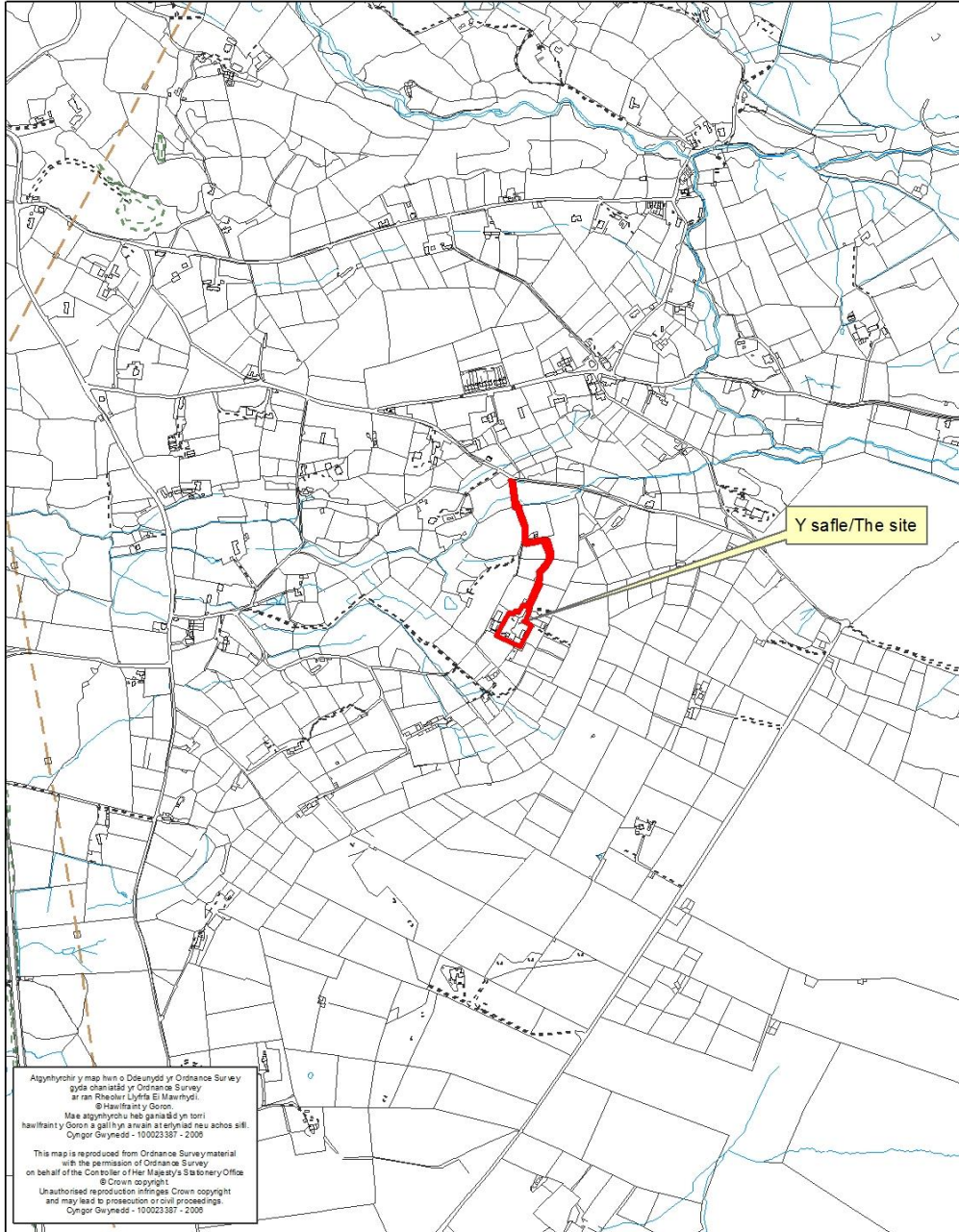


Number: 1



Rhif y Cais / Application Number : C14/1197/22/LL

Cynllun lleoliad ar gyfer adnabod y safle yn unig. Dim i raddfa.
Location Plan for identification purposes only. Not to scale.



