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# PROPOSED SITE PLAN

47 SOUTH AVE  
 PRESTON  
 L21 4J 8TH



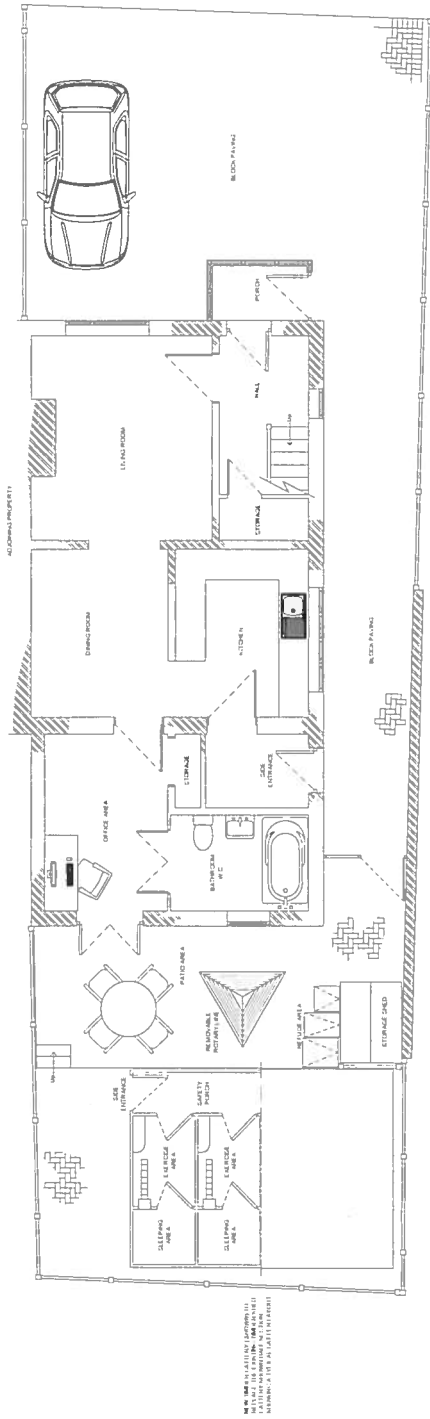
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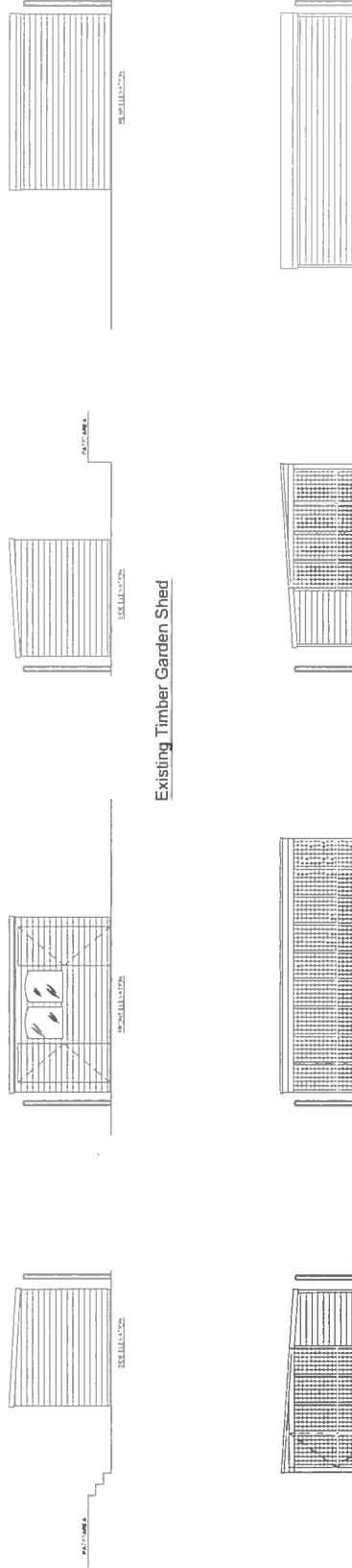
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EXISTING GROUND FLOOR PLAN & SITE LAYOUT



