

| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|-------------------|--|-------------|--------------|
| Mr R Horton | Change of use of land for dog walking field and associated works | 21.02.2024 | 23/01141/FUL |

Land Adjoining, Heath End Road,
Belbroughton, Worcestershire, DY9 9XG

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire Highways - Bromsgrove

- No objection.
- Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained. Conditions recommended: Pedestrian visibility splays, gates to be set back, access layout and visibility splays

WRS - Noise

- No objection.
- The noise impact will depend on how well the site is managed in terms of not allowing dogs on site that bark unreasonably. The proposed site booking system should enable the operator to identify any problematic dog walkers should complaints be made of unreasonable dog barking and to deal with them appropriately.

North Worcestershire Water Management

- No objection.
- Drainage condition recommended.

Ecology

- No objection
- Conditions recommended with regard to ecology:
- CEMP
- Badger Method statement
- Bat/bird boxes

WRS - Contaminated Land

Views awaited

Belbroughton and Fairfield Parish Council

Views awaited

Publicity

25 individual neighbour letters sent.

41 objections received raising the following concerns:

- Increase traffic/accident blackspot - Highway safety
- Children catch school bus near site – concerned for child safety
- Concern at cars parking on road
- Increase in noise from dogs and handlers - detrimental to local residents
- Dog safety concerns
- Light pollution
- Noise detrimental to those using local footpaths
- Adverse impact on quality of life for local residents
- Concern at waste/litter
- Inappropriate development in green belt
- Adverse impact on natural habitats and wildlife
- Risk to livestock
- Dog walking facilities nearby – not needed

Councillor May

- There have been numerous car accidents on this stretch of road.
- The application is for 6 dog visits at a time with 4 car parking places? Where is the overflow car park? This will not be used by local people this will be used by people outside the area and the site is 130 metres from fiveways junction that has had a number of serious RTAs.
- I believe this is inappropriate development in the Green Belt.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP19 High Quality Design

Others

National Planning Policy Framework (2024)

National Planning Practice Guidance

Relevant Planning History

| | | | |
|--------------|---|---------|------------|
| 22/01129/FUL | Change of use from land formally agricultural to providing a recreation area for dog owners and dog carers. The application includes the erection of a 1.5 high lightweight netting around the perimeter of the boundary. The field will be accessed from Heath End Road using the existing farm driveways. | Refused | 25.11.2022 |
|--------------|---|---------|------------|

Background

This site previously formed part of the larger site that was subject to application 22/01129/FUL 'Change of use from land formally agricultural to providing a recreation area for dog owners and dog carers. The application includes the erection of a 1.5 high lightweight netting around the perimeter of the boundary. The field will be accessed from Heath End Road using the existing farm driveways'. That application was refused on 25th November 2022 for the following reasons:

1. The proposal would represent inappropriate development in the Green Belt by virtue of the introduction of additional surfacing, car parking, and trackway though the site together with agility equipment associated with the proposed agility course area. The inappropriate development would be harmful to the openness of the Green Belt. No very special circumstances exist to outweigh the harm. As such the proposal would be contrary to Policy BDP4 of Bromsgrove District Plan and Chapter 12 of the NPPF.
2. The site is located in close proximity to residential properties. No information has been submitted to demonstrate that the proposal would be satisfactory with regard to noise impact on the residential properties or enhance the character and distinctiveness of the local area. As such it is considered to be contrary to Policy BDP19 and paragraph 185 of the NPPF.
3. No ecology information has been submitted. It has not been demonstrated that the proposal would not be harmful to local ecology or any protected species. Furthermore, the proposal fails to contribute to and enhance the natural and local environment contrary to Policy BDP21 of Bromsgrove District Plan and Chapter 15 of the NPPF.
4. The Highway Authority has identified concerns with the visibility at the site entrances and the speed of the road. No speed survey has been submitted or any other information to overcome the concerns. Therefore, it is considered that there would be unacceptable highways impact arising from the development contrary to Policy BDP16 of Bromsgrove District Plan and paragraphs 110 and 112 of the NPPF.
5. The development would be situated in the countryside, outside any defined village envelope and isolated from key facilities. Customers would rely heavily on the private car for travel to and from the service. The proposal does not fulfil a need of the local community and therefore does not constitute a sustainable form of development. It is therefore contrary to Policies BDP1, BDP12, BDP15, BDP16, BDP22 of the Bromsgrove District Plan and Paragraph 7 of the NPPF.

