

## Delegated Report

Application Number: V/2018/0018

The Application	<b>Change of Use from Dwelling to Dwelling and Cattery. Erection of Cattery Building to Rear.</b>
Policy Considerations	<p><b>Ashfield Local Plan Review (ALPR) 2002</b>  ST1 – Development  ST2 – Main Urban Area</p> <p><b>National Planning Policy Framework (NPPF) 2012</b>  Part 1 – Delivering a Strong and Competitive Economy  Part 7 – Requiring Good Design</p> <p><b>Emerging Ashfield Local Plan Publication 2016</b>  PJ1 – Business and Economic Development  SD1 – Good Design Considerations for Development  SD2 – Amenity</p> <p><b>Supplementary Planning Guidance Notes</b>  Residential Car Parking Standards SPD 2014</p>
Relevant Planning History	<p><b>V/1978/0899</b>  Details: Kitchen extension  Decision: Conditional consent  Dates: 03/11/1978</p>
Summary of Comments	<p><b>Resident Comments:</b>  2x Letters of objections received objecting to the following:</p> <ul style="list-style-type: none"> <li>- Not an appropriate street to run a business on.</li> <li>- Congested on-street parking.</li> <li>- Parking on both sides of the road, creating a narrow access unsuitable for larger vehicles for waste collection etc.</li> <li>- Already difficult enough to negotiate oncoming traffic along Charnwood Street.</li> </ul> <p><b>ADC Environmental Health:</b>  No objections in principle subject to conditions being attached to any approval in relation to the following:</p> <ul style="list-style-type: none"> <li>- Time restrictions for the delivery and collection of cats from the premises.</li> <li>- The submission of a noise and odour management plan.</li> </ul> <p><b>NCC Highways:</b>  No objections to the proposal.</p>

	<p><b>ADC Drainage:</b> No objections to the proposal.</p> <p><b>Severn Trent:</b> No objections in principle subject to a condition being attached in relation to the following:</p> <ul style="list-style-type: none"> <li>- The submission of drainage plans for the disposal of surface water and foul sewage.</li> </ul>
Comment on Above	-
Summary	<p><b>The Site:</b> The application site is a detached, 3 bedroom property located within the main urban area of Sutton in Ashfield, where the principle of development is acceptable, as outlined in Policy ST2 of the ALPR 2002. Policies ST1 and ST2 of the ALPR 2002, and Part 1 – Delivering a Strong and Competitive Economy and Part 7 – Requiring Good Design of the NPPF 2012 are considered material planning considerations in the determination of this application.</p> <p><b>The Application:</b> The applicants seeks consent to change the use of the existing property from dwelling to dwelling and cattery, with the erection of a cattery building to the rear of the property.</p> <p>The applicant sought pre-application advice prior to submitting the application. The officer response stated that the proposal for a cattery in a residential area would not be considered acceptable.</p> <p><b>Visual Amenity:</b> Part 7 of the NPPF 2012 – Requiring Good Design, seeks to approve developments which are visually attractive as a result of good architecture and appropriate landscaping.</p> <p>The proposed cattery building is sited within the rear garden of the property. As a result, it cannot be seen within the surrounding locality or from the highway.</p> <p>The cattery building is proposed to be sited approximately 0.5m from the sites western boundary with 67 Chamwood Street. The cattery building is proposed to contain 7 pens, and will project just under 12.5m in length from the rear of the existing garage, and have a maximum width of just under 4m. The building is proposed to have a mono-pitch roof, which will have a maximum height of approximately</p>

2.5m. The roof is proposed to slop downwards towards the boundary with 67 Charnwood Street.

Due to the nature of this application, it is considered that the proposed cattery building would not have a detrimental impact upon the character or appearance of the street scene, or on the visual amenity of the area.

**Residential Amenity:**

Two letters of objection have been received from local residents highlighting concerns in regards to the impact that the proposed cattery would have upon the living conditions of existing and future occupiers of Charnwood Street, with particular attention drawn to the increase in traffic that the proposal would generate.

Careful consideration has been given to ensure that the change of use to a dwelling and cattery would not have a detrimental impact upon residential amenity, in accordance with one of the core planning principles of the NPPF 2012, which seeks to secure a high standard of amenity for all existing and future occupiers of land and buildings.

