



# REGULATORY SERVICES COMMITTEE

25 April, 2013

# REPORT

**Subject Heading:**

**P0030.13 – Whitehouse Kennels, St Mary's Lane, Upminster**

**Change of use of the existing site to a Holiday Park. Demolition of the existing kennels to facilitate the erection of six chalets alongside the conversion of three existing buildings to holiday let units. Provision for off-street parking for 12 vehicles, soft landscaping and refuse facilities.**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework  
London Plan  
National Planning Policy**

**Financial summary:**

**None**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park, comprising 9 accommodation units, along with associated landscaping, surfacing, and other works.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following obligation:

- That the proposed holiday accommodation comprising 9 units be used solely as holiday lets and for no other purpose and that the seasonal occupation as holiday lettings is restricted to 10 months in any calendar year the precise dates of the restrictions shall be agreed or in default of agreement set by the Council
- That the applicant/owner of the application site agrees that on the issue of the Decision Notice pursuant to the Planning Application (Reference P0030.13) the following Certificates of Existing Lawful Use or Development (Certificates) granted under Section 191 of the Town and Country Planning Act 1990 (as amended) have no further legal effect in respect of the unrestricted use of accommodation units existing on site for unrestricted residential use. For the avoidance of doubt from the issue of the Decision Notice the units subject to the following Certificates shall no longer be used lawfully for unrestricted residential use:-
  1. Certificate Reference E0014.00 issued on 29<sup>th</sup> August 2002;
  2. Certificate reference E0012.11 issued on 6<sup>th</sup> March 2012; and
  3. Certificate reference E0022.12 issued on 8<sup>th</sup> March 2013.
- The Council's reasonable legal fees shall be paid prior to completion of the agreement and if for any reason the agreement is not completed the Council's reasonable legal fees shall be paid in full;
- The Council's planning obligation monitoring fees shall be paid prior to completion of the agreement.

That, subject to the Environment Agency having no objections to the proposal on flood risk grounds, Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development to which this permission relates must be commenced not later than 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 Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accord with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61

3. Car parking - Prior to the development hereby approved being brought into use, the proposed vehicle parking spaces shall be provided. The parking spaces shall be retained for the life of the development.

Reason:-

To ensure that the development provides adequate off-street parking spaces.

4. Materials - Before any of the development hereby permitted is commenced, samples of all materials to be used in the external construction of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved development shall be constructed with the approved materials.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

5. Landscaping – No development shall take place until details of all proposed hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Section 197 of the Town and Country Planning Act 1990 and to enhance the visual amenities of the development, and that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

6. Refuse and recycling - The development shall not be occupied or brought into use until a scheme for the collection and storage of refuse and recycling is submitted to and approved in writing by the local planning authority and the refuse and recycling storage is provided in accordance with the approved scheme. Refuse collection and storage arrangements shall be maintained in perpetuity in accordance with the approved scheme.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

7. Cycle storage - Prior to the completion of the works hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason: In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

8. Boundary treatment - Prior to the commencement of the development hereby approved, details of proposed boundary treatment, including details of all boundary treatment to be retained and that to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details and the boundary treatment retained thereafter.

Reason: In the interests of privacy and amenity and to accord with Policies DC61 and DC63 of the LDF Development Control Policies Development Plan Document.

9. Secure by Design - Prior to the commencement of the development hereby approved a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention Design Advisor the development shall be carried out in accordance with the agreed details.

Reason: In the interest of creating safer, sustainable communities and to reflect guidance in PPS1 and Policies CP17 and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

10. Hours of construction - No construction or demolition works, or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To protect residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

11. Construction methodology - Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded. And the development shall be carried out in accordance with the approved scheme and statement.

Reason:-

To protect residential amenity, and in order that the development accords the Development Control Policies Development Plan Document Policy DC61.

12. Land contamination: Prior to the commencement of any works pursuant to this permission the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.

b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.

c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:

Part A - Remediation Statement which will be fully implemented before it is first occupied. Any variation to the scheme shall be agreed in writing to the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B - Following completion of the remediation works a "Validation Report" must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA ; and

e) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

For further guidance see the leaflet titled, "Land Contamination and the Planning Process".

Reason:

To protect those engaged in construction and occupation of the development from potential contamination. Also in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC53.

