



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
7 OCTOBER 2019**

Application Number	FUL/MAL/18/01518
Location	Sandbeach Hockley Lane Bradwell-On-Sea Essex CM0 7QB
Proposal	Section 73A application to convert disused farm outbuilding into dog kennels, change of use of associated land to be used as a dog rescue centre and stationing of a caravan to be used as a veterinary practice in association with the dog rescue use.
Applicant	Ms Charlene Nathan
Agent	Mr Ashley Wynn
Target Decision Date	26.04.2019 (E.o.T. 19.07.2019)
Case Officer	Spyros Mouratidis
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Deferral – due to further information needing to be submitted

1. APPLICATION HISTORY

It is noted that this application was deferred from the South East Area Committee on 15 July 2019, to allow for an ecology report to be submitted. The full committee report, as written for the July committee, can be found in **APPENDIX 1**. This report includes updates following the submission of the ecology report, to the ecology section, consultee comments, representations and conditions. The recommendation to approve the application remains the same.

2. RECOMMENDATION

APPROVE subject to the conditions as detailed in Section 4 of this report

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 It is noted that this application was originally heard at the South East Area Committee on 15 July 2019. It was decided to defer the application to allow the submission of an Ecology Report. This was submitted in August 2019 and the report has been updated to reflect the additional information.

3.2 Ecology and impact on the natural environment

3.2.1 An Ecology Report has been submitted in August 2019 and sets out the assessment and results of the survey in relation to the designated sites, habitats and protected

species. The report acknowledges that the works have already taken place and that there could have some impact on the surrounding habitats. The report concludes that the buildings and vegetation within the site were found to have negligible or low potential to support bats. Birds nests were found within the kennel block, however, any impact in relation to birds could be mitigated by the installation of bird boxes. The report also found it unlikely that any other habitats or species would have been adversely affected by the development.

- 3.2.2 A management plan has also been submitted to state how the activities outside the site will be conducted, namely that dogs will be kept on leads and will be walked in groups of maximum two dogs per member of staff or volunteer. The nature of the use requires dogs to be exercised. If dogs were to be left to run freely, it is likely they would reach the designated areas around the site and cause disturbance to the flora and fauna of the habitats. However, on the basis of the submitted management plan, it is considered that the likely effect of the use on the nearby designated site is unlikely to be detrimental. The Local Planning Association (LPA) has also consulted Natural England (NE), as a statutory consultee, and other non-statutory consultees, such as the Essex Wildlife Trust (EWT). NE’s consultation response referred the LPA to the NE’s standard advice which does not give rise to any concerns. The consultation response from EWT was objecting to the development on the basis that the dogs are not always walked on leads, as evidenced by the Applicant’s social media page. However, it should be noted that the public footpaths are used by dog walkers frequently and any such control would not be available on these dogs.
- 3.2.3 The Council’s Countryside and Coast Team have supported the installation of bird boxes, as stated within the Ecology Report and have also suggested the installation of hunting perches at heights for Birds of Prey. Some concerns have been raised in relation to foul drainage and waste, however this can be addressed through the inclusion of conditions.

3.3 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Comment – the application is within a trigger zone but no bespoke advice will be provided other than the standard advice.	Comment noted and standard advice taken into account.
Essex Wildlife Trust	Object - The Ecology report concludes that there will be no operational impact on Habitats sites as the dogs are always walked on leads. We disagree with this conclusion on the basis that evidence from the	Comment noted. Please see section 5.5 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>applicant's own social media shows that groups of up to 8 dogs at any one time are allowed to run off the lead along the seawall and its environs.</p> <p>This poses a risk of significant disturbance to nesting, roosting and feeding coastal birds, some of which may be designated features of the Dengie Special Protection Area (SPA).</p>	

3.4 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Countryside and Coast	<p>The preliminary ecology appraisal includes some minor after-the-fact mitigation with regard to birds which I would support, namely installation of additional nest boxes and particularly swallow roosts inside the barn. If the applicant would also consider installing some hunting perches at height for Birds of Prey, this would add to the overall benefit.</p> <p>I cannot see detail with regard to land drainage/run-off catchment, disposal of foul water, and arrangements for disposal of waste. It would be reassuring to see that these are all being suitably managed, particularly with regard to prevent or limiting drainage or runoff</p>	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	<p>from contaminating the open water systems and affecting the Designated sites.</p> <p>As the ditch to the south of the site is "Main River", I am a little surprised that there is no response to the Consultation from the Environment Agency.</p> <p>They may well wish to see the above potential issues addressed and may wish to monitor local outfalls to ensure there are no future problems.</p>	

