# Application Ref: NP/17/0591/FUL

**Case Officer** Caroline Bowen **Applicant** Greenacres Rescue

**Agent** Mr A Vaughan-Harries, Hayston Development &

Planning

**Proposal** Retrospective planning permission for rabbit enclosure,

3 catteries and a static caravan used as an office. Proposed reception/adoption centre portacabin, new stables and new cattery, siting of 3 storage containers for a 3 year period. Relocation of dog kennels to

existing building A.

**Site Location** Ebbs Acres, Talbenny, Haverfordwest, Pembrokeshire,

**SA62 3XA** 

**Grid Ref** SM84061145

Date Valid 29-Sep-2017 Target Date 31-Jan-2018

This application is reported to members, as the officer recommendation is contrary to that of The Havens Community Council.

# **Consultee Response**

The Havens Community Council: The Council is unable to support the above application due to a large number of concerns by electors living in the vicinity of the proposed development.

The major concerns expressed by those living nearby include

- dog walkers walking a number of dogs around the village and not adhering to dog fouling regulations.
- the continual barking and howling of animals throughout the day and night.
- callers knocking at neighbouring properties throughout the day wanting to drop off animals.

We understanding that noise levels from the facility have been monitored over a long period of time and these are above acceptable levels regularly throughout the day and night.

We have consulted the RSPCA Guidelines for the design and management of animal shelters and the existing and proposed new facilities do not meet the levels considered acceptable by the RSPCA.

PCNPA Planning Ecologist: No Comment

PCC - Transportation & Environment: No objection
PCC - Head of Public Protection: Conditional Consent

Natural Resources Wales: No objections but please see comments regarding Foul

Drainage and Septic Tank/Small Package Plant

**MOD**: No objection

Dwr Cymru Welsh Water: No objection

# **Public Response**

The application was advertised in accordance with statutory requirements. 9 letters of objection and 12 letters of support were received as a result of the consultation process. In summary, the issues and comments raised are:

# Objections

- Disturbance from the noise from barking dogs
- Dog fouling in locality
- Dogs running free in locality
- Concern that the additional caravan proposed would be used for accommodation
- Lack of justification for the proposed temporary containers
- Damage to verges and blockage of the drainage culvert at site entrance
- Increased traffic
- Dogs are walked outside of the site, contrary to the conditions of the original planning permission.
- The access lane is unsuited to additional and increased traffic.
- The use is becoming too large for its current location.
- Impact of use on the tranquility of the National Park.
- That the use has been operated in breach of the original planning permission
- The use does not appear to be operated in accordance with the relevant RSPCA guidelines (in respect of dogs).

# Support

- We live (as the crow flies) in one of the closest properties and have never encountered significant barking noises.
- Once the improvements (including soundproofing) have been made, any possible disturbances would be eradicated,
- Not aware of any instances of escaped or roaming animals.
- Greenacres are to be applauded in providing the facilities they offer to homeless and fearful animals of all types.
- I would like to go on record as stating how close I live to the alleged noise and how I have neither heard nor been affected by excessive noise of animals.
- The volunteers exercise the animals in a respectful and sensitive way
- Pembrokeshire is lucky to have this type of rescue within the heart of its community, working with the community to raise awareness of its works and also educate people about animal ownership.
- Greenacres supports not only animals, but many people in the local community through providing voluntary work e.g children and young adults doing their Duke of Edinburgh Award but also to people with social, psychological and mental health difficulties

In addition to the public responses, the following responses were received;

 A letter was received from Pembrokeshire County Council's Dog Warden, advising that the stray dog referred to in a neighbour letter was not an escapee from Greenacres, but was subsequently signed in following capture.

- A local veterinary business, who provide Greenacres with vet care, and who state that the rescue is very diligent in their responsibilities for the animals in their care.
- Dyfed Powys Police, who comment that in a recent case, Greenacres went above and beyond any expectation that the police had had for help with finding safe accommodation for animals caught up in domestic disturbance.
- An RSPCA Inspector for Pembrokeshire/Carmarthenshire, who advised that
  he often received complaints in respect of animal rescues, but that he has
  never received a complaint in respect of Greenacres. He has also advised
  that the rescue is now at a level where he is looking into having them
  approved by the RSPCA so that they can board animals collected by the
  RSPCA in Pembrokeshire.
- The British Horse Society Equine Welfare Officer for Pembrokeshire commented that Greenacres has recently helped in the rescue of 8 horses, and that having an organisation who are able to help horses recover from neglect and poor health is essential.
- Support was received from other specialised dog rescues who work with Greenacres, looking after breeds such as huskies, German shepherds, or working specifically to rehabilitate pound dogs.

