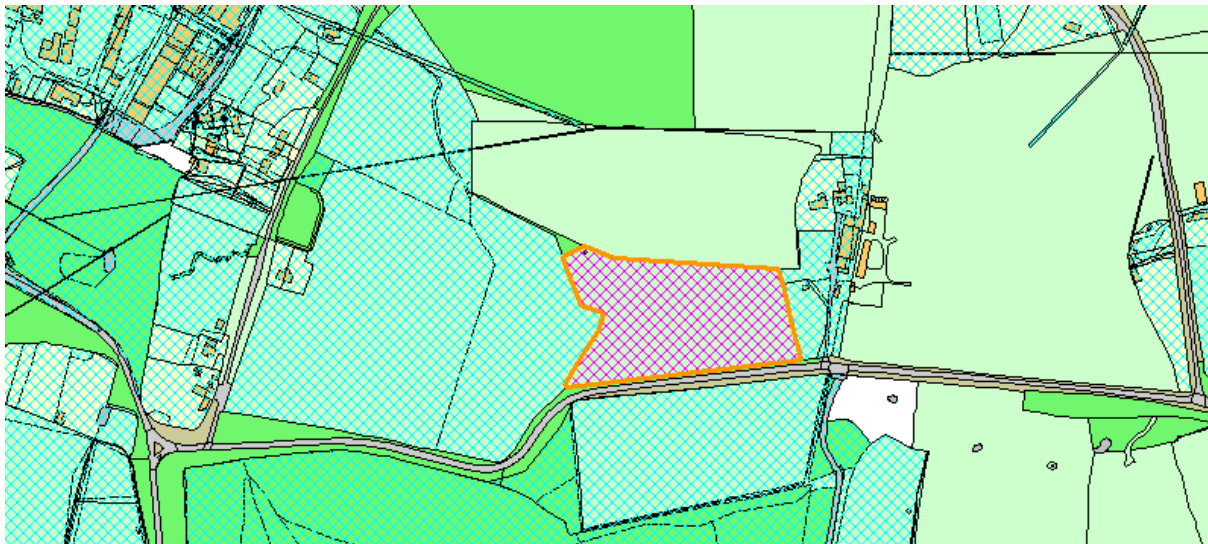


Report to: Planning Applications Committee
Date: 25th November 2020
Application No: LW/20/0140
Location: Land adjacent to Middleton Common Farm, Middleton Common Lane, Westmeston, BN6 8SF
Proposal: Change of use of agricultural land to dog day care facility (sui generis) with construction of site access, reception building and field shelter and provision of car parking.
Ward: Westmeston
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** Sarah Scannell
E-mail: Sarah.Scannell@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**
 - 1.1 The proposed development is acceptable in principle.
 - 1.2 Accordingly approval is recommended, subject to conditions.
2. **Relevant Planning Policies**
 - 2.1 National Planning Policy Framework 2019
 - 2.2 Lewes District Local Plan
 - LDLP: – CP4 – Economic Development and Regeneration
 - LDLP: – CP8 –Green Infrastructure
 - LDLP: – CP9 – Air Quality

LDLP: – CP10 – Natural Environment and Landscape
 LDLP: – CP11 – Built and Historic Environment & Design
 LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage
 LDLP: – CP13 – Sustainable Travel
 LDLP: – CP14 – Renewable and Low Carbon Energy
 LDLP: – DM1 – Planning Boundary
 LDLP: – DM10 – Employment Development in the Countryside
 LDLP: – DM19 – Protection of Agricultural Land
 LDLP: – DM20 – Pollution Management
 LDLP: – DM21 – Land Contamination
 LDLP: – DM23 – Noise
 LDLP: – DM24 – Protection of Biodiversity and Geodiversity
 LDLP: – DM25 – Design
 LDLP: – DM27 – Landscape Design
 LDLP: – DM33 – Heritage Assets
 LDLP: – DM35 – Footpath, Cycle and Bridleway Network

2.3 Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032

DSWNP: – DS1 – Development strategy
 DSWNP: – BIZ2 – Support appropriate rural enterprise diversification
 DSWNP: – CONS2 – Set standards for design of new development
 DSWNP: – CONS6 – Conserve landscape and important views
 DSWNP: – CONS8 – Preserve dark night skies
 DSWNP: – CONS9 – Protect & enhance habitats and biodiversity
 DSWNP: – CONS12 – Safeguard and enhance green infrastructure
 DSWNP: – CONS13 – Protect and enhance links to the countryside

3. **Site Description**

- 3.1 The application site comprises an agricultural field of 1.78ha north of Middleton Common Road and south west/ west of Middleton Common Farm where there is a Grade II listed dwelling, farm shop and plant nursery. There is a dwelling and stables, Little Gallops, across the road to the south east. These are the closest dwellings to the site at approximately 70m and 45m respectively. There are numerous other dwellings in the surrounding area.
- 3.2 The site is in the open countryside and bounded by relatively low hedges and a low number of trees, none of which are protected.
- 3.3 There are public footpaths in the vicinity including one running in a south easterly direction in the field to the west.