13. Ecology - No development shall take place until details of the proposed ecological mitigation measures have been submitted to and approved in

writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

To improve the ecological value of the site in accordance with Policy DC59 of the Development Control Policies Development Plan Document.

14. Seating and Play Areas - No development shall take place until details of the proposed outside seating and play areas have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development being brought into use.

Reason:-

In the interests of visual amenity and the openness of the Green Belt, and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

15. Surfacing Materials - No development shall take place until details of the proposed surfacing materials, to be used throughout the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of sustainable drainage and the visual amenities of the Green Belt.

16. Lighting Scheme – No development shall take place until details of the proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such.

Reason:-

In the interests of visual and residential amenity and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

17. Wheel Washing - Before the development hereby permitted is first commenced, wheel scrubbing/wash down facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works.

Reason:-

In order to prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area, and in order that the development accords with the Development Control Policies Development Plan Document Policies DC61 and DC32.

18. Layout - The layout of the proposal shall be in accordance with the submitted plan referenced "STMRL-L101 Rev. A", date stamped 1st February, 2013 and retained as such.

Reason:-

In the interests of visual amenity and the openness of the Green Belt, and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

19. Permitted Development - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, as amended by the Town and Country Planning (General Permitted development) (Amendment)(no. 2)(England) Order 2008, or any subsequent order revoking or re-enacting that order, no development shall take place under Part 2 (Class A) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

## **INFORMATIVES**

Highways - Informative:

1. Planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.

Community Safety - Informative:



In aiming to satisfy the Secure by Design condition (condition 9), the applicant should seek the advice of the Police Crime Prevention Design Advisor (CPDA). The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

#### 4. Reason for Approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies DC22, DC32, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF Core Strategy and Development Control Policies Development Plan Document.

Note: A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed.

#### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

#### Approval Following Revision

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Improvements required to make the proposal acceptable were negotiated and submitted, in accordance with para 186-187 of NPPF.

### REPORT DETAIL

This application was brought before Members on 14<sup>th</sup> March, 2013 as it had been called-in by Councillor Van Den Hende, on the grounds that the proposal would be incompatible with the Green Belt and visually intrusive.

The application was deferred to allow additional information to be gathered about the planning history of the site. Officers have been unable to find any evidence that a previous planning permission at the site required the site to

be cleared in the event that the kennel use ceases. There appeared to be no planning obligations or planning conditions of extant planning permissions that required the land to be cleared in the event that the current use as kennels ceases.

On this basis, the report originally presented to the 14<sup>th</sup> March committee is replicated below.

## **1. Site Description**

- 1.1 The Site, which is located in the Green Belt, forms a broadly rectangular area of land running in a north-south direction. The Site is in use as a kennels and cattery business, but includes three buildings, which are in use as dwellings. The northern half of the Site is dominated by development associated with the kennel business. The southern half of the Site is an area of open grassland, at the centre of which is a timber building in use as a residential unit, which is currently the subject of an application for a certificate of lawfulness. The other two residential units are located in the northern half of the Site, both of which benefits from a certificate of lawfulness for use as a dwelling.
- 1.2 The Site's northern boundary lies adjacent to St Mary's Lane; the western and eastern boundaries abut neighbouring properties: Elizabeth Lodge Farm to the west and Brook Farm to the east, both of which include dwellings. The southern boundary, which is formed by a belt of vegetation, adjoins open countryside. The existing business includes 58 cattery pens and approximately 100 dog pens, however, the site is licensed to hold upto 158 dogs. The applicant has stated that the busiest period is during the summer months when it typically reaches full capacity.
- 1.3 The complex of buildings dominating the northern half of the Site include kennel buildings, which run alongside the Site's western boundary, along with an office building, cattery, and various outbuildings. The existing buildings are typically around 3m in height. A parking area is located at the northern end of the Site, alongside the public highway. As discussed, there are also two dwellings at the northern end of the site.
- 1.4 The site is located on land designated as Thames Chase Community Forest, and a countryside conservation area is located approximately 20m to the east. The site is located on land designated as Flood Zones 2 and 3.

## **2. Description of Proposal**

- 2.1 This planning application proposes the demolition of the existing kennels, cattery, office, and various out buildings and the change of use of the site to a small holiday park. The structures of the existing three dwellings would remain but be converted to use as holiday units with their own formal garden areas.

