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**F/YR22/0931/F**

**Applicant: Mr David Barclay  
Harlow Town Greyhound Entertainment  
Ltd**

**Agent : AD Architects**

**10 Redmoor Lane, Wisbech, Cambridgeshire, PE14 0RN**

**Erect 2 x dog kennel blocks (part retrospective)**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations received contrary to Officer recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1. The site is situated on the southwestern side of Redmoor Lane, a predominantly rural area with sporadic built form. Within the site there is a residential dwelling that fronts onto Redmoor Lane, with a number of outbuildings and to the south of the dwelling is a kennel block which currently houses up to 26 greyhound dogs. The application site relates to an area of land which is located to the south of the dwelling and existing dog kennels at 10 Redmoor Lane. The application site is currently grassland of which part of is currently utilised as an exercising area for the greyhounds housed at the onsite kennels.
- 1.2. The submitted application seeks full planning permission for the erection of 2 dog kennel blocks on the grassland area of the site located to the south of the existing dwelling and dog kennel block. It is noted that the application is part retrospective as development has already commenced on the site as digging for the proposed kennel blocks was begun on the 4th April 2022 as indicated within the submitted application form, the works ceased when the applicant was advised that the proposed building would need to benefit from planning permission according to the applicants agent.
- 1.3. The proposed kennel blocks would house 50 bays each and both would include a kitchen area and W.C. The blocks would run in a northeast to southwest direction down the site. Each kennel block would measure approximately 50m x 7.5m and would include a mono-pitch roof reaching a maximum height of 3.5m with eaves at 2.5m.
- 1.4. It is noted that a number of comments have been received from the public objecting to the proposed development due to the adverse impacts on their amenities in terms of additional noise that would be generated by the proposed development. The proposed kennel blocks at their closest point would be located approximately 26m from the adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site, the occupants of this property have submitted a series of objections to the proposed development at the site.
- 1.5. The site is located in Flood Zone 3, the highest probability of flooding.

1.6. The proposal is considered acceptable and accords with those policies as set out at section 7.4 of this report of the Fenland Local Plan 2014. The proposed development represents minimal issues in terms of visual amenity, highways safety and flood risk terms and offers opportunity for economic growth in a rural area. In terms of impacts on the amenities of neighbouring dwellings, subject to compliance with conditions on any approval, the potential adverse impacts can be appropriately and properly mitigated.

1.7. Accordingly, a favourable recommendation is forthcoming.

## **2 SITE DESCRIPTION**

2.1. The site is situated on the southwestern side of Redmoor Lane, a predominantly rural area with sporadic built form. Within the site there is a residential dwelling that fronts onto Redmoor Lane, a number of outbuildings and to the south of the dwelling is a kennel block which currently houses up to 26 greyhound dogs. There is a residential property adjoining the site at the north-eastern boundary and further residential properties are located close by to the north and east. There is open countryside to the rear and to the northwest of the site with further residential properties beyond.

2.2. The application site relates to an area of land which is located to the south of the dwelling and existing dog kennels at 10 Redmoor Lane. The application site is currently grassland which part of is currently utilised as an exercising area for the greyhounds currently housed at the onsite kennels.

2.3. The site is located in Flood Zone 3, the highest probability of flooding.

## **3 PROPOSAL**

3.1. The submitted application seeks full planning permission for the erection of 2 dog kennel blocks on the grassland area of the site located to the south of the existing dwelling and dog kennel block. It is noted that the application is part retrospective as development has already commenced on the site as digging for the proposed kennel blocks was begun on the 4th April 2022 as indicated within the submitted application form.

3.2. The proposed kennel blocks would house 50 bays each and both would include a kitchen area and W.C. The blocks would run in a northeast to southwest direction down the site. Each kennel block would measure approximately 50m x 7.5m and would include a mono-pitch roof reaching a maximum height of 3.5m with eaves at 2.5m.

3.3. The proposed materials would include fair faced blockwork for walls, composite insulated cladding for the roof with white uPVC window and door frames.

3.4. The proposed kennel blocks at their closest point would be located approximately 26m from the adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site.

Full plans and associated documents for this application can be found at:

[F/YR22/0931/F | Erect 2 x dog kennel blocks \(part retrospective\) | 10 Redmoor Lane Wisbech Cambridgeshire PE14 0RN \(fenland.gov.uk\)](#)

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/92/0467/F	Erection of single-storey extensions to sides of existing kennels to form additional kennelling and a kitchen/store	Grant	26/10/1992
F/91/0042/F	Erection of detached boarding kennels and use of existing garage for food preparation	Grant	03/07/1991

## 5 CONSULTATIONS

### 5.1. Wisbech Town Council (05/09/2022)

*That the application be supported, subject to FDC's Environmental Health service being satisfied that the proposal would have no unacceptable impact upon the amenity of nearby residential properties in terms of noise and the management of waste.*

### 5.2. Councillor Steve Tierney (19/08/2022)

*I am strongly opposed to this planning application.*

*The area has lots of residential properties, who are already being affected by noise issues and should not be subject to such massive detriments to their standard of living.*

*I may be making further comment once I've taken some legal advice.*

### Councillor Steve Tierney (21/07/2023)

*I have previously recorded my objection as a local member against planning application F/YR22/0931/F.*

*I did previously explain that I would write with more objections at a later date.*

*My objections are concerning noise, over-development, inappropriate location in a residential area and traffic concerns.*

*I would ask that my objection be noted and these remarks added.*

*When the matter is to be determined I would like to speak on it as the local member.*

### 5.3. Environment Agency (30/08/2023)

*We have reviewed the documents, as submitted, and have no objection providing that you have taken into account the flood risk considerations which are your responsibility. We have highlighted these in the flood risk section below.*

*Flood Risk*

*Our maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for two dog kennel blocks, which is classified as a 'less vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential Test and be supported by a site specific Flood Risk Assessment (FRA).*

### Sequential Test

*The requirement to apply the Sequential Test is set out in Paragraph 162 of the National Planning Policy Framework. This test is your responsibility and should be completed before the application is determined. Additional guidance is also provided on Defra's website and in the Planning Practice Guidance.*

### Other Sources of Flooding

*In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.*

### Flood resistance and resilience

*We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:*

*Government guidance on flood resilient construction*

*<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>*

*CIRIA Code of Practice for property flood resilience*

*[https://www.ciria.org/Research/Projects\\_underway2/Code\\_of\\_Practice\\_and\\_guidance\\_for\\_property\\_flood\\_resilience.aspx](https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx)*

