



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 22 June 2023

Plans List Item Number: 2

Reason for bringing to committee

Significant Community Interest - Petition received against the application.

Application Details

Location: Paddock Land Corner Of Beacon Road, Stables, Bridle Lane, Streetly, Walsall, WS9 0RG

Proposal: CHANGE OF USE OF LAND TO A SITE TO PROVIDE DOG DAY CARE/NURSERY FACILITY FOR UP TO 71 DOGS PER DAY AND THE CONVERSION OF THE EXISTING STABLES TO PROVIDE AN OFFICE AND STAFF WELFARE FACILITIES. NEW PERIMETER FENCING AND FENCED SUB-DIVISIONS WITHIN THE SITE.

Application Number: 22/1596

Case Officer: Stephanie Hollands

Applicant: Bruces Doggy Daycare

Ward: Pheasey Park Farm

Agent: Bell Cornwell Chartered Town Planners

Expired Date: 17-Feb-2023

Application Type: Full Application: Change of Use

Time Extension Expiry: 30-Jun-2023



Recommendation

Grant Planning Permission Subject to Conditions.

Proposal

Change of use of land to a site to provide Dog Day Care/Nursery facility for up to 71 dogs per day and the conversion of the existing stables to provide an office and staff welfare facilities. New perimeter fencing and fenced sub-divisions within the site.

Planning permission is sought for the creation of a dog day care facility at the site. The facility operates like a children's nursery but for dogs; it will provide a safe, controlled, and purpose-built environment for the enjoyment, exercising and care of the dogs using the site. The existing stables building will be retained and re-used (with necessary buildings works) for staff welfare facilities and office. External changes are proposed to ensure the appropriate light and ventilation is provided for the users (dogs and people) of the building i.e., the insertion of doors and windows.

The existing vehicle access will be retained to allow entry and exit of two vehicles concurrently. The existing hardstanding for access/ parking in the site will be retained, with parking layout modified to suit the requirements of the business.

The dogs would be separated into different areas across the site depending on criteria. Consequently, fencing through the site would be required to demarcate these areas. Additionally, boundary fencing is necessary to ensure the dogs safety. Fencing locations are detailed on the Proposed Site Plan. All fencing would be under 2m in height. In this case, the site is set back from the highway by vegetation.

The facility would be open between the hours of 0730 and 1800. The majority of dogs are on site between 0830 and 1500. No dogs would remain on site overnight. The Site would only operate Monday to Friday, not on Saturday or Sundays nor on Bank Holidays.

The dogs are collected from their owners' homes from 0700 using a doggy bus (air-conditioned vans fitted with vet approved crates). They are brought to site for the day and dropped home again in the afternoon. Buses arrive at the site around 0830 and leave again around 1500. Where dogs are boarding with staff overnight, they will remain on site until 1800, when they will be taken elsewhere.

The profile of the staff is that they are young employees who don't have the benefit of owning their own car. For that reason, access to bus routes and nearby built-up areas (for a catchment of dogs but also staff) is important. The "doggy bus" concept means that staff have the vans with them. They park at their residential property overnight and then round up a colleague and local dogs in the morning. So, each "doggy bus" brings 2 members of staff to site. They then stay there until home time, at which time the "doggy bus" leaves with its full quota of circa 8 dogs and its 2 members of staff. Therefore, 5 parking spaces are provided for the "doggy busses" which provides for 10 members of staff. This leaves 10 parking spaces for other staff, deliveries and other dog drop offs.

There would be, when fully operational, up to 71 dogs per day on site. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 sets out clear guidelines for the amount of space required for dogs in day care, which is 6 square metres per dog. This site has 228 square metres per dog, far beyond the minimum required. Another important factor is that the dogs have access to sufficient indoor space. Based on the applicant's tested model across 8 sites, 1 sqm per dog of indoor space works well.

Therefore, the application reflects this to calculate the total number of 71 dogs being appropriate for this site.

