

Planning Committee

Report of Head of Planning and Building Control on 05 August 2021

Plans List Item Number: 2

Reason for bringing to committee

Major application

Application Details

Location: LAND ADJACENT CEDAR HOUSE, ANGLIAN ROAD, WALSALL, WS9 8EP

Proposal: CHANGE OF USE OF LAND TO THE WEST OF ANGLIAN ROAD FROM AGRICULTURAL TO A TWO FIELD SECURE DOG WALKING / EXERCISING FACILITY, ERECTION OF 1.8M HIGH STOCK FENCING, 3.5M X 1.8M FIELD GATE AND TWO AREAS OF HARDSTANDING FOR PARKING.

Application Number: 21/0700

Case Officer: Leah Wright

Applicant: Incept Ltd

Ward: Rushall-Shelfield, Aldridge Central And South

Agent:

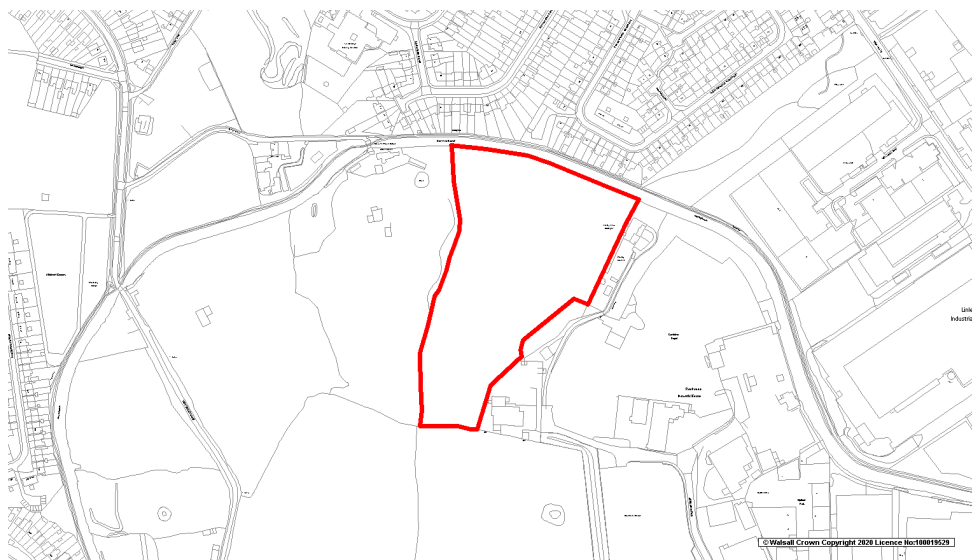
Expired Date: 04-Aug-2021

Application Type: Full Application: Major Use Class Sui Generis

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.



Proposal

This application proposes the change of use of land to the west of Anglian Road from agricultural to a two field secure dog walking / exercising facility, erection of 1.8m high stock fencing, 3.5m x 1.8m field gate and two areas of hardstanding measuring approximately 16m x 16m for parking.

It is proposed that the fields will be open during daylight hours all year round. For winter (1st October-29th February) the times proposed are 8:00 am- 4:00pm (8 hours) and for summer (1st April-30th September) the times will be 7:00am- 7:00pm (12 hours). An on-site manager is proposed and the applicants will check the fields at least twice daily. The proposal is to establish two dog walking fields for members of the local community to use. The facility will provide a space where dogs can be exercised off-lead with no impact on, or interaction with, the general public and will reduce the pressure on public open space usage.

The fields will be available to book for 50 minute time slots and will be staggered to avoid interaction between the users and their dogs. This will also avoid two vehicles crossing on the access road at any one time.

The parking at site would be available for up to two cars inside the individual fields, with the individual gates locked during and between customer visits.

In terms of waste management a number of waste bins will be provided in each field for users to deposit their dogs waste, as per the terms and conditions of use, and the owners will empty these on a regular (daily) basis. The collected waste will be placed in a clearly marked industrial waste bin, for collection by a commercial waste management company.

New native species hedging is also proposed between the fields to provide privacy for each enclosure, it is considered this will increase available habitat for insects and fauna.

Site and Surroundings

The land is currently an open field, with hedge boundaries to the north, east and west and a barbed wire fence boundary to the south. The site is bound by the Daw End Branch Canal to the north, open fields to the west and south and to the east by the Red House Industrial Estate. The site is within the West Midlands Green Belt.

Grade II Listed Brawn's Works Bridge, and Locally Listed Stone House are located to the north-west of the site.

The land currently comprises a field of approximately 3.56ha.

Relevant Planning History

None relevant

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**
- **NPPF 16 – Conserving and enhancing the historic 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
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The Local List of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- T4: The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement

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

Archaeology

No archaeological implications for this proposal.

Historically there were early limeworks in the area associated with the canal, and quarries that were potentially worked since Roman times. However, the laying down of areas of hardstanding and erection of fences would not impact on any remains, should they be present.

Canal and River Trust

No objection.

Coal Authority

No comments to make.

Environmental Health

No comments to make.

Inland Waterways (Lichfield Branch)

No objection subject to retention of the existing canalside trees and shrubs with the new fence line set back behind them.

Local Access Forum

No objection. The proposed use of the land will help to avoid potential further development in the future. The nearest path we can find to this location is ALD 16, (Winterley Lane to Windsor Way), which runs to the north of the site, but along the opposite side of the canal, so should not be impacted by the proposals.

Natural England

No comment to make.

Pollution Control

With regard to the above site Pollution Control have no specific requirements for the development of the site, however we recommend that Environmental Health are consulted as they would be involved in any complaints made about the site.