The Site

The current application site area is approximately 0.63 hectares. It is located within the Green Belt with sporadic residential development nearby. The closest dwellings are approximately 45m to the south, 145m to the west, 70m to the east. The A491 is located approximately 1km (c.0.6mile) to the west. The five ways junction (Heath End Road, Quantry Lane, Madeley Road, Farley Lane and Woodfield Lane) is approximately 130m to the east.

The site comprises of a field with 2 buildings which were granted planning permission as stables in 2004. They are positioned parallel with Heath End Road and are largely

screened behind the existing hedgerow. There is an existing vehicular access to the site from Heath End Road. A hardcore surfaced access track leads to the existing buildings with hardstanding to the front to provide for a minimum of 4 no. off street parking spaces. The site is bounded by hedges to 4 boundaries.

Proposal

The current application represents a revised application to 22/01129/FUL insofar as it seeks planning permission for a change of use to a secure dog walking facility - though the site area is approximately half the size of the previous application. The submission states that:

- The existing buildings will be used for storage associated with the proposed use.
- Customers will access the facility via a booking system only, with 50 minute time slots and 10 minute handover.
- A maximum number of 6 dogs using the field at any one time.
- The existing access is proposed to be modified to ensure a minimum access length of 6 metres and access width of 3.2 metres - surfaced in a bound material.
- The existing hardstanding within the application site will provide for a minimum 4 no. off street parking spaces.
- The application proposals also include a 1.5 metre high fence around the perimeter of the site.

Additional supporting documents accompany the current application which did not form part of the earlier application:

- Noise Report
- Ecology reports
- Highways & Transport Technical note

Assessment of Proposal

The key considerations are whether the previous reasons for refusal have been overcome and no further planning concerns arise.

Location

In contrast with the previous application which provided inaccurate and confused information regarding the location of the site, the information provided within the submitted planning statement and Technical Note explains why the applicant considers the site to be a sustainable location. It points out that dog exercise facilities are generally less accessible by public transport being located in the countryside; therefore their locational requirements of rural area should be recognised as being supported by the NPPF.

There is an existing footway outside the site running along the southern side of Heath End Road and continuing along Quantry Lane to the east. The Technical Note also refers to substantial Public Right of Way (PRoW) network with routes close to the site that could be utilised by users of the proposed development. Members can view the submission in Figure 2.2 on page 4 of the Technical Note on Public Access.

Policy BDP2 states that new development should be located in accordance with the defined settlement hierarchy in order to reduce the need to travel and to promote

sustainable communities. The site is located outside of the existing settlement boundaries and is considered to be located within the countryside. The NPPF (Paragraph 110) states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Taking account of the information provided, future users of the site would not be solely reliant on motor vehicles. The site is accessible via an existing network of footpaths.

On balance, this is considered to support the accessibility of the proposal and with regard to the requirements of the NPPF.

In such areas Policy BDP15 encourages small scale rural businesses and leisure opportunities that are appropriate to local employment needs, minimise environmental impacts and harmonise with local character and the natural environment.

The NPPF Policy BDP1 sets out the Council's policy on supporting sustainable development, policy BDP15 Rural Renaissance and BDP 16 Sustainable Transport.

Green Belt

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Material changes in the use of land, such as outdoor recreation, is one such exception provided it preserves openness and does not conflict with the purpose of included land within the Green Belt (NPPF paragraph 154 b) and 154 h) v.). The proposed use is considered to constitute outdoor recreation and therefore in principle may be compatible with Green Belt policy.

The presence of dogs, owners/carers on the land is not considered to be harmful to openness in itself. The proposal also offers the opportunity to improve access to the Green Belt in accordance with the NPPF (paragraph 151).

The proposal includes a 1.5m lightweight netting around the perimeter of the site. Although this is not an excepted form of appropriate development in the Green Belt, a permitted development right for means of enclosure is granted by the General Permitted Development Order in association with the lawful use of land. The application refers to a change of use from agriculture and it is accepted that such fencing is likely to be permitted development if associated with an agricultural or other lawful use. In this context the netting does not raise concerns.

The proposal would re-use existing buildings on site for storage facilities of machinery and equipment to maintain the land and equipment associated with dog walking. These were originally granted permission for use as stables. The re-use of the existing buildings is not considered harmful to the openness of the Green Belt and is considered acceptable.