#### **5.4. FDC Environmental Health (08/09/2022)**

*The application involves a substantial increase in the current number of dogs kennelled on site from 26 to circa 150.*

*Environmental health are currently investigating a noise complaint about barking dogs at the kennels, and whilst noise levels monitored so far have not amounted to a statutory nuisance this substantial increase is likely to raise the level of noise from barking to an unreasonable level. In view of this I formally object to this application on the grounds that the increased level of barking associated with the increased number of dogs kennelled at this location will cause an unreasonable loss of amenity to nearby residential property.*

*I would also point out that the application provides no details of how the substantial increase in commercial waste arising from this development will be dealt with.*

#### **5.5. FDC Environmental Health (01/06/2023)**

*I refer to the above application and to the Cass Allen Associates Noise Impact Assessment (NIA) dated 28th February 2023 (RP01-22501-R0).*

*I logged an objection to the initial application based on concerns about the proposed substantial increase in the number of dogs to be housed at the kennels; the lack of any detail on how the associated anticipated increase in barking was to be mitigated, and the existence of a recent complaint about noise from barking at the kennels. I am now minded, having reviewed the above NIA, and subject to application of appropriate conditions, to accept the application for the following reasons:*

- a. Despite the proposal to increase the number of dogs kennelled at the premises from 35 to 120, the NIA concludes that an overall improvement in noise from barking will be achieved. Although the NIA predicts a slightly higher daytime level of noise from barking the application of a strict management plan for the day to day handling of dogs will, I believe, manage the daytime level of barking to a reasonable level.*
- b. The NIA predicts that the construction of two purpose built kennels, and the proposed creation of a store and isolation kennel from the existing kennels, will result in a substantial reduction in noise levels from barking during the evening and through the night. Although the Council's recent investigation concluded that the current level of barking did not amount to a statutory nuisance under the Environmental Protection Act 1990, barking episodes, particularly at night and into the early hours of the morning, have the potential to cause sleep disturbance, and so any improvement to night time noise levels is to be welcomed.*
- c. The cessation of use of the existing kennelling block – its ongoing use as an isolation kennel has no significant implications for noise levels as this the need for isolating individual dogs is rare – is important as this building is not designed to contain noise from barking.*
- d. The NIA predicts that the acoustic upgrade to the roofs and windows to the two new kennel blocks plus the provision of mechanical ventilation (no need to open windows for ventilation purposes) will offer a considerable improvement on containment of noise from barking. This will also reduce the likelihood of external stimuli prompting barking, particularly at night.*
- e. The restriction on exercising dogs to the walkway between the kennels; the provision of a 2.4 metre acoustic screen installed to the façade facing towards the nearest residential amenity; the increased distance from this dwelling to the new kennel blocks, and the retention of the existing building block as a "buffer", will assist with the reduction of noise levels from barking, and will also promote the routine day to day management and control of barking from the dogs.*

*In view of the above and in order to ensure the amenity of nearby residents is protected from excessive noise arising from dog barking I recommend the following conditions are applied:*

- 1. The maximum number of dogs kennelled on site be restricted to 120 dogs.*
- 2. Ensure the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel.*
- 3. Subject to the above condition restrict the use of kennelling for dogs on site to the two new kennel blocks.*

4. Retain the existing kennel block to provide a noise “buffer” between the new kennels and the nearest residential dwelling to the northeast.
5. Acoustically upgrade the roofs and windows to the two new kennel blocks. To be achieved by specifying good quality glazing and by adding mass to the currently proposed light weight roof construction. The upgrade to the sound insulation level to achieve a minimum of 43 dB Rw with the installation of a 18mm cemboard ceiling beneath the lightweight roof with 25mm mineral wool in the ceiling void. Construction details to be submitted to the planning authority for approval prior to works commencing. Post construction tests to be carried out by the applicant to determine if the sound insulation level specified has been achieved. The use of the kennels to be permitted only when the planning authority is satisfied that the sound insulation properties of the two kennel blocks has been verified to meet the specified sound insulation level.
6. Provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months.
7. No plant shall be installed until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.
8. Remove the openable door from the northern end of the new kennel blocks, which faces the nearest dwelling and add a minimum 2.4m in height noise barrier (e.g. close-boarded timber fence with a minimum mass of 10kg/m<sup>2</sup>) across the gap between the blocks at the northern end of the new kennels. Construction details to be submitted to the planning authority for approval prior to works commencing.
9. Restrict exercising and toileting via the doors in the resultant courtyard space between the two blocks which will be acoustic screened from the nearest dwellings to the north and southwest.
10. Implement a strict management plan to restrict the periods during which dogs can be fed, toileted and exercised. The management plan to include a complaints procedure which includes measures to be used to deal with nuisance dogs. The management plan to be submitted to the planning authority for approval prior the use of the kennels commences.

*REASON - To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by noise nuisance from barking dogs.*

#### *Waste Management*

*This development will result in a substantial increase in the generation of dog faeces and therefore details of the waste disposal systems to be employed to be submitted to the planning authority for approval prior to work commencing.*

*REASON - To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance associated with accumulations of waste.*

#### **5.6. FDC Environmental Health (10/08/2023)**

*In order to provide some context, to date, the Council has received two complaints about noise from barking at the kennels, both from the same source. In April 2022, the Environmental Health Service investigated the first complaint and concluded that the level of barking did not amount to a statutory nuisance. In July 2023, a*

*second complaint was made from the same source , and this is currently under investigation. Anyone contacting the council with noise concerns have been advised to submit their comments through the planning process.*

*The Environmental Health Service have completed the review of the Noise Impact Assessment (NIA) and associated documentation in relation to this case and concluded the NIA has been undertaken by suitably competent persons in the field of acoustics – and has been undertaken in accordance with relevant policy documents, technical guidance – and draws conclusions which are based on established good practice.*

*Although the initial proposed development design would have been contrary to planning policy in relation to noise control, additional work has subsequently been undertaken to identify suitable mitigation - which it is hoped should result in a proposal which is compliant with planning policy. The resultant mitigation measures and associated predicted noise emissions are reasonable - and the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.*

*In relation to the daytime level of noise from barking being found to be slightly higher, it is important to recognise that the overall noise impact will be reduced - due to the lower evening and night time noise levels – as evidenced in the report. The strict implementation of best practice day to day noise management controls should ensure the daytime noise from barking should be able to be kept to a reasonable level.*

*However, it is recognised that an increase in the number of dogs from 35 to the proposed maximum of 120 will come with the risk of an increased level of barking. For this reason, the Council will take this opportunity to advise the applicant that should planning permission be granted it does not indemnify against the Council taking formal action to address unreasonable levels of noise from barking dogs or other sources of nuisance to comply with its obligations under the Environmental Protection Act 1990, in the event that substantiated complaints are received.*

*My recommendation, therefore, would be that - if planning permission is to be granted that the intended use of the kennels to which the application refers shall not occur until:*

*1. Additional information in relation to the noise barrier identified in section 5.18 is submitted in writing to the Council – which shall include (but not necessarily be limited to):*

- exact dimensions, materials to be used and full technical specification*
- proposed location*
- evidence of the levels of attenuation which will be achieved*
- confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity*
- throughout the lifetime of the proposed development*

*2. The Council have provided their written acceptance of the details requested in 1 above.*

*3. A detailed Noise Management Plan (NMP) has been submitted in writing to the Council.*

*The NMP should:*

- be drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar).
- detail the best practice day to day measures which will be implemented to ensure noise levels are kept as low as is reasonably practicable at all times.
- specifically identify the measures which will be implemented day to day to ensure the daytime level of noise from barking is as low as is reasonably practicable.
- utilise expertise in dog behaviour to inform the development of best practice day to day measures to control noise levels from barking
- clarify who is responsible for implementation of the NMP

4. The Council have provided their written acceptance of the details requested in 3 above.

5. The mitigation proposals are implemented in full – in accordance with the proposals in the NIA and any additional detail submitted (as identified above).

Further to the above and for the purposes of clarifying the said mitigation proposals the following conditions are also recommended; -

6. The maximum number of dogs kennelled on site be restricted to 120 dogs.

7. Ensure the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel.

8. Subject to the above condition restrict the use of kennelling for dogs on site to the two new kennel blocks.

9. Retain the existing kennel block to provide a noise “buffer” between the new kennels and the nearest residential dwelling to the northeast.

10. Acoustically upgrade the roofs and windows to the two new kennel blocks. To be achieved by specifying good quality glazing and by adding mass to the currently proposed light weight roof construction. The treatments should be inspected post construction by a suitably qualified consultant to confirm to the planning authority that they have been built correctly as per the approved details.

11. Provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months.

12. No plant shall be installed until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The details are needed prior to the start of work so that any mitigating measures can be incorporated into the build.

13. To control the level of barking restrict activities such as exercising and toileting to the courtyard space between the two kennel blocks which will be acoustically screened from the nearest dwellings to the north and southwest.

REASON



*To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development.*

### *Waste Management*

*14. The development will result in a substantial increase in the generation of dog faeces and therefore details of the waste disposal systems to be employed to be submitted to the planning authority for approval prior to work commencing.*

#### **REASON**

*To ensure that the amenity of the occupiers of nearby residential amenity are not adversely affected by nuisance associated with accumulations of waste.*

#### **5.7. CCC Highways (26/10/2022)**

*Highways have no objections to the above application.*

#### **5.8. Local Residents/Interested Parties**

2 letters neither objecting to or supporting the application have been received from addresses within Wisbech, they are summarised as follows:

- The new building construction looks a much better set up and constructed to a modern design and also looks on the drawings that its further away from currently used kennels i would rather live next to this than live next to the railway when it opens devaluing any near by properties
- The new build can only be a positive looking at the plans put forwards will all be modern and sound proof
- The boarding kennels 1/2 mile away is still very much active as is another kennel in the area as well as an equestrian centre

#### **Objectors**

18 letters of objection have been received from 10 addresses within Wisbech (Redmoor Lane x7, Broad Drove x1, Cocketts Drive x1, North Brink x1), Sandy (x1) and Redcar (x1) which raised the following summarised concerns:

- Noise impact from additional kennel blocks, the level of noise coming from a potential of over a hundred dogs will amplify the noise significantly due to increase in dogs barking
- Additional traffic will be caused by the development on an already busy road, the road is classed as a high accident spot and deemed unsafe for the police to carry out speed checks, development will increase the likelihood of accidents
- Plans do not cover how animal excrement will be dealt, animal excrement will create smell especially in warmer summer months
- Issues with waste management currently exist at the site
- Proposal will devalue properties within the area
- Numerous noise complaints have been made in respect of the current situation and dog kennels on the site
- The septic tank serving the site is at full capacity
- Adverse impacts on wildlife through proposal
- The amount of dogs proposed in close proximity to residential dwellings is not acceptable
- The Environmental Health team are currently undertaking an investigation into the noise omitted from the site

- The submitted Noise Impact Assessment is inaccurate and the mitigation methods outlined are not sufficient for the proposed development
- The entrance to the site is on a narrow section of the road
- Too many kennels already within the area
- There has been an increase in rats around the site and present in neighbouring gardens
- The current dogs at the kennels are loud throughout the daytime and night-time, more dogs will increase the existing noise issues even further
- The proposed would ruin any enjoyment of being in garden areas due to the noise created from the substantial increase in the number of dogs at the site
- The owners of the property currently burn a loft of waste materials on site
- All residents of Redmoor Lane are opposed to the proposed development and application submitted
- If approved the development will have detrimental impacts on the mental health of residents living close to the site

### **Supporters**

3 letters of support have been received from 3 addresses within Wisbech (x2) and Parson Drove (x2) which made the following summarised comments:

- With potential proposed developments happening in the area (hotels and service stations), I feel this is very small scale compared to that
- This road was frequently used as a diversion route when the Guyhirn roundabout was being developed and was not found to be dangerous if driven correctly, same as any local country road
- Potential Employment from the development would contribute to the local economy
- The cesspit at the site is not broken, there are three on the site
- The site is not in a residential area, the house opposite is used as a greyhound kennel and has done for many years
- The speed limit along the road is 60mph
- Greyhounds are generally quiet dogs, bar feeding times when they can be louder
- The site has housed kennels since 2005

## **6 STATUTORY DUTY**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **7.1. National Planning Policy Framework (NPPF)**

