

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 20/11/2018</b>	<b>Item No: 5.10</b>
<b>Report Originator</b>	<b>Ruth James Assistant Development Officer</b>	<b>Application No: KET/2018/0766</b>
<b>Wards Affected</b>	<b>Brambleside</b>	
<b>Location</b>	<b>7 Tentsmuir Close, Kettering</b>	
<b>Proposal</b>	<b>Full Application: Change of use from residential to cattery and residential. Construction of concrete base with UPVC building for 5 no. cats</b>	
<b>Applicant</b>	<b>Miss M Thrower</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. This permission shall be limited to whichever occurs first: The date of 20 May 2020 or the date the applicant ceases to occupy the property as their principal residence. At or before the expiration of planning permission the use of the land and the cattery pens hereby permitted shall be permanently discontinued and the cattery pens shall be removed from the site and the land restored to its former condition.

REASON: In the interest of residential amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The maximum number of cats that can be accommodated at any one time is 5.

REASON: For the avoidance of doubt and in the interests of amenity in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0766**

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

### **3.0 Information**

#### **Relevant Planning History**

KET/1993/0294. Outline for residential development. Approved 05/05/1994

KET/1995/0304. Approval of Reserved Matters: Residential development. Approved 21/08/1995

KET/1997/0755. Substitution of house types. Approved 03/03/1998

#### **Site Visit**

Officer's site inspection was carried out on 09/10/2018 and also 19/07/2018 as part of pre-application advice

#### **Site Description**

Tentsmuir Close is located to the north of Kettering within the town boundary and an established residential area. Built during the early 2000's. The area consists of large detached properties of mixed designs and finishes with off road parking and front gardens.

Tentsmuir Close runs west from Harwood Drive and at the end narrow access roads curve around to the south and north serving a further 7 dwellings. No. 7 is the middle property of three dwellings along the southern access road. It is a detached house constructed of brown brick with a gable roof finished with brown concrete tiles. There are mock Tudor style panels to the front first floor elevation above the garage and the windows and doors are of white uPVC. The front amenity area is shallow and is tarmacked providing off road parking for 2 no. vehicles.

To the rear the garden is slightly elevated to the main dwelling. It measures 14 metres in length with a width of 8 metres and the side elevation of no. 3 Tentsmuir Close is adjacent to the rear boundary. A close boarded 1.8 metres high fence runs around the perimeter of the garden.

#### **Proposed Development**

The application seeks consent for a change of use from residential to a mixed use of residential and a cattery and residential and includes the construction of a concrete base with a uPVC building for 5 no. cats.

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

Within the Nene Valley Nature Improvement Area (NIA) Boundary

### **4.0 Consultation and Customer Impact**

#### **Highway Authority**

Objection. Concerns in regard to parking availability for the users of the cattery.

## **KBC Environmental Health**

No comments.

**Neighbours** Letters were sent out to close proximity neighbours, no responses were received.

## **5.0 Planning Policy**

### **National Planning Policy Framework 2**

Section 6 Building a strong competitive economy.

Section 12 Achieving well-designed places

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 8 North Northamptonshire place shaping principles

Policy 11 The Network of Urban and Rural Areas

## **6.0 Financial/Resource Implications**

None

## **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Character
3. Residential Amenity
4. Highways
5. Other matters

### **1. Principle of Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

The site is located within the designated town boundary and Kettering is identified as a growth town within the North Northamptonshire Joint Core Strategy. Policy 11 supports growth in employment.

Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of development to residential properties provided there is no adverse impact on character, appearance and residential amenity.

It is considered that the proposals are acceptable in principle, subject to the detailed matters discussed below.

## 2. Character and Design

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The proposed cattery pens would be to the rear of the property and therefore would not impact the street scene to the front. The cattery unit would be constructed from white uPVC and would provide accommodation for a maximum of 5 no. cats and each of the pens would have a sleeping area and exercise area. It would be located within the rear garden on a concrete base and would measure 6.62 by 4.3 metres with a maximum height of 2.48 metres. The roof would be a monopitched design sloping down to a height of 2.18 metres.

## 3. Residential Amenity

In addition to seeking development to respect the character of an area, Policy 8(e) (i) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to the residential amenities of neighbouring properties and of future occupiers, such as by reason of overbearing, loss of light or overlooking.

The physical impact of the buildings on the amenity of any neighbouring occupiers – the application site is surrounded on all sides by residential dwellings. The pens would be located to the rear of the garden and the closest neighbour would be no.3 Tentsmuir Close. A close boarded 1.8 metres high fence runs around the perimeter of the garden and given the scale and location of the pens and the boundary treatment, the scheme is not considered to create any significant residential amenity impacts upon this neighbour. The neighbouring properties to the sides would benefit from separation distances from the pens of approximately 10 metres, which would guard against potential amenity impacts.

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) has been consulted and has offered no comments to the proposed scheme. The number of cats would be limited to 5 as dictated by the 5 pens which is a small number and not considered to create significant odour issues. The applicant would pay for the waste to be collected by Kettering Borough Council for the scheme

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 the small number of cats proposed is not considered to create noise issues. The proposed pens are designed specifically for the boarding of cats and would incorporate suitable sound insulation.

Lighting – each of the 5 no. pens would include individually switched and dimmable electrical lights, to ensure that the lighting levels can be kept low to avoid any disturbance to adjoining neighbours from light pollution.

#### 4. Highways

Policy 8(b) (ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

Northamptonshire County highways department have objected to the application, raising concerns in regard to parking availability for the users of the cattery. Notwithstanding this the applicant has stated that drop-off and pick-up times would be pre-arranged and as such can be regulated in order to avoid excessive noise and inconvenience to neighbours. There is limited space for off-road parking at the property; however Tentsmuir Close does offer further parking availability for users of the cattery and so car parking should not be unduly noticeable over and above a normal residential environment, given that the proposal is for a small cattery for 5 no. cats. It is not considered that a cattery of this size would see a significant intensity of use for the site.

As such, it is considered that the proposal will not lead to an adverse impact on the highway network or highway safety and is therefore in compliance with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 5. Other matters

The National Planning Policy Framework 2, states that decisions should be approached in a positive and creative way (para 38) and also should help businesses to invest and adapt (para 80). In this case it is recognised that the change of use to allow for the creation of a business within a residential garden needs time to get established and allow for any potential issues arising to be identified and resolved. It is therefore intended to apply a temporary consent to any consent given to assist in this process. Providing that no significant difficulties have arisen, a further application can then be made at a later date to consider a permanent change of use.

#### **Conclusion**

Subject to conditions relating to a temporary consent and the maximum number of cats, it is considered that the proposal complies with policies within the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date: 002/11/18

Contact Officer:

Ruth James, Assistant Development Officer on 01536 534316

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

Ref:

Date: