
MAIN CASE

Reference No: 15/00438/FUM

Proposal: Change of use of field from agricultural to kennels use, create new access from existing field access, proposed solar array , reed bed waste disposal, create additional parking , new fencing and gates

Site Address: Amberlea Country Kennels And Cattery Ely Road Sutton Ely
Cambridgeshire CB6 2AB

Applicant: Mr William Bridges

Case Officer: Rebecca Saunt Senior Planning Officer

Parish: Witcham

Ward: Downham Villages

Ward Councillors: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 30 April 2015

Expiry Date:

[Q59]

1.0 RECOMMENDATION

1.1 Members are recommended to approve the application subject to the recommended conditions below:

1. Approved Plans
2. Time Limit
3. No trees pruned or removed/felled and no shrubs or hedges removed except as detailed
4. Post and rail fencing to not exceed 1.2 metres
5. Times of use

1.2 The conditions can be read in full on the attached Appendix 1.

2.0 SUMMARY OF APPLICATION

2.1 This application is being brought to Planning Committee as the proposal includes photovoltaic cells that are not located on a domestic or commercial building. Under the scheme of delegation in the Constitution this is defined as a large scale

renewable energy development and Officers do not have authority to determine this type of development.

2.2 The applicant seeks permission for the change of use of a field from agricultural to kennels use for dog exercising and training, the creation of a new access from the existing field access (which will amend the previously approved access point for the new entrance roadway to that of the existing field gateway, application), a solar array comprising 80 No. photovoltaic ground mounted collectors to the North East rear boundary of the property, reed bed soil water filtration system in lieu of the existing finger and land drains and to fence and gate the frontage and provide additional car parking.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

88/00438/FUL	New portable unit for use as kennel reception and storage	Approved	16.05.1988
93/00322/FUL	Extension	Approved	14.05.1993
93/00387/FUL	Mobile building for reception/pet food sales & storage (renewal)	Approved	21.06.1993
98/00300/FUL	Mobile for Reception/Pet Food (Sales & Store) (Renewal)	Approved	18.05.1998
02/01065/ADI	Illuminated signboard	Approved	19.12.2002
03/00547/FUL	Renewal of unexpired permission: Mobile for reception/pet food (sales & store)	Approved	14.07.2003
04/01490/FUL	Erection of new reception and staff facilities building and extension to dog grooming parlour to create canine hydrotherapy facilities with new vehicular access.	Approved	28.01.2005

07/00231/FUL	Construction of staff facilities and reception building (modified proposal previously approved under application 04/01490/FUL)	Approved	17.04.2007
09/00354/FUL	Kennels, cattery reception, hydrotherapy pool & covered entrance	Approved	21.07.2009
09/00802/FUL	Change of use from staff facility/office building to single one bedroom living accommodation.	Refused	06.01.2010
10/00138/FUL	Change of use from staff facility/office building to include temporary overnight staff accommodation	Approved	31.03.2010

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located on the northern side of the A142. The kennels and the adjoining properties have their own local service road, accessed from the A142. The site is approximately 105 metres wide and 143 metres in depth and is relatively level, enclosed by an existing indigenous hedge, punctured in places with access points. The site is located to the east of the existing kennels site, with the access road and proposed parking area to the south of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Environmental Health
Local Highways Authority
Parish
Technical Officer Access

Environmental Health – The additional kenneling etc indicated on the site plan already has permission. The 'field from agricultural to kennels use' is regarding the dog training area which as advised is already being used for this activity. Due to the location and that the activity is already taking place I have no issues to raise, however, I would advise limiting the times of use of the training area to those requested within section 20 of the application.

Local Highways Authority - Initial concerns raised in relation to the 2 parking bays proposed to the south of the proposed new access. Following the removal of the bays Highways have confirmed that this has addressed their concerns.

Parish Council (Witcham):

- Concerns new access will restrict flow of traffic, rather than slipping in on the slip road from Sutton direction.
- Concerns over visual impact of the fencing.
- Concerns regarding blocking off the old road (shown as right of way).

Technical Officer Access - No accessible parking shown. 6% total is required. Route from parking places, reception/shop etc should be firm, level, slip-resistant, well signed and lit.

5.2 Neighbours – 4 neighbouring properties were notified, a site notice posted and advert placed in the Cambridge Evening News. No responses were received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
EMP 2	Extensions to existing businesses in the countryside
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide
Renewable Energy Development

6.3 National Planning Policy Framework 2012

- 1 Building a strong, competitive economy
- 3 Supporting a prosperous rural economy
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

Principle of Development

7.1 Amberlea Country Kennels and Cattery is an existing business, located in the countryside. Policy EMP2 of the East Cambridgeshire Local Plan relates to extensions to existing businesses in the countryside. The policy states:

Proposals to expand existing businesses in the countryside will be permitted where:

- The proposal does not harm the character and appearance of any existing buildings or the locality.
- The proposal is in scale with the location, and would not (by itself or cumulatively) have a significant adverse impact in terms of the amount or nature of traffic generated.
- The extension is for the purpose of the existing business; and
- Any intensification of use will not detract from residential amenity.

7.2 The application site is already laid to grass and enclosed by hedging. The proposal does not include the creation of any additional floor area and the only structures proposed are the gates, fencing and solar panels. The solar panels measure 40 metres by 3 metres and would be located to the rear of a field with an existing boundary treatment, so would not be visible within the streetscene. It is therefore considered that the extension to the business would not harm the character and appearance of the locality.

7.3 The proposal is in scale with the location, and would not have a significant adverse impact in terms of the amount or nature of traffic generated.

7.4 The proposed change of use of the land adjacent to the existing business is for the purpose of the existing business to exercise and train dogs.

