

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs B Field	Change of use to form doggy daycare compound Beaumont, Cofton Church Lane, Cofton Hackett, Birmingham, Worcestershire B45 8BE	20.05.2019	19/00383/FUL

Councillor Deeming has requested this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Worcestershire Wildlife Trust Consulted 15.05.2019

Thank you for sending us details of this application. We note the contents of the various associated documents and the comments submitted by the public. Given the current status of the field in question it does not seem likely that ground-nesting birds would be a significant issue but it is possible that the disturbance caused by dogs would have an impact on the immediate environment (including for example anything nesting in adjacent hedges, small mammals and the like).

Cofton Hackett Parish Council Consulted 10.04.2019

Although there would seem to be a need for this sort of service and on the face of it there is land available. However, Cofton Church Lane is very narrow in places and could not really accommodate the extra vehicle movements, particularly at the times when dogs would be delivered and then collected. The applicant intimates some customers will walk to and from the facility, hardly likely due to the distance from potential customers' homes. The Parish Council would not sanction this increase in traffic. The area proposed lies within Green Belt and so the Parish Council would be against any development. The Parish Council is therefore minded to object to this application.

North Worcestershire Water Management Consulted 10.04.2019

The site is in flood zone 1 (low risk of modelled river and tidal flooding), it has low surface water flood risk according to the EA's surface water flood maps and we have no flooding history at the property. It therefore not deemed necessary for this planning application to recommend attaching a drainage condition.

WRS - Noise Consulted 10.04.2019

Objection. As yet no noise assessment, noise management plan or proposed mitigation has been supplied with this application and as such a determination of the impact of noise cannot be established. There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site.

WRS - Air Quality Consulted 10.04.2019

WRS have reviewed the above planning application for potential air quality issues of which none have been identified. Therefore WRS have no adverse comments to make in relation to air quality.

Highways - Bromsgrove Consulted 10.04.2019

Objection.

- Application site is not located within a sustainable location.
- The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions.
- Similarly these factors are unlikely to encourage cycling by staff to the site, to services and to facilities.
- A condition to control collection service is not reasonable.

Worcestershire County Council Countryside Service Consulted 10.04.2019

No objections.

CLlr Deeming Consulted 10.04.2019

Given the planning considerations of this application it is requested that this be called into Committee to allow Members to consider.

Publicity

One site notice displayed on 11th April 2019 and expired 5th May 2019. The application was also published in the Bromsgrove Standard on 26th April 2019 and expired 26th May 2019.

39 letters of support have been received as a result of this consultation. The comments outline that the service is welcomed and will be used. No planning matters have been cited.

One objection has been received in respect of this proposal. The objection raises concerns on ground nesting birds and traffic matters.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP16 Sustainable Transport

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Relevant Planning History

No relevant history.

Assessment of Proposal

Site Proposal and Description

The application site currently comprises of a field located off a public right of way on Cofton Church Lane. The site contains a metal sheeting structure in the north west corner, a shed in the north east corner and some hardstanding for a vehicular access at the north of the site. It is noted that the shed and hardstanding do not currently benefit from planning permission and therefore are assessed retrospectively as part of this proposal for the change of use. The proposal is to change the use of land to form a dog day care centre. The land will be used for the dogs to roam free and exercise. The applicants have confirmed it is anticipated that the centre will accommodate a maximum of 30 dogs and that they intend to use the existing buildings on site in addition to the adjacent dwelling known as Beaumont for indoor facilities. The applicants have suggested they intend to provide a pick-up and drop off service to reduce vehicular movements to and from the site. No information has been provided in respect of the details or logistics of the pick-up service or details on the bus, or number of trips inward and outward required to collect the dogs the business intends to accommodate.

Green Belt

The application site is located within the Green Belt and is currently a grassed field with a small disused metal structure in the north east corner. The applicant has recently laid hard core for an access and parking area and constructed a wooden shed on site. This requires planning permission and therefore the proposal is part retrospective.

Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves openness and does not conflict with the purposes of including land within it. The applicant has confirmed that the existing structures on site would be used to facilitate the change of use and that staff will use toilet facilities within the adjacent dwelling which is in ownership of the applicant. The existing metal sheeting structure on site is a dis-used agricultural building and is not considered to be of substantial construction. Full details on the re-use of this building have not been provided however it would not be considered as appropriate development within the Green Belt. The applicants also intend to use the adjacent dwellinghouse known as Beaumont for toilet facilities. The use of the dwelling for this facility is considered to be an incidental use and would not change the use of the building from a residential property. No concerns are raised in respect of using the dwellinghouse in this manner.

