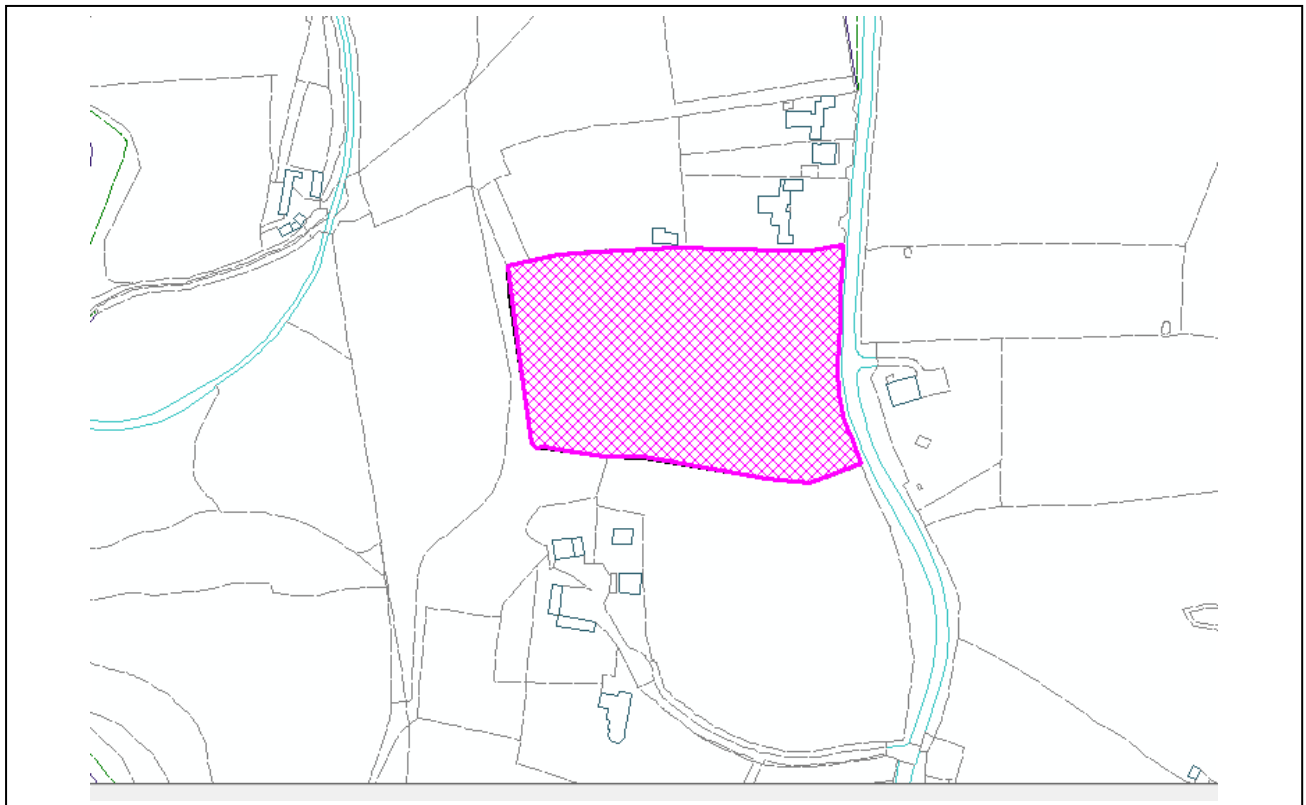


Planning Committee

| | |
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| Date | 17 January 2023 |
| Case Officer | Chloe Buckingham |
| Application No. | 22/00223/FUL |
| Site Location | Field To the West of Hucclecote Lane, Churchdown |
| Proposal | Change of use of agricultural land to a secure dog walking/exercise area and associated works, including car parking area and improved access. |
| Ward | Churchdown Brookfield With Hucclecote |
| Parish | Churchdown |
| Appendices | Site Location Plan: 3017/PL01 Existing Block Plan: 3017/PL02 Proposed Block Plan: 3017/PL03 D Proposed Fence Elevations: 3017/PL04 Visibility Splays: SK01A |
| Reason for Referral to Committee | Call in request from Cllr Blackwell due to impact upon the Green Belt and parking and highways considerations. |
| Recommendation | Permit |

Site Location



1. The Proposal

Full application details are available to view online at:

<http://publicaccess.tewkesbury.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REUMEGQDKXJ00>

- 1.1 This application was previously put forward to Members in the December 2022 Planning Committee. Members subsequently resolved to defer the application to undertake a site visit to assess the impact of the vehicular access upon the highway network.**
- 1.2 The scheme is for the change of use of agricultural land to a secure dog walking/exercise area (sui generis) and associated works, including car parking area, the installation of a 1.8m fence around the perimeter of the land and improved access.
- 1.3 It has been noted that a number of comments and objections have stated that the change of use and works have already been implemented. Whilst this is agreed, as an application is now in for assessment this has no bearing on the assessment/outcome of the scheme.
- 1.4 The existing access on to Hucclecote Lane would be used. The applicant already owns a dog walking business and owns the land in question which was previously used for agricultural purposes.
- 1.5 The site would provide dog owners an area to hire in order to exercise their dogs off-lead. The service would be particularly beneficial to dog owners whose dogs may not be suitable to walk in public areas because of aggression to people or dogs, poor recall and puppy training. Dog owners would have exclusive use of the field for a set time period and bookings would be made online. The activity would involve a single vehicle arriving, entering the secure car park, and closing the gate. Access to the field would then be provided through a key code and exercise slots are usually of 50 minutes duration, allowing for a 10-minute changeover. The applicant has confirmed that the use would operate during daylight hours only and no artificial light would be erected. Dog owners would be required to abide by clearly defined 'terms and conditions' of use. These include confirming that all dogs are up to date with injections, worming, flea and tick treatment; that all dog waste must be bagged and binned in the appropriate dog bins in the field (dog waste bags are provided); that any rubbish must be binned before leaving the field; and that they must securely lock the gate prior to exit. The applicant has stated that the field would also be inspected on a daily basis by the applicant.
- 1.6 Only one customer would be able to use the site at a given time, up to 10 dogs would be allowed on the site in any time period.
- 1.7 Clarification regarding the operational period has been sought and the proposed hours of operation would be 1st April to 30th September 08:00-20:00 Monday to Sunday including bank holidays 1st October to 31st March 08:00-17:00 Monday to Sunday including bank holidays. The months, days and hours of operation would be controlled by condition.
- 1.8 The associated works include the installation of 1.8m perimeter fencing (timber posts at 3m intervals with wire mesh) and gate which would be set back from the access. The car parking area would be 16m by 14m and will be positioned close to the access.

- 1.9 The main issues to be considered are the principle of the change of use of the agricultural land; the impact upon the Green Belt; the design and layout of the associated works; the impact upon highway safety and upon residential amenity.

2. Site Description

- 2.1 The field is situated on the west side of Hucclecote Lane and about 200 metres to the south of the settlement of Churchdown. The field is broadly rectangular in shape and has a road frontage (to Hucclecote Lane) of about 100 metres, which includes a longstanding field access. The overall site area is 1.57 hectares. The field comprises sloping permanent pasture and is securely fenced with wire mesh secured to timber posts around the boundary.
- 2.2 There are some mature trees and hedgerow on the road frontage and around its perimeter.
- 2.3 To the north of the site there is a dwelling house, Four Gables. To the east, and on the other side of Hucclecote Lane, is a small woodland and a Severn Trent pumping station. To the south lie the grounds of Chosen Hill House.
- 2.4 The field and the surrounding land are located within the Green Belt and the site is within Flood Zone 1.

