

Application No: W 12 / 1269

Town/Parish Council: Weston under Wetherley
Case Officer: Jo Hogarth
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Registration Date: 11/10/12
Expiry Date: 06/12/12

The Oaks Stables, Weston Lane, Weston Under Wetherley, Leamington Spa, CV33 9BP

Proposed change of use of part existing stable building to day care facility for dogs operating 08.30 - 17:30 Mondays to Fridays (inclusive) FOR Wag-N Train Ltd

This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to convert part of a redundant stable for use as a day care facility for dogs.

THE SITE AND ITS LOCATION

The site relates to an established private stables and smallholding with associated grazing fields located within the designated Green Belt with vehicular access off Rugby Road. Bibury Cottage is opposite and they also have small stables situated next to the application site.

PLANNING HISTORY

There have been no recent planning applications submitted for this site.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Weston under Wetherley Parish Council: Raise objection on the following grounds:

1. Since the applicant is intending to start a business in the village they would like to know whether jobs will be created for local people.
2. They are concerned about the increased number of vehicles using the entrance to the facility in view of the fact that the entrance is located on a narrow roadway shortly after a very sharp bend. They request input from Warwickshire County Council's Road Safety Unit regarding this point. Concern has also been expressed about where customers using the facility will park their cars.
3. The applicants intend to begin operating at 7am six days a week and the Council asks that consideration be shown to nearby residents who may be disturbed by the business, particularly on Saturday mornings.
4. Residents in nearby houses may also be disturbed by barking dogs with the potential for the nuisance to increase as the business grows.
5. Concerns have also been expressed about the security of the animals and the potential for damage should any of the animals escape into surrounding fields currently stocked with sheep and cattle. There appears to be only one gate leading from the area into the adjoining field. The Council would like information regarding proposed security measures and contingency plans re potential escapes.
6. The environmental impact on surrounding properties and the village in general needs to be considered in relation to dog waste and bonfires.
7. Consideration should also be given to the possible impact on grazing land and stables with a dog care facility on the same site.
8. There is currently a static caravan on the site and the Council would like to know what is to happen to it.
9. No mention has been made of the opinions of local residents; support for the proposal appears to come from outside the village.

Because of these concerns, and the question whether this is the beginning of a much larger facility on the site, the Council register their objection in full and ask that the application go before a full planning committee for further consideration.

WDC Environmental Health: Recommend conditions on hours of operation and no customers dropping off, collecting or visiting the animals on site.

Public response(s): 7 letters of support have been received on grounds that this would be a good re-use of a redundant building and offers a great service to dog owners and is an ideal way to enhance their business.

ASSESSMENT

It is considered that the main issues relating to this proposal to be as follows:

- Principle of the use
- Impact on the Green Belt
- Impact on neighbours
- Other matters

Principle of the use

Policy RAP7 of the Local Plan states that proposals to re-use and adapt existing rural buildings will be permitted subject to certain criteria. These being that the building is of permanent and substantial construction; its condition makes it suitable for re-use/adaptation without extensive alteration, it protects the character and appearance of the countryside and the proposed use would not give rise to legitimate planning objections to outweigh the benefits of re-use or adaptation. It is considered that the re-use of part of the stable block which is currently redundant fulfils the above criteria and would not require significant adaptation. No extensions are proposed and externally only existing openings would be modified. It is considered that in principle the use of this part of the stables and an outdoor 'play' area as a dog day facility would be an appropriate use and would not conflict with the aforementioned Local Plan Policy.

Impact on the Green Belt

With regards to the impact on the Green Belt, paragraph 89 of the NPPF states that provision for appropriate facilities for (inter alia) outdoor recreation are appropriate as long as it preserves the openness of the Green Belt. There are no new buildings proposed; a 2 metre high chain link fence for the security of the animals is proposed but it is considered that due to the ability to 'see through' this fence, it would not result in unacceptable harm to the openness of the Green Belt such that it would be deemed inappropriate. Therefore the proposal is considered to comply with the objectives of the NPPF and to the purposes of including this land within the Green Belt.

Impact on neighbours amenity

The entrance to Bibury Cottage is opposite the site, although the cottage itself is located approximately 70 metres away from the part of the stables subject to this permission, and 80 metres away from the outdoor play area. The Council's Environmental Health Officer has visited the site and considers the proposal is acceptable subject to conditions agreed with the applicant, namely to revise its times and days of operation to be from 08.30 - 17.30 Mondays to Fridays (as opposed to 07.00 - 18.30 Mondays to Saturdays), to restrict customers from dropping off, collecting or visiting the animals, and to limit the number of dogs to 15 at any one time within the site. Furthermore, Environmental Health are satisfied with the arrangements proposed for the disposal of dog waste and measures taken to soundproof the internal space in order to protect the amenity of users of the site. It is therefore considered that there would be no conflict with Policy DP9 in the Local Plan.

In relation to highway access, given the applicant's willingness to accept the above conditions, there would be no visitors to the site as the way in which the business operates is that the dogs are collected from their owners in the morning and returned later on the same day, and no boarding is proposed. In this respect vehicle movements to the site would be minimal and there will be no unacceptable adverse impact on residential amenity of nearby properties, or harm to highway safety.

Other matters

The other objections received from the Parish Council are noted, although matters of security of the animals and impact on grazing land are not relevant to the consideration of the application. In relation to the existing caravan on the site, this has been deemed lawful, however, the owner has confirmed they are willing to remove this from the site should the development proceed.

CONCLUSION/SUMMARY OF DECISION

In the opinion of the Local Planning Authority, the use does not prejudice the openness and rural character of this green belt area and would not result in unacceptable harm to nearby residents and it is considered to comply with the policies listed.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the application form, site location plan and approved drawing number 740-02 and specification contained therein, submitted on 11 October 2012. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 No dogs except those owned by the owner/proprietor or the owner's or proprietor's family or employees shall be permitted to enter, occupy or use any part of the daycare facility for dogs before 08.30 or after 17.30 on any weekday or at any time on a Saturday, Sunday or Bank / Public Holiday. **REASON:** To protect the occupiers of nearby residents and to satisfy Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.
- 4 Customers of the daycare facility shall not be permitted to visit or enter the daycare facility at anytime. The delivery and despatch of customers dogs from the daycare facility shall be carried out solely by the operators of the business or their employees. **REASON:** To ensure that movements to and from the site are limited in order to prevent traffic generation in an unsustainable rural location in accordance with Policy DP7 in the Warwick District Local Plan 1996-2011 and to protect the amenity of residents in nearby properties in accordance with Policy DP2 in the Warwick District Local Plan 1996-2012.
- 5 No more than 15 dogs shall occupy the day care facility at any one time. **REASON:** To protect the amenity of nearby residents in accordance with Policies DP2 and DP9 in the Warwick District Local Plan 1996-2011.

- 6 No storage shall take place in the open part of the site. **REASON:** To ensure that the site is not used in a manner prejudicial to or likely to cause harm to the openness and rural character of the Green Belt in accordance with the National Planning Policy Framework.
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