In contrast to the previous application, the planning statement states that existing hardstanding at the site will be utilised as off-street parking spaces for 4 no. vehicles. The

parking of vehicles will be transient and is considered acceptable with regard to impact on openness. The access track into the site will be modified and re-surfaced in a bound material. The planning statement expresses a willingness for the details of the bound material to be secured by condition. The supporting statement explains these works are the minimum required to serve the proposal. This is considered to be an engineering operation, which is considered acceptable, subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. The engineering operation does not raise the profile of the land and does not result in a significant urbanising of the countryside or Green Belt. The access track is considered acceptable with regard to Green Belt policy.

Social and Economic Matters

The site is located within the countryside. Policy BDP15 sets out broad support for proposals that satisfy the social and economic aims of rural communities. It encourages small scale rural businesses and leisure opportunities that are appropriate to local employment needs, minimise environmental impacts and harmonise with local character and the natural environment. This broadly reflects NPPF para 81 which supports opportunities for development.

The application form states that the proposal would not result in the creation of employment jobs. No economic benefits have been demonstrated in the submission. On the basis of information submitted economic matters are considered neutral.

The proposal would offer an opportunity for recreational access within the countryside though little supporting information has been provided on this aspect. Objectors have expressed the view that there are adequate dog exercise opportunities in the wider area and are sceptical about the need for the development. The NPPF does not set out a maximum number of recreational opportunities to be provided. Whether future customers will be attracted to the site would largely be a matter for the site owner and is considered to be beyond the scope of planning matters for consideration in the determination of the application. BDP25 supports proposals that enhance and support opportunities for recreational provision. The proposal is considered to fall within the category and given the proximity to the public footpath network could help to promote healthy lifestyle.

Noise and Impact on Residential Amenity

The impact of the proposal on the living conditions of surrounding residents is a material planning consideration. Objections have been received expressing concern from barking dogs and owners shouting commands on existing residential amenity.

The application is accompanied by as a report on the existing noise climate and the proposed dog walking facility, acknowledging the proximity of existing residential properties. The report states that the general ambient noise climate across the site is attributable to traffic flows on Heath End Road to the north but with some contribution from other nearby roads. The majority of noise from the roads is attributable to tyre 'roar' which has a characteristic mid-frequency tonal peak. It states that the assessment indicates that barks and shouts from an active dog-walking session would result in 'low impact' at the nearest dwellings as a result of the relatively large distance between the walking field and the nearest dwellings. It further states that the highest calculated emission level for dog activity in the outdoor training area is LAeq 33dB at the nearest dwelling. This calculated level would readily achieve the BS 8233 internal criterion with

open windows, whilst BS 8233 external criteria for gardens would also be achieved. It concludes that the predicted noise levels at the dwellings from the proposed development are significantly below the existing ambient and background noise climate and, consequently, are unlikely to be particularly noticeable.

The WRS consultation response advises that there are no current noise standards by which to assess dog barking and therefore the submission makes reference to BS4142 Methods for Rating and Assessing Industrial & Commercial Sound and BS8233 Guidance on sound insulation and noise reduction for buildings. WRS has not recommended refusal, instead the comments note that noise impact will depend on how well the site is managed in terms of not allowing dogs on site that bark unreasonably. The consultation response advises that the proposed site booking system should enable the operator to identify any problematic dog walkers should complaints be made of unreasonable dog barking and to deal with them appropriately.

BDP19 q. (High Quality Design) includes that the Council will ensure development incorporates sufficient measures to reduce the impact of pollution (including from noise and light). Paragraph 198 of the NPPF requires that planning decisions should take account of the impact on living conditions and mitigate potential adverse impacts resulting from noise.

In contrast to the refused application, the proposal is for a change of use of the land for dog walking whereas the previous proposal at the site included a dog agility area. It is acknowledged that the use for dog walking may result in some dog barking. Planning policy does not require that no noise at all shall arise from a development but that it is mitigated by appropriate measures. In this instance, conditions are recommended restricting the hours of use, maximum number of dogs, limit of one booking at a time and the submission of an Operational and Noise Management Plan.

Ecology

Unlike the previous application, a Preliminary Ecological Appraisal Report has been submitted with the application. Further details have also been provided following consultation with the Council's Consultant Ecologist. Full details are not available on public access due to the sensitivity of information with regard to ecological matters. However, the Council's Consultant Ecologist has confirmed that all their comments have been addressed and they have recommended conditions including the submission of a Construction Ecological Management Plan (CEMP) to secure mitigation measures are addressed during construction, including Reasonable Avoidance Measures and bird and bat boxes.

Access and Highway Matters

Many of the objections have expressed concern with regard to highway safety/access/traffic to be associated with the development.

A Technical Note has been submitted to address highway related matters. This includes the provision of visibility splays of 2.4m X 120m in each direction, provision of pedestrian visibility splays 2, X 2m, demonstration of satisfactory manoeuvres into and out of the site, review of accident data.

