

Committee	PLANNING COMMITTEE (C)	
Report Title	86 MINARD ROAD SE6 1NL	
Ward	Catford	
Contributors	Malachy McGovern / Steve Isaacson	
Class	PART 1	Date: 14 MARCH 2013

Reg. No. DC/12/81509

Application dated 08.07.2012, completed 18.12.2012 and revised 07.02.2013 & 3.02.2013

Applicant Mrs H Russell-Canty

Proposal The construction of a single storey building in the rear garden for use as a cattery.

Applicant's Plan No. 1201/01, 1201/02, Block Plan, Site Location Plan, Supporting Letter dated 9.11.2012, email dated 3/2/2013

Background Papers

- (1) LE/667/86/TP
- (2) National Planning Policy Framework (NPPF)
- (3) The London Plan (July 2011)
- (4) Local Development Framework Documents
- (5) Adopted Unitary Development Plan (July 2004)

Designation Adopted UDP - Existing Use

Screening N/A

## **1.0 Property/Site Description**

1.1 The subject site comprises a two-storey, mid-terrace dwelling house located on the western side of Minard Road. The property benefits from a small front garden and vehicle crossover, however the front garden does not have a hardstanding. The rear garden is approximately 17 metres deep and 6 metres wide. The neighbouring properties all have similar gardens.

1.2 The property is not located within a Conservation Area and is not a listed building. The site is relatively poorly served by public transport and has a low PTAL of 2.

## **2.0 Planning History**

2.1 There is no relevant planning history for the site. However, given the specialist nature of the proposed use it is useful to describe the planning history of another cattery nearby.

2.2 On 13 March 2002, temporary planning permission was granted for a cattery with 11 pods was granted at 21 Merchiston Road SE6 (ref. DC/02/50916), requiring the use of the cattery to cease on 30 June 2004.

- 2.3 Permanent consent for the same use was granted 29 June 2004 under reference DC/03/54322. The delegated report states that:

“The temporary period planning permisison was imposed to assess the impact of the use on neighboiuring residential occupiers. It appears from consultation with environmental health that two compliants have been received from a single neighbouring resident about smells and noise. After investigation by the EN Licencing and Enforcement Officer these compliants were found to be unsubstantiated. One letter has been received after consultation on the current application stating that thet have no objection to the proposal.”

### **3.0 Current Planning Application**

- 3.1 The current application proposes the construction of a single-storey building in the rear garden of the property, to be used as a cattery. The building would be brick-built, with a timber-clad exterior and would have a pitched slate roof, rising to a maximum height of 2.95 metres. The building would be approximately 6 metres wide and 5.5 metres deep.
- 3.2 The proposed outbuilding would provide 11 separate pods for up to 22 cats and would have a separate water and electrical supply. The cattery would be a small-scale commercial enterprise and would operate all year round. The main house and garden would remain in domestic use and would not be used by the cats.

#### Operation / Staffing

- 3.3 It is proposed that customer could come to the cattery between the hours of 09:00 to 18:00 Monday to Fridays, 08:30 to 13:00 Saturdays, and closed on Sundays and Bank Holidays. The applicant has stated that she would run and manage the premises. There would be no additional staff employed and as such no further requirement for staff parking.
- 3.4 The applicant has stated that the cats would be dropped off and picked up at the beginning and end of their stay. The applicant estimates between two and five drop offs or pick ups per week. This would amount to an average pick up and drop off rate of one per day. Of these visitors, some would arrive by car and some by public transport or foot.
- 3.5 The applicant states that the maximum number of cats that could be accommodated at any one time is 22, but she estimates that between 6 and 15 would stay weekly. Cats can be boarded for a little as four days or up to four weeks, with two weeks being an average stay.
- 3.6 The applicant states that there is provision for one parking space in the front garden and states that the limited additional vehicle comings and goings would not cause any significant increase in parking pressure.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council’s consultation exceeded the minimum statutory requirements and those required by the Council’s adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

- 4.3 16 neighbouring occupiers were notified, and five letters of objection were received, raising the following issues:-

- Noise nuisance from cats – particularly during mating, fighting or distressed periods. Also noise created from use of garden and customers coming and going.
- Smell from cats and from cat litter
- Parking pressure - this is already difficult for residents and the proposed cattery will only make matters worse.
- Visual impact of outbuilding – the structure would be an eyesore and would cause light loss.
- Disease and pests – particular concern for well-being of young children.
- Property value & Impact on the character of the area.
- Concerns about well-being of cats - can often get distressed in such an environment

(Letters are available to Members)

- 4.4 The Catford Ward Councillors were also consulted. No replies were received.

- 4.5 Council Highways and Environmental Health Departments - No response received

### **5.0 Policy Context**

#### Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.
- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

## National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period, weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.
- 5.6 Ministerial Statement: Planning for Growth (23 March 2011) states:-

"The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy."