The Regulations recommend a ratio of 1 staff member for every 10 dogs. The site will be managed by a site manager and deputy site manager and the remainder of the staff will be solely carers or carers/drivers who will bring the dogs to the site and look after them whilst they are on site. If the site is operating at full capacity, then there will be 8 members of staff on site at peak times.

When at full capacity the site would operate 5 dog buses by 5 members of staff. The dog buses are a sustainable method of bringing the dogs to the site (shared trips) but also enables the management of the vehicles used. Where infrastructure allows, the applicants are aiming to have 25% electric vehicles across the business by the end of 2025, 50% by 2028 and 100% by 2030. There would be 10 staff/company vehicles on site per day. The additional staff would likely car share or cycle.

A facility of this nature provides an alternative care option for dog owners within a controlled environment rather than the likes of dog walking services which walk a number of dogs at one time within public open spaces. Experience has found that services offering multiple dogs walked simultaneously can be intimidating to other users of the public open spaces, in particular other dog owners, young people, cyclists, horse riders and runners. There are also challenges when dealing with the excrement that obviously is generated when walking groups of dogs in public spaces. The facility would utilise the services of a dog waste management company to ensure that all dog waste is collected and suitably removed from the Site. This dog day nursery removes this public interaction and therefore potential for intimidation and complaint.

By means of background, Bruce's Doggy Daycare as a provider of doggy day care facilities and pride themselves on their high standards. They are fully committed to sustainability of their sites and contributing to the environment is at the heart of their strategy across buildings, land, and places. This can be seen through their investments into nature, trees, and landscaping. Their plantation plans include providing trees, hedge lines and gardens to contribute to the land in which they occupy, and they recognise that each year planting and long-term management could provide tonnes of CO2 capture. Future plans are for continued, increased investments into internal green infrastructure. This also includes the allocation and creation of microhabitats to support local wildlife.

The following documents have been submitted in support of the application:

- Planning and Heritage Statement which details an introduction, planning policy context and material considerations, Heritage Statement, Flood Risk Assessment and Drainage Strategy, planning balance and conclusions.
- Statement from Mark Plummer, Environmental Protection Officer of Elmbridge Borough Council in relation to noise complaints from Bruce's Doggy Day Care Sites operating at Cobham and Oxshott, Surrey.
- Letter from Oxshott residential neighbour living next door to Oxshott Meadows Bruce's Doggy Day Care on Woodlands Lane, KT11.

Site and Surroundings

The site is located 1.08km to the west of Streetly and approximately 730m north of the built-up area of Pheasey. It is on the corner of Beacon Road and Bridle Lane.

The site is predominantly open nature, with an existing access to the north on to Bridle Lane. The northern, western, and eastern boundaries are contained, with mature vegetation in situ. To the south, the adjacent land is also in equestrian use (authorised in 1998 under reference BC51923P/C).

There is an existing stable building in the north-eastern corner of the site which is to be retained and reused (with necessary modifications to make it fit for the proposed purpose). This structure appears to have been on site since at least 2009 (being visible in Google Earth aerial imagery since this time), indicating a lawful equestrian use of the site.

There is also a ménage at the site, which is in a diminished condition, and hardstanding associated with the access and parking areas.

Beacon Road on the western side of the site has pedestrian pavement and a bus stop.

Relevant Planning History

APPLICATION No.	PROPOSAL	DECISION	DATE
BC56535P/C	Application for submission of schemes in accordance with conditions of permission BC51937P/C & amendment to condition 8.	Grant Permission Subject to Conditions	27/11/1998
BC51937P/C	Erection of stables, fence & gates and change of use of land for horse grazing.	Grant Permission Subject to Conditions	25/03/1998
BC51923P/C	Proposed New Stables & Change of Use of Land from Agricultural to Private Horse Grazing.	Grant Permission Subject to Conditions	25/03/1998

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions**, the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial buildings
- T4: The Highway Network
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Outside Regeneration Corridor
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- TRAN2 Managing Transport Impacts of New Development

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- M1: Safeguarding of Minerals Resources
- RC1: Outside Regeneration Corridor
- EN5: Development in Conservation Areas

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm

Consultation Replies

Beacon Action Group: We wish to object to this application for the following reasons:

- We consider this application to be incompatible with the adjacent and surrounding fields as it is in the centre of an equine area with adjacent fields used by horse owners to accommodate their animals.
- The fencing arrangements necessary to separate the dogs from the horses would have to be substantial to prevent noise from the 71 dogs, which would likely result in will harm the horses, and the design and appearance may not be suitable in a conservation area.

