

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**29 September 2021**

**REPORT OF DIRECTOR OF FINANCE,  
DEVELOPMENT AND BUSINESS SERVICES**

**21/0729/RET**

**342 Norton Road, Norton, TS20 2PN**

**Retrospective change of use application of former taxi base for breeding of dogs.**

**Expiry Date 10 May 2021**

**SUMMARY**

The application site is the location of a former taxi vehicle rental service and vehicle repair use, located to the rear of 342 Norton Road, Norton. The site is within the defined development limits, in an area consisting of a mix of commercial and residential properties.

The application seeks retrospective planning consent for the change of use to a dog breeding business for 16 dogs. The site has been operational and licenced since 2016.

A total of seven neighbour letters of representation have been received, with six making objection comments and one letter of support. A further objection was also received from the Ward Councillor. Those comments of objection received raise a number of amenity related concerns particularly in relation to noise, odour, light pollution, drainage and the control of waste and vermin, all of which are summarised within the report.

The application site is located within the defined development limits, in relatively proximity to Norton District Centre. Additionally, this area of Norton Road is made up of a mixture of both commercial and residential uses and in principle, is a suitable area subject to all other material planning considerations.

With respect to the associated impacts on amenity, the dog breeding use is located largely within a rear outbuilding that includes a steel framed external exercise area. The applicant installed acoustic and thermal insulation to the walls of the outbuilding, where the dogs are housed. In addition, two staff members were hired to supervise the dogs, particularly when utilising the external exercise area to manage any uncontrolled barking. A noise survey accompanies the application and proposes additional mitigation of acoustic insulation to be installed on the external dog pen areas which is recommended be secured via a condition.

The Environmental Health Unit have considered the submitted application and have raised no objections to the continued use at the property.

Having regard to the proposed development and the relationship with the surrounding neighbouring properties. It is considered that taking account of the recommended controlling conditions, the proposed use can be suitably managed to protect the residential amenity of

neighbouring properties and the proposed development is therefore considered acceptable in this respect.

The application is therefore recommended for approval for the reasons set out below.

### **RECOMMENDATION**

That planning application 21/0729/RET be approved subject to the following conditions and informatives:

01. **Approved Plans**

The development hereby approved shall be in accordance with the following approved plans;

<b>Plan Reference Number</b>	<b>Date Received</b>
SBC0001	15 March 2021

Reason: To define the consent.

02. **Number of Breeding Dogs**

The maximum number of adult\_dogs accommodated on the site shall not exceed 16 at any one time.

Reason: To determine the scope of this permission, maintain the amenities of the surrounding neighbouring properties and in the interests of highway safety related matters.

03. **Limitations of use of External Exercise Area**

The external exercise area hereby approved shall not be used outside of the hours of 08:00 to 20:00 hours Monday to Sunday. Within those times, no more than 4 dogs shall be exercised at one time. Dogs using the exercise area must be accompanied by a member of staff at all times and any dogs repeatedly barking within the external exercise area shall be removed from the exercise area immediately and shall not return within that 1 hour period.

Reason: In order to maintain the necessary controls over the development in the interests of the amenity of the neighbouring occupiers.

04. **Number of Litters**

The maximum number of litters produced on the site shall not exceed 16 in any one year.

Reason: To determine the scope of this permission, in the interests of preserving the amenities of the surrounding area.

05. **Waste Management**

Notwithstanding any information contained within this application, full details of the management of associated waste materials shall be submitted to and be agreed in writing with the Local Planning Authority within 1 month of the development hereby approved. Following approval of the waste management details, the scheme shall be implemented in full accordance with the agreed details and shall be maintained in accordance with those details thereafter, unless the Local Planning Authority first gives its written approval to any other waste management scheme.

Reason: To ensure a satisfactory form of development in the interest of the living conditions of the surrounding area.

06. **Acoustic Mitigation Details**

Notwithstanding the development hereby approved, within one month of the date of this decision notice, full details of the acoustic mitigation measures, to be installed at the external exercise area, as set out within the revised noise survey (submitted 7 September 2021, ref; 7775.M2C) shall be submitted to and be agreed in writing with the Local Planning Authority. The mitigation measures shall be implemented in strict accordance with the agreed details within one month of the date of this decision notice and thereafter shall be retained and maintained for the lifetime of the development.

Reason: In order to provide necessary mitigation for the control of noise, in the interests of the amenity of the surrounding neighbouring properties.

