

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 08/04/2014</b>	<b>Item No: 5.5</b>
<b>Report Originator</b>	<b>John Hill Development Officer</b>	<b>Application No: KET/2013/0825</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>21 Storefield Cottages, Rushton</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Change of use from res to mixed res and boarding cattery. Creation of 8 no. pens</b>	
<b>Applicant</b>	<b>Ms K Smith</b>	

### **1. PURPOSE OF REPORT**

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

### **2. RECOMMENDATION**

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. No visits to the cattery shall take place to either drop off or collect cats except between the hours of 09.00 and 18.00.

REASON: To safeguard the amenity of the nearby residential occupiers in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy 2008.

## Officers Report for KET/2013/0825

### 3.0 Information

#### **Relevant Planning History**

The site and its use as a cattery was the subject of a planning enforcement investigation in 2013 (ENFO/3013/00130) which resulted in the submission of this application. There is no other planning history relating to this property.

#### **Site Description**

The officer site inspection was carried out on the 29<sup>th</sup> January 2014.

The site is the rear garden of the terraced property 21 Storfield Cottages. The terrace consists of 12 dwellings which are divided in two by a vehicle access which serves the rear of the cottages running its full length. The rear gardens of the properties then run in an easterly direction, varying in length with the shorter being at the southern end and they become increasingly longer as you travel north along the terrace. No. 21 sits in the second block towards the northern end of this group.

The depth of the rear garden of no.21 is some 40m and it is at the bottom of this garden that the two cattery 'pens' are located. The remainder of the garden is maintained as private domestic garden which extends up to and adjacent to the cattery pens.

Of the two pens one is new and one has been converted from a former shed and they are modest in size. The new one measures 4.5m x 2.4m and is 2m high. The one converted from the former shed measures 3.65m x 2.4m and is also 2m high. Both have their enclosed sides clad in pressure treated ship lap treated timber. The 'open' sides which provide access to the pens have a timber frame filled with wire mesh and clear acrylic sheets covering the bottom half. Each structure has 4 pens in each. The structures are well maintained and tidy in appearance as is the site generally.

Waste is collected and stored in bins on the site which are removed as and when required and disposed responsibly off site. The site is licensed by the Council which ensures the cattery provides good quality care for its cats and is ran in a responsible and hygienic way.

The Cottages themselves are located in a relatively isolated position in the countryside approximately 2km to the east of Rushton itself close to the A6003 off which the cottages take their access via a relatively large secondary access road. Immediately to the rear of the site is the rail line to Corby with the Corby Road Link under construction beyond.

In terms of the times users of the cattery can drop off and pick up their cats these are set out in the application as 09.00 to 18.00 seven days a

week.

### **Proposed Development**

The application is retrospective in that the development applied for has already taken place and the application seeks planning permission to retain the cat pens and also, what is now, a mixed use of the planning unit for both residential purposes and a boarding cattery as described above under the Site Description section.

### **Any Constraints Affecting the Site**

None

## **4.0 Consultation and Customer Impact**

Rushton Parish Council – No objection subject to neighbours agreeing ‘that this is acceptable’. They further ask ‘are there any regulations regarding buildings/enclosures that animals are kept in?’ They point out ‘there are no windows in the buildings.’ Other comments they have are that: they don’t fully understand the application. They query the red line on the block plan including the garden of no.20 and the reference on the application form to the parking provision both existing and proposed. They also refer to one near neighbour expressing a small concern with the occasional smell from the cattery and who was also concerned that neighbours had not been consulted by the cattery owner. They stress however they have received no formal complaints and do not wish to disrupt an established business.

Environmental Health – No objection subject to requesting a condition requesting the submission for approval of details relating to the storage and disposal of waste.

Neighbours – Correspondence received from a nearby resident objecting to the application for the following reasons:

- No prior consultation with other residents of Storefield Cottages to get their views on the proposed use particularly the impact and disruption of the impact what is a small quiet residential area.
- Since commencing been a marked increase in the numbers of non-resident vehicles being parked all hours of the day and into the evening preventing at times residents from being able to park outside their own property. Initially there was a raft of illegal road signs advertising the business along the A6003 which were finally removed after several months of illegal use.
- Use of excessive security lights in the rear of the premises is a nuisance at night as the lights shine directly back into neighbours bedroom windows causing sleep disruption.
- Suspect the actual boarding pens extend well beyond the actual rear boundary of no.21 onto land owned by Network Rail.
- Noticed an increase in rodent activity in their rear garden since cattery started prompting environmental concerns.
- There is a notable amount of noise and disturbance made when

metal feeding bowls are being cleaned when the outside sink is used especially early morning.

## **5.0 Planning Policy**

### **National Planning Policy Framework (NPPF)**

Section 3 Supporting a prosperous rural economy.

Section 7 Requiring good design.