Conservation Officer: No objection subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping (see details below).

Ecology Officer: No comments or objections received.

Environmental Health: No objection subject to a condition restricting the hours open to customers.

Environmental Protection: No objection (see details below).

Local Highways Authority: No objection following the submission of amended plans and additional information to address the initial concerns raised (see details below).

Natural England: No detailed comments to make on this proposal.

Public Health:

- Upon review of this application there are no specific areas where there is likely to be a significant concern of potential impact to public health. This application may include potential public health impacts better identified by partners, for example in areas of potential environmental health impacts should noise be a concern.
- This assessment is made with the expectation of adequate provision of necessary care and precautions within the proposed development, for example with regards to proper management of animals to limit the risks of potential disease transmission and proper securing of animals to reduce the potential risk of injury.

Strategic Planning Policy: No objection (see details below).

Tree Preservation Officer: No comments or objections received.

West Midlands Police: No objection.

West Midlands Fire Service: Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England.

Representations

The application was advertised by way of press and site notices being displayed and notification letters sent to surrounding properties. The public consultation time on the latest amended plans and additional information submitted expired 27th April 2023. Forty seven objections have been received from individuals/local residents (some with multiple/duplicate objections) with the following concerns summarised below:

- Noise
- Welfare/safety of horses
- Welfare of the dogs – conditions proposed/extreme weather
- Impact in wildlife
- Increase in traffic
- Highway conflicts/poor visibility
- Parking provision on site
- Disposal of waste
- Proposed fencing sufficient to contain the dogs/blight on the landscape
- Not suitable for business use
- Building in green belt land
- Conservation area – inappropriate development/out of character
- Area is predominantly equestrian and agricultural
- Will lead to more development on the site
- Ruin grassland left in the area
- Trees/hedges effected
- Previous unauthorised actions at the site – Vans stored/footings dug out
- No footpath

- Inappropriate next to UNESCO site (Barr Beacon Local Nature Reserve)
- Visibility not in keeping
- Increase crime
- Flooding
- Land not large enough for number of dogs proposed

It is noted that the majority of the objectors do not live within the immediate vicinity of the application site, however, have horses at the adjacent farm. Some objectors also provided no address.

The British Horse Society has submitted a holding objection with the following concerns raised:

- How is the proposal protecting and enhancing rights of way?
- How is the proposal impacting on other local businesses and how would the proprietor/applicant mitigate these risks?
- How would risks on the highway during the construction/development period and for the running of the business be managed?

A Petition as been submitted against the application for reasons in the objections including safety to many horses and riders with 64 signatures. Again, it is noted that the majority of the objectors who have signed the petition do not live within the immediate vicinity of the application site, however, have horses at the adjacent farm.

Determining Issues

- Principle of Development
- Heritage Assessment
- Design
- Landscape Design
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Ground Conditions and Environment
- Other matters

Assessment of the Proposal

Principle of Development

The proposal would appear to be not inappropriate in the Green Belt. Subject to consideration of the impact on the conservation area, and control being provided over lighting and additional structures, the use is acceptable in planning policy terms.

NPPF paragraphs 149 and 150 provide a 'closed list' of development types that are not inappropriate in the Green Belt. Elsewhere, for example a recent application at Bosty Lane, dog exercise facilities have been considered as outdoor recreation so are listed in NPPF paragraph 150. In the current case however, the applicant has stated that dogs will be collected from their owners' homes and taken to the site by the applicant to be exercised. They do not argue that the proposed use is outdoor recreation (which is listed under paragraph 150 e), but rather that the proposal involves the re-use of buildings (listed under paragraph 150 d)). Strategic Planning Policy do not disagree with this claim but would note that both clauses require the development to preserve the openness of Green Belt and not conflict with the purposes of including land within it.

