

Report of the Head of Planning & Enforcement Services

Address LAND NORTH OF CARLTON PLACE RICKMANSWORTH ROAD
NORTHWOOD

Development: Use of land as dog day care and kennels to include 8 kennels, 4 stables, 1 office block, 1 toilet block and 1 store room.

LBH Ref Nos: 67584/APP/2011/232

Drawing Nos: 1045/SK102A
1045/SK103
1045/SK104
1045/SK105
1045/SK101
Location Plan to Scale 1:2500
Transport Statement
Supporting Planning Statement Received 6th April 2011
Highway Construction Materials Specification
1045/SK100F
Entrance/ Exit Cross Section Showing Line of Sight
Design & Access Statement

Date Plans Received:	01/02/2011	Date(s) of Amendment(s):	02/02/2011
Date Application Valid:	22/02/2011		14/02/2011
			24/03/2011
			06/04/2011

1. SUMMARY

The application relates to the change of use of existing open pasture land to a dog training facility together with dog day care creche and stabling for the applicants own horses. The proposal would involve a fenced training area, 8 kennels with associated enclosures, reinforced mesh surface to the car parking area, 3 stables, WC, storage building and office.

The proposal is considered to represent inappropriate development within the Green Belt and is therefore harmful by definition, furthermore, the ancillary structures, parking and highway works and activities generated that are proposed to support the use, would significantly increase the built-up appearance of the site, thereby injuring the visual amenities of the green belt by reason of their siting, size, scale, materials, design, traffic and activities generated. Furthermore, it has not been demonstrated that sufficient measures have been taken to mitigate the environmental impact of the development by noise nuisance from the kennels or by way of pollution of nearby watercourses through animal or water waste.

In regard to the visual amenities of the site, the proposed use of a reinforced mesh surface (which is supposed to allow grass to grow through) thereby maintaining a green surface, is noted to have limited success and is generally only successful when used occasionally and not on a daily basis as would be the case in this instance. In addition, the application is considered to fail to make adequate provision for the protection and long-term retention of the adjacent protected Horse Chestnut tree and because it does not include landscaping proposals or make provision for comprehensive landscape

improvement, it would fail to enhance the visual amenity of the Green Belt.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The use of the land as a dog training and day care facility is considered to represent inappropriate development within the Green Belt and is therefore harmful by definition, furthermore, the ancillary structures, parking and highway works and activities generated that are proposed to support the use would significantly increase the built-up appearance of the site, thereby injuring the visual amenities of the green belt by reason of their siting, size, scale, materials, design, traffic and activities generated. The development is therefore contrary to policy OL1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and PPG2: Green Belts.

2 NON2 Non Standard reason for refusal

The application fails to make adequate provision for the protection and long-term retention of the adjacent protected Horse Chestnut tree and also does not include landscaping proposals or make provision for comprehensive landscape improvement, thereby failing to enhance the visual amenity of the Green Belt. Therefore the proposal would fail to comply with Policies OL2, OL26 and BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NON2 Non Standard reason for refusal

In the absence of any proposed mitigation measures regarding the control of noise emanating from the site in relation to the nearby residential properties, the application has failed to demonstrate that the development will safeguard the amenities of those properties. The proposal is therefore contrary to Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NON2 Non Standard reason for refusal

The proposal includes a substantial car parking area, which would be surfaced with a reinforced grass-mesh surface. Due to the intensity of use by vehicles entering and leaving the site, it is considered that this would result in a detrimental impact to the visual amenities of the existing character and appearance of the area and the Green Belt contrary to policy BE13 of the UDP Saved Policies (September 2007) and PPG2: Green Belts.

5 NON2 Non Standard reason for refusal

The proposal has not demonstrated that sufficient measures have been taken to mitigate the environmental impact of the development by both animal and water waste resulting in nuisance to nearby properties and polluting nearby watercourses. The proposal is therefore contrary to Policy OE1 of the Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 NON2 Non Standard reason for refusal

The proposal fails to make adequate provision for access for people with disabilities to the detriment of the users of the proposed development and contrary to policy 4B.5 of the London Plan 2008.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
EC5	Retention of ecological features and creation of new habitats
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
PPG2	Green Belts
PPS9	Biodiversity and Geological Conservation

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the west side of Rickmansworth Road, on the northern boundary of the housing development known as Carlton Place. The area relates to an open field, currently used as pasture land. The application site area comprises a corner section of this field, covering 8,380m² in a roughly square shape. There are mature trees and hedges on all of the field boundaries, including a woodland to the west. The northern boundary of the field demarcates the local authority boundary with Three Rivers District Council, this field boundary also bounds the rear gardens of properties 8-14 (inclusive) Batchworth Heath, with No.14 being the Prince of Wales Public House. The eastern boundary fronts Rickmansworth Road, designated as part of London's Strategic Road Network (SRN) and is also a London Distributor Road.

The site is within the Green Belt and a Countryside Conservation Area as identified in the

3.2 Proposed Scheme

Planning permission is sought for the change of use of land to dog day care, involving:

- i) Dog training area, defined by a post and rail fence 1.1m in height.
- ii) 8 kennels: 1.2m x 2.4m, finished with a shallow mono-pitched roof at a maximum height of 1.72m. The kennels would be standalone structures, constructed of shiplap boarding, enclosed with 1m high metal mesh enclosures and would have a sloping inward overhang to stop dogs jumping out. The kennels would not be suitable for overnight boarding.
- iii) Parking area, comprising re-inforced mesh surface. A total of 26 parking spaces are provided, 6 of which are for staff, with the remainder for people dropping off their dogs or those who have brought their dogs for training. Two disabled bays are proposed.
- iv) Upgraded vehicular access, comprising permeable paving.
- v) 3 stables, office, store and WC. The buildings would be situated in one block, this would be 17.5m long x 2.5m deep, finished with a pitched roof with a maximum height of 2.6m, involving an additional 1.45m overhang to the front and would be constructed using shiplap-boarding with metal sheet roofing. The office, store and WC would be finished with a flat roof at a maximum height of 2.5m. It is not clear from the submitted drawings what these buildings would be constructed from, although the drawings are annotated to say 'vandal proof.'