4. Proposed Development

- 4.1 The application proposes the change of use of agricultural land to a dog day care facility (sui generis) and the provision of 2 single storey reception and shelter buildings with a floor area of 168sqm; a 'handover' canopy; and various enclosures of 1.4-1.6m high comprising agricultural stock, chain link and palisade fences.
- 4.2 The proposal includes a new access from the highway and 12 customer and 15 staff parking spaces at the southern part of the site. The access and parking area would be tarmacked. Other areas inside the entrance would be paved or laid with AstroTurf while the larger enclosures would remain grassed. Soft landscaping is also proposed.

5. Relevant Planning History

- 5.1 No recent, relevant planning history.

6. Consultations

6.1 Parish Council - No objection

- Two of the issues of most concern to residents are traffic/ access safety and noise. Competence for the former lies with the Highway Authority and the latter with Environmental Health (EH).
- Westmeston Parish Council has no comments to make on the development itself but does observe that the Noise Impact Assessment is based on the flawed assumption that it is extremely unlikely for more than one dog to bark at precisely the same time on site. EH should look at this afresh.

6.2 Environmental Health – No objection

- I do not consider that traffic noise would cause a nuisance but the effect of barking dogs is a more complex consideration.
- The methodology used in the submitted Noise Impact Assessment (NIA) is acceptable in this case. The standard approach (BS4142:2014) would not guarantee conclusive or quantifiable data: The applicant's other sites do not provide a fair comparison due to background noise from the M25; and a site visit demonstrated that the commercial activity produces relatively little noise with only occasional, individual dog barking due to levels of staff supervision, engagement, small groups of dogs and a spacious external environment.
- The NIA is therefore well considered and a reasonable compromise with the exception that traffic noise from Middleton Common Lane should not be relied upon to mask the sound of a barking dog. The Dog Handling Policy in the NIA should cultivate an environment in which dogs are less likely to bark.
- The Local Planning Authority may wish to consider a temporary period of permission as it would allow for an accurate acoustic assessment of the premises whilst it is operating from the site and would facilitate a

review of any noise-related complaints and any statutory nuisance investigations.

- A number of conditions are recommended relating to construction-related working and routine maintenance hours; dust; details of artificial lighting.

6.3 ESCC Highways – No objection

1. Access and Visibility

- Middleton Common Lane is subject to a speed limit of 60mph. A visibility splay of 2.4m x 215m is required either side of an access onto a road subject to a speed limit of 60mph over land which is either highway or under the applicant's control.
- A speed survey undertaken over 10 days in the vicinity of the proposed access has demonstrated that 85th% vehicle speeds are 46mph westbound and 47mph eastbound with an average traffic flow of approximately 3700 vehicle movements per day. The required visibility splays are therefore 130m to the east and 135m to the west. The submitted plan demonstrates that these visibility splays are achievable.
- The forward visibility is therefore acceptable.
- The proposed access measures 5.5m wide for 15m into the site and can therefore accommodate 2 way traffic. The 6m radii is sufficient to allow the largest vehicles likely serve the site to enter and egress conveniently.
- The proposed access will require constructing to East Sussex County Council specifications with all work in the highway undertaken by an approved contractor under the appropriate licence.

2. Parking

- The submitted plan indicates that there will be 15 parking spaces for the staff and dog buses which is satisfactory.
- The submitted plan indicates that there will be 12 parking spaces for customers. It is anticipated that up to 50 dogs will be dropped off and collected each day. 12 parking spaces is considered to be sufficient however it is noted that there is scope for the provision of further customer parking should it be required.
- All parking spaces meet the minimum dimensions and there is sufficient space for all vehicles to be able to turn on site and leave in a forward gear.

3. Accessibility

- Although the nearest bus stops are within 800m, there are no pedestrian footways to the site and the site cannot be easily reached on foot.
- The site is located approximately 4km from Burgess Hill and the nearest railway station, so within cycling distance.

- It is assumed that the majority of trips to the centre will be by private vehicle as, due to the nature of the business, it is not practical for the dogs to be transported to the site by sustainable travel options.

4. Traffic Generation and Highway Impact

- The proposal would result in a significant increase in traffic. The applicant has submitted a Transport Statement to enable an assessment on this impact on the access and surrounding highway network.
- It is estimated that there will be a maximum of 230 trips per day generated by the customers and staff associated with the development once operational however it is understood that a large proportion of traffic will be spread throughout the day with only approximately 22 trips (11 arrivals and 11 departures) taking place in each peak hour (8am - 9am & 5pm - 6pm). With this in mind I have no major concerns regarding the impact on the site access from a capacity perspective.
- With regards to the impact further afield, following receipt of additional information I am satisfied that the level of traffic generated, once distributed onto the highway network, would not have a detrimental impact from either a highway safety or capacity perspective on the road serving the site or any nearby junctions.
- The impact on the highway network could not be considered severe and the initial highway objection is withdrawn.

Various conditions and informatives are recommended.

6.4 Landscape Officer – Objection

- The County Landscape Character Assessment (CLCA) places the site in the Western Low Weald character area.
- Past and current forces for change identified in the CLCA that are impacting on positive landscape attributes and that are relevant to the site and surrounding area include the loss of mature trees and hedges, consequential fragmentation of the landscape due to farm diversification, reduced management, hobby farming, pony paddocks and garden expansion.
- Appropriate landscape change and adaptation under the CLCA should protect, manage and restore habitat (and linkages); ensure the design and layout of new developments respects the character and form of the landscape and existing settlements; control the spread of suburbanisation by minimising clutter of signage and other urban features in lanes and villages; consider appropriate species for new planting to maintain landscape character, biodiversity and adapt to climate change.
- The character of the site and surrounding area is typical of the Western Low Weald landscape as a patchwork of medium sized fields divided by hedgerows with occasional trees. The site is rural and remote from built up areas, Tidy's Industrial estate lies to the north west of the site, but is physically and visually separated from the application site. The site is relatively flat and very open in character and there are no

detracting features associated with the site. In the context of the NPPF the area would not be considered to be valued landscape, however it is a countryside location.