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Application Number: C14/1197/22/LL
Date Registered: 20/01/2015
Application Type: Full - Planning
Community: Llanllyfni
Ward: Llanllyfni

Proposal: REPLACE EXISTING ANIMAL HOUSING FACILITIES WITH NEW FACILITIES TO INCLUDE DOG KENNELS CATTERY, PARKING SPACES CESSPIT AND ASSOCIATED FACILITIES

Location: BRYN MELYN, NASARETH, CAERNARFON, LL546DU

Summary of the Recommendation: TO APPROVE SUBJECT TO CONDITIONS

1. Description:

1.1 The application was deferred at the Planning Committee on 22 February 2016 in order to hold a site visit prior to making a final decision on the application itself. This is a full application to replace (and demolish) the existing animal housing facilities with new facilities to include a reception, dog kennels, a cattery, parking spaces, a cesspit and associated facilities on the "Freshfields" holding (Bryn Melyn) on the southern outskirts of Nebo. Several dispersed residential dwellings are located to the north of the site and the village of Nebo is located further afield; to the east there is a public footpath and agricultural land (which is owned by the Bryn Melyn holding) which extends upwards towards Pen yr Yrfa and Bryn y Gog; Tan Drwfwl is located to the south and agricultural land is located to the west (which has been designated as a Landscape Conservation Area in the Gwynedd Unitary Development Plan) together with a public footpath and dispersed residential dwellings.

1.2 The development can be split into the following elements:-

- Reception - the new reception will be located in the middle of the site (like as present) and will include toilets, offices, a shop and store-rooms. It will measure 13.6m long, 10.3m at its widest with a height of 4.3m and will consist of dark grey steel profile roofing, white painted block works together with dark grey aluminium windows and doors.
- Dog kennels - the existing dog kennels (for 5 dogs) are located across a public footpath which runs opposite the northern gable end of the Bryn Melyn cottage. The building containing the kennels will measure 15.7m in length, 6.92m wide with a height of 3.2m and would consist of dark grey steel profile sheets and insulation to reduce any noise that could derive from the building itself. The roof, the windows and the doors would be made of dark grey aluminium. The building's front elevation (where the kennels would be located) would be made of galvanised steel bar panels. Internally, it would contain 8 dog kennels together with a room to prepare food and a run located at the rear of the building for the dogs themselves.
- Cattery - the new cattery would be located along the southern boundary of the holding like at present, and would measure 37.3m in length, 12.6m wide with a height varying from 3.4m to 6.6m. The building would be in stepped form which would follow the topography of the land. Externally, the building would be made of insulated steel profile sheets with a dark grey roof, the walls would partly be made of clean blocks painted white and partly made of dark grey steel profile sheets. Part of the walls (where the cattery would be

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located) would be made of steel bar panels. Internally, the facility would include 16 separate kennels, examination rooms, a food room, a toilet, offices together with 30 double kennels and a corridor running through the centre of the building.

- Parking spaces - the existing parking spaces would be formalised to create 15 parking spaces to include a disabled parking space. The parking spaces would be located near the curtilage entrance and in front of the proposed reception.
- Cesspit - the 23,000 litre capacity cesspit is located behind the proposed reception on a plot of land allocated for landscaping. It will operate by cutting down sewage using chemicals and will be emptied periodically by a licensed waste treatment company.
- Associated facilities - these facilities will include a building for a store-room, food preparation rooms, "young" animal rooms together with units for kittens. This building would be located below the proposed reception and would measure 20.5m in length, 9.5m wide with a height varying from 3.2m to 4.5m and the construction would reflect the construction of the buildings surrounding it. A separate purposeful building would be located opposite the northern gable end of this building for wild cats, measuring 11.7m in length and 3.8m wide, with a height of 2.9m to the ridge of the roof. The roof would be made of dark grey steel profile sheets with galvanised steel panel walls and acrylic panels.

1.3 At present, the site includes a great number of temporary constructions which are sub-standard for their purpose (i.e. a refuge for animals who have been abandoned and abused). The site has been previously developed on an ad-hoc basis and the intention of this latest plan is to set a robust foundation for the organised development of the site for the future, together with upgrading the existing facilities.

1.4 According to the information included in the application form, at present there are three full-time members of staff together with 15 part-time staff members employed at the animal rescue centre, and the number of part-time staff will rise to 17 if this application is permitted. The centre will be open to the public between 10:30 and 13:00, 7 days a week and on Bank Holidays like at present.

1.5 The following was submitted with the application:-

- Design and Access Statement
- Amended noise assessments in line with the requirements of the Public Protection Service.

2. Relevant Policies:

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.