The Highway Authority has reviewed the submission and has raised no objection.

Conditions are recommended to secure the relevant visibility splays and site layout arrangements.

Other Matters

Concerns have been expressed regarding the risk to livestock. The proposal includes an entrance gate and fencing. Conditions are recommended regarding the provision of fencing and an operational and noise management plan. With regard to concerns of lighting, a lighting condition is proposed together with an hours condition. Concern has also been expressed regarding dog waste. This will be addressed by the proposed operational and noise management plan condition.

Conclusion

The details provided in this revised application including the submission of the planning statement, Noise Report, Ecology reports and Highways and Transport Technical note, have overcome previous concerns such that the proposal is considered acceptable with regard to local and national planning policy and other material considerations.

Subject to the conditions recommend, the proposal is recommended for approval.

RECOMMENDATION: That planning permission be **GRANTED**

Conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Location plan drawing no. 6270.99
Existing and proposed plans and elevations (unnumbered)

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) The site shall be operated on a pre-booked system only and shall be limited to one booking, for a maximum of 3 dogs, at any one time.

Reason: To ensure the satisfactory functioning of the development. To protect neighbour amenity and local character.

- 4) The dog walking use hereby granted shall only take place between the following hours:
British Summer Time (BST) hours
08:00 - 20:00 Mon - Fri
09:00 - 17:00 Sat
10:00 - 16:00 Sun
Greenwich Mean Time (GMT) hours:
08:00 - 16:00 Mon - Fri

09:00 - 16:00 Sat
10:00 - 16:00 Sun

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character.

- 5) Prior to the development being brought into use, an Operational and Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to details of the booking system, management and removal of waste and litter, management of unruly dogs, noise monitoring and management. The development shall be carried in in accordance with the approved Operational and Noise Management Plan.

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character.

- 6) Prior to the development hereby permitted being brought into use, the details of proposed fencing/gates shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained/maintained for the life of the development.

Reason: To ensure the satisfactory functioning of the development and to protect neighbour amenity and local character, and local ecology

- 7) Prior to the development hereby permitted being brought into use, the details of the layout of the parking spaces shall be submitted to and approved in writing by the Local Planning Authority - the development shall be carried out in accordance with the approved details and thereafter retained and made available for that purpose for the lifetime of the development.

Reason: To ensure satisfactory functioning of the development, highway safety, visual amenity and local character.

- 9) Prior to the development hereby permitted being brought into use, details of the trees and native hedgerow to be provided as set out in section 4 Habitat Creation of the Biodiversity Net Gain Assessment, Land at Heath End Road, Belbroughton. Issue date: 16 May 2023. Completed by SEED. Reference: 1560-BNG-V1-A. Document reference: BNG_ASSESSMENT_V1_A-1079462, shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include ground preparation, plant species, size of plants, planting density, planting location and timetable for implementation and maintenance.

Reason: Full details have not been provided as part of the application, in the interests of the visual amenity of the area and biodiversity improvement.

- 10) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the development being brought into use or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason: In the interests of the visual amenity of the area and biodiversity improvement.

- 11) No external lighting shall be installed at the site without the prior written approval of the local planning authority.

Reason: To ensure the satisfactory appearance of the development, to protect the rural character and for reasons of safeguarding biodiversity and neighbour amenity.

- 12) Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The submission shall include details of all mitigation measures outlined in the PEA report by SEED and include details of the installation of the bird and bat boxes. The development shall be carried out in accordance with the approved CEMP.

Reason: In accordance with the PEA report and to ensure that all mitigation measures outlined in the PEA report are adhered to during construction, including Reasonable Avoidance Measures (RAMs).

- 13) Prior to installation of the fencing, a Badger Method Statement shall be submitted to and be approved in writing by the Local Planning Authority. The submitted details shall include a pre-commencement badger survey, the proposed fencing type and location, along with the method of installation, to ensure that badgers are not harmed during the fencing installation.

Reason: To ensure the impact of badgers is satisfactorily addressed.

- 14) Prior to the modification and re-surfacing of the access track, details regarding the proposed materials and surface water drainage shall be submitted to and be approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure satisfactory drainage.

- 15) The Development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of the verge are provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: to ensure highway safety.

- 16) The Development hereby approved shall not be occupied until the proposed access gates have been set back 7 metres from the adjoining carriageway edge and made to open inwards only and be thereafter retained.

Reason: In the interests of highway safety.

Plan reference

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