07. **Restricted Delivery/Opening Times**

No deliveries shall be made to or from the application site and no members of the public shall visit the premise outside of the hours of 08:00 - 19:00 Monday to Sunday.

Reason: To prevent noise and disturbance in the interests of the amenity of the neighbouring occupiers.

08. **Drainage Details**

Within one month of the date of the decision notice, details of the surface water drainage and repair work associated with the dog breeding outbuilding shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the works shall be carried out in accordance with the agreed details within one month of the details being agreed and thereafter shall be retained and maintained for the lifetime of the development.

Reason: In the interests of surface water management.

09. **No Additional External Lighting**

No additional external lighting shall be installed on the site or affixed to any structures on the site and no floodlights or other methods of illuminating the site shall be erected without the prior written consent of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of protecting the surrounding amenity of the area.

## **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

### **Informative: Working Practices**

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

### **BACKGROUND**

1. On 18 January 1980, planning consent was granted for a change of use of the outbuildings located at the rear of 342 Norton Road to provide a Taxi vehicle service with associated office and taxi repairs garage (ref; S101/80).
2. Subject to restricted operating condition of the original approval, an application sought to vary condition 2 relating to the operating hours for the vehicle repair use and was refused on 12 December 1993 (ref; 93/1914/P).

3. A further revised application to vary the operating hours was sought and was also refused on 20 May 1994 (ref; 94/0647/P).
4. In May 2016 the applicant was granted a breeding licence for the breeding of 16 dogs. Since this period the licence has been renewed on an annual basis.
5. In 2018 a retrospective planning application was sought to regularise the planning use of the application site for the dog breeding business, although the application was withdrawn on 7 December 2018 due to a lack of information, with a view to submitting a revised planning application (ref; 18/2206/RET).

### **SITE AND SURROUNDINGS**

6. The application site relates to an outbuilding and external yard area located to the rear of the residential property 342 Norton Road, Norton. Access to the site is taken from an existing driveway on the south side of the property which leads through to a series of outbuildings.
7. Immediately adjacent to the application site to the south is a petrol filling station with car wash facility. To the north is an open grassed area and a pedestrian walkway, with a flatted development beyond. To the west, beyond the busy highway of Norton Road are a terrace of residential properties and to the east to the rear of the application site are the residential properties located within the cul-de-sac of Granville Grove and Imperial Avenue respectively.

### **PROPOSAL**

8. The application seeks retrospective planning consent for the retrospective change of use of an outbuilding and part of the rear yard area for the breeding of up to 16 adult dogs, which has been licenced and operating since May 2016.
9. The application site comprises a single storey flat roofed outbuilding of brick and blockwork construction, which has been fitted with acoustic and thermal insulation and a mechanical ventilation system.
10. During the course of the planning application the applicant has submitted a management plan demonstrating how they operate the business. The applicants who reside in the adjacent dwelling, employ two members of staff.
11. The dogs are exercised routinely within an external exercise area located to the side of the outbuilding (north) and the building is made from a concrete base and a galvanised metal side railings. The supporting management pan shows that the dogs are exercised five times per day for up to 20 minutes at a time between the hours of 08:00 and 20:00.

### **CONSULTATIONS**

12. The following Consultations were notified and any comments received are set out below (in summary):-
13. **Highways Transport & Design Manager** – The Highways, Transport and Design Manager has no objections to this application.

14. **Environmental Health Unit** – the applicant has demonstrated that with mitigation measures in place the noise will be reduced from the current level by 11dB. It is acknowledged in acoustic terms that a 10dB reduction in noise is a perceived halving of sound which is a significant improvement upon the current noise levels. The applicant has therefore demonstrated compliance with the BS4142 standard and Environmental Health therefore have no grounds to object to the application.

