

PLANNING & DEVELOPMENT COMMITTEE

24 FEBRUARY 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1081/10 (GH)
APPLICANT: Hope Rescue
DEVELOPMENT: Convert the existing double garage at the entrance to the kennels into a reception area to serve the kennels, amend the layout of the existing car park. (Bat Report received 7/1/22)
LOCATION: CYNLLAN LODGE DOG KENNELS, LLANHARRY ROAD, LLANHARRY, PONTYCLUN, CF72 9NH
DATE REGISTERED: 30/07/2021
ELECTORAL DIVISION: Llanharan

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The proposed development would result in the conversion and reuse of a dilapidated outbuilding. This would provide flexible additional accommodation for Hope Rescue, which would improve the appearance of the site and its new use would have no impact upon the amenity of the closest neighbouring occupiers.

Therefore, the application is considered to be in accordance with Policies AW5, AW6, AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Objections have been received from three neighbouring properties.

APPLICATION DETAILS

Full planning consent is sought to convert an unused garage at Hope Rescue's dog kennels at Cynllan Lodge, Llanharry Road, Llanharry.

The existing double garage, which is currently unused, would improve the facilities for staff and volunteers, by providing a more suitable public reception with tea-making and toilet facilities.

The scale and form of the garage would not be altered, although its existing double doors would be replaced with windows and an entrance door and window would be installed within the eastern elevation.

Currently, the garage has a masonry finish which is proposed to be clad with a composite material, and the structure would be re-roofed. In addition, a store for bins and the rainwater tank, with external doors and the same cladding finish, is proposed to be erected and attached to the rear.

Lastly, the proposed site plan includes details for the formal arrangement of parking within the existing car park area, resulting in the removal of a belt of large conifer trees and demonstrates that twenty off-street parking spaces can be provided.

In addition to the plans and elevation drawings accompanying the application, a Design and Access Statement has been submitted. This was later supplemented by a Bat Report as a response to consultee comments.

SITE APPRAISAL

The application site is the premises of the Hope Rescue Dog Kennels, and although it has a postal address at Llanharry, is actually located within open countryside a short distance to the east of Llanharan.

The property is accessed via a private lane leading directly from the Llanharry Road, and comprises a large barn style building, within which the animals are accommodated.

There are a cluster of other structures, including the current reception area, together with a store and the disused garage, the latter being the subject of this application.

Off-street car parking is provided within a forecourt to the front of the barn, and to its rear there is an exercise area. The property Cynllan Lodge, a detached two storey house, is located immediately adjacent to the site entrance.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

- 20/1136/10:** Proposed new Kennel block. Decision: 14/12/2020, Grant.
- 17/0100/09:** Certificate of Lawful Development for a change of use to an animal rescue centre. Decision: 17/08/2017, Grant.
- 98/2865:** Proposed cattery. Decision: 26/02/1999, Grant
- 88/0421:** Boarding Kennels (Reserved Matters). Decision: 04/08/1988, Grant.
- 86/0227:** Boarding kennels and training (Outline). Decision: 20/05/1986, Grant.
- 79/0084:** Erection of bedroom and dining room. Decision: 22/02/1979, Grant.

PUBLICITY

The application has been advertised by direct notification to five neighbouring properties and notices were displayed on site.

Letters of objection or representation were received from three properties raising the following issues:

- The trees were planted as part of the original planning permission for the previously run boarding kennels business, 35 years ago before they were taken over by Hope Rescue, and way before we moved here.
- The trees play a significant role in sound proofing the noise from the dogs barking. Even so some days they can still be heard depending on the wind direction, this absolutely affects the enjoyment of our property especially when we are outdoors as, as you can imagine the sound of dogs barking constantly is very annoying, and without the trees this would be intolerable. I also feel that felling so many well-established trees would be an environmentally drastic step, as they have become part of the beautiful landscape.
- Felling of the trees without re-instatement of a suitable sound barrier would make the noise unbearable to us local residents.
- When Hope Rescue have carried out previous works to their drainage system and their sensory garden etc large heavy lorries have been driven up and down this lane frequently, causing noise and dust disruption, damage to the repaired surfaces mentioned above and congestion in passing neighbours vehicles when going about their business.
- Given the scope of the works I would like to raise my concern about how this building project is going to safely deliver to and service the development for the duration of the works? What are the plans for getting building materials etc to site?
- What reparation works are going to be carried out by Hope Rescue on the lane to counter the inevitable further damage caused by vehicles servicing their business/charity?
- A recent ecological survey allied to the proposed Llanharan by-pass has indicated a large and significant colony of bats in various properties along the lane including Hope Rescue. In the application Hope Rescue have indicated that there will be no disturbance of protected wildlife.
- None of us have been told where the bat roosts are, (probably for good reason) and I would like to be assured that bats are not roosting in the existing garage before it gets knocked around by building contractors etc.

CONSULTATION

Highways and Transportation

No highway objection is raised, or condition suggested.

Flood Risk Management

No objection or recommendation for condition.

Public Health and Protection

Conditions are recommended in respect of noise, dust, waste, demolition and hours of operation.

However, these matters can be controlled under existing public health legislation, and Welsh Government Circular 016/2014 advises that such conditions would be unnecessary as a duplication of existing powers. Consequently, an informative note is proposed to be appended to any consent.

Dwr Cymru Welsh Water

Since the proposal intends utilising an alternative to mains drainage, DCWW advises that the applicant seeks advice from Natural Resources Wales and/or the Local Authority Building Control Department / Approved Building Inspector as both are responsible to regulate alternative methods of drainage.

Countryside – Ecologist

The bat report records a low number of bat roosts found for common and soprano pipistrelle. This is likely to be licensable by NRW and confirmation should be sought from them that this is the case.

Natural Resources Wales

No objection. NRW confirms that an EPS Licence will be necessary for the development to be carried out due to the presence of bat roosts.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within open countryside to the east of Llanharan.

Policy AW2 - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

Policy AW5 - identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness, and which are designed to protect and enhance landscape and biodiversity.

Policy AW8 - seeks to protect and enhance the natural environment from inappropriate development.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy SSA22 - identifies those areas that have been designated as Green Wedge in order to prevent coalescence between and within settlements.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Nature Conservation

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the conversion of an outbuilding within the curtilage of an existing animal rescue centre and a revision to the layout of the car park.

The site is located outside of the settlement boundary and within an area of land designated as Green Wedge. However, the development would not alter or enlarge either the mass or footprint of the property and would not, therefore, represent an encroachment into the countryside or prejudice the open nature and characteristics of the Green Wedge.

It is noted that the location could not be reasonably described as a sustainable one, particularly in relation to LDP Policy AW2. Nonetheless, taking into account that such a land use is best accommodated away from existing settlements and that the proposal would not result in an intensification of use, the principle of development is considered to be acceptable.

Impact on the character and appearance of the area

The site contains some large structures, primarily the main kennel building in which the animals are accommodated. The garage is located in the centre of the grounds, between these kennels and Lodge, and is of a small domestic scale. Its conversion would therefore have a minimal effect on the overall character of the site and the surrounding area, albeit the refurbishment of the structure would be beneficial to its appearance.

In respect of the car park area, most of this land, between the large kennel building and access track, is already used for such a purpose, although it is appreciated that the existing large conifers, which form a dense continuous screen to the front of the site, are so thick that they have reduced the depth of the available parking area. Consequently, vehicles have to park at an angle.

The application details, as subsequently confirmed by the Agent, require the removal of this large hedge. As acknowledged by neighbouring residents, this screens the kennel building from the access track which also leads to the dwellings to the north-east. Whilst the track is not part of the adopted highway network, it is a Public Right of Way RAN/15/1.

