

Planning Committee

24 May 2012

Reference:
APP/12/00300

Area Team:
South Team

Case Officer:
Miss A McDougall

Ward:
**Pensby and
Thingwall**

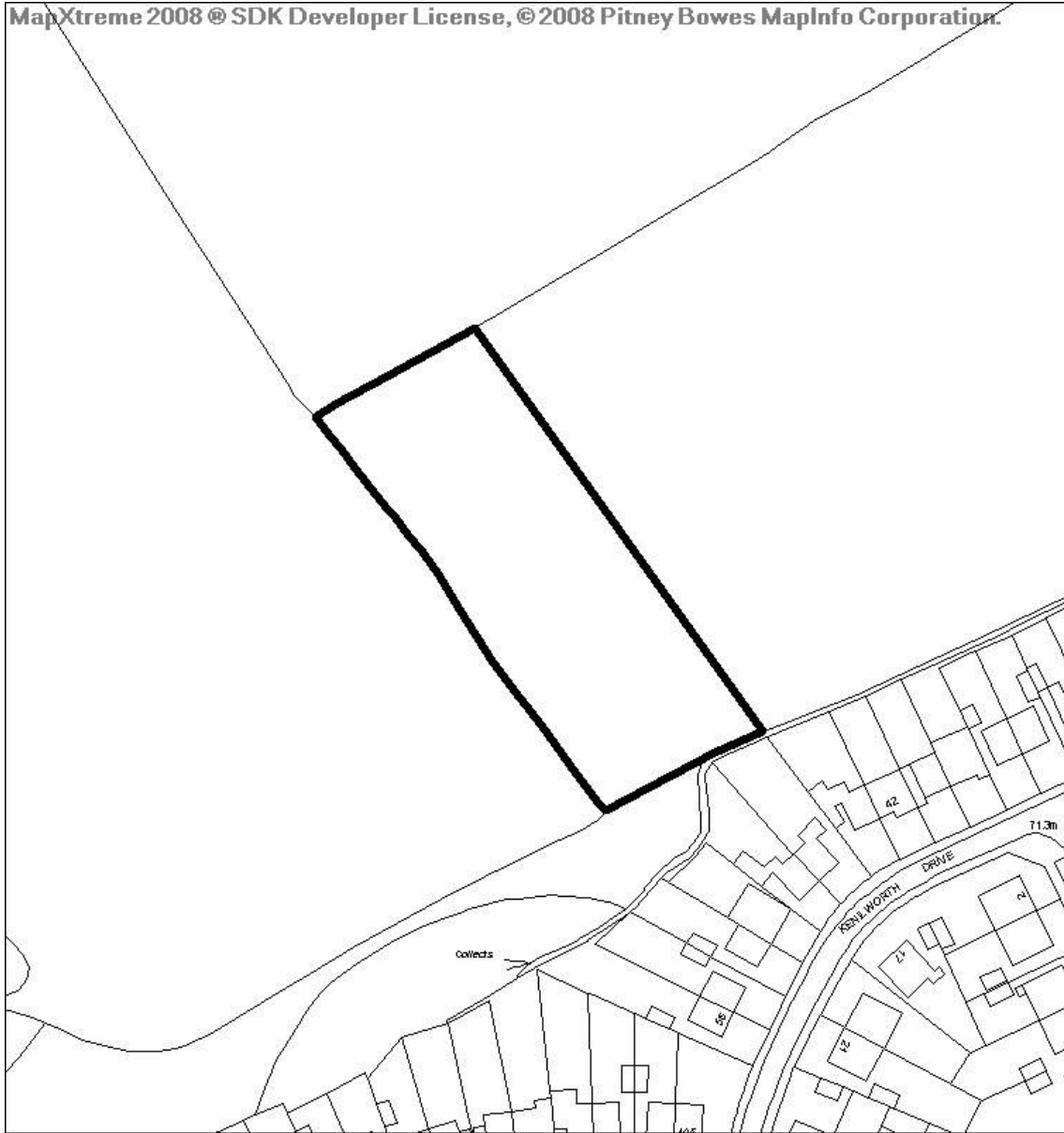
Location:
Proposal:

Amenity Open Space, CHATSWORTH ROAD, PENSBY
Proposed change of use of land from agricultural land to use for dog
agility training (non-commercial) Please see accompanying case for
support.

Applicant:

Prof Anne McArdle

Site Plan:



Development Plan Designation and Policies:

Primarily Residential Area
Green Belt
GB2
HS15

Planning History:

No planning history

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 17 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 1 qualifying petition of objection containing signatures from 32 separate households has been received and 12 separate objections have been received from S Gray (no address) 38, 42, 50, 52, 56 Kenilworth Drive, 31, 39, 41, 43, 63 Chatsworth Road and 564 Pensby Road listing the following grounds:

1. impact onto wildlife
2. noise
3. increase in traffic
4. parking problems
5. loss of agricultural land
6. garden aspect onto countryside
7. neighbouring horses/security
8. access maintenance

Three letters of support have been submitted.