3. Relevant Planning History

- 3.1 None

4. Consultation Responses

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

- 4.1 **Churchdown Parish Council** – Objection, details are summarised below;

- 1) This is a change of use from agricultural land to a business use in green belt land
- 2) Impact on the natural environment this application would negatively impact the land and result in the loss of heritage pasture land.
- 3) Noise pollution
- 4) The application will compromise Highways Safety due to the increased vehicular traffic entering and exiting the property
- 5) This application is in contravention of CHIN POLICY 13; Views to and from Chosen Hill
- 6) Members endorse the objections of immediate Neighbours

Highways - No objection

Trees - no objection in principle to the change of use, providing no works are required to the Oaks to gain highway visibility.

Environmental Health - No objection subject to two conditions. Following review of the conditions The Environmental Health Officer is satisfied that we will not need to ask for any further information relating to noise given the conditions. Given the timings, dog numbers and type of activities are restricted a further noise management condition is not considered necessary.

Building Control - no comment.

5. Third Party Comments/Observations

Full copies of all the representation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>.

5.1 The application has been publicised through the posting of a site notice for a period of 21 days.

5.2 2 general comments have been submitted. The main points being:

- More ecological benefits required- hedgehog friendly gaps, more native hedgerow planting and a small reedbed to collect dog urine.
- Work has been going on for months.
- Car park is unacceptable development in the Green Belt.

44 support comments have been submitted. The main points being:

- There is a need for a new dog walking facility especially since the other one is always full and since lockdown there are more dog owners.
- Conditions of using the field shall be abided by- dog waste and padlocks.
- Dog noise shall be minimal.
- The existing hedgerows and fields shall remain in situ.
- The access visibility is acceptable.
- Limited impacts on views.
- Good for ecology- they have planted trees and wildflowers.
- Fencing is similar to agricultural fencing there previously.
- The footpath is on the western boundary on the other side of the boundary fence.
- The field is too small to be used for a commercial farm enterprise.
- The car parking area is a small area.
- Good to keep dogs safe.
- Very professional business.

16 objection comments have been submitted. The main points being:

- Lack of a newt survey.
- Badgers in the area.
- Could include picnic tables, shelters, storage, children's play equipment which can be brightly coloured and will not be in-keeping with the rural character/green belt.
- New fencing not acceptable - stops wildlife and is too tall and unsightly. It isn't similar to the previous fencing nor agricultural fencing.
- Fencing prevents hedgerow maintenance.
- Access visibility is dangerous.
- The access is used as a turning point for deliveries- this is dangerous.
- The driveway increases surface runoff and water on the road.
- Works have already started- this is retrospective.
- No environmental assessment.
- No evidence of traffic movements.
- No opening hours nor no. of clients suggested.
- The field does have use for agriculture- it was not neglected nor unsightly.
- Noise- dogs/people shouting and cars.
- Negative impacts on views from Chosen Hill.
- Dogs could escape- no details regarding the gate.

- Restricts the public footpath.
- Excessive trimming and clearing has occurred and will occur.
- Mowing the field is not good for wildlife.
- Lead the way for the erection of a dwelling/s
- Not necessary- dog walkers have many public footpaths around with free parking on the layby on Barrow Hill.
- Inappropriate planting- they have planted a large stretch of invasive and damaging cherry laurel.
- Dangerous dogs.
- Smells- issues will litter and dog faeces.
- Devaluation of houses.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise

The following planning guidance and policies are relevant to the consideration of this application:

6.2 National guidance

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

6.3 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017

Policy SD4 (Design Requirements)
 Policy SD5 (Green Belt)
 Policy SD6 (Landscape)
 Policy SD14 (Health and Environmental Quality)
 Policy INF1 (Transport Network)

6.4 Tewkesbury Borough Local Plan to 2011-2031 (TBLP) – Adopted 8 June 2022

Policy EMP4 - Rural Employment Development
 Policy TRAC9 - Parking Provision
 Policy LAN1 - Special Landscape Area
 Policy LAN2 - Landscape Character
 Policy ENV2 - Flood Risk and Water Management
 Policy NAT1 - Biodiversity, Geodiversity and Important Natural Features
 Policy TRAC9 - Parking Provision
 Policy COM4 - Neighbourhood Development Plans