#### Policies considered

Please note that these policies can be viewed on the Policies page Pembrokeshire Coast National Park website -

http://www.pembrokeshirecoast.org.uk/default.asp?PID=549

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 07 - Countryside

LDP Policy 08 - Special Qualities

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 30 - Amenity

LDP Policy 53 - Impacts on traffic

PPW9 Chapter 03 - Making and Enforcing Planning Decisions

TAN 06 - Planning for Sustainable Rural Communities

TAN 11 - Noise

#### Constraints

Contaminated Land
Safeguarding Zone
Hazardous Zones
Potential for surface water flooding
Recreation Character Areas
Landscape Character Assessment
Seascape Character Assessment

# Officer's appraisal

# Site description

The application site comprises an area of approximately 11 hectares (27.5 acres) and is located south east of the village of Talbenny and east of the disused airfield. The land is of a flat, open aspect and falls within an open countryside setting, characterised by scattered individual properties and small-holdings. It lies within the wider landscape between Little Haven to the north-east and St Brides to the north-west. The site falls outside of any Centre or Rural Centre Boundary as defined in the Pembrokeshire Coast National Park Local Development Plan and the application is considered as a development in the open countryside.

At present, the site is occupied by a number of buildings – there are two large buildings – referred to on the plans as Buildings A and B - which were originally granted permission in 2000 as stabling for rare breed horses; together with a circular pen and a number of smaller buildings currently used as dog kennels, a cattery, and shelter for small animals. There are a number of animal shelters in the adjacent paddocks.

Access to the site is via a minor rural road which runs to the south of the site.

# **Current Application**

Planning permission is sought for the following development;

- Retrospective planning permission for the rabbit enclosure, 3 catteries and a static caravan used as an office ancillary to the animal rescue.
- One new portacabin for reception/adoptions
- One new stable block
- One new cattery
- Relocation of the external dog kennels to new kennels within Building A
- The siting of 3 storage containers for a temporary period of 3 years to be used for storage purposes.

# **Planning History**

- NP/00/106 Erection of barn for secure stabling. Approved.
- NP/01/185 Bungalow. Refused.
- NP/04/495 Change of use of small area for human habitation. Refused.
   Appeal dismissed.
- NP/10/413 Retention of Animal Rescue Centre in Association with Horse Stables and Agricultural Use. Approved.

The 2010 planning permission was subject to a number of conditions, which required sound proofing to be installed, details of the dog exercising areas to be provided, no more than 25 dogs to be homed at any one time and no more than 8 horses to be on site at any one time.

## Key issues

Paragraph 3.1.3 of Planning Policy Wales (currently Edition 9 – November 2016) advises that applications for planning permission should be determined in accordance with the approved or adopted development plan for the area, unless material conditions indicate otherwise. This application raises the following planning matters, which are to be considered against the policies of the Pembrokeshire Coast National Park Local Development Plan;

- The principle of the development
- · Visual amenity and special qualities of the National Park
- infrastructure
- Amenity
- Biodiversity
- Landscaping
- Other land use matters
- Material considerations.

### The principle of the development

Planning permission was originally granted retrospectively in 2010 to retain the change of use of the main buildings from stabling to an animal rescue centre. The history of the site was considered relevant in the determination of the original permission – there had been planning permission for the stabling of up to 30 horses, and the activity that could potentially be generated from this was not considered to be significantly different to that of the rescue. Whilst modern in construction, the buildings were of an appearance that was likely to be found in the countryside, and the rescue was considered both a community facility and employment related. In light of this, the use was approved, subject to conditions.

The principle of the present use was accordingly established by the original permission. The main consideration in determining this application therefore, is whether the new animal accommodation is appropriate in scale and appearance to the existing site and setting.

As the application site falls outside of any defined Centre boundary, the proposal is considered as being in the countryside; and Policy 7 is the relevant strategic policy. However, as the proposed works are to an existing use rather than the creation of a new planning unit, they would not be considered contrary to any strategic policy requirements.

Since the original grant of planning permission, the rescue has continued to provide shelter for both domestic and agricultural animals. In addition to this, the rescue works with Pembrokeshire College, Coleg Sir Gar and Bristol University to assist with teaching in animal husbandry, works with private training companies to arrange local training for underprivileged individuals, and works with the Pembrokeshire County Council Youth Offender Team. The rescue has also become the main Dog Pound for Pembrokeshire County Council, homing dogs picked up by the Council's Dog Wardens. The continued demand for rescue has resulted in the need to put up additional buildings, and has resulted in the rescue having to operate in breach of

some of the original conditions. This application is submitted to regularise these elements.

The proposed new animal accommodation will be sited adjacent to existing buildings, and the overall appearance of the development would not be dissimilar to that of a farm complex. It is considered that reasonable justification has been put forward for the retention of the elements which do not have consent, and for the additional accommodation and office/reception facilities; Greenacres is the sole rescue centre in Pembrokeshire, and is therefore a valuable community facility for the care of animals.

