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4. **3/09/1069/FP- Change of use from Kennels building to dwelling at Roseborne House, Parsonage Lane, Sawbridgeworth, CM21 0ND for Mrs Paula Harding**

Date of Receipt: 15.07.2009

Type: Full – (Minor)

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T12)
2. No further windows (2E17) remove '*in the flank*' insert '*including the roof*' and '*and in the interests of the appearance of the development in accordance with ENV1*'
3. Contaminated land survey and remediation (2E33)
4. New windows and doors- unlisted buildings (2E34)
5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Prior to the commencement of development a scheme providing for the insulation of the proposed dwelling against the transmission of noise from the adjoining boarding kennels, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented and maintained in accordance with the approved scheme.

Reason: To ensure that adequate precautions are implemented to avoid nuisance and disturbance from the adjoining boarding kennels in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed at the kennels within the area shown edged blue on drawing no. 585.01 and any residents dependant.

Reason: To ensure that the local planning authority retains control over the use and to provide for the needs of the kennels as identified by the applicant.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC9, TR2, TR7, TR14, ENV1, ENV2, ENV9 and ENV25. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is located to the north of Sawbridgeworth, within the Green Belt, on the west side of Parsonage Lane
- 1.2 To the south of the site is Roseborne House, a large residential property within the same ownership as the boarding kennels and application site. To the east, on the opposite side of Parsonage Lane, is a small industrial estate and to the north, is a children's play barn.
- 1.3 The existing building forms the southern half of a traditional single storey yellow stock brick built building with a slate roof. It currently accommodates three kennels, a kitchen area and storage and is used in connection with the adjoining commercial boarding kennels.
- 1.4 The application proposes the change of use of the building to a two bed residential dwelling with a small private garden and parking for 2 vehicles within the existing parking area for the business. External alterations to the building are limited to the insertion of four new openings; three windows and one door. The applicant has indicated that the operation of the kennels requires that there must always be someone resident at the premises which means that the owners are unable to take any time away from the business. It is therefore proposed that the converted building be used for staff accommodation to enable someone to be resident at the premises at all times and allow the owners to be able to have time away from the business. The dwelling would therefore be occupied very much as part of the overall kennels business.

2.0 Site History

2.1 There is no relevant planning history relating to the site.

3.0 Consultation Responses

3.1 The Environmental Health team has raised no objections to the proposal subject to conditions regarding noise insulation, construction hours of working, dust, asbestos, bonfires, soil decontamination, and refuse disposal facilities being included on any planning permission.

3.2 County Highways raises no objections to the proposals subject to the inclusion of a condition the provision of on site construction parking and storage. It is advised that there are sufficient off street parking and turning facilities available on site to enable vehicles to manoeuvre and exit onto the highway in forward gear, visibility is adequate and traffic generation is unlikely to be significant

4.0 Town Council Representations

4.1 Sawbridgeworth Town Council raises no objections to the scheme

5.0 Other Representations

5.1 The applications have been advertised by way of site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

GBC1	Appropriate development in the Green Belt
GBC9	Adaption and Re-use of Rural Buildings
TR2	Access to New Developments
TR7	Car Parking- Standards
TR14	Cycling- Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV25	Noise Sensitive Development

7.0 Considerations

7.1 The main issues for consideration are:

- The appropriateness of the development in the Green Belt;
- The appropriateness of reusing the building for residential purposes;
- The appropriateness of the proposed alterations to the building;
- The impact of such a use on the amenity of neighbouring residential properties;
- The highway, parking and access implications;
- Other considerations.

The principle

7.2 The proposal does not, in officers opinion, meet the functional test necessary for the provision of a new dwelling in the rural area (as there is already one dwelling on the site that could meet the functional needs of the kennels). It has therefore been considered under policy GBC9 of the Local Plan (adaptations and re-use of rural buildings).

7.3 Under that policy, the adaption and re-use of rural buildings for various purposes, including residential, may be appropriate subject to a number of criterion being met. In line with this policy, officers consider that:

- a) The building is worthy of retention and would not detract significantly from the rural character and appearance of the area.
- b) The retention of the building is unable to be facilitated by conversion to a business, leisure, tourism community or other purpose compatible with the rural area. Whilst limited information has been submitted with respect to this, and the applicant has not explored these options, Officers note that a particular need has been identified by the applicant to accommodate staff on site for adjacent boarding kennels and this is the reason for the application. On this basis, and also taking into account the size and location of the building in relation to the boarding kennels, Officers are satisfied that its use for business, leisure, tourism or community purposes is unlikely to be viable and therefore the most appropriate use of the building is residential to be used in conjunction with the business.
- c) A contribution to the local affordable housing needs in the area cannot be made by the unit, given the buildings siting in relation to the boarding kennels and its unsustainable location in the countryside Officers do not consider it to be an appropriate location for affordable housing.

- 7.4 Therefore, whilst the proposal does not fall squarely in line with the requirements of policy GBC9 Officers consider that the particular special circumstances of the case support the principle of converting the building for residential purposes. It is considered however that a condition restricting the occupancy of the dwelling to the kennels is appropriate in view of these special circumstances.
- 7.5 Officers are satisfied that the proposed development would not adversely impact on the openness of the Green Belt, wherein the site lies.

The proposed alterations

- 7.6 Turning to the proposed alterations to the building itself; alterations have been mainly confined to inside the building with all the existing openings being reused. Three new openings are proposed on the east elevation to provide light to the bedrooms and living area and one on the west elevation to provide light and ventilation to the bathroom. The proposed alterations are considered appropriate and will retain the simple appearance of the building not detracting from its rural character.
- 7.7 An existing area of land to the east of the building is proposed to accommodate a small private garden. This area is already bounded by mature hedgerow and contains two mature trees which are to be retained. The hedge already screens the building and the proposed garden area from the public highway and officers therefore consider that the provision of a garden in this location will not adversely impact on the open rural character of the area.
- 7.8 In summary Officers consider the proposed alterations to the building and the proposed curtilage is in line with Policies ENV, ENV2 and GBC9.

Neighbour amenity

- 7.9 In relation to neighbour amenity, taking into account the siting of the building in relation to nearby properties, Officers are satisfied that a residential use and the alterations proposed to accommodate this would not adversely impact on amenities of neighbouring residents.

Highway, parking and access

- 7.10 In relation to parking and access the plans submitted show 2 car parking spaces for the units which will be situated in the existing boarding kennels car park, adjacent to the building. Officers consider that this level of parking is acceptable and in line with the maximum parking standard as set out in the Local plan for a two bed unit. Officers are also satisfied that sufficient off site parking will be retained for the boarding kennels and the existing dwelling, Roseborne House.

- 7.11 In line with comments from County Highways it is also considered that there is sufficient space for vehicles to manoeuvre on site; visibility is acceptable and that the proposals will not result in a significant increase in traffic along Parsonage Lane. Therefore the proposals are acceptable on highway grounds.

Other considerations

- 7.12 The building is located directly adjacent to a commercial boarding kennels. Such a use, inevitably, would impact on the amenities of any nearby residents particularly in relation to noise. Officers have noted the applicant's intentions to use the new dwelling to accommodate staff for the boarding kennels and the comments from Environmental Health who raise no concerns in this respect subject to the building being properly insulated. Furthermore, the main living accommodation (bedrooms and living room) are located on the eastern side of the building away from the kennel yard. Officers therefore consider that the amenities of future residents will not be significantly impacted by the current operations at the site.

Conditions

- 7.13 With regards to conditions; given the nature of the building and its location Officers consider it reasonable to require additional information regarding any new windows and doors, landscaping proposals and the protection and retention of existing landscaping at the site in the interests of the appearance of the development. Likewise for the same reason Officers consider it appropriate to ensure that any further fenestration is restricted to ensure the rural character of the building is maintained.
- 7.14 With regards to the proposed condition regarding contamination Officers consider that this is reasonable given the current use of the building in connection with the boarding kennels and because residential properties and their occupants can be vulnerable to unknown contamination.
- 7.15 The conditions recommended by Environmental Health are noted; in terms of the asbestos condition, in my opinion such a condition is unreasonable, as the statutory requirements are covered by other legislation. With regards to the condition restricting the hours of working – taking into account the nature of the development proposed and relationship with neighbouring properties, such a condition is not considered to be necessary in this case. With regards to the provision of details of refuse, the plans show sufficient space to be provided for these and therefore a condition is not considered necessary. Finally with regards to dust and bonfires, given the nature of the development and

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the surrounding uses I do not consider either of these necessary or reasonable.

- 7.16 Officers note the condition regarding the provision of on site construction vehicle parking and storage requested by Highways but are satisfied that sufficient space is already available on site and therefore do not consider it necessary to include such a condition.
- 7.17 A condition restricting the occupancy of the dwelling is considered appropriate for the reasons set out at paragraphs 7.2 to 7.4.

8.0 Conclusion

- 8.1 To conclude, Officers consider that, whilst the proposed development does not fall squarely in line with the requirements of Policy GBC9, the particular circumstances of the case support the principle of converting the building for residential purposes. Furthermore, Officers are satisfied that the proposed development would not adversely impact on the openness of the Green Belt and that matters relating to neighbour amenity, the proposed alterations and parking and access are acceptable.
- 8.2 It is therefore recommended that planning permission be **GRANTED** subject to the conditions set out at the start of this report.