The area of hardstanding is a retrospective element of this proposal. Given the extent of the hard core and the materials used this is not considered to have a detrimental impact on openness however the area of hardstanding is considered to encroach into the countryside contrary to the five purposes of the Green Belt as outlined in Paragraph 134 of the NPPF. The hardstanding is therefore not considered as appropriate development within the Green Belt.

The timber shed building has recently been constructed on site and is therefore considered to be a new building. The development of new buildings in the Green Belt is

considered to be inappropriate. The building is sited on the north east corner of the site and is highly visible from public views from the public right of way which runs along the north of the application site. Having regards to this, the timber building would not preserve openness. The fencing is proposed to be 1.8m in height and therefore does not require planning permission. Due to the requirement of this new building to facilitate the change of use the proposal is considered to be inappropriate development within the Green Belt and should not be approved except in very special circumstances.

The applicants have put forward that there was previously a kennels in the area. Having reviewed the planning history a kennels was approved in 1968 under reference BR/530/1968 at The Tower House to the south of the site. These kennels have not been used for many years and were granted planning permission under previous legislation and therefore do not carry weight in favour of the current proposal. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness or the harm to openness.

Dimensions of Sustainable Development

Having regard to the scheme under the three dimensions of sustainable development outlined in Paragraph 7 of the NPPF I have afforded appropriate weight to all the factors as outlined below.

Economic

In terms of the economic benefits of the scheme it is acknowledged that it will provide 4 jobs to which I afford moderate weight in favour of the proposal. In terms of the demand, a number of comments in support of the proposal have been received; however demand is not a need. This is therefore given limited weight in favour of the scheme. The economic role within the NPPF requires the right type of development is located in the right places. I would suggest that given the up to date Local Plan has allocated land for the requirement of businesses; and in this instance the business has no requirement to be in this location and would in fact be better located within the more urban areas I afford this moderate weight against the scheme.

Social

In terms of the social role; it is acknowledged that the business would create access to the service for rural communities. However, the purpose of the social role is to create accessible local services that reflect the community's needs. The use of a dog day service, although welcomed in the public comments, is not a local need. Furthermore it is noted that a number of these comments have been received from residents who live away from the site in Birmingham areas such as Rednal, Northfield and Rubery. Furthermore the proposed use would only benefit a limited number of local residents and therefore is not a need for the community as a whole. The site is not accessible to the local community given its location and lack of transport options. I therefore afford this moderate weight against the scheme.

Environmental

The concern in regards to the environmental impacts of this proposal relate to the rural location of the site which is to be afforded significant weight. The lack of adequate footway provision and street lighting will deter journeys on foot particularly in times of darkness and adverse weather conditions. Similarly these factors are unlikely to encourage cycling by staff to the site, to services and to facilities. BDP2 of the District Plan outlines that proposals should be located in accordance with the Council's Settlement Hierarchy to ensure that development contributes to the regeneration properties of the area; preserves the attractiveness of the environment, reduces the need to travel and implications for the local and strategic road network and promotes sustainable communities based on services and facilities that are available in each settlement. This site is located outside of any existing settlement and does not have good transport links to the surrounding settlements. The location has created the requirement to use a collection service which is indicative of this unsustainable location. No information has been provided in respect of the details or logistics of the pick-up service or details on the bus, or number of trips inward and outward required to collect the dogs the business intends to accommodate. In any event the Council do not consider a reliance on a collection service as a reasonable or enforceable condition. If such a condition was to be used should the collection service not become commercially viable the entire business would be required to cease on site. Furthermore given the rural location of the site it would have no public surveillance and would be difficult for the Council to monitor and enforce. The Highways Authority has raised objections to the proposal on the basis of lack of the lack of adequate footway and street lighting discouraging both pedestrian and cycling access to the proposal and has agreed that the use of a condition controlling the bus service as unreasonable. I afford this significant weight against the scheme.