- 2.2 The proposal would also involve the siting of six cabins, each of which would have a footprint of 74.3sqm and a height to ridge of approximately 3m. Each of the cabins would include three bedrooms, a bathroom, kitchen, and living area and would be accompanied by an area of decking. The proposed development would be available for use by individuals and families, as well as organisations. The cabins would be located at the northern end of the site, mainly along the western boundary, in place of the existing buildings and hardstanding which are to be removed.
- 2.3 The proposal would include an internal pedestrian path, play space for children, along with several open spaces, a pond, and landscaping. A parking area with 12 spaces would be located at the northern end of the site, in place of an existing car park and building, and would be kept separate from the proposed accommodation and open space areas. A reception building would be located at the northern end of the site to be used by the site manager.

### **3. Relevant History**

- 3.1 The previous planning decisions of most relevance to the proposal are as follows:

E0022.12 - Retention of the use of the existing Studio Apartment as residential (class C3) with its associated rear garden amenity space - Under consideration.

E0012.11 - Certificate of Lawfulness for erection and use of log cabin as a dwelling house - Certificate of Lawfulness granted.

E0014.00 - Wood built bungalow type dwelling converted from mobile home - Certificate of lawfulness granted.

P1425.95 - Replacement of mobile home with new chalet-style dwelling and existing shop/office with new single storey office / reception building - Refused.

### **4. Consultations/Representations**

- 4.1 Notification letters were sent to 32 neighbouring properties. 18 objection letters have been received. The objections raised are as follows:

- a) The proposed units would be let as residential properties;
- b) The locality is not a holiday area;
- c) The area is prone to flooding;
- d) The land would become a Traveller site;
- e) The site is located in the Green Belt;
- f) The proposal would cause traffic congestion;
- g) There would be a detrimental impact on property prices;
- h) The proposal would have an adverse impact on local ecology;
- i) It is unclear who will supervise the site;

- j) There is a lack of public transport provision in the area;
- k) It will encourage further mobile units to be sited;
- l) The proposal would result in a loss of employment.

4.2 Comments have also been received from the following consultees:  
Environment Agency - Comments awaited.

Crime Prevention Design Advisor - No objections; condition recommended.

Environmental Health - No objections; condition recommended.

Highways - No objections.

Health and Safety Executive - No objections.

London Fire and Emergency Planning Authority - Comments awaited.

## **5. Relevant Policies**

5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

- DC22 - Thames Chase Community Forest
- DC32 - Road Network
- DC33 - Car Parking
- DC45 - Appropriate Development in the Green Belt
- DC58 - Biodiversity and Geodiversity
- DC59 - Biodiversity in New Developments
- DC61 - Urban Design
- DC63 - Delivering Safer Places

5.2 The London Plan

Policy 7.16 - Green Belt

5.3 National Planning Guidance

National Planning Policy Framework ("the NPPF")

## **6. Staff Comments**

6.1 The main issues in this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, Highway and access arrangements, and other considerations.

### **6.2 Principle of Development**

6.2.1 The site is located in the Green Belt and numerous objections have been received stating that the proposal would be detrimental to the Green Belt.

6.2.2 This planning application proposes the change of use of land and building operations in the Green Belt. Policy DC45 of the LDF relates to the control of development in the Green Belt, but has, in this case, been superseded by the guidance contained in the NPPF.

6.2.3 In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF set out the categories of development not deemed to be inappropriate.

b) If the development is considered not to be inappropriate, the application should be determined on its own merits.

c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

6.2.4 In terms of Green Belt policy, this application proposes the material change of use land, which would include the siting of new buildings, including cabins and other structures, such as fencing, cycle and bin storage, and benches. It is considered that the proposed cabins would constitute building operations owing to their size, degree of attachment to the ground, and degree of permanence.

6.2.5 Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in given cases, which include:

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

6.2.6 The proposed cabins, which would make up the bulk of the proposed building operations, would be located in place of the existing buildings and hardstanding at the site. The proposed units would have a cumulative volume that is less than that of the existing permanent buildings to be replaced; approximately 1111m<sup>3</sup> compared to the existing 1121m<sup>3</sup>. The proposal would also involve the removal of various, more temporary structures, such as cages. It is considered that the proposed cabins would not have a greater impact on the openness of the Green Belt than the existing development. It is considered that the other proposed structures could be provided without detriment to the Green Belt, however, it is recommended that conditions be imposed, should planning permission be granted, requiring the approval of details relating to boundary treatment, play area structures, and bicycle/bin storage.

