



## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because it has been called in by Cllr Ellis for the following reasons:

- Detrimental impact on neighbouring residential amenity (location, hours of use, nature of use);
- Inadequate size for a dog exercise field

## **2.0 Synopsis**

2.1 The key issues for consideration are the potential impacts on neighbouring amenity from the development proposed. For the reasons outlined in the main body of the report it is concluded that, subject to the imposition of appropriately worded conditions, the amenity of the surrounding area can be suitably preserved, and neighbouring amenity protected. The proposals are also not considered to give rise to any concerns with regard to other wider material planning considerations.

2.2 The application is subsequently recommended for approval, subject to conditions.

## **3.0 Site Description and Context**

3.1 The application site forms part of Kroonstadt, 63 London Road, Copford. The application site is located within a predominately residential location with the access point and entrance gate located within the settlement boundary and the main body of the site (exercise field) being located outside of the settlement boundary.

## **4.0 Description of the Proposal**

4.1 The application seeks planning permission for a change of use of a section of residential garden into a secure dog exercise field. The application site is an existing residential garden owned by No.63 London Road, Copford.

## **5.0 Land Use Allocation**

5.1 Residential

## **6.0 Relevant Planning History**

6.1 None

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision

and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

#### 7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

- DM15 Design and Amenity
- DM19 Private Amenity Space
- DM22 Parking

#### 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide  
EPOA Vehicle Parking Standards

#### 7.6 The Neighbourhood Plan for Copford is also relevant. This forms part of the Development Plan in this area of the City.

### 8.0 Consultations

#### 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

**Contaminated Land Officer:** No comments

**Environmental Protection:** Recommended conditions to control lighting levels, confirm that no floodlighting is approved, control hours of operation and number of dogs allowed on site at any one time, and ensure waste collection.

**Highways Authority:** Confirmation that the proposal is acceptable from a highway and transportation perspective subject to conditions: vehicular access gates to be inward opening only and set back from the highway boundary, car parking and turning areas provided, passing place to be provided. An informative is also recommended regarding works affecting the highway.

### 9.0 Parish Council Response

#### 9.1 Copford and Easthorpe Parish Council have stated that the “Council strongly objects to this application on the grounds that the area is too small and due to the proximity of neighbouring properties this will affect their enjoyment of their homes and their privacy. It is an inappropriate place for this kind of facility.”

### 10.0 Representations from Notified Parties

#### 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below

- Inappropriate location for a business

- Noise and odour nuisance
- Proposed use will have an impact to wildlife
- Will increase anti-social behaviour
- Increase of pollution

### **11.0 Parking Provision**

11.1 The proposal is not considered to have a material impact on existing parking provisions or the demand for such. Parking provision has been recommended by Essex County Council Highway Authority and can be conditioned.

### **12.0 Accessibility**

12.1 In considering the application, due regard has been given to the Local Planning Authority's duties under the Equality Act 2010, which legally protects people from discrimination in the workplace and in wider society. Representations received have not identified any specific equality implications potentially arising from the proposed development and requiring additional consideration. The proposal does not give rise to any other concerns from an accessibility or equality perspective.

12.2 The proposal is also not considered to present further conflict with any other arms of the Public Sector Equality Duty.

### **13.0 Open Space Provisions**

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

### **14.0 Air Quality**

14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

### **15.0 Planning Obligations**

15.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

### **16.1 Report**

16.1 The main planning considerations in this case are:

- The Principle of Development
- Design and Impact on the Surrounding Area
- Amenity - Impacts on Residential Properties
- Highway Safety and Parking Provisions (including Cycling)

### **Principle**

16.2 The proposed development should be considered on its own merits, with regards to wider material planning considerations as set out in the sections below. The entrance is located within the settlement boundary and the main body is located outside of the Settlement boundary, therefore policies DM6 and

OV2 will be relevant in policy terms. The proposed development would encourage economic and leisure benefits to the application site.

### **Design & Impacts on the surrounding area**

- 16.3 The NPPF and the Planning Practice Guidance recognise the importance of good design, with specifically paragraph 130 of the NPPF requiring planning decisions to ensure development is visually attractive as a result of good architecture. Paragraph 126 states that the creation of high quality and beautiful buildings and places are both fundamental to what the planning and development process should achieve.
- 16.4 Colchester Borough Local Plan 2013-2033 Section 1 Policy SP 7 requires all development to meet high standards of urban and architectural design, respond positively to local character and enhance the quality of existing places. Section 2 Local Plan Policy DM15 requires development to be designed to a high standard, respond positively to the context and achieve good standards of amenity.
- 16.5 The site itself is located to the south of London Road, to the west of the site sits three residential dwellings and residential gardens and commercial operating buildings with associated parking. To the east of the site sits residential dwellings, and to the rear is countryside. Adopted Local Plan Policy DM6 (Economic development in rural areas and the countryside) is therefore considered to be relevant. The policy states, In general, proposals for sustainable rural businesses will be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts, and harmonize with the local character and surrounding countryside where they are being proposed.
- 16.6 To accommodate the change of use of the residential field to a dog exercise field, the proposal includes the addition of a 6ft high agricultural tornado wire fencing, set in approximately 1m from the garden boundary and positioned to wooden posts, to secure the site. Furthermore, an additional gate to the field access is proposed, alongside an existing hard standing area which will be retained. To the existing hard standing area, a timber shelter will be erected with the addition of electricity and water. A designated dog waste bin will also be on site. There are existing trees and vegetation on site, which are proposed to be retained.
- 16.7 The development being the change of use from residential garden to a dog exercise field is considered to be small scale. There are no materially harmful alterations to the existing land. Furthermore, the site is located to the rear of a residential dwelling with a separate access and approximately 51 meters from the main access of London Road. Therefore views of the development site from the public realm will be significantly limited.
- 16.8 It is considered that the proposal will incorporate a small scale operating business, which will include the operation of an online booking system, management of fencing and car park maintenance which will provide

