

**Application Recommended for Approve with
Conditions
Briercliffe**

FUL/2022/0141

Town and Country Planning Act 1990

Proposed change of use from agricultural land to a dog walking meadow including 1.8m perimeter fencing, car parking area, dog play equipment and shelter. Resubmission of application FUL/2021/0734

Land To The South Of Granville Street Briercliffe Burnley

Reason for Committee decision: Objections have been received

Background:

The application site is an open field (approximately 3.98 acres) located outside the settlement boundary within the open countryside in which policy SP4 of Burnley's adopted Local Plan applies.

The site is accessed off Granville Street along a single unadopted lane which serves several residential properties around Musty Haulgh.

This application is a resubmission of FUL/2022/0141 which was refused for the following reason;

The proposed dog walking field together with its field shelter, parking area, gates and associated equipment would afford a greater level of visual prominence that would contrast to the character and appearance of the open countryside location in which it sits. The proposals are therefore considered to contrary to policies NE3 and SP5 of Burnley's adopted Local Plan (July 2018)

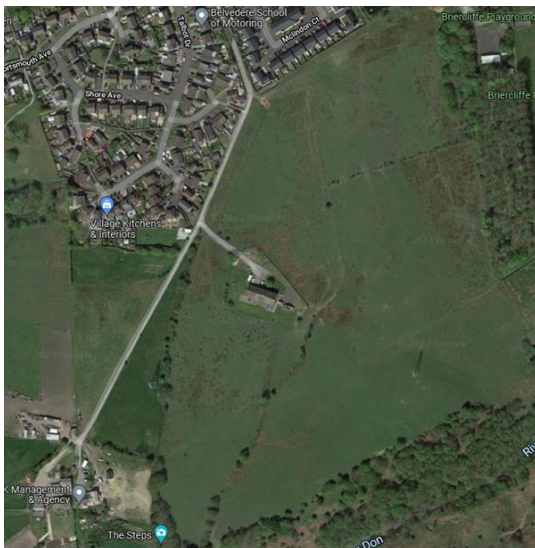


Photo 1: Google aerial extract



Photo 2: View from track to the east



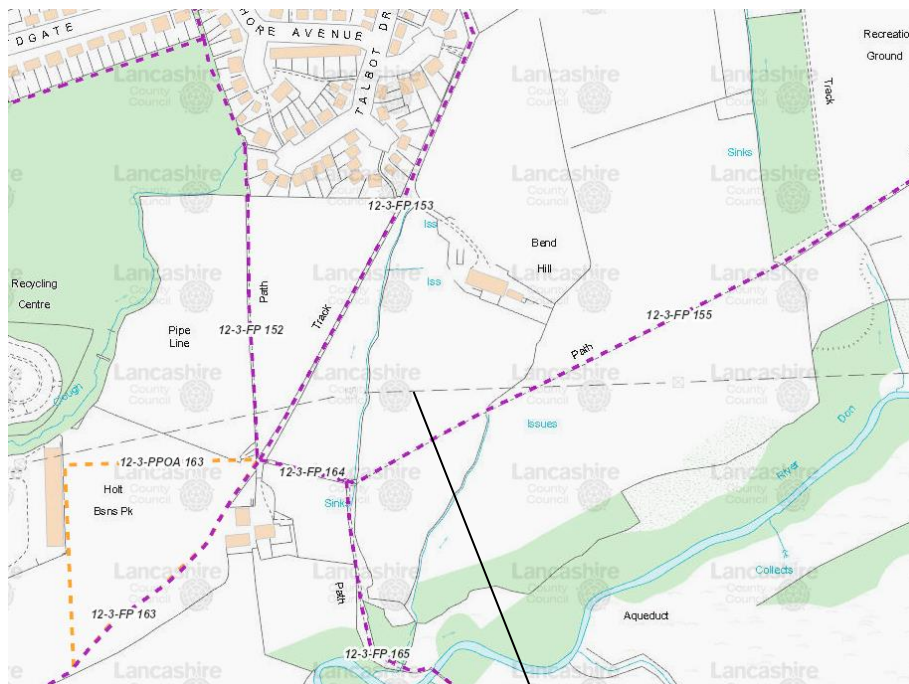
Photo 3: View of the site from the access track looking south east with Musty Haigh in the distance

The nearest properties to the site are;

Bend Hill which is a C2 residential institution and has a common boundary to the north, approximately 20m from the rear elevation to the proposed dog walking field.

