact of vehicular access and egress from the site;
- Services to the building and waste.

Welsh Water Developer Services – No Objection.

Head of Street Scene (Drainage) – No objection subject to conditions and advisory notes.

Head of Street Scene (Highways) – No objection subject to a condition restricting the use of the site for dog breeding only.

Head of Public Protection – No objection subject to conditions regarding the restriction of number of dogs and a scheme for the insulation of the roof of the building.

REPRESENTATIONS RECEIVED

Two letters of objection have been received raising the following concerns:

- Noise nuisance;
- Existing dogs at the site;
- Smell/Odour;
- Extra traffic;
- Negative impact on the area;
- Proposed development unsuitable for area;
- Proposed development shall be located in a more suitable property and area.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the issues raised above are addressed within the appraisal section of the report, however, specifically:-

The existing dogs at the site are the applicant's own dogs, several of which are working dogs that are used in connection with the applicant's part time estate game keeping duties.

The applicant has advised that the waste generated by the proposed development will be retained in a sealed container and disposed of in the site's cesspit.

Animal welfare and concerns over light and ventilation for the dogs is not a material planning consideration and is addressed under other legislation and licencing requirements.

The size of the site is considered adequate to exercise the dogs and in any event this could also be undertaken off site.

NEGOTIATION

Initially, an objection was received from the Council's Public Protection Officer regarding the location of the proposed building and its potential impact on neighbouring residential amenities. The applicant's agent was advised and new locations for the proposed building were suggested in order to overcome the above objection. As a result, an amended plan was submitted proposing the relocation of the building to the eastern boundary of the site which is away from neighbouring properties.

APPRAISAL

The application is referred to Committee to consider the objections received from Merthyr Mawr Community Council and neighbouring residents.

The application proposes the erection of a new building to be used as part of an extended dog breeding facility.

The main issues to consider in the assessment of this application are the principle of the development, its potential impact on the character of the existing dwelling and surrounding area and its potential impact on the neighbouring residential amenities, drainage and highway safety.

Principle of the Development

The application site is located outside of any settlement boundary as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) as adopted in 2013 and it is, therefore, located in the countryside where Policy ENV1 Development in the Countryside ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

- 1) Agriculture and/or forestry purposes;
- 2) The winning and working of minerals;
- 3) Appropriate rural enterprises where a countryside location is necessary for the development;
- 4) The implementation of an appropriate rural enterprise/farm diversification project;
- 5) Land reclamation purposes;
- 6) Transportation and/or utilities infrastructure;
- 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
- 8) The direct replacement of an existing dwelling;
- 9) Outdoor recreational and sporting activities; or
- 10) The provision of Gypsy Traveller accommodation.

The proposal is considered to be an appropriate rural enterprise where a countryside location is necessary for the development subject to conditions. The proposal, therefore, is acceptable with respect to Criterion 3 of Policy ENV1 subject to compliance with Policy SP2 of the LDP.

Impact on existing property and surrounding area

The existing property is a detached bungalow and is set in its own grounds with an existing access off the A48. The site contains a garage, stables and a detached holiday let facility that has now been converted into use as a granny annex with a large garden and driveway. The proposed building is to be located to the front of the main dwelling on the eastern boundary. Due to its simple design and finished materials, which will reflect the existing dwelling, the proposed development is not considered to have an unacceptable impact on the main dwelling house. Also, due to the site's elevated nature and the existing

trees and vegetation which screen it from any public viewpoint, it is considered that the proposed building will not have an adverse visual impact on the surrounding rural area. Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP (2013).

Impact on neighbouring residential amenities

As mentioned above, initially, the Council's Public Protection Officer raised an objection to the siting of the building due to the potential impact of the proposed use on the residential amenities of the neighbouring property known as Dan Y Garn, by way of noise. In view of this, an amended plan was submitted by the applicant, relocating the building to the eastern boundary of the site and away from the neighbouring properties. The Council's Public Protection Officer withdrew the objection as it was considered that the noise emanating from the development would be greatly reduced due to the new position of the building. However, it is still considered necessary to attach a condition restricting the number of dogs that can be kept at the site and to ensure appropriate insulation is installed in the building in order to protect the neighbouring residential amenities. Two objections have been received from the property known as Tyn Y Coed, however this property is located approximately 120 metres to the south east of the application site and is separated from the proposed facilities by a large field. Whilst some noise may be experienced by this property, it is considered that it will not have an unacceptable impact on the residential amenities that they currently enjoy due to the separation distance. Accordingly, it is considered that the proposed development accords with Policy SP2 (12) of the LDP.

Highway Safety

The Transportation Officer has noted that the location plan now extends the red line boundary to cover the whole of the curtilage of Ar Graig. Whilst both the implementation of the dog breeding facility and the consented holiday lets would result in an intensification of what the highway authority consider to be an access with substandard vision splays, this must be considered against the fall-back position of the recently allowed planning appeal (Appeal reference: APP/F6915/A/15/3121472). The Planning Inspector considered the intensification of the access and noted that the vision splay fell below the recommended standards. However the Inspector concluded that the highway authority should be 'able to demonstrate that the proposal would materially increase the existing vehicular access so there would be harm in highway safety'.