- 6.2.7 The guidance contained in the NPPF states that material changes of use constitute inappropriate development in the Green Belt. It is considered that the proposed use would not, compared to the existing land uses at the site, be detrimental to the openness of the Green Belt or the purposes of including land within it. The proposed use is likely to result in a less intensive use of the land than the existing kennel and cattery business. Nevertheless, given the guidance in the NPPF in relation to changes of use, very special circumstances will need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness. This matter will be discussed below.
- 6.2.8 Neighbouring occupiers have objected to the proposal on the grounds that the proposed cabins could be used for residential purposes. The application is for holiday lets, and should be treated as such on its own merits. In order to ensure that the site is used for the purposes being applied for, it is recommended that a legal agreement be sought, should consent be granted, requiring that the accommodation units not be used for residential purposes.

### **6.3 Density, Site Layout and Visual Impact**

- 6.3.1 The site is located in the Green Belt. Neighbouring occupiers have objected to the proposal on the grounds that it would be contrary to Green Belt principles and harmful to the visual amenities of the Green Belt.
- 6.3.2 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 6.3.3 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, including various temporary structures, and their replacement with less voluminous buildings, would improve the appearance of the site. It is considered that the proposed use of the site, as a modest holiday park, would be less intense than the existing use and therefore more suitable to a semi-rural, Green Belt location.
- 6.3.4 Further conditions are recommended to limit the number of holiday cabins allowed at the site and to require the submission and approval of landscaping details, the appearance of the proposed cabins, and the design of refuse and bicycle storage areas.
- 6.3.5 Given the nature of the proposal, it is considered that it would not have a significant adverse impact on the visual amenities of the Green Belt, and that it would be in accordance with Policy DC61 of the LDF. Development

proposals which by reason of their scale, nature or location are judged to have a significant effect on the openness of the Green Belt may be referred or notified to the Secretary of State. The Secretary of State may then exercise his discretion as to whether the application should be called-in. In the context the effect on the openness of the Green Belt is not considered to be significant as the current condition of the site within the Green Belt would be improved in term of its appearance without significant impact on the openness of the Green Belt.

## **6.4 Amenity Considerations**

6.4.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

6.4.2 The proposed holiday chalets would be located approximately 10m from the nearest neighbouring property, at Elizabeth Lodge Farm. One of the existing residential units, which is to be converted to use as holiday accommodation, would be located approximately 3m from the dwelling at Brook Farm. In the latter case, it is considered that the proposed use of the existing residential units would not give rise to any greater amenity impacts than their current use. In terms of the six new holiday cabins, which would be located in close proximity to the site's western boundary, it is considered that there would not be any significant adverse impacts to neighbouring properties in terms of outlook, overlooking, or loss of light. A scheme of boundary treatment should be imposed, should planning permission be granted.

6.4.3 It is considered that the proposal would result in an improvement to the amenity of neighbouring occupiers insofar as there is likely to be a significant reduction in the amount of noise generated at the site. The current operations are very noisy, particularly at certain times of the year, as a result of dogs barking and frequent vehicular movements.

6.4.4 Given the nature of the proposal, it is considered that there would not be a significant adverse impact on the amenity of neighbouring occupiers, and that the proposal would not therefore be contrary to Policy DC61 of the LDF.

## **6.5 Parking and Highway Issues**

6.5.1 Neighbouring occupiers have objected to the proposal stating that there would be insufficient vehicle parking and that the proposal would contribute to congestion on the public highway. It has also been stated that the site is remote from public transport.

6.5.2 The proposal would include 12 parking spaces for use by the three existing residential units, and six proposed holiday lets. This would be the equivalent of 1.3 spaces per unit. The proposal would also include bicycle storage, the details of which can be sought by condition. Whilst the site may not be well served by public transport, it is considered likely that users would, in any case, opt to travel to the site by car, owing to the need to carry clothes and other provisions. Moreover, it is to be expected that a holiday park would be

located in rural or semi-rural surroundings, and it is typical for there to be poor public transport provision in such locations.