- There are long views across the site from Middleton Common Road and glimpses into it from the access drive to the adjacent farm shop.
- The proposal for a dog day care centre would require a new access which would remove a section of the field boundary hedge. The need for adequate sight lines on the 60mph road may require a longer section of hedge to be removed.
- A 1.6m high chain link fence is proposed to enclose the entire site and the activity areas to the north of the hedge. Other fences are proposed to divide the site up into different areas. The proliferation of fences would appear suburban and cluttered in what is currently an open uncluttered landscape.
- The proposed structures, hard standing and parked vehicles (5 buses and 15 cars) would add further urbanising features across the site area. There would be other clutter introduced associated with activities and the sensory area.
- The daily activity and barking of dogs would have an adverse effect on the relative tranquillity of the area.
- The proposed development would have an adverse impact on the open and unspoilt character of the site. The suburban character of the development would not be in keeping with this open Wealden landscape. There would be localised adverse visual impacts for users of Middleton Common Road. There are no proposals within the application to mitigate these adverse landscape and visual impacts.
- It is recommended that the application is not supported as it would have significant adverse impacts on local landscape character and views contrary to the NPPF.

6.5 Biodiversity Officer – No objection

- Submitted Preliminary Ecological Appraisal (PEA) is acceptable.
- It's important that the hedges and boundary habitats are protected and enhanced as suggested and that the bit of hedgerow to be removed for the access is mitigated for as stated.
- Lighting, including of the car park and access, should be kept to a minimum and off the retained hedges, so as to maintain their integrity as dark / unlit wildlife corridors.
- Car parking spaces should be kept away from the hedges to prevent direct noise and fumes.
- The buffer to the access road is welcomed, alongside buffering of the hedge / wildlife corridor through native planting.
- These measures should be secured by condition.

6.6 Natural England – No comments to make

Reference is made to generic standing advice.

6.7 County Archaeology – No objection

Unlikely any significant archaeological remains would be disturbed by the proposal therefore no recommendations to make.

6.8 ESCC SuDS – No objection

- The submitted drainage strategy proposes that surface water runoff from impermeable areas would be attenuated within permeable paving storage and discharged to the nearby watercourse at the mean annual runoff (QBAR) rate. This is an acceptable approach and conditions are recommended to secure further details as well as a maintenance and management plan.
- Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed by the County Council who should be approached once the nature of these works is known.

6.9 Environment Agency – No objection

- No particular constraints of concern. No mains sewer connections close by. Applicant should be directed to General Binding Rules for septic tanks.

6.10 LDC Regeneration - Support

- It is recognised that significant development and investment will be an important part of helping our resident and business communities to recover from these unprecedented times, and ensuring that local benefits of development are maximised in line with the Council's corporate focus on building community wealth, a key theme in LDC's 'Council Plan' 2020 to 2024.
- We are satisfied market demand has been correctly identified.
- It's acknowledged that the 15 new Full Time Equivalent jobs would be relatively low-skilled however we are encouraged by the exemplary approach to training and employment cited which includes establishing links to local educational facilities; the provision of apprenticeships and placements; and recruitment from the local area. We would like to see further details of this.
- Overall we support the investment and increase in employment opportunities in this rural area.

6.11 Sussex Police – No objection

- No major concerns however additional measures to mitigate against any identified local crime trends and site-specific requirements should be considered.
- Consideration should be given to using weld mesh for fencing and gates as this is robust, secure and allows surveillance.
- Doors and easily accessible windows within the reception building should conform to PAS24-2016 or equivalent.

- A monitored intruder alarm system is recommended to protect the premises out of hours.
- Given the remote location and reduced activity after 18:00 and at weekends, CCTV may be a consideration and a set of operational requirements should be created in accordance with guidance.
- Lighting at the reception and parking areas will be an important consideration and should conform to BS 5489-1:2013. Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features.
- The Crime and Disorder Act 1998 places a duty on the police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. Due weight should be given.

6.12 Contamination Officer – No objection

Conditions and informatives relating to investigation of any previously identified contamination; hours of work; and construction waste material.

6.13 Southern Water – No objection

- Defer to the EA on use of a septic tank and Building Control on adequacy of soakaways.
- Standing advice on the potential for a sewer to cross the site.

7. **Neighbour Representations**

7.1 A relatively high number of objections were received and are summarised as follows:

- Development of the open countryside/ open space. Isolated, out of character with rural area and over-development. Structures would be prominent and of poor design. Brownfield site near an 'A' road would be better suited.
- Highway hazards and traffic generation exacerbating existing safety and congestion issues. Inadequate highway infrastructure, parking and access. Key issue identified in Neighbourhood Plan.
- No public transport serving the site and cycling not attractive option to all.
- Disturbance to residents and recreational visitors from noise and smells. Groups of dogs prone to fighting.
- Excessive number of dogs.
- Animal welfare concerns.
- Traffic and noise assessments flawed.
- No control over number of dogs/ traffic movements.
- Cumulative impact of other commercial ventures nearby.
- Fumes and CO2 increase.