In considering the proposed dog breeding facility, the traffic generation is considered to be sporadic at best and not a daily occurrence with most journeys being shared with genuine residential journeys for the parent property and others akin to visitors to residents of the property. As such the highway authority would have difficulty in demonstrating a material harm to highway safety. However, this does not mean that the site can continue to develop or intensify on the back of the Inspector's findings and the Inspector was clear in that the site should have a condition imposed which removed the permitted development rights for ancillary buildings in order to control the scale of the development and in the interests of highway safety. In addition to the above, it is considered necessary to attach a condition to any consent granted to ensure that the dog breeding facility is restricted to that use only to ensure that a more intensive use, such as dog kennelling or grooming, does not evolve from this use.

Finally, in considering the increase in visitors to the site who are not familiar with the dual carriageway arrangement at the access to Ar Graig, it is considered necessary to attach a condition which seeks to install a one-way traffic signpost opposite the site access to ensure that vehicles do not travel the wrong way along the dual carriageway.

Accordingly, it is considered that this proposal will not significantly increase vehicular movements to and from Ar Graig above the current vehicle trip rates. It is also considered that the site provides adequate off-street parking and turning facilities to accommodate the vehicles generated by the sale of puppies. Notwithstanding the above and taking into consideration the substandard vision splays at the access of Ar Graig, it is considered necessary to attach a condition which restricts the use of the building to dog breeding only and to prevent the site from being used for dog kennels/boarding open to the public, as this use would generate a higher vehicle trip generation rate which has not been assessed as part of this application.

In view of the above, and subject to conditions, the proposed development is considered acceptable and accords with Policy SP2 (6) and PLA11 of the LDP and the Council's Supplementary Planning Guidance¹⁷: Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the development subject to the imposition of two conditions regarding the submission of a drainage scheme and infiltration tests which accords with Policy SP2 (13) of the LDP 2013.

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPAs to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

Given the nature of the application site which is effectively part of the existing driveway within the curtilage of the property, it is considered that, overall, there will be no significantly adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of Policy SP19 of the Bridgend Local Development Plan (2013), the Habitats Regulations 1994 (as amended), Section 6 of the

Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.”

Other Matters

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

The application is recommended for approval as it complies with Council Policy and guidance and does not have an adverse visual impact on the character of the existing dwelling or on the surrounding open countryside nor adversely affects residential amenities, drainage or highway safety.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the approved plans and documents received on 27 September 2017 and the amended Site Location Plan received on 13 March 2018.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The building shall be used solely for Dog Breeding with no sales of dogs or puppies taking place at any time from the site. The total number of dogs kept at the site including puppies, pets and working dogs shall not at any time exceed 20.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site and to protect neighbouring residential amenities and the general amenities of the area.

3. The total number of breeding bitches kept at the site at any one time shall not exceed 4.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the site and to protect neighbouring residential amenities and general amenities of the area.

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the beneficial use of the building commencing and in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the building commencing and in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. Prior to the commencement of development, details of a scheme for the sound insulation of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The building shall be built in accordance with these approved details and the insulation measures shall be retained in perpetuity thereafter.

Reason: To protect the residential amenities of neighbouring properties from noise disturbance.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected or placed within the curtilage as hereby extended without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the scale of development and in the interest of highway safety.

8. No development shall commence until a scheme for the provision of traffic signing indicating to emerging traffic that they are emerging onto a one way dual carriageway has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall incorporate traffic signs to Diagrams 606 and 608 of the Traffic Signs Regulations and General Directions. The scheme shall be implemented before the development is brought into beneficial use and retained as such in perpetuity.

Reason: In the Interests of Highway Safety

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

a) The application is recommended for approval as it complies with Council Policy and guidance and does not have an adverse visual impact on the character of the existing dwelling or on the surrounding open countryside nor adversely affects residential amenities, drainage or highway safety.

b) With regard to Conditions 4 and 5, the applicant is advised that in order to satisfy the drainage conditions the following supplementary information is required:-

- A drainage layout showing the proposed location of soakaway and connection from the proposed building.
- Infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365.
- A plan showing locations of trial holes and at least 3 separate tests at each trial hole location.
- Information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- A timetable for its implementation; and
- A management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

c) The applicant is advised that effluent from the dog breeding building can have serious pollution implications, also prosecutable under the Environmental Protection Act, 1990, the Groundwater Regulations 1998 and the Water Resources Act 1991 section 85. The developer should ensure that they comply with the law and follow pollution prevention guidelines, for example Works and Maintenance in or near Water: PPG5 Environment Agency. There is a Duty of Care which requires that the land owner ensures that all waste is stored and disposed of responsibly, that it is only handled or dealt with by individuals or companies that are authorised to deal with it and that a record is kept of all wastes received or transferred through a system of signed Waste Transfer Notes.

d) The applicant should note that any soakaways must not be situated within 5m of buildings or boundaries.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None