### **North Northamptonshire Core Spatial Strategy (NNCSS)**

Policy 13 General Sustainable Development Principles

### **Local Plan for Kettering Borough (LPKB)**

Policy 7 Protection of the Open Countryside

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of use
2. Design
3. Impact on amenity of neighbouring residential occupiers
4. Parking Provision
5. Other issues

### 1. Principle of Use

The proposal constitutes a commercial use in the open countryside. Even on this scale there is general support in the NPPF for economic growth in rural areas. There are no policies in the NNCSS or the LPKB that specifically address the principle of this type and scale of development in the countryside.

On this basis there are no policies that the principle of the retention of the cattery use would be contrary to.

### 2. Design

In this case the design considerations relate to the actual design of the two cat pens that have been provided to facilitate the use. As stated above they are of a modest scale, akin to two garden sheds, with the notable difference being that elevation which facilitates access and ventilation to the pens. Their design is fit for purpose and the use of materials used is acceptable in such a location. There are no objections raised on design grounds.

### 3. Impact on amenity of neighbouring residential occupiers

The issues that fall to be considered that are associated with this particular application are as follows.

The physical impact of the buildings on the amenity of any neighbouring occupiers - There will be no adverse impact having regard to their scale and location.

Odour – The potential for odour depends upon the measures that are in place to deal with the disposal of cat waste which in this case is soiled cat litter. The Environmental Protection Team (EPT) have requested that a condition be attached to any permission requesting that prior to the commencement of the use hereby approved a scheme for the storage and collection of waste shall be submitted to and approved by the LPA and thereafter retained at all times.

In this case the use is ongoing and the existing measures have been noted to determine if they are causing any problems. The site is clean and tidy and animal waste is stored in bins until it is taken off site for disposal. The site has been operating since June 2012 and there have been no complaints, of any kind, as far as the Council is aware in relation to odour problems. In these circumstances it is not considered that the suggested condition by the EPT is warranted for the retention of the use to be acceptable.

Noise – Cats are not animals when kept in a boarding environment that ordinarily will make a noise that causes nuisance for neighbouring residential occupiers. Again there have been no complaints received by the Council relating to noise from the cats. A complaint has been received in response to the consultation exercise on this application from a nearby resident (note not neighbouring) to the effect that there is a 'noticeable amount of noise and disturbance made when metal feeding bowls are being cleaned when the outside sink is used especially early morning'. This has been raised with the applicant who acknowledges she does carry out this activity but advises it is not a major event and does not believe she creates noise and disturbance that disturbs her neighbours. It is notable neither of the applicant's immediate neighbours have raised any issues in relation to the application which you would expect to be the case if the activity was causing undue disturbance.

In considering noise the times when users of the cattery can drop off and pick up their cats has been noted i.e. 09.00 to 18.00 and assessed as to whether this will cause any general noise and disturbance. Whilst this is 7 days a week the activity associated with the dropping off and picking up of cats will be relatively low key and should not be unduly noticeable over and above a normal residential environment.

External lighting – There is lighting within the pens and a small bulk head light on the side of one of the pens which does face down the garden back towards the cottages. These lights are only on when the

pens are attended. The bulk head light is domestic in nature and a notable distance from the rear of the cottages. It is considered there is no loss of amenity for residents of the cottages.

#### 4. Parking Provision

The application form where it asks the question re vehicle parking has been filled in incorrectly and this has been discussed with the applicant. The application form states there are 10 parking spaces there at the present time and that 2 are proposed with the difference in spaces being -8. The applicant has clarified that what she meant was there are 10 spaces currently serving the existing 12 cottages and that two further ones are required to serve the cattery which she believes can be easily accommodated. The reality is the existing cottages are served by greater number than 10. Some have garages to the rear and there is available parking in front of each cottage on the access road serving the properties.

For what is a relatively small cattery there appears to be satisfactory parking for users of the cattery to park when they attend the site to pick up and drop of their cats without causing parking problems for existing residents.

Whilst the objection received from a nearby resident has raised this issue as part of their overall objection it is not considered justifiable.

#### 5. Other Issues

Consideration has been given to the comments of the objection received from the nearby resident. Insofar as they relate legitimately in planning terms to this proposal they have been addressed and it has been determined they do not warrant refusal of the application

The operation of the cattery is also controlled under a 'Licence to Keep and Animal Boarding Establishment (Home Boarding)' issued by the Council. Its contents have been noted and whilst the licence focuses mainly on safeguarding the welfare of the cats it does provide a level of control which indirectly safeguards the amenity of the nearby residents.

#### Conclusion

The proposal to retain the existing development is considered compliant with the relevant national planning policy guidance and the relevant policies of the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

#### **Background Papers**

Title of Document:

Date:

#### **Previous Reports/Minutes**

Ref:

Date:

Contact Officer: John Hill Development Officer on 01536 534316