7.5 Due to the location of the proposal it will not detract from residential amenity.

7.6 The proposal includes a small area in comparison to the size of the application site of photovoltaic cells. Proposals for renewable energy and associated infrastructure will generally be supported in accordance with policy ENV6 of the Local Plan unless their wider environmental, social and economic benefits would be outweighed by significant adverse effects that cannot be remediated and made acceptable. Due to their size and location the photovoltaic cells will not have an adverse effect on the local environment and visual landscape impact, the character and appearance of the streetscene, key views, protected species, residential amenity or heritage assets and therefore the inclusion of the photovoltaic cells is fully supported.

Residential Amenity

7.7 Environmental Health have recommended a condition in relation to the hours of use for the application site. The recommended condition specifies the hours stated in the application form for daily attendance and hours open to the public. As stated previously due to the location of the application site and the existing uses surrounding the application site and given the recommended condition the proposal would not create an adverse impact on residential amenity.

Visual Amenity

7.8 The proposed change of use of the land will not visually alter the appearance of the piece of land.

- 7.9 The solar panels and the plant/reed bed drain will be located to the rear of the site. Due to the existing boundary treatments and their locality they will not be visible from outside the site and would not have an adverse visual impact. The provision of solar panels and adequate drainage facilities are supported by policies ENV6, ENV7 and ENV8 of the Local Plan, while the reed bed will encourage biodiversity.
- 7.10 The proposed access road, parking and fencing within the site will also not be visible within the streetscene.
- 7.11 The 4 parking bays to the front of the site will be visible. However, the majority of this area is already laid to hardstanding and vehicles already park along the service road. The inclusion of defined parking bays will help to regulate the parking along this section of the road and therefore would not create an adverse visual impact.
- 7.12 The applicant proposes fencing to the front of the site, along the existing grass verge. The fencing would be timber post and rail and would have a maximum height of 1.2 metres. At present the frontage of the site is relatively open, with only some vegetation in situ. However, under permitted development the applicant could erect a fence of up to 1 metre in height without requiring the benefit of planning permission and this needs to be taken into consideration as a fallback position. The proposed fencing would have a height of 1.2 metres. However, due to its siting, which is not directly adjacent to the highway, the design of the fencing and the existing business which operates from this site, it is considered that while the fencing would be noticeable within the landscape, that on balance it would not create an adverse visual impact.

Highways

- 7.13 This application seeks permission for a new access to be created from the existing field gate access from the local service road into the site. This would not create an adverse impact in relation to highways safety, as it is an existing field access and would only access from the local service road.
- 7.14 The applicant has advised that security at the site has become a considerable issue and the private access road to the front of the property has become a “rat-run”, alongside problems of joy riders, litter and indiscriminate parking. Therefore timber post and rail fencing and 5 bar 3.6 metres wide gates have been proposed at two points on the existing private access road. This is similar to what is already in situ further along the access road to the west. The access road to the front is private and therefore highways raise no objections to the gates and the fencing. The applicant has served notice on CTN Turf Supplies and Sid Bibby Turf and Landscaping Ltd as they are adjacent owners of the access. These properties have also been consulted as part of this application and no comments or objections have been received. This will help to improve the overall security of the site and deter people from using the private access road as a rat-run, while regulating the area associated with the existing business.
- 7.15 Concerns were initially raised by Highways in relation to the proposed parking measures (2 bays) to the south of the proposed new access as it was considered that they would lead to vehicles being unable to manoeuvre safely in this area,

impeding and/or coming in to conflict with other vehicles when egressing the proposed access and the public highway, at this junction with Ely Road. Amended plans were submitted by the applicant who removed these 2 parking bays and Highways have advised that they no longer object to the proposal on highway grounds.

- 7.16 Even with the removal of these 2 parking bays the proposal increases the number of parking spaces to be provided at the site and therefore it is considered that it meets the requirements of policy COM8 of the Local Plan.

Ecology

- 7.17 The proposal incorporates a reed bed which will encourage biodiversity at the site. The field is already laid to grass and this will in the whole be retained. The existing boundary hedging will also be retained. Therefore it is considered that the proposal would not have an adverse impact on ecology and will help to encourage further biodiversity in accordance with policy ENV7 of the Local Plan.

Flood Risk and Drainage

- 7.18 The applicant proposes a reed bed soil water filtration system in lieu of the existing finger and land drains, to improve the drainage of the site. This will also provide a wildlife habitat for fauna and flora and blend into its surroundings.

- 7.19 On balance, it is considered that the proposal complies with policy EMP2 of the Local Plan and the proposal will help to support and grow an existing business. The proposal will not create an adverse visual impact or have an adverse impact on residential amenity or highways. The proposal will further enhance the biodiversity of the site, improve the current drainage and provides renewable energy development which will not impact on the wider landscape or key views.

8.0 APPENDICES

- 8.1 Appendix 1 – Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/00438/FUM – Planning application file	Rebecca Saunt Room No. 011 The Grange Ely	Rebecca Saunt Senior Planning Officer 01353 665555 rebecca.saunt@eastcambs.gov.uk

National Planning Policy Framework - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 - <http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1 - 15/00438/FUM – Planning Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
15:06:01	A	30th April 2015
15:06:04		30th April 2015
15:06:02	F	8th July 2015

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 Except as detailed on the approved plans, no trees shall be /pruned or removed/felled and no shrubs or hedges shall be removed without the prior written approval of the Local Planning Authority.
- 3 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The post and rail fencing shall not exceed 1.2 metres in height.
- 4 Reason: To safeguard the character and appearance of the countryside, in accordance with policies GROWTH2, ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 5 The times of use for the dog exercise and training area shall be limited to 06:30 - 22:00 each day for daily attendance and shall be open to the public between the hours of 08:00 - 18:00 each day.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.