The only physical alterations proposed are minor alterations to the existing hardstanding and vehicle access to ease vehicle movements, and the sub-division of the field with 2 metre chain link fencing. It is therefore considered these would have little impact on openness of the Green Belt.

Secure cycle spaces will also be required for staff working at the application site, an area has been shown within the site; however, it is unclear from the drawings provided if these will be undercover. The applicant will need to provide secure undercover cycle spaces and provide suitable details. A condition associated with undercover, secure cycle spaces would be appropriate to ensure it would not impact the openness or visual amenity of the Green Belt.

Heritage Assessment

The site is a rectangular parcel of land located on the southern side of Bridle Lane and the eastern side of Beacon Road. To the north of the site (adjacent Bridle Lane) are numerous trees protected by tree preservation orders. In the north eastern corner of the site is an 'L' shaped stable block, and area of hardstanding in front of the stables. To the south of the stables is a large rectangular parcel of land, appears to be a former manege. Access to the site is via Bridle Lane, a hard surfaced driveway and a parking area is located along the northern part of the site to the west of the stables.

The character of the area is one of large open agricultural fields with planted hedgerows and trees, which separate the parcels of land. The site is set at a lower level from both Beacon Road and Bridle Lane and views into the site are available when travelling along both Beacon Road and Bridle Lane. There are low level shrub planting and trees along the boundary here.

There is a low-level timber post fence within the site along Bridle Lane and within the site. The site is within Great Barr Conservation Areas, a designated heritage asset.

To the north of Bridle Lane and the west of Beacon Road is character area C, as identified in the Great Barr CAAMP. These parts of character area C are identified as areas of high historic landscape values. To the west of character area C, along Beacon Road is an area of high historic townscape value.

The site is within the intermittent setting of:

- Cofold Farmhouse (Grade II);
- The Pinfold (Grade II);
- barn approx. 20m north of Old Hall Farmhouse (Grade II);
- Old Hall Farmhouse (Grade II)

all designated heritage assets. To site is also within the intermediate setting of Barr Beacon war memorial, which is locally listed, and classed as a non-designated heritage asset.

Paragraph 194 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting and the relevant historic environment record should have been consulted.

A Planning and Heritage Statement has been submitted which includes sections of the draft Great Barr CAAMP. It identifies the site as being in character area D, which recommended for exclusion in the draft Great Barr CAAMP. It also identifies adjacent listed heritage assets, areas of both high historic townscape and landscape value. The HS concludes:

The draft Conservation Area Appraisal and Management Plan proposes that the extent of the Conservation Area designation be reduced, so that the site and the area around it would no longer be designated as such. This is because the area has low historic or architectural value or significance. The proposal maintains the openness of the site and does not involve the erection of any new buildings. The proposal will preserve and enhance the character of the Conservation Area; there will be no harm to features that contribute to the Conservation Area.

The draft Great Barr CAAMP has not been adopted, and the proposal will be assessed as the site currently sits within the Great Barr CA. Other than reference to the draft Great Barr CAAMP, there is no evidence that the HER has been consulted, a requirement of para 194 of the NPPF.

The draft Great Barr CAAMP identifies the site being within character area D, which comprises open countryside used as agricultural land, sparsely populated with farmsteads and other sporadic residential development of twentieth century date. In general, field boundaries have formed through the amalgamation of smaller parcels of land since the land was enclosed in the eighteenth century, with further changes undertaken in the twentieth century. This is most obvious in the land to the east. To the west in sub-area D1, the network of lanes and field boundaries dates from likely the 18th century, although these have undergone amalgamation and further alteration of the years. The older origins of this part of the conservation area when compared to the agricultural land to the east are evident in the more organic routes and tracks, which cross the landscape. The character area is of very low architectural interest. In general, the very limited architectural interest of the character area is derived from the partial intactness of its sparse farmsteads. This very low architectural interest is found in the typologies present, of freestanding farmhouses constructed next to ancillary agricultural buildings around courtyards. It also recommends character area D is excluded from the Conservation Area.