## The London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are
- Policy 4.1 Developing London's Economy
  - Policy 6.13 Parking
  - Policy 7.1 Building London's neighbourhoods and communities
  - Policy 7.4 Local Character
  - Policy 7.6 Architecture
  - Policy 7.15 Reducing noise and enhancing soundscapes

## Local Development Framework - Core Strategy (June 2011)

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:-

- Spatial Policy 5 Areas of Stability and Managed Change
- Core Strategy Objective 4 Economic Activity and Local Businesses
- Core Strategy Objective 10 Protect and Enhance Lewisham's Character
- Core Strategy Policy 14 Sustainable Movement and Transport
- Core Strategy Policy 15 High Quality Design for Lewisham

## Unitary Development Plan (July 2004)

5.9 Relevant saved policies of the Lewisham URB 3 Urban Design 2004 relevant to this application are:-

HSG 4 Residential Amenity  
URB 3 Urban Design  
ENV.PRO 9 Potentially Polluting Uses  
ENV.PRO 11 Noise Generating Development

## **6.0 Planning Considerations**

6.1 The main issues to be considered in respect of this application are:-

- a) principle of development;
- b) character and appearance of the area;
- c) highways & parking;
- d) public safety, noise & impact on neighbouring amenity;
- e) refuse & general housekeeping.

### Principle of Development

- 6.2 The proposed outbuilding would be rectangular, measuring 5.5 metres deep by 6 metres wide and would be 2.95 metres at ridge height, with eaves as 2.2 metres in height. Whilst this would be marginally higher than neighbouring flat roofed outbuildings, it is not considered that the proposed building would be unduly overbearing or out of character with the area.
- 6.3 The application property is currently in use as a single family dwelling house which would benefit from permitted development allowances. However, the proposed outbuilding would be used for commercial purposes and as such would not fall within a use ancillary or 'incidental to the enjoyment of the dwelling house'. Nonetheless, an outbuilding of similar size could be constructed under permitted development allowances, albeit with a lower maximum height of 2.5 metres.
- 6.4 The proposed use of the outbuilding as a cattery would introduce a commercial element to the site which is in a predominantly residential area. The business would support the applicant's income and would be a start-up enterprise which is generally supported by the Government's NPPF (para 19). There would be no additional staff and the main house and garden would remain in residential use only.
- 6.5 Saved UDP Policy HSG4 Residential Amenity states that the Council will seek to improve and safeguard the character and amenities of residential areas throughout the borough by resisting the siting of incompatible development in or close to residential areas. It is considered however that non-residential uses in residential areas may be acceptable provided such development can be achieved without any detrimental impact on neighbouring amenity.

- 6.6 As stated in the planning history, a similar cattery is currently in operation at another site in Catford, at 21 Merchiston Road SE6. The report author visited the site and consulted the cattery proprietor in consideration of the current application. Another cattery operates in the south of the Borough, at 5 Blacklands Road. Both operate in similar residential areas without causing any undue disturbance to neighbouring residents. Thus, in principle, the operation of a small cattery in a residential area is considered appropriate, subject to the scale of the use.

#### Character and Appearance of the Area

- 6.7 The proposed outbuilding would be of solid construction, with a pitched slate roof rising to a ridge height of 2.95 metres. The building would have a centrally-positioned doorway and two wire-mesh openings on the front elevation measuring approx 1 m wide by 50cm high.
- 6.8 The submitted drawings indicate that the outbuilding would be clad with shiplap boarding, which is considered acceptable given the character of the area. The front and flank elevations would each have two 23cm vents.
- 6.9 It is considered that the proposed outbuilding would sit comfortably at the bottom of the garden and, whilst higher than some neighbouring outbuildings, would not be overly dominant or obtrusive. The proposed materials are considered acceptable and can be secured by condition.

#### Highways & Parking

- 6.10 The applicant submits that the maximum number of cats boarded at the cattery at any one time would be 22, however it is estimated that on average, between 6 and 15 cats would be boarded weekly. Cats can be boarded for as little as four days or up to four weeks, with two weeks being an average stay. She has also stated that only cats from the same family would be allowed to share one cage, which means that there are never more than 11 customers at the same time. The applicant has also explained that only neutered cats are accepted, hence eliminating any 'tension' between the sexes.
- 6.11 The cats would be picked up and dropped off between the hours of operation which are Monday to Friday 9am to 6pm and Saturday 8.30am to 1pm. The cattery would be closed for customers on Sundays and Bank Holidays. The nature of the business would mean that the animals may be kept at the site for periods of time which would not involve customers making daily visits. The applicant has estimated that between two and five drop offs and pick ups per week would be a typical frequency of visit. This would be an average of approximately 1 visitor per day. The applicant states that whilst many of the visitors will arrive by car, some will arrive by foot. A number of bus routes stop within a 5 minute walk on Brownhill Road

#### Public Safety, Noise and Impact on Neighbouring Residential Amenity

- 6.12 Unlike kennels, cat boarding establishments are not associated with high levels of noise and it is generally accepted that the level of noise generated is not at a level that would cause a nuisance. The applicant has stated that the cats will be permanently contained within the outbuilding for the length of their stay and as such will not have any contact with other cats. The animals will be kept in individual pods and only cats from the same family will share a pod. There will be no opportunity for the animals to mate or fight and as such, noise should be minimal.