Policy ST1 (b) of the ALPR 2002, stipulates that development will be permitted where it will not adversely affect the character, quality, amenity or safety of the environment.

Charnwood Street is considered to be a quiet road, comprising of approximately 60 residential properties. Due to the lack of off-street parking for residents, many resident vehicles are parked on the highway. It is acknowledged however, that 65 Charnwood Street has the provision to accommodate 4 vehicles off-road. The Council's Residential Car Parking Standards 2014 stipulate that for a 3 bedroom property, 2 off-road parking spaces are required. As a result, this will leave 2 parking spaces available for visitors.

The applicant has stated that from experience, no more than two vehicles will visit the property at one time, and no more than 4 vehicles will visit in any one day, however this cannot be controlled. While it is unlikely to occur, with 7 pens in operation, there is the potential for up to 14 vehicles to visit the property in any one day. This would occur if for example, all 7 pens were at full capacity and all the cats were collected on one day, there is the potential for 7 more clients to drop their cats off at the property on the same day, thus contributing to an unacceptable increase in comings and goings to the property. In addition to customers, it will also be necessary for a commercial contractor to visit the property on a regular basis for the safe removal of waste and litter.

Furthermore, the applicant and the Councils Environmental Protection team have proposed opening times/restrictions for the delivery and collection of cats from the premises. While a planning condition could be included as part of any approval, it is considered that this would be difficult to monitor and enforce by the Authority, and would also involve having to distinguish between visitors to the residential property, and visitors to the cattery.

It is therefore considered that the proposal will increase the comings and goings in association with the dropping off/collecting of cats up and beyond what would be expected in a quiet residential area, thus having a detrimental impact on the residential amenity of local residents, which is contrary to saved policy ST1 (b) of the ALPR 2002 and to one of the core planning principles of the NPPF 2012.

The rear of the applicant site is surrounded by residential dwellings and gardens. The Councils Environmental Health team have stipulated that a condition requiring a noise and odour management plan should be submitted prior to any development commencing on site. Whilst the building can be partially insulated against noise transmission, this would not be possible at all times as appropriate ventilation would be required, and as such noise and odour transmission is possible.

While the applicant has stated that catteries do not generate significant noise, with 7 pens available, there is the potential for 14 cats to be held at the cattery at any one time (up to 2 cats from one household can be held together), which would resultantly generate an unacceptable level of noise and odour within an urban residential area.

The council does not dispute the principle of a cattery within this location, however the scale of the proposal is considered to have a detrimental impact on the amenity of local residents, through the increase in comings and goings, beyond what would be expected along a quiet residential street and through the increase in noise and odour generated by a cattery. The original application was for the erection of a 10 pen cattery building. The applicant was advised to reduce the cattery building to 5 pens to reduce the above concerns, however this was not forthcoming, and a reduction to 7 pens was submitted.

**Conclusion:**

The principle of development of a cattery in this location is considered acceptable, but not to the proposed scale where the number of cats is considered to result in frequent comings and goings and disturbance to surrounding residential occupiers through noise, odour and vehicle movements. In this regard, the proposal is contrary to saved policy ST1 (b) of the ALPR 2002, and a core planning principle of the NPPF 2012.

Recommendation	Refusal		
Reason	Reason Code	Text	Monitor
	1.	<p>The Local Planning Authority is of the opinion that the proposed use for a Cattery with 7 pens would have an adverse impact upon the living conditions of neighbouring occupiers by virtue of additional comings and goings over and above that reasonably associated with a residential dwelling. Furthermore, the number of proposed pens at full capacity would be likely to result in an unacceptable level of noise and odour to the detriment of neighbouring residents. The proposal is as such contrary to one of the core planning principles of the National Planning Policy Framework, which seeks to secure a high standard of amenity for all existing and future occupiers of land and buildings. The proposal is also contrary to saved policy ST1 (b) which states that development will not be permitted where it will adversely affect the amenity of the environment.</p>	
Proactive Working	<p>The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the Local Planning Authority has positively and proactively worked with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.</p>		

**Expiry Date: 07/03/2018**

	Signed	Dated
Case Officer		06-03-18
Development Team Manager		6/3/18
Determined by Service Director – Economy Or on his behalf		6/3/18