Designated and Non-Designated Heritage Assets Significance and Setting

The NPPF states,

- LPA's should take account of enhancing the significance of heritages assets, the desirability of new development to make a positive contribution to local character and distinctiveness (para 197);
- and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para 199);
- Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 200);
- Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, consent should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 201);
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 202);
- In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para 203).

The proposal change of use of the land to provide Dog Day Care/Nursery facility would have less than substantial harm to the significance and setting of the Great Barr Conservation Area and the intermediate setting of designated heritage assets, identified above. The scale of harm would be low to medium.

The proposal would need to be weighed against public benefits and optimum viable use. Planning Practice Guidance, Historic Environment Chapter sets out further guidance on this.

The proposal change of use of the land to provide Dog Day Care/Nursery facility would not harm the significance nor setting of Barr Beacon war memorial, due to the memorial being positioned on higher ground than the application site.

Buildings of Historic or Architectural Interest

Policy ENV27: Buildings of Historic or Architectural Interest (a) Alteration, extension or any other form of development involving a listed building or its setting will only be permitted where it can be clearly demonstrated by the applicant that the internal and/or external appearance, character and value of the building, its curtilage and the contribution the building makes to the surrounding area in which it is situated are not adversely affected by the proposals.

The proposal change of use of the land to provide Dog Day Care/Nursery facility would not harm the intermediate setting of the above referenced Listed buildings.

Enhancement and Preservation of Conservation Area and Design

EN5 of the SAD states:

a) The Council will seek to ensure that development preserves or enhances the significance of conservation areas, including their setting, character and appearance, in terms of the requirements set out in national guidance, and will encourage sustainable new development opportunities that enhance or better reveal this significance in line with the NPPF.

Consideration will also be given to the following:

- i. The degree of harm, loss of or alteration to buildings, structures or features that make a positive contribution to the character and significance of the conservation area.
- ii. The impact of any new, extended or altered buildings, structures or features on the heritage assets, special townscape and landscape features within the conservation area.
- iii. The scale, massing, siting, layout, design or choice of materials used in any new or altered building, structure or feature.
- iv. The nature of any proposed use and the likely provision of parking, infrastructure, utilities and other paraphernalia, and the anticipated levels of traffic and other activities that would result.

Policy ENV29 seeks development to preserve or enhance the character and appearance of a Conservation Area in terms of:-

- I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.
- II. The impact of any new buildings on the special townscape and landscape features within the area.
- III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.
- IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

Paragraph 134 of the NPPF states 'Development that is not well designed should be refused. Saved Policy ENV32 states 'This policy will be applied to all development in Conservation Areas, on a visually prominent site, the vicinity of a Listed Building, Building of Local Interest or Registered Parks and Gardens. When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development, the height, proportion;
- scale, and mass of proposed buildings/ structures;
- the materials proposed for buildings;
- external spaces and means of enclosure;
- the integration and co-ordination of buildings and external space;
- the visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood;

- the effect on the local character of the area, the proposed vehicular and pedestrian circulation patterns;
- the integration of existing natural and built features of value and the maintenance requirements of the development.

Policy ENV2 of the BCCS requires development to preserve, enhance local character and those aspects of the historic environment together with their settings, which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality. Designing Walsall SPD, Policy DW3 seeks all new development to respect and enhance local character.

Agricultural fields in this part of the Great Barr Conservation Area consist of open large fields, which are separated by planting including trees and hedgerows. Whilst the Conservation Officer notes the comments in the submitted document referencing permitted development rights, The Conservation Officer has concerns with the proposed 2m high chain link fence around the site perimeter and within the site.