- Light pollution/ disturbance.
- Water pollution.
- Drainage and flooding issues would be exacerbated.
- Devaluation of property.
- Loss of agricultural land critical for growing food.
- Precedent it sets. Site could be used for other purposes if permitted.
- Impact on Conservation Area. Harm to setting of adjoining listed building.
- Archaeological survey should be submitted. Artefacts found in the area.
- Impact on AONB and country park.
- Impact of professional dog walking on other users of public rights of way and more informal recreational spaces.
- Activity may scare horses and cause an accident.
- Environmental/ biodiversity harm through loss of hedgerows, trees and wildlife through proposed use. Important bird and other species present on the site and in wider area. No biodiversity enhancements.
- Generally unsustainable.
- Health and safety issues including from dog urine and faeces.
- Lack of engagement/ public consultation locally.
- Sufficient dog care/ walking facilities locally. Proposal could undermine existing businesses.
- Site wrongly listed as being in Streat not Westmeston.
- Insufficient information.
- Application biased.
- Proposal would be different to existing 3 sites run by applicant which suggest subsequent planning applications would be submitted.

7.2 A number of letters of support were received and are summarised as follows:

- Company has a good reputation. Evident from their other sites, website and submitted information. Welfare of dogs paramount.
- Dogs vetted so not noisy/ aggressive. If managed properly should not be excessive noise. Dogs barking part of characteristic rural noise.
- Different to kennels. Like a park. Dogs stimulated and given plenty space.
- Could provide a great service to dog owners in the community.
- May encourage people to get a dog with positive impacts on their mental health.
- Community cohesion through meeting other people.

- Limited employment opportunities locally. 15 new jobs could be generated. Needed as population growing and potentially entering global recession.
- Majority of dogs bussed to/ from site therefore minimal impact on highway system. Customers likely to take advantage of bus option and, if not, may be people already passing. Traffic increase likely to be low.
- Minimal landscape impact.
- Better to collaborate to agree acceptable parameters. Alternatives could be worse.
- Limited opening hours- no evenings, weekends, Bank Holidays.
- Unlikely to operate at capacity.
- Diversification of rural area and expansion of local business supported by Neighbourhood Plan.

8. **Appraisal**

8.1 Key Considerations

- 8.1.1 The main considerations relate to the principle of the use; the character and appearance of the area; the amenity of residents and visitors and highway safety.
- 8.1.2 Further matters such as biodiversity and the natural environment; drainage and heritage are also discussed below.

8.2 Background Information

- 8.2.1 Bruce's Doggy Daycare is an established business which was founded in 2008 and has a number of sites in Surrey and Buckinghamshire.
- 8.2.2 A site visit was carried out to the largest site at Stoke d'Abernon/ Cobham, near the M25 in Surrey. This is double the size of the application site and is licenced for 310 dogs. A smaller facility was opened in very close proximity to that site approximately 2 years ago.
- 8.2.3 The business seeks to expand and establish in Lewes District with an envisaged catchment of Brighton, Lewes, Hassocks, Haywards Heath and Hurstpierpoint.
- 8.2.4 The site would operate between 07:30-18:00 Monday to Friday. The majority of dogs would be on site between 08:30-15:00.
- 8.2.5 Dogs would be collected by specially adapted vans and/or dropped off and collected by owners. It is envisaged that 5 dog vans would be used. These would not be left on the site overnight.
- 8.2.6 At maximum capacity the site would accommodate 130 dogs however customers do not typically use the service every day. Mondays, Fridays and summer periods tend to be quieter and it is likely occupancy would be 80%.

- 8.2.7 The business only takes regulars i.e. it does not accept dogs on a one-off/ infrequent basis in the interests of safety and to provide and plan for a social and harmonious environment. Dogs are segregated according to size and play style. Staff engage with the dogs in a tailored way to provide mental stimulation and physical exercise. The application states that a spacious rural location is necessary for the enjoyment and exercising of dogs, predominantly outdoors. Dogs are not brought off the site for exercise.
- 8.2.8 The proposal would create 15 full time jobs and aims to recruit local people. The business has also established contact with local colleges to set up complementary apprenticeships, training and talks.
- 8.2.9 The business uses contractors to maintain the grass and other planting once a week, typically on Friday afternoons/ evenings or Saturday mornings in the summer and less often other times.
- 8.2.10 Dog waste is collected by a private company weekly.

8.3 Principle of the Proposed Use

- 8.3.1 The site is outside the planning boundary where, under Policy DM1, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.
- 8.3.2 Policy DM10 states that outside the planning boundaries proposals for small-scale employment development will be permitted where they involve the conversion, re-use or replacement of existing agricultural/ rural buildings. The preamble to the policy states that its objectives are to positively focus growth on sustainable settlements, to help protect the intrinsic character and beauty of the countryside and to prevent the cumulative erosion of the distinctive character and qualities of the district's countryside.
- 8.3.3 Ditchling, Westmeston and Streat Neighbourhood Plan (DWSNP) supports the appropriate and legitimate expansion, development and diversification of local rural enterprises however the associated policy, BIZ2, focuses on farm diversification and the reuse of existing buildings where possible. An ambition of the DWSNP is to increase employment opportunities for young people from the local area.
- 8.3.4 Core Policy 4 states that the Council will take a flexible and supportive approach to economic development in order to stimulate and maintain a buoyant and balanced local economy. It sets out a number of measures to support small, flexible business units including scope for accommodating business expansion and economic growth in rural areas through the conversion of existing buildings and appropriate, well designed new buildings for suitable business uses. CP4 also supports opportunities for the improvement of the skills and educational attainment levels of the district's labour supply, including new education and training facilities.