- 6.13 Concerns have been raised by a number of residents about the issue of smells generated from keeping animals. Under the Animal Boarding Licence required for such a use, regular checks would be made to ensure that the business is operated in a manner meeting the regulations of such a Licence. It is therefore considered that any odours from the cattery would indicate poor housekeeping and could be dealt with under licence regulations.
- 6.14 With regard to use of the comings and goings of customers, it is considered that the Council's normal time restrictions should be applied by condition in order to minimise the impact on neighbouring properties. These are considered acceptable conditions in order to comply with Policy ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity.

#### Refuse & General Housekeeping

- 6.15 The waste generated by the cattery would consist largely of used paper litter which could be disposed of through a commercial refuse disposal service. Further details of the proposed arrangements can be required by a planning condition.
- 6.16 The applicant states that she would be in the cattery from 8.30am every morning to clean and feed the cats and this would take approximately 1 hour. At 5pm the cats would be fed a second time and would be groomed and petted, with this process taking approximately 45 minutes. All of this would take place within the cats locked unit and at no point would any cats be loose within the outbuilding or within the garden. This timetable would be repeated daily. This regime is considered acceptable.

#### **7.0 Local Finance Considerations**

- 7.1 The Mayor of London's CIL is not payable on this application.

#### **8.0 Conclusion**

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations. On balance, the construction of an outbuilding for use as a cattery for up to 22 cats is considered to be acceptable on planning grounds and conditional permission is recommended.

#### **9.0 Summary of Reasons for Grant of Planning Permission**

- 9.1 The proposal satisfies the Council's land use and environmental criteria and is in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Core Strategy Objective 4 Economic Activity and Local Businesses, Core Strategy Objective 10 Protect and Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the Lewisham Core Strategy (June 2011), and saved policies HSG 4 Residential Amenity, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and URB 3 Urban Design of the Unitary Development Plan (2004), and policies Policy 4.1 Developing London's Economy, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.4 Local Character, Policy 7.6 Architecture, and Policy 7.15 Reducing noise and enhancing soundscapes and the London Plan 2011.

- 9.2 It is considered that the proposed outbuilding is appropriate in terms of its form and would not result in material harm to the character and appearance of the surrounding area. The proposed use as a cattery for up to 22 cats can be successfully controlled by planning conditions and would not cause material harm to the amenities of neighbouring occupiers. The proposal is thereby in accordance with Spatial Policy 5 Areas of Stability and Managed Change, Core Strategy Objective 4 Economic Activity and Local Businesses, Core Strategy Objective 10 Protect and Enhance Lewisham's Character of the Lewisham Core Strategy (July 2011), saved policies HSG 4 Residential Amenity, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, URB3 Urban Design of the Lewisham UDP (2004), and policies Policy 4.1 Developing London's Economy, Policy 6.13 Parking, Policy 7.1 Building London's neighbourhoods and communities, Policy 7.4 Local Character, Policy 7.6 Architecture, and Policy 7.15 Reducing noise and enhancing soundscapes and the London Plan (July 2011).

**10.0 RECOMMENDATION GRANT PERMISSION** subject to the following conditions

- (1) The building shall be used as a cattery for boarding cats and for no other purpose, including the boarding of any other type of animal.
- (2) The maximum number of cats to be accommodated at any one time within the cattery hereby permitted shall not exceed 22.
- (3) The boarded cats must remain in their pods within the building for the duration of their stay and must not use the rear garden area for any activity at any time of day or night.
- (4) Details of the construction, including facing materials, of the proposed refuse storage chamber shall be submitted to and approved in writing by the local planning authority and the chamber shall be constructed in accordance with the approved details before any of the residential units hereby approved are occupied.

**Reasons**

- (1) To allow the local planning authority to properly assess the impact of other uses on the residential amenities of neighbouring in accordance with policies in the Local Development Framework - Core Strategy and saved Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (2) To safeguard the amenities of the adjoining premises and the area generally and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (3) To safeguard the amenities of the adjoining premises and the area generally and to comply with saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).



- (4) In order that the local planning authority may be satisfied as to the appearance and function of the refuse chamber and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and saved Policy URB 3 Urban Design and HSG4 Residential Amenity of the adopted Unitary Development Plan (July 2004).

Informative

**Positive and Proactive Statement** - The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought. However, as the proposal was clearly in accordance with the Development Plan, permission could be granted without any further discussion.