



Report of the Chief Planning Officer

South and West Plans Panel

Date: 9 June 2022

Subject: Application 21/05782/FU: Change of use of land (Paddock and Woodland) to outdoor pet recreation and exercise facility; erection of fencing at Annexe, Carr Farm Cottage, 74 Carr Road, Calverley, Pudsey, LS28 5QR

Applicant: Mrs N Goodhall

Electoral Wards Affected:

Calverley

Yes Ward Members consulted:
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Refuse PERMISSION subject to the following reason:

The Local Planning Authority consider that the use would be unacceptable in close proximity to residential properties due to undue levels of noise and disturbance resulting from barking dogs throughout the day with no method of attenuation that could adequately mitigate for the noise emissions resultant of the proposed use. Therefore, the proposed use would be contrary to the aims of Core Strategy Policy P10, Saved Unitarity Development plan Policy GP5 and the Policy contained within the National Planning Policy Framework (2021).

Introduction

- 1 This item was reported to Plans Panel on the 17th February 2022. A copy of the full Officers Report relating to the item is included below and this report should be read as an addendum to that earlier document and read as a whole.
- 2 The item was deferred at Plans Panel to give consideration to the following:
 - Use of a potentially smaller area within the site;
 - Reduced or staggered hours of use;
 - Reduction in the number of dogs at any one time;
 - The provision of acoustic fencing;
 - Surfacing of the parking space within the paddock area; and
 - Comments from Environmental Health on the noise report.
- 3 The applicant has submitted information to address some of the points noted above, while the Noise Impact Assessment (NIA) that was issued by a neighbour on the 15 February 2022 was to be passed to Environmental Health Officers (EHO) to obtain a view. The NIA has subsequently been supported by a second NIA, both have been reviewed by EHO and the findings will be set out in the below report. Members are asked to note that the NIA were issued very late in the process of the application and Officers had no opportunity to consult with EHO. However, following consultation with the EHO Officer it is appropriate to reconsider the recommendation taking account of all material considerations.
 - i. Acoustic fencing along boundary with No 28 Clara Drive (with additional buffer planting) and parallel to Clara Drive at rear of site.
 - ii. That the Applicant would be agreeable to:
 - 4 dogs on site at any one time or
 - A maximum of 2 dogs on site between the hours of 08:00 to 11:00
 - A maximum of 8 dogs on site between 11:00 to 14:00 and then ..
 - A maximum of 2 dogs on site between 14:00 to 20:00.
 - iii. A condition to ensure no external lighting of the area proposed for use.
 - iv. A condition regarding suitable discrete hardsurfacing of one parking space to be provided in secure area (i.e. grasscrete/crushed stone or similar).
 - v. That the Applicant could consider the possibility of winter closure for several months.
 - vi. That the Applicant could consider whether woodland area could be removed from application.
- 4 In addition to the above a further objection has been submitted challenging thLPA's conclusions on the appropriateness of the use of the land within the Green Belt. The objection raises questions that the development is not

essential (as set out in saved Policy N33 of the Leeds UDP) and no very special circumstances have been demonstrated to outweigh the asserted inappropriateness set out within the legal view. This report expands on this at paragraph 13.

Response from the Applicant to points i – vi

Acoustic fencing

- 5 The Applicant has confirmed that she would be agreeable to the implementation of acoustic/close-board fencing around the site, for privacy and added security for the dogs. However, Officers have concerns that this would not be in keeping with the woodland or Green Belt characteristics and this concern was voiced during the pre-application process. However, the Applicant agrees with the principle of acoustic fencing to assist mitigation of noise impacts. The fencing could be sited along the boundary of No.22 Clara Drive without undue harm to the characteristics of the area.

Maximum numbers and winter closure

- 6 The Applicant has also set out her agreement to limiting the professional dog walkers to the middle part of the day. The Applicant has also produced the below table to set out the themes of use, which also indicates shorter hours during the winter months. The Applicant has also noted that in reality, they may have to close for a number of weeks during the winter as the ground condition may become unsuitable for use but has voiced concern regarding the imposition of a condition to regulate a winter closure.

	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH
8-9am	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3
9.15-10.15am	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3
10.30-11.30am	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3	1-3
11.45-12-45	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8
1-2pm	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8
2.15-3.15pm	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8	1-8
3.30-4.30pm	1-3	1-3	1-3	1-3	1-3	1-3	1-3				1-3	1-3
4.45-5.45pm	1-3	1-3	1-3	1-3	1-3	1-3	1-3				1-3	1-3
6-7pm	1-3	1-3	1-3	1-3	1-3	1-3	1-3				1-3	
7.15-8.15pm	1-3	1-3	1-3	1-3	1-3	1-3	1-3					

Lighting

- 7 There are no plans to add any external lighting and the Applicant confirms that the operations would cease in hours of darkness.

Parking space

- 8 The Applicant confirms that a suitable all weather parking space would be in the secure area. This matter could be secured by condition.

Removal of woodland from the plan

- 9 The Applicant states that the woodland will provide a valuable resource for the proposed use and the animals using it. The paddock would work for one-to-one training but would be too small to use for exercising and has said that without the woodland the business would not be viable. However, the Applicant has agreed to move the proposed fence back 5m from Clara Drive.

Environmental Health review and finding of the NIA's

- 10 On the 15 February 2022 an NIA was submitted giving Officers no opportunity to consult with EHO before the panel date of the 17 February 2022. A further NIA and supporting letter from the noise consultant acting for the resident were received on the 7 and 10 March 2022. All three documents were passed to Environmental Health for assessment. This report now moves to set out the findings of EHO.
- 11 EHO advise that it is common for Environmental Health Departments to receive complaints regarding barking dogs due to the perceived 'loudness' and character of the noise which can be persistent and/or intermittent. Implementing mitigation measures to reduce noise would be very challenging as dogs can be difficult to control through varying factors and scenarios (e.g. becoming excited and playful in groups/pairs). Environmental Health would treat noise from the proposed use as commercial noise source. In the event of complaints and any subsequent formal action, the operator can use 'Best Practical Means' (BPM) as a defence against nuisance (BPM is not applicable in a domestic scenario). Therefore, formal action using nuisance legislation may fall short.
- 12 There is no recognised international or British standard that recognises an assessment methodology for dog barking. The closest methodology would be to consider maximum noise levels contained within World Health Guidance and also recognised within Leeds City Council planning and noise guidance. However, this is only applicable during evening/night time, so there are no maximum noise levels for daytime noise. Nonetheless, EHO have used this criteria for this assessment of impact.
- 13 In the NIA the noise consultant has used typical sound power levels for 'barks', applied character correction and undertaken sound propagation calculations from various parts of the land to calculate noise levels at the NSR. The sound power level and correction factor for dog barking applied in the calculation appear reasonable. Predicted levels from the adjacent house on