In respect of the proposed storage containers, these are required to store bedding, food and equipment donated to the rescue centre because the existing store within Building A is too small to accommodate all donations. The storage containers are proposed for a three year period only and officers support this approach, which would allow the immediate storage demands to be met, pending consideration of a more permanent solution.

It is considered, therefore, that the principle of the additional buildings is acceptable as they would be used for purposes which are ancillary to the existing rescue use. As such, the proposal would meet the policy requirements of the Local Development Plan.

Visual Amenity and Special Qualities of the National Park

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) is a strategic policy which refers to the special qualities of the National Park and lists priorities to ensure that these special qualities will be protected and enhanced. Policy 15 of the LDP seeks the conservation of the Pembrokeshire Coast National Park with criteria 'a' and 'b' resisting development that would cause significant visual intrusion and/or, that would be insensitively and unsympathetically sited within the landscape. Criteria 'd' and 'e' resists development that would fail to harmonise with, or enhance the landform and landscape character of the National Park, and/or fail to incorporate important traditional features.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness (criterion 'a'). Policy 30 of the LDP seeks to avoid development that is of an incompatible scale with its surroundings (criterion 'b') or is visually intrusive (criterion 'd').

The site is broadly level and open in aspect, with the buildings set in a distinct group, well back from the rural road. In the Authority's supplemental planning guidance on Landscape Assessment, the site falls within the LCA 9 – Marloes Peninsula, which comprises a large, broad promontory of rolling lowland. The special quality of this landscape has a strong connection to the coastline and the guidance mentions that the disused airfield at Talbenny – whilst adding to the sense of place – has a detracting effect on the landscape. The management guidance advises that the former military airfield at Talbenny is gradually assimilating through natural process, and to address the reuse of agricultural buildings that have come to the end of their agricultural life.

The 2010 permission provided a new use for the former stables, and the new development would enable the use of the buildings to continue. The visual impact of the development would not be considered harmful, as the scale and siting would be close to the existing large buildings and the design of the buildings are agricultural in form - the overall development would be broadly similar in impact to that of a farm complex.

The retention of existing hedgerows to the site boundaries and the landscaping embankment, as well as the use of natural colours, will help to assimilate the proposed development with existing development. It can be concluded, therefore, that the proposal would meet the requirements of Policies 8, 15, 29 and 30, and can be delivered in a way that does not impact unacceptably on the general visual amenity of the surrounding landscape.

#### Infrastructure

The key infrastructure issues for this development are surface water drainage and highways matters.

Policy 32 refers to Surface Water Drainage, where the requirement is for developments in the National Park to incorporate sustainable drainage systems. Following consultation, Dwr Cymru/Welsh Water have no objection to the proposal, which will utilize an existing septic tank and soakaways at the site.

Natural Resources Wales also have no objection to the proposal, subject to the development following the appropriate guidance regarding the disposal of animal waste and bedding.

Policies 52 and 53 of the Local Development Plan refer to sustainable transport and the traffic impacts of proposed development. Following consultation, the Highways Authority have advised that they have no objection on highway grounds; there is a good access off the unclassified road in terms of layout.

## Neighbouring Amenity

Policy 30 of the Local Development Plan refers to matters of amenity, and requires proposals to appropriate to where people live and work, compatible with its setting, should not lead to an increase in traffic, odour, noise or light, and should not be visually intrusive.

The main body of objection to this application is to the issue of noise arising from barking dogs. Many of the objections stated that there was no objection to the catteries, stables and agricultural animals, but that the noise from barking dogs was disruptive. It was also raised that there was dog fouling as a result of dogs being exercised in the nearby village.

Following consultation, the Pollution Control Officer from Pembrokeshire County Council advised that their team have an interest specifically in relation to the

additional kennels that had been constructed, and have had direct involvement with the applicant due to complaints of noise nuisance from neighbouring properties.

At the time of the original planning permission, two conditions were attached to the permission – one limiting the number of dogs to no more than 25, the other requiring noise insulation measures to be undertaken. Following a complaint in 2017, the Pollution Control Team visited the rescue and noted that the noise was coming from the range of outdoor kennels to the rear of Building A, which had been put up in order to house stray dogs brought in by the Pembrokeshire County Council Dog Warden. These kennels were not sound proofed in accordance with the original condition.

This application has now been submitted as a result of discussion between the applicant, the National Park and the PCC Pollution Control Team, to address the noise issue. The outside kennels will be removed and relocated inside Building A, which will allow for adequate sound proofing to be provided. PCC Pollution Control Team are satisfied with this proposal.

