

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 26th June 2018**

**Application**      **07**

<b>Application Number:</b>	18/00270/FUL	<b>Application Expiry Date:</b>	5th April 2018
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<b>Application Type:</b>	Full Application
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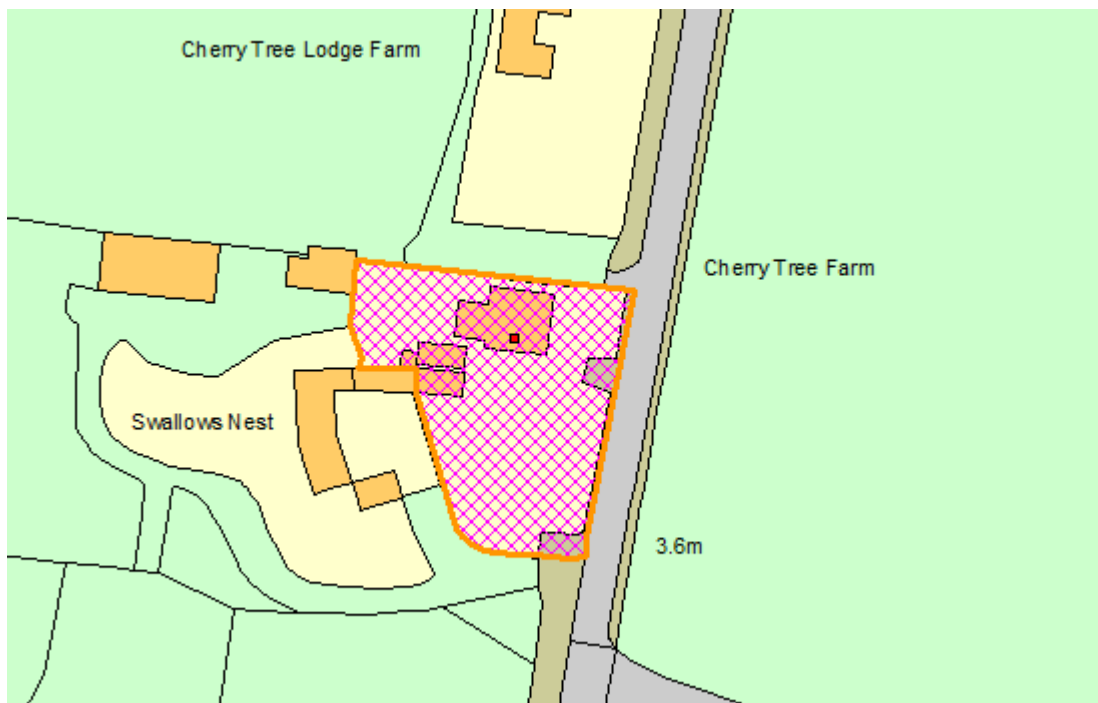
<b>Proposal Description:</b>	Change of use from single residence to cattery business and single residence with erection of 17 double pen cattery and conversion of existing dwelling utility room and office to cattery kitchen and reception
<b>At:</b>	Cherrytree Farm Crow Tree Bank Thorne Doncaster

<b>For:</b>	Mrs Amy Berry
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<b>Third Party Reps:</b>	One objection.	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

<b>Author of Report</b>	Tim Goodall
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<b>MAIN RECOMMENDATION:</b>	APPROVE
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## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee as it is a departure from the Development Plan.

## **2.0 Proposal and Background**

2.1 Full planning permission is sought for the change of use from single residence to cattery business and single residence with erection of 17 double pen cattery and conversion of existing dwelling utility room and office to cattery kitchen and reception.

2.2 The application site lies approximately 4 kilometres to the south east of Thorne and about 500 metres north of the M180 on Crow Tree Bank. The surrounding countryside is relatively flat with large field some bound by hedgerows and occasional trees.

2.3 The application site as existing contains a detached dwelling with grey rendered walls and a pantile roof with associated outbuildings to the south with white rendered walls. The application site has a front/side and also rear garden. To the rear (west) of the site is a separate dwelling known as Swallows Nest. This building is of brick construction with a courtyard to the front elevation a garden to the side and rear.

