

COMMITTEE AGENDA REFERENCE: 5C

APPLICATION REF:	RU.23/1544
LOCATION	Oak Tree Farm, Lyne Lane, Chertsey, Surrey, TW20 8QP
PROPOSAL	The Change of Use of existing buildings and land to dog day care (Sui Generis), including the recladding of existing buildings and provision of hard and soft landscaping.
TYPE	Full Planning Permission
EXPIRY DATE	19/02/2024
WARD	Thorpe
CASE OFFICER	Catrin Davies
REASON FOR COMMITTEE DETERMINATION	Major Application
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the HoP:	
A	To grant planning permission subject to the conditions set out in section 11 of this report.

2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application site comprises Oak Tree Farm, a broadly oval land parcel measuring circa 2.2 hectares (ha) in total. The site comprises two buildings; a detached barn and stables (barn located to the north, and the stables to the south). The barn and stables are comprised predominately of timber. There is a metal container located to the west of the barn. The site is accessed via an existing access off Lyne Lane which adjoins the site to the west.
- 2.2 The lawful use of the site as a whole is mixed use. Based on the planning history RU.13/0991 sets out that *“the barn shall only be used for purpose in Class B of the Schedule of the Town and Country Planning (Use Classes) Order 1987...”* The applicants supporting submission states that they consider that the lawful use of the barn would be for a B2 (industrial) B8 (storage and distribution) use, this use would also include the hard standing next to the barn which is used for parking for the B2/8 use. It is understood the barn was used for commercial operations for use by a joinery firm and a conservatory constructor who uses the site for storage. The stables and wider site were used for the recreational keeping of horses.

2.3 The surrounding area comprises a mix of land uses but is generally rural in its character. The M3 lies to the south of the application site and the M25 lies to the east, to the north of the application are residential dwellings.

2.4 Site constraints:

- Green Belt
- A section of the site is within Flood Zone 2

3. APPLICATION DETAILS

3.1 The application seeks permission to change the use of the land and buildings into a dog day care (Sui Generis), and the formation of additional hardstanding associated with the proposed use. The new site will have capacity to cater for up to 130 dogs (as set out in the applicants Operations Management Report). The site will operate on weekdays only, Monday – Friday between 7:30am and 6:00pm, although it is noted that as most dogs are collected by the company, therefore the majority of dogs will only be on site between 9:30am and 3:00pm. Home boarding and holiday boarding is available through the company, but this is not on the proposed site No dogs or staff remain on-site overnight or at the weekends.

3.2 The access to the site remains unchanged via the existing access via Lyne Lane to the west of the site. The proposed hardstanding will facilitate, in part, in the provision for a total of 13 car parking spaces, comprising 4 for work vans (referred to as doggy buses), and the remaining for staff and customers, including 2 blue badge spaces.

3.3 The barn is proposed to be utilised as the dog shelter and includes a range of indoor amenity spaces for the dogs. The stables are proposed to be utilised as the reception building and provides staff facility areas including reception, store, lobby, staff welfare room and toilets. To facilitate the change of use the buildings would be updated with new timber cladding and new aluminium framed doors and windows. New roofing also proposed. Fencing through and around the site would be required to separate certain areas. The storage container currently on site would be removed as part of the proposed use.

4. RELEVANT PLANNING HISTORY

4.1 The following history is considered relevant to this application:

Reference	Details
RU.14/0097	Discharge of condition 7 (removal of hardstanding) relating to permission RU.13/0991 (Retrospective application for use of barn as commercial premises and retention of lean-to extension and fences). Approved 05/03/2014
RU.13/0991	Retrospective application for use of barn as commercial premises and retention of lean-to extension and fences. Grant Consent - subject to conditions. 06/11/2013
RU.04/0067	Erection of a stable block comprising of 3 stables and a tack room and a

	detached barn to store field maintenance equipment and hay. Grant Consent - subject to conditions. 11/03/2004
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5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework and Guidance.
- 5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.
- 5.3 SPD's which might be a material consideration in determination:
- Green and Blue Infrastructure (November 2021)
 - Runnymede Design Guide
 - Runnymede Parking Guidance
- 5.4 Thorpe Neighbourhood Plan

6. CONSULTATIONS CARRIED OUT

Consultees responses

Consultee	Comments
Lead Local Flood Authority	No objection subject to conditions
SCC County Highway Authority	No objection subject to conditions
SCC Archaeology	No objection
RBC Environmental Health Manager	No objection
RBC Drainage Engineer	No objection

Representations and comments from interested parties

- 6.2 Eleven neighbouring properties were consulted in addition to being advertised on the Council's website. A site notice was also displayed at the site, and it was advertised within the local press. 1 letters of representation has been received and can be summarised as follows:
- Amenity issue in relation to noise
 - Increase in traffic

- Flooding safety for dogs
- Poor access for pick ups/drop offs
- Safety for the dogs given the location to the M3

7. PLANNING CONSIDERATIONS

7.1 In the determination of this application regard must be had to the Development Plan and National policy within the NPPF. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are

- Principle of the development Green Belt
- Neighbouring amenity
- Design Considerations
- Highways
- Flooding
- Biodiversity
- Other matters

Principle of the development in the Green Belt

7.2 The Government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl and by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 152 of the NPPF stresses that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

7.3 The NPPF advises that the construction of new buildings within the Green Belt should be considered inappropriate development, which is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 lists a number of exceptions to this. One of the provisions includes: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development.