- 6.5.3 The Highway Authority has raised no objections to the proposal. It is therefore considered, in the absence of any supporting information to the contrary, that the proposal would be detrimental to highway safety and amenity.

## **6.6 Community Infrastructure**

- 6.7.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as the proposal would not result in the creation of more than 100sqm or more of new build floor space, once the existing buildings and their recent use, has been considered.

## **6.8 Flood Risk**

- 6.8.1 Much of the Site is located in Flood Zones 2 and 3, and is therefore located on an area of land at higher risk of flooding. It is at the north western end of the site that the land is designated as being in the lower risk, Flood Zone 2. As most of the cabins would be located in this part of the site, it is considered that the proposal passes the Sequential Test, in that it locates the accommodation, which is the more vulnerable element of the proposal, into the area of the site at lowest risk of flooding.

- 6.8.2 However, as the proposal would involve placing some accommodation in Flood Zone 3a, it is necessary for the proposal, as a more vulnerable use, to be subject to the Exceptions Test. In this case it is considered that there are sustainability benefits to allowing the development to proceed. The proposal would result in the redevelopment of a visually unsightly, intensely used, and noisy use into one that would be more appropriate in the Green Belt and in close proximity to residential properties.

- 6.8.3 The safety considerations associated with locating such a development in an area at risk of flooding should be the subject of a Flood Risk Assessment. The applicants have prepared a Flood Risk Assessment, which is currently being considered by the Environment Agency. Members will be updated of progress during the Committee meeting.

## **6.9 Other Considerations**

### *Nature Conservation*

- 6.9.1 In terms of nature conservation considerations, the site is located in close proximity to a Cottryside Conservation Area. Policy DC58 of the LDF states that the biodiversity and geodiversity of such sites will be protected and enhanced. The site is separated from this designated area by an intervening property; it is considered that the proposal would not have any significant effect. By reducing the intensity of the site's use and reducing noise



nuisance, it is more likely that the proposal would have a beneficial, rather than a detrimental, impact on the Countryside Conservation Area.

- 6.9.2 Policy DC59 states that biodiversity enhancements will be sought where new developments are proposed. It is recommended that a condition be imposed requiring the submission of details relating to the proposed use of such enhancement measures, such as bird boxes. Such enhancements can also be sought through the approval of a landscaping scheme.

#### *Contaminated Land*

- 6.9.3 The Council's Environmental Health officers have recommended a condition relating to contaminated land, which can be imposed should planning permission be granted.

#### *Very Special Circumstances*

- 6.9.4 Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is for the applicant to show why permission should be granted and very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF, paragraph 88). In this particular case, it is overall use of the site, rather than the proposed structures, that would constitute inappropriate development in the Green Belt.
- 6.9.5 In its current condition, the site is considered to be in an unsightly condition, comprising a series of ramshackle structures that are detrimental to the visual amenities of the Green Belt. Moreover, the very intense use of the site at certain points of the year, involving numerous vehicle movements and other nuisances, such as noise, associated with the running of a kennel business, are such as to have an urbanising effect on the Green Belt. It is considered that the proposed development, which would involve the removal of the existing kennel and cattery, and various temporary structures, and their replacement with less voluminous buildings would improve the appearance of the site. There is also the potential, through the use of conditions, to significantly improve the landscaping and ecological value of the site. It is considered that the proposed use of the site, including six holiday let cabins, would be far less intense than the existing use of the site.
- 6.9.6 In light of the above, it is considered that there are very special circumstances to justify the proposed change of use.

#### *Other*

- 6.9.7 Neighbouring occupiers have objected to the proposal on the grounds that it would be detrimental to local property prices and on the grounds that there would not be sufficient demand for the proposal. These matters are not

considered to constitute material planning considerations and are not therefore considered any further in this report.

## **7. Conclusion**

7.1 The application under consideration has been assessed in accordance with planning policy and guidance. The proposed development is considered to be unacceptable having had regard to Policies DC22, DC32, DC33, DC45, DC55, DC58, DC61, and DC63 of the LDF, and all other material considerations.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

None.

#### **Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

#### **Human Resources implications and risks:**

None.

#### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to equality and diversity. The development includes a mix of unit types and includes the provision of an element of affordable housing, thus contributing to the provision of mixed and balanced communities.

### **BACKGROUND PAPERS**

Planning application p1416.12, all submitted information and plans.