Para 2 - applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 11 – a presumption in favour of sustainable development

Para 81 – Planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Para 84(a) – Planning decisions should enable the sustainable growth and expansion of all types of business, through conversion of existing buildings or well-designed new buildings

Para 130 – achieving well-designed places

## 7.2. National Planning Practice Guidance (NPPG)

## 7.3. National Design Guide 2021

Context

Identity

Built Form

## 7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Area Development Policy

LP14 - Responding to climate change and managing the risk of flooding

LP15 - Facilitating the creation of a more sustainable transport network

LP16 – Delivering and Protecting High Quality Environments across the District

## 7.5. Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the location of residential development

LP4: Securing Fenlands Future

LP5: Health and Wellbeing

LP7: Design

LP15: Employment

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

## 7.6. Supplementary Planning Documents/Guidance

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood & Water SPD (2016)

## 8 KEY ISSUES

- Principle of Development
- Design and Character
- Residential Amenity
- Access and Parking
- Flood Risk
- Economic Growth

## 9 BACKGROUND

- 9.1. In July 1991 under planning application F/91/0042/F planning permission was granted on the site for the 'erection of detached boarding kennels and use of the

existing garage for food preparation'. Following this approval in September 1992 planning permission was granted under planning application F/92/0467/F for the 'erection of single-storey extensions to sides of the existing kennels to form additional kennelling and a kitchen/store'.

- 9.2. It is acknowledged that there have been complaints lodged from neighbouring dwellings surrounding the site in relation to the noise generation of the existing lawful use occurring on the site. The noise complaints that have been submitted to the council have been reviewed and investigated by the Councils Environmental Health Team. They have concluded that there is insufficient evidence that the noise produced by these activities currently being undertaken on the site amount to a statutory nuisance. Nevertheless, it is considered that the complaints and investigations undertaken by the Environmental Health Team are a separate issue and do not relate to this submitted planning application. Subsequently, the above is not considered to be a material consideration in the determination of this planning application.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1. The application site is located outside the settlement of Wisbech, and as such would be considered an 'elsewhere' location in respect of the settlement hierarchy. LP3 of the Fenland Local Plan 2014 advises that development in elsewhere locations should be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. However, it has been accepted elsewhere in the District, and indeed, on this site, that the open countryside/rural setting is an appropriate location for kennel type activities such as this due to the potential noise and amenity considerations. The proposed development for the erection of 2 x kennel blocks, in association with the existing use occurring on the site would not encroach into the open countryside is also considered acceptable.
- 10.2. Policy LP6 of the Fenland Local Plan 2014 supports the rural economy subject to compliance with other relevant policies; therefore, it is considered that the erection of two new dog kennel blocks and the cease of use of the existing kennel block on site is supported in principle.
- 10.3. The above is subject to there being no significant detrimental impact in relation to visual and residential amenity, highways and parking and flood risk. These are considered below in this report.

### **Design and Character**

- 10.4. Policy LP12 of the Fenland Local Plan 2014 highlights that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP16 of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area.
- 10.5. The proposed kennel blocks would be sited on the grassland area of the site located to the south of the existing dwelling and dog kennel block. The proposed buildings would measure approximately 3.5m in height with eaves at 2.5m. Due to the location of the proposed development a substantial distance away from the public highway (approx. 60m), and that the buildings are being kept at a modest height and sited behind buildings that currently exist on the site, and that the site is

surrounded by mature vegetation it is considered that the proposed development would have minimal adverse impact on the wide-open character or setting of the countryside.

10.6. Overall, it is considered that the proposed development would have minimal adverse impacts on the wide-open countryside and the character of the area and is therefore considered to comply with Policies LP12 and LP16 of the Fenland Local Plan 2014.

### **Residential Amenity**

10.7. Policy LP16 Part e of the Fenland Local Plan 2014 states that development should not adversely impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light.

10.8. It is noted that a number of comments have been received from the public objecting to the proposed development due to the adverse impacts on their amenities in terms of additional noise that would be generated by the proposed development. The proposed kennel blocks at their closest point would be located approximately 26m from the boundary with adjoining neighbouring dwelling no. 12 Redmoor Lane at the northeast boundary of the site, the occupants of this property have submitted a series of objections to the proposed development at the site.

10.9. The applicant submitted a Noise Impact Assessment dated 28<sup>th</sup> February 2023 carried out by Cass Allen Associates. This submission was following an initial objection lodged by FDC Environmental Health Team objecting to the proposed development due to the substantial increase in kennelled dogs on the site from circa 26 to circa 150 dogs.

10.10. It is also acknowledged as within the background section of this report above, that the Environmental Health Team have been investigating noise complaints from neighbouring properties surrounding the site in relation to the existing activities and their noise generation that are currently occurring at the site. As previously stated above, these complaints and investigations undertaken by the councils Environmental Health Team are in relation to whether a statutory noise nuisance is currently occurring, and as such should not be considered within the determination of this application.

10.11. Following on from the initial objection to the proposed development from the councils Environmental Health team and submission of the Noise Impact Assessment by the applicant, the Environmental Health Team have submitted revised comments following an in-depth review of the additional information provided by the applicant. The Environmental Health Officer has detailed that 'The Environmental Health Service have completed the review of the Noise Impact Assessment (NIA) and associated documentation in relation to this case and concluded the NIA has been undertaken by suitably competent persons in the field of acoustics – and has been undertaken in accordance with relevant policy documents, technical guidance – and draws conclusions which are based on established good practice.'

10.12. Furthermore, the Environmental Health Officer has commented 'although the initial proposed development design would have been contrary to planning policy in relation to noise control, additional work has subsequently been undertaken to identify suitable mitigation - which it is hoped should result in a proposal which is compliant with planning policy. The resultant mitigation measures and associated

predicted noise emissions are reasonable - and the Environmental Health Service can find no justifiable reason to disagree with the conclusions of the report.'

