

Item No 17:-

16/04412/FUL (CT.1737/D)

**33 Tetbury Hill
Avening
Tetbury
Gloucestershire
GL8 8LT**

Item No 17:-

Removal of Condition B restricting the use to the applicant and Condition E restricting the operation to the keeping of 10 cats at any one time, of Planning Application No: CT.1737/B dated 18th May 1988 for the erection of a building to be used as a cattery, alterations to the existing vehicular access at 33 Tetbury Hill Avening Tetbury

Full Application 16/04412/FUL (CT.1737/D)	
Applicant:	Mr Jim Parsons
Agent:	None
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Jim Parsons
Committee Date:	14th December 2016
RECOMMENDATION:	PERMIT

Main Issues:

(a) Impact on the residential amenities of the neighbouring properties

Reasons for Referral:

This application has been brought to the Planning Committee for determination as Cllr Jim Parsons is the applicant and the Ward Member.

1. Site Description:

33 Tetbury Hill, Avening is a bungalow within the built settlement of Avening with vehicular access off the B4014, it has a separate layby to the front of the dwelling. The property has two immediate neighbours on either side, there is a commercial cattery sited behind the dwelling.

2. Relevant Planning History:

CT.1737/B 33 Tetbury Hill Erection of a building to be used as a cattery, alterations to the existing access. Approved 11.01.88.

3. Planning Policies:

LPR19 Develop outside Development Boundaries
LPR24 Employment Uses
NPPF National Planning Policy Framework

4. Observations of Consultees:

N/A

5. View of Town/Parish Council:

None received at the time of writing the report

6. Other Representations:

N/A

7. Applicant's Supporting Information:

A letter from the Public Protection Manager at Cotswold District Council confirming that a license from 1st January 2016 until 31st of December 2016 is granted. The license allows for a maximum of 32 cats to be kept on the site at any one time.

8. Officer's Assessment:

The proposal relates to the removal of condition B of Permission CT.1737/B that restricts the operation of the cattery to the applicant. The proposal also seeks to remove Condition E that restricts the business to keeping 10 cats.

Section 3 of the NPPF (Supporting a prosperous rural economy)

Paragraph 28 of Section 3 seeks to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, promoting the retention and development of local services and community facilities within villages.

Section 4 of the NPPF (Promoting Sustainable Transport)

Paragraph 32 of Section 4 requires that safe and suitable access to the site can be achieved for all people.

Paragraph 206 of the NPPF relates to Planning Conditions. The 5 relevant tests are that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

In the context of the above, Condition B is no longer considered to accord with the requirements of Paragraph 206 of the NPPF. This is on the basis that the reason given for imposing this condition was 'Permission is granted only to meet the specific needs of the applicant'. The premises are not appropriate for unlimited use as a cattery because of its location in a mainly residential area'. This condition would preclude any subsequent owner of the property from running the cattery. It is considered that alternative persons running this business would not cause any more material harm than that of the existing owner operating the business and as such it would not be reasonable or necessary to retain this condition.

Condition E of Permission CT.1737/B was imposed for the following reason 'Permission is granted only to meet the specific needs of the applicant. The premises are not appropriate for unlimited use as a cattery because of its location in a mainly residential area'. This condition seeks to protect the adjacent properties residential amenities. The condition has had regard for the level of noise, odour and traffic generation from the cattery. The more recent license granted by the Environmental Protection Officer has established that the principle of keeping up to 32 cats at the cattery at any one time as being acceptable. This license has had regard to the level of noise and odour emanating from the site. It is accepted that an increase in capacity on the site will generate increased volumes of vehicular traffic to the site. The license could generate up to approximately two thirds more trips, when the cattery is at full capacity. This is considered to have an acceptable impact on the residential amenities of the neighbouring properties. This is on the basis that the site is accessed off the B4014 within a 30 MPH speed limit. There is an existing parking bay to the front of the property that allows for customers to park off the road, which provides suitable and safe access and avoids conflict with other road users. It is therefore considered that condition E is no longer of relevance or necessary and it is considered to be unreasonable to retain it as a restriction on the property.