Talbot Drive is located to the north east of the site. Properties 112 – 138 Talbot Drive back onto the access lane which is also a designated PROW Footpath No.153 and will be located approximately 30m away from the proposed car parking area.

Public Rights of Way (PROW)



PROW extract from www.mariomaps.co.uk

Footpath No. 153 is the access track which leads to the various properties around Musty Haulgh Cottage.

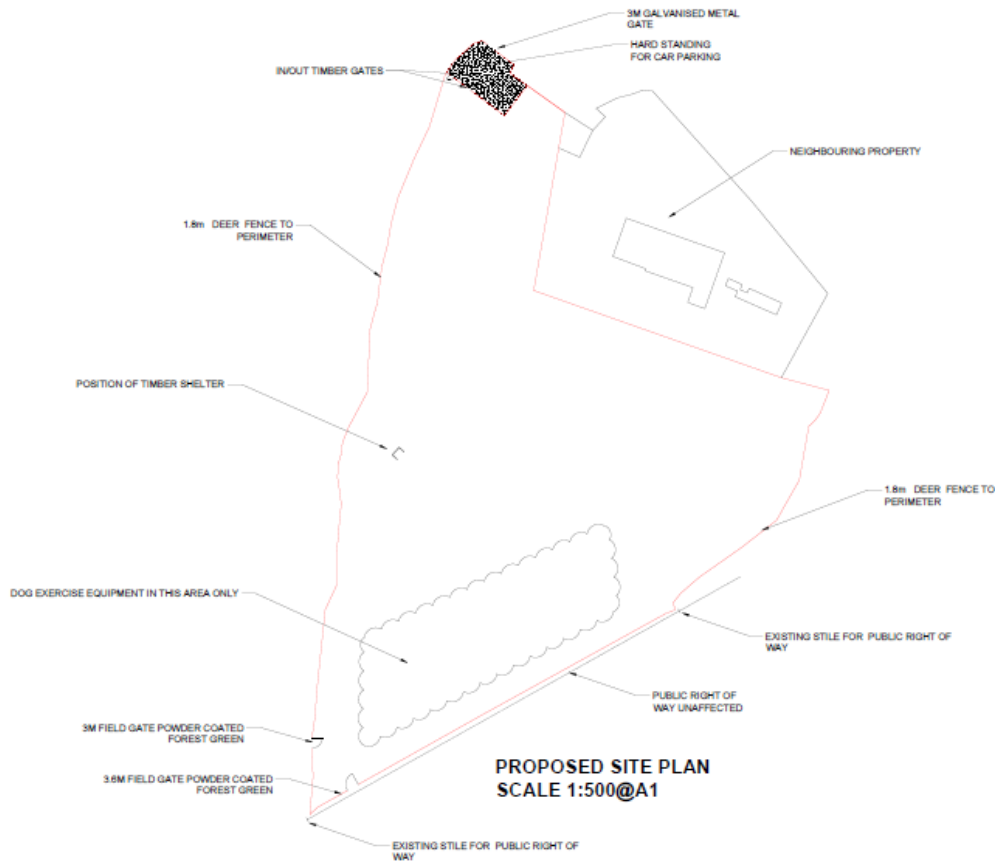
A second Footpath 155 crosses the field to the east of the site. In the previous application this came through the proposed exercise field which has now been altered and there is no diversion as part of this application.

Proposal

The application seeks consent for the change of use of an agricultural field to a dog walking field with the following elements:

Parking and hard standing area

Located to the northern edge of the application site and close to the top of the Lane, an area of hard standing will be created measuring 21m in length and 11m in width. The parking area shall be enclosed by a 1.8m high deer fence and internally will have 2, 1,2m wide gates for entry and exit to the field. The main vehicle access gates are 3m wide and 1.8m in height.



