

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 13/00759/FUL

Applicant: Mr and Mrs S White

Description of Application: Part retrospective change of use of part of garden to cattery (sui generis) with 8 cattery pens on hardstanding

Type of Application: Full Application

Site Address: 6 YARROW MEAD PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 02/05/2013

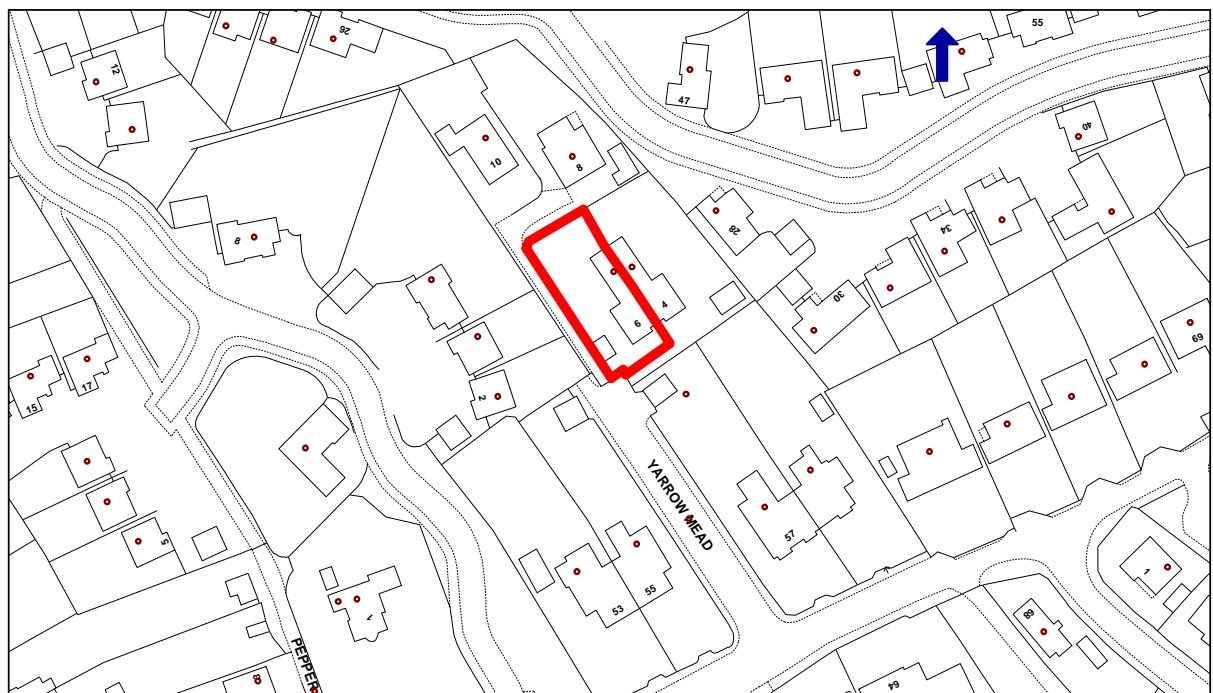
8/13 Week Date: **27/06/2013**

Decision Category: Member Referral

Case Officer : Louis Dulling

Recommendation: Grant Conditionally

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The application is before Planning Committee at the request of Cllr Churchill.

Site Description

No. 6 Yarrow Mead is a semi-detached property situated at the end of Yarrow Mead. The approach lane to the property is of considerable width.

Proposal Description

The proposal is for the part retrospective change of use of part of the garden to the west side elevation of no. 6 Yarrow Mead to a cattery; with 8 cattery pens on a hardstanding.

Pre-Application Enquiry

None

Relevant Planning History

No relevant planning history

Consultation Responses

Local Highway Authority: no comments

Public Protection Service: recommend condition limiting the number of cats to be housed to 6 and a condition relating to odour.

Representations

9 Representations have been received objecting to the application. The main concerns raised are as follows;

- Noise
- Impact upon character of residential area
- Drainage
- Light nuisance
- Refuse
- Vermin
- Transport; collection and delivery arrangements and increased traffic movements

1. Analysis

1.1 The application turns upon policies CS02 (Design) CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document First Review (2013) and the National Planning Policy Framework. The main considerations in regards to this application are the impact upon the character and appearance of the area and amenity.

2. Character and Appearance

2.1 The cattery units are sited to the immediate north of the existing detached garage and between the west elevation of the dwelling and the western boundary of the garden. The western boundary consists of an established hedge which is approximately 3.5 metres in height. The hedge extends along the entire western and northern boundaries. As such the proposal is well screened from the west and north. Therefore the proposal would be screened from view by the existing garage to the south when approaching no. 6 and no. 4 Yarrow Mead from the south, and accessing no. 10 and no. 8 Yarrow Mead by the established boundary treatment to the west and north elevations.

