

Application Ref: 12/01134/FUL

Proposal: Change of use from light industrial/offices to a day care unit for dogs, dog training and external fencing

Site: All About Your Dog Day Care Ltd, 6 Milnyard Square, Orton Southgate, Peterborough

Applicant: Mrs Heidi Presland
All About Your Dog Daycare Ltd

Agent:

Referred by: Head of Planning Services

Reason:

Site visit: 07.09.2012

Case officer: Mr D Jolley

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site is one of 6 small industrial units within Milnyard Square a small industrial estate located within the Orton Southgate General Employment Area. The site is attached to unit 5 and has areas of open space to the side and rear of the unit.

Proposal

Permission is sought for a change of use from light industrial/offices to a day care unit for dogs and dog training. Permission is also sought for solid external fencing to create an external area for the dogs. The applicant gives a figure of approximately 30 dogs as a maximum number of dogs at any one time.

This application is a resubmission of application number 12/00708/FUL with additional details regarding the management of arrivals and supporting documentation regarding the reasons for dog barking and mitigation strategies to address issues arising from dog barking.

2 Planning History

Reference	Proposal	Decision	Date
12/00708/FUL	Change of use from light industrial/offices to a day care unit for dogs, dog training and external fencing	Application Refused	02/07/2012

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

Peterborough Local Plan (First Replacement) (2005)

OIW06 - Non Employment Uses in General Employment Areas

Will not be permitted unless there is no unacceptable impact on amount/quality of employment land, there are no adverse traffic impacts and where appropriate it accords with the sequential test principles.

4 Consultations/Representations

Parish Council

No comments received

Transport and Engineering Services (09.08.12) - Objects

The proposed development would not provide adequate facilities within the curtilage of the site for the parking, turning, loading and unloading of vehicles associated with the dropping off of dogs at the facility and as a result the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on safety and free flow of traffic on the adjoining public highways.

FAO Emma Doran Pollution Team

The proposal presents difficulties for predicting the likely impact upon neighbouring units from noise/dog barking.

Such noise could not be controlled by Statutory Nuisance provisions.

Should the proposal be permitted it is recommended that a temporary permission be considered to allow appropriate evaluation of those impacts.

(These comments were received in relation to application number 12/00708/FUL, There have been no material changes between this application and the current application and the previous comments are still considered to be valid).

Police Architectural Liaison Officer (31.07.12)

I confirm that I have viewed the application and have no objections, recommendations.

The proposed fencing appears adequate for the safety/security of this site.

Building Control Surveyor (08.08.12)

The proposal will require building regulations approval which will include the need to insure disabled access.

Local Residents/Interested Parties

Initial consultations: 11
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

No representations were received in relation to the proposal.

N.B. No representations were received in relation to the previous application 12/00708/FUL.

5 Assessment of the planning issues

The main considerations are

- The impact of the proposal on the users of nearby units
- The siting of a non employment use in a general industrial area
- The impact upon the highway infrastructure

The impact of the proposal on the users of nearby units

The Local Planning Authority appreciate that the location of the site, within a general employment area, means that uses within these locations can and often are noisy uses, however the sound generated by an industrial use is usually contained within the building, with some sound leaking out through doors and windows. This applicant has stated that they would ideally wish to care for up to 30 dogs and propose an outdoor area for the dogs to play. This number of animals is considered very likely to result in unacceptable levels of barking. It is unlikely that this noise could be contained within the area and would potentially cause nuisance to the users of adjacent units, particularly the unit attached to the application site and the office development adjacent on Bakewell Road.

Environmental health have stated that noise emanating from the site could not be controlled through statutory noise nuisance, if permission was given it would be impossible to retrospectively seek mitigation for the noise generated or restrict use. For this reason it is considered that the use is likely to result in unacceptable impact upon the uses of nearby units.

The information supplied by the applicant suggests that dog barking is unlikely to be an issue and that measures can be taken to mitigate for excessive dog barking however it is not possible for the council to ensure that such measures are always carried out and that the potential harm to neighbouring units through noise disturbance is not adequately mitigated for by these measures.

The siting of a non employment use in a general industrial area

The use applied for is considered to be a sui generis use and must therefore be assessed under policy OIW6, this policy deals with non employment uses in employment areas. The definition of a non employment use is not clear; this use will provide employment, albeit at a low level of an equivalent of 2.5 full time employees. This level of employment is somewhat below what could be expected for a unit of this size and therefore it is considered proper to assess the application under OIW6.

This policy contains 6 criteria, the proposal is considered to be acceptable under two of these criteria, namely that (d) development should not generate levels of traffic or parking which would result in unacceptable congestion or road safety hazard. The Local Highways Authority have objected on the basis that the 10 spaces available on site are not sufficient to provide parking,

turning and unloading for staff and the potential number of visiting members of the public. The proposal is also considered to fail (b) That development should not unacceptably inhibit or prejudice the activities of an existing or future employment use. The LPA considers that the noise generated by the potential 30 animals the applicant wishes to care for would result in a level of noise disturbance that could prejudice future uses of the site and act as a deterrent for businesses in the vicinity of the application site expanding or relocating to the site.

The impact upon the highway infrastructure

The applicant submitted a proposal to stagger the arrival times of dog owners in order to overcome the previous objection of the Local Highways Authority (LHA). The LHA have stated that if the staggered arrival times could be controlled by way of a planning condition that they could recommend that the proposal be given a 1 year temporary consent in order to assess how successful this arrangement was. If the staggered arrivals could not be controlled by way of condition they recommend refusal of the application. However it is considered that a system of staggered arrivals **could not** be controlled by condition as it is not enforceable as the applicant does not have direct control over the behaviour of the users of its service.

As stated above the Local Highways Authority have objected to the proposal on the basis of insufficient parking stating that the parking, turning, loading and unloading of vehicles likely to be generated by the use would have an adverse effect on the safety and free flow of traffic on the adjoining highways. The applicant has stated that they would like to care for a maximum of 30 dogs, whilst it is appreciated that not all 30 owners would arrive at the site at once it is considered that at busy times of the day, before and after work, there is potential for numbers of vehicles in excess of the number of spaces available, especially if employees also parked on site. This is contrary to both policies OIW6 and CS14 of the Peterborough Core Strategy (DPD) 2011.

Other matters

The Local Planning Authority has no objection to the fencing element of the proposal.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**

R 1 The use of the site as day care unit for 30 dogs, with associated outdoor play area, would result in unacceptable noise disturbance from barking to the detriment of the amenity of users of adjacent units. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 which states;

CS16: Development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

R 2 Given the scale of the proposed use of approximately 30 animals, it is considered that the 10 parking spaces available would not be sufficient to accommodate employees and the numbers of visiting members of the public. This is likely to have an adverse impact upon the safety and free flow of traffic on adjoining public highways. This is contrary to policies

OIW6 of the Peterborough Local Plan (First Replacement) and policy CS14 of the Peterborough Core Strategy (DPD) which state;

OIW6: Planning permission will not be given for non employment uses in general employment areas if (d) the development would generate unacceptable levels of traffic or parking which would result in unacceptable congestion or a road safety hazard.

CS14: Development should reduce the number of personal injury accidents amongst all travellers.

Copy to Councillors Stokes J, Elsey G A and Allen S

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