

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
13TH JANUARY 2021**

MEMBERS' UPDATE

AGENDA ITEM NO. 6

Application Number	20/01013/FUL
Location	Willows, Brick House Road, Tolleshunt Major
Proposal	Proposed alterations to existing kennels and replacement with two log cabins and the erection of replacement kennels
Applicant	Mr And Mrs P O Connor - Benbela Cockapoos
Agent	Mr Mark Jackson - Mark Jackson Planning
Target Decision Date	15.01.2021
Case Officer	Hayleigh Parker-Haines
Parish	Tolleshunt Major
Reason for Referral to the Committee / Council	Member call in from Councillor Thompson Reason: D1 1(d), 2 and 4

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Major Parish Council.	Object. The Parish Council has concerns about works previously done at this site without appropriate planning concerns. There are also environmental health issues. It is felt that any increase in the current activities at this site will lead to an unacceptable intrusion on the amenities of adjacent properties	Comments noted and are discussed in section 5.1, 5.3 and 5.6 of the report.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections. Some concerns in relation to the number of dogs to be kept at the premises for breeding purposes	Comments noted

7.3 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
Essex County Highways	No objections.	Comments noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Representations objecting to the application:

Six letters objecting to the proposal have been received.

Supporting Comment	Officer Response
Noise concerns	Comments noted and are discussed in section 5.3.6 of the report
Odour concerns	Comments noted and are discussed in section 5.3.6 of the report
Parking/access concerns	Comments noted and are discussed in section 5.4 of the report
Building works have commenced prior to planning permission being approved	This is not a material consideration in determining a planning application; legislation allows for retrospective application to be made
The application has been made in the names of Mr and Mrs P O'Connor. Mr O'Connor has not lived at the property for some time	Comments noted – the residence at the property does not stop the named Applicants being the owners of the property and therefore, there are no concerns with the Ownership Certificate that has been provided
There are no details for the existing garage extension – unaware that a change of use to kennels has been granted	Details provided with this application state that the garage is being used as kennels currently. The lawful use of the site is discussed in section 5.1 of this report.
There are no internal details of the garage plans	These are provided on Plan 297-001 REV F
The Kennels would be washed and drained into the pond – This institutes a potential health hazard	This information was not provided as part of the application. Additional information has been provided advise that the run-off from the kennels goes to a water treatment unit that replaced the old cess-pit. Furthermore, environmental health have no concerns in this regard
I have seen a drainage pipe in the garden but this is not shown in the plans	Comments noted

Supporting Comment	Officer Response
The plans do not show the drainage ditch which the pond can and does overflow into – this will cause pollution. There is no overflow facility for the pond.	Comments noted – the Applicant has advised that the pond has an overflow that flows out to the ditch to the back of the property bordering farmers field. It does not overflow into the ditch between properties as the water in there is static. Furthermore, environmental health have raised no concerns in this regard
No provision for waste removal, currently this is stored in a permanent skip on the driveway.	Comments noted and discussed in section 5.6 of this report
In addition to dogs and horses there are chickens, pigeons and ducks at this property	Comments noted
Adjacent properties have been infested with rats	Comments noted
The site does not appear to be paying business rates so is not a business and it is not a smallholding	This is not a planning consideration
No historical evidence for permission for the stables nor the use of the garage for kennels	Comments noted and discussed throughout the report
Concerns in relation to the welfare of the dogs	Comments noted and discussed in section 5.6 of this report
Works had begun on constructing the development prior to permission having been received	The planning system allows for applications to be retrospective in nature and this does not have any weight in the determination of applications.