2.2 Given the siting of the cattery units the structures would not be readily visible from the adjoining property as the dividing boundary wall is approximately 1.5 metres in height. For the majority the units would be screened by no. 6 Yarrow Mead when viewed from the rear garden of no. 4 Yarrow Mead and would therefore not have a significant detrimental impact upon in terms of visual amenity. Overall the proposal is considered to be well screened and would therefore not have a significant detrimental impact upon the character and appearance of the area.

3. Amenity

3.1 The cattery units are considered to be a relatively un-intrusive development. The noise associated with the use is not likely to be significant enough to produce a nuisance to nearby residential dwellings. After consulting with the Public Protection Service the potential for noise nuisance is not considered to be significant enough to lead to an unacceptable impact upon residential amenity. There could however be issues relating to odour and the need to strike a balance between the established residential use of the area and the flexibility of providing a minor business use. In striking a balance between the two uses of the site a condition shall be attached to the granting of conditional consent to restrict the number of cats to no more than six at any one time.

4. Transport and Access

4.1 The road of Yarrow Mead is sufficiently wide to accommodate passing vehicles. The Local Highway Authority does not raise any objections with regards to the proposal. After discussing the details of the application both the officers are of the opinion that the proposed use will not have an adverse impact upon the use of Yarrow Mead Road.

4.2 The number of trips to the site by the clients and/or the applicant is likely to be infrequent and staggered throughout the periods in which the cattery is open. As stated in the Management Statement the proposed hours of opening are to be limited to 0930 to 1230 and 1600 to 1830. The proposed hours during the morning would not have a significant detrimental impact upon the residential amenity of the area and the hours of operation in the evening would be in character with the residential traffic movements. It is proposed that a condition shall be attached to ensure that the hours which the proposal is open to clients are adhered to.

4.3 The matter of the Yarrow Mead Road being privately owned and maintained is not for consideration in this application and would be a civil matter for the residents of Yarrow Mead.

5. Other Considerations

5.1 A concern regarding vermin has been raised in the letters of representation. This would relate to food stuffs being left out in an accessible open area. In order to reduce the potential for this occurrence the applicant has advised that there will be an 'anti-vermin device' fitted to each pen. In addition to this, concern has been raised over cat faeces. However, the Council's Public Protection Service conclude that as cats tend to use litter trays waste would be sufficiently contained and would be unlikely to create an odour issue. The applicant has also indicated that the litter trays would be covered reducing the potential for odour issues. A condition shall be recommended to safeguard against unacceptable levels of odour. Unacceptable levels of odour resulting from the cattery use would also be subject to legislation controlled by the Public Protection Service should such a nuisance arise. As such officers are of the opinion that there are sufficient safeguards in place.

5.2 With regards to drainage provisions the applicant has indicated that surface water will be disposed of via a soakaway. The proposal is not considered to be significantly detrimental in terms of drainage given there was an existing patio area on which the cattery is sited.

5.3 The application form notes that the proposal includes lighting and after confirmation from the applicant the lighting includes battery operated lights, one in each pen and two lights between the walkway between the pens nos. 1-6. With regards to light pollution at the site a condition shall limit the use of the two lights between the pens to between the hours of 0800 and 2100 so as not to have an undue impact upon the residential character and amenity of the area.

5.4 Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

For the reasons as discussed above the application is recommended for conditional consent.

Recommendation

In respect of the application dated **02/05/2013** and the submitted drawings I318-SK01 Revision A, I318-SK04, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I318-SK01 Revision A, I318-SK04.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NUMBER RESTRICTION

(3) Notwithstanding the approved plan, I318-Sk01 Revision A, only nos. 1-6 cattery units shall be provided on site. The maximum number of cats to be housed at the cattery and units as a whole must not exceed 6 at any one time.

Reason:

To ensure that nearby residents do not experience unacceptable levels of disturbance and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document.

OPENING HOURS

(4) The use hereby permitted shall not be open to customers outside the following times: 0930 hours to 1230 hours and 1600 hours to 1830 hours Mondays to Sundays including Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL LIGHTING RESTRICTION

(5) No external lighting in association with proposed cattery use shall be operational outside of 0800 and 2100 hours.

Reason:

To protect the residential character and general amenity of the area from any harmfully polluting effects, including light pollution resulting from external lighting to avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ODOUR CONTROL

(6) The level of odour emitted from the cattery use hereby approved shall not be detectable from the nearest residential boundary by a Public Protection Officer employed by Plymouth City Council. If there is a detectable odour the applicant shall cease operating the cattery within 7 days and remedy the odour to the approval of the Local Planning Authority before re-commencing the use.

Reason:

To protect the residential and general amenity of the area from pollution and to avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

(2) Prior to operation the premises will require pre-inspection and licence under the Section 1 of Animal Boarding Establishments Act 1963. The applicant should call Public Protection Service on 01752 304147 to arrange a visit.

INFORMATIVE: DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION.

(3) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact upon the character and appearance of the area, amenity, transport and access, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS01 - Sustainable Linked Communities
CS02 - Design
SPD1 - Development Guidelines First Review
NPPF - National Planning Policy Framework March 2012