

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1081-20 **Applicant:** Mr G Wright

Proposal: Proposed cattery for up to 30 cats and small pets for boarding only - approved under H16-0466-17. Modification of Condition 3 to allow up to 60 cats (each existing pen to accommodate 2 cats)

Location: Stevedon Cattery Stevedon House Swindlers Drove

Terminal Date: 25th January 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 6 and 12 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73a planning application for modification of condition 3 of H16-0466-17 to allow up to 60 cats (each existing pen to accommodate 2 cats) at Stevedon Cattery, Stevedon House, Swindlers Drove, Low Fulney. The cattery buildings are not to be altered, with the original approval being for 30 cats, 1 cat per pen. The site has almost completed construction and has been in operation for a few years.

SITE DESCRIPTION

The site is located outside of defined settlement limits and the surrounding area is predominately rural, characterised by linear development of varying ages and designs. The site is located in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0466-17

Full - Proposed cattery for up to 30 cats and small pets for boarding only - Approved - 27 July 2017.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection

No objection but would wish to attach the following condition:
No burning of bedding or waste to take place on site

South Holland Internal Drainage Board

No objections.

PLANNING CONSIDERATIONS

Principle of development

The proposal does not seek additional development, merely to double the number of cats for which each of the thirty pens can cater from one to two. This is to provide for cats from the same household who may require company. There is not considered to be a material impact on character and amenity arising from this proposal, which is considered to be ideally located for the proposed use.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;

7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout remains unaltered from the previously approved application. The character and appearance of the area remains unaltered from the previously approved application.
2. The design is considered appropriate for the site and remains of an appropriate size for the accommodation of cats. The Environmental Health Technician has no objections to the proposed increase in feline accommodation.
3. The materials of construction remain the same as the previous approval and no additional structures inside the pens are to be provided.
4. Access and vehicle generation levels are not considered to be materially impacted by the proposal. The County Highways & SUDS Officer has no objections to the condition modification.
5. Existing community services and infrastructure are not impacted by the proposal.
6. There is not considered to be a material increase in impact from noise, odour, disturbance or visual intrusion as a result of the proposed increase in feline accommodation.
7. The site is located in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for human accommodation, there is not a requirement to raise finished floor levels.

The proposal accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;

14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to impact a sense of place as the built cattery is not to be altered.
4. The site can solely be accessed by private transport. However, the location is considered to be ideal for cattery purposes.
11. There is not considered to be a material increase in impact from noise, odour, disturbance or visual intrusion as a result of the proposed increase in feline accommodation.
12. The site is located in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for human accommodation, there is not a requirement to raise finished floor levels.

The proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of of this Policy 7 is titled Other Employment Sites and this section states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the above relevant criteria the following can be observed:

- a. The development has been in operation for two years and no neighbour complaints have been received.
- b. The cattery building remains unaltered from the previously approved application, so there is not considered to be a significant adverse impact on the character and appearance of the area.
- c. The design is in keeping with the requirements of a cattery operations.
- d. There is not a significant impact on the local highway network. The County Highways & SUDS Officer has no objections to the proposal.
- e. There is not a significant adverse impact on any allocated employment site as the cattery is considered to be in an ideal location for the approved use.
- f. The proposal does not seek a shift away from private transport.
- g. The cattery is considered to be in an ideal location for the approved use.

The proposal accords with SELLP Policy 7.

PLANNING BALANCE

The proposed increase in feline accommodation does not impact the amenity of the cats, nor the character or amenity of the surrounding area.

CONCLUSION

This application is recommended for approval.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority 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 South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, 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 public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.