The application also proposes a further 10 kennels within the building, which will increase the available kennels to 30. This will inevitably increase the potential for noise generation that could be considered a statutory nuisance. However, it is considered that any potential noise can be reasonably managed by sound insulation and a management strategy for the handling and care of the dogs – based on the RSPCA guidance 'The Welfare of Seized Dogs in Kennels: A Guide to Good Practice'. While is inevitable that animals will vocalise the Authority's duty is to ensure that noise levels are not such that would create a statutory nuisance; and the Pollution Control Officer has recommended two conditions to deal with noise attenuation.

In respect of the concerns regarding dog fouling in public areas, officers consider that this can be adequately addressed through a condition requiring a management plan, which willbe expected to include details of the exercising needs of the dogs (according to size and/or breed), and details of walking routes required for the rehabilitation and proper socialization of rescue dogs. This can include a section for volunteers as to good handling and dealing with dog fouling.

It is considered that the principle of developing the site without adversely impacting the amenity of existing residents can be achieved and as such the proposal complies with the requirements of Policy 30 of the Local Development Plan.

#### **Biodiversity**

Policy 11 refers to the protection of biodiversity, and requires that development that would impact on habitats and species will only be permitted subject to suitable mitigation. The Authority's Ecologist has assessed the information provided and has raised no concerns. As such the scheme complies with the requirements of Policy 11 which requires that any impacts to protected species or their habitats will only be permitted where the effects will be acceptably minimised or mitigated.

## Landscaping

There are no Tree Preservation Orders on the site and the site does not fall within a conservation area where works to trees would require separate permissions. The existing landscaping is to be retained unaltered.

#### Other Matters

## Third Party Concerns

Officers consider that the main issues of concern raised have been addressed in the above report. In respect of the concern at the retrospective nature of some of the development, and the breach of the original conditions - Planning Policy Wales (Edition 9) advises in Chapter 3 that ...' The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) responsible for the breach.' In light of this, the fact that a development is retrospective in nature is not a material planning consideration, and each planning application is therefore to be determined strictly on its own merits. The applicant has submitted the proposal to address the concerns raised.

Other material considerations

No other material considerations have been put forward for consideration.

# Conclusion

Notwithstanding the objections raised, following consideration of the policies within the Local Development Plan it can be concluded that the proposal for the additional accommodation to support the existing rescue centre use is acceptable. The increase in buildings and use would not be considered harmful to the setting, and, subject to conditions relating to the soundproofing and management of the kennels and dog handling, in particular, the proposal can be supported by officers.

## Recommendation

That the application be approved subject to the following conditions

- 1. The development shall begin not later than five years from the date of this decision.
  - **Reason**: Required to be imposed pursuant to Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
- 2. The development shall be carried out in accordance with the following approved plans and documents: Drwg refs 01b 016b inclusive. Reason: In order to be clear on the approved scheme of development in the interests of protecting visual amenity and the special qualities of the National Park. Policy: Local Development Plan Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park) and 29 (Sustainable Design).

- 3. In the case of the storage containers shown on plan ref:02b, once sited, the containers are to be removed from the site no later than 3 years from the date of this permission.
  - **Reason**: The storage containers are of a temporary nature and are not condusive to a permanent permission. Policy: Local Development Plan Policies 1 (National Park Purposes and Duty), 15 (Conservation of the Pembroekshire Coast National Park) and 30 (Amenity).
- 4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The Management Plan shall also provide details of the interim arrangements for the kennelling of rescue dogs for the period between the demolition of the external kennels and the first use of the internal kennels as approved.

**Reason**: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and special qualities of the area. Policy: Local Development Plan – Policies 1 (National Park Purposes and Duty), 8 (Special Qualities), 15 (Conservation of the Pembrokeshire Coast National Park), 25 (Recycled, Secondary and Waste Materials), 29 (Sustainable Design), 30 (Amenity), 31 (Minimising Waste) and 53 (Impacts of Traffic).

- 5. Prior to the first beneficial use of the new kennels, reverberation matting is to be introduced to the interior walls of the kennel enclosures to provide sound proofing for this facility.
  - **Reason**: To ensure that the amenity of occupiers of buildings in the vicinity are protected. Policy: Local Development Plan Policy 30 (Amenity).
- Prior to the first beneficial use of the new development, all external doors to the rescue centre are to be fitted with self-closing mechanisms.
   Reason: To ensure that the amenity of occupiers of buildings in the vicinity are protected. Policy: Local Development Plan Policy 30 (Amenity).
- 7. A Management Plan for the management of the Rescue Centre which shall specifically include hours of operation, management of deliveries of feed/equipment, arrangements for 'out of hours' rescues and the exercise/rehabilitation programmes for the rescue dogs is to be submitted to the National Park Authority within 3 month of the date of this permission. The plan shall refer to the RSPCA's document 'The Welfare of Seized Dogs in Kennels: A Guide to Good Practice'.