The 2m high fencing would be visually prominent along both Beacon Road and Bridle Lane and from within the site, especially as both Beacon Road and Bridle Lane sit at a much higher level than the application site, which sits at a lower level, this allows direct views into the site are from both Beacon Road and Bridle Lane. The proposed 2m high, chain link fencing detracts from the open character and setting of this part of Great Barr Conservation Area it fails to enhance and preserve the local rural character of the area and enhance and preserve the character, appearance and setting of Great Barr Conservation Area. Any securing of the site perimeter should be undertaken with appropriate planting, preferably a hedgerow with a mixture of planting species. Any fencing within the site should be low level timber fencing.

The Agent has confirmed no lighting is proposed, as dogs will only be on site until 3pm. A planning condition stipulating no lighting to be erected on site in the form of lighting columns or attached / fixed to the buildings or boundary treatments should be included should the application be recommended for approval. This would safeguard the rural and open character of this part of the Great Barr Conservation Area. Boundary fencing and gate details can be sought by planning condition, as they haven't been submitted with the planning application.

Given the above the Conservation Office would have no objection to the proposed development subject to conditions relating to external light, boundary fencing, deer and wooden gates and landscaping.

Design

The Conservation Officer raises concern that the proposed alterations to the existing stable block are too domestic in appearance. The plans show existing openings to be removed, new windows and a new opening on the southern elevation to be created. The existing openings should be retained, as opposed to creating new openings and those existing openings that are not required sealed shut. The proposal seeks to remove the roof lights from the existing building.

As this would not warrant refusal of the application alone it is considered that a condition requiring matching materials to the existing building would be appropriate in this instance to retain the appearance of the existing building.

Landscape Design

The location of the site on the Barr Beacon Ridge means that it is highly sensitive in landscape terms. The only physical alterations proposed are minor alterations to the existing hardstanding and vehicle access to ease vehicle movements, and the sub-division of the field with 2 metre chain link fencing. It is therefore considered these would have little impact on openness of the Green Belt. Any additional works that could require planning permission however, such as lighting, should be controlled by condition.

Amenity of Neighbours and Amenity of Future Occupiers

Environmental Protection are of the opinion that there will be no significant impacts or concerns about air quality and contaminated land that are material planning considerations for this application.

Environmental Health consider the proposed development is in a rural area with no immediate neighbours and is unlikely to give rise to noise nuisance.

Environmental Health have requested the following condition:

- The use hereby permitted shall not be open to customers outside the following times:
Monday to Friday 08:00 to 18:00.

Highways

The application seeks a change of use to Dog Day Care for up to 71 dogs per day. Works will include the conversion of the existing stables to provide an office and welfare facilities, widening of the access junction and it is proposed to provide 15 parking spaces within the existing parking area associated with the current equestrian usage.

It is not intended to change the current location of access. The site will be accessed via Bridle Lane. Bridle Lane is a narrow two-lane rural lane with limited width. The applicant states that the access will be widened to accommodate vehicles entering and exiting the site simultaneously. The site access width and radii are not shown. The Highway Authority would expect 6m radii either side of the access where it meets Bridle Lane and that a minimum width of access road leading into the site of 5.5m would be required to allow vehicles to safely pass on the access road. Details associated with visibility splays of 2.4m x 43m have been provided on the drawings and is acceptable.

The internal layout of the site is acceptable.

Details provided by the applicant indicate that the level of car parking available to the site will be sufficient for the needs of the site and is acceptable.

Secure cycle spaces will also be required for staff working at the application site, an area has been shown within the site; however, it is unclear from the drawings provided if these will be undercover. The applicant will need to provide secure undercover cycle spaces and provide suitable details. A condition associated with undercover, secure cycle spaces would be appropriate.

It is not considered that the application will create any material impact on the surrounding network.

Improved visibility splays are required, details have been provided which are acceptable.

There are no Local Highway Authority objections to the application based on the drawings and supporting evidence provided subject to the provision of undercover cycle storage will need to be conditioned.

Ecology

The site will host dog trainers handling up to 71 dogs on-site in the day. This is a high concentration of domestic canines in one location otherwise populated by wild animals, which may be an additional consideration in terms of ecological impact. Dog waste is however planned to be taken from the site by a dedicated waste processing contractor.