Should the application be approved I would recommend the following conditions below are detailed on the application:

- The noise report was based upon there been capacity for up to 16 dogs. I therefore recommend a condition so that there shall be no more than 16 adult dogs at the premises at any one time.
- The noise report stated that there is typically 4 dogs in the exercise area at any one time, I therefore recommend a condition
- The noise report was based on barking occurring for 15minutes over a 1-hour period when 4 dogs are outside. I recommend a condition to ensure that no more than one shift of 4 dogs should be in the external area within any one-hour time period.
- There shall be a member of staff with the dogs in the exercise area at all times to control any barking.
- Any dogs repeatedly barking in the external exercise area are to be exercised away from the premises.
- Any dog faeces at the premises should be cleared away on a daily basis.
- Full details of the proposed mitigation measures i.e. roof covering/ side panels are to be submitted in writing and approved by the Local Planning Authority prior to being installed.
- Any subsequently approved mitigation measures are to be implemented as quickly as practicable and no later than 3 months of approval and shall be maintained for the lifetime of the development.
- Waste Collection  
There shall be provided at the premises containers for the storage and disposal of waste from the site. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorized persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
- Noise disturbance from vehicles servicing the premises  
No deliveries shall be taken at or dispatched from the site outside the hours of 07:00Hrs and 19:00Hrs.
- Light Intrusion  
Any lighting provided shall be arranged so as not to shine directly towards any dwelling. The light fittings shall be shielded to prevent light spillage beyond the boundary of the property.
- Opening Hours of External Area

Environmental Health do not support the proposed use of the external area during the hours of 20:00-08:00Hrs due to its location within a residential area and due to the barking from the dogs likely to cause a disturbance. It is therefore recommended should additional environmental enrichment be required outside of these hours, it shall be undertaken away from the premise.

15. **Ward Councillor Cook** – It's my belief that this is not the right location for dog breeding as it's close to other residential properties at the back, and I believe would cause a nuisance and noise to neighbouring houses.

### **PUBLICITY**

16. Neighbours were notified and a Total of 7 letters have been received, with 6 neighbouring objections and 1 letter of support. A list of the representations and a summary of their comments received are detailed below.

#### Objections:

1. Mr Jason Briggs, 2 Granville Grove Norton
  2. Mrs Marilyn McQuillen, 4 Granville Grove Norton
  3. Mr Derrick Smiles, 5 Granville Grove Norton
  4. Ms Jen Parkin, 7 Granville Grove Norton
  5. R. Oyston, 2 Imperial Avenue, Norton
  6. Terence Peacock, 5 St Michaels Court Norton
- Residents consider the site to generate unacceptable levels of noise in close proximity to residential properties and have highlighted instances of past noise incidents.
  - Residents have questioned the accuracy of the noise surveys in reflecting the site circumstances.
  - Residents have raised issues of smells and the presence of vermin.
  - Concerns have been raised that control measures for noise, smells, waste and vermin would not be sufficient to protect the surrounding residential amenity.
  - Comments have been received relating to drainage and treatment of trade waste.
  - Concerns have been raised in respect to parking availability as a result of the use.
  - Residents have raised concerns over nuisance lighting from the application site.
  - A concern has been raised that the CCTV cameras installed at the application site have created a loss of privacy for surrounding neighbours.
  - Comments received have suggested that a dog breeding use is not comparable to the former taxi business.
  - Concerns are raised that an approval at the site would set a precedent for similar types of development to be approved.
  - Incidents of intimidation and anti-social behaviour have been raised.
  - A resident has queried an anomaly with respect to the operating hours.
  - Concerns have been raised over the devaluation of property prices.

#### Support comments:

1. Mr Plant, 367 Norton Road (support)
- Fully supports the scheme
  - Considers the small business to be professionally run

### **PLANNING POLICY**

17. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for

planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Borough Council Local Plan 2019.

18. Section 143 of the Localism Act came into force on the 15 January 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations.

### **National Planning Policy Framework**

19. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives.
20. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11) which for decision making means;
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Local Planning Policy**

21. The following planning policies are considered to be relevant to the consideration of this application.

#### **22. Policy SD1 - Presumption in favour of Sustainable Development**

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

#### **23. Policy SD2 – Strategic Development Needs**

#### Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

#### **20. Policy SD4 - Economic Growth Strategy**

##### Employment and Training Opportunities

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

#### **21. Policy SD8 – Sustainable Design Principles**

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;
- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

#### **22. Natural, Built and Historic Environment Policy 7 (ENV7) - Ground, Air, Water, Noise and Light Pollution**

1. All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, the character and appearance of the surrounding area and the environment.

2. Development that may be sensitive to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to



sensitive developments or areas unless satisfactory mitigation measures can be demonstrated.

3. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.

4. Where future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must demonstrate via site investigation/assessment that:

- a. Any issues will be satisfactorily addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health and the environment; and
- b. Demonstrate that development will not cause the site or the surrounding environment to become contaminated and/or unstable.

