

3/10/0800/FP - Alteration of existing kennel block to form indoor behaviour area for dogs at Highfield Kennels, Hare Street, Nr Buntingford, SG9 0AD for Mr Fehmi.

Date of Receipt: 05.05.2010

Type: Full – Minor

Parish: HORMEAD

Ward: BRAUGHING

RECOMMENDATION

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

1. Three Year Time Limit (1T121)
2. Materials as on plan (2E422)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1 and ENV24. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (080010FP.NB)

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located to the south of Hare Street Road and to the west of its junction with the B1368, and is currently occupied by Highfield dog kennels.
- 1.3 Within the south-western corner of the application site there are existing single storey kennel buildings. The application seeks permission for the alteration of two of these existing enclosures.
- 1.4 The existing buildings subject of the proposed alterations, currently form the dilapidated shells of the previous buildings that were at the site. The proposal is to build up from the existing breeze block walls to a maximum height of 2.8 metres, clad the walls with dark stained timber cladding and add two sloping roofs and external doors. The resulting buildings are proposed to be used for an indoor behaviour area, an observation area and for storage.

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2.0 Site History

- 2.1 In 1983 planning permission was granted for a single storey rear extension to the kennels under lpa reference 3/83/1615/FP.
- 2.2 Various applications have been submitted between 1984 and 2007 concerning an occupational dwelling in connection with the use of the site for kennels.

3.0 Consultation Responses

- 3.1 Environmental Health does not wish to restrict the grant of permission.

4.0 Parish Council Representations

- 4.1 Hormead Parish Council makes no comment on the application.

5.0 Other Representations

- 5.1 The applications have been advertised by way of a site notice and neighbour notification.
- 5.2 1 letter of representation has been received which requests that suitable sound insulation to the roof and thermal insulation to protect the dogs from solar heat is provided. The representation also states that between 2006 and 2009 there was an ongoing problem with noise disturbance from the site; however these are no longer experienced due to the reduced numbers of dogs, better management and better conditions.

6.0 Policy

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

GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
ENV1 Design and Environmental Quality
ENV24 Noise Generating Development

7.0 Considerations

- 7.1 The site is located within the Rural Area beyond the Green Belt where Policy GBC3 outlines specific types of development that are appropriate, which includes agricultural related developments and essential facilities for outdoor sports and recreation. The proposed alterations to the existing

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kennel buildings however constitute inappropriate development within the Rural Area and therefore Members must determine whether there are other material considerations in this case to justify a departure from local plan policy.

- 7.2 The proposed development would be carried out on the footprint of the existing buildings and as such would not result in an intrusion into the open Rural Area. Furthermore, Officers consider that the proposed alterations would improve the appearance of the site by restoring the existing dilapidated enclosures into useable buildings.
- 7.3 The proposed use of dark stained timber cladding would result in a significant improvement to the existing exposed block work and would appear sympathetic to the existing timber clad building that is opposite the enclosures. A condition to require the use of the materials that are specified on the plans is recommended to ensure that the proposed improvements to the external appearance of the building are carried out.
- 7.4 As the proposal would re-use existing floor space to create a behaviour and observation area as opposed to new kennels, it is not anticipated that the development would lead to an expansion of the business or any significant increase in activity on the site.
- 7.5 Officers consider that special circumstances exist in this case due to the small scale nature of the development, the works occurring upon the existing buildings' footprint and the improvements that the development would have to the appearance of the existing site. The proposed development would not conflict with the aims of Policy GBC3 for growth restraint within the Rural Area and would not result in any harm to the character and appearance of the surrounding Rural Area.
- 7.6 The concerns raised by the neighbour in relation to insulation have been considered. The insulation of the building in the interests of the welfare of the dogs is not a planning matter and therefore does not form a material consideration of the current application. The sound proofing of the building to prevent noise disturbance to neighbouring occupiers is not considered to be necessary in this case. The closest residential property to the site is Blackwood House which is sited approximately 53 metres to the west of the buildings, and neighbouring dwellings to the east are some 160 metres away. Having regard to these distances, the absence of a request for sound proofing from Environmental Health and the comments made by the neighbour that there is currently no noise disturbance I do not consider a condition to require insulation to be necessary or reasonable in this case.

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There is no indication that the proposed works would result in any additional noise disturbance, to neighbouring occupiers. However, should the problems with noise disturbance re-occur the Council would be able to consider action under Environmental Health legislation.

8.0 Conclusion

- 8.1 Officers consider that special circumstances exist in this case to justify a departure from Policy GBC3. The proposed development would occur upon the footprint of existing enclosures; would improve the appearance of the existing site and, as such, would not result in any harm to the rural character of the area.
- 8.2 The proposed design and choice of materials are considered to be acceptable and the development would not have a significant impact upon the amenities of neighbouring occupiers, in accordance with the aims of Policy ENV1.
- 8.3 Having regard to the above considerations, it is recommended that planning permission is granted subject to the conditions at the head of this report.