The design and access statement states the proposal seeks to provide a dog training school and daycare facility for up to 10 dogs per day (during daylight hours only). The applicant states any uncollected dogs would be taken off site before it gets dark.

The site does not benefit from any utilities and the application does not propose to install any. It is stated a small gas fired heater would be provided for the office and a portable battery/solar powered light is proposed for the office, store and WC.

With regard to noise, the application contends, dog barking is associated with long stay kennels where animals only benefit from a small amount of individual attention, whereas here the dogs would be involved in training thereby receiving high amounts of attention

Dog training classes are proposed in daylight hours only, mostly at weekends, with some individual 1:1 training in the week days. Training classes would be 1.5hrs long, with starting times of 9am, 11am and 1pm, allowing a 1/2hr break between classes to allow people to leave before the next class arrives. Each class would cater for up to 10 dogs.

The following timetable has been submitted for information purposes:

7.30 to 9.30am Dogs arrive or will be collected.

9.30 to 12noon Training session supervised by staff for some dogs, others will be taken to be walked off site, i.e. local trust land/Council park/public countryside.

12 to 2pm Dogs will be resting and supervised in kennels or taken home where required.

2 to 4pm Training session supervised by staff for some dogs, others will receive a second walk (depending on their owners' preference).

4 to 6pm Dogs are collected or taken home.

The kennel staff would be separate from training staff. Owners of dogs coming in for training would be present and involved in training sessions and as a result few animals would be on site without their owners.

The dog creche facility would take a maximum of 5 dogs per day, whilst the creche would be open at weekends, it is envisaged it will be busier during the week.

The revised/additional design and access statement comments that all animal waste from the site would be collected and taken to an allotment for composting.

The applicants agent confirmed the stables would be for the applicants own use and would not be used as part of the business. Two stables would be provided for the applicants own horses and one for storage.

The business would be open from 8am to 7pm, however in the winter months, dogs would be in their kennels from 3.30pm until they were collected or taken home. The business would operate an arrangement where working people can leave their dogs in safety and security of the facility whilst they go about their normal working day.

3.3 Relevant Planning History

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
EC5	Retention of ecological features and creation of new habitats
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
PPG2	Green Belts

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

73 neighbours and interested parties were consulted and 3 petitions comprising a total of 100 signatures and 63 individual responses have been received, objecting to the proposal on the following grounds:

1. Oversized and inappropriate commercial development on Green Belt land.
2. Loss of amenity to local residents.
3. Prejudice highway and pedestrian safety.
4. The use of the land is neither agricultural, horticultural or leisure, being solely a business.
5. The development fails to harmonise with the street scene with its nearest neighbours being residential properties situated in the green belt.
6. The kennels will accommodate dogs whose barking would disturb neighbours. Also the whistles and shouts associated to the training. Dog kennels are normally sited much farther away from residential properties than that proposed here.
7. The proposal could result in noise and smells.
8. The noise will also affect the adjoining hospital.
9. The access to the site joins a busy dangerous road, which would be made worse by this development.
10. The applicant is already advertising the site on her web site as her forthcoming site for training dogs, yet no planning permission has been granted.
11. The visual amenities of the Green Belt would be damaged by the proposal. The site currently comprises attractive open space and is not derelict. The resulting buildings would be clearly visible from all directions.
12. The continual transportation of dogs to and from the site will result in noise and disturbance.
13. The proposal will cause a health and safety issue, in that dogs carry significant health risks which are contagious to humans and other animals. They also attract insects and produce other undesirable matter.
14. Central Government Planning Guidance Re Open Spaces, clearly states, in identifying where to locate new recreational facilities, the LPA should avoid loss of significant amenity to residents, neighbouring uses or biodiversity. The applicant claims this is a 'recreational facility', whilst this is clearly not, that aside this application would result in a huge loss of amenity thereby being in breach of this advice (PPG17 20 (iii)).
15. Having visited a number of local kennels (all located at the rear of the owners property and further away than the distance shown in this application). On arrival the dogs were quiet, but in all 4 cases as soon as the kennel owner approached, they started to bark continuously and very loudly. We estimate the barking would be audible for approximately ¼ mile.
16. The application states the buildings would be vandal-proof, this suggests vandals are expected on the site, this would then encourage vandals onto the neighbouring residential sites.
17. The proposal would also have a severe impact on highway safety due to its proximity to the access point of Carlton Place, the speed camera on this stretch of road, the sloped nature of the road and these already dangerous conditions would be made worse by the virtue of the extra traffic entering and leaving the site.
18. Central Government clearly states developers of open space will need to consult the local

community. A small number of poorly written supporting emotional letters (not from local residents), of which none refer to the planning matters on the site and are therefore considered irrelevant. The application is not widely supported by the local community.

19. In the summer, bats are seen flying around over the proposed site and it must be concluded they roost here. Under UK law bats and their roosts are protected. The proposed commercial development would clearly harm these bats and their roosts.

20. 8 kennels does not necessarily equate to eight dogs, sometimes dogs from the same household are kept together.

21. The surrounding roads are very busy and an escaped animal would be a danger to road users.

22. We experience flooding on a regular basis, so our opinion is that drainage is a big problem. The water board is likely to restrict drainage from the site into the main system .

23. 19 car-parking spaces will create unnecessary traffic.