5. Groundwater and surface water quality will be improved in line with the requirements of the European Water Framework Directive and its associated legislation and the Northumbria River Basin Management Plan. Development that would adversely affect the quality or quantity of surface or groundwater, flow of groundwater or ability to abstract water will not be permitted unless it can be demonstrated that no significant adverse impact would occur or mitigation can be put in place to minimise this impact within acceptable levels.

6. To improve the quality of the water environment the Council will:

- a. Support ecological improvements along riparian corridors including the retention and creation of river frontage habitats;
- b. Avoid net loss of sensitive inter-tidal or sub-tidal habitats and support the creation of new habitats; and
- c. Protect natural water bodies from modification, and support the improvement and naturalisation of heavily modified water bodies (including de-culverting and the removal of barriers to fish migration).

## **MATERIAL PLANNING CONSIDERATIONS**

23. The main planning considerations of this application relate to the principle of the development, the visual impact of the proposed development, the impact on the character and amenity of neighbouring residential properties and highway safety related matters.

### **Principle of Development**

24. The application site is located within the defined development limits, in relatively proximity to Norton District Centre. Norton Road is made up of a mixture of both commercial and residential uses. The proposed Sui Generis use is considered not to represent a town centre use as identified by the National Planning Policy Framework (NPPF). In view of the above considerations and subject to the scheme satisfying other material considerations as set out below, the principle the development is acceptable.

### **Impact on the Character & Amenity of the Surrounding Area**

25. Planning Policy SD8 seeks to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings. Planning policy ENV7 states that development proposals that may cause noise, light and odour nuisance, individually or cumulatively, will

be required to incorporate mitigation measures. Such measures should be appropriate to prevent or reduce unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings, and on the character and appearance of the surrounding area and environment.

26. The application site is located to the rear of 342 Norton Road. At the rear of the site (east) are the residential properties located within the cul-de-sac of Granville Grove and Imperial Avenue respectively. To the south is a petrol filling station and to the north is an open grassed area with a pedestrian walkway and a flatted development at a further distance beyond.
27. The proposed use for the breeding of 16 adult dogs has been operational from the site since May 2016 and benefits from the necessary licence, which is renewed annually by the Council's Licensing department. The dog breeding use is located largely within a rear outbuilding that includes a steel framed external exercise area, which runs adjacent to the side of the application building (north).
28. Given the nature of the proposed use in proximity to residential properties, significant consideration is given to whether subject to the imposition of necessary planning conditions, the proposed use is compatible with the adjacent residential area. Through the consultation process a number of amenity related concerns have been raised in relation to noise, odour, light pollution, drainage, and concerns around the control of waste and vermin, a loss of privacy and whether the use can be suitably mitigated against and these are set out below;

Noise;

29. The site has historically received a number of complaints with respect to barking dogs at the premises. To address noise related concerns the applicant installed acoustic and thermal insulation to the walls of the outbuilding, where the dogs are housed. In addition, two staff members were hired to supervise the dogs, particularly when utilising the external exercise area to manage any uncontrolled barking. The submitted planning statement also advises that a number of boisterous pet dogs not associated with the business are no longer kept by the applicant due to the required commitment involved with the dogs and managing the business. The submitted planning statement considers that the applicants' corrective works have mitigated any historical issues in relation to noise and disturbance related issues.
30. The submitted application was also subject to a noise survey, which has since been revised during the application process and proposes additional mitigation of acoustic insulation to be installed on the external dog pen areas. The applicant has advised that whilst the license permits 16 breeding dogs from the site, typically between 6 and 10 dogs are bred per year from the site.
32. The Environmental Health Unit have considered the submitted application, taking account of concerns raised in relation to nuisance noise, odour and other amenity related concerns and subject to a number of controlling conditions have raised no objections to the continued use at the property, having regard to the existing and proposed mitigation, as set out within the submitted planning statement and as detailed within the revised noise survey.
33. A condition is recommended to restrict the number of breeding dogs at the property to 16, in line with the application proposal. A condition is recommended restricting the number of dogs using the external exercise area at any point to 4 dogs at anyone time, where the dogs must be supervised by a member of staff at all times to prevent uncontrolled barking. The use of the external area shall be restricted to between the hours of 08:00 – 20:00 at all times. A condition is recommended for the details of the proposed external acoustic barriers

to be submitted and approved prior to installing them at the site. A condition is also recommended in respect to restricting delivery times at the site.

