

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	13/08/2018
Planning Development Manager authorisation:	AN	14/8/18
Admin checks / despatch completed	AN	14/8/18

SB

Application: 18/00900/FUL **Town / Parish:** Clacton Non Parished

Applicant: Mrs Jennifer Calder

Address: Smythies Farm Sladburys Lane Clacton On Sea

Development: Use of outbuilding as kennel block and associated outside enclosed run, improved vehicular access, parking and turning provision.

1. Town / Parish Council

Clacton – No Town Council

2. Consultation Responses

Environmental Protection I have had a look through the submitted consult responses from the applicant and although some of our questions have been answered, I still have at least one point I need clarification on.

Can you please ask the applicant to inform us as where the waste water will be discharged to? This relates the water being used for cleaning purposes? The applicant has advised that the flooring is not concrete but vinyl, with each kennel being essentially unable to contaminate another, and the proposed cleaning procedure with this type of flooring negates the need for internal drainage. The flooring type and proposed lip on each kennel should prevent egress of water leading to cross contamination; however, additional information is required in relation to the disposal of the water once it has been used for cleaning. The applicant has informed us that faeces will be collected separately and disposed of by way of a specialised waste contractor on a frequent basis.

The application form states that the foul water disposal method will be a portaloo, which has been specified for use by humans only, and the disposal method is acceptable. The application form also states that the proposed activities will not be using the main sewers; therefore raising the question as to where the waste water from cleaning etc will be disposed of.

Upon Receipt of Additional Information

Having read through the response to the below; we are happy with the proposed discharge of waste water to a Klargester Treatment Plant. Although we would suggest that the applicant seeks advice from Environment Agency for the commercially derived waste being discharged into the treatment plant.

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

1 Prior to the first use of the proposed development, the proposed vehicular access shall be reconstructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

3 Prior to the first use of the proposed development, the existing timber boundary treatment to Smythies Farm shall be removed, reduced in height to no greater than the existing brick wall and piers or set back into the site by at least 1.0m between the reconstructed vehicular access, northerly across the sites frontage to Sladburys Lane to the existing hedge which shall be faced back to the sites boundary and retained thereafter.

4 The development shall not be occupied until such time as the customers/visitors car park and turning area for service vehicles, has been provided in accord with the details shown in Drawing Numbered 1805.3/1A. The car parking and turning facilities area shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

5 Any gates erected at the reconstructed vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

3. Planning History

99/01107/FUL	Porch refurbishment with pitched roof	Approved	26.08.1999
96/00017/TELCO M	Telecomms Installation including mast	Determinati on	10.10.1996
97/00011/TELCO M	Telecomms apparatus	Determinati on	19.05.1997
14/30415/PREAPP	Use of site for cattery and kennels including the rebuild of some outbuildings.		15.12.2014
18/00454/LUEX	Existing building to be used again as kennels as previously used, re-vamped with addition to gated dog runs to the side.	Withdrawn	18.05.2018

18/00900/FUL Use of outbuilding as kennel block Current
and associated outside enclosed
run, improved vehicular access,
parking and turning provision.

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

CP1 Sustainable Transport and Accessibility

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.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the south-eastern side of Sladburys Lane and comprises of a detached cottage and its grounds which accommodates several outbuildings and grassed garden. Along the southern boundary of the site runs a Public Right of Way. The site boundaries of the site are marked by bunding and mature vegetation.

To the rear garden a large outbuilding adjacent to the southern boundary of the site has recently been refurbished to facilitate a kennels. An enclosed run and exercise area along with an access/parking area has also been constructed.

Proposal

This application seeks planning permission for the use of the refurbished outbuilding as a boarding kennels and the associated enclosure and access/parking area.

The kennels would consist of 12 pods which could accommodate up to 30 dogs at any one time. The development would utilise the existing access which will be improved and there is to be parking provision to the rear of the kennel building.

Appraisal

Principle

The site is located in-between the two settlements of Clacton-on-Sea and Holland-on-Sea and therefore is not located in an isolated rural location. The reuse of the outbuilding for commercial purposes within reasonable distance of two large urban settlements therefore represents sustainable development.

Visual Impact

The change of use of the refurbished outbuilding to a kennels would have a minimal impact upon the character of the area. The outbuilding was already in situ prior to its refurbishment and has not been extended in size. Glimpses of the outbuilding and the associated enclosures to the rear will be seen from the public right of way to the south, however the presence of mature vegetation on the perimeters of the site largely screens the development in long distance views from the wider countryside beyond.

Neighbouring Impact

In this case the remote location away from any neighbouring properties ensures that no adverse impact, through smells, noises or other disturbance will be caused.

Highway Considerations

Essex County Council Highways originally objected to the development but upon receipt of additional information and revised plans do no longer object subject to the following requirements;

- Prior to the first use of the proposed development, the proposed vehicular access shall be reconstructed to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- Prior to the first use of the proposed development, the existing timber boundary treatment to Smythies Farm shall be removed, reduced in height to no greater than the existing brick wall and piers or set back into the site by at least 1.0m between the reconstructed vehicular access, northerly across the sites frontage to Sladburys Lane to the existing hedge which shall be faced back to the sites boundary and retained thereafter.
- The development shall not be occupied until such time as the customers/visitors car park and turning area for service vehicles, has been provided in accord with the details shown in Drawing Numbered 1805.3/1A. The car parking and turning facilities area shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.
- Any gates erected at the reconstructed vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

These requirements will be secured via conditions where necessary. The access is already in situ and served by a dropped kerb so the access condition is not required.

The area of parking (6 no. spaces) is comparable to the size of the kennel building. It is also envisaged that drop off/pick-ups will be staggered throughout the day.

Environmental Matters

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 odour, waste storage and removal and drainage.

In respect of waste and drainage the applicant has confirmed that the kennels will finished with heavy duty vinyl flooring which can be mopped and steamed daily. Waste will be collected and disposed of via a registered waste transfer company.

All of this information has satisfactorily addressed their concerns and they have no adverse comments to the proposal.

Other Considerations

No further letters of representation have been received.

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/documents; 1805.3/1A and Additional documents prepared in response to consultee comments (as prepared by the applicant and received 19th July 2018).

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 access 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 Prior to the first use of the proposed development, the existing timber boundary treatment to Smythies Farm shall be removed, reduced in height to no greater than the existing brick wall and piers or set back into the site by at least 1.0m between the reconstructed vehicular access northerly across the sites frontage to Sladburys Lane to the existing hedge, which shall be faced back to the sites boundary and retained thereafter.

Reason - To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 5 The development shall not be occupied until such time as the customers/visitors car park and turning area for service vehicles, has been provided in accord with the details shown in Drawing Numbered 1805.3/1A. The car parking and turning facilities area shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

- 6 Any gates erected at the reconstructed vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.

Reason - To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO