

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	25/07/18
Planning Development Manager authorisation:	AN	06/08/18
Admin checks / despatch completed	AN	7/8/18

Application: 18/00783/FUL **Town / Parish:** Bradfield Parish Council

Applicant: Mr & Mrs Lay-Flurrie

Address: Gersue Windmill Road Bradfield

Development: Erection of building for use as boarding cattery.

1. Town / Parish Council

Bradfield Parish Council No comment.

2. Consultation Responses

Environmental Protection
(Dated 5 June 2018)

Odour and noise are common problems associated with boarding catteries and the close proximity to other residential properties is a concern. I recommend that the following conditions be imposed on any permission granted. That is not to say however, even if these are followed, that it would not lead to complaints from neighbouring properties which the local authority would investigate under the Environmental Protection Act 1990.

1. Drainage ' No details have been provided to show drainage in the proposed build. This needs to be shown and discharge consent via Affinity water needs to be provided to the LA if mains drainage is used. If a septic tank system is proposed, again this needs to be shown and the system should be regularly emptied.

2. Waste storage and removal - A waste management plan to detail how waste arising from the activity is to be managed shall be submitted to and approved in writing by the LPA. No burning of waste on site. This should be agreed in writing and implemented prior to the use commencing.

Recommendation

Whilst this proposal shows solid walls to the premises, this may abate noise somewhat but by their nature, cats can wail when in an unfamiliar environment, when near other cats and when exposed to other noises such as transport, dogs etc. I would advise the use of acoustic insulation throughout the build. If mechanical ventilation is proposed, the applicant needs to provide details of the proposed equipment and the operation specifications.

I would strongly advise that the applicant speak to the Animal Boarding Officer within Environmental Health to discuss the application and show the proposed designs to ensure that they meet with the CIEH Model Licence Conditions for Cat Boarding Establishments.

Environmental Protection
(Dated 11 July 2018
following submission of
additional information)

I'm happy with the submitted documents/details addressing the environmental issues and have no adverse comments to make.

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: The applicant be advised to consider the removal of soft landscaping near to the front elevation of the dwelling and replacement with existing surfacing to ensure cars can turn within the site and not be forced to reverse out onto Windmill Road due to the route being obstructed by parked vehicles, either domestic or visitor.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Building Control and
Access Officer

This proposal may require a Building Regulations application to be submitted.

3. Planning History

N/A

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Site Description

The application site is land within the curtilage of Gersue, which is located to the northern section of Windmill Road within the Parish of Bradfield. The character of the area is semi-rural, with urban built form in the form of predominantly detached residential properties. To the east is a large area of grassed land, whilst further out to the west is a large parcel of agricultural land. The site falls outside of a recognised Settlement Development Boundary in the Adopted Tendring Local Plan 2007 but falls within the Bradfield Settlement Development Boundary within the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

The application proposes the erection of a cattery to the rear garden area of the existing dwelling, measuring 2.6m in height, 5m in width and 32m in depth. The cattery will be sited to the northern boundary and will consist of 20 boarding pens, a refuse and recycling storage area located adjacent to the east, and will be accessed via an existing access point to the north of the site.

Appraisal

The main considerations in this instance are the following;

- Design and Appearance;
- Impact on Neighbouring Amenities;
- Parking and Highway Safety;
- Environmental Impacts;
- Other Considerations.

Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is to be located within the rear garden area, well set back from the host dwelling and will therefore only be seen via partial views from Windmill Road. The design and materials are relatively in-keeping with a domestic outbuilding. Despite the proposal being acknowledged as a large building, particularly in respect of its depth, given its overall height is just 2.6m and that there is existing mature vegetation to the northern boundary, the visual impact considered to be acceptable.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The submitted plans show this is still comfortably achieved for the existing dwelling.

Impact on Neighbouring Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed building is single storey, with an overall height of just 2.6m. This and the existing mature vegetation to the northern boundary will soften any potential impacts to the adjacent neighbour to the north, 'Harrowfield Farm'. There is significant separation distance of approximately 40m to the south-facing neighbour, 'The Almonds'. Therefore there is not considered to be significant impacts in terms of overlooking, loss of light or the building appearing imposing.

There is also the concern of potential noise disturbances relating to a cattery, including the comings and goings of vehicles and the noise of the animals being looked after. Whilst some concerns were initially expressed from the Council's Environmental Protection Team, the applicant has confirmed the cattery will be highly insulated. Further, there are significant separation distances to adjoining neighbours and Environmental Protection have since confirmed they have no adverse comments. It is further considered that the vehicle movements relating to a 20 pen cattery are unlikely to be significantly in excess of the existing residential dwelling.

Therefore, on balance, the harm identified to neighbouring amenities is not significant enough to warrant a reason for refusal.

Parking and Highway Safety

Essex County Council as the Highways Authority have been consulted and state they have no objections subject to a condition ensuring no unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

The submitted plans also show a large parking area to the front of the property that can accommodate four parking spaces measuring 5.5m x 2.9m, and two parking spaces measuring 5.5m x 2.9m to accommodate the necessary parking for the residential property. This accords with

the Adopted Parking Standards, which states there should be a minimum one space per five animals and a minimum two spaces for a residential dwelling of two bedrooms or more, both at the above measurements.

Environmental Impacts

Discussions have taken place with the Council's Environmental Protection Team, with additional information being submitted by the Applicant during the course of the application in relation to noise and odour, waste storage and removal, mechanical ventilation and drainage. All of this has satisfactorily addressed their concerns and they have no adverse comments to the proposal.

Other Considerations

Bradfield Parish Council have not commented.

No other letters of representation have been received.

Conclusion

It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and documents titled 'Ordnance Survey Site Location Plan', 'Cattery Site Plan' and 'Additional Information Responding to Consultant Comments'.

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

- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

- 4 The parking layout, as shown on the drawing titled 'Cattery Site Plan', shall be provided prior to the first use of the cattery and shall be retained for the sole purpose of vehicle parking thereafter.

Reason - To ensure adequate off-street parking is retained.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. 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.