Clara Drive range from 50 to 74 dB from various locations, which the report states exceeds World Health Organisation maximum prescribed levels. These levels provided would be perceived intrusively by residents of No.22 within their internal and external areas, and EHO advise that it is likely very difficult to 'avoid' noise impacts wherever neighbours were within the property. Although the report does not provide background or ambient noise levels, EHO visited the site and experienced distant traffic, but given the levels submitted in the report, the existing noise environment is highly unlikely to provide sufficient masking. Moreover, The NIA alludes to a number of factors which would contribute to loss of amenity including duration, frequency of barking, factors, which remain unknown. However, leaving dogs in external areas will generate noise, which may be difficult to avoid. Subsequently, EHO take the view that given the predicted noise levels, and perceived disturbance factor associated with barking dogs, the evidence indicates barking will be intrusive in both internal and external areas of No.22 Clara Drive, leading to an unreasonable loss of amenity. Implementation of noise mitigation measures by the Applicant would be difficult with over reliance on noise management strategies. Environmental Health have therefore recommended that the application be refused.

Other Matters

- 14 In addition to the above and since the panel of the 17 February 2022, a Barrister had been instructed by local residents to provide a legal opinion on the appropriateness of the use within the Green Belt and matters of noise disturbance. This issue was raised during the plans panel of the 17 February. The matter of the appropriateness of the use within the Green Belt has set out in the panel report presented to Members at the 17 February 2022 has been challenged against the criteria of Saved Policy N33 and focuses on whether or not the proposal is an 'essential facility' as set out in bullet point 6 of Policy N33. There has also been a challenge regarding the Legal Officers advice to Panel on the 17 February 2022. The Council's legal department has reviewed the correspondence and confirm in regards Saved Policy N33 which reads as follows:

N33: Except in very special circumstances approval will only be given in the Leeds Green Belt for:

- construction of new buildings for purposes of agriculture and forestry; essential facilities for outdoor sports and outdoor recreation; essential facilities for the park and ride sites shown on the proposals map; and other uses compatible with green belt purposes;*
- limited extension, alteration or replacement of existing dwellings;*
- limited infilling and redevelopment of identified major existing developed sites;*

- *limited infilling in villages and limited affordable housing for local community needs.*
- *re-use of buildings, where all the detailed criteria of policy gb4 are satisfied;*
- *change of use of land for purposes which do not compromise green belt objectives;*
- *cemeteries.*

Development within the green belt will only be permitted if it conforms to the detailed green belt policies contained in appendix 5 in volume 2.

- 15 The objectors have focused on bullet point 1 of the Green Belt exemptions, claiming that this was not an essential facility for outdoor sport and outdoor recreation. However, in the light of the fact that the application is submitted as a change of use of land to dog exercise facility and ancillary operational development e.g. fencing around the perimeter, the legal department consider the proper approach and correct part of the policy for this purposes is bullet point 6 - change of use for purpose which do not compromise the Green Belt objective. Accordingly, under bullet 6 of N33, there is no requirement to apply an essentiality test. If the principle of that use is established, you could apply the first part of the policy to the proposed fencing, and as the Legal Officer noted at the 17th February Panel, Members would need to take a view as to whether or not that fencing was essential for the dog training facility.

Conclusion

- 16 Given the views of Environmental Health and taking into account all material planning considerations for this application, on balance therefore it is appropriate that the recommendation for this application should be to refuse planning permission due to the significant concerns that EHO have presented. Therefore, the proposal is now not considered to comply with the aims of Core Strategy Policy P10 or saved Unitary Development Plan Policy GP5 or with the Policy of the National Planning Policy Framework (2021) as a result of the potential harm to the living conditions of nearby residents through noise and disturbance from barking dogs and it is recommended that planning permission be withheld for the reason set out at the head of this report.



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Applicant: Mrs N Goodhall

Electoral Wards Affected:

Calverley

Yes

Ward Members consulted:
(referred to in report)

Specific Implications For:

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RECOMMENDATION: GRANT PERMISSION subject to the following conditions

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Conditions:

1. Time limits
2. To be implemented in accordance with the approved plans
3. Hours of use to be restricted to 08:00 - 20:00 Monday to Saturday and 09:00 – 18:00 on Sundays and Bank Holidays
4. The use hereby permitted shall only be used by one family or group/trainer/walker at any one time. The use shall only be operated by a pre-booking system, and there shall be a 15-minute interval between each booking, to allow the previous customer to vacate the site, prior to the arrival of the next customer.
5. Waste collection provision
6. Details and Implementation of cycle parking
7. Vehicle spaces to be laid out
8. Approved Sightlines / Visibility Splays The access hereby approved shall not be brought into use until works have been undertaken to provide the sightlines / visibility splays shown on the approved plan ref P002 REV A; to an adoptable standard. These sightlines / visibility splays shall be retained clear of all obstruction to visibility greater than 1.0m in height above the adjoining carriageway for the lifetime of the development.
9. Prior to occupation of the development, the off-site highway works as shown on plan P002 REV A comprising 4.8m wide access for the first 10m and 4.0m kerb radius at the A657 Carr Road / Carr Farm Cottages junction shall be fully delivered.
10. Details and Implementation of the EVCP
11. No more than 8 animals shall use the development permitted at any one time

INTRODUCTION:

1. This application has been brought to Plans Panel at the request of Councillor Andrew Carter due to concerns that the proposal is an inappropriate development in the proposed location. The proximity to houses on Clara Drive which form part of the Calverley Conservation area, and the end use would lead to noise nuisance.
2. Impacts on the Conservation Area and wider impacts from noise and disturbance are material planning considerations, therefore the request meets the test set out in the Officer Scheme of Delegation, and it is appropriate to report the application to Panel for determination.