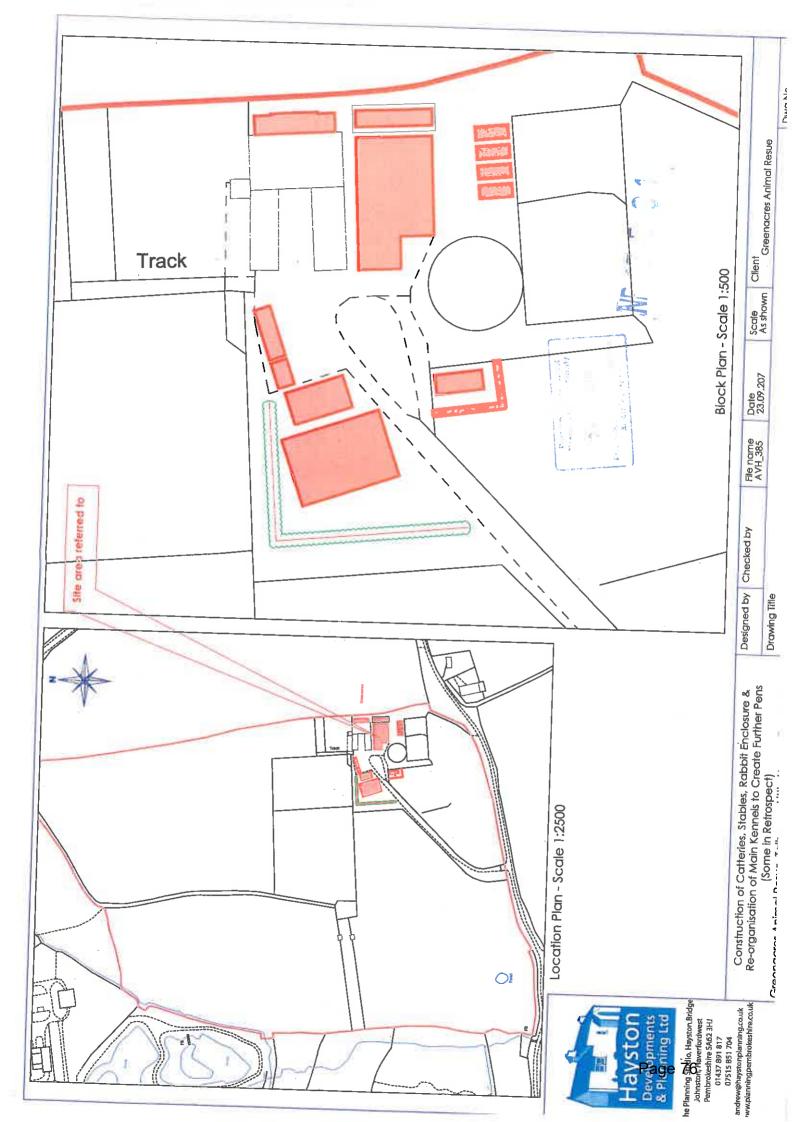
**Reason**: To ensure a satisfactory standard of development and in the interests of conserving and protecting public amenity. Policy: Local Development Plan Policies 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).

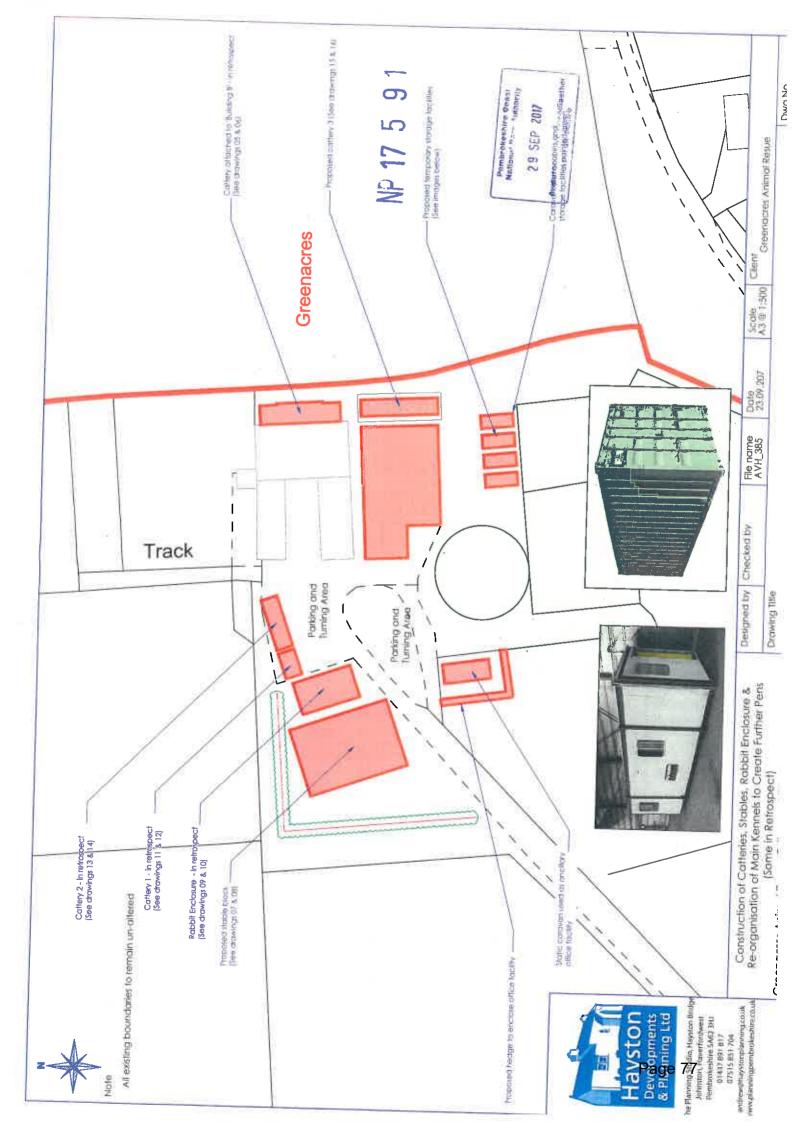
- 8. The site shall not be open to the public, except for by prior arrangement with the Centre; and for a maximum of 3 open days in any one calendar year.

