



REFERENCE NO	PARISH/WARD	DATE RECEIVED
19/00266/APP	BERRYFIELDS The Local Members for this area are: -	11/03/19
CHANGE OF USE TO MIXED USE RESIDENTIAL AND CATTERY BUSINESS INCLUDING ERECTION OF 4 BAY CATTERY AND ISOLATION UNIT. 12 LAXTON ROAD HP18 0NL MR DAVID DAVIES	Councillor Chris Adams Councillor Andy Huxley Councillor Ashley Waite	
STREET ATLAS PAGE NO. 100		

1.0 The Key Issues in determining this application are:-

- a) The effect of the proposal on the character and appearance of the host dwelling, the street scene and the area in general.
- b) The effect of the proposal on the living conditions of nearby residents in respect of noise, smell, disturbance, outlook and light.
- c) The impact on highway safety and the provision of parking.

The recommendation is that permission be **APPROVED**.

2.0 Conclusions

- 2.1 The proposed development would have an acceptable impact on the character and appearance of the existing dwelling and area in general and it would not adversely affect the amenities of the occupiers of nearby properties. There would not be an adverse impact on highway safety and sufficient parking provision would be available having regard to the circumstances of the site. As such the development would accord with the Development Plan and with the NPPF.
- 2.2 It is recommended that the application be **APPROVED** subject to the following conditions:
 - 1. STC5
Reason: RE03
 - 2. No development shall take place above ground level until samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority. Please also see note no. 5.
Reason: RE11
 - 3. Customers shall only be permitted on the premises in connection with the cattery business hereby approved between the following hours:
09:30 -15:00 and 16:30 - 18:00 on Mondays – Fridays; and

09:30-13:00 on Saturdays and Sundays.

Reason: To preserve the living conditions of nearby residents, having regard to parking provision in the local area and to accord with Policy GP8 of the Aylesbury Vale Local Development Plan and the NPPF.

4. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to comply with Policy GP24 of the Aylesbury Vale District Local Plan and the National Planning Policy Framework.

WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 38 and 39 of the National Planning Policy Framework, Aylesbury Vale District Council (AVDC) takes a positive and proactive approach to development proposals and is focused on seeking solutions where possible and appropriate. AVDC works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and updating applicants/agents of any issues that may arise in the processing of their application as appropriate and, where possible and appropriate, suggesting solutions. In this case, following the receipt of an amended plan showing the additional parking space, the application was considered to be acceptable as submitted and no further assistance was required.

INFORMATIVE

The applicant is advised that before the development is brought into use, an Animal Boarding Licence will need to be obtained from Aylesbury Vale District Council. The cattery shall be operated in accordance with the terms of the Animal Boarding Licence.

3.0 INTRODUCTION

- 3.1 The application needs to be determined by committee as Berryfields Parish Council have raised material planning objections in respect of noise and the impact on residential amenity and on the character of the area and on parking provision and confirms that it will speak at the Committee meeting.

4.0 SITE LOCATION AND DESCRIPTION

- 4.1 The site comprises a two storey semi-detached dwelling located on the east side of Laxton Road facing west. To the north it is attached to No.14 and to the south is No. 10, a detached property. The host dwelling has an attached garage to the south side which is directly on the boundary with No. 10 and there is a narrow gap of 750mm separating the side wall of the garage from the side elevation of No. 10.
- 4.2 To the front of the dwelling there is a 6m wide and 4.5m deep landscaped garden enclosed by metal railings and to the front of the garage is space for parking one car. To the rear there is a 7.5m deep garden enclosed by timber fencing and over the rear boundary is a parking and garaging area for the residents of Farleigh Drive.

5.0 PROPOSAL

- 5.1 The application seeks permission to provide a cat minding service at the property including the erection of a 4 bay cattery and one isolation unit and including the conversion of the garage to provide a reception area.

- 5.2 The 4 bay cattery would measure 4.88m in width, 3.96m in depth and includes a housing area, a run and a walk in area.
- 5.3 The isolation unit provides similar accommodation and would be 1.2m in width and 3.96m in depth.
- 5.4 Both buildings would have a sloping roof 2.13m in height and would be located in the rear garden of the property with the 4 bay unit close to the boundary with No. 14 and the isolation unit would be alongside the boundary with No. 10.

6.0 RELEVANT PLANNING HISTORY

The permitted development rights for the enlargement of any dwellings or the erection of any garages or outbuilding were withdrawn for the dwellings that form this part of the Berryfields development under planning reference 13/01748/ADP.

7.0 PARISH/TOWN COUNCIL COMMENTS

- 7.1 Berryfields Parish Council have objected on the grounds of noise, residential amenity and traffic. They consider it an inappropriate use of a small garden and comment that cats can be noisy and there are environmental concerns.

Concerns are also raised that the loss of the garage, which would be converted into a Reception area, is inappropriate and the loss of a parking space along with the additional traffic that the new use would create may affect journeys with the road being one of the main access roads to Green Ridge School. They also note that the door in the garage could make the parking space in the front of the garage unusable.