PROPOSAL

3. The proposal refers to the change of land to the rear of No.74 Carr Lane to a dog training and exercise facility. The existing use of the land is a paddock that is accessed from the rear of No.74 and an area of woodland that is accessed from the paddock through a gate. This woodland then terminates at the road running along Clara Drive.
4. The facility would be open to use on a half-hourly basis with 15 minutes in between each session to obviate any cross-over issue through parking and number of animals of site at any one time. The site would be booked and paid for on-line and only open to one family/friend group/dog walker per booking. The supporting documentation submitted with the application states that the use best suits animals undergoing training, those with an aggressive or reactivity issues and animals that owners do not wish to let off the leash.
5. The maximum number of animals of site at any one time would be eight.
6. Staffing levels would be two full time and one part time member of staff and a member of staff or the Applicants family would be on site at all times through the hours of use.
7. Running to the western side of the proposed training and exercise area and the area of woodland is an area of the land that would be retained as a wildlife corridor, with the aim of not impeding wildlife.
8. Three parking spaces would be allocated for the proposed use located to the rear of the main house and access into the site would be as it is for the occupants of the existing residential buildings at this location, namely from Carr Road and an existing access route that extends around 72m from Carr Road. The parking area proposed is an existing hardstanding that is to be utilised.
9. The woodland would be bound by stock-fencing only with a 2m set back from the road serving Clara Drive.
10. The proposed hours of operation are noted on the application form as the below, although the Applicant states that in Winter (i.e. shorter hours of daylight) the hours shall terminate at 16:00:
 - 08:00 to 20:00 Monday until Saturday
 - 09:00 to 18:00 on Sundays/Bank Holidays
11. The paddock area would be bound by a timber post and rail fencing (max height 2m), not unsimilar to the type one could expect to see around a manege.

The submitted details indicate that this fencing would have wire mesh between the posts at the first two spacings from ground level with the final gap open.

SITE AND SURROUNDINGS:

12. The site refers to 'The Annexe, Carr Farm Cottage, 74 Carr Road, Calverley. The site sits within the Green Belt and The Calverley Conservation Area (Character Area 3 – Historic Field Pattern and adjacent to Character Area 4 - Calverley Woods). Moreover, the site and its neighbouring property (No.76) are Grade II Listed Buildings. Both properties are in residential use. Carr Farm Cottage "No.74" is a two storey, stone built former farmhouse of typical design and appearance. It is set within the spacious historic field pattern of character area 3 of the Conservation Area and are isolated forms of development when considered within the context of Carr Road and the later C19 development and the developments through the C20 of the sub-urban area
13. The site is accessed from an historic access point that punctuates the dry stone wall from Carr Road and extends around 72m towards the No.74. Open fields sit to the front and side of the house and the access route side creating a distinctly different character to the more densely developed residential areas that are located to the opposite side of Carr Road.
14. No.74 and its direct neighbour (No.76) are former farmhouses and agricultural buildings and pre-date the surrounding development on Carr Road and Clara Drive. The spacious setting of fields and adjacent woodland are clear connections to the former agricultural use of the site. The access route is an historic one and would have been the primary access for the historic agricultural operations (now ceased). At the rear of No.74 is an existing hard-standing area that provides parking facilities away from the site's frontage.
15. The site backs onto an area of paddock with a small former stable block located to its southern boundary closest to the rear of No.74. This is well screened from the public realms of Clara Drive to the north and Carr Road to the south and is a discreet and private space away from the majority of the residential sites that run along Clara Drive, except for those properties that sit directed to the east of the paddock; No.28 Clara Drive, who's garden sits adjacent but is divorced from sharing the side boundary by an of landscaping and tree coverage.
16. Beyond the paddock is an area of woodland, which appears to act as a buffer area between the paddock and the road that runs along Clara Drive, rather than an area in which people spend time. This seems more likely to occur to the north where access into the main woodland can be achieved. Opposite this area of woodland is the access to Champion House (a Care Home also catering for nursing physical disabilities) and two dwellings. These sites are separated from the woodland by the road of Clara Drive.

17. Whilst the paddock is not read directly from Clara Drive, the woodland is. It is highly visible from the access road along Clara Drive and presents all the characteristics of a natural environment, but it is also evident that the section of woodland that runs along the southern side of Clara Drive acts to line the drive in visual terms, as well as having ecological benefits. The body of the woodland, and the area that is used for recreational purposes (i.e. walking, horse riding, cycling, dog walking etc) is located to the north of the road. Access into the wood from this point is easy and well used. There are also other access points into the body of the woodland as one progresses up Clara Drive.

RELEVANT PLANNING HISTORY:

18. The Applicant engaged with the LPA through a pre-application submission (Reference PREAPP/21/00210. Officers response to this was that:
- The proposed use for a secure dog training and exercise area was an acceptable use within the Green Belt and was considered to fall under a definition of 'recreation'.
 - Paddock: Advice was given that the enclosure of the paddock would be acceptable in principle subject to details of the propose fencing and that an overly sub-urban feature should be avoided to enable a contextual form of development within the setting and characteristics of the Green Belt and the Conservation Area as well as the direct impacts towards the Listed Buildings (No.s 76 and 74 Carr Road).
 - Woodland: Officers highlighted that this part of the site would require a more sensitive response. Officers stated that ideally there should be no enclosure, and this would then leave the woodland open and allow it to blend with the wider area and allow the movement of wildlife without impeding the ecological habitat. It was set out further that in the event of a full planning application and the intension remained to use the woodland then the Applicant would be required to demonstrate that any enclosure would appear contextual whilst not interfering on the habitat and routes for wildlife.
 - The pre-application advised that no works to the existing track would be required (widening at the access point to provide sightlines) but as will be set out below it has since been determined by highways that such works are required.
 - The Applicants attention was drawn to the welfare of the trees and their protected status by virtue of Conservation Area.

- It was also advised that the LPA would look to regulate use through planning conditions to control hours, capacity of animals and number of walkers/trainers family group users).

HISTORY OF NEGOTIATIONS:

19. The matters of visibility and access width has been a drawn out matter for consideration with Highways and the Applicant. This has acted to delay the application reaching Plans Panel, but highway safety matters are now considered to be presented within the application details as acceptable and highways officers have been able to provide support (as set out in the below report).

PUBLIC/LOCAL RESPONSE:

20. This application was advertised by 1 x site notice dated 6 August 2021 and in the Yorkshire Evening Post published on 25 August 2021 as it affected the setting of a Listed Building and the character of a conservation area. This has attracted 42 letters of objection and 47 letters of support.

