

**PLANNING
COMMITTEE**

9th December 2015

Planning Application 2015/297/FUL

Change of Use from an out-building to a cattery (up to 10 cats)

33 Brotherton Avenue, Webheath, Redditch, Worcestershire, B97 5SA

**Applicant: Mrs Joanne Beecham
Expiry Date: 15th December 2015
Ward: WEST**

(see additional papers for Site Plan)

The author of this report is Sue Lattimer, Planning Officer (DM), who can be contacted on Tel: 01527 881336 Email: s.lattimer@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises of a detached dwelling together with a brick built detached single storey building which is situated to the rear of the property's attached double garage. The single storey building, which is not visible from Brotherton Avenue, and which is proposed to be converted under this application, was formerly used as a home office. 33 Brotherton Avenue is located on the southern side of this no-through residential street.

Proposal Description

The application proposes to convert the existing detached brick building to a cattery. The cattery would accommodate up to a maximum of 10 cats in individual pens.

Relevant Policies :

Borough of Redditch Local Plan No.3:

CS07 The Sustainable Location of Development
BBE13 Qualities of Good Design

Others:

NPPF National Planning Policy Framework

Relevant Planning History

2003/191/FUL	Conservatory	Granted	04.06.2003
1990/504/FUL	Single Storey Extension	Granted	02.01.1990

Consultations

Highway Network Control

No objection

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Area Environmental Health Officer

No objection

Public Consultation Response

Nine objections have been received. Comments are summarised as follows:-

- The site is in a quiet residential area unsuited to business use
- The property is adjacent to a turning circle located at the end of Brotherton Avenue. Therefore, people will potentially park in the turning area to the detriment of highway safety
- The cattery would produce smells and noise to the detriment of amenity
- The disposal of animal waste would harm residential amenities
- Any form of business signage would negatively impact on the visual amenities of the area

Assessment of Proposal

Principle of running a business from home

It is important to stress that the running of a business from a residential premises does not automatically require planning permission. Whether planning permission is required is largely dependent on the intensity of use proposed rather than the principle of the use. Planning Case Law suggests that (for example) a dog grooming business could operate from a dwelling house without the necessity to apply for permission normally so long as the number of dogs does not exceed 7. Similarly (again, for example), a child minding business would not normally require consent providing the number of children to be minded would not exceed 3.

The principle of running a business such as (for example) a hairdresser working from home and even the running of a cattery as proposed here, again, would not necessarily require planning permission, but where the intensity of the use is such that planning permission is required, that application has to be assessed on its merits having regard to the circumstances of the case. Members may recall that an application to change the use of a garage to a dog grooming salon at a residential site in Feckenham Road, Astwood Bank was granted permission following its presentation at Planning Committee in June this year (ref 2015/093/COU).

Consideration of the application

Assessing this application on its individual merits, the site itself is located within the urban area of Redditch and is therefore considered to be a sustainable location. As such the proposals would, in general terms, comply with Policy CS07 of the Local Plan.

Plans have been submitted showing that the building would accommodate a maximum of 9 cat pens. The cats would be kept in the pens at all times and therefore there would be no opportunity for the cats to escape from the building leading to any material impact upon residential amenities in terms of both noise (from the animals) and smells (associated with cat litter etc). The individual pens are designed such that they would

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house a single cat, providing exercise within each pen, although one of the nine pens would be large enough to accommodate a maximum of two cats (from a single household).

It is difficult to be specific in terms of expected numbers of customers visiting the premises on a daily / weekly basis, due to the nature of a cattery business. For example, one customer may require the use of the cattery to cover a two week holiday and another for only one or two days.

Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the cumulative impacts are severe. The existing property benefits from an area of hardstanding to the front, capable of accommodating up to 4 cars and there are no particular restrictions in so far as on-street parking is concerned.

Your Officers would comment that an accumulation of vehicles at the premises would be unlikely considering how customers would use a cattery business. Although customers are likely to arrive by appointment, the length of stay would be short (relative to other uses such as a hairdressing business for example where cars may be parked for longer periods).

As stated above, a less intensive cattery use, could (in principle) operate without requiring planning permission. Further, it is important to consider the impact upon residents which could arise from, for example, a large family occupying the property, with a large number of persons residing within that household each having their own vehicles or separate business vehicles etc, a situation which could not be controlled by planning legislation.

In conclusion, the nature of the proposed use is considered to be relatively low-key where approval of this application would be unlikely to result in any undue harm to the amenities currently enjoyed by nearby residents.

RECOMMENDATION

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

Conditions

- 1) The proposal must be started within 3 years from the date of this notice.

Reasons: To comply with National Legislation.

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below:

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Location Plan
Proposed Floor Plan

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B(BE).13 of the Borough of Redditch Local Plan Number 3.

- 3) A maximum number of nine cat pens are permitted within the building to be converted under this application.

Reasons: To ensure that the living conditions of existing and future neighbours are not harmed by the development and in the interests of highway safety in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan Number 3.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through pre-application advice and discussion.
- 2) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant should contact the Local Planning Authority for further advice on this matter.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received.