Recommendation Report for Planning Permission

REF NO: **AL/24/14/PL**

LOCATION: Fairacres
Level Mare Lane
Eastergate

PROPOSAL: Erection of a cattery to accommodate cats on a short term basis and ancillary reception storage.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed application seeks permission for the erection of 2No. buildings; one of which will host 8no. cat pens and the other will be used as a reception area.
SITE AREA	0.091 hectares (approximately)
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Some trees noted within the site, however none of any significance are affected by the proposed development.
BOUNDARY TREATMENT	Western boundary kept by 2 metre high timber fencing, east boundary kept by intermittent timber fencing and mature hedging.
SITE CHARACTERISTICS	Semi detached single storey dwelling, large garden to the rear with vehicular access to the west side of the dwelling. Existing timber shed within rear garden.
CHARACTER OF LOCALITY	Rural location, located within a small cluster of dwellings, with open grazing land to the south. Neighbouring site has existing workshops/outbuildings within rear garden.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:
Awaited

Comments on Representations received:
None

CONSULTATIONS

Environmental Health

Consultations responses received:

Environmental Health:
No objections; informative requested.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Area of special control of adverts

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):		C SP1 Countryside D DM1 Aspects of Form and Quality D SP1 Design QE DM1 Noise Pollution SD SP1 Sustainable Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks permission for the erection of 2 new buildings within the site to be used as a cattery. The main building would house 8no. cat pens and an ancillary building to be used as a reception and storage area.

The proposed structures are of a domestic scale and appearance which together with their siting to the rear of the existing residential dwelling mean that they would not harm the character and appearance of the surrounding rural area.

In terms of the location and impact of such a use on the surrounding residents, it is not considered that the cattery would result in any unacceptable impacts upon the locality. The cats are kept within a building and unlikely to generate any unacceptable levels of noise which would detract from the amenity of neighbouring properties. Also given that a maximum of 10no. cats could only be kept at one time with a minimum stay of 3 days, the level of vehicle activity from

customers would be minimal. Similarly given the scale of the business a minimal number of employees are required, therefore further reducing the number of vehicle movements in the area.

Environmental Health have confirmed that no objection would be raised to the proposed use, subject to a Licence for Cat Boarding Establishments being agreed. This falls outside the planning requirements, however it will control matters such cleanliness, management and supervision.

In the absence of any harm resulting from the proposed use, it is recommended that the application be approved subject to the conditions set out below.

HUMAN RIGHTS ACT

Human Rights Act:
The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect and private family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal a neutral impact has been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan (5)

Proposed Site (4)
Reception/Storage Floor Plan (7A)
Reception/Storage Elevations (7B)
Reception Storage (7C)
Proposed Plan for Cat Hotel (6C)
Front Elevation (6D)
Right Side Elevation (6A)
Left Side Elevation (6E)
Rear Elevation (6B)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 The building hereby permitted shall only be used for the boarding of cats and shall not be used for the boarding of any other animal.

Reason: In the interests of the amenities of the area in accordance with Local plan Policy GEN7, GEN32 and the National Planning Policy Framework.

4 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

5 INFORMATIVE: The applicant will need to contact Environmental Health to obtain a Licence for the Cat Boarding Establishment. Environmental Health can be contacted by telephone on 01903 737755 or by email on licensing@arun.gov.uk.