24. The ground will be grass, therefore horse dung and dog fouling will not be easily to remove, resulting in flies, smells, and health risks.

25. The application has clearly ignored all the issues on the Hertfordshire side of the county line. There is a rare acid grass on the other side of White Hill, the whole area is common land, Area of Scientific Interest, Green Belt, Listed Buildings, not to report these facts is outrageous.

26. Section 20 of the application forms does not answer opening times. I suspect they will be very early and late for the arrival and collection of dogs.

27. There is no mention of a muck heap for the proposed stables, having a muck heap so close to residential properties would not be acceptable. Dog waste has not been adequately dealt with.

28. Parking of 20 cars will injure the visual amenities of the green belt.

29. The site is adjacent a listed woodland of significant importance and an application for buildings so close to this would be contrary to legislation.

30. The site will be purely for the applicant and her paying customers, not to benefit local residents

31. The revised layout makes the impact on the residents of Carlton Place even worse.

32. Mount Vernon Hospital is a major public facility which requires a quiet and stable environment for treatment and recuperation of patients. I object as no noise impact assessment has been submitted with the application and there is no evidence to the impact the proposal will have on sensitive surrounding site users.

33. My customers would be put off using the pub garden due to the dog barking while they are trying to relax.

34. The site is not within a built up area.

35. The comments that dogs won't bark are risible and could not be controlled.

36. Currently I look out onto a field. If approved I will look out onto metal roofs, cages and hardstanding for 21 cars.

37. If approved I think it won't be long before horse care and overnight dog care is offered.

38. Horseboxes entering and leaving the site would cause mayhem.

39. Large numbers of horses could be kept in the adjacent field, resulting in no grass left in the summer and a muddy field in the winter and if the land is not cleared of dung daily, associated smells.

40. The responsibility of keeping horses and dogs at the site may lead to pressure to provide permanent accommodation on the site for security reasons.

41. The care of up to 10 dogs a day is not economically viable and therefore the business is likely to expand.

42. The application says dogs will be brought to the site by a van, minimizing the disturbance, so why are 21 parking spaces needed.

43. The proposal will undoubtedly impact on the value of adjoining properties.

44. Clearly there would be a need to have an electricity supply to the site, especially during the winter months when paying customers collect their dogs.

45. The transport statement has not provided a comprehensive assessment and has not taken into account model shifts and highway safety implications.

Ward Councillors: Request that the application is presented to the North Planning Committee for

determination and object on the following grounds:

The application is for an oversized, commercial, not recreational facility on Green Belt land. The siting of the buildings and associated works would clearly turn the open Green Belt into a commercial development, contravening adopted policies.

The noise from dogs barking and whining will be able to be heard some distance away and will result in loss of amenity to nearby residential properties, particularly in summer months when windows are more often open.

The development would not harmonise with existing site features.

The proposal would also have a severe impact on highway safety due to its proximity to the access point of Carlton Place, the speed camera on this stretch of road, the sloped nature of the road and these already dangerous conditions would be made worse by the virtue of the extra traffic entering and leaving the site.

The development is inappropriate and would set an undesirable precedent.

Nick Hurd MP: There appears to be considerable opposition to the application. The local view seems that the application is not for open air recreational facilities but for a commercial use that is entirely inappropriate for green belt land.

Cllrs. Paula Hiscocks and David Sansom (Three Rivers District Council): This is inappropriate development in the Green Belt as it constitutes a business. It would not preserve the openness of the Green Belt with its numerous outbuildings and fencing required for the boarding of dogs. Dog kennel facilities are not within the list of appropriate developments in the Green Belt either in PPG2 or Policy OL1

We are further concerned that there would be a need for external lighting in the winter months and that the existing access would need to be widened to allow for two cars to pass, and this would be a further erosion of the Green Belt.

Internal Consultees

Trees and Landscape Officer:

There are several trees on and close to this site in the Green Belt, including a tree belt adjacent to the road, Oaks in the field, and a Horse Chestnut (off-site at Carlton Place and in the group G1 on TPO 474) close to site access. These existing trees are features of merit that should be retained in accordance with Saved Policies OL26 and BE38 of the UDP.

Saved Policies OL2 and OL26 also require comprehensive landscape improvement, landscaping and tree planting, to enhance the visual amenity of the Green Belt, as part of any acceptable development in the Green Belt.

The application does not include a tree survey or tree protection plan to BS 5837:2005, but the revised plan does seem to show that all of the existing trees and vegetation will be retained. However, the proposed access/cross-over will involve works, and possibly excavation, in proximity to the protected Horse Chestnut at Carlton Place, but the application does not include an arboricultural implications assessment or method statement to BS 5837, or any information to show that this valuable tree will not be adversely affected by the development.

The application does not include any landscape proposals and, given the layout and extent of hard-standing and buildings, which will adversely affect the visual amenity of the Green Belt, there is

limited scope for landscaping and tree planting.

The revised scheme includes a fairly large car park with a reinforced grass-mesh surface, which depending on the intensity of use by vehicles may not be sustainable. The application does not seem to consider and address this issue.

The application is unacceptable in terms of Saved Policies OL26 and BE38, because it does not make adequate provision for the protection and long-term retention of the protected Horse Chestnut tree, and in terms of Saved Policies OL2 and OL26, because it does not include landscaping proposals and make provision for comprehensive landscape improvement and therefore fails to enhance the visual amenity of the Green Belt.

Environmental Protection Unit:

With regards to the above application this site is located adjacent to flats at Carlton Place and there are houses opposite on Rickmansworth Road and also to the north of the site.