6.5 Neighbourhood Development Plan:

Churchdown and Innsworth Neighbourhood Development Plan 2011-2031
 Section 4 - Landscaping and Environment
 Section 6 - Biodiversity
 Policy 13 - Views to and from Chosen Hill

7. Policy Context

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 7.2** The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the Tewkesbury Borough Local Plan to 2011-2031 (June 2022) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 7.3** The relevant policies are set out in the appropriate sections of this report.
- 7.4** Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

8. Evaluation

Principle of development

- 8.1** Section 6 of the NPPF sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.2** Paragraph 83 of the NPPF recognises the need to enable the development and diversification of agricultural and other land-based rural businesses.
- 8.3** The vision for the borough, set out in the JCS, is underpinned by three specific strategic objectives to support a thriving economy. The third objective is to support a prosperous rural economy. To facilitate rural employment generation and diversification the local planning authority should, amongst other requirements, support the needs of agricultural businesses and encourage farm diversification.
- 8.4** The application site is located just outside of the defined settlement boundary for Churchdown but is close to some residential property within the wider countryside. In this location, criterion (vi) of Policy SD1 'Employment - except retail development' of the JCS sets out that employment related development will be supported in two circumstances; when it is located within or adjacent to a settlement and of an appropriate scale and character; and/or when it is employment-generating farm diversification projects, which are of an appropriate scale and use.
- 8.5** Policy SD1 Criteria (viii) considers that employment related development will support the development of small and medium sizes businesses subject to all other policies of the plan. The application site is considered to be adjacent to a defined settlement boundary within the countryside and would be the expansion of an existing small rural business.
- 8.6** The applicant has confirmed that the proposal does not form part of an agricultural diversification scheme.

- 8.7** Policy EMP4 Rural Employment Development of the TBLP considers that employment development (as defined in Policy EMP1) will be supported in principle where there are specific reasons why a rural location is necessary. The rural location is necessary as it would use a small agricultural field which would provide good conditions for this type of business.
- 8.8** Therefore, the principle of the development would be acceptable subject to other policies of the development plan.
- 8.9** It must be noted that objection comments have stated that the facility is not necessary because dog walkers have many public footpaths around with free parking on the layby on Barrow Hill. However, the change of use of the site has been applied for to ensure a secure site for dog walkers. It is clear that other such fields offering this service are available in the Borough and as such there is a demand for this business. It must also be noted that it is not for the Council to decide on the necessity of the business, but rather whether the change of use complies with the relevant policies. It is up to the business owner to consider the necessity and likely success of the business.

Impact upon Green Belt

- 8.10** Policy SD5 of the JCS sets out that, to ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless it can be demonstrated that very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.
- 8.11** The NPPF provides that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF provides that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 150 (e) of the NPPF sets out that material changes in use of land (such as for outdoor recreation) and para 149 (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation would not be inappropriate development, subject to the proviso that the development should preserve its openness and not conflict with the purposes of including land within it.
- 8.12** Appeal decisions (for example: APP/K3415/W/20/3264866) have indicated that although not stated as an example in para 149 and 150 of the NPPF change of use of land to a dog walking field would be considered as outdoor sport/recreation. Therefore, it is important to consider the harm to openness and conflict with the purpose of including land within the Green Belt.
- 8.13** The use of the land itself as a secure dog walking area, should have no appreciable impact on the Green Belt's openness. It is however appropriate to consider any impact on openness resulting from the use of the access track and parking area and the proposed fencing. Whilst comments have been received to explain that the change of use could encourage storage facilities, picnic benches and children's play equipment, such structures are not included in this application and a condition shall be attached removing permitted development rights to ensure that there will be no storage or related equipment on the

site at any time. This condition is considered necessary to ensure that the visual amenity and openness of the Green Belt is protected.

- 8.14** The site is largely enclosed by existing hedgerows and trees and none of this existing vegetation is proposed to be removed. The car park shall measure 16m by 14m and shall be constructed from crushed stone which is considered to be in-keeping with the rural character of the area.
- 8.15** The mesh fence with timber posts and the metal gate is considered to be in-keeping with the rural environment. As such, it is considered that the proposal would accord with requirements of policy SD4.
- 8.16** The operational hours will be conditioned and there would be a limit on the number of dogs to use the facility at any one time. The extent of the vehicle movement would be limited, and vehicle movement would have arisen from the previous use of the field. The proposal does not include a footway or lighting to ensure the associated development would respect the rural nature of the site. Objection comments are noted in that external lighting would not be in-keeping with the rural location, however, no external lighting is proposed and a condition shall also be attached to ensure that if any external lighting is erected this will be first agreed in writing by the Council. This condition is considered necessary to ensure the rural character is maintained and there are no adverse impacts for neighbouring residents and ecology.
- 8.17** Whilst comments have been submitted to explain that a car park is not acceptable in the Green Belt, it is important to note that the vehicles would not be a permanent fixture on the site and the proposed material shall be that of crushed stone and the size shall be relatively small scale being 16m by 14m. Therefore, the car park is considered to have a neutral impact on this part of the Green Belt.
- 8.18** The fence would be appropriate given the intended purpose of the land in order to provide a safe and secure environment for dogs. The type of fence proposed would be 1.8m posts with wire mesh fencing set back from the existing boundary hedges around the perimeter. The gate is also considered to be a typical metal gate similar to those found in rural areas. It is considered that this type of fencing and gate would allow views through and therefore, would not have a harmful impact upon the Green Belt.
- 8.19** The Green Belt serves five purposes: - To check the unrestricted sprawl of large built-up areas; - To prevent neighbouring towns merging into one another; - To assist in safeguarding the countryside from encroachment; - To preserve the setting and special character of historic towns; and - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.20** Here it is considered that the use of the land and associated works, due to the considered scale and design, would not materially conflict with any of the purposes set out above. Therefore, the proposal would not be inappropriate development in the Green Belt and would accord with NPPF paras 149 and 150 and JCS policy SD5.

Landscape Impact

- 8.21** Policy SD6 of the Joint Core Strategy sets out development will seek to protect the landscape for its own intrinsic beauty and for its benefit to economic, environmental and social well-being.

8.22 Policy LAN1 states that applications for new development within Special Landscape Areas, as identified on the Policies Map, will be permitted providing:

* The proposal would not cause harm to those features of the landscape character which are of significance;

* The proposal maintains the quality of the natural and built environment and its visual attractiveness;

* All reasonable opportunities for the enhancement of landscape character and the local environment are sought. Where a proposal would result in harm to the Special Landscape Area having regard to the above criteria, this harm should be weighed against the need for, and benefits from, the proposed development. Proposals causing harm to the Special Landscape Area will only be permitted where the benefits from the development would clearly and demonstrably outweigh the identified harm

8.23 Policy LAN2 states that new development must, through sensitive design, siting, and landscaping, be appropriate to, and integrated into, their existing landscape setting.

8.24 Para 4.21 of the Neighbourhood Plan states that an important part of any development is its setting. Green spaces, verges, trees and mixed hedgerows creating colour variation are part of the character of Churchdown and Innsworth.

8.25 Policy CHIN13 of the Neighbourhood Plan states that Chosen (Churchdown) Hill is a prominent visual landmark of ecological, historic and recreational importance. Development proposals should maintain the local landscape character as identified in the Joint Core Strategy Landscape Characterisation Assessment and Sensitivity Analysis 2013. Proposals which have a negative impact on views to or from Chosen (Churchdown) Hill will be resisted.

8.26 A number of objection comments have been received to explain that the fencing and change of use shall have a negative impact on the landscape and in particular views from/to Chosen Hill. However, no trees and hedgerows are proposed to be removed and the see-through nature of the fence is also noted. Furthermore, a condition shall be attached to ensure that there will be no storage or related equipment on the site at any time unless otherwise agreed in writing by the Council. This condition is considered necessary to ensure that the visual amenity and openness of the Green Belt is protected and that the rural character of the site would be retained.

