

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	17/07/19
Planning Development Manager authorisation:	IF	19/07/19
Admin checks / despatch completed	EK	19/7/19

Application: 19/00264/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: The Trustees of Colchester Cat Rescue

Address: Lyndhurst Bromley Road Ardleigh

Development: Proposed replacement of existing rotting wooden cat chalets with modern UPVC versions and the proposed replacement of existing rotting wooden cat runs.

1. Town / Parish Council

Ardleigh Parish Council have not commented on this application.

2. Consultation Responses

Not Applicable

3. Planning History

01/01700/FUL	Replacement of dilapidated shed with new building to house cats.	Approved	20.11.2001
95/00747/FUL	Change of use to cat rescue sanctuary, new/amended vehicular access, single storey rear extension and cat pens with runs	Approved	05.09.1995
19/00264/FUL	Proposed replacement of existing rotting wooden cat chalets with modern UPVC versions and the proposed replacement of existing rotting wooden cat runs.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

EN1 Landscape Character

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 (including Site Description and Proposal)

Site Description

The application site refers to Lyndhurst, Bromley Road, Ardleigh. The application site is located outside the settlement boundary of Ardleigh.

Proposal

The application seeks planning permission for the proposed replacement of the existing rotten wooden cat chalet with a modern UPVC building and the replacement of existing rotting wooden cat runs.

The UPVC outbuilding was already erected when the officer undertook the site visit.

Assessment

The main considerations for this application are the design and appearance and impact upon neighbouring amenities.

Design and Appearance

QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.

The proposed replacement cat chalet will be located to the rear of Lyndhurst and therefore it will not be visible to the street scene of Bromley Road. The proposal is single storey and although higher than the existing it is not considered to be out of keeping with the surrounding area or adjacent outbuildings. The proposal will be constructed from UPVC which is considered to be a visual improvement to the area.

The proposed replacement cat runs will be located to the rear of Lyndhurst and therefore will not be visible to the street scene of Bromley Road. The proposed replacement cat runs are single storey and will be constructed from pressure treated wood and polycarbonate roofing which are considered to be a visual improvement to the area.

The proposed buildings are not considered excessive in size or number having regard to the size of the rear garden space. Their finish and overall appearance will be of a domestic outbuilding and therefore are not considered out of character or harmful to visual amenity.

Impact upon neighbouring amenities

The replacement cat chalet is located to the north eastern side of the application site and therefore will be visible to the dwellings to the rear of Oakdene. However, due to the single storey nature of the proposal as well as the cat chalet replacing the existing, it is considered that the cat run will not cause any significant impact upon neighbouring amenities.

The two replacement cat runs will be visible to both neighbouring amenities to the north east and south west, however due to the single storey nature of the buildings as well as the proposals replacing the existing cat runs, it is considered that the proposal will not cause any significant impact upon neighbouring amenities. There is also a 2 metre hedgerow along the south western boundary which will help to screen the proposals from the neighbouring amenities.

Other considerations

Two letters of observation have been received raising the following concerns:

1. Advised that the replacement would be like for like
2. Creates a significant reflection from security lighting on adjacent properties

In response to concern number 1, the proposed materials are considered to be a visual improvement to the application site and due to the single storey nature of the building, it is considered that the proposal will not cause any significant impact upon neighbouring amenities. In response to concern number 2, this is a civil matter and therefore it has not been taken into consideration when determining this application.

6. Recommendation

Approval - Full

7. Conditions / Reasons for Refusal

- 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 plan: Proposed Block Plan Scanned 15 Feb 2019, Proposed Floor Plan Scanned 15 Feb 2019, Proposed Front Elevation Scanned 15 Feb 2019, Proposed Left Elevation Scanned 15 Feb 2019, Proposed Rear Elevation Scanned 15 Feb 2019, Proposed Right Elevation Scanned 15 Feb 2019, Additional Block Plan Scanned 2 May 2019, Additional Unit Proposed Elevations Scanned 2 May 2019, Layout Plan Scanned 2 May 2019, Layout Plan Showing Additional Units Scanned 2 May 2019.

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

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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