- 8.3.5 Paragraph 83 of the NPPF states that planning policies and decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings; and b) the development of land-based rural businesses.
- 8.3.6 Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). It states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 8.3.7 The site is greenfield, grade 3 agricultural land outside the planning boundary. The proposal would not relate to farm diversification or involve the conversion of existing buildings. It would therefore be contrary to Policies DM10 and BIZ2.
- 8.3.8 The applicant has outlined the difficulties in finding a spacious, available site in/on the edge of a settlement which is not allocated for housing, specific employment uses or constrained in other ways. They have set out the rationale for a spacious rural site to suit the operation of the business and which is not constrained by particular landscape or other designations.
- 8.3.9 The case officer carried out a site visit to two other sites operated by the applicant in Cobham. These are quite close to a settlement and the M25 however are former agricultural fields over an extensive area which gives small groups of dogs ample space to roam and play within their respective fenced enclosures.
- 8.3.10 The proposal would create approximately 15 full time jobs. The Economic Development/ Regeneration Manager supports the investment and creation of jobs in this more rural part of the district. Further information was sought on how recruitment would be targeted locally as well as a commitment to partnerships with local further education providers. The Head of People and Development at Bruce's Doggy Daycare has outlined how social media advertising and contact with dog owner groups, businesses, job centres were used to recruit entirely from the local area for another one of their sites. They have also established relationships with local education providers around their sites to deliver talks to students and offer apprenticeships, upskilling, work experience and job opportunities. Correspondence has been provided between the Head of People and Development, Plumpton College and East Sussex College discussing the potential to create similar opportunities in Lewes District. The proposal would highly likely to lead to the proactive

improvement of the skills and education of the district's labour supply in accordance with CP4.

- 8.3.11 The social and economic benefits associated with the provision of 15 full-time jobs and training opportunities in the local area, particularly in the current circumstances, weigh in favour of the more flexible approach to the siting of the business outside a settlement advocated under CP4 and paragraph 84 of the NPPF.

8.4 Loss of Agricultural Land

- 8.4.1 Policy DM19 resists the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a) unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.
- 8.4.2 Much of the site would remain grassed and the physical development which would be carried out would comprise surfacing and relatively minor buildings/ structures, fences and play equipment which could readily be removed from the site. In this case, the social and economic benefits of the proposal and its reversible nature would outweigh the loss of 1.7ha of agricultural land.

8.5 Impact on the Character and Appearance of the Area

- 8.5.1 DM25 states that development which contributes towards local character and distinctiveness through high quality design will be permitted where criteria including the following are met:
- Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
 - any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm.
- 8.5.2 CP11 states, inter alia, that the design of development should respond sympathetically to the site and its local context and be well-integrated in terms of access and functionality with the surrounding area.
- 8.5.3 The application site is an undeveloped agricultural field in the open countryside. There are no landscape designations on/ adjoining the site. The relatively low boundary hedge and topography allow sustained views into the site from Middleton Common Road. The area has a rural character with sporadic individual houses adjoining/ set back from the road. The farm shop and allotments to the east are relatively discreet.
- 8.5.4 The proposal would introduce numerous buildings, structures, fencing, play equipment, surfacing and parked vehicles, including vans, to the site. The buildings would be relatively basic and

utilitarian in design. Part of the hedge boundary would be removed to provide a vehicular access.

- 8.5.5 The physical development would be of a relatively minor scale and would be reversible as such. Apart from the section of hedgerow to be removed to create the access, all hedges and trees bounding the site would be retained. The applicant has submitted a provisional landscape plan showing supplementary planting along the boundary with North Common Road and soft landscaping around the buildings however this is not particularly comprehensive or well-considered. The applicant is open to providing further screening/ soft landscaping and more natural alternatives to tarmac surfacing. The impact of the proposal would be reduced, to an extent, outside of business hours when there would be limited activity and vehicles on the site (save for routine maintenance).
- 8.5.6 Notwithstanding that, the proposal would result in material change to the appearance and character of the immediate area through the introduction of visual clutter and a concentration of visible activity not typically associated with a rural environment and in this relatively prominent and unspoilt location contrary to DM1, DM25 and CP11. The Landscape Officer objects to the proposal for these reasons.

