

Parish: South Kilvington
Ward: Bagby & Thorntons
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Committee date: 1st September 2022
Officer dealing: Marc Pearson
Target date: 22nd August 2022
Extension of time:

22/01350/FUL

Full planning application for the change of use of an agricultural field to a private dog walking field with associated fencing and car parking.

At: Land Opposite Southend And Linton House, Stockton Road, South Kilvington
For: South Acres Ltd - Dog Walking.

This application is referred to Planning Committee because the site is owned by a Member of the Council.

1.0 Site, context and proposal

- 1.1 The application site is located on the west side of Stockton Road to the south of South Kilvington. The site is currently a large field enclosure defined by mature hedgerows with occasional trees. Vehicle access is achieved via the existing field access and comprises a cross-over across the wide grass verge, footpath and cycle path. The surrounding context is defined by agricultural land and to the east on the opposite side of Stockton Road are two residential properties that face towards the site.
- 1.2 The proposal is to provide a dog walking facility within the field enclosure. Access to the proposal would utilise the existing access point that would lead to hard a surfaced parking area within the north-east corner of the field enclosure. The proposal also includes 1.8m high fencing around the perimeter of the enclosure to provide a secure dog walking facility. The proposal would be managed via an on-line booking system where 1 person can book the field for sole use for a 1-hour slot. The applicant confirmed during the application process that no more than 6 dogs can be brought into the field by any single booking. Access to the field would be via a locked gate that can be accessed via code once the online booking is complete.

2.0 Relevant planning and enforcement history

- 2.1 No planning history for this site.

3.0 Relevant planning policies

- 3.1 The relevant policies are:
Local Plan Policy S1 - Sustainable Development Principles
Local Plan Policy E1 - Design
Local Plan Policy E2 - Amenity
Local Plan Policy EG8 – Visitor Economy
Local Plan Policy CI2 - Transport and Accessibility
Local Plan Policy RM2 - Flood Risk
National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 South Kilvington Parish Council – Object as summarised below:

- Consider the location of the proposal on the curtilage of the village is not suitable.
- The fencing is not attractive.
- Concern about the increase traffic across the footpath/cycle paths
- Creating a car park/hardstanding on greenbelt land does not benefit the village.
- The owners are not in the village (based in Darlington) - so there any financial benefit resulting from this business activity will not be kept in the village.
- There are a number of dog walking routes within the area.

4.2 Environmental Health –

4.3 NYCC Highways – No objection but recommends condition regarding the vehicle access design.

4.4 MOD (RAF) – No safeguarding concerns.

4.5 Environment Agency – No objection subject to standing advice

4.6 Swale & Ure Drainage Board – No response received at the time of writing.

4.7 Natural England – No response received (expired 18.7.2022).

4.8 Yorkshire Wildlife Trust – No response received (expired 18.7.2022).

4.9 Yorkshire Water - No response received (expired 18.7.2022).

4.10 Site notice and neighbour notifications - 16 observations have been received objecting to the development as summarised below:

- Loss of agricultural land
- Concern about increase in traffic and safety of turning into the site
- Crossing footpath/cycle route
- Other dog field enclosures within the vicinity
- Impact on wildlife and biodiversity
- Sufficient dog walking routes in the vicinity
- Concern about possibility of further structures/buildings within the field
- Concern that the site could be classified as brownfield land and therefore suitable for housing or other purposes such kennels, camping mobile homes in the future.
- The proposal would have no benefit to the village
- Noise concerns from dogs barking and whistles blowing
- Business hours of 6am to 9pm are unreasonable – concern about dogs barking and car doors shutting
- Access to parking: this would need to be across the much used footpath/cycle route and would be dangerous.
- Applicant resides 10 miles away this development cannot be properly marshalled.
- Not allocated in the Local Plan

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Design and external appearance
- Residential amenity