As I have already stated, I have concerns regarding the potential noise from the proposed use of the site. The site is proposed to be used for dog day care and as a training facility. This will involve quite a number of comings and goings as dogs arrive and leave and also when they are taken out for walks. As dogs are arriving or leaving there is a likelihood of barking. The construction of the kennels is not very substantial and they would therefore have a limited effect in containing noise. The additional information submitted moves 3 of the kennels to the boundary adjacent to Carlton Place. Although this does split the kennels up it places these kennels very close to the flats at Carlton Place.

They are proposing to have groups of 10 dogs arriving for training, with sessions held mostly over the weekend. This number of dogs arriving on site could lead to problems with barking, particularly if they are groups of young dogs. The applicants have not currently demonstrated that noise from this development would not be an issue.

A noise report will be required before this application can be considered further. This should look at predicted 5min Leq and Lmax levels from the development.

The applicants have not indicated how they will be disposing of waste water or provided details of a suitable means of dealing with animal waste from the kennels or stables. They have stated that surface water will drain to a local stream but this is not appropriate for waste water from the kennels or stables. Composting at an allotment is not an appropriate method of dealing with the solid waste. Due to the proximity of the stables to the flats at Carlton Place and the lack of information as to how they propose to dispose of waste there is the possibility of problems with odour.

Licensing officer:

The Local Authority has taken the view for a number of years now that a dog creche falls within the scope of the Animal Boarding Establishments Act 1963 as it is a business which is providing accommodation for other people's animals (there is no reference in the legislation to length of stay, including overnight, as a determining factor). As such the proposed facility would require an Animal Boarding Establishment licence and would be subject to the requirements of the legislation:

- (a) that animals will at all times be kept in accommodation suitable as respects construction, size of quarters, number of occupants, exercising facilities, temperature, lighting, ventilation and cleanliness;
- (b) that animals will be adequately supplied with suitable food, drink and bedding material, adequately exercised and (so far as is necessary) visited at suitable intervals
- (c) that all reasonable precautions will be taken to prevent and control the spread among animals of

infectious or contagious diseases, including the provision of adequate isolation facilities
(d) that the appropriate steps will be taken for the protection of animals in case of fire or other emergency
(e) that a register be kept

It is accepted that the legislation in its current form may not reflect modern day dog boarding practices and therefore the Local Authority takes a common sense approach to the legislative requirements when licensing such facilities.

Animal Welfare Act 2006 requires that steps are taken as are reasonable to ensure that the needs of an animal are met. An animals needs are taken to include:

- its need for a suitable environment
- its need for a suitable diet
- its need to exhibit normal behaviour patterns
- any need it has to be housed with, apart from, other animals and
- its need to be protected from pain, suffering, injury and disease

With the above in mind the following comments are made in respect of the above application:

- The kennel size of 2.88sq m is acceptable as a holding pen only (minimum requirement for such a unit is 2.3sq m) and can therefore only be used for temporary kennelling.
- It would appear from the site plan that each kennel will be located within an enclosure, however, further details are required with regards to the size of the enclosure, its use (for example is it envisaged that a dog will be secured in the kennel whilst resting or will the dog use the enclosure for exercise and if so does the enclosure open into a secure area so that dogs are not able to escape when being led to and from it) and its construction?
- The fencing for the kennel enclosure appears from the plan to be galvanised wire mesh. Solid partition walls to a minimum height of 1.1m may be required if enclosures are to be used as an exercise area for each dog.
- Where metal bars and frames are used they must be of a suitable gauge (approx 10-12mm) with spacing adequate to prevent small dogs escaping or becoming entrapped via nose or paw. Further details are required with regards to the galvanised railing on the front elevation of the kennel.
- Doors must open inwards towards the kennel, the door on the plan appears to open outward. Doors must resist impact and scratching and be capable of being effectively secured. Further details are required.
- The interior surfaces of the walls, floor and ceiling of the kennels must be of smooth, impervious materials capable of being easily cleaned. Junctions between vertical and horizontal sections must be coved. The floor must incorporate a damp proof membrane. Further details are required on the internal structure of the kennel.
- Wood must not be used in the exposed construction of walls, floors, partitions, door frames or doors in dog kennelling areas.
- The kennel must be so insulated as to prevent extremes of temperature. The kennel must be maintained at a temperature of between 10C (50F) and 26C (79F). Whilst it is understood that dogs will not be kept in kennels overnight there are animal welfare concerns with regards to dogs being kept in unheated/uninsulated kennels even for 3-4 hours during the winter months.
- Design of the kennels must be such that excessive, localised draughts are not created and that the area is kept dry.
- Further details are required with regards to drainage provision at the site. Kennels will need to be cleaned daily/inbetween occupants and floor washings from each kennel, which may contain urine/faeces, will need to be discharged somewhere. Contamination must not be allowed to pass between kennels/enclosures.
- Further details are required with regards to the arrangements to be made for the removal, storage and disposal of excreta, soiled material, food waste and food containers etc.

- The site plan does not show an area for the storage and preparation of the food for the dogs, the storage of eating and drinking vessels and bedding for the kennels. Such a facility will need to be provided and include a sink with hot and cold water for washing of food equipment and a wash hand basin with hot and cold water for staff. Consideration will need to be given to a means of washing soiled bedding etc
- The site plan does not show an isolation facility although depending upon the distance between the kennels/enclosures, the use of the enclosure and the means of partitioning (solid construction to a minimum height of 1.1m) between each individual enclosure this may not be necessary. Further information is required.
- No information has been provided with regards to fire prevention provision.
- No information has been provided with regards to provision for cleaning the kennels.
- Confirmation is required that there will be hot water provision at the wash hand basins in the toilet. This is a requirement under welfare provisions of health and safety legislation.
- It is noted that there is no electricity supply to the site so it is not possible to provide artificial light to the kennels. This would pose a health and safety risk for both staff and members of the public in terms of safe access and egress, general movement around the site and working conditions, especially in the winter months.
- Separate toilet facilities for male and female employees may need to be provided under welfare provisions of health and safety legislation.
- There could be health and safety issues at the site e.g. slips, trips and falls with the removal of paths, especially during the winter when the ground could be waterlogged etc.

The Animal Boarding Establishment Act 1963 does permit the Local Authority to specify conditions on the licence as appear necessary or expedient for securing the objects specified in points (a) to (e) above. This could include restricting the numbers of animals to be housed on the site, the length of time animals are housed on site, no overnight boarding etc. There is also scope for a licence to be reviewed if any problems occur.

Highways Engineer:

Proposed site is a plot of land located on the western side of Rickmansworth Road near Kewferry Drive. Rickmansworth Road is designated as a London Strategic Road Network (SRN) and also forms part of London Distributor Road. This section of Rickmansworth Road has a statutory 40mph speed limit providing links to Rickmansworth and Chorleywood in the northwest and Pinner and Harrow to the southeast, with on street parking restriction operational between 8am - 6.30pm.

Proposal is to use the land for dog day care and a maximum of 8 kennels and four stables with its associated offices and storage room.

Although the applicant has failed to indicate number of potential full/part time staff within the application form, attached Transport Statement indicates total of 5 full time staff and twenty one off site car parking spaces including two disabled spaces, which appears to be sufficient.

The applicant is also proposing to construct an access road off Rickmansworth Road leading into the car park with over 103m visibility splay that is in compliance with current guideline (Manual for Street September 2010).

Although the UDP Saved policies (September 2007) and the London Plan do not specify the required number of cycle parking for similar development, however, it is necessary to provide a minimum of four covered and secure cycle parking as part of the development.

Consequently, no objection is raised subject to the following conditions and informatives being applied:

Conditions

1. The use of the land for vehicle parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with details submitted and approved in writing by the Local Planning Authority and shall be permanently maintained and available for the parking of vehicles at all times thereafter to the Authority's satisfaction
2. The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
3. The hardstanding area shall not be used until the means of vehicular access has been constructed in accordance with the details submitted and approved in writing by the Local Planning Authority

Informatives

1. It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system.
2. The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

Further comments received following the submission of additional information:

Revised drawings are unclear in terms of number of car parking, but trust that this has not been reduced. Furthermore, can you please add an additional condition to ensure that the applicant will NOT install gates at the entrance to the site or any proposed gate should be at least 10m from highway boundary.

Access Officer:

Plans submitted would suggest that the buildings associated with the proposed facility would be inaccessible to disabled people using wheelchairs. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a protected characteristic, which includes those with a disability. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

The following observations are provided:

1. The two accessible parking bays proposed should be a minimum of 4.8m x 2.4m and marked and signed in accordance with BS 8300: 2009.
2. Paths forming access routes should be a minimum of 1.2m clear wide, no steeper than 1:20 (unless designed as a suitable ramp), non-slip, well lit and clearly defined using texture and visual contrasts. The proposed hoggin and clinker pathway(s) should be laid such that they comply with the requirements of BS 8300:2009.
3. The proposed office accommodation should provide wheelchair access for both customers and staff. In this instance, ramped access would be acceptable provided the design that accords with Part M to the Building Regulations 2000 (2004 edition). Handrails should be provided on both sides and stepped access should be maintained in addition to the ramp.
4. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet is required. It may be more beneficial to provide one large cubicle that would be accessible to everybody, as opposed to two smaller toilet compartments, which would exclude wheelchair users. Reference to Part M to the Building Regulations 2000 (2004 edition) is advised.
5. The accessible toilet should be signed either Accessible WC or Unisex. Alternatively, the use of the wheelchair symbol and the words Ladies and Gentlemen or Unisex would be acceptable.

Conclusion: No objection is raised provided the above can be secured by way of suitable planning conditions attached to any grant of planning permission.

Waste Development Manager:

- a) The proposal is for kennels. The occupiers would have to make an arrangement with either the Council or a licensed waste carrier for the collection of the waste produced from the premises.
- b) As the producers of waste from a commercial premises the occupiers have a Duty of Care to contain the waste safely until it is collected by the Council or a licensed waste carrier.
- c) The dog waste would have to be collected by a specialist contractor and dealt with through appropriate treatment, possibly clinical waste incineration.
- d) The waste from the office could be collected using a sack collection system.
- e) The collectors should not have to cart a 1,100 litre bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). Collectors should not have to carry refuse sacks more than 15 metres.
- f) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

Sustainability Officer:

The applicant states: It must be emphasised that the proposed facility is not for residential boarding kennels.

However, it goes on to state: The primary purpose of the business is dog training, but training cannot take place for the entire day, so other activities are required in order to maintain the wellbeing of the animals. An essential element of this are the kennels, which provide a place for the dogs to rest, feed and shelter (during times of inclement weather) etc.

The Animal Boarding Establishments Act of 1963 provides the regulations for licensing such facilities which I assume will be required from the Council. The DEFRA guidance states: Establishments where the boarding of animals is being carried on as a business are subject to the 1963 Act, which requires such establishments to be licensed by the local authority. For the purpose of this Act the keeping of such establishments is defined as the carrying on at any premises, including a private dwelling, of a business of providing accommodation for other people's cats and dogs. The licence is granted at the discretion of the local authority which may take into account the suitability of the accommodation and whether the animals are well fed, exercised and protected from disease and fire.

I don't see how the kennels would be appropriate. The applicant suggests they would be akin to a small wooden outbuilding which is where they would stay when the weather gets bad. I don't think we would be willing to see a dog stuck in a small wooden box in the pitch black, in the cold and wet whilst it waits for its owner.