8.6 Impact on the Amenity of Residents and Visitors

- 8.6.1 DM23 states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses will not be exposed to noise impact that will adversely affect the amenity of existing or future users.
- 8.6.2 DM25 states that there should be no unacceptable adverse impact on the amenities of neighbouring properties in terms of factors including privacy, noise, odour, light intrusion, or activity levels.
- 8.6.3 The application is supported by a Noise Impact Assessment (NIA). The fact that this is based on just one dog barking has been raised by numerous objectors.
- 8.6.4 The Environmental Health Officer visited the applicant's Stoke d'Abernon/ Cobham site as well as the application site. Contrasting factors including the more urban location, ambient noise from the M25 and the extent of that site relative to the smaller size and quieter, rural character of the application site were noted. Instances of dogs barking were infrequent. Dogs were grouped in low numbers according to their size and behaviour and engaged by staff to provide low-energy mental stimulation with a ratio of 8 dogs to 1 staff member. The business model is distinct from the more laissez-faire approach and 24/7 operation at kennels/ a dog boarding site. Dogs would not be taken off the site for exercise. The proposed working hours of 07:30-18:00 Monday to Friday and occasional maintenance as outlined above would reflect standard waking, work and school commuting patterns.
- 8.6.5 The Environmental Health Officer has no objection to the methodology used in the NIA or the proposal per se taking the above factors into account and the potential to secure the dog handling

policy (set out in the NIA), working and construction hours by condition. The potential for a temporary grant of permission is mooted, however, in this case that would not be reasonable or necessary based on the impacts being acceptable in any case; the level of investment needed to be able to establish on the site (the planning submission itself, a new access, surfacing, landscaping, two buildings, recruitment); and the potential to deter a business due to future uncertainty and the need to reapply in future.

- 8.6.6 Activity associated with the proposal would inevitably affect the tranquillity of this quiet, rural site however would not equate to material harm in the context of the immediate or wider area including residential properties, public rights of way, the country park or other designated sites taking into account factors such as the adjoining road; working hours; the business model; existing and supplementary landscaping which could be secured by condition; and the separation distance involved.
- 8.6.7 Conditions relating to dust mitigation during construction and details of lighting are also recommended and are secured in accordance with DM25 and CP10.
- 8.6.8 There would be no other/ material harm to the amenity of residents and other users of the area through loss of privacy, an overbearing impact or odours taking into account the location and enclosed nature of the site relative to surrounding properties and the scale and nature of the development.

8.7 Highways

- 8.7.1 The site is in a relatively isolated rural location without safe and convenient pedestrian/ cycle access or public transport links. The proposal would result in a material increase in traffic in the area.
- 8.7.2 The nature of the business and wide catchment area is such that customers would be largely reliant on a private car to transport their pets. The use of vans to collect and drop off dogs seeks to reduce traffic movements by individual owners.
- 8.7.3 The proposal would not accord with CP14 which promotes development in sustainable locations and sustainable modes of transport however the rationale behind the rural location is accepted in this specific case as outlined above with the social and economic benefits of the proposal, particularly under the current circumstances, weighing in its favour.
- 8.7.4 Following the submission of further details the Highway Authority has no objection on the basis trips would be staggered throughout the day and would not have a detrimental impact on the wider road network from either a highway safety or capacity perspective.
- 8.7.5 Satisfactory visibility splays based on speed surveys are achievable and the access and turning space would be sufficient for two-way traffic to enter and leave the site in forward gear. Parking provision would be sufficient with space for expansion if necessary.

8.8 Biodiversity and the Natural Environment

- 8.8.1 CP10 states that new development should not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused and subject to appropriate mitigation and compensation; and that local biodiversity resources, such as wildlife corridors, should be maintained and where possible enhanced.
- 8.8.2 The application is supported by a Preliminary Ecological Appraisal which concludes that the potential impact on biodiversity would be minor considering the extent and location of the section of hedgerow to be removed and that a dead tree which is used as bat roost would be retained. A precautionary approach is recommended with supervision by an ecologist. The installation of bat and bird boxes is recommended in addition to compensatory planting with native species.
- 8.8.3 The Council's Biodiversity Officer has no objection to the proposal based on the measures outlined in the appraisal however has requested some separation between the hedge boundary and parking and minimisation of lighting, particularly adjoining the hedge. It is noted that that bat and bird boxes are likely to be more effective on established trees in this case considering the buildings/ structures would be single storey. A revised site layout plan, a more comprehensive landscaping plan, details of lighting and the siting and number of bat/ bird boxes are secured by condition.
- 8.8.4 An Arboricultural Impact Assessment and a Tree Protection Plan have been submitted. There are no protected trees on/ adjoining the site. A number of limbs would be removed from a dead tree adjoining the highway on safety grounds however it would be retained and protected along with category A trees in the eastern and western hedge boundaries. The application was discussed with the Council's Tree Officer who has no objection.

8.9 Drainage

- 8.9.1 The applicant has submitted a drainage strategy to manage surface water run off through attenuation. There is no objection from the Lead Local Flood Authority subject to standard conditions.
- 8.9.2 There is no objection from Southern Water or the Environment Agency on the principle of the proposal or the use of a septic tank.

8.10 Heritage

- 8.10.1 The County Archaeologist does not consider that archaeological investigation is justified based on the location of the site and the extent of works.
- 8.10.2 The site is not in a Conservation Area (as suggested in a number of objections). The proposal would not have a material impact on the setting of the Grade II listed farmhouse to the north east or other heritage assets in the wider area taking into account the scale and nature of the proposal, the separation distance involved, existing and

supplementary landscaping which could be secured by condition and the adjoining farm shop and nursery.