- Flood risk
- Highways
- Biodiversity

Principle

- 5.2 Policy S5 supports development in the countryside where that development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.
- 5.3 Where it can be demonstrated that the proposed use requires a countryside location, Policy EG7 is supportive of Employment generating development.
- 5.4 The proposal for a leisure use is considered to be acceptable in this location. The application site is within easy walking distance of South Kilvington and Thirsk and as such represents a sustainable location for this type of development.
- 5.5 Third party concerns about the future change of use should the application be approved are not relevant. All proposals are assessed on the planning merit of the proposal subject to the application.
- Design and external appearance;
- 5.6 Policy E1 of the Local Plan concerns design and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.7 The proposed boundary fence would sit in-board of the existing boundary hedgerows and would therefore be largely screened from views along Stockton Road. Given the height of the proposed fencing it considered appropriate to attach a condition that would require all hedgerows to maintain to a height no lower than 2m in height.
- Residential amenity
- 5.8 Policy E2 of the Hambleton Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.9 It is noted there are residential properties opposite the application site on the east side of Stockton Road. Concern has been raised regarding the associated noise and disturbance. During the application process the applicant confirmed the operation of the site as noted in paragraph 1.2 above. On this basis it is considered the proposal could be appropriately controlled via a site management plan that would be controlled through a condition. Environmental Health has been consulted and provided initial comments, which raised questions about the management of the site. Further response will be provided to Committee through the Committee update.

Flood Risk

5.10 The western edge of the application site is located in Flood zone 2. The Environment Agency raise no objection based on the proposal being a water compatible development. On this basis the proposal is acceptable.

Highway matters

5.11 Policy IC2 states that development will only be supported where it is demonstrated that highway safety is not compromised and there is safe access to the highway network.

5.12 NYCC Highways raise no objection to the proposal subject to a condition regarding the design of the access point. It is noted that a number of observations raise concerns about the increase in traffic and crossing the footpath and cycle path. The applicant has confirmed that it is likely that the one car per hour would utilise the site and that is also possible that one booking may invite another dog user that may result in two vehicles per one hour booking. On this basis given the low volume of traffic and the potential for users to walk to the application site the proposal raises no highways concerns.

Biodiversity

5.13 Policy E3 requires that all development demonstrate delivery of a net gain for biodiversity. The proposal does not include any proposal to demonstrate a net-gain for biodiversity. Nevertheless, given the limited change on site, officers consider that this could be achieved via suitably worded condition to provide a net gain for biodiversity and can comply with Local Plan policy E3.

Planning Balance and Conclusion

5.14 The proposal accords with the overarching policies contained within the Hambleton Local Plan and represents sustainable development. It is considered that the proposals are acceptable in principle and are of an appropriate design that would not impact upon the amenity of the neighbouring properties or raise any flood risk concerns. It is considered that the proposed development complies with the relevant Local Plan policy in terms of design, amenity, highways, biodiversity, flooding and is otherwise in accordance with local and national policy requirements

6.0 Recommendation

6.1 That the application is **APPROVED** subject to the imposition of the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the site layout, access gate, post and rail fence details received 27th June 2022 and boundary fence details received 1st June 2022, unless otherwise approved in writing by the Local Planning Authority.
3. The approved development shall operate 7.00 am – 7.00pm unless otherwise approved in writing by the Local Planning Authority.
4. The approved development shall not be brought into use until a Management Plan detailing the management of the site is submitted in writing to the Local Planning Authority for approval. The management shall include (but not limited to), details to

control a maximum dogs of 6 per hour, noise mitigation (use of whistles shouting by dog owners) and complaints procedure. The approved details shall be retained thereafter.

5. No external lighting shall be installed at the approved development.
6. The approved development shall not be brought into use until details to demonstrate a biodiversity net gain through landscaping and wildlife measures have been submitted in writing to the Local Planning Authority. The approved details shall be retained thereafter.

The reasons for the above conditions are: -

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Hambleton Development Plan Policies E1 and E2
3. To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, and in accordance Hambleton Development Plan Policies E4 and E7
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Development Plan Policy IC2
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Hambleton Development Plan Policy IC2
6. To ensure that the future health of trees within the site and biodiversity requirements of the Local Plan are met.