

Item: No. 1

Planning and Environmental Protection Committee

Application Ref: 20/00708/FUL

Proposal: Proposed replacement staff facilities, Vet room and one bed staff accommodation

Site: Acorn Lodge Kennels and Cattery, Thorney Road, Eye, Peterborough

Applicant: Acorn Kennels and Cattery

Agent: Gowler Architectural

Site visit: 13.8.20

Call in: **Cllr Simons has called the application into PEP Committee as the proposal would be of great benefit to grow this successful business in a rural ward and temporary/occasional accommodation for staff could easily be conditioned to the business.**

Case officer: Mr M A Thomson

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Recommendation: **REFUSE**

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

Site Description

The application site comprises an established Kennels and Cattery business situated 300 metres outside the settlement boundary of Eye village, adjacent to the A47 and Thorney Road. The site is bounded by arable farmland on all sides. The site comprises an extended bungalow, where it is understood that the owners and operators reside, a car park and a number of outbuildings, with a large lawned garden area to the east of the bungalow.

It is important to note that the site is host to single storey buildings, the tallest of which is the bungalow standing at 6m in height.

Pre-Amble

It is important to emphasise that local and national planning policy only supports the erection of a self-contained dwelling in the open countryside providing that it is demonstrably necessary for a worker to reside on site. Any such proposal is required to meet 'all' of the functional and financial tests set out under Policy LP11: Part D (New Dwellings in the Countryside), and must demonstrate why such accommodation could not be met by an existing dwelling on site, or through suitable conversion of an existing building, and demonstrate that there is no suitable accommodation within nearby settlements.

In 2016 planning permission was sought for two staff cottages, and in 2017 planning permission was sought for a single storey staff cottage, however both applications were withdrawn further to Officer advice, advising that there was insufficient justification for the erection of a new dwelling in the open countryside, and that the dwellings proposed did not meet the financial and functional exception tests.

In 2019 planning permission was sought under App Ref: 19/01217/FUL for 'Proposed replacement staff facilities, vet room and one-bed staff accommodation flat', however this application was withdrawn as insufficient information had been submitted to demonstrate that the development would meet the financial and functional tests as set out under Policy LP11: Part D.

This application is a resubmission of the 2019 application seeking the same proposal. It should be highlighted that, despite several requests by Officers as part of this application (22.07.20, 12.08.20 & 01.09.20) and previous applications, that the proposal has not been robustly justified against Policy LP11: Part D.

Proposal

The Applicant seeks planning permission for the erection of two story building comprising replacement staff facilities and vet room at ground floor, and a one-bed, self-contained flat to be used as staff accommodation at first floor.

The proposed building would be two storey, with a floor area of 14.6m x 4.3m and proposes to stand at 5.3m to eaves and 6.6m to ridge utilising brick and tile.

The supporting information states that the self-contained flat would only be used by a member of staff when the Applicant, who currently resides on site, is away. It is stated that a vet is not required to stay on site overnight.

2 Planning History

Reference	Proposal	Decision	Date
19/01217/FUL	Proposed replacement staff facilities, vet room and one-bed staff accommodation flat	Withdrawn by Applicant	30/09/2019
17/01506/FUL	Proposed single storey staff cottage	Withdrawn by Applicant	23/12/2016
16/01907/FUL	Proposed staff cottages	Withdrawn by Applicant	25/10/2017
09/01398/FUL	Removal of manager's caravan and construction of manager's bungalow	Withdrawn by Applicant	01/02/2010
09/01397/FUL	Proposed extension to grooming room	Permitted	29/01/2010
08/01503/FUL	Additional vehicle access and front boundary wall	Permitted	12/03/2009
07/00495/FUL	Construction of 22 unit kennel block	Permitted	11/06/2007
04/00378/FUL	Creation of additional vehicular access	Permitted	21/06/2004
90/P0332	Construction of dog kennels and runs	Permitted	04/05/1990
P0190/75	Erection of boarding kennels for cats	Permitted	18/04/1975
P0005/75	Erection of a summer house for use as a reception office	Permitted	21/02/1975

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Paragraph 84 - Supporting a Prosperous Rural Economy

It should be recognised that to meet local business and community needs in rural areas site may have to be found adjacent to or beyond existing settlements, in locations not well served by public transport. In such circumstances development will need to be sensitive to its surroundings, not have an unacceptable impact on local roads and exploit opportunities to make the location more sustainable. The use of previously developed land and site that are physically well-related to existing settlements should be encouraged.

Peterborough Local Plan 2016 to 2036 (2019)

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4c) The expansion of existing businesses located outside of allocated sites will be supported provided existing buildings are re-used where possible, there would be no unacceptable amenity, highway or character impacts.