8.11 Further Matters

- 8.11.1 Concerns have been raised about animal welfare however the business is bound by the Animal Welfare Regulations 2018, which its founder helped to draft, and it exceeds stated space and staff to dog ratios at 1:8. A licence is also required from DEFRA. Having visited an existing facility, it is evident that the business model is distinct from kennels in terms of the externally-based and spacious environment, staff numbers and engagement.
- 8.11.2 Sussex Police have recommended some practical measures to minimise crime. It is within the applicant's interest to secure the site and it was evident from the site visit that this already a consideration. Details of entrance gates are secured by condition. Other measures are set out in an informative. Sussex Police have referred specifically to the importance of lighting however this must be balanced against the potential biodiversity and amenity harm from light pollution. Details of appropriate lighting are secured by condition.
- 8.11.3 If approved, any further applications for expansion of the site or similar proposals elsewhere in the district would require careful consideration and be assessed on their specific merits.
- 8.11.4 Devaluation of property is not a material planning consideration nor is competition with other businesses. In any case, the proposal is distinct from dog-walking services.
- 8.11.5 The address on the application form referred to Streat as opposed to Westmeston (Parish) however the remainder of the address and location plans are accurate and this has not prejudiced interested parties.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

- 10.1 In this case, the applicant's business model and the provision of 15 full-time jobs and training opportunities in the local area, would result in overriding social and economic benefits, particularly in the context of the current pandemic, which merit a flexible approach to use of this greenfield site and outweigh the likely harm to the character and appearance of the area.
- 10.2 On that basis and the ability to secure more comprehensive and sympathetic landscaping measures, the proposed development is acceptable and recommended for approval subject to the following conditions.

10.3 Conditions

1. The site shall be used as a dog day care centre only operated wholly in accordance with the submitted Management Report dated February 2020 and the Dog Handling Policy referred to in section 2.2 of the Noise Impact Assessment dated 28th February 2020 unless otherwise agreed in writing by the Local Planning Authority. The number of dogs on the site at any one time shall be limited to 130 and customers' dogs shall not be exercised off the site once in the care of staff.

Reason: To prevent intensification of the use or an alternative/ less proactive style of management which could result in harm to the amenity of residents, visitors to the area and users of Public Rights of Way through noise and other disturbance; and have a material impact on highway safety and the free flow of traffic in the wider area in accordance with CP11, CP13, DM20, DM23, DM25 and DM35 of Lewes District Local Plan; CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032; and the NPPF 2019.

2. In the event that use of the site as a dog day care facility ceases, all fencing and enclosures, buildings, structures, (play and other) paraphernalia, lighting and any ground surfacing north of the hedge boundary with Middleton Common Road shall be removed from the site and the land shall be restored to its previous grassed condition for agricultural use within 3 months unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and optimising the likelihood of future agricultural use where there would be no clear or overriding benefits to justify retention of these items in accordance with CP11, DM9, DM20 and DM25 of Lewes District Local Plan; CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032; and the NPPF 2019.

3. The commercial use hereby approved shall not take place outside the hours of 07:30-18:00 Monday to Friday.

Reason: To protect the amenity of neighbouring residents and visitors to the area and safeguard the character of the locality in accordance with DM20, DM23 and DM25 of Lewes District Local Plan; CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032; and the NPPF 2019.

4. Hours of operation at the site during tree works, demolition, site clearance, preparation, construction and routine maintenance shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries or collections shall be made at the site outside of these specified times

Reason: To protect the amenity of neighbouring residents and visitors to the area and safeguard the character of the locality in accordance with DM20, DM23 and DM25 of Lewes District Local Plan; CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032; and the NPPF 2019.

5. No development shall take place until a scheme to control the emission of dust from the construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: To protect the amenity of neighbouring residents and visitors to the area in accordance with CP11, DM20 and DM25 of Lewes District Local Plan; CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032; and the NPPF 2019.

6. Details of any artificial lighting to be used on the site shall be submitted to and approved in writing by the Local Planning Authority prior to use and shall accord with the approved details thereafter.

Reason: To prevent unnecessary light pollution in the interests of protecting the amenity of the locality and biodiversity whilst facilitating measures to enhance the security of the site in accordance with CP11, DM20 and DM25 of the Lewes Local Plan; CONS8 and 9 of Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032 and the NPPF 2019.

7. Prior to the commencement of construction, including any clearance works, details of measures to manage flood risk on and off the site during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or be incorporated into a Construction Management Plan.

Reason: To ensure surface water runoff from the development is managed safely in accordance with CP12 of the Lewes District Local, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032 and the NPPF 2019.

8. Prior to the commencement of development, details of a surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority and include/ accord with the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to QBAR for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

- b. Details of the outfall of the proposed drainage system and how it connects to the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

- c. Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

- d. The detailed design of the surface water drainage features (permeable paving) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed

features. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

e. A maintenance and management plan for the entire drainage system stating clearly who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

Prior to operation of the business on the site, evidence (including photographs) shall be submitted to and approved in writing showing that the drainage system has been constructed per the approved drainage details.

Reason: To ensure surface water runoff from the development is managed safely in accordance with CP12 of the Lewes District Local Plan, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Development Plan 2017-2032 and the NPPF 2019.

9. Notwithstanding condition 12, prior to the commencement of development, a revised and comprehensive landscaping scheme and matching site layout plan shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of appropriate ground surfacing (which shall be permeable); additional hedge, tree and other planting (including the number, size and species to be planted) and the management of existing planting; a buffer between the proposed parking spaces and hedge boundary; and access gates, fences, walls and all other enclosures/ boundary treatments.