3.5 Representations received from Interested Parties

3.5.1 Further representations were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Constantly breaks the rules – does not have a license	This is not a material planning consideration.
Aggressive dogs	This is not a material planning consideration.
Dogs are not walked on leads	This is not a material planning consideration.
Breaching tenancy agreement	This is not a material planning consideration.
Why is there no animal welfare license condition	The animal welfare license cannot be dealt with under the planning system
How will conditions be enforced	If a breach is reported to the Council, this will be investigated.
Traffic concerns	Comments noted. See section 5.4.
No ecology assessment	An Ecology Report has been submitted. See section 5.5.
Disease from imported dogs	This is not a material planning consideration. Other departments and organisations are dealing with animal imports and exports.
There are things on site that are not in the application	The application will be assessed on what has been shown on the proposed plans.

- 3.5.2 It is not considered that the comments above outweigh the planning assessment within the main report.

4. PROPOSED CONDITIONS

1. The use hereby permitted of the area hatched red within the application site on the attached plan shall only be as a dog rescue centre.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
2. The residential use of the site shall be contained within the original dwellinghouse and its curtilage and outside of the area hatched red within the application site on the attached plan.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
3. The occupation of the dwelling shall be limited to a person solely or mainly working for the dog rescue use hereby permitted and the person's household as long as the dog rescue use hereby permitted is taking place.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
4. The caravan hereby permitted shall only be used for purposes ancillary to the use of the site as a dog rescue to attend to medical needs of the dogs before their adoption.
REASON To ensure the interests of protecting the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, T1, T2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
5. The caravan hereby permitted shall not be used as a separate business.
REASON To ensure the interests of protecting the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, T1, T2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
6. The caravan hereby permitted shall be removed and the land restored to its previous condition within twelve (12) months from the date of this permission.
REASON To ensure the harm to the character and appearance of the area is removed in accordance with local policies S1, S7, S8 and D1 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
7. The Management Plan which was submitted to the Local Planning Authority on 24 May 2019 and forms part of this application, shall be displayed on site and be adhered to at all times in perpetuity.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway

- safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
8. The premises hereby permitted to be used as a dog rescue centre shall not be open to customers/people who are interested in adopting a dog outside of 10:00 hours and 17:00 hours on Wednesdays, Thursdays, Fridays, Saturdays and Sundays. No customers shall be present on the premises outside the permitted hours and days.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 9. Deliveries to and collections (other than collection of dogs by customers) from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with local policies S1, S7, S8, E4, D1, D2, N2, T1 and T2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 10. No external storage of any items and paraphernalia associated with the permitted use be carried out within the application site.
REASON To ensure the appropriate use of the site in the interests of protecting the character and appearance of the area in accordance with local policies S1, S7, S8, E4 and D1 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 11. The dog rescue use hereby permitted shall cease immediately and shall not commence again unless within three months from the date of this permission a foul water drainage scheme to serve the premises has been submitted to the Local Planning Authority and unless the scheme has been implemented in accordance with the approved details within three months from the date of its approval. The foul water drainage arrangements shall be kept as implemented in perpetuity.
REASON To ensure the interests of protecting the natural environment in accordance with local policies S1, S7, S8, E4, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
 12. The dog rescue use hereby permitted shall cease immediately and shall not commence again unless within three months from the date of this permission a scheme for the storage and removal of waste and recyclables to serve the development has been submitted to the Local Planning Authority and unless the scheme has been implemented in accordance with the approved details within three months from the date of its approval. The storage and removal of waste and recyclables shall be kept as implemented in perpetuity.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E4, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

13. Notwithstanding the submitted details, no external illumination shall be installed or operated within the application site unless it is in accordance with a scheme that has been submitted and approved by the Local Planning Authority. Any approved external illumination shall be turned off by 20:00 hours.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E4, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
14. No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.
REASON To ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with local policies S1, S7, S8, E4, D1, D2 and N2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.
15. The mitigation measures set out within Section 5 of the Ecology Report (August 2019) in relation to nesting birds shall be carried out within three months of the date of this permission.
REASON To protect the biodiversity value of the site, in accordance with policy N2 of the approved Local Development Plan.