- 10.13. The Environmental Health team have overall concluded that in relation to daytime level of noise from barking being found to be slightly higher, it is important to recognise that the overall noise impact will be reduced - due to the lower evening and night-time noise levels, this is evidenced within the submitted Noise Impact Assessment report. With the strict implementation of best practice day to day noise management controls this can ensure that the daytime noise from barking is kept to a reasonable level.
- 10.14. However, nonetheless the Environmental Health Officer has included within their comments that "it is recognised that an increase in the number of dogs from 35 to the proposed maximum of 120 will come with the risk of an increased level of barking. For this reason, the Council will take this opportunity to advise the applicant that should planning permission be granted it does not indemnify against the Council taking formal action to address unreasonable levels of noise from barking dogs or other sources of nuisance to comply with its obligations under the Environmental Protection Act 1990, in the event that substantiated complaints are received."
- 10.15. To ensure that the proposed development is acceptable in Environmental Health terms the Environmental Health Officer has recommended the inclusion of certain conditions relating to the intended use of the 2 x new kennel blocks and existing kennel block at the site, which use is to cease. The conditions that have been recommended by the Environmental Health Officer, which include a series of pre-commencement conditions, are determined to be essential to ensure the proposed development is overall acceptable and to safeguard the amenities of neighbouring dwellings surrounding the site. The intended use of the kennels shall not occur until all conditions are deemed to be fittingly addressed.
- 10.16. The proposed conditions include the applicant's accordance with information submitted to accompany the application and further information to be submitted to the council in the following areas:
- further information on the noise barrier outlined in section 5.18 of the submitted Noise Impact assessment;
  - submission of a detailed Noise Management Plan (NMP) drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar);
  - mitigation proposals to be implemented in full in accordance with the proposals in the Noise Impact Assessment and any additional detail submitted;
  - the maximum number of dogs to be kennelled on site is to be restricted to 120 dogs;
  - the existing kennel block is used solely for storage purposes, or another non-noise generating use such as an isolation kennel, restrict the use of kennelling for dogs on site to the two new kennel blocks;
  - retain the existing kennel block to provide a noise "buffer" between the new kennels and the nearest residential dwelling to the northeast;
  - acoustically upgrade the roofs and windows to the two new kennel blocks which are to be inspected post construction by a suitably qualified consultant to confirm to the planning authority that they have been built correctly as per the approved details;

- provide mechanical ventilation to the new kennel blocks so that windows to the new kennels can remain closed at all times, including in warmer months;
- an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and been approved in writing by the Local Planning Authority;
- to control the level of barking restrict activities such as exercising and toileting to the courtyard space between the two kennel blocks which will be acoustically screened from the nearest dwellings to the north and southwest.

10.17. Comments from the Public have also been received in relation to the increased amounts of waste that the proposed development on the site would create. The Environmental Health Officer has also recommended a condition requesting details of the waste disposal systems to be employed to be submitted to the planning authority for approval. This condition will also be appended to any forthcoming approval.

10.18. Overall, it is considered that the proposed development would be acceptable, subject to relevant conditions to safeguard the amenities of neighbouring dwellings that surround the site. Following the applicant's compliance with these conditions it is considered the proposed development would comply with Policy LP16 of the Fenland Local Plan 2014.

### **Access and Parking**


10.19. Policy LP15 of the Local Plan states that amongst other things, development should provide safe and convenient access for all.

10.20. The existing parking and access at the site are to remain the unchanged, parking spaces at the site are to be retained to include 5 parking spaces for cars, 5 parking spaces for light good vehicles/public carrier vehicles, 10 parking spaces for motorcycles and 20 parking spaces for bicycles.

10.21. A number of public comments have been received outlining that the proposed development will create additional traffic on an already busy road, the road is classed as a high accident spot and deemed unsafe for the police to carry out speed checks, development will increase the likelihood of accidents. Furthermore, comments have been received that state the entrance to the site is on a narrow section of Redmoor Lane.

10.22. The Highways Officer has reviewed the submitted application and offered comments of no objection in relation to the proposed development at the site.

10.23. It is therefore considered that the proposed development is acceptable and complies with Policy LP15 of the Fenland Local Plan 2014.

 10.24. The site falls within Flood Zone 3 (high risk). Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before those at a higher risk. However, according to Table 4.2 in the Cambridgeshire Flood and Water Supplementary Planning Document, the proposed development to expand an existing dog kennel business can be classed within the following:

*Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'More Vulnerable' class; and assembly and leisure.*

- 10.25. Thus, the development can be classified as a 'Less Vulnerable' development type. Linking this to Table 4.3, development classed as Less Vulnerable can be considered compatible with Flood Zones 3 in certain circumstances.
- 10.26. The site lies within the Middle Level Commissioners Drainage Board area and were subsequently consulted. However, no comment was made in regard to this application. Further to this, the Environment Agency was also consulted and no objection to the scheme was received from this consultation.
- 10.27. Given that the proposed development will not be used for any residential purpose, it is considered that despite the potential flood risk at the site, the proposed development is acceptable in this instance. However, as the site benefits from being with the Environment Agency's Flood Warning Service Area, it would be beneficial for the applicant to sign up for this service if they are not already, particularly to ensure the welfare of occupants to the existing dwelling and animals housed within the kennels.

### **Economic Growth**

- 10.28. Policy LP12 supports development where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP6 of the Fenland Local Plan supports the expansion of business within the District in sustainable locations.
- 10.29. It has been established that the proposed development does not impact upon the local landscape character, the amenity of neighbouring properties (subject to conditions), highways safety and flood risk.
- 10.30. Therefore, the expansion of a dog kennelling business on the site is considered appropriate, generating additional employment opportunities as full-time employees at the site would increase from 2 staff to 7 staff and will allow the continued use of a commercial enterprise suitable to its location, and thus accords with Policies LP6 and LP12 of the Fenland Local Plan 2014 in this regard.

## **11 CONCLUSIONS**

- 11.1. The proposal is considered acceptable and accords with the necessary policies of the Fenland Local Plan 2014 as set out in section 7.4 of this report. The proposed development represents minimal issues in terms of visual amenity, highways safety and flood risk terms and offers opportunity for further economic growth in a rural area. In terms of impacts on the amenities of neighbouring dwellings, subject to compliance with conditions on any approval, the potential adverse impacts can be appropriately mitigated. Accordingly, a favourable recommendation is forthcoming.