8.27 Comments have also been submitted to explain that the fencing would be unsightly. However, the 1.8m high mesh and timber post fencing is considered to have minimal impact on the landscape considering the materials and the see-through nature of the mesh. The perimeter fence would also be mainly screened by existing hedgerows and trees. The type of fence would also enable views through and would not be visually prominent in distant views. Comments have stated that the fence would prevent hedgerow maintenance, however, the fencing would be inside the field and access to the hedgerow can still be accessed on the opposite side of the fence to allow maintenance.

8.28 Overall, it is considered that the proposal would conserve the special landscape area and would be appropriate to the rural character of the area.

8.29 Design and Visual Amenity

JCS Policy SD4 which states new development should respond positively to, and respect the character of, the site and its surroundings. As detailed above, the proposed fencing and gates have been selected to be in keeping with most other forms of enclosures around fields and thereby are considered to respect the character of the site and its surroundings. In addition, the material for the hardstanding has also been chosen so that the finish would be appropriate to the site and its setting. As such it is considered that the proposal would accord with guidance set out in Policy SD4.

Residential Amenity

- 8.30** JCS policies SD4 and SD14 which require development to cause no unacceptable harm to local amenity including the amenity of neighbouring occupants. The development should not result in no unacceptable levels of air, noise, water, light or soil pollution or odour.
- 8.31** Policy RES5 states that in considering proposals for new housing development regard will be had to the following principles. Proposals should (amongst other criteria):
- provide an acceptable level of amenity for the future occupiers of the proposed dwelling(s) and cause no unacceptable harm to the amenity of existing dwellings;
- 8.32** The applicant has confirmed there would only be a maximum of 10 dogs using the field at any one time. The parking area is located near the entrance and approximately 30m from the property known as Four Gables, adjacent to the site.
- 8.33** Objection comments have been received regarding noise impacts from dogs barking and people shouting and cars. Other comments have stated that dogs could escape and could be dangerous and that the public footpath will be restricted. However, considering that the fence is across the whole site and the gate is secure and lockable, there is considered to be limited risk of dogs escaping. Furthermore, considering the small scale of the proposed use (maximum 10 dogs at any one time), there is unlikely to be any significant noise through dogs barking, cars and people shouting. It is also noted that the public footpath is outside of the boundary of the site to the west.
- 8.34** The Environmental Health Officer has recommended a condition requesting a noise management plan. However, the conditions limiting the opening times, use and number of dogs is considered to be a sufficient plan to limit noise and as such a noise management plan on top of this is not considered to be necessary.
- 8.35** The Environmental Health Officer (EHO) has recommended opening hours of 08:00 to 21:00 hours. However, the applicant has agreed to the shorter opening hours as conditioned which is less hours than that considered acceptable by the EHO.
- 8.36** The EHO has also recommended a condition regarding dog waste bins. The applicant has agreed to supply the dog waste bins in the statement and an informative is recommended to be attached to any permission to advise the applicant accordingly.

- 8.37** Objection comments have been submitted regarding smells and issues with litter and dog faeces. However, the applicant has confirmed that all dog owners shall be required to abide by clearly defined 'terms and conditions' of use. These include confirming that all dogs are up to date with injections, worming, flea and tick treatment; that all dog waste must be bagged and binned in the appropriate dog bins in the field (dog waste bags are provided); that any rubbish must be binned before leaving the field; and that they must securely lock the gate prior to exit. The field shall also be inspected on a daily basis by the applicant. It is considered that there are appropriate measures in place to mitigate any amenity issues.