LP4d) Conversions and redevelopment of non-allocated employment sites to non-allocated employment uses will be considered on their merits taking into consideration the impact on the area, the viability of the development including marketing evidence and the impact of continued use of the site.

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use

appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP27 - Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

Archaeological Officer

No objection - The proposed development site and surrounding area contain no known heritage assets. Given the small scale of the proposed groundwork, the extent of impact on potential buried remains is deemed to be negligible.

PCC Peterborough Highways Services

No objection – It would appear that the ‘vet room’ is intended to be ancillary to the main kennel and cattery business, catering for the resident animals, with the staff accommodation being for a similar purpose. As such the Local highway Authority have no objections to the proposal, subject to a condition being appended with respect to the provision of temporary facilities during construction.

Cambridgeshire Fire & Rescue Service

No objection - Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the “National Guidance Document on the Provision of Water for Fire Fighting” 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5, Section 16.

PCC Pollution Team

No objection – Subject to the occupiers of the flat being linked to the business.

Eye Parish Council

No objection

North Level District Internal Drainage Board

No objection

Local Residents/Interested Parties

Initial consultations: 2

Total number of responses: 1

Total number of objections: 0

Total number in support: 0

No letters of representation have been received. The response received relates to Parish Council comments, noted above.

Councillor Simons has called the application into Planning and Environmental Protection Committee as 'the Applicant is asking for temporary/occasional accommodation for staff attached to the business, which could easily be conditioned. Also we believe it would be of great benefit to grow this successful business in the rural ward, as per policy LP4'.

5 Assessment of the planning issues

The Principle of Development

From the supporting statement it is understood that the proposed self-contained flat (bedroom, living/kitchen room and bathroom) would be for a member of staff who would 'occasionally' reside on site when the Applicant, who resides on the site, is away. It is understood that currently when the Applicant is away, staff members stay within the existing bungalow.

In support of the application is a statement from the RSPCA, whereby staff on call '*... take in unwanted animals and provide the care required including throughout the night checking on distressed animals regularly and calling veterinary help if needed*'.

It is understood from the Appellants statement that '*providing permanent night shift cover is not practical or financially due to the infrequent and inconsistent need for this cover. The Applicant living on site normally provides the overnight cover [and] staff would only be using the accommodation when the applicant is unable to provide the 24hour cover required*'

Officer Comments:- The Applicant has confirmed that vets do not stay on site overnight, that there would be no need for permanent on-site cover, that the Applicant normally provides this cover whilst residing on site, and would only be used when the Applicant is unable to provide any necessary cover. As such, the accommodation would not be for a full time worker, and therefore is contrary to LP11.

It is also stated that '*currently anyone looking after the kennels in [the owners] absence uses their family bungalow*'. The statement goes on to state that it would be unreasonable for staff to be accommodated in Eye Village as '*... the staff could be required to visit the kennels several times throughout the night depending on callouts and presence of animals in need of more care. As a duty of care to any sick or distressed animals the staff member being on site to address this quickly*'.

Officer Comments:- It is clear from the Applicant's statement that there is suitable accommodation within the existing bungalow which currently exists on site, in the infrequent event that the Applicant's are away. It should also be highlighted that there is an existing staff room on site, therefore a vet or member of staff would have somewhere to operate

from during a night shift.

In summary, the proposed self-contained dwelling would only be used for occasional temporary cover by staff as and when the Applicants who currently reside on site are away.

Planning Considerations

Policy LP11: Part D is for new dwellings in the countryside, relating to agricultural workers, forestry and other enterprises where a countryside location is essential. The proposal must be considered as a self-contained dwelling as the proposal would have no reliance on the host dwelling, which is occupied by the Applicant.

Policy LP11 states that 'planning permission for a permanent dwelling in the countryside to enable [a] worker to live at, or in the immediate vicinity of, their place of work will only be granted to support existing ... activities on a well-established ... unit...' provided the proposal meets all of the following criteria;

l. there is a clearly established existing functional need (i.e. it is essential for the proper functioning of the enterprise for one or more workers to be on the site for all or most of the time); and

Officer Response:- In support of the application is a contract with the RSPCA, whereby the Applicants have committed to providing 24/7 care, however this is an open contract with no fixed end date. The Agent has confirmed that there is no set time period for this contract, however it has been on-going for 3 or 4 years. As such it would appear that the contract could be terminated tomorrow.

The application has not been accompanied by a formal register setting out how frequent the RSPCA uses the site, however the Agent has confirmed by email that on average 4x times per week the police or other services require out of ours help, 2x times per week emergency cover for pets (i.e owner taken into hospital) or strays, and once per month for significant RSPCA out of hours help rehoming more than 4 animals. It is understood that this latter requirement requires more attention as animals are often in poor health and need more care.

In these events it is understood that the member of staff would be required to check each animal brought in and care for it accordingly, if necessary call a vet. The member of staff would need to be one of the more qualified members of staff to be able to recognise when this is required.