Officer comments: The LA's licensing officers comments are stated above.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the Green Belt. Policy 3D.9 of the London Plan seeks to maintain the protection of Londons Green Belt with a presumption against inappropriate development except in very special circumstances. The reference to inappropriate development flows directly from Planning Policy Guidance Note 2 (PPG2), which sets out

national planning policy on Green Belt. PPG2 states that the most important attribute of the Green Belt is its openness. Paragraph 3.4 states that the construction of new buildings in the Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation; for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3;
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans, which meets the criteria in paragraph C3 or C4 of Annex C.

PPG2 makes clear that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

Policies in the adopted Hillingdon Unitary Development Plan endorse national guidance. Policy OL1 states that within the Green Belt, as defined on the Proposals Map, the following predominantly open land uses will be acceptable:

- Agriculture, horticulture, forestry and nature conservation;
- Open air recreational facilities;
- Cemeteries

The Local Planning Authority will not grant planning permission for new buildings or for changes of use of existing land and buildings, other than for purposes essential for and associated with the uses specified at (i), (ii) and (iii) above. The number and scale of buildings permitted will be kept to a minimum in order to protect the visual amenity of the Green Belt. The proposal does not conform to the types of development allowed by Policy OL1.

The application relates to the change of use of open pasture land to a dog training facility, dog day care creche, stables, associated structures and car park. The application contends the proposal would be considered as appropriate development in the Green Belt, as it would fall within the definition of 'open air recreational facilities'. However, it is considered whilst there may be open air elements to the proposal, the primary purpose of the development is a commercial dog care facility, with dog day care provided whilst their owners are at work. Dog kennel facilities are not listed as 'appropriate' development in the Green Belt in either PPG2 or Policy OL1. As such, the proposal would be considered inappropriate development within the Green Belt and therefore the principle of the development would be unacceptable.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

This site is situated within the designated Green Belt. The application seeks permission to use the site for a dog training and day care facility, together with stabling for the applicant's horses and associated ancillary structures and works.

PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for certain specified purposes. The application proposes the development relates to an 'outdoor recreational facility', however, it is considered the application relates to a commercial dog care facility involving daytime kenneling. Whilst it is noted elements of the proposal would relate to the open area, it is further noted dog kennel facilities are not listed within the list of appropriate uses. A supporting planning statement submitted for the application commented that, the business operates an arrangement whereby working people can leave their dogs in the safety and security of the facility whilst they go about their normal working day. Therefore it is not considered to be an open air recreational use in the Green Belt, such as Golf, and would therefore be inappropriate.

PPG2 further states, that the visual amenities of the Green Belt should not be injured by proposals for developments which could be visually detrimental by reason of their siting, materials or design. Also that new buildings are inappropriate unless they are required for the essential needs for outdoor sport or outdoor recreation which preserves the openness of the green belt. Whilst, it is noted the application involves the provision of stabling and this is given as an example of a new building that could be considered essential to the wider site use. It is considered the proposed developments would not be ancillary to the wider site use, but rather form part of the primary use of the development, failing to preserve the openness of the Green Belt.

Policy OL1 of the Adopted UDP Saved policies (September 2007) sets out appropriate uses of land and buildings within these areas, as discussed above. The proposal is not considered to be an accepted use within the Green Belt. Furthermore, this policy states the LPA will not grant permission for buildings other than for purposes essential for and associated with one of the accepted uses. As such, the proposed buildings and intended activities would not constitute an appropriate or essential use of this green belt site. Whilst, the proposal would be reasonably well screened from the wider area, clear vantage of the development would be gained from nearby residential properties and it is considered the development would have a detrimental impact upon the visual amenities and openness of the green belt. As such the proposal is considered contrary to Policy OL1 of the UDP Saved Policies (September 2007).

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Due to the existing boundary treatments and site surroundings the use and ancillary buildings/works would be largely screened from the wider area. However, the proposal would be clearly visible from the properties on the northern boundary of Carlton Place and those properties which back onto the northern boundary of the site (Batchworth Heath). Whilst it is considered the post and rail fencing to the dog training area, together with the dog kennels and stables that would be finished in ship-lap boarding would have a rural appearance and therefore would not appear out of context in relation to their surroundings, concern is raised with regard to the remaining buildings (WC, office and storage building), which due to their design and construction, would fail to visually integrate with their surroundings resulting in obtrusive features. Furthermore, it is considered the proposed size and proximity of the car parking area in this location would appear out of context in the countryside location and whilst it is acknowledged the revised layout plan shows the use of a reinforced mesh surface (which is supposed to allow grass to grow through) thereby maintaining a green surface, it is noted the limited success of this surface material, and is generally only successful when used occasionally and not on a daily basis as would be the case in this instance.

As such, it is considered the proposal would be detrimental to the visual amenities of the existing character and appearance of the area, and is therefore contrary to policy BE13 of the UDP Saved Policies (September 2007).

7.08 Impact on neighbours

The issues relating to noise and disturbance are covered in Section 7.18.

With regard to loss of light, outlook or privacy to the adjacent properties at Carlton Place, the revised layout plan now shows the siting of the main structures behind an existing garage block and ancillary structure (belonging to Carlton Place) and boundary comprising mature trees and hedges. The car park surface is now indicated to be finished with a reinforced mesh surface to allow grass to grow through (see impact on the area above) and the dog training area would be surrounded by post and rail fencing, that would not appear out of context in a countryside setting. As such, it is considered that the existing residential properties would not be affected by either loss of light, outlook or privacy. As such the proposal is considered to comply with Policies BE20 and BE21 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, car/cycle parking, pedestrian safety

The highway engineer has been consulted considers that although the applicant has failed to indicate number of potential full/part time staff within the application forms, the attached Transport Statement indicates a total of 5 full time staff and twenty one off site car parking spaces including two disabled spaces to be provided and this is considered to be sufficient.