Highways

- 8.38** Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 8.39** Objection comments have been received to explain that the access visibility is dangerous, the access is used as a turning point for deliveries, and this is dangerous, and that there is no evidence of traffic movements.
- 8.40** Further to the Highway Authority's recommendation dated 1st April 2022, the applicant has commissioned an ATC assessment to ascertain speeds on the road fronting the site and with it provide for suitable levels of visibility from the site access. The outputs of the assessment are accepted, and plan ref SK01 A confirms that the required levels of visibility are achievable within the public highway and the highways authority now has no objection to the proposals. Officers agree that on the analysis of the further information submitted there would not be an unacceptable impact on Highway Safety, and as such there are no justifiable grounds on which an objection could be maintained and the scheme is compliant with policy INF1.

Biodiversity

- 8.41** Policy SD9 (Biodiversity and Geodiversity) specifies that the protection and enhancement of the biodiversity and geological resource of the JCS will be achieved by, inter alia, ensuring that European Protected Species and National Protected Species are safeguarded in accordance with the law, and by encouraging new development to contribute positively to biodiversity geodiversity whilst linking with wider networks of green infrastructure (for example by incorporating habitat features into the design to assist in the creation and enhancement of wildlife corridors and ecological steppingstones between sites).
- 8.42** Policy NAT1 of the Tewkesbury Borough Local Plan 2011-2031 (Adopted June 2022) is also relevant and explains that proposals that will conserve, restore and enhance, biodiversity will be permitted. Proposals will, where applicable, be required to deliver a biodiversity net gain across local and landscape scales, including designing wildlife into development proposals, the connection of sites and large-scale habitat restoration, enhancement and habitat re-creation.

- 8.43** Para 6.1 of the Neighbourhood plan states residents of Churchdown and Innsworth value its rural, village feel, and appreciate access to the surrounding countryside which is characteristic of this area of the Severn Vale. The main concern of the community is for the protection and enhancement of existing green and blue spaces, including accessible natural green spaces important for active lifestyles and quality of life, and terrestrial and water-based habitats which are important for Churchdown and Innsworth's distinctive flora and fauna. Connectivity between sites of ecological value, using green corridors, enhances the multi-benefits for wildlife and enhances public access through the provision of active travel routes, which in turn enhances the benefits for human health and wellbeing.
- 8.44** Concerns have been raised regarding the scheme lacking a newt survey and a general environmental report and that there are badgers in the area, and that the provision of the fencing will stop animals from entering. Comments have also stated that more ecological benefits are required such as hedgehog friendly gaps, more native hedgerow planting and a small reedbed to collect dog urine.
- 8.45** However, whilst the site is within a newt red zone, meaning that there is a higher probability of newts being present, as the development does not involve building on the site and as the wire mesh is such a size (2 inches by 2 inches) that would allow newts to access the site, a newt survey is not considered necessary or proportionate in this instance. Whilst badgers may be present in the area and the fence may prevent other animals from entering, as this is a relatively small field, this is not considered to be a significant issue as there are other open countryside areas around the site for wild animals. As no hedgerows are proposed to be removed, the planting of more native hedgerow is not considered necessary and considering the small-scale nature of the scheme a reedbed to collect dog urine is not considered necessary.
- 8.46** Concerns have been received to explain that excessive trimming and clearing has occurred and will occur and that mowing the field is not good for wildlife. The applicant has confirmed that in just over a year, the field has only been cut twice by a local farmer and a similar approach will be adopted when the use is operational. However, the former/current use is for agriculture which has low biodiversity grade itself and if the land remained in use for agriculture, it would be trimmed and mowed. Therefore, the resulting biodiversity for both uses is considered to be similar.
- 8.47** Concern has been expressed regarding the planting of a large stretch of invasive cherry laurel. However, the applicant has confirmed that the Laurel died in the hot weather in the summer and there is no plan to re-plant the laurel. It is also noted that this does not form part of the planning application.
- 8.48** A preliminary ecological appraisal is not considered necessary in this instance considering the small scale nature of the site and considering that there is no building work proposed and the small scale dog-walking facility is considered to have a low environmental impact. However, an informative shall be attached as an advisory for the applicant to provide hedgehog holes, in the corners of the field and a few along the edges.
- 8.49** Two blocks of wildflower planting are proposed adjacent to the car park and access. Fresh drinking water for pets will be provided within the field as it has an existing water supply, and no trees or hedgerows are to be removed. Willow whip planting is also planned in parts of the field. Therefore, the scheme is considered to be broadly compliant with policy SD9 of the JCS, policy NAT1 of the TBLP