The Agent goes on to state that a vet is not required for stay's overnight; it would be a member of staff when the Applicant is not able to provide the overnight cover at intermittent times, such as when the Applicant is on holidays, nights out etc. It is understood that the applicant normally carries this out, and in the past staff have stopped in the applicant's bungalow, however this has significant privacy issues.

Based on the submitted information Officers have strong concerns as to the functional need for an additional member of staff to reside within a self-contained flat on the site. As confirmed by the Agent a vet would not be required to reside on the site, the dwelling would only be required for very occasional respite care when the Applicant is away. Further, members of staff have historically resided within the Applicant's home when they have been required to stay overnight, there is therefore an established solution.

It is not considered that there is a functional need for an additional worker to reside on site, therefore the proposal is considered to be contrary to Policy LP11, Part D(l).

m. the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement; and

Officer Response:- As set out above the Applicant's currently reside on site, who are understood to be employed by the business full time. The supporting justification is that the operators of the site are required to take in unwanted animals over a 24/7 period.

From the submitted information it is understood that the RSPCA contract has been in place since July 2019, however as mentioned above there is no end date and could be terminated at any time. Further, it has been confirmed in writing by the Agent that the accommodation would only be for occasional use when the Applicant is away.

As such, the need for the dwelling does not relate to a full-time worker is therefore contrary to Policy LP11: Part D(m).

n. the unit and the ... activity concerned has been established for at least three years, has been profitable for at least one of them and is currently financially sound with a clear prospect of remaining so; and

Officer Response:- The site has been in situ for more than 3 years, however no financial information has been provided to demonstrate that the business is financially sound, whether there would be sufficient finances to demolish the existing building, erect the proposed two storey building and provide wages for a full time worker.

It is important to highlight that this provision of Policy LP11 requires the business to demonstrate it would remain financially sound in perpetuity. Given that the RSPCA contract is for an indefinite period, the requirement for 24/7 care could cease at any time, therefore eliminating the need for the proposed dwelling.

As such it has not been demonstrated that this element of the business has been considered on a sound financial basis, with a clear prospect of remaining so, and is therefore contrary to Policy LP11: Part D(n).

o. the functional need cannot be fulfilled by an existing dwelling, or the conversion of an existing building in the area, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned.

Officer Response:- There is an existing dwelling on site which is currently occupied by the Applicant's and is within the redline of the submitted site location plan. Insufficient justification has been provided demonstrating why this dwelling could not be adapted or extended to provide some form of on-site accommodation for a worker.

Further, the application site is situated 1.2km and 960m from the village centres of Eye and Eye Green, where at the time of writing this report (02.09.20) there are currently 59x dwellings listed for sale on www.rightmove.com starting from £70,000.

Within the supporting statement it is stated that staff may be required to make multiple checks overnight, however there currently already exists a staff room on site, as well as the Applicant's dwelling. And given the distance to Eye and Eye Green, a worker could be on site within minutes. As such it is considered the functional need can be provided either on site, or within the nearby villages of Eye and Eye Green. As such the proposal is considered to be contrary to Policy LP11: Part D(o).

Supporting Existing Businesses

Cllr Simons has referred the application to the Planning and Environment Planning Committee as it is felt that the proposal accords with Policy LP4. This policy supports the principle of expanding existing businesses outside of an allocated employment site providing any such proposal meets 4 criteria, which are as follows;

- existing buildings are reused where possible;

Officer Response: As set out above there is an existing dwelling situated on site, as well as a number of existing kennel buildings; it has not been satisfactorily justified as to why this dwelling or any of the existing buildings on site could not otherwise be adapted or extended.

- they do not conflict with neighbouring land uses;

Officer Response: Due to the juxtaposition of the application site and that the neighbouring land uses are agricultural, there is therefore no conflict with land use.

- they will not impact unacceptably on the local and/or strategic highway network; and

Officer Response: This is discussed in further detail below, however there would be no adverse highway safety impact.

- the proposal would not have an adverse impact on the character and appearance of the area.

Officer Response: This is expanded upon below, however there are concerns of introducing a two storey building, which proposes to stand at 6.6m in height, onto a site which is characterised by single storey development, including but not limited to the Applicant's bungalow, which is currently the tallest building on the site standing at 6m in height.

In summary it has not been demonstrated that there is need for an additional worker to reside on site, there has been no financial information provided to demonstrate that the business could fund the proposed works, employ an additional full-time member of staff and that the business is financially sound, and the Applicant has not justified why it would not be possible to adapt the existing dwelling or building on site, or why it would not be possible to accommodate the additional worker within the villages of Eye or Eye Green. As such the proposal is contrary to Policies LP4 and LP11: Part D of the Peterborough Local Plan (2019).