9. Conclusion:

Having re-assessed the relevance of the original conditions attached to the permission, it is considered that Conditions B and E of Permission CT.1737/B no longer meet the tests of National Planning Policy objectives contained in Paragraph 206 of the NPPF and are not reasonable or necessary. The current conditions would only serve to hinder the ability of this rural business to grow and contribute positively to the rural economy. This would be contrary to the rural economic considerations contained in Section 3 of the NPPF.

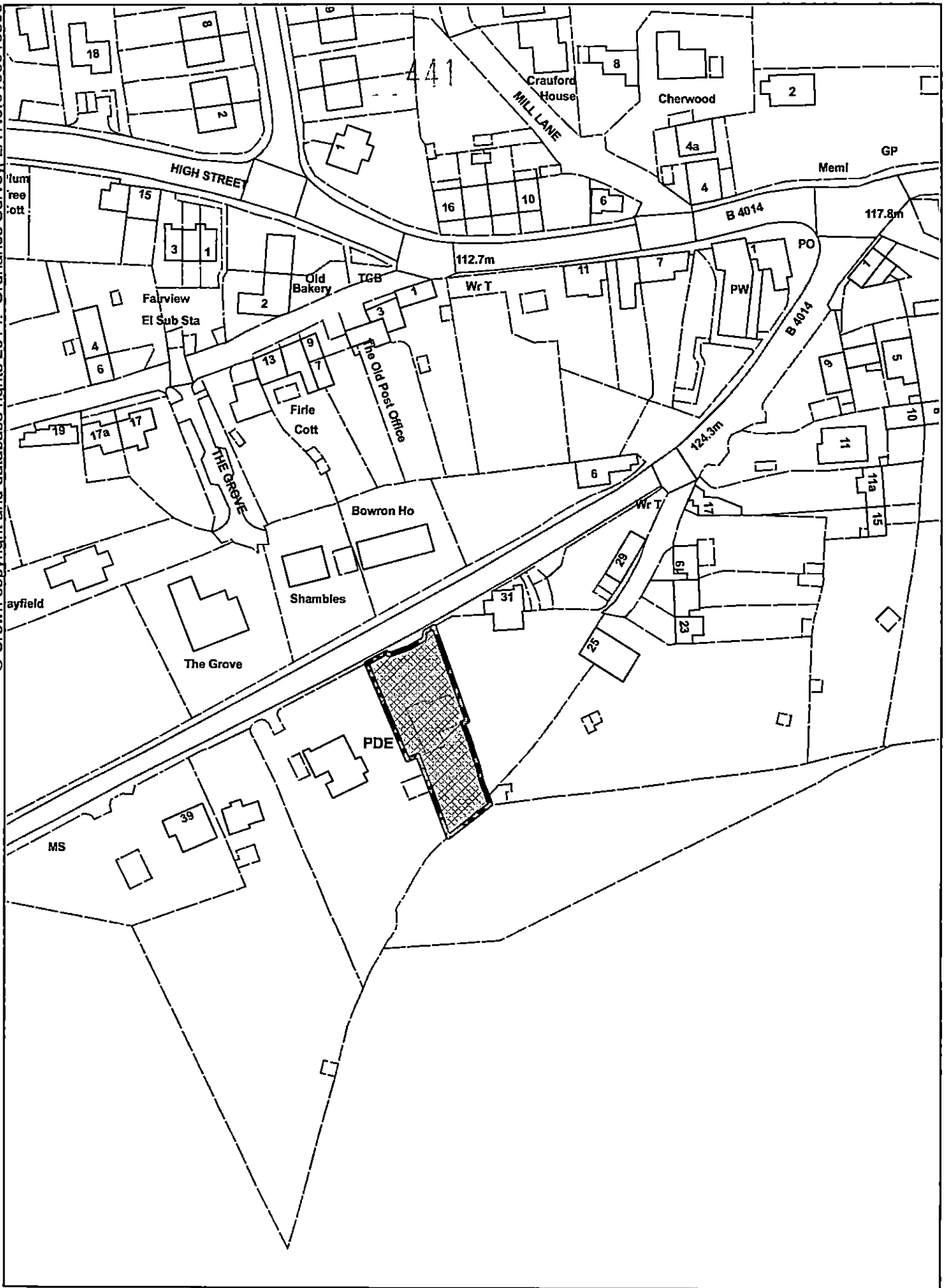
10. Proposed conditions:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, no extensions or alterations including the provisions of doors, windows or rooflights or the making or closing of any openings, shall be erected, constructed or sited in the building, other than those permitted by this Decision Notice.