New fence lines may be expected to restrict the movement of wild animals, with movement likely to be reduced to the periphery of the site's perimeter fence line. The applicant proposes a small 'microhabitat' to offer some additional ecological benefit, though this is directly adjacent to the dog fields, which will be in regular use. Hedges and trees will be retained, which is in support of UDP Policy ENV18 Part (a), while the microhabitat and bird boxes proposed are supported in UDP Policy ENV23 Part (c) on habitat creation.

Ground Conditions and Environment

Environmental Protection are of the opinion that there will be no significant impacts or concerns about air quality and contaminated land that are material planning considerations for this application.

Other matters

Objectors referring to vans being stored on the site have now been removed as confirmed by Enforcement and this case has now been closed.

Conclusions and Reasons for Decision

The proposals would represent appropriate development within the Green Belt under para 145 of the NPPF subject to impact on the openness of the Green Belt.

The use would require no buildings on site, minimal car parking, no lighting due to the daylight hours of use and it is not intended to change the current methods of access resulting in no loss of natural habitat and environment. The fencing proposed would be permitted development, however the details have been conditioned to ensure the fencing would sit comfortably within the natural environment and not intrusively impact on the Green Belt in compliance with Policy GB1 of the SAD.

It is considered that the proposed use would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP.

The proposed access and parking arrangements are considered appropriate for the location and the use in compliance with policies GP2 and T7 of the UDP.

It is considered that the proposals would have minimal impact on the character, appearance or openness of the Green Belt and as such the proposals would represent appropriate development within the Green Belt in compliance with the NPPF para 145.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding highways and heritage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Permission with Conditions.

Conditions and Reasons

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of 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 not be carried out otherwise than in accordance with the following approved plans details and documents:

- Visibility Splays 2023/7186/001 Rev. P1 received 30/03/2023
- Proposed Site Plan - overall P03 Rev D received 30/03/2023
- Proposed Site – Reception & parking P04 Rev C received 30/03/2023
- Proposed stables plans & elevation P10 Rev B received 30/03/2023
- Block plan P02 Rev B received 28/11/2022
- Existing site X01 Rev A received 28/11/2022
- Existing site X02 Rev A received 28/11/2022
- Existing site sections thru access X04 Rev A received 28/11/2022
- Existing stables – plans & elevations X10 Rev A received 28/11/2022
- Location Plan P01 Rev A received 12/12/2022
- Proposed site P05 Rev B received 28/11/2022
- Photographs X03 Rev A received 28/11/2022
- Notice Under Article 13 received 09/01/2023
- Planning and Heritage Statement received 12/12/2022

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a: Prior to commencement of the development hereby permitted details of landscaping phased in relation to any phasing of the development including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed,

uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

4a: Notwithstanding the details as submitted and prior to the commencement of the development hereby permitted details of the proposed boundary fencing, deer and wooden gates of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a public highway.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

5a: Notwithstanding the details as submitted and prior to the commencement of development details of the proposed cycle shelter facility, which shall be covered and illuminated, shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development with the cycle shelter being retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

6a: No external lighting in the form of lighting columns or light lamps to be fixed / attached to the building or any boundary treatment at any time.

Reason: To protect the rural character, appearance and setting of Great Barr Conservation Area in accordance with Section 72 of the Town and Country (Listed Building and Conservation Areas) Act 1990, Saved Policies GP2, ENV29, ENV32 of the UDP, Policy EN5 of the SAD and Policy DW3 of Designing Walsall SPD.

7: The development hereby permitted shall not be carried out otherwise than in accordance with the proposed changes to the walls, doors, windows and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

8: The development hereby permitted shall not operate otherwise than between the following times: Monday to Friday 08:00 to 18:00 and at no time open during Saturdays, Sundays and bank holidays.

Reason: To protect the amenities of nearby residential occupiers and agricultural uses in accordance with saved UDP policies GP2 and ENV32.