2.4 The two cattery units would be rectangular in shape, location on the western side of the site. They would be 2.63 metres in height with a mono pitched roof. The material used in the construction of the units would be predominantly uPVC. A one way entry and exit system is proposed for access to the site.

## **3.0 Relevant Planning History**

12/00464/FUL - Installation of package sewage treatment plant to serve Cherry Tree Farm house only and to isolate from existing septic system presently shared with neighbouring property. - Permitted

18/00271/ADV - Display of single hanging sign above existing garden hedge at entrance to the property - Pending consideration

## **4.0 Representations**

4.1 One objection was received from the occupier of Swallows Nest, the dwelling to the west of the application site. The following points were made:

1. The site is in the agricultural policy area (officer response: the site lies in the Countryside Policy Area and is considered against the relevant national and local planning policies)
2. The site has not been a working farm for 15 years (officer response: this is interpreted to be a concern over an increase in activity at the site, which is addressed in the report).
3. Increase in parking are leading to surface water drainage issues (officer response: the Council's Drainage officer has no objection subject to condition)
4. Materials not in keeping with surrounding area (officer response: see visual amenity section of report below)
5. Concern over quality of access road and its use by agricultural vehicles and lorries (office response: the Council's Highways Officer has no objection in principle and conditions will be imposed regarding the on way system and to ensure the site is appointment only)

6. Loss of human rights including peaceful enjoyment to own home. Within 15 metres of front door and 5 metres of where they eat outdoors (officer response: the proposed waste storage unit has been moved to the opposite side of the site and the nearest cattery unit has been moved further away from the courtyard. It is also noted that the courtyard is used by vehicles as well and that there is a rear garden to Swallows Nest)
7. The height of the building means it will protrude over the courtyard wall. Concerns of load bearing capacity. Emissions into courtyard (officer response: the Council's Environmental Health Officer has been consulted and has discussed the application with regard to noise and odour with the applicant. Following this, there is no objection)
8. Concern over drainage (officer response: the Council's Drainage Officer has been consulted and has requested a pre-commencement condition requiring full drainage details)
9. There has been applications in the past for preparation rooms etc that have been refused on the same property that the applicant wants to use for a cattery kitchen and reception, surely the same rules still apply as years ago.
10. 15 Other catteries in a 10 mile radius (officer response: business competition is not a material planning consideration. The applicant has also provided a rural support statement advising they intend to provide a different service to nearby catteries))

## **5.0 Parish Council**

5.1 No response received

## **6.0 Relevant Consultations**

6.1 Environmental Health Officer - No objection. Discussed with the applicant concerns regarding the proposed location of the waste storage area located on the eastern boundary of the site detailed on block plan complete 2 phases dated 19.01.2018 (close position to the nearby sensitive receptor). The officer understands that a weekly trade collection will take place at the site, however due to concerns of odour discussions took place exploring alternative positions for the storage of waste prior to collection. Having viewed the details submitted, a discussion with the applicant and received additional information detailing noise of the ventilation unit and the location of the proposed development there are no objections to make but would suggest a condition to ensure that the development does not have an adverse impact on the nearest sensitive receptor due to odour.

6.2 The noise information indicates the sound pressure level for both speeds of the unit which will be positioned beneath quadruple glazing. On the basis of the noise levels and typical attenuation of the glazing unit there are no concerns of noise from this development.

6.3 In respect of the storage location of the waste material, the Environmental Health Officer would recommend a condition regarding the location should the planning officer or planning committee be minded to grant this application. The storage of waste shall be located either to the entrance area or to the southern boundary (exit area) of the site.

6.4 Environment Agency - No objection on flood risk grounds, subject to conditions.

6.5 Drainage Officer - No objection, subject to conditions.

6.6 Tree Officer - No objections. The details supplied with the application is very helpful in showing that trees (small fruit trees) are not an issue with this application. The removal of

the large conifer hedge and the short stretch of hawthorn hedge could be undertaken irrespective of any planning application.

6.7 Ecology Officer- The proposals look to have a minimal impact on ecology. The new cattery buildings are predominantly on existing hard standing. There is the loss of a small section of hedge, one apple tree and a small area of lawn. Two areas of new planting are indicated on the plans. It would be good to see the landscaping proposals for these. Also it would be good if the lost apple tree could be replaced? All of this could be conditioned if required.