Transport

No objections from the Local Highway Authority. The site access is off Anglian Road which is a private road and the access point is about 400m from the nearest public road. The proposed use is unlikely to generate a significant number of vehicle trips that would present any particular issues.

West Midlands Fire Service

No adverse comments

Tree Preservation Officer

No objection subject to condition securing the future of existing trees around the periphery of the site.

Representations

1 x representation was received which can be summarised as follows (*Officer's comments in italics*):

- Concerns over potential lighting which would affect my house (*No external lighting is proposed*).

Determining Issues

- Principle of Development and Impact on the Green Belt
- Heritage
- Trees
- Impact on the amenities of Surrounding Occupiers
- Highways

Assessment of the Proposal

Principle of the Development and Impact on the Green Belt

The proposal would represent outdoor recreation. The NPPF (2021) Section 13 para 145 indicates that the provision of appropriate facilities in connection with a change of use for outdoor recreation is not considered inappropriate development as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposal doesn't include any buildings, it however does include the erection of a 1.8m high stock fence, 3.5 x 1.8m field gate and two areas of hardstanding for parking.

The fencing would have rounded wooden posts and be constructed from gauge wire. It would allow for full views through it and it is considered that it is suitable in design and appearance in this rural location, reducing any adverse impact on the visual amenity and openness of the Green Belt.

The use would operate during daylight hours only and would therefore not require any lighting that would otherwise potentially impact on the openness and character of the Green Belt. A condition preventing any new lighting is recommended.

Overall, given the modest scale of the physical elements of the proposal combined with the acceptable recreational use, it is considered that the proposal 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.

Heritage

Brawns Works Bridge, a Grade II listed building is sited approximately 85m from the site, whilst Stone House, a locally listed building is approximately 69m from the site.

The development is within the setting of a Grade II listed structure and a locally listed building and is for a change of use to a dog walking field which includes a modest amount of physical elements in the form of boundary treatment and small hardstanding areas. As such it is considered that the development proposal would lead to less than substantial harm to the significance of the designated heritage assets. In line with paragraph 202 of the NPPF this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The change of use would create a dog walking field facility for use by the general public, providing a community facility which would benefit the public. As such, when this public benefit is weighed up against the less than substantial harm to the significance of the designated heritage assets, it is considered that the proposal is acceptable.

Trees

It is noted that there is a well treed linear feature to the western boundary and there are TPOs on site.

Whilst the Inland Waterways Association comments are noted regarding the request for the new fence line to be set back behind the existing canalside trees and shrubs, the Council's Tree Officer does not object to the proposal and considers that the

works can be carried out without resulting in harm to these trees and vegetation. A condition would be included to ensure the retention of the protected trees within the boundary of the development.

Impact on the amenities of Surrounding Occupiers

Due to the proposed hours of use, and the limited number of people and dogs likely to be on site at any one time, it is considered that the use is unlikely to have any adverse impact on the amenities of the surrounding occupiers through noise and any increase in traffic is likely to be low level. It is also considered that the use would have no adverse impact on the surrounding agricultural uses. A condition would be included to ensure the proposed hours of use is complied with to safeguard nearby occupiers amenity.

Access and Parking

The proposal would have access off Anglian Road which is a private road with the access point around 400m from the nearest public road. The development would provide two small areas of hardstanding which would meet the needs of the development.

It is considered that the proposed use is unlikely to generate a significant number of vehicle trips that would present any particular issues for the Highway Authority and as such there was no objection raised and Highways support the development.

Conclusions and Reasons for Decision

The change of use of the land to a dog-walking facility is considered acceptable and would represent appropriate development within the Green Belt. It is considered the use is unlikely to have any adverse impact on the amenities of the surrounding occupiers and would not present issues to the highway authority.

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

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of 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 works hereby approved shall not be carried out otherwise than in accordance with the following drawings:

- Application Form – dated 5th May 2021
- Location Plan- Received 3rd June 2021
- Site Layout- Received 3rd June 2021
- Fence Details- Received 3rd June 2021
- Gate Details- Received 3rd June 2021
- East and West Elevations- Received 3rd June 2021
- North and South Elevations- Received 3rd June 2021
- Design and Access Statement – Received 3rd June 2021

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).

- 3) a. Prior to commencement of the development hereby permitted details of soft landscaping works shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to the development hereby permitted first coming into use 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.

- 4) The use hereby approved development shall not operate otherwise than during 08:00am until 16:00pm Monday to Sunday and Bank Holidays during Winter (1st October to 29th February) and 07:00am until 19:00pm Monday to Sunday and Bank Holidays during Summer (1st April to 30th September).

Reason: To define the permission, to safeguard nearby occupiers amenity and in the interest of highways safety in accordance with UDP policy GP2, T7 and T13.

- 5) No external lighting shall be installed at the site at any time.

Reason: To define the permission and to ensure no requirement for lighting at the site to protect the Green Belt, in compliance with Policy GB1 of the SAD.

- 6) No existing trees, shrubs or hedges within the site boundary shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed. Any trees, shrubs or hedges removed, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species.

Reason: To ensure the continued well-being of the protected trees in the interests of the amenity and environmental quality of the locality in accordance with Saved Policies GP2, ENV18, ENV23 of the UDP, Policy ENV1 of the BCCS and Policy GB1 and EN1 of the SAD, Conserving Walsall's Natural Environment SPD and the NPPF.

Notes for Applicant

1) Natural England

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

2) Dog Waste Bins

Dog waste bins should be provided in the field and emptied on a daily basis.

END OF OFFICERS REPORT