Ward Members

21. In addition Councillor Andrew Carter as set out the below:

“I wish to request that the above application goes to a panel of elected members. I do so because I do not believe that it is an appropriate development in the proposed location. The proximity to houses on Clara Drive, part of the Calverley Conservation area, is much too close, the conditions are not strong enough and will undoubtedly lead to noise nuisance. It may be possible to locate this area further away from houses and I think there should be a site visit by elected members to view for themselves what I believe to be the difficulties. There is insufficient screening from existing properties because the location proposed is not suitable”.

22. The material planning issues raised by the objections are summarised below:
- Increased levels of noise and disturbance through animals barking and owners/walkers/trainers calling out to the animal.
 - The proposed hours are at unsociable times.
 - The proposal would result in increased levels of traffic along Clara Drive.
 - The use of the Carr Road access would be intensified to levels that represent a highway safety concern.
 - There should be no clearance of the wooded area, which should be left in its natural state.
 - The proposed fencing would be uncharacteristic and unsightly within its context and have an adverse impact on the character of the Conservation Area.
 - The site is of inadequate size for the intended use

- This is not an appropriate location for the proposed business.
- The proposed fence would impede the movement of wildlife
- The presence of dogs would be harmful to wildlife
- The use will be harmful to the heritage and character of the area
- There are already numerous dog walkers within the area that park along Clara Drive
- The change of use could in time result in planning permission granted for a house.
- Any further planning changes could affect the historic field pattern.
- There are already existing facilities within Calverley.
- The use will be for profit and not to contribute to the community.
- The Deeds of houses on Clara Drive restrict business operations from the drive.
- Dog faeces is already an issue along Clara Drive and the woods.
- Existing commercial dog walkers already park along Clara Drive and create traffic congestion.
- There would be tree removal and damage to the wooded area
- How will the BT cable running through the site be dealt with?
- Concerns over public safety from dog attacks.
- Overlooking
- Harm to the historic field pattern within the Conservation Area
- Additional litter
- Highways capacity increases and additional vehicular movement would increase carbon emissions and reduce air quality
- The use is not acceptable in Green Belt principle

23. The material planning issues raised by the supporting letters are summarised below:

- The use benefits the increasing number of dog owners
- Many other local facilities are located too far away and are too busy.
- There is a need for safe and secure space to exercise dogs in Calverley
- The location of the use would not cause undue inconvenience.
- The proposal offers an excellent alternative to busy parks and woodland.
- This is a much needed facility in the local area.
- Good use of the land and of benefit to the area.
- There would be no adverse implications on wildlife.
- The use would be safe and organized.
- Such uses are self policing to ensure maintenance of an appealing environment.
- The use would have a positive effect on the community.
- There are not enough facilities of this type.
- Good to see local businesses flourish.
- Such facilities should be encouraged by the Council.
- The use would provide a safe environment for dog owners.
- The woods would always be used so it seems unlikely the proposal adds to any existing pressures on parking or infrastructure.

- Provides an area away from competing activity in the woods (e.g. horses and cyclists)
- This business is proposed by a responsible and experienced dog walker.
- All traffic would be from Carr Road and not Clara Drive.
- No trees would be lost.
- The use retains the woodland and the paddock.
- The mix of the woodland and paddock would provide enough stimulus for the dogs to reduce barking

CONSULTATION RESPONSES:

24. Highways:
No objections subject to conditions.
25. Ecology
No objections
26. Flood Risk Management
No objections

PLANNING POLICIES:

27. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that Planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the Core Strategy (as amended 2019), saved policies from the Leeds Unitary Development Plan (2006), the Site Allocations Plan (2019) and the Natural Resources and Waste Development Plan Document (2013) the Aire Valley Leeds AAP, as well as any made neighbourhood plans.
28. Relevant Policies from the Core Strategy are:
- GENERAL POLICY: Presumption in favour of sustainable development
 - SP1: Location of development in main urban areas on previously developed land.
 - P10: Design, context, and amenity consideration
 - P11: Heritage
 - P12: Landscaping
 - T2: Accessibility
 - EN5: Managing Flood Risk
 - G9: Biodiversity
29. Relevant Saved Policies from the UDP are:
- GP5: General planning considerations
 - N23/N25: Landscape design and boundary treatment.

- N33: Green Belts

Supplementary Planning Guidance and Documents

30. The following SPGs and SPDs are relevant:
- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds
 - Street Design Guide
 - Calverley Conservation Area and Management Plan

National Planning Policy

31. The National Planning Policy Framework (NPPF). One of the key principles at the Heart of the Framework is a presumption in favour of Sustainable Development.
32. The below sections of the NPPF are considered to be most relevant:
- Section 2: Achieving sustainable development
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting sustainable transport
 - Section 12: Achieving well design places
 - Section 13: Protecting Green Belt land
 - Section 15: Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment

Legislation

33. Conservation area: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area of any functions under the Planning Acts, that special attention shall be had to the desirability of preserving or enhancing the character or appearance of that area.
34. Listed Building: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Listing Details

35. Grade II. House. Mid C18. Hammer-dressed stone, stone slate roof. 2 storeys. 2-cell central-entry plan. Quoins. Doorway has tie-stone jambs. Flat-faced mullioned windows, that to ground floor left has slightly recessed mullions and 3-lights with same above; that to right of 3-lights with 2-light window above. Coped gables with kneelers. End stack to left.
36. **MAIN ISSUES**
- Principle of Development
 - Character and appearance
 - Implications of the heritage assets
 - Impact on residential amenity
 - Biodiversity/Trees
 - Highways
 - CIL
 - Other issues

APPRAISAL

Principle of Development:

37. Spatial Policy 1 of the Core Strategy relates to the location of development and confirms the overall objective to concentrate the majority of new development within and adjacent to urban areas, taking advantage of existing services, high levels of accessibility, priorities for urban regeneration and an appropriate balance between brownfield and Greenfield land. This site is located within the village of Calverley which has good access to public transport routes and amenities, within the village and accessible locations within Bradford, Pudsey and Leeds. The site can be regarded as a sustainable location.

Green Belt Policy

38. The main principle is whether the proposed use is an appropriate form of development due to its siting within the Green Belt. This section of the report will move now to discuss now to discuss the matter of Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 137 of the NPPF)
39. Paragraph 138 of the NPPF set out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and

other urban land.

40. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (para's 147-148 of the NPPF). Paragraph's 149-150 provide a list of exceptions to the presumption of inappropriate development within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The most relevant parts are noted below:
- Paragraph 149 part (b): The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - Paragraph 150 (e): Material changes in the use of land (such as changes of use for outdoor recreation.
41. Saved UDP Policy N33 is in general accordance with the NPPF but requires 'essential facilities' rather than the NPPF's requirement to amount to 'appropriate facilities'. It is considered that dog exercising and training can be regarded as outdoor recreation. Representation has been received that challenge that assertion, however Officers are of the view that such activity does represent a recreational use (e.g. walking, obedience training and agility pursuits/play that could reasonably occur within the limits of the proposed operation). Therefore, Officers consider that the proposed use would fall with the list of exceptions as set out within the NPPF subject to the test of openness of the Green Belt.
42. As Members will be aware openness is a concept that also includes development responding to the characteristics of the Green Belt as well as the absence of development and the purposes of including land within it. The variables to consider here in terms of the impacts on the openness are if the use would attract any paraphernalia that would be incongruous within the character and landscape of the Green Belt and if the intensification would be harmful through undue levels of urbanisation.
43. The use would be limited in terms of the number of users, animals and patterns of use. It is wholly reasonable that a site within the Green Belt would attract visitation and Officers are not of the opinion that the intensification of the proposed through additional vehicular movements, additional animals on site (above that which would generally be attached to domestic use), and any training and play equipment would represent incongruous features within the Green Belt landscape. The proposed timber fencing would be akin to that fencing common around a menage and that is accepted within Green Belt and

rural landscapes and the proposed 2m tall post and rail fencing would mimic that arrangement as this is considered to be acceptable in this location. Within the woodland the stick fencing is a common feature within Green Belts also and used to control livestock. As such the type, design and materials of the proposed enclosure are considered to be representative of accepted forms of fencing within Green Belts, and therefore do not detrimentally impact on the spatial dimension of openness.

44. Moreover, whilst there is limited impact on openness through the physical presence of the fencing there would also remain good level of permeability through the woodland and paddock. Officers are therefore of the view that there would be no undue or adverse impacts on the openness through the scale, location and design of the fencing.
45. The proposal is considered an appropriate use within the Green Belt and the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Therefore, no very special circumstances are required to be demonstrated. Furthermore, the proposed use would not fracture the five purposes of including land within the Green Belt. The principle of development is considered to be acceptable and accords with the aims of Saved UDP Policy N33 and the policy of the NPPF.

Character and Appearance

46. Policies within the Leeds development plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings and reinforce local distinctiveness. Paragraph 134 of the NPPF states that development that is not well designed should be refused. Policy P10 of the Leeds Core Strategy deals with design and context and states that new development, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function. Developments should respect and enhance, streets, spaces and buildings according to the particular local distinctiveness and wider setting of the place with the intention of contributing positively to place making, quality of life and wellbeing. Proposals will be supported where they accord with the principles of the size, scale, design and layout of the development and that development is appropriate to its context and respects the character and quality of surrounding buildings, the streets and spaces that make up the public realm and the wider locality.
47. The proposed site layout would fundamentally remain the same but for the boundary treatment around the paddock and woodland area. As set out above Officers take the view that the design, scale, materials and design of these treatments are contextual to the Green Belt surroundings and this needs not be repeated in this section. In terms of the car parking and other servicing element of the scheme these would be sited close to the building in a similar arrangement that the existing residential use could attract i.e. cycle and bin storage and EVCP's.

There would be no change to the buildings on site and from Carr Road there would be no evidence of any change of use to the rear of No.74. From Clara Drive the fencing would be more evident but this is not considered to represent an incongruous form of development within the field and woodland setting that the site sits within. The retained trees would retain the main feature when travelling along Clara Drive and the Applicants clearance within the woodland of any debris that may have laid within this area of woodland or natural materials does not remove the prevailing character of a natural environment.

48. Any signage (not proposed as part of this scheme) where express consent may be necessary under the Town and Country Planning (Control of Advertisements) Regulations 2007 would be subject to separate legislation.
49. The scheme is considered to be compliant with the aims of Core Strategy Policy P10 saved UDP Policy GP5, the general aims of saved UDP Policy N33 and the Policy of the NPPF.

Implications of the Heritage Assets

50. Core Strategy Policy P11 requires the conservation and enhancement of the historic environment, including historic buildings, townscapes, landscapes locally significant undesignated assets and their settings. In NPPF terms the proposal would result in 'less than substantial harm to a designated heritage asset' i.e. the Listed Buildings (No.s 74 and 76 Carr Road) and the Conservation Area, especially character area's 3 and 4 as identified within the Calverley Conservation Area Appraisal and Management Plan (CCAAMP).
51. The NPPF sets out that great weight should be given to the asset's conservation) when considering the impact of a proposed development on the significance of a designated heritage asset (paragraph 199) and any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200) and any harm should be weighed against the public benefits being delivered (202).
52. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Whilst Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs LPA's to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
53. The site is identified within the CCAAMP as sitting within character area 3 which refers to the historic field pattern. The site is specifically noted within the CCAAMP as a positive building and is pictorially identified. Character area 3 sits north of Carr Road and presents a distinctive character from other parts of the village and the CCAAMP notes it has been generally unaltered from the

patterns recorded in 1755 and the historic field pattern makes a considerable contribution to the character of the village. Moreover, the application site (identified in the CCAAMP as Carr Farm) is also shown on the 1755 survey. It dates mainly from the 17th century but may have earlier origins to the medieval period. Therefore, the significance of this site is as one of the villages oldest buildings and a site that has been in some manner of human habitation, likely from the medieval period. Its setting can be attributed to its isolated status within the historic field setting.