## **12 RECOMMENDATION**

**Grant;** subject to the following conditions:

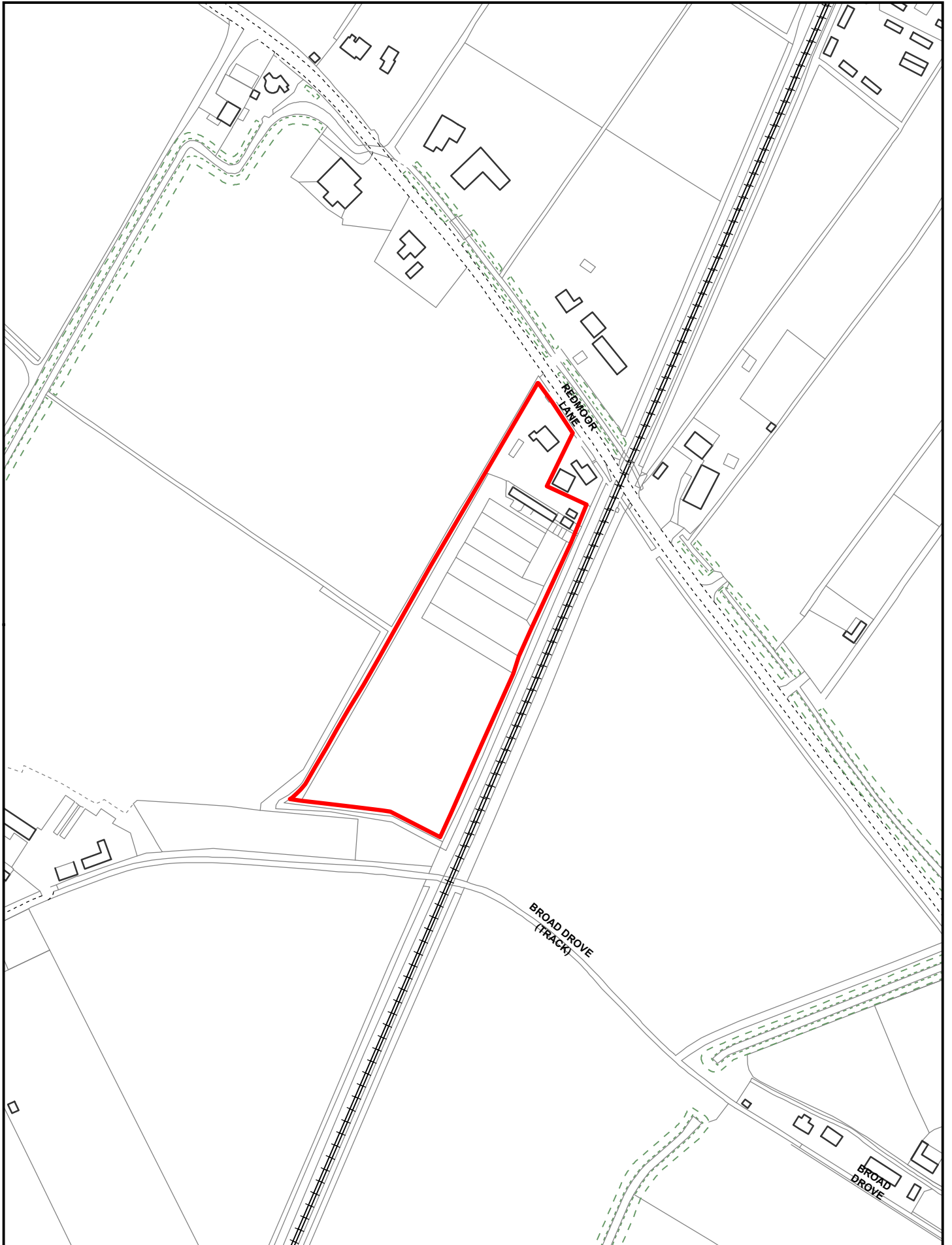
1	Details of the noise barrier identified in section 5.18 of the submitted Noise Impact Assessment undertaken by Cass Allen Associates on the 28th
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	<p>February 2023 Ref. RP01-22501-R0 shall be submitted to and approved by the Local Planning Authority and implemented as per the approved details within 4 months of this planning permission and prior to any additional dogs are housed in the kennels and retained thereafter. The details shall include (but not necessarily be limited to):</p> <ul style="list-style-type: none"> <li>- exact dimensions, materials to be used and full technical specification</li> <li>- proposed location</li> <li>- evidence of the levels of attenuation which will be achieved</li> <li>- confirmation of how the integrity of the barrier will be assured and who will be responsible for maintaining its integrity throughout the lifetime of the proposed development.</li> </ul> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
2	<p>A detailed Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority within 4 months of this planning permission and prior to any additional dogs are housed in the kennels.</p> <p>The Noise Management Plan (NMP) shall:</p> <ul style="list-style-type: none"> <li>- be drawn up by a suitably competent persons (member of the Institute of Acoustics, or similar)</li> <li>- detail the best practice day to day measures which will be implemented to ensure noise levels are kept as low as is reasonably practicable at all times</li> <li>- specifically identify the measures which will be implemented day to day to ensure the daytime level of noise from barking is as low as is reasonably practicable</li> <li>- utilise expertise in dog behaviour to inform the development of best practice day to day measures to control noise levels from barking</li> <li>- clarify who is responsible for implementation of the NMP</li> </ul> <p>The development shall be operated in accordance with the approved NMP within 4 months of this permission.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3	<p>The mitigation proposals outlined within in the Noise Impact assessment undertaken by Cass Allen Associates on the 28th February 2023 Ref. RP01-22501-R0 and any additional detail submitted as required by conditions 1 and 2 shall be implemented in full within 4 months of this planning permission and prior to any additional dogs being housed in the kennels and shall be retained thereafter.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs and all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

4	<p>The maximum number of dogs kennelled on site shall not exceed 120 at any time.</p> <p>Reason - To enable the local authority to maintain control of their use.</p>
5	<p>The existing kennel block at the site shall cease to be used for the kennelling of dogs on the practical completion of the kennels hereby approved. The existing kennel block is to be retained to provide a noise buffer between the new kennels and nearest residential dwelling to the northeast and shall be utilised solely for storage purposes, or another non-noise generating use such as an isolation kennel.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
6	<p>The kennelling of dogs on the site shall only take place within the two new kennel blocks approved under this application.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7	<p>Details of:</p> <ul style="list-style-type: none"> <li>a) the roofs and windows (which shall be unopenable) of the two new kennel blocks in respect of their acoustic performance</li> <li>b) a mechanical ventilation system</li> </ul> <p>shall be submitted to and approved by the local planning authority and installed as per the approved details within 4 months of this planning permission and prior to additional dogs being housed in the kennels hereby approved.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
8	<p>An assessment to show that the rating level of any plant &amp; equipment, as part of this development will be at least 5 dB below the background level, shall be submitted to and approved by the local planning authority within 4 months of this planning permission and prior to any additional dogs are housed in the kennels hereby approved. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound. The plant &amp; equipment shall be operated in compliance with the approved assessment.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by all forms of machinery associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
9	<p>To mitigate the level of barking and noise pollution activities such as exercising and toileting shall only take place within the courtyard space</p>