The applicant is also proposing to construct an access road off Rickmansworth Road leading into the car park with over 103m visibility splay that is in compliance with current guidelines (Manual for Street September 2010).

Although the UDP Saved policies (September 2007) and the London Plan do not specify the required number of cycle parking required, it is considered a minimum of four covered and secure cycle parking spaces should be provided and this could be covered by a condition in the event of an approval.

Consequently, no objection is raised subject to safeguarding conditions and informatives being applied and therefore the proposal would accord with Policies AM7 and AM14 of the UDP Saved policies (September 2007)

7.11 Urban design, access and security

See Sections 7.05 and 7.07.

7.12 Disabled access

The application as originally submitted showed the hard surfaced areas constructed from compacted hoggin, the revised proposal has now removed all the proposed paths from the site and the car-park has been reduced and this area would be finished with a reinforced mesh surface. Plans submitted would suggest that the buildings associated with the proposed facility would be inaccessible to disabled people using wheelchairs. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a protected characteristic, which includes those with a disability. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. Had the other principle issues to the application not arisen further details would have been sought in relation to the accessibility of the site. As

such it is considered that the proposal has not demonstrated its compliance with the Policy 3A.4 of the London Plan (2008).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

The trees and landscape officer has commented that the application does not include a tree survey or tree protection plan to BS 5837:2005, however, the revised plan does seem to show that all of the existing trees and vegetation will be retained. However, the proposed access/cross-over will involve works, and possibly excavation, in proximity to the protected Horse Chestnut at Carlton Place and the application does not include an arboricultural implications assessment or method statement to BS 5837, or any information to show that this valuable tree will not be adversely affected by the development.

The application does not include any landscape proposals and, given the layout and extent of hard-standing and buildings, that would adversely affect the visual amenity of the Green Belt, there is limited scope for landscaping and tree planting.

The revised scheme includes a fairly large car park with a reinforced grass-mesh surface, which depending on the intensity of use by vehicles may not be sustainable. The application does not seem to consider and address this issue.

The application is unacceptable in terms of Saved Policies OL26 and BE38, because it does not make adequate provision for the protection and long-term retention of the protected Horse Chestnut tree, and in terms of Saved Policies OL2 and OL26, because it does not include landscaping proposals and make provision for comprehensive landscape improvement and therefore fails to enhance the visual amenity of the Green Belt.

7.15 Sustainable waste management

No details have been supplied in relation to the disposal of waste water. The application forms state surface water would be disposed of into the existing water course. The revised/additional design and access statement comments that all animal waste from the site would be collected and taken to an allotment for composting.

The waste and recycling officer has commented that the proposal is for kennels. The occupiers would have to make an arrangement with either the Council or a licensed waste carrier for the collection of the waste produced from the premises. As the producers of waste from a commercial premises the occupiers have a Duty of Care to contain the waste safely until it is collected by the Council or a licensed waste carrier. The dog waste would have to be collected by a specialist contractor and dealt with through appropriate treatment, possibly clinical waste incineration.

Furthermore, the Councils Environmental Protection Officer has commented that the applicants have not indicated how they will be disposing of waste water or provided details of a suitable means of dealing with animal waste from the kennels or stables. They have stated that surface water will drain to a local stream but this is not appropriate for waste water from the kennels or stables. Composting at an allotment is not an appropriate method of dealing with the solid waste. Due to the proximity of the stables to the flats at Carlton Place and the lack of information as to how they propose to dispose of waste there is the possibility of problems with odour.

As such the proposal has not demonstrated that sufficient measures have been taken to mitigate the environmental impact of the development by both animal and water waste

resulting in a nuisance to nearby properties or polluting nearby watercourses.

7.16 Renewable energy / Sustainability

The sustainability officer has been consulted with regard to the issues raised relating to bats and the possible affects the proposal could have on them. No concerns have been raised, however, it is recommended if a permission were to be granted then conditions should be applied to the development to control any external lighting used on the site. Therefore, subject to this mitigation measure the proposal would comply with PPS9 and therefore also with policy EC5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties, and Policy OE3 deals with development which has the potential to cause noise annoyance.

The application is located adjacent to flats at Carlton Place, there are houses opposite on Rickmansworth Road and also to the north of the site (Batchworth Heath). The application proposes a dog training facility together with dog day care crèche facility and 3 stables.

Concern is raised regarding the noise impact form the proposed site use. These concerns are outlined as follows:

Training classes:

The proposal suggests up to 10 dogs would be involved in training classes at any one time. These would take place mainly at the weekends. The classes would start at 9am and finish at 2.30pm, although it is considered there would be additional time either side of this as people arrived and left. The classes would have 30mins between them to allow for one group to leave before another arrives. In between, it is considered that these classes could result in up to 20 vehicular movements with the associated noise of parking, manoeuvring and doors opening and closing. Furthermore, while the classes were being run, it is accepted most dogs in training would be quiet, however there would still be the resulting whistles and shouts from the trainers and handlers.

Kennelling/Day care facility:

Due to the construction of the kennels, which are not very substantial, together with the open runs, they would have a limited effect in containing noise. Whilst it is acknowledged the intention would be that dogs would be kept quiet, it is also noted dogs when they are out of their home environment can behave very differently and due to the close proximity of the development in relation to surrounding properties it is not considered this matter could be adequately controlled. The supporting information states up to 5 dogs would be accommodated in the facility, and therefore it is not clear why 8 kennels are proposed. There is further concern that any dogs taking their rest time in the kennels when training classes were taking place would be disturbed with the possible result of additional barking.

It is noted, the example booking form for the facility, confirms if a dog shows aggressive tendencies towards a member of staff or its behaviour becomes uncontrollable or a nuisance beyond reasonable acceptance, then it will be placed in one of the boarding kennels until the owners return. It has not been demonstrated how this would be dealt with from a noise nuisance perspective.