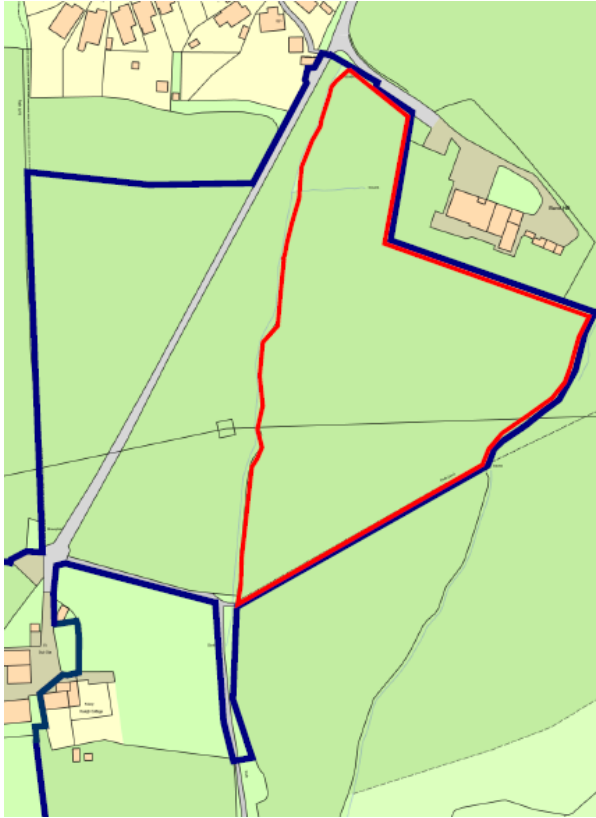
Plan extract: site of the proposal

Main exercise field

The exercise field will be enclosed by a 1.8m high deer fence which will consist of a 2m high timber posts with 1.8m high mesh inbetween. Further gates are also proposed for to the southern edge of the site which will enable the applicant to access the land with larger vehicles for maintenance.

The previous application put forward a plastic bus shelter as the main form of shelter to serve the proposed use. This was not considered to be appropriate for the rural location. A timber shelter is now proposed which will measure 3.1m in length, 2m wide and 2.7m to the top of the ridge and will be located to along the western side, almost half way in the field. Whilst the shelter will still be visible within the landscape, the design is appropriate to the context of the site.

In the previous application a range of dog equipment was put forward across a large area, the area has been reduced in size and is now at the southern edge of the site in a more controlled space. Due to the rural location, and concerns about possible clutter of the associated equipment a condition will be placed that ensures the equipment is only kept in the designated area in the interests of visual amenity of the area.



Plan Extract: location of the field in red

Operations of the site

Access to the field will be via a coded gate located at the car park to the northern edge of the site. Each session will need to be booked online before visiting and will last 50 minutes. A maximum number of dogs per visit will be 4

In terms of the management of the use bookings would be made via an online facility. Each customer would be issued with a pin code for the gate.

Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability
- NE3 – Landscape Character
- NE5 – Environmental Protection

National Planning Policy Framework 2021

Site History:

Ful/2021/0734 - Change of Use from Agricultural Land to a Dog Walking Meadow including 1.8m perimeter fencing, car parking area, dog play equipment and shelter. Refused 1/2/22

Consultation Responses:

Highways – no objection

With respect to this application, we would not wish to raise any objections to the development.

Should you wish to support the application we would look for there to be a limit on the number of vehicles to the site at any one time. This is to limit the number of additional journeys to the site. It is not expected however that the number of vehicles visiting the site would be sufficient to require the provision of any passing places or other highways measures. We would look for the following condition to be added to your decision notice.

*a) Dog day care facilities - limit number of vehicles.
The number of vehicles shall be limited to 4 cars on the site.*

Reason: To ensure that any future changes to dog numbers and the operation of the business can be fully considered by the Local Planning Authority, in consultation with the Highway Authority, and in the interest of highway safety.

Environmental Health –

Further to your consultation regarding the above application, Environmental Health has no objection in principle to the proposed development of the site, regarding noise, light, dust or odour nuisance, but would recommend that the following conditions are included as part of the approval if granted:

The maximum number of dogs allowed on the development at any one time shall be limited to four, with dog owners to be present at all times.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with policy SP5 of Burnley's Plan.