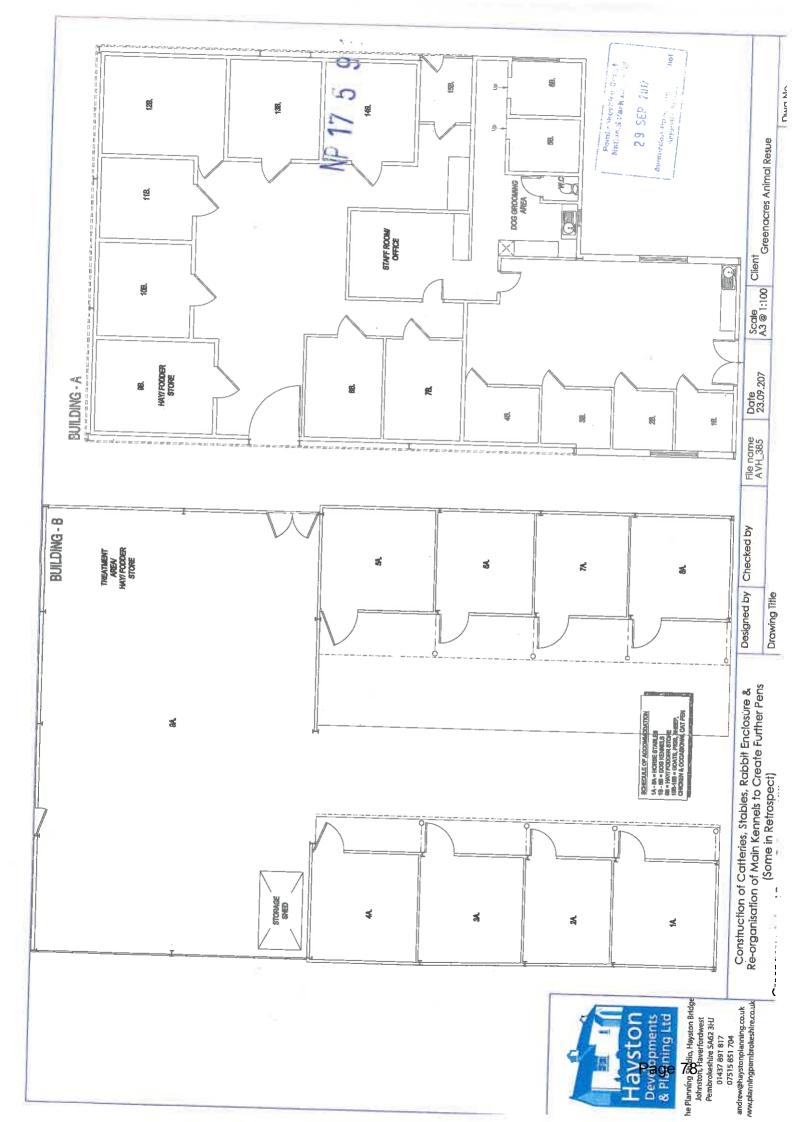
  Reason: To ensure a proper standard of development and amenity for the site. Policy: Local Development Plan Policies 15 (Conservation of the Pembrokeshire Coast National Park) and 30 (Amenity).
- All existing site boundaries and landscaping features are to be retained and maintained unless otherwise approved by the National Park Authority.
   Reason: In the interest of protecting the amenity and privacy of the site.
   Policy: Local Development Plan Policy 15 (Conservation of the Pembrokeshire Coast National Park).
- 10. Noise insulation measures as shown on the approved plan 05b shall be fitted within the existing buildings within 3 months of the date of this permission and shall be retained in perpetuity.
  Reason: To protect amenity standards. Policy: Local Development Plan Pollicy 30 (Amenity).