employment. Therefore, the proposed will provided local rural employment in accordance with development Policy DM6.

### **Neighbouring Amenity**

- 16.9 Paragraph 130 of the National Planning Policy Framework (2021) requires planning decisions to ensure development creates places with a high standard of amenity for existing and future users, while Paragraph 185 further requires planning policies and decisions to ensure that new development is appropriate for its location taking into account likely effects and potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 16.10 Section 2 Policy DM15 states that all development must be designed to a high standard and protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Section 1 Policy SP7 echoes these sentiments, requiring all development to protect the amenity of existing and future residents, including with regard to noise and vibration.
- 16.11 In this instance, the site is located to the rear of a residential dwelling and a row of Residential dwellings along London Road, Copford to the north.
- 16.12 The application has been assessed by the Environmental Protection and no objections have been raised. Conditions have been included with regards to the prevention of light pollution, flood lighting, permitted operating hours, number of dogs and details of the waste collection. These conditions are considered necessary and reasonable in mitigating the impacts of the proposed development.
- 16.13 The proposal does not give rise to any concerns from a loss of light or overlooking perspective.
- 16.14 In conclusion, subject to the imposition of the abovementioned conditions the proposal is considered acceptable from a neighbouring amenity perspective with no material impacts to neighbouring amenity expected, including in terms of noise or other disturbance.

### **Highway Safety and Parking Provisions**

- 16.15 The development site has a separate gated access from the host dwelling No. 63 London Road, and has a proposed passing and turning point proposed within the site. Highways Authority have not objected to the proposal and have found it to be acceptable from a highway perspective.
- 16.16 The scheme is considered to provide adequate parking on site and complies with the adopted Vehicle Parking Standards SPD. Conditions can be imposed to secure the parking spaces.

## **17.0 Planning Balance and Conclusion**

17.1 For the reasons outlined above, subject to conditions to provide necessary certainty and control on operating hours and the day to day functioning of the use, it is considered it can be ensured the proposed development can take place without resulting harm to neighbouring amenity. In the absence of harm in respect of other relevant material planning consideration officers conclude that the planning balance tips towards an approval in this instance and a conditional approval is therefore the recommendation put forward to members.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

### **1. Time Limit for Full Permissions**

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. Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers CHRTRA-IWD-XX-XX-DR-E-5100 P02, CHRTRA-IWD-XX-XX-DR-E-5101 P03 and CHRTRA-IWD-XX-XX-DR-E-5004 P01.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

### **3. Hours of Operations**

The development hereby permitted shall not OPERATE outside of the following times:

Weekdays: 07:30-21:00

Saturdays: 07:30-21:00

Sundays and Public Holidays: 08:00-19:00

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

### **4. Light Pollution for Minor Development**

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the current ILP Guidance Note For The Reduction of Obtrusive Light for zone E2 RURAL (low district brightness – sparsely inhabited rural areas, village or relatively dark outer suburban locations).

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

## **5. No Floodlighting**

No floodlighting shall be constructed, installed or illuminated at any time unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution.

## **6. Number of dogs**

The use of the site for dog exercising shall be undertaken on a pre-booked appointment basis only (with 10 minutes between appointments) and with a maximum of two dogs on site at any one time.

Reason: In order to minimise potential noise nuisance in the interests of residential amenity

## **7. Waste**

Waste shall be stored in the bin as shown on drawing Proposed site block plan ref: 2306-DMAC-00-DR-A-02-S1-P02 and shall be emptied by a licensed contractor once a week.

Reason: In order to minimise nuisance as a result of waste being stored on site in the interests of public amenity.

## **8. Vehicular Access Arrangements**

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 12m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

## **9. Car Parking**

The development shall not be occupied until such time as car parking for at least 2 No. cars has been provided in accordance with current Parking Standards (being a minimum dimension of 6.0m x 3.0m) together with a workable, convenient and efficient turning area. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **10. Passing Place**

Prior to the first use of the proposed development the applicant shall provide at least 1 No. passing place with dimensions no less than 7.0m x 2.0m as shown in Drawing



Numbered 2306-DMAC-00-XX-DR-A-02-S1-P01. The passing place shall thereafter be retained as such.

Reason: To ensure that all vehicles using the private drive do so in a controlled manner and to ensure that opposing vehicles may pass unopposed, in the interests of highway safety.

## **19.1      Informatives**

19.1 The following informatives are also recommended:

### **Advisory Note on Construction & Demolition**

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

### **Highway Informative**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org).