9: Electric vehicle charging points, to be provided for the development shall be in accordance with the details in the submitted Planning and Heritage Statement received 12/12/2022 and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

Notes for Applicant

West Midlands Police

The below links to information may be of assistance to the applicant:

Alarm and CCTV installers should be approved by NSI, SSAIB or both
See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

<https://west-midlands.police.uk/crime-prevention>

https://west-midlands.police.uk/_flysystem/public-sync/inline-files/West%20Midlands%20Police%20Crime%20Prevention%20Handbook.pdf

<https://www.securedbydesign.com/guidance/interactive-design-guide>

<https://www.securedbydesign.com/guidance/security-advice-for-businesses>

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that **WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes** (ADB Vol 2, Table 15.2)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Vehicle Access

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

- a) an emergency vehicle access is provided which complies with item 3.8.2, or
- b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

3.8.2 Emergency Vehicle Access

- a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.
- b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.
- c) Neither end is obstructed by parked cars.
- d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

3.8.3 Increased Carriageway Widths

- a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.
- b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

3.8.4 General

- a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.
- b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.
- c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

Industrial Estates

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

Section 16: Fire mains and hydrants

Provision of fire mains

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

Provision of private hydrants

16.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

16.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and

location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts.

The building's height and size determine whether firefighting shafts also serve upper storeys.

17.8 In any building, the hose laying distance should meet all of the following conditions.

a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 17.3).

b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected shaft (although this does not imply that the protected shaft needs to be designed as a firefighting shaft (see Diagram 17.3))

Design and construction of firefighting shafts

17.9 Every firefighting stair and firefighting lift should be approached from the accommodation through a firefighting lobby. Both the stair and lobby of the firefighting shaft should be provided with a means of venting smoke and heat (see clause 27.1 of BS 9999). Only services associated with the firefighting shaft, such as ventilation systems and lighting for the firefighting shaft, should pass through or be contained within the firefighting shaft.

17.10 All firefighting shafts should have fire mains with outlet connections and valves at every storey.

17.11 A firefighting lift installation includes all of the following.

a. Lift car.

b. Lift well.

c. Lift machinery space.

d. Lift control system.

e. Lift communications system.

The lift shaft should be constructed in accordance with Section 6 of BS 9999. Firefighting lift installations should conform to BS EN 81-72 and BS EN 81-20.

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14).

Petition

Petition against Planning Application 22/1586

Amble Meadow Stables, Bridle Lane, WS8 0RS – Change of use to Dog Day Care 71 Dogs

I wish to object to the following reasons. The level of use of the site for equine use was not in a theory and the equine was there in a very quiet area and not over 100 horses within 200 yards of the site. The only reason for the objection is the noise and the smell of the horses and the smell of the horses and the smell of the horses. The joining of the site to the main road will be dangerous for horse and rider and could potentially cause a road accident. Dogs are produced and noise is high. The noise from the horses and the smell of the site is very unpleasant and would require a solid fence to be built around the site to prevent noise and smell from being a nuisance and would be intrusive, damaging the visual aspect of the area. The noise and smell of the horses will be a nuisance to the local community and will be a nuisance to the local community.

Officer's name: [Redacted] 10/09/2022 [Redacted]

Name	Address	Signature	Comments
[Redacted]	22 Colwyn Road Sutton Colfield B73 6L8	[Redacted]	FIELD AND HOUSE OWNED DIRECTLY NEXT DOOR TO THE SITE, ONLY 120 YARDS AWAY (See objections also from Mrs. [Redacted])
[Redacted]	105 Pomeroy Rd Great Salt B'ham B43 7LP	[Redacted]	House owner at nearby Rugby School, Foxhills
[Redacted]	101 Water Road East Widleybury WS8 0RH	[Redacted]	4 horse barn & 2000 from field 100 yards from the site Physic [Redacted] use and [Redacted]
[Redacted]	Brown Farm, Ripley Lane, Alcester WS9 0SS	[Redacted]	Farm & neighbouring land [Redacted] regularly have ride adjacent land?

END OF OFFICERS REPORT