54. No works are proposed to the Listed Building, with the cycle and bin storage having no significant harm to special qualities of the building and are sited to avoid undue visual intrusion. The fencing would not be connected to the Listed Building and would not appear as an alien feature to the rear of the site or harm the wider character of either the historic field pattern or the characteristics of the adjacent character area 4 that refers to Calverley Woods as there would be no alterations to the field pattern nor any loss of trees, with limited impacts from the stock fencing. The Listed Buildings are former agricultural housing, and the manner of fencing responds to a rural context.
55. There would be works to the access and first 10m of the existing access road leading to the listed buildings, along with lowering of the drystone wall at the access to 1m. The access forms part of the setting of the Listed Buildings as they are set significantly back from Carr Road and behind fields. The access track is already tarmacked and the works to the lower regions of the access track would not remove historic features. The dry stone wall also acts to provide the setting; this would not be lost only reduced in height for a limited section. The wall runs for some distance along Carr Road and the works are considered minor.
56. The proposal would not impact on the open space of land in agricultural or horticultural use, does not remove planting and will not break ground other than for fence post limiting any disturbance of any archaeology. Moreover, the development whilst sitting directly adjacent to character area 4 would not remove any areas of woodland. Therefore, the proposals marry with the aims of the CCAAMP to retain character. As such Officers are not concerned that the proposed use of the land and the physical elements of the development would be unduly harmful to the significance or setting of the heritage assets. As such the proposal is considered to meet with the aims of Core Strategy Policy P11 the guidance set out in the CCAAMP and the Policy of the NPPF.

Impact on residential amenity

57. Saved UDP Policy GP5 requires amongst other things, that development proposals should seek to avoid problems of environmental intrusion and loss of amenity. Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from

the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

58. The nearest residential properties lie to the east (No.28 Clara Drive) and opposite the woodland area to the rear of the paddock (The Coach House, and another residential property that sits to the front of Champion House (a care home). No.28 has its gardens close to the paddock area with a narrow section of land between the two sits that reads as part of the woodland by virtue of the planting that runs within it. The Coach house is approximately 28m to the north-west of where the stock fencing would terminate to the woodland and the other building around 21m opposite the woodland. Clara Drive extends some distance to the east and housing is set along the road and represents large detached housing set within generous plots. From the Case Officers site visits it is evident that people do park along areas near the application site and walk dogs. A commercial dog walkers van has also been witnessed on several occasions by the Case Officer. The site entrance would be from Carr Road and the parking within the site is accessed from that side and not from Clara Drive.
59. It is not considered the use of the land for the exercising/training of dogs would have significant adverse impact on the residential amenity of occupiers who live further along Clara Drive. The use would have one user on the site at any one time, other than if a friendship group were to book. Conditions can be imposed to restrict the capacity of no more than one dog walker, trainer and friendship group and whilst the latter could mean multiple people, there are only three parking spaces allocated to the use and conditions can secure no more than eight animals at any one time. In principle dog walkers can already use the woodland area and other parts of the woodland close to housing to walk dogs, and it is clear that this already occurs without restriction.
60. Officers recommend a condition which places a duty for a 15-minute gap between bookings, this would avoid a cross over between different users, and their dogs which could potentially bark at each other. It is also unlikely that dog walkers, trainers and groups would pair animals that are incompatible with each other, further limited potential for barking. The site is close to residential as well as public space and it is reasonable to assume that the sounds of animals would be audible throughout the day. A number of dogs in one space could have the potential to create greater levels of noise and disturbance but this use would be limited in the number of animals at any one time and eight dogs is not considered to be excessive.
61. The hours of operation are set out on the application form as 08:00 until 20:00 Monday to Saturday and 09:00 until 16:00 on Sundays. Although the supporting documents also state that during times of the year with reduced hours of sunlight the use would terminate at 16:00. Dog walking can take place throughout the day and people could use the woods at anytime and this extends to professional dog walkers with multiple animals. Officer raise no undue concerns regarding the hours proposed when dog walking can continue into the

evening already unrestricted, albeit this would be less localised than containing the animals into the confines of the application site but also provides opportunity for greater number of dogs and conflict situations that may result in barking.

62. There would be potential for noise and disturbance through barking, but this could already occur through public use of the immediate area. All vehicles would travel into the site away from houses on Clara Drive and conditions can act to manage unfamiliar dogs within the same context reducing potential for noise. Officers are of the view that the scheme is in general compliance with Core Strategy Policy P10, saved UDP Policy GP5 and with the policy set out in the NPPF.

Biodiversity/Trees

63. Policy G9 requires amongst other things that there is no significant adverse impact on the integrity and connectivity of the Leeds Habitat Network. Policy P12 requires the conservation and enhancement of the character, quality and biodiversity of Leeds' townscapes and landscapes, including their historical and cultural significance in order to protect their distinctiveness.
64. Parts a and c of Paragraph 180 of the NPPF are considered applicable here:
- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
65. As part of the assessment of this application a view from the Council's Ecologist has been received and the advice here is that the proposed fencing being proposed would not be of a height that would prevent Roe Deer or Foxes jumping over it. Any dogs that are within the area of woodland to the rear of the paddock would act to deter Roe Deer and Foxes and if Badgers are present, these animals are very strong and would find a way in if they wanted to but would also avoid it if dogs are within the woodland. Moreover, the scheme includes an area to the western side of the paddock and woodland intended for use by the Applicant, a 'wildlife corridor', and this would also aid routes for wildlife through the site, thus mitigating for the fencing.
66. The natural state of the woodland would be retained and the stock fencing whilst interrupting the boundary of that area of land is not considered to unduly impeded or introduce harm to the welfare of wildlife. Dogs are a common feature within this area and within the woodland and Officers do not consider that there is a policy justification to withhold planning permission on matters of

biodiversity impacts.

67. In addition, Members are asked to note that no trees and shrubs are proposed for removal. Any possible future tree works through unsafe trees etc would be subject to the usual tree works application to the Council and that would then be assessed on its merits. The use for dog training and exercising does not give rise to concerns that there is a tree welfare issue as a result of the proposed use.
68. The proposal is therefore considered to meet the aims of Core Strategy Policies G9 and P12, and the National Planning Policy Framework.