Flood Risk and Drainage

- 8.50** JCS Policy INF2 requires development proposals to avoid areas at risk of flooding in accordance with a risk-based sequential approach. Proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. All new developments should, where possible, contribute to a reduction in existing flood risk.
- 8.51** The application site is wholly located within Flood Zone 1. The parking area and access track would have a permeable surface and is not considered to increase the risk of flooding on site or elsewhere.
- 8.52** Objection comments have been submitted to explain that the driveway increases surface runoff and water on the road. However, a condition shall be attached to ensure that the area of the vehicle access within at least 5m of the carriageway edge of the public road shall be surfaced in a bound and permeable material and maintained thereafter. This is to ensure minimal surface runoff and highway safety.

Other issues

- 8.53** Objection comments have stated that the scheme could lead the way to the erection of a dwelling. However, the Council can only consider the scheme that is put forward to them and cannot speculate on what future proposals may come forward on any site.
- 8.54** Objection comments have also stated that the scheme would devalue the dwellings close to the site. However, this is not a material consideration and as such has no bearing on the assessment of the scheme.

9. Conclusion

- 9.1** Taking into account all of the above, the proposal would result in an acceptable change of use, one which is considered to be of an appropriate scale, character and use. The proposed development would support rural economic growth, would be appropriate development in the Green Belt and preserve the setting of the Special Landscape Area. There would be no adverse impacts upon on amenity, highway safety or the character of the area. It is therefore recommended that planning permission is permitted.

10. Recommendation

- 10.1** The proposal accords with relevant policies as outlined above, it is therefore recommended the application be **permitted** subject to the following conditions:

11. Conditions

- 1** The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 91 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 permitted shall be carried out in accordance with the following approved documents:

Site Location Plan: 3017/PL01: received 24 February 2022
Existing Block Plan: 3017/PL02: received 24 February 2022
Proposed Block Plan: 3017/PL03 D: received 24 February 2022
Proposed Fence Elevations: 3017/PL04: received 24 February 2022
Visibility Splays: SK01A: received 12 July 2022

except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3** The development hereby approved shall only be used as a secure dog walking facility and for no other purpose, to include commercial puppy/dog training and agility classes.

Reason - To define the permission in the interest of preserving residential amenity, the character and appearance and openness of the green belt area and to prevent unacceptable noise/odour pollution to the detriment of human health.

- 4** The development hereby permitted shall not be open to customers outside the following time periods:

1st April to 30th September 08:00-20:00 Monday to Sunday including Bank Holidays
1st October to 31st March 08:00- 17:00 Monday to Sunday including Bank Holidays

Reason: To ensure the proposal preserves residential amenity.

- 5** No more than 10 dogs shall use the secure walking area at any one time.

Reason: To preserve residential amenity, ensure the development would be of an appropriate scale and in the interests of highway safety.

- 6** There shall be no external lighting/floodlighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area.

- 7** There shall be no storage or related equipment on the site at any time unless otherwise agreed by the Local Planning Authority in writing.

Reason: In the interests of visual amenity and openness of the Green Belt.

- 8** The area of the vehicle access within at least 5m of the carriageway edge of the public road shall be surfaced in a bound and permeable material and maintained thereafter.

Reason: In the interests of highway safety.

12. Informatives

- 1** In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
- 2** It is recommended that at least 2 dog waste bins should be provided, and such bins should be situated away from residential properties and near the exit of the site. The bins should be maintained and emptied on a regular basis for the duration of the development.
- 3** The applicant is advised to provide hedgehog holes, in the corners of the field and a few along the edges to provide biodiversity enhancements.