6.8 Highways Officer- no objection in principle but notes that 17 pens is significant and could increase the use of the access/egress considerably. The Highways Officer would ask that the applicant look at implementing an appointment system and only cater to a maximum of 2 visitors at any one time to ensure no vehicular conflict arises. I would also ask that they ensure their customers are aware of the in/out arrangement.

## **7.0 Relevant Policy and Strategic Context**

Doncaster Core Strategy 2012

Policy CS1 - Quality of Life

Policy CS2 - Growth and Regeneration Strategy

Policy CS3 - Countryside

Policy CS4 - Flood Risk and Drainage

Policy CS14 - Sustainable Design and Construction

Doncaster Unitary Development Plan 1998 saved policies

ENV2 Countryside Policy Area

ENV4 Countryside Policy Area Development Control Policies

National Planning Policy Framework

## **8.0 Planning Issues and Discussion**

The Main issues are:

Development in the Countryside

Residential Amenity

Flooding and Drainage

Visual Amenity

Trees and Landscaping

Highways and Parking

### Development in the Countryside

8.1 Section 3 of the National Planning Policy Framework supports a prosperous rural economy. It states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

8.2 Policy CS3 advises that the following proposals in the countryside, in the east of the borough would generally be acceptable: agriculture, forestry, outdoor sport and recreation, habitat creation, flood storage and management, essential infrastructure, mineral extraction, some forms of standalone renewable energy, suitable farm diversification schemes, limited extension, alteration or replacement of existing dwellings and re-use of suitable buildings for uses appropriate in the countryside.

8.3 Saved Policy ENV2 states that the borough council will maintain a countryside policy area in the eastern part of the borough covering all countryside outside the green belt. The detailed boundaries are shown on the 1998 UDP Proposals Map. The purposes of the countryside policy are:

- to assist in safeguarding the countryside from encroachment
- to provide an attractive setting for towns and villages
- to prevent settlements from coalescing
- to provide opportunities for outdoor sport and recreation near urban areas
- to retain land in agriculture, forestry and nature conservation uses
- to protect other non-renewable resources
- to assist regeneration by directing development towards urban areas and strategic allocations
- to help sustain rural communities and a diverse rural economy

8.4 Saved Policy ENV4 states that within the countryside policy area, as defined on the proposals map, development will not normally be permitted, for purposes other than:

- a) agriculture, forestry, outdoor recreation and leisure, cemeteries, essential service provision by statutory undertakers, or other uses appropriate to a rural area, subject to the limitations included in policies ENV 5 - ENV 8.
- b) infilling development within settlements washed over by the countryside policy area subject to the limitations included in policy ENV9.
- c) the re-use of existing buildings subject to the limitations included in policy ENV10.
- d) small scale extension or expansion of an existing source of employment subject to the limitations included in policy ENV 11.
- e) minor retail development appropriate to a rural area subject to the limitations included in policy ENV12.
- f) replacement of, or alteration or extension to, an existing dwelling subject to the limitations included in policies ENV 13 and ENV 14.

8.5 Proposed development falling within categories a) to f) will be acceptable in principle only where:

- i) it would not prejudice by reason of its nature, scale, siting or design, the purposes of the countryside policy area and in particular would not lead towards the physical or visual coalescence of settlements; and
- ii) it would not create or aggravate highway or amenity problems; and
- iii) it is sited, designed and, where necessary, screened so as to minimise its impact on and wherever possible enhance the character, landscape and nature conservation value of the local environment.

8.6 While the proposal as a cattery does not strictly accord with saved policies ENV2 and ENV4, Section 3 of the NPPF does provide support for rural businesses of all types. Furthermore, Objective One of the Doncaster Core Strategy is as follows: "to use economic engagement to achieve widespread economic, social and environmental regeneration for all sectors of all our communities, and to allow Doncaster's economy to realise its potential." Catteries are typically located in rural locations due to the nature of the development with the applicant stating in their support statement "that a cattery sits naturally within a countryside setting, needing space and quiet. Rural or residential areas

are unsuitable due to excessive traffic and people, and cost prohibitive. Alternative sites outside of Countryside and Green Belt areas were sought, but none found." Furthermore, the applicant has gone on to contend that "Competing local businesses do not meet the latest professional standards for cattery licensing. With expectations for this to become legislation in the near future there is likely to be a shortfall in available boarding facilities."