Highways

69. As part of this application a view was sought from Highways. After detailed negotiation with the Applicant and her highways consultant, details have been received that are considered to enable support for the scheme. The submitted plan (P002 REV A) shows a revised red-line boundary to include the adjacent stone walls. The stone walls would be reduced in height to 1m within the visibility sightlines to provide appropriate sightlines, as described below and in accordance with the Street Design Guide SPD.
70. As shown on plan P002 REV A, the existing access serving the site will be improved in line with the Street Design Guide SPD requirements for an access off a Type 1 Connector Street or a major route (i.e. the A657 Carr Road). The access will be 4.8m wide for the first 10m to allow for two-way vehicular passing. In addition, a 4.0m kerbed radius will be provided, this is also in accordance with the junction layouts requirements as set out in the Street Design Guide SPD.
71. In terms of junction visibility, the plan shows 2.4m x 78.4m to the east and 2.4m x 82m to the west. These sightlines are based on 85th percentile speeds identified from on-site speed surveys. The alterations to the access at the adopted section will require a mini Section 278 agreement, which can be dealt with post-app and secured by condition. Both the visibility splays and the Section 278 could be secured by condition.
72. Servicing and refuse collection would be undertaken privately, as such there is no requirement for a large refuse vehicle (LCC's standard size) to enter and exit the site. Bin storage /enclosure is proposed within the site and this is considered to be which is acceptable. Conditions could secure the implementation and retention of the bins.
73. Parking - There are no specific requirements in the Parking SPD for parking provision for an outdoor pet recreation and exercise facility however, the submitted plan (P002 REV A) shows three staff and visitor parking. An Electric Vehicle Charging Point (EVCP) would also be provided. The existing parking facilities would be retained and there is sufficient turning and access areas

within the site to ensure the parking spaces are useable. Given that there is no specific guidance for this proposed end use the parking must therefore be assessed on its own merits and based on operator experience. The submitted Design and Access Statement sets out that that customers would be on site for a maximum of one hour, with all bookings and payments made online, and customers would be given detailed directions to the site. This would result in a managed approach to the parking and associated traffic. Conditions can secure the booking pattern with a 15-minute buffer to obviate any cross-over conflicts, as well as the implementation of the EVCP.

74. It is clear that there would be an intensification of use of the access serving the site resultant of this proposal however, Highways are of the view that the proposed improvements to the access mitigates the impact by ensuring two-way vehicular passing can be done off the A657. Moreover, the proposed widening for the first 10m and the improved kerb radius would also ensure vehicles are able to smoothly enter and exit the A657. The improved sightlines, by reducing the height of the stone walls, would also mitigate the impact of the development. Moreover, only one family or group/trainer/walker per booking is proposed, and this would further reduce and manage the impact of the proposed development.
75. Officers are therefore of the view that the proposal raises no road safety concerns raised and Highways have concluded that the proposal is acceptable in highway terms. The scheme is compliant with Core Strategy Policy T2, saved UDP Policy GP5 and with the policy set out in the NPPF.

Other issues

Drainage

76. The site is located within Flood Zone 1 and there have been no records of any recent flooding within the property or adjacent areas and there are no other known flood risk which require mitigation and would impact on the proposed development.

Representations

77. The points raised in representations have in the main been covered within the above report. With regard to the other concerns these are covered below:
- The change of use could in time result in planning permission granted for a house.
 - Any further planning changes could affect the historic field patten.
 - There are already existing facilities within Calverley.
 - The use will be for profit and not to contribute to the community.
 - The Deeds of houses on Clara Drive restrict business operations from the drive.
 - Dog faeces is already an issue along Clara Drive and the woods.
 - Overlooking
 - Additional litter

- Highways capacity increases and additional vehicular movement would increase carbon omissions and reduce air quality

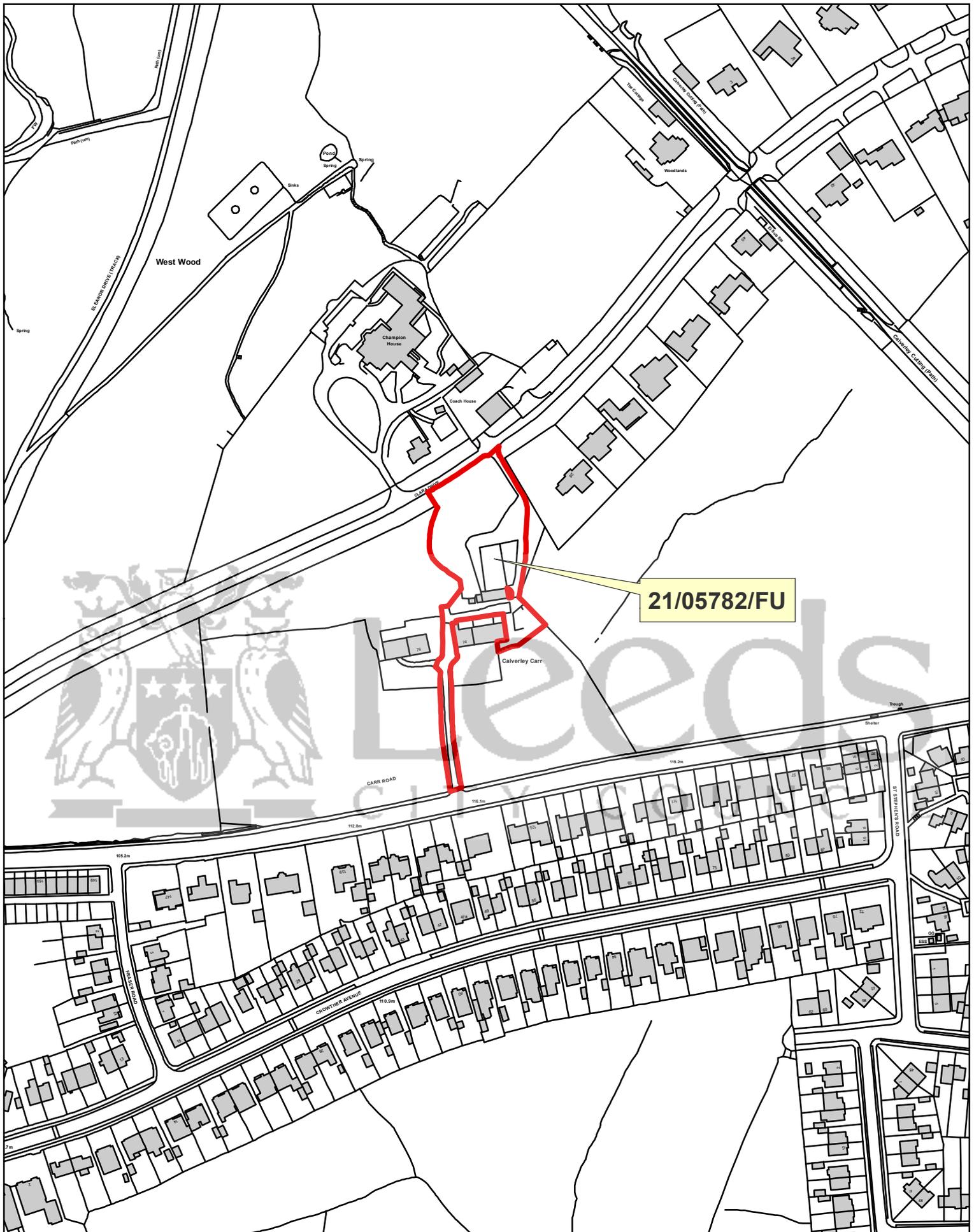
78. The scheme does not suggest to Officers that the intension is driven for future development aspirations and a new house within the green belt, and such development on this greenfield land would not be policy compliant and any argument for a worker's house seems unrealistic given the existing house (No.74) at which the Applicant lives at. There are no plans to extend into the fields and any such proposal would be subject to assessment. That there are other such uses within the village is not material to the determination of this application nor are limitation contained within Deeds. The site will however have its own bins and conditions could secure waste management. A community use need not be free. That they Applicant will charge to hire the space has no material influence on this application. It is not considered that this site would produce any greater overlooking than if the paddock and woodland remained as they were. More people would use the land, but there are good levels of screening from the site to neighbouring properties. The point regarding air quality and omissions is duly noted, but this would be limited in the context of the small level of development that is before Members.