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2.2 Gwynedd Unitary Development Plan 2009:

POLICY A1 – ENVIRONMENTAL OR OTHER IMPACT ASSESSMENTS

Ensure that sufficient information is provided with the planning application regarding any environmental impacts or other likely and substantial impact in the form of an environmental assessment or assessments of other impacts.

POLICY A3 – PRECAUTIONARY PRINCIPLE

Refuse proposals if there is any possibility of serious or irreversible damage to the environment or the community unless it can be shown conclusively at the end of an appropriate impact assessment that the impact can be negated or mitigated.

POLICY B22 – BUILDING DESIGN

Promote good building design by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and character of the local landscape and environment.

POLICY B23 - AMENITIES

Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at protecting the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS

Safeguard the visual character of the Plan area by ensuring that only natural Welsh slates or slates that are similar in terms of their appearance, colour and weathering properties are permitted, other than in circumstances in which the type of building or its particular setting, or the sustainability benefits, are such that another material would be appropriate. In respect of other parts of the building, development will be required to use high quality building materials that complement the character and appearance of the local area. Proposals that introduce substandard or intrusive materials will be refused.

POLICY B33 – DEVELOPMENT THAT CREATES POLLUTION OR NUISANCE

Protect human amenities, the quality of public health and the natural or built environment from high levels of pollution.

POLICY CH29 – SAFEGUARDING AND IMPROVING LINKS FOR PEDESTRIANS

Proposals within Centres and Villages will be refused unless they provide safe, attractive and direct footpaths for pedestrians across and out of the site where there is a clear opportunity to make such a provision.

POLICY CH33 – SAFETY ON ROADS AND STREETS.

Development proposals will be approved provided they can conform to specific criteria relating to the vehicular entrance, the standard of the existing roads network and traffic calming measures.

POLICY CH36 – PRIVATE CAR PARKING FACILITIES

Proposals for new developments, extensions to existing developments or change of use will be refused unless off-street parking is provided in accordance with the Council's current parking guidelines, and having given due consideration to the accessibility of public transport, the possibility of walking or cycling from the site and the proximity of the site to a public car park.

POLICY D8 – EXPANSION OF EXISTING ENTERPRISES

Proposals to extend/expand/intensify industrial enterprises and existing businesses or other enterprises will be approved if they conform with specific criteria regarding the

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appropriateness of the existing use in relation to the surrounding area and adjacent uses and how relevant it is to the existing work.

Strategic Policy 4 - development will be expected to be of a good design in order to ensure that it makes a positive contribution, wherever possible, to the landscape, built environment and sustainable development.

Gwynedd Design Guidelines (2003).

2.3 National Policies:

Technical Advice Note (TAN) 11: Noise (1997)

TAN 12 Design (2014).

Planning Policy Wales, 8th edition, (2016).

3. Relevant Planning History:

- 3.1 Application number C08A/0044/22/LL - extension to existing house, demolish and re-construct outbuilding together with re-construction of stables - withdrawn, 2008.
- 3.2 Application number C04A/0861/22/LL – retrospective application to relocate an agricultural shed – approved, December 2005.
- 3.3 Application number C03A/0493/22/LL - agricultural shed - approved, September 2003.
- 3.4 Application no. C03A/0340/22/LL – three horse shelters (retrospective application) - approved, September 2003.
- 3.5 Application number C00A/0138/22/LL - extension to existing dog kennels (5 kennels) - approved, June 2000.
- 3.6 Application number C97A/0251/22/LL – change of use of stables to a cattery - approved, July 1997.
- 3.7 The Public Protection Service has received complaints periodically since 2004, and has responded by undertaking investigations but no enforcement case has been implemented thus far. The latest complaint involving noise disturbance emanating from the site was closed in September, 2015 as no statutory nuisance had been proven.

4. Consultations:

Community/Town Council:

Object on the following grounds:-

- The former Arfon Council, when dealing with an application for a store room, was concerned regarding complaints from neighbours should noise derive from the site.
- Objections were received from local residents regarding this latest application on the grounds of serious

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nuisance implications relating to the development of the kennels.

- Problems of dogs straying.
- No objection to housing cats as they are not likely to make noise during the night.
- The Transportation Unit's comment regarding deviating the public path was a concern for the community council.
- The site is visible from nearby public footpaths.
- Question how many dogs will be kept on the site.
- The application is a large concern given how many people live near the site.