8.7 Given catteries are typically located rurally, the change of use of the site to support this is considered to be consistent with Section 3 of the National Planning Policy Framework.

### Residential Amenity

8.8 Policy CS1 of the Core Strategy supports development proposals that protect local amenity. Policy CS14 states that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The application site is currently in use as a residential dwelling and there is a further dwelling to the west (Swallow's Nest). The occupier of this dwelling has objected to the proposal on amenity grounds. As a result of the objection, the siting of block 'phase one' has been re-sited a further metre away from the dwelling and the waste storage area has been re-sited to the eastern side of the site. The proposed cattery units will be quadruple glazed and facing away from the neighbouring dwelling. The Council's Environmental Health Officer has also considered the proposal and had discussions with the applicant. Following the submission of additional information relating to noise the Council's Environmental Health Officer has no objection.

### Flooding and Drainage

8.9 The application lies in flood zone 3 and as such the applicant has submitted a flood risk assessment. This has been considered by the Environment Agency who have no objection subject to compliance with the flood risk assessment. The Council's Internal Drainage Officer was also consulted and subject to a drainage condition and compliance with the flood risk assessment has no objection.

### Visual Amenity

8.10 In accordance with Policy CS14, all development proposals must be of a high quality design that contributes to local distinctiveness. The proposed development will due to its design have a modern appearance being constructed of glass. However, the extent of this part of the development is two single storey buildings set well back from the public highway and partially screened from site by existing buildings, walls and trees. Given their low height (2.63 metres) they would be of a similar height to a typical residential outbuilding, some of which can be constructed up to 4.0m metres in height without planning permission and with no control over the use of materials.

### Trees and Landscaping

8.11 The application site contains some fruit trees a conifer hedge and a hawthorn hedge. The Council's Tree Officer has no objection to the proposed development which as previously stated would include the removal of the large conifer hedge and the short stretch of hawthorn hedge could be undertaken irrespective of any planning application. The Council's Ecologist has no objection to the application but would like to see a replacement tree if possible to the lost apple tree. If Members are minded to approve the application a landscaping condition can be imposed that would include the provision of replacement tree planting.

## Highways and Parking

8.12 Policy CS14 of the Core Strategy states that the design of new development should make a positive contribution towards quality, stability, safety and security of private property, public areas and the highway. The proposed development is on a straight section of public highway and a one way system is proposed. The Council's Highways Officer has no objection in principle but notes that 17 pens is significant and could increase the use of the access/egress considerably. As such conditions are proposed regarding the entry/exit system and to ensure an appointment system is arranged. It is noted that Swallow's Nest has a separate highway access to the application site.

## **Summary and Conclusion**

9.1 The proposed change of use from single resident to cattery business and single residence with a 17 double pen cattery, while a departure from the Development Plan, is considered on balance to comply with national and local planning policies and is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Planning Permission GRANTED subject to the following conditions.**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. U62277            The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows  
1:500 Site Plan received 13.06.2018  
1:500 Site Plan showing waste storage area received 13.06.2018  
Proposed Plans and Elevations received 05.02.2018  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
03. DA01              The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.  
REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

04. U62223 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated January 2018, reference 87556-Berry-CherryTreeFarm, compiled by Unda Consulting Ltd. and the following mitigation measures detailed within the FRA:
1. Finished floor levels are set no lower than 300mm above the adjacent ground level.
  2. Flood resilient construction and appropriate flood proofing shall be utilised as discussed in this FRA.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- REASON
1. To reduce the risk of flooding to the proposed development and future occupants.
  2. To reduce the risk of flooding to the proposed development and future occupants.
05. U62231 Prior to the development being brought into use, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Flood Evacuation Plan.
- REASON
- To protect occupants during times of flooding.
06. U62222 Customers to the business shall be by appointment only.
- REASON
- In the interests of highway safety.
07. U62316 The development hereby approved shall be accessed by vehicles in accordance with the one way entrance and exit system as set out in the approved site plan scale 1:500 received 11.06.2018.
- REASON
- In the interests of Highway Safety.