The applicants attention is drawn to the attached letter.

Natural Resources Wales dated 25th October 2017.



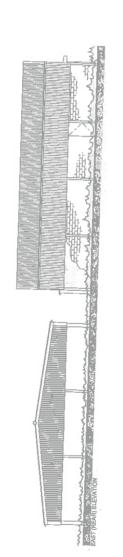


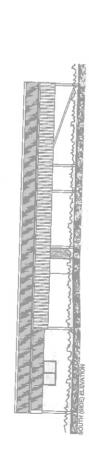


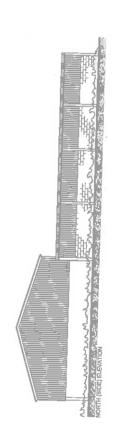
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29 SEP 2017







Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

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Client Greenacres Animal Resue

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Date 23.09.207

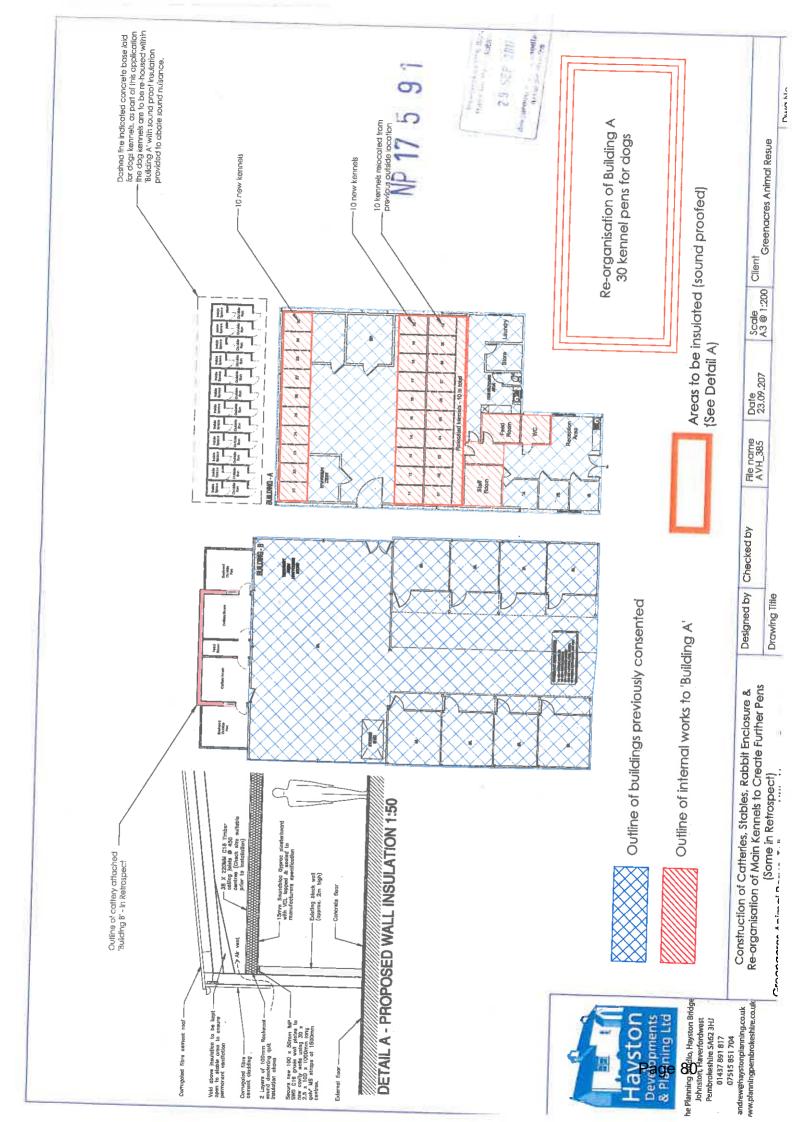
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Outline of cattery attached 'Bullaing B' - In Retrospect

AND A DESCRIPTION OF STREET OF STREE

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Dog kennels to be replaced with new cartery facility. See drawings 15 & 16 for details.
Attached cattery to Building B' in background.