They also comment that the structure would tower over the garden impacting on the neighbouring dwelling and that the whole development would alter the vernacular of the area and would be inappropriate and unacceptable for such a facility in a small back garden.

8.0 CONSULTATION RESPONSES

- 8.1 Buckingham & River Ouzel Drainage Boards – No comment.
- 8.2 Environmental Health – Do not anticipate that the cattery would cause any significant loss on amenity to neighbours provided it is operated and maintained to a high standard. No objection subject to the applicant obtaining an animal boarding licence from the Council prior to the business beginning trading.
- 8.3 Highways – Satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and therefore have no highway objections.

9.0 REPRESENTATIONS

- 9.1 One letter of objection has been received from the occupier of No. 14 who has concerns over the following;
- The rear bedroom windows would overlook the units and there could be a disturbance from noise and possibly smells and there would be a loss of outlook.
 - There is a lack of parking in the area and Laxton Road can get busy at school times with parents taking children to the nearby school.
 - Customers would be visiting at unsociable hours.
 - The 2.6m high units would tower over the shared 2m high fence

- The area is predominantly residential and commercial businesses should not be run in the area.

10.0 EVALUATION

The effect of the proposal on the character and appearance of the host dwelling, the street scene and the area in general

- 10.1 Policy GP35 of AVDLP requires that new development respects and compliments the physical characteristics of the site and surroundings.
- 10.2 The units would be located in the enclosed rear garden of the property with no views of the units from the front and very limited views of the units over the enclosures to the rear given the existing boundary treatment and garage block. Therefore there would not be a material adverse impact on the street scene to the front or to the rear.
- 10.3 The units would be freestanding and not be attached to the existing dwelling. They represent structures that are not too dissimilar to garden outbuildings and as such they would not look out of place in the garden and would have an acceptable impact on the character and appearance of the existing dwelling and on the area in general. Sufficient garden space would be retained for the existing dwelling.
- 10.4 The dimensions of the proposed unit exceed the minimum dimensions required by the DEFRA guidance on cattery standards. The applicants would need to obtain an Animal Boarding Licence and this has strict criteria that needs to be adhered to. This includes methods of insulation and the size of building required for example.
- 10.5 Overall, it is considered that the proposal is acceptable in terms of the impact on the character and appearance of the dwelling and the area in general in accordance with Policy GP35 of the AVDLP and the NPPF.

The effect of the proposal on the living conditions of nearby resident in respect to noise, smell, disturbance, outlook and light

- 10.6 Policy GP8 of AVDLP requires that new development proposals should not unreasonably harm any aspect of the amenity of nearby resident when considering against benefits arising from the proposal.
- 10.7 The proposed cattery would accommodate an average of 4 cats, operating seven days a week, with customers attending the site by pre-arranged appointment. Given that houses in Laxton Road are relatively tightly spaced, there is potential for noise, disturbance and smells generated by the cattery to impact on the living conditions of nearby residents. However, the structures will need to be designed to reflect the Animal Boarding Licence requirements with insulated external surfaces and boarding pens and therefore it is considered that any potential noise, disturbance and smells from animals being housed in the new buildings would be limited and should not materially impact on the living conditions of adjoining properties.
- 10.8 With regards to the visual impact of the development on adjacent properties, due to the linear alignment of houses in Laxton Road, the neighbouring properties both overlook the rear garden of No. 12 with boundary fencing and landscaping along the boundaries. The applicant has provided information to indicate that the units would not exceed 2.13m in height which is only marginally higher than the existing boundary fencing and as such the buildings would not materially affect either the outlook from or level of daylight/sunlight received into the rear facing rooms and gardens of these properties. It is considered that the proposal accords with Policy GP8 of the AVDLP and the NPPF in this regard.

- 10.9 With regard to customer movements associated with the proposed development, as this would be restricted to a limited period each day and the new buildings would only provide space for an average of 4 cats, any potential disruption from the opening and closing of car doors and conversations between the parties is unlikely to have a significant detrimental effect on the amenities of neighbouring properties. Moreover, customers attending the site would be met inside the property, further reducing any potential disruption to the adjoining residents. Thus, subject to a condition restricting customer opening times, the proposed development would not have a harmful effect on the living conditions of nearby properties, with particular regard to noise and disturbance.

The impact on highway safety and parking

- 10.10 GP24 of AVDLP seeks that new development will be required to provide vehicular parking in accordance with the SPG on Parking Guidelines.
- 10.11 The conversion of the garage would result in the loss of one parking space within the garage. There is space for one car to park to the front of the garage and there is space to accommodate one other car in the front garden of the dwelling which would be secured by condition and therefore two parking spaces would be retained, as currently provided for. Whilst the development would attract additional visitors to the site, these numbers would be limited, and visiting hours would also be restricted by condition to ensure that there would not be a conflict with school pick up and drop off hours. On this basis it is not considered that there would be a significant adverse impact on car parking in the locality. The Highway Authority have undertaken an assessment in terms of the impact on the highway network including net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and as such have no highway objections.
- 10.12 Having regard to the above matters, it is considered that the development would accord with Policy GP24 of the AVDLP and the Council's SPG on Parking Guidelines and with the NPPF.

Case Officer: Janet Mullen