Reason: Permission is granted to meet the specific needs of the applicant, the premises are not appropriate for unlimited use as a cattery because of its location in a mainly residential area in accordance with design and residential amenity considerations contained in Cotswold District Local Plan Policies 5 and 42 and design and amenity considerations contained in Section 7 of the NPPF.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other statutory instrument amending or replacing it, the use of the premises shall be restricted to the use as a cattery.

Reason: Permission is granted to meet the specific needs of the applicant, the premises are not appropriate for unlimited use because of its location in a mainly residential area in accordance with the residential amenity considerations contained in Cotswold District Local Plan Policy 5 and the amenity considerations contained in Section 7 of the NPPF.



33 TETBURY HILL AVENING

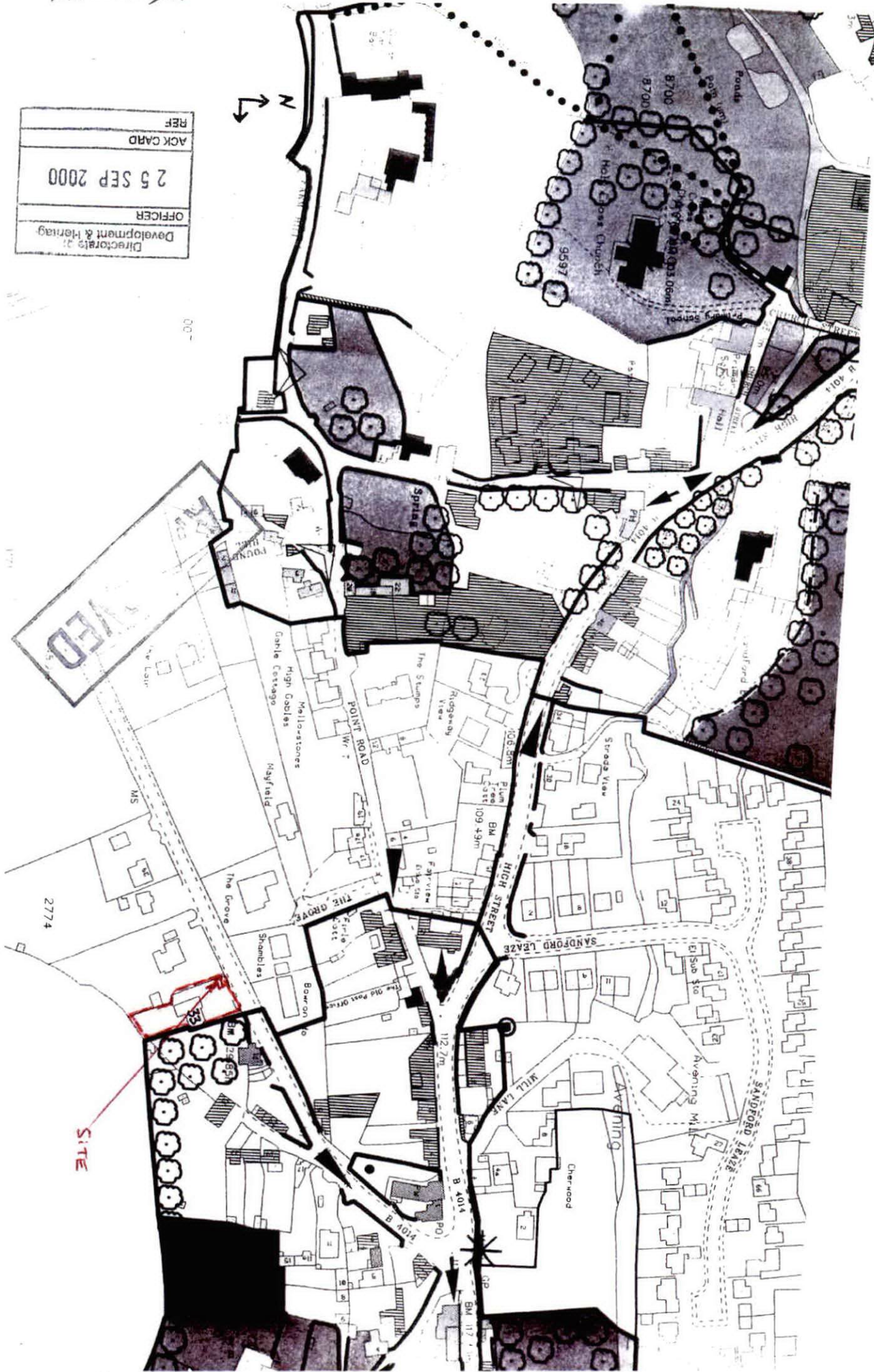
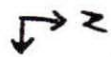
Organisation: Cotswold District Council
Department:

Date: 29/11/2016 Scale: 1:1250



NOT TO SCALE

ACK CARD
REF
25 SEP 2000
OFFICER
Directorate of Development & Heritage



16/04412/FAC

442



**COTSWOLD
DISTRICT COUNCIL**

ANIMAL BOARDING ESTABLISHMENTS ACT 1963

LICENCE TO KEEP AN ANIMAL BOARDING ESTABLISHMENT (CATS)

No: 16/01059 (C)

THE COTSWOLD DISTRICT COUNCIL being the local authority under the above Act
HEREBY LICENSE **Miss B Parsons, Alfresco Cattery, 33 Tetbury Hill, Avening,**
Tetbury being the occupier of premises known as **Alfresco Cattery, 33 Tetbury Hill,**
Avening within the area of the said authority to KEEP AN ANIMAL BOARDING
ESTABLISHMENT (CATS) at those premises subject to the conditions endorsed hereon.

A fee of £178 has been paid for this Licence.

This Licence shall remain in force from the 1st day of January 2016 until and including the
31st day of December 2016.

GRANTED at the office of the said Authority at Trinity Road, Cirencester, Gloucestershire
GL7 1PX on the 31st day of December 2015. _____

Signed:

Public Protection Manager
(The officer appointed for this purpose)

Conditions which apply:

See attached Schedule.

The maximum number of cats to be kept at any one time is 32.

Cotswold District Council

PERMISSION FOR
DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT, 1971

In pursuance of their powers under the above mentioned Act, the Council as Local Planning Authority HEREBY PERMIT the development described hereunder in accordance with the submitted application and its accompanying plan(s), but subject to the conditions hereunder stated.

TO:-

Miss B M Parsons
33 Tetbury Hill
Avening
Nr. Tetbury
Glos.

AGENT Mr W J Parsons
33 Tetbury Hill
Avening
Nr. Tetbury
Glos.

PLANNING REFERENCE No.
AND DATE OF APPLICATION

CT.1737/B
11.01.88

Description of Land

33 Tetbury Hill, AVENING, Nr. Tetbury, Glos.

Description of Development

Erection of a building to be used as a cattery, alterations to the existing vehicular access.

CONDITIONS :

- a) The development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.
- b) This permission shall enure for the benefit of the applicant only.
- c) Notwithstanding the provisions of Article 3 (1) and of the First Schedule to the Town and Country Planning General Development Order 1977 to 1981, no extensions or alterations - including the provisions of doors, windows or rooflights, or the making or closing of any openings - (other than hereby permitted) shall be carried out to the building without the prior express permission of the Local Planning Authority.
- d) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the use of the premises shall be restricted solely to the use as a cattery.
- e) Not more than 10 cats shall be boarded on the site at any one time.
- f) The use hereby permitted shall not be commenced before the

18.05.88

Dated

K P COOPER
DIRECTOR OF PLANNING
duly authorised in that behalf