**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**



# Appendix 1 – Site Location Plan



## Appendix 2 – Block Plan

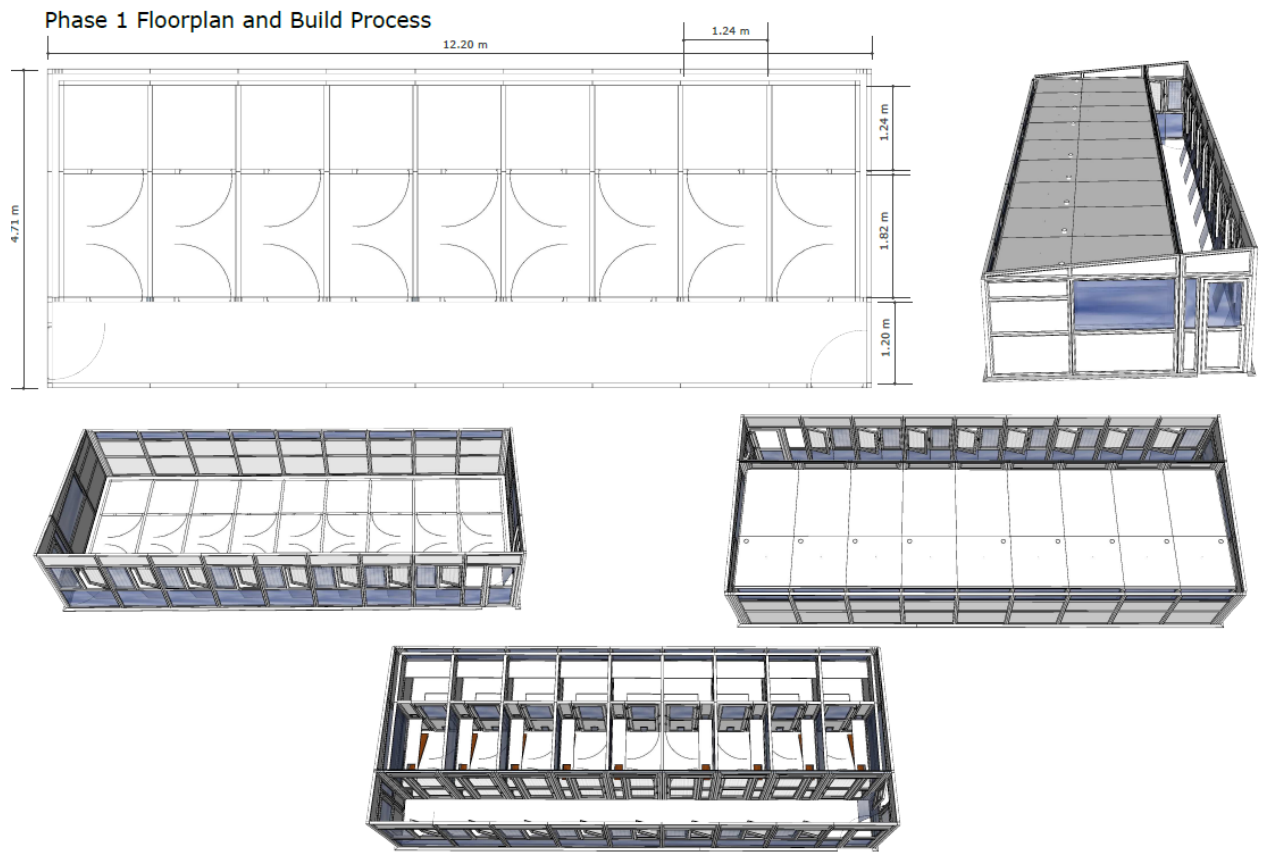


# Appendix 3 – Cattery Elevations

Phase 1 - Scaled Elevations @ 1:50 on A3



## Appendix 4 – Cattery Floor Plans



# Appendix 5 – Tree Plan