Noise

Worcestershire Regulatory Services have provided detailed comments in respect of this proposal. A high percentage of calls received by WRS relate to barking dogs. Barking noise in any setting can be of different volumes/intensities and occur at random times of day for varying durations. Due to the unpredictability and impulsive nature of barking, the repeated exposure and audibility of such behaviour is considered by most people to be irritating and in some cases can be a statutory nuisance even at very low noise levels. *"Barking may be audible over extended distances, giving rise to nuisance at up to 500 m (EPA Victoria, 2008). On occasions, a number of dogs may contribute to an extended barking frenzy, giving rise to potentially severe noise nuisance at neighbouring dwellings (An Bord Pleanála, 2001; Manley v New Forest DC, 2007)."* In this instance the site has a number of dwellings including Tower House, Tower Cottage and Cofton Richards Cottage within 500m of the site. Furthermore the area is largely undeveloped with open expanses which would allow the noise to travel in an otherwise quiet area. For the reasons stated above WRS consider the importance of mitigating noise a critical aspect in considering the suitability and viability of these proposals

As yet no noise assessment, noise management plan or proposed mitigation has been supplied with this application and as such a determination of the impact of noise cannot be established. There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site as outlined

above. In the absence of such an assessment, insufficient information has been submitted to prove that the scheme would not lead to unacceptable noise levels that would be detrimental to residential amenity.

Ecology

Public comments have been received raising concerns in respect of ground nesting birds and therefore advice has been sought from Worcestershire Wildlife Trust (WWT). WWT advise that given the current status of the field in question it does not seem likely that ground-nesting birds would be a significant issue but it is possible that the disturbance caused by dogs would have an impact on the immediate environment (including for example anything nesting in adjacent hedges, small mammals and the like). In this instance the applicant proposes a fence around the site that would ensure the dogs did not have access to the surrounding hedgerow. This is considered sufficient to ensure the protection of any species that use these hedges. I therefore raise no objections on ecology grounds.

Conclusion

The application is considered to be inappropriate development within the Green Belt. Inappropriate development should not be approved except in very special circumstances. No very special circumstances exist or have been put forward to overcome the harm by reason of inappropriateness, the harm to openness and the other harm identified by reason of its unsustainable location.

The applicants have stated that they would welcome the condition controlling the use of a service to collect and return the dogs to the site. I am not convinced that all customers would want to use this service and I would expect that some customers would want the flexibility to drop off or collect their dog when convenient. The Council do not consider a reliance on a collection service as a reasonable or enforceable condition. If such a condition was to be used should the collection service not become commercially viable the entire business would be required to cease on site. Furthermore given the rural location of the site it would have no public surveillance and would be difficult for the Council to monitor and enforce. The requirement for this condition is indicative of the unsuitable location of this proposed development and therefore would not mitigate the adverse effects of the development.

In addition, Members will note insufficient information has been submitted to prove that the scheme would not lead to unacceptable noise levels that would be detrimental to residential amenity.

RECOMMENDATION: That planning permission be **REFUSED**

Reasons for Refusal

- 1) Under paragraph 146 of the NPPF; the re-use of a building provided it is of permanent and substantial construction, engineering operations and the change of use of land can be considered as appropriate development provided it preserves

openness and does not conflict with the purposes of including land within it. The existing metal sheeting structure on site is not considered to be substantial construction and therefore the re-use of this building is considered to be inappropriate development. Furthermore the hardstanding on site is considered to encroach into the countryside contrary to the five purposes of the Green Belt and is therefore considered to be inappropriate development in the Green Belt. The proposed change of use requires the retention of a timber building which is located within a highly prominent position on site with public views from the public right of way. For these reasons the proposal would not preserve openness and the building does not fall into any of the closed list of exceptions to inappropriate development. Therefore having regard to this, the proposal would constitute inappropriate development in the Green Belt and would have an adverse impact on the openness of the Green Belt. No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the harm to openness. As a result the proposal is contrary to Paragraph 146 of the National Planning Policy Framework (2019) and policy BDP1 of the Bromsgrove District Plan 2011-2030.

- 2) The business is proposed to be situated in the countryside, outside any defined village envelope and isolated from key facilities. The business has poor access to public transport with no pedestrian footway. Customers and staff would be likely to rely heavily on the private car for travel to and from the service. The proposal therefore does not constitute a sustainable form of development having regard to the three dimensions as outlined in Paragraph 7 of the NPPF. It is therefore contrary to policies BDP1, BDP12, BDP14, BDP15, BDP16, BDP22 of the Bromsgrove District Plan 2011-2030 and Paragraph 7 of the NPPF.
- 3) There is the potential for significant impact upon amenity from this development as there are sensitive receptors in close proximity to the site. No noise assessment, noise management plan or proposed mitigation has been submitted with this application and as such insufficient information has been provided to establish whether there is an acceptable impact on the amenity of the surrounding properties existing from noise contrary to policy BDP1 of the Bromsgrove District Plan 2011-2030.

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