	<p>between the two new kennel blocks.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance from barking dogs associated with the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
10	<p>Details of the waste disposal systems to be employed shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved details within 4 months of this planning permission and prior to any additional dogs are housed in the kennels hereby approved.</p> <p>Reason - To ensure that the amenity of the occupiers of nearby residential dwellings are not adversely affected by nuisance associated with accumulations of waste in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
12	<p>Development in accordance with approved plans.</p>



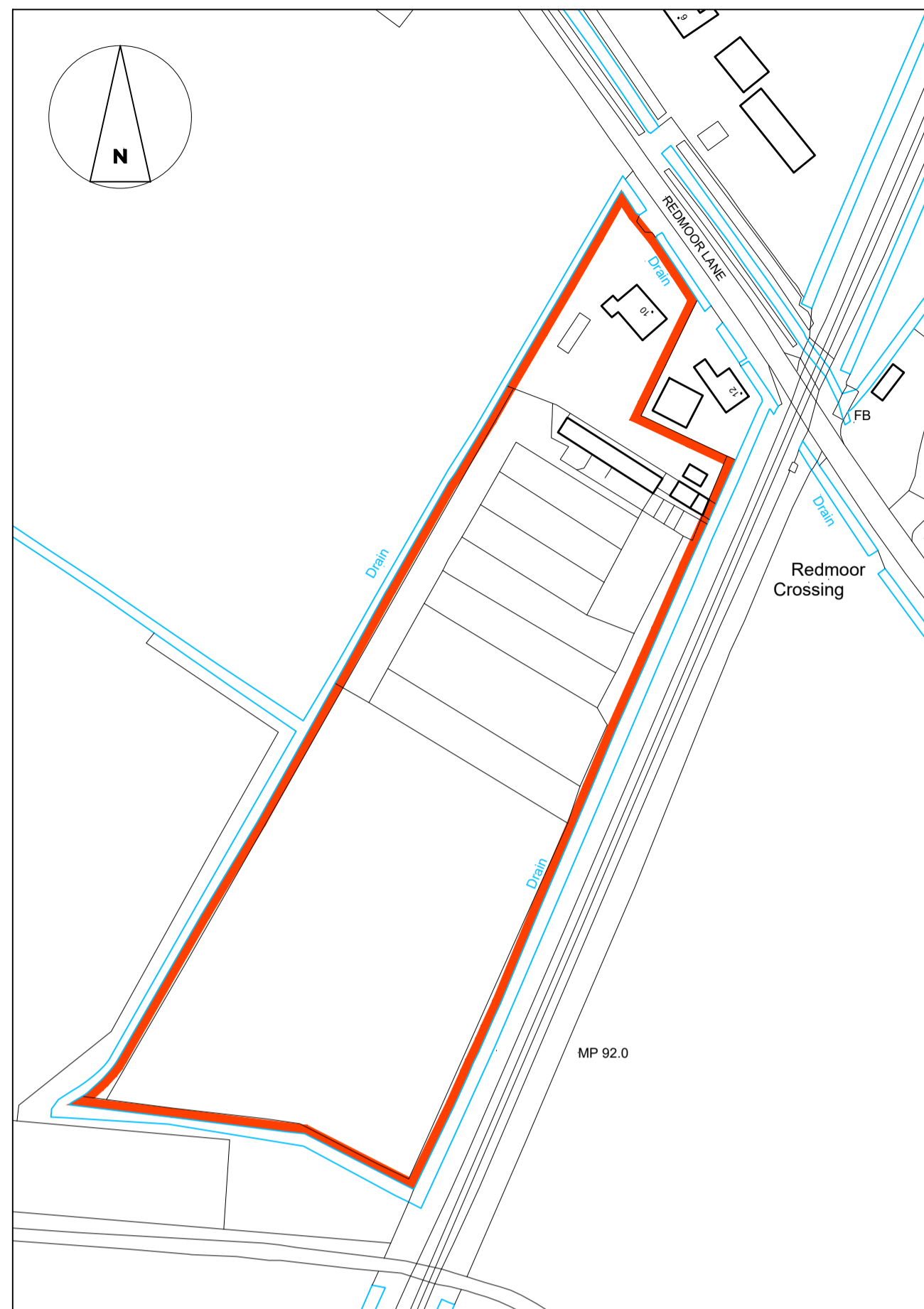
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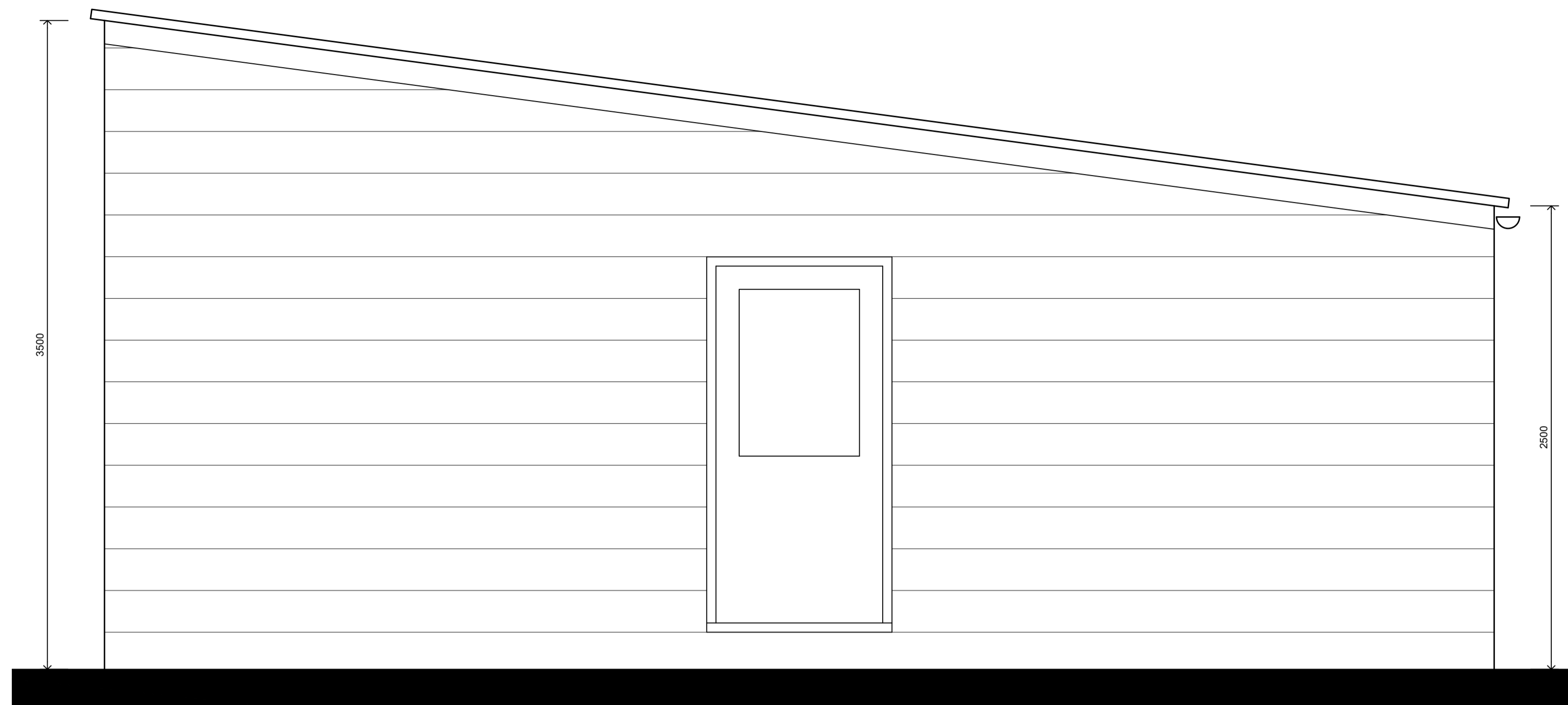