Transportation Unit:

In response to original concerns, an amended plan was submitted which indicates that the kennels building has been re-located so that it no longer impacts the route of public footpath number 73, Llanllyfni. It is believed that the parking spaces for the scale of the development are acceptable and that it is not likely to have an otherwise impact on the local roads network. As a result of the above, the Transportation Unit has no objection.

Natural Resources Wales:

No objection but a NRW Environmental Licence would be necessary in relation to the private sewage treatment tank.

Welsh Water:

No response

Public Protection Unit:

Submit the following observations following the receipt of an amended noise assessment:-

- The plan has been amended so that no part of the building will now enable the dogs to go outside (for exercise purposes) and as a result it will not be necessary to undertake an additional noise assessment for the noise of the dogs outside.
- Need to include a condition if the application is permitted regarding ensuring that the walls and the roof have enough noise insulation before the building is occupied, and such a plan will need to be submitted to the Local Planning Authority for approval.
- An additional noise assessment will need to be undertaken if it is necessary to install ventilation equipment and this can be ensured by including an appropriate condition if this application is permitted.
- Restrict the numbers of dogs to 8 only.
- Limit the public opening hours of the facility to between 10.30am to 13.00pm.

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- The applicant should comply with legislation which is implemented by the Public Protection Service such as the Health and Safety in the Workplace etc. Act 1974, the Council's licensing conditions under the Animal Accommodation Establishments Act 1963, together with the Animal Welfare Act 2006.

Biodiversity Unit: No concerns regarding biodiversity.

Footpaths Unit: It is requested that public footpath no. 73 in the Llanllyfni community is safeguarded during and after the completion of the development.

Public Consultation: Given the nature of the proposal and its rural location, a notice was posted in the press, on the site and nearby residents were notified. Following the receipt of amended plans/information (three times) correspondence was received objecting on the grounds of relevant planning matters:

- History of noise disturbance emanating from the site of the application due to dogs barking, and this matter has been raised with the Public Protection Service for some years by now.
- Increasing the numbers of kennels from five to eight would exacerbate the current situation based on noise disturbance.
- The applicant has ignored planning conditions included within historical permissions.
- The existing kennels have been located across public footpaths.
- The site is visible from public areas such as footpaths which impacts visual amenities.
- The nearby narrow roads network nor the private drive which serves the site cannot cope with a development of this scale as included in this application.
- Negative impact on the privacy of local residents.
- The site of the application is at risk of flooding.
- The changes to the noise assessment are cosmetic ones and will not have much impact on the basic problem of the noise of the dogs kept on the site itself.
- The applicant has not proposed any mitigation measures regarding the concerns and the above objections.
- The original objections (see above) remain valid (despite the receipt of amended details).
- The human rights of local residents must be considered on the grounds of a right to respect privacy and the right to the enjoyment of the

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property.

As well as the objections noted above, objections were received which were not valid planning objections which included:

- The applicant has not notified the area's residents of anything apart from what is included in the application form.
- Dogs from the holding foul lanes/pavements of nearby roads when walking under the supervision of "Freshfields" staff.
- The substandard quality of the shelters and existing refuge facilities on the holding.
- Dogs escaping from the site and running free, without control, on nearby agricultural fields and impacting livestock.
- Approving the application could impact the value of nearby housing.
- Approving this application could negatively impact nearby similar businesses.
- The local ditches/rivers would be polluted by animal sewage.
- The proposal, if approved, would lead to producing more litter at the expense of health and safety.

5. Assessment of the relevant planning considerations:

The principle of the development

5.1 The principle of expanding existing enterprises is based in Policy D8 of the GUDP, which states that proposals relating to extending/expanding/intensifying existing industrial enterprises and businesses will be approved subject to compliance with a number of guidelines relating to ensuring the existing use does not cause significant harm to the surrounding area, that the proposal is located within the existing development, that the proposal is ancillary to the work that exists there already, that the scale of the proposal will not significantly impact environmental amenities and the local roads network and that the proposal includes landscaping measures.

5.2 To this end it is believed that this latest proposal is acceptable in principle given the following:-

- Given this entire assessment, it is not believed that the latest proposal will cause significant harm to the area surrounding the site, despite the receipt of objections that refer to existing problems that cause concern for local residents based on noise disturbance and, possibly, a lack of control within the site itself together with sub-standard facilities to look after the animals.
- The principle of establishing this type of refuge has already been established in 1997.
- The latest proposal is located within the existing curtilage of the use between the applicant's dwelling and the agricultural shed below which was approved in 2005.