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Outline of cattery attached to 'Building 8' - In Retrospect

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andrew@haystonplanning.co.uk ww.planningpembrokeshire.co.uk 07515851704

Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

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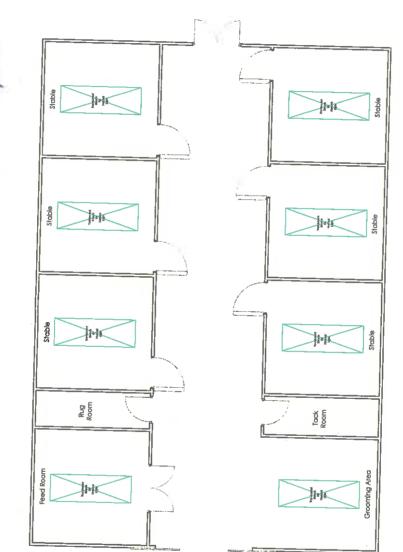
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Client Greenacres Animal Resue

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NORTH ELEVATION

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**EAST ELEVATION** 

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Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

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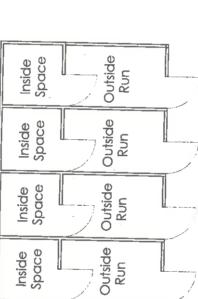
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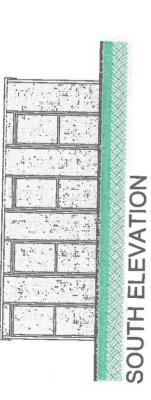
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Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

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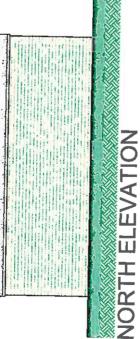
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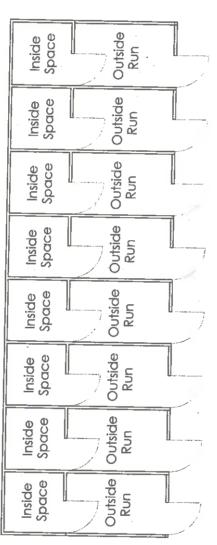
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2.9 31 %

EAST ELEVATION

Particulations in Court 29 SEP 2017 Amttartilla july





Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

Designed by Checked by Drawing Title

File name AVH\_385

Dwd No.

Greenacres Animal Resue

Client

Scale A3 @ 1:50

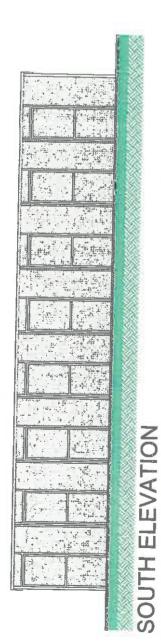
Date 23.09.207

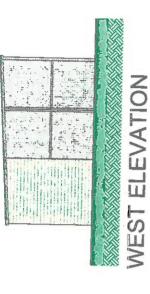
andrew@haystonplanning.co.uk www.planningpembrokeshire.co.uk Johnston, Haverfordwest Pembrokeshire SA62 3HJ 01437 891 817 07515 851 704

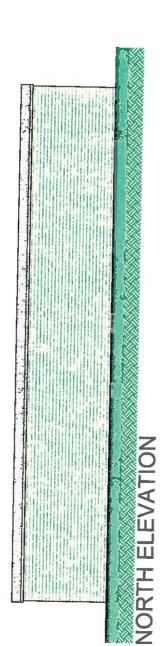
OO The Planning SQ dio, Hayston Bridge

Developments & Planning Ltd

Hayston









2.9 SEF 2017

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Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

andrew@haystonplanning.co.uk /ww.planningpembrokeshire.co.uk

Johnston, Haverfordwest Pembrokeshire SA62 3HJ 01437 891 817 07515 851 704

Designed by Checked by Drawing Title

File name AVH\_385

Scale A3 @ 1:100 Date 23.09.207

Client Greenacres Animal Resue

DWG No

Inside	Outside	
Inside	Outside	
Inside	Outside Run	
Inside	Outside Run	
Inside	Outside	
Inside Space	Outside	
Inside	Outside	
Inside	Outside	
Inside	Outside	
Inside Space	Outside	
Inside	Outside Run	
Inside	Outside	

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Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

DWG No

Client Greenacres Animal Resue Date 23.09.207

Designed by Checked by

File name AVH\_385

Drawing Title

WEST ELEVATION

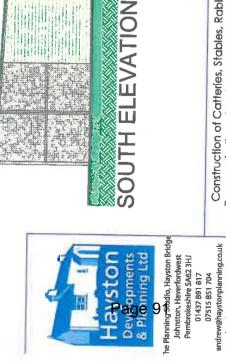
EAST ELEVATION





Pembrakeshing Dagg

79 SEP 2017



Construction of Catteries, Stables, Rabbit Enclosure & Re-organisation of Main Kennels to Create Further Pens (Some in Retrospect)

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Designed by Checked by

File name AVH\_385

Date 23.09.207

Scale A3 @ 1:100

Client Greenacres Animal Resue

DWG No.

Drawing Title