The applicant has not demonstrated that noise from this development would not be an issue. A noise report would be required before this application can be given further consideration. This would need to look at predicted 5min Leq and Lmax levels from the development.

With regard to smell nuisance, the application does not contain information of how stable waste would be dealt with. The use of stables for horses normally also involves the storage of dung and dirty bedding in a dung heap. This can result in both smell and fly nuisance and due to the close proximity of adjoining residential properties together with the lack of information provided the application has failed to demonstrate that this would not have an adverse affect to residential amenity.

It is considered, due to the activities generated by the proposed use, this could result in increased noise, smells and disturbance to adjoining properties (possibly at anti-social times of the day) reducing their residential amenities. As such, the proposal is considered contrary to policies OE1 and OE3 of the UDP Saved Policies (September 2007).

7.19 Comments on Public Consultations

Points 10, 37, 39, 40, 41 and 43 would not be material to the consideration of this application. The remaining points are addressed in the full report.

7.20 Planning Obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without

discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

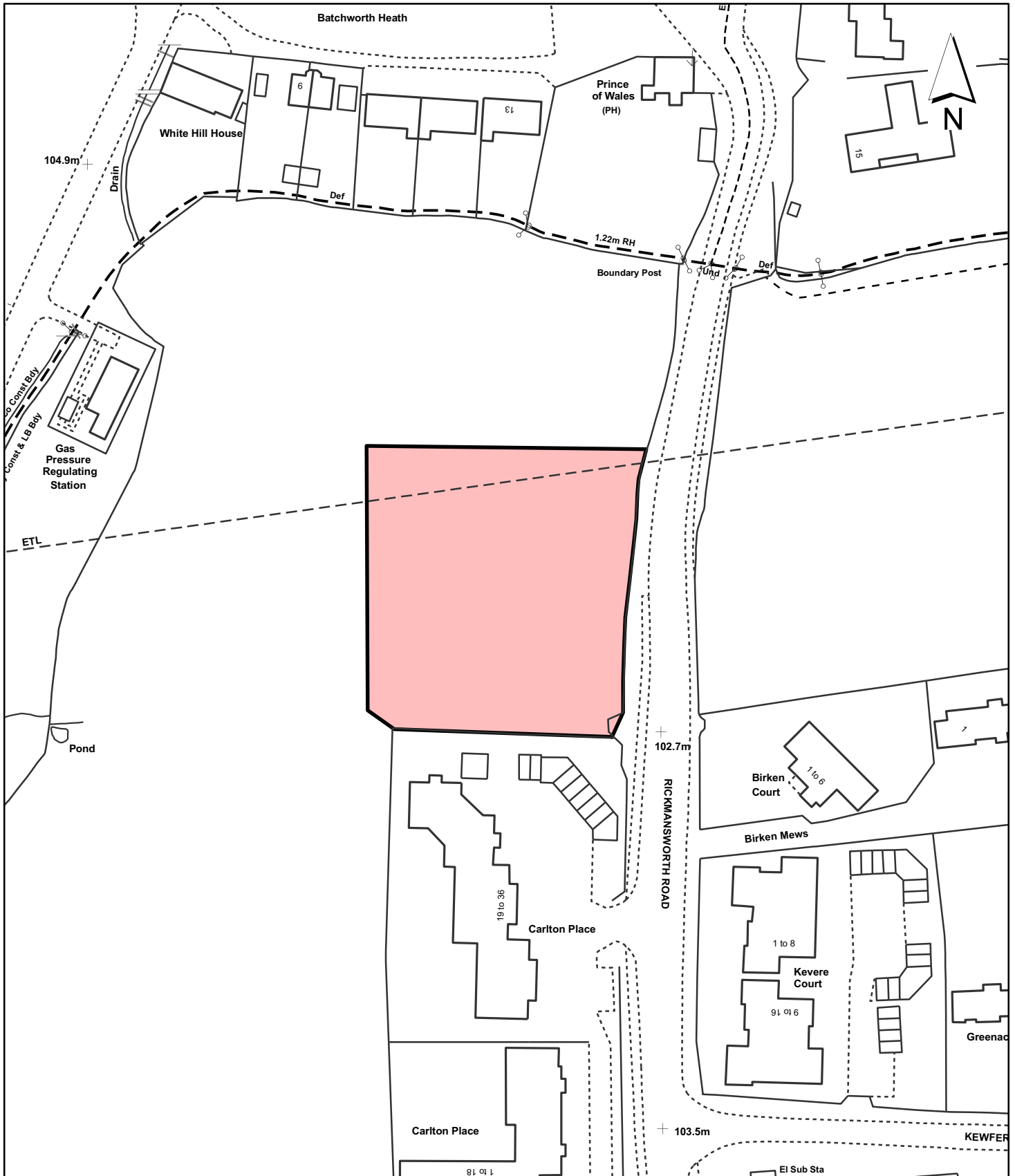
It is considered that the proposal would fail to accord with adopted Green Belt Policies. Furthermore, it has not been possible to assess the impact of this use on the wider environment. As no information has been provided with regard to mitigation measures in relation to the environmental impact of the development by noise, animal and/or water waste. Therefore the application is considered contrary to adopted policy and as such recommended for REFUSAL.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
The London Plan (2008)
PPG2: Green Belts

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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London Borough of Hillingdon
100019283 2011

Site Address	
Land north of Carlton Place Rickmansworth Road Northwood	
Planning Application Ref:	Scale
67584/APP/2011/232	1:1,250
Planning Committee	Date
North	May 2011

LONDON BOROUGH OF HILLINGDON
Planning, Environment, Education & Community Services
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111



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