CONCLUSION

79. The proposal are appropriate development within the green belt and special regard has been had in applying the duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Officer have concluded that there is no undue harm. The proposal is therefore in compliance national and local planning policy and legislative requirements. Conditions could regulate capacity and operation patterns at this site and whilst there is the potential for barking dogs, that is assessed within the context of an area already used by dog walkers and it is unlikely that the single users or single group users of this proposal would match incompatible dogs to use the site at the same time, which would likely reduce barking potential. Moreover, Highways matters have been found to be acceptable subject to minor works secured through conditions.
80. It is therefore recommended that this application is approved, subject to the suggested conditions set out at the head of this report.

Background Papers

21/05782/FU



SOUTH AND WEST PLANS PANEL

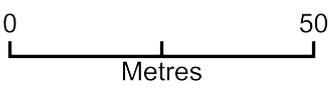
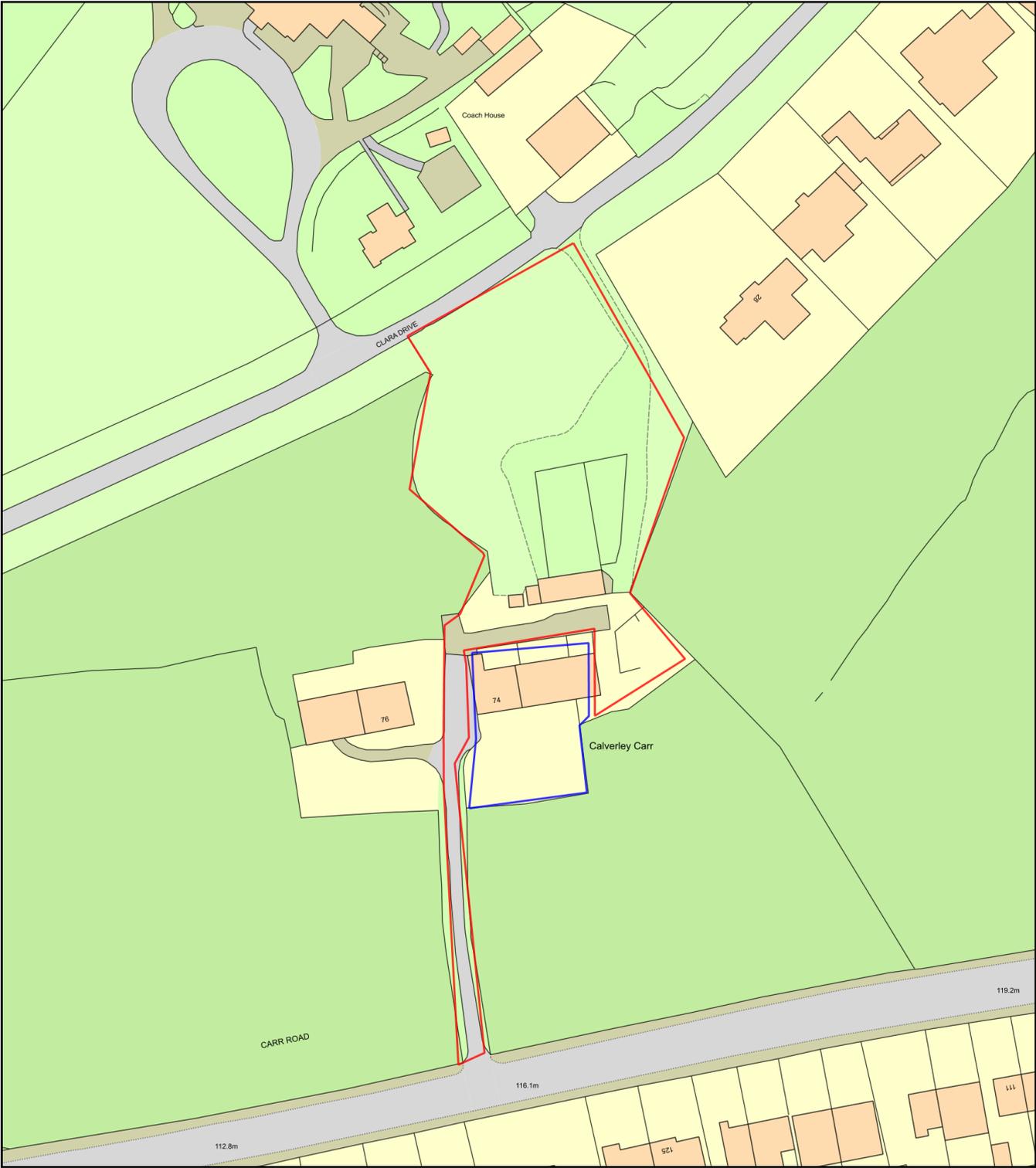
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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1 / 2500



Location Plan - Dog Training Field 74 Carr Road



Plan Produced for: **Nikki Goodall**
Date Produced: 30 Jun 2021
Plan Reference Number: TQRQM21181210824085
Scale: 1:1250 @ A4