CONSULTATIONS:

The Director of Technical Services (Traffic & Transportation Division): No objection

The Director of Law, HR & Asset Management (Pollution Control Division): Restrictive conditions

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection has been received on the grounds of parking, access and increased traffic in Chatsworth Road.

INTRODUCTION

The proposal is for a change of use from agricultural land to dog training (non commercial).

PRINCIPLE OF DEVELOPMENT

Having regard to Wirral's UDP Policy HS15 and considering Policy GB2, the development is acceptable in principle as it is an appropriate use within the Green Belt.

SITE AND SURROUNDINGS

The proposal is for non-commercial dog training on a piece of open Green Belt land. The land is to the rear of 44, 46, 48 and 50 Kenilworth Drive and is accessed via an existing farm track off Chatsworth Road adjacent to number 39 Chatsworth.

The site itself is Green Belt, but the land does bound residential properties to the south-eastern boundary, predominantly number 46 Kenilworth Drive.

POLICY CONTEXTGB2 Guidelines for Development in the Green Belt Policy

Within the Green Belt there is a general presumption against inappropriate development and such development will not be approved except in very special circumstances. Planning permission will not

be granted for development in the Green Belt unless it is for the purposes of:

- (i) agriculture and forestry;
- (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- (iii) the limited extension, alteration or replacement of existing dwellings, subject to Policy GB4 and Policy GB5;
- (iv) the limited infilling in existing villages, subject to Policy GB6, including limited affordable housing subject to local community needs;
- (v) the limited infilling or redevelopment of major existing developed sites identified under Proposal GB9;

Such appropriate development shall not damage the visual amenities of the Green Belt by virtue of its siting, materials or design.

HS15 Non-Residential Uses in Primarily Residential Areas Policy

Within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

- (i) be of such scale as to be inappropriate to surrounding development;
- (ii) result in a detrimental change in the character of the area; and,
- (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

APPEARANCE AND AMENITY ISSUES

The proposal is to use the land for training dogs, as such the proposed use does not harm the openness of the Green Belt. The main consideration is the potential impact of the use to the neighbouring residential uses. The applicant has submitted details to confirm that the number of dogs and frequency of training would be restricted to: 2 dogs at anytime, twice during a Monday to Friday cycle and once during a Saturday to Sunday cycle between 9am and 5pm.

Concerns have been raised with regards to noise, traffic and access. The restrictive conditions with regards to dog training would reduce the potential for nuisance to residential properties and keep the number of dogs being trained to a minimum. There is an existing access gate and track that leads up to the piece of land and no highway safety concerns have been raised.

With regards to access over land, this is a civil matter which concerns the land owners/users as is the safety of other animals such as horses on neighbouring plots.

Although the land is within the Green Belt, permitted development rights are intact with regards to boundary treatment therefore a fence can be constructed without planning permission, the dog agility training structures are not to be permanent features that would constitute development, and will be brought on to the site during training.

The use itself as a piece of land within the Green Belt does not harm the openness or the objectives set out to protect the Green Belt, the conditions proposed in terms of restricting the use of the land are considered to reduce any harmful nuisance to existing neighbouring properties. Therefore the

proposed scheme is acceptable having regard to Wirral's UDP Policies GB2 and HS15.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposal is for the use of land as dog training, the land is designated Green Belt that bounds residential properties as such hours and numbers of dogs are to be restricted so as not to harm amenities of neighbouring uses.

CONCLUSION

The proposed use does not harm the openness of the Green Belt and will not cause an unacceptable level of nuisance to the existing neighbouring uses. As such the proposed scheme is acceptable in this location.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The use is acceptable having regard to Wirral's UDP Policies GB2 and HS15.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The use of the land for dog training purposes shall be restricted to 2 days between the hours of 09.00 and 17.00 Monday to Friday and 1 day between the hours of 09.00 and 17.00 Saturday to Sunday.

Reason: Having regard to the amenities of existing neighbouring uses and Wirral's UDP Policy HS15.

3. There shall be no more than two dogs being trained on the application site at any one time during the hours of 09.00 and 17.00.

Reason: Having regard to the amenities of existing neighbouring uses and Wirral's UDP Policy HS15.

4. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 7 March, 2012.

Reason: For the avoidance of doubt and to define the permission.

Last Comments By: 18/04/2012

Expiry Date: 02/05/2012