ELEVATIONS



Existing Timber Garden Shed

1. Scale 1:50  
 2. Scale 1:100  
 3. Scale 1:200  
 4. Scale 1:500  
 5. Scale 1:1000  
 6. Scale 1:2000  
 7. Scale 1:5000  
 8. Scale 1:10000  
 9. Scale 1:20000  
 10. Scale 1:50000  
 11. Scale 1:100000  
 12. Scale 1:200000  
 13. Scale 1:500000  
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 20. Scale 1:100000000

**WARD :** Prestatyn Central

**WARD MEMBER(S):** Cllr Hugh Irving  
Cllr Tina Jones (c)

**APPLICATION NO:** 43/2017/0548/ PF

**PROPOSAL:** Change of use of existing dwelling to a mixed use dwelling and cattery, removal of existing shed and erection of replacement cattery building

**LOCATION:** 47 South Avenue Prestatyn

**APPLICANT:** Christina Williams

**CONSTRAINTS:** Article 4 Direction

**PUBLICITY UNDERTAKEN:** Site Notice - No  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**  
**Scheme of Delegation Part 2**

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**PRESTATYN TOWN COUNCIL**

“Observation;

Committee expressed concern about scale and possible impact of business upon neighbouring residential properties.

Business waste disposal method requires clarification.

Animal welfare licensing requirements should apply”.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

**HEAD OF TRANSPORT AND INFRASTRUCTURE - HIGHWAYS OFFICER**

No objection subject to conditions.

**PUBLIC PROTECTION OFFICER**

Having considered additional information regarding the operation of the use, raise no objection,

**RESPONSE TO PUBLICITY:**

In objection

Representations received from:

Julie Jones, 45 South Avenue, Prestatyn

Mrs S Griffiths, 49 South Avenue, Prestatyn

Summary of planning based representations in objection:

Residential amenity- Concerns over noise and disturbance from cats and cats roaming in adjacent gardens.

**EXPIRY DATE OF APPLICATION: 01/08/2017**

**EXTENSION OF TIME AGREED: 13/10/2017**

**REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The application proposes the change of use of no. 47 South Avenue in Prestatyn to a mixed use dwelling and cattery, and erection of a cattery building.
- 1.1.2 The cattery building is proposed to replace an existing shed in the rear curtilage of the dwelling. The cattery would measure 2.6 metres in width by 4.7 metres in length with an overall maximum height of 2.1 metres. The building would comprise of two sleeping and exercise areas for the cats, and a covered porch. The applicants have indicated a maximum of 6 cats would be housed at any one time.
- 1.1.3 An area of the curtilage between the dwelling and the cattery building is proposed to be retained as existing as amenity space for the dwelling, and to accommodate a bin storage and a clothes drying space.
- 1.1.4 The extent of the property, its rear garden area and the relationship with adjacent properties can best be appreciated from the plans at the front of the report.

#### 1.2 Description of site and surroundings

- 1.2.1 No. 47 is located on the western side of South Avenue in Prestatyn. The area is predominantly residential in character.
- 1.2.2 The rear garden is bounded by 2 metre fencing and within the rear curtilage there is an existing timber shed, which is to be retained.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located within the development boundary of Prestatyn as defined in the Local Development Plan.

#### 1.4 Relevant planning history

- 1.4.1 There is no relevant planning history on the site.

#### 1.5 Developments/changes since the original submission

- 1.5.1 Additional information was requested by Public Protection Officers, this is summarised below.

#### 1.6 Other relevant background information

- 1.6.1 The Applicant has provided a statement in support of the application to address concerns raised by the Public Protection Officer. This states;
  - The facility is proposed for RSPCA foster cats only, not for third parties.
  - Delivery of cats would be expected between 08:00 and 20:00 only or would be collected by the Applicant.
  - The cats will be feed and watered twice a day and topped up if required when i do my hourly checks. The bowls will be washed twice a day after each feed.
  - The bedding will be washed once a day and changed as often as needed.
  - If the cats are yowling they will be checked and assessed to see what the problem is and then dealt with as required. The cattery is going to be purpose built and will have internal boarding of insulation which will help with noise and the enclosures will all have a door should we have bad weather. All internal panels are washable for hygiene reasons.
  - Litter will be checked every 2 hrs on my routine checks and changed twice a day. Anti-bacterial and odour controlled litter will be uses which is clumping for best hygiene. Each litter tray will have approx. 1000g of litter. The litter will be placed into black bags then placed in bin and taken to the tip on a regular basis (once a week which meets the licence regulations received from animal welfare)

### **2. DETAILS OF PLANNING HISTORY:**

2.1 None.

### 3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

**Policy RD1** - Sustainable development and good standard design

3.2 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

3.3 Other material considerations

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Visual amenity

4.1.3 Residential Amenity

4.1.4 Highways Safety

Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The application proposes a change of use an existing dwelling to a mixed use dwelling and cattery.

There is no planning policy within the Local Development Plan which directly applies to such small scale working from home type operations, but the plan acknowledges the need to support appropriate employment development in suitable locations. The site is located within the development boundary of Prestatyn where appropriate new development may, in principle, be supported provided that it meets relevant tests of policies in the Local Development Plan and is compatible with other material planning considerations. The detailed impacts are considered further below.

4.2.2 Visual amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of character, design and materials, which are matters relevant to the visual impact of development.

The application proposes change of use of a dwelling to a mixed use and the erection of a timber cattery building within the rear curtilage.

Considering the nature of the development and the small scale and location of the actual cattery building proposed, it is the opinion of Officers that the proposal would not raise visual amenity concerns or conflict with the relevant planning policy.

#### 4.2.3 Residential amenity impact

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc.

Concerns have been raised by the Town Council and neighbours over the potential for noise, disturbance and smell from the cattery.

The application proposes a cattery building within the curtilage of an existing semi-detached dwelling. The building would be a purpose built timber structure with internal boarding / insulation which would help mitigate noise, and the enclosures will all have a door. All internal panels would be washable for hygiene reasons.

In terms of physical proximity, it is to be noted that the cattery building would be located close to the boundary with a number of private gardens of properties along South Avenue. In such circumstances, the issues raised by neighbours and the Town Council merit close consideration.

In respect of matters of noise / smell nuisance, the Public Protection Officer is best placed to assess the potential impacts, and it is significant in this instance that no objections have been raised to the scheme on the basis of the scale of use, the details of the development and the management arrangements proposed.

The facility is proposed to cater for 6 cats, and these would not be free to roam around the area, as they would be contained in the cattery building. There would be a similar amount of amenity space remaining within the curtilage as is existing, therefore the scheme would not adversely impact on the existing occupiers of the existing dwelling itself (no. 48).

If Officers have any reservations over the acceptability of the proposals, it is the potential for disturbance from noise generated by a concentration of boarded cats so close to a number of private gardens and dwellings. In acknowledging the comments of the Public Protection Officer, and whilst it is not considered there are strong grounds to refuse the application, it is suggested that this may be an instance where consideration could be given to a temporary consent to allow the impact of the use to be assessed.

#### 4.2.4 Highway safety

Local Development Plan Policy RD 1 tests (vii) and (viii) oblige provision of safe and convenient access for a range of users, together with adequate parking, services and manoeuvring space; and consideration of the impact of development on the local highway network.

The plans show access as existing. This would be from the existing road to a hardstanding at the front of the dwelling, which has space for parking for 3 cars.

Highways Officers have not objected to the proposal, therefore Officers would consider the proposal would not give rise to unacceptable adverse impacts on highway safety.

Other matters

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

**5. SUMMARY AND CONCLUSIONS:**

5.1 In conclusion, and having due regard to the basis of representations and what is actually involved in the application, it is suggested that members give consideration to a temporary permission in order that the impacts of the use can be properly assessed.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The cattery use shall cease no later than the 31st December 2019, unless the permission of the Local Planning Authority has been obtained to its extension beyond that date.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Existing Ground Floor & Site Layout & Existing & Proposed Elevations Plan (Cattery) (Dwg. No. 114/001) received 31 May 2017
  - (ii) Block Plan received 31 May 2017 (iii) Location Plan received 31 May 2017

The reasons for the conditions are:-

1. In order that the impact of the use on the amenities of occupiers of adjoining properties can be fully assessed.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.