As the principle of development is not supported, it is not considered reasonable to use planning conditions to tie the proposed self-contained residential dwelling to the Applicant's dwelling and/or the business in this instance.

Access and Parking

The Local Planning Authority has raised no objections on the basis that the proposed accommodation would be ancillary to the existing business. Subject to securing on-site temporary facilities for the parking, turning and loading during construction, and that the dwelling be tied to the business, the site would retain satisfactory off-site parking and the proposal would not constitute a highway safety hazard.

Whilst the proposal may not raise highway safety concerns, the proposal conflicts with the Local Plan in principle.

Existing and Future Occupier Amenity

The proposal has been submitted on the basis that it would be occupied occasionally by staff members associated with the business only, and therefore would, for all intents and purposes, be tied to the business. The proposal introduces a set of double opening doors and a Juliet balcony facing east at first floor, however as the proposed dwelling would be tied to the business, the relationship to the host dwelling is accepted in this instance.

Each room would be provided with a satisfactory outlook, and levels of natural light to habitable rooms, however the proposal is not provided with any dedicated private amenity space. There is an argument that the self-contained dwelling would only be occupied occasionally by a worker, therefore it is not required to be provided with a dedicated amenity space, however in the fullness of time it could be occupied by a member of staff more regularly.

As expanded elsewhere within this report the proposal would be contrary to Policy LP11, however putting the 'part time occupancy' to one side, were the principle of development accepted a condition could be attached which ties the dwelling to the business, and that the dwelling is not occupied as a member of staffs primary residence.

Design and Layout

The application site comprises a number of large single storey buildings, including the host dwelling, which is currently the tallest building within the application site standing at 6m in height.

The largest of the outbuildings and bungalow are constructed out of red brick, however the remaining buildings appear to be pre-fabricated steel/clad construction. The site is bounded by a brick wall and hedging to the east and south, a leylandii hedge to the west and facing the A47 is concrete post fencing.

The building to be demolished is flat roofed, it is of no historic or architectural merit and its loss is accepted. This single storey structure would be replaced by a two storey brick built building with a relatively shallow double pitched roof. The upper floor would be served by openings on the east, west and north elevations, including a Juliet balcony on the east elevation facing the bungalow, however the south elevation facing Thorney Road would be blank.

By reason of size, scale, massing and design, the proposal would introduce a large monotonous two storey building situated within the centre of the site which would be at odds with the single storey built form of the application site, unbalancing the established hierarchy of buildings at the detriment to the character and appearance of the immediate area. Further, this unacceptably harmful impact would be exacerbated when viewing the site from the south, whereby it would be possible to see a large blank wall and a domesticated Juliet balcony on a narrow side elevation, on what would be an ancillary outbuilding serving an established business in the open countryside.

The application site is situated within the open countryside, outside of the settlement boundary of Eye. The immediate area is characterised by 'intrinsically flat fenland landscape', which is characterised by large arable fields, groupings of trees and isolated dwellings and farmsteads. It is recognised that the application site is currently well manicured, however it is not considered it could mitigate the proposed two storey building situated off-centre within the site. The proposal would be visually prominent from the public realm, particularly from the A47 to the north which is on a slightly higher level, and Thorney Road. As such it is considered the two storey element would not only harm the character and appearance of the immediate area, but the wider landscape character.

As such the proposal is considered to be contrary to Policies LP4, LP16 and LP27 of the Peterborough Local Plan (2019).

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 case officer recommends that Planning Permission is **REFUSED**

- R1 The application site is situated within the open countryside; it has not been demonstrated that there is a substantiated need for an additional worker to reside on site, there has been no financial information provided to demonstrate that the business could fund the proposed works, employ an additional full-time member of staff and that the business has been planned on a financially sound basis, and the Applicant has not justified why it would not be possible to adapt or extend the existing dwelling on site, or why it would not be possible to accommodate the additional worker within the nearby villages of Eye or Eye Green. As such the proposal is contrary to Policies LP2, LP4 and LP11 of the Peterborough Local Plan (2019).
- R2 The application site is situated within the open countryside, outside of the settlement boundary of Eye. The immediate area is identified as 'intrinsically flat fenland landscape', which is characterised by large arable fields, groupings of trees and isolated dwellings and farmsteads. The application site is characterised by single storey development, and the proposed two storey building, which would be taller than the existing buildings on site,

would be visually prominent from the public realm, particularly from the A47 to the north and Thorney Road to the south. Further, by reason of size, scale, layout and appearance, the proposed two storey building and associated domestic openings would harm the character and appearance of the immediate area and wider landscape character area. As such the proposal is contrary to Policies LP4, LP16 and LP27 of the Peterborough Local Plan (2019).

Copies to Cllrs Allen, Brown and Simons.