Publicity

Parish Council – no objection but the following comments:

There are properties that live close by and have provided their own comments
The PC want assurances that the parking and use of the lane will not become a future in the future
Would like the applicants to maintain the fence and that equipment be kept within the fence

Neighbour comments 7 letters of objection

- agricultural occupancy close by for sheep, cattle and horses. Concern over the use and disruption this may cause
- Opening hours are too much 6am – 9pm 7 days a week
- who will be monitoring and managing the security of the site
- how can you insure the people using the site are going to supervise their dogs

- health and well being will be impacted by the proposal due to noise and general disturbance
- parking would be better placed at the bottom of the lane
- difficult in accessing the rear of our property if vehicles are going to be parked
- access track not sufficient to carry additional traffic
- existing track is used regularly as it's a PROW and leads to other PROW's
- poor condition of the existing road, no street lighting
- close proximity to residential properties who would be impacted on noise and increased traffic
- no passing bays on the existing access track
- noise generated from the site and impact on surrounding properties
- insufficient width for pedestrians along the lane if used by vehicles accessing the site
- impact on wildlife and ecology, nesting birds, deer, native hedgerow

Letters of support 80 in summary

- Welcome safe space to walk dogs
- Good addition to the community
- Controlled environment

Planning and Environmental Considerations:

The principle of development

Main issues

The main issues in the consideration of this application are;

- Design and appearance
- the impact of the development on residential amenity
- traffic/parking

Design and Appearance

The site is located within the open countryside in which policy SP4 states '*policy will be strictly controlled.*' The current field is open in nature and free from any fixed structures aside from fencing.

The main physical elements of the application include; the wooden field shelter, deer mesh style secure fencing and the hardstanding and fencing around the parking area. It is considered that the fencing is appropriate in the rural landscape and improvements to the design and materials of the field shelter are considered appropriate. The parking area is close to the existing lane and does not involve the creation of a longer track which would have a visual impact on the countryside location.

In summary the physical structures proposed across the site are not considered to have a detrimental impact on the character and appearance of the area and is in accordance with NE3 and SP5 of Burnley's adopted Local Plan (July 2018).

Residential Amenity

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reason of overlooking.

The nearest residential properties to the site are Bend Hill to the north (approximately 20m) and 138 Talbot Road approximately 30m to the proposed car park area.

The proposed use would potentially see more general activity with comings and goings to the site both in terms of vehicle movement and people with their dogs which will generate some noise impact. As there is some separation from the field to the nearby properties it is not considered that the noise from the use would be significant and with appropriate conditions to limit the number of users to the site is not considered that noise impacts from the dogs will be detrimental to surrounding residential properties. It is therefore considered that the site is in accordance with policy NE5 of Burnley's adopted Local Plan.

Traffic and Parking

Access to the field will be down the existing lane which serves a number of other properties around Musty Haugh. The track is also a public footpath and appears to be well used.

There are no current passing bays along the stretch and there are concerns with the additional pressures put on the lane with the proposed development. It may be that customers walk to the site but there are no guarantees to this. Whilst the highways authority has not made a formal objection, they suggest a condition to limit the number of users to 4, which seems a reasonable and necessary condition to place given the existing width of the lane and use as a PROW.

Conclusion

The use of a field for dog walking is acceptable in the rural area. Amendments to the application including the design of the field shelter, smaller space for the dog equipment and reduction in area which does not impact PROW no. 155 makes the proposals acceptable subject to conditions to control the intensity of the use both in terms of hours of operation and the number of people and their dogs using the site.

Recommendation – that the application is approved subject to the following conditions

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: location plan dated 18/11/21, Proposed plans FR03, proposed site plan FR02

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. There shall be no more than 4 cars utilising the designated car park at any one time.

Reason: In the interests of highway safety in accordance with policies IC3 and SP5 of Burnley's adopted Local Plan

4. The maximum number of dogs allowed on the development at any one time shall be limited to four, with dog owners to be present at all times.

Reason: to ensure there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users in accordance with policy SP5 of Burnley's Plan.

5. All external equipment used in association with the dog walking meadow shall only be located within the designated area as shown on proposed site plan FR02 and shall not be moved without prior consent from the local planning authority.

Reason: In order to protect the rural character of the open countryside in accordance with policy SP4 of Burnley's adopted Local Plan.

6. The use hereby permitted shall only be open for customers between the following hours:

08:00 - 19:30 Mon - Fridays

08:30 - 18:00 Saturdays, Sundays and bank holidays

All customers must have booked in advance of any exercise visit. A booking slot shall last 50 min and 1, 10 minute gap inbetween booking slots.

Reason: In order to protect the rural character of the open countryside and to protect the amenity of surrounding uses in accordance with policies SP4 and NE5 of Burnley's adopted Local Plan