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- The proposal is ancillary and is a significant improvement to the existing use/facilities.
- It is believed that the scale of this proposal will not significantly impact the environment given the impact and setting of the existing construction on the landscape together with the design and external appearances/materials of the new building which will reduce the visual impact within the local landscape and will be an opportunity to improve the quality of the site's appearance.
- Further landscaping measures to what is included in the current application can be included by including relevant conditions should this application be permitted.

5.3 Given the above, it is believed that the proposal, as amended, is acceptable in principle and allows for an opportunity to upgrade the existing facility by developing purposeful buildings to provide refuge for cats and dogs. The other relevant planning matters are considered below and it will be required for the proposal to also be acceptable in the context of these policies.

Visual amenities

5.4 Although the site is in the countryside the local area is a patchwork of structures which include residential dwellings and agricultural buildings. The landscape rises from the west to the east and includes grazing land and mountainous land and is open in nature, with a few coppices and individual trees here and there. The existing structures include several different types of structures, including a modern agricultural shed below the site in the applicant's occupancy. The proposal will involve erecting much larger structures than at present, although they would be located within the site's existing yard. Given the site's location, the applicant has sought to mitigate the impact of the proposed development on visual amenities by (i) locating the buildings as close to each other as is possible to ensure that they are not dispersed in the landscape; (ii) ensuring that external materials are in-keeping with the nearby landscape, using dark colours for the external elevations, although white render will be used on the buildings nearest to the cottage; and (iii) keeping the height of the structures as low as possible with the height of the existing structure 1.5m lower than the ridge of Bryn Melyn and the ridge of the roof of the cattery to the south of the cottage itself of an equal height.

5.5 Although a Landscape Conservation Area had been located to the west of the site of the application, it is believed that the impact will not detrimentally impact its setting based on its location in a hollow and the fact that the local area is full of residential and agricultural structures of varying scale and design. The site will be partly hidden from the north (Nebo) given the land topography around it and will be partially visible from the south (Nasareth). However, the site will be most visible when walking from the public footpaths which cross the site and which run adjacent to and below the site. To this end, it is not believed that the proposal will have a substantial impact on the character of the landscape thus it is believed that it complies with the requirements of Strategic Policy 4, Policy A1, A3, B22, B23, B25 and D8 of the GUDP together with the guidance provided in TAN 12 Design.

General and residential amenities

5.6 As had already been referred to, several residential dwellings have been located in the catchment area of the application site. The nearest dwelling to the site is Tandrwfwl, which is located 56m to the south with two fields on a slope together with traditional drystone boundary walls and some trees in the space between both sites. Other

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dwellings are located near the site of the application including Tu Hwnt i'r Afon (258m to the north-east), Glanrafon (194m to the north-west), Ty'n Pant (312m to the north-east) and Pen yr Yrfa (336m to the east). The main objection which is material to this latest application from the occupants of these dwellings is regarding noise disturbance which currently emanates from the site and the noise that could emanate from the proposal by increasing the numbers of dogs intended to be housed on the site itself. Given this concern, the kennels' building plans were amended to include mitigation measures and insulating the noise that could derive from the dogs using a specific type of tiles known as Escorba tiles. In addition to this, the Public Protection Service recommends that the building's roof and walls are covered internally with this tile and it will be necessary to submit a plan to this end to be agreed with the Local Planning Authority before commencing and that the work is completed before the building is occupied. It will also be necessary to submit plans of any mechanical equipment for ventilation on any of the proposed buildings in order to safeguard the amenities of nearby occupants from noise disturbance. The reason for including these conditions is to ensure that noise levels are lower than the area's background noise level when measuring from the nearby sensitive homes.

- 5.7 Another element of the proposal causes concern for local residents. This involves a disregard of previous planning conditions; this latest proposal offers the opportunity to review the existing situation regarding planning conditions imposed on previous applications together with updating and submitting current new conditions in order to enable the proposal to progress by safeguarding the area's general amenities and residential amenities at the same time.
- 5.8 To this end, it is believed that the proposal, as amended, is acceptable based on the requirements of Policies A1, A3, B23, B33 and D8 of the GUDP together with relevant planning guidance.