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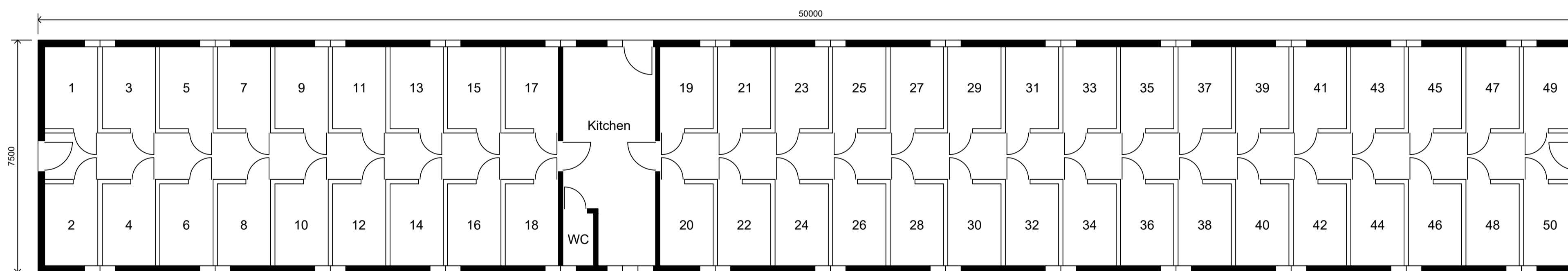
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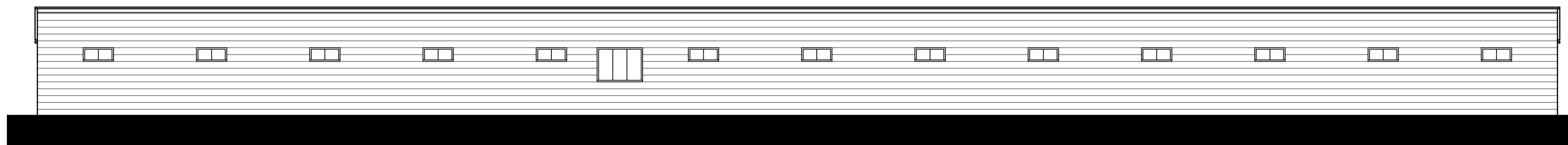
PROPOSED BLOCK PLAN - 1:500



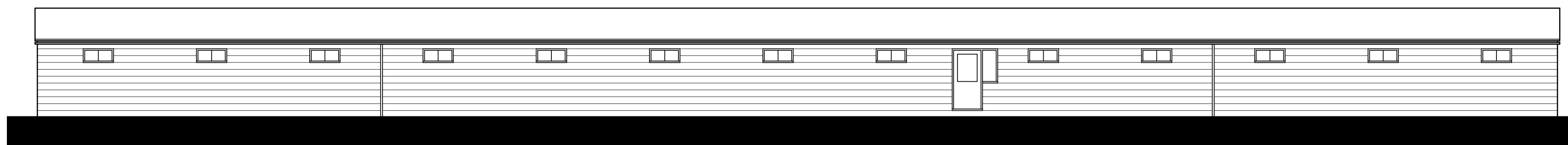
END ELEVATIONS - 1:20



GROUND FLOOR PLANS (GIFA = 350m<sup>2</sup>) - 1:100



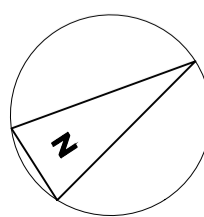
OUTWARD FACING ELEVATIONS - 1:100



INWARD FACING ELEVATIONS - 1:100

IF IN DOUBT ASK.

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NOTES:

REVISIONS:  
2. Plan and elevations updated. SS 04 08 22.



Harlow Town Greyhound Entertainment Ltd  
10 Redmoor Lane, Wisbech PE14 0RN  
PROPOSED KENNEL BLOCK TO  
ACCOMMODATE DOUBLE KENNELS  
Drawing No. 1555-ADA-Z0-G0-DR-A-0100  
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Scale 1:20/100/500/1250 @A1  
Date MAY 2022  
Drawn SS  
Status SO - Work in progress  
Revision 2  
Checked