

S24/0092

Proposals: Section 73 application to vary condition 4 (Noise Management Plan/No.of dogs) of S20/0479 (use of land for doggy day care centre, erection of building, driveway and hardstanding) variation is to increase number of dogs allowed on site at any one time from 20 to 40

Site Address: Poplars Farm, High Street, Carlby, Stamford, PE9 4LX

Summary of Information Received

Following the publication of the main report, an additional public representation has been received from Carlby Parish Council making additional comments to the application scheme. The material considerations raised within the representation can be summarised as follows:

1. The initial application received no objections from the Parish Council until breached and numbers of dogs exceeded the 20 dogs allowed. Intervention by the Planning Enforcement Officer and a reversion to 20 dogs ensued and noise disturbance no longer became an issue. So, an increase in dog numbers has been shown to be directly correlated to nuisance barking.
2. The Maggie's Mates van transporting the dogs now display the logo 'Bark and Ride'. We feel this encourages nuisance barking showing no concern for residents.
3. As 'dog walking' dogs run free and are not walked on leads (as confirmed by the owners) Increasing dog walking numbers to 40 will result in a total of 60 dogs running around free at the site with the potential for nuisance barking.

A further representation was received from a local resident and the material considerations raised can be summarised as follows:

4. Concern regarding the hours of operation published within the Agenda, which are as follows:

The premises shall not be used for the purposes authorised by this permission other than between the following hours:

- i. 06:30hrs - 19:00hrs on Mondays to Fridays*
- ii. 12:00hrs Saturdays - 01:00hrs Sunday mornings*
- iii. 17:00hrs - 23:00hrs Sundays and Bank Holidays*

The resident suggests that Condition 2 should also be revised to more 'sensible operating times'.

Evaluation

It is Officer's assessment that the matters raised in Points 1, 2 and 3 above do not raise additional matters beyond those assessed within the main report. However, Point 4, regarding the proposed hours of operation, does raise additional matters beyond those assessed within the main report. In granting permission under section 73 the local planning authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission. The hours of operation granted in the original permission (Condition 3 of S20/0479) do not appear to be reflective of how the site is currently operated, nor of what was originally proposed. It is therefore an opportunity to revise the hours of opening condition so that the proposed opening times,

should this new application be approved, are in accordance with the Noise Management Report and in accordance with how the business is operated. It is considered that the revised opening times would not impact upon the residential amenities of neighbouring occupiers, as set out in the main agenda. The Environmental Protection Team have assessed the proposal based on the opening times contained within the Noise Management Plan and have raised no objections.

As such, it is Officer's position that the recommendation remains as per the original report, subject to a revised schedule of condition.

Recommendation

To authorise the Assistant Director – Planning to GRANT planning permission, subject to the following proposed schedule of conditions.

1) List of Approved Plans:

- i) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
- ii) i. JDA/2020/385/BLOCK/001B received 8 May 2020
- iii) ii. JDA/2020/385/OS/001A received 8 May 2020
- iv) iii. JDA/2020/385/PROP/001B received 3 August 2020
- v) iv. JDA/2020/385/LIGHTING/001B received 3 August 2020
- vi) Unless otherwise required by another condition of this permission.

Reason: To define the permission and for the avoidance of doubt.

2) Ongoing Conditions:

The premises shall not be used for the purposes authorised by this permission other than between the following hours:

- i) 07:30hrs - 18:00hrs on Mondays to Fridays
- ii) 09:00hrs – 14:30hrs Saturdays and Sundays (and Bank Holidays)

unless otherwise agreed in writing by the Local Planning Authority.

Reason: Operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents, contrary to Policies EN4 and DE1 of the South Kesteven Local Plan.

3) The development hereby permitted shall be carried out in accordance with the Noise Management plan dated 17 January 2024.

Reason: To prevent disturbance to the amenities of the occupants of the site and in accordance with Policies EN4 and DE1 of the adopted South Kesteven Local Plan.