Transport and access matters

- 5.9 The site is served by a roads network including a private drive, an unclassified county road together with a class III county road. It is intended to formalise the existing informal parking spaces within the site of the application. Given that the animal refuge use exists and has been established on the site for some time by now, it is not believed that the proposal will detrimentally impact road safety as it is not believed that there will be a significant increase in transportation visiting the site to what already exists. It is believed that the existing roads network, despite the concerns of local residents, is of an adequate quality and standard to be able to cope with the additional traffic flow that could derive from this proposal.
- 5.10 Originally, there was concern relating to the fact that the kennels building was located across public footpath no. 73 Llanllyfni community and in order to respond to this concern, an amended plan was submitted indicating that the building has been re-designed and re-located so that it no longer impacts the footpath's route.
- 5.11 The Transportation Unit has no objection to this application as it is not anticipated that the proposal will detrimentally impact any road or proposed road, and that the parking facility is adequate for the type and size of the business. To this end, it is believed that the proposal is acceptable based on the requirements of Policies CH29, CH33 and CH36 of the GUDP.

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Relevant planning history

5.12 There is a lengthy planning history to this site, and by now the animal refuge has been established on the site. The original application for a cat shelter was permitted in 1997, and several different applications have been received since the submission of this first application which means that the original shelter/refuge has expanded and intensified in terms of usage. To this end, therefore, it is believed that the site history is a material consideration in terms of planning context and is material in consideration of this current application.

Response to the public consultation

5.13 It is believed that the objections and concerns based on relevant planning matters received have been given full consideration in the above assessment and there is no matter that outweighs the policy considerations or the relevant planning advice noted.

5.14 The objections include a referral to the Human Rights Act 1998, and that it is believed in this case that the human rights of local residents will be undermined on the grounds of a loss of privacy and the right to enjoyment of properties (Article 8). When discussing this application, the concerns of local residents regarding safeguarding residential and general amenities expressed in the form of objection letters were given detailed consideration. Court cases state that if matters which are usually considered material under the planning regulations (for example, privacy, overlooking, noise disturbance etc.) are considered, consequentially such considerations will not undermine human rights included in the above act.

5.15 Also, local residents submitted objections and concerns which are responsibilities of other statutory bodies, for example health safety and polluting rivers/ditches. The content of Planning Policy Wales (2014) clearly states that the planning system should not be used to satisfy objectives that could be met under other legislation.

6. Conclusions:

6.1 Planning Policy Wales states that imposing “*conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse planning permission. Making appropriate use of conditions can improve the quality of a development and gain the public’s confidence in the conclusions of the planning system.*”

6.2 Given this context there is an opportunity here, should this application be permitted, to undertake mitigating measures to ensure that the new kennels building will reduce and negotiate the noise disturbance emanating from the building itself so that noise levels conform to statutory noise levels requirements, in the hope that as a result there would not be a significant and substantial impact on the residential and general amenities of nearby residents. It will also be an opportunity to upgrade the animal refuges (for the benefit of the animals themselves) currently on the site together with providing a purposeful office to effectively manage and run the site.

6.3 Given this assessment and subject to imposing relevant planning conditions, it is believed that this current proposal is acceptable on grounds of scale, location, design, materials, road safety, parking, residential and visual amenities and complies with relevant local and national planning policies and guidance.

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7. Recommendation:

7.1 To approve – conditions:-

1. Three years to begin the work
2. In accordance with the amended plans.
3. External materials.
4. Landscaping
5. The insulation plan for the kennels building to be submitted and approved by the Local Planning Authority (LPA) prior to the commencement of any construction work in line with the approved details, and it will not be permitted to keep dogs in any other building or on any other part of the site following that.
6. Noise assessment to be submitted to the LPA and approved prior to the installation of mechanical ventilation equipment in any building.
7. Limit the numbers of dogs who need to be accommodated on the site at any time to 8 only
8. Limit the public opening hours of the facility to between 10.30 and 13.00.
9. The sewage treatment system will not be located within 15m of any stream, ditch or watercourse and at least 50m from any private water supply source.
10. The outcomes of porosity experiments must be submitted prior to the commencement of any development on the site.
11. Development to be completed in phases with details to be agreed with the LPA (including details of buildings to demolished, the order of the work on the site and so on). Each phase will need to be completed to the full satisfaction of the LPA.
12. Safeguard public footpath no. 73 in the Llanllyfni community during and after the completion of the development.