Upon approval:

- a) the approved scheme shall be carried out in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- d) the whole scheme shall be subsequently retained.

Reason: To ensure that the visual impact of the development is mitigated; that hard and soft landscaping is appropriate to the rural character of the site; and in the interests of sustainable urban drainage and achieving biodiversity enhancement in accordance with CP10, CP11, CP12, DM24 and DM25 of Lewes District Local Plan; CONS2,

CONS6, CONS9 and CONS12 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 and the NPPF 2019.

10. Prior to use of the site hereby permitted, the new access shall be provided in the position shown on the approved Proposed Site Plan Drawing No. 110 Rev F Received 1 April 2020 and laid out and constructed in accordance with the diagrams shown in the Highway Authority's consultation response of the 16th September. All works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with CP11 and CP13 of Lewes District Local Plan Part One and the NPPF.

11. The access shall not be used until visibility splays of 2.4m by 130m east and 2.4m by 135m west are provided and these shall be maintained thereafter.

Reason: In the interests of highway safety in accordance with CP11 and CP13 of Lewes District Local Plan Part One and the NPPF.

12. The commercial use of the site hereby approved shall not commence until the parking and turning spaces have been provided in accordance with the approved Proposed Site Plan Drawing No.110 Rev F Received 1 April 2020 and these shall thereafter be retained for that use only and shall not be used other than for the parking and turning of motor vehicles.

Reason: In the interests of highway safety in accordance with CP11 and CP13 of Lewes District Local Plan Part One and the NPPF.

13. Prior to their installation on site, details and samples of all external facing materials of the building, shelter and canopy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 and the NPPF 2019.

14. Prior to commercial operation of the site hereby approved, details of both the measures and consideration given to renewable and low carbon energy, heating and ventilations systems, including renewable energy technologies and installations, have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: In order to promote sustainable development and reduce locally contributing causes of climate change in accordance with policies CP14 of the Lewes District Local Plan, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 and the NPPF.

15. Details of an electric car charging point for the development hereby approved shall be submitted to and approved in writing by the Local

Planning Authority. It shall be installed in accordance with the approved details prior to commercial use of the site and retained and maintained in accordance with the manufacturer's instructions thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP13 and CP14 of the Lewes District Local Plan and the NPPF.

16. Prior to the first commercial use of the site hereby permitted, details of secure and sheltered cycle parking storage for a minimum of four bicycles shall be submitted to and approved in writing by the Local Planning Authority and provided and retained in accordance with the approved details thereafter.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan and the NPPF 2019.

17. The development hereby approved shall be carried out in accordance with the precautionary and mitigative measures under section 5 of the submitted Preliminary Ecological Appraisal dated November 2019. Specific details of the number and siting of bat and/or bird boxes to be erected on the site shall be submitted and approved by the Local Planning Authority. The boxes shall be erected prior to first commercial use of the site hereby approved and retained thereafter in accordance with the approved details.

Reason: In the interests of biodiversity protection and enhancement in accordance with CP10 and DM24 of Lewes District Local Plan, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 and the NPPF 2019.

18. The development hereby approved shall be carried out in accordance with the Preliminary Tree Protection Plan NJCL-539-1B and the Outline Method Statement dated 20th November 2019.

Reason: In the interests of safeguarding trees of amenity and biodiversity value in accordance with CP10, DM24 and DM25 of Lewes District Local Plan, CONS2 of Ditchling, Streat and Westmeston Neighbourhood Plan 2017-2032 and the NPPF.

19. If, during development works, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with DM20, DM21 and DM25 of the Lewes District Local Plan and the NPPF.

10.4 Informatives

1. Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known on watercourse.consenting@eastsussex.gov.uk .
2. If a sewer is found during construction works, investigation will be required to ascertain its ownership before works continue. The applicant should contact Southern Water for further information: 0330 303 0119 or developerservices@southernwater.co.uk .
3. In accordance with the advice of the Environment Agency, the applicant should have regard to the General Binding Rules in relation to the use of a septic tank - <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules> .
4. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways for the provision of a new/reconstructed vehicular access and to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act 2004. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence these processes. The applicant is advised that it is an offence to undertake any works within the highway prior to these being in place.
5. The applicant's attention is drawn to the additional notes to be read in conjunction with the Highway Authority's consultation comments and suggested conditions in its response dated 16th September 2020.
6. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored, remove from the site and disposed of in an appropriate manner. It is offence to burn trade waste. So, there should be no bonfires onsite.
7. The applicant's attention is drawn to the security measures and guidelines advocated by Sussex Police in their consultation response of the 16th June 2020 (on the Council's website). Consideration should be given to the implementation of such measures in the interests of providing a safe and secure environment and discouraging crime and disorder.
8. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
9. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Site Plan	1 April 2020	110 Rev F
Site Location Plan	1 April 2020	001 Rev B

PLAN TYPE	DATE RECEIVED	REFERENCE
Reception Building	1 April 2020	444527 120 Rev B
Field Shelter	1 April 2020	444527 130 Rev A
Handover Canopy	1 May 2020	444527 140

Reason: For the avoidance of doubt and in the interests of proper planning.

11. **Background Papers**

11.1 None.