#### Vermin

34. Concerns have been raised by residents in respect to the disposal of dog waste at the site and the issue of the presence of vermin within the area. The applicant has confirmed that a contract is in place with the Local Authority for waste disposal and it was noted from the case officer's site visit the presence of an enclosed Local Authority refuse container. Whilst noting the information and the presence of the refuse container, a condition is recommended for the details to be submitted and approved in writing by the Local Planning Authority to ensure suitable waste disposal. Whilst acknowledging the comments in respect to the presence of vermin, there is no submitted evidence linking the dog breeding use with the presence of vermin.

#### Lighting:

35. Residents have raised concerns with respect to nuisance lighting at the application site. Two lights were noted within the grounds of the application site, both of which were low level, located on the rear of the residential property and on the side of the outbuilding. A condition is recommended to appropriately direct and shield lighting from spilling beyond the application site towards neighbouring properties.
36. With respect to the recommended condition in respect to daily cleaning, this is a condition of the licencing agreement and therefore no further planning condition is needed in this respect.

#### Additional amenity matters:

37. A concern has been raised that the CCTV cameras installed at the application site have created a loss of privacy for a neighbouring resident at the rear. The CCTV cameras are located on the residential property and form a separate investigation being considered outside of this planning application.
38. Comments received have suggested that a dog breeding use is not comparable to the former taxi business. These comments are acknowledged, and the proposed use has been considered against the relevant planning policies and the associated impacts. Concerns raised that the proposed development would set a precedent are also noted, although each case is assessed on its own planning merits.
39. It is considered that taking account of the recommended controlling conditions, the proposed use can be suitably managed to protect the residential amenity of neighbouring properties and the proposed development is therefore considered acceptable in this respect.

#### **Visual Impact of the Proposed Development**

40. The extent of the physical changes associated with the proposed use are limited to minor external alterations to the outbuilding and the erection of the external railing, which provides for the exercise area. Due to the position of the application site, enclosed at the rear of the property of 342 Norton Road, with no prominent views onto the site, it is considered that the development raises no significant issues in this respect. It is therefore considered that the proposal would not cause any adverse impacts upon the visual amenity of the host dwelling and the surrounding area. The proposed development is therefore considered to be in compliance with the NPPF and Local Plan Policy SD8.

#### **Highways Safety Related Matters**

41. Concerns have been raised in respect to parking availability as a result of the use. The Highways Transport and Design Manager has considered the parking and highways

impacts of the proposed development and raises no objections or requirement for associated conditions. The proposed development is therefore considered acceptable in terms of highway safety and parking related matters.

### **Residual Matters**

42. Representation comments have raised matters in relation to the welfare of the dogs. The use is subject to a separate licencing process, which the applicant has obtained the necessary approval for and matters relating to animal welfare do not fall under the determination of the planning application.
43. A resident has queried an anomaly within the submitted planning statement with respect to the operating hours. This is noted and the recommended condition in respect to operating times is considered to suitably address and control this matter.
45. Concerns have been raised with respect to the devaluation of property prices. Whilst noting the comments, property prices are not a material planning consideration and have not been considered any further within this report.
46. Comments have been received relating to surface water and drainage issues at the site. It was noted from the case officer's site visit that the drainpipe along the side of the building roof required some repair works. The comment has raised concerns that the surface water is draining into the soil of the applicants' land, bounding the neighbours to the rear, where it can flood neighbouring gardens. A condition is recommended to secure these repair works to be carried out accordingly.
47. Comments have been received alleging that incidents of intimidation and anti-social behaviour have occurred between the applicants and neighbouring residents. Any such matters are not a material planning consideration and would be a matter for investigation via Cleveland police. They cannot be considered within the determination of this planning application.

### **CONCLUSION**

48. It is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Finance, Development and Business Services**  
**Contact Officer Kieran Campbell Telephone No 01642 528551**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Norton South</b>
<b>Ward Councillor</b>	<b>Councillor Robert Cook</b>
<b>Ward Councillor</b>	<b>Councillor Eileen Johnson</b>

### **IMPLICATIONS**

#### **Financial Implications:**

N/A

#### **Environmental Implications:**

See report.

#### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

**Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

**Background Papers**

National Planning Policy Framework

Adopted Local Plan