Nonetheless, the conifer trees are not statutorily protected and therefore do not form part of a group Tree Preservation Order. Therefore, no planning consent would be required to remove them and formally arrange the car park area.

The objection letters also refer to the trees being subject to a condition of an earlier consent; although, it has not been possible to verify such a condition and the Applicant has subsequently advised that the trees were planted seven or eight years after the centre was built.

However, the removal of the trees would leave a void between the access track and right of way, and it is considered that a replacement boundary fence or hedge would be visually beneficial as a screen between the development and open countryside. Subject to a condition in that regard, the application is considered to be acceptable in terms of its impact on the appearance of the site and surrounding area.

Impact on neighbouring occupiers

The location of the garage means that its conversion would have no meaningful impact upon the amenity of the closest neighbouring occupiers. Similarly, the same principle applies to any considerations in respect of the car park since this land is already used for such a purpose.

With regard to the hedge, and suggestions from objectors that it screens noise from the kennels, it is noted that the closest dwelling to the site, relative to the position of the hedge, is approximately 180m to the north-east. On the opposite side of the track to the hedge, the land is wooded.

Whilst the concern is noted, particularly with regard to the conifer hedge to the easterly site boundary, it is considered less likely that that part of the hedge along the southerly front of the site would prevent noise disturbance, especially when the other side of the track is wooded and would also absorb noise.

Nonetheless, a condition for the submission of details of a replacement boundary treatment, for approval, is recommended, both to ensure the car park area is acceptably demarcated from where it abuts the access track, as well as for the visual reasons mentioned above.

In other respects, concerning the amenity and privacy of neighbouring occupiers, the development is considered to be acceptable.

Access and highway safety

Access

The access to Hope Rescue Centre is from a single width track. The lane is unadopted and unnamed, with no footway provision and limited areas for vehicles to pass one another.

The section of single width carriageway gives direct access to a number of residential dwellings and the existing use along with a Public Right of Way. There is ample space within the site for off-street car parking with access / egress in forward gear which is acceptable.

There is concern that the proposal would increase use of the very substandard access; however, as the use of the Kennel / Rescue Centre has been occurring for some time and no expansion of the business is proposed by this application, the use of the lane is. On balance, acceptable.

Parking

Limited information has been submitted regarding the existing amount of designated parking on site. Nonetheless, the proposal only results in the loss of two car parking spaces by way of the garage conversion, with 20 spaces still offered.

Although the Council's adopted SPG has no specific requirement for a Kennel / Rescue Centre, it is considered that there is ample space already allotted within the proposed development for off-street parking. The proposed development gives no undue cause for concern with regard to off-street parking provision.

Drainage

The proposal concerns the conversion of an existing double garage into a reception area and an amendment of the existing car park layout at Cynllan Lodge Dog Kennels, Llanharry.

A total site area of 5200 sq. metres has been identified by the applicant; however, a total construction of less than 100 sq. metres has been determined from the supporting documents provided.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, as per Paragraph 8 of Tan 15. The review concluded that there is a small area of high surface water flood risk at the site, but the area of the proposal is not within an area of surface water flood risk.

Based on the information provided, the applicant does not appear to increase the footprint of impermeable surfaces at the site and the Lead Local Flood Authority does

not envisage an alteration of the site's surface and no objection or condition is recommended.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of development, and any impact on the character of the area or residential amenity. In addition, the development is not considered to be harmful to highway safety or cause unacceptable detriment to ecology.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- Proposed MP new parking layout
- Proposed Site Plan
- Proposed Floor Plan Rev 1
- Sections Rev 1
- Elevations 1 Rev 1
- Elevations 2 Rev 1

and details and documents received on 31st July 2021 and 7th January 2022.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall commence until details of a replacement boundary treatment, in place of the conifer hedge which is proposed to be removed, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details within 3 months of the completion of the garage conversion.

Reason: In the interest of visual and neighbour amenity in accordance with Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