7.4 Policy EE17 is consistent with this guidance noting considerations to be taken into account. Relevant considerations in this instance would be general height and storeys of existing and proposed buildings and their deposition around the site, existing and proposed floor space; footprint; hardstanding; development envelope and amount of undeveloped areas, relationship with landscaping features, views, boundaries and phasing of works.

7.5 Previously Development Land (PDL) is defined in the NPPF as “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through

development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape". The lawful use on site is considered equestrian and industrial/storage as such is considered to fall within the definition of PDL.

- 7.6 Accordingly for the proposal to be appropriate development the Green Belt it should not have a greater impact on the openness than the existing development. There have been a number of High Court decisions regarding this. The key principles in relation to openness is that it is not simply about volume and visual impact is implicitly part of the concept of 'openness of the Green Belt' and that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider "the impact or harm, if any, wrought by the change". This case law establishes that 'openness of the Green Belt' is not limited to the volumetric approach; the word 'openness' is open-textured and many factors are capable of being a material consideration. In terms of spatial impact, the building on site are to be reused therefore the scale, mass and bulk would remain unchanged. The proposal would result in a degree of additional hardstanding however it would create a more formalised parking arrangement and contains the hardstanding at the site. It is important to note there is significant hardstanding at the existing site. Therefore, the proposal is not considered to result in any greater spatial harm to the Green Belt than the existing.
- 7.7 Turning to the visual impact, the proposed development would result in some visual alterations including the building being reclad, however this would not significantly alter the visual appearance of the building. Increased soft landscaping around the site is also proposed and a more formalised layout to the proposed parking. However, the buildings would remain in the same location with a large section of the site remaining open. Due to the nature of the proposal the site would remain fairly 'rural' in terms of its character. Therefore, the proposal is not considered to result in any greater harm to the Green Belt than the existing.
- 7.8 The proposal is therefore considered to comply with Policy EE17 of the Local Plan.
- Neighbouring amenities
- 7.9 Policy EE1 of the Local Plan sets out that "*all development proposals will be expected to Ensure no adverse impact ...to neighbouring property or uses*". The application site is located off Lyne Land there would be approximately over 100m to the nearest dwelling and approx. 40m to the nearest rear boundary. This separation distance is considered meaningful to ensure that the amenities of residential dwellings are safeguarded in terms of loss of light and/or overbearing impact.
- 7.10 In terms of the potential impact on neighbouring amenity in terms of noise and disturbance, Policy EE2 of the Local Plan states that development proposals resulting in or being subject to external noise impacts above Lowest Observed Adverse Effect Level will be expected to implement measures to mitigate and reduce noise impacts to a minimum. Any development proposals resulting in or being subject to external noise impacts above Significant Observed Adverse Effect Level will not be supported. The application is supported by a Noise Report and Noise Management Plan.
- 7.11 Whilst the applicants have set out that the site would be open from Monday – Friday between 7:30am and 6:00pm, based on their existing business model (the company operate out of similar areas in Surrey), 80% of dogs would be collected by the company and then would be on site between 9:30am and 3:00pm. This reduces both the hours of use where the site is working a higher capacity and the level of vehicle movements coming to and from

the site. The applicants have also said the proposal could be up to 130 dogs but that this is very much the maximum and that most of the sites operate around 80% capacity.

- 7.12 The submitted Noise Report includes a background noise survey which establishes that there is already considerable background noise at the site's location and surrounding residential properties due to the M3 and M25. The Noise Report then make a number of assumptions regarding the noise levels associated with the proposed use and that resulting from dogs barking at the site (up to 130 dogs). Based on these assumptions the proposal does result in some additional noise however this would not be significantly above the existing background levels. Given that the proposal would not be open into the later hours or the days/ weekends when a greater level of quiet maybe expected this relationship is considered to be acceptable. However, it is considered both reasonable and necessary to attach a condition on hours of opening to be aligned with those proposed by the applicant and that set out within the Noise Report. Environmental Health have been consulted and raised no objection to the proposal. It is also important to note that should complaints arise during the operation of the premises then Environmental Health would investigate the potential that the noise may cause a statutory nuisance.
- 7.13 The proposal is considered to have an acceptable impact on neighbouring amenities and complies with EE1 and EE2.

Design Considerations

- 7.14 Policy EE1 seeks attractive and resilient places that make a positive contribution to the landscape setting, paying respect to layout, form, and scale. Policy EE1 (Townscape and Landscape Quality), seeks to create high quality and inclusive design which responds to local context. Regard should also be had to the Runnymede Design Guide SPD. The NPPF further strengthens the importance of good design to create 'high quality, beautiful and sustainable buildings, and places' (para. 126, NPPF).
- 7.15 The site as existing functions in a mix commercial and recreational use. It is not considered that the activities associated with the proposed use and its associated operational development would have a significantly greater visual impact on the wider character and appearance of the area than the existing uses.

Highways Considerations

- 7.16 Paragraph 111 of the National Planning Policy Framework states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". Policy SD4 states "*The Council will support development proposals which maintain or enhance the efficient and safe operation of the highway network and which take account of the needs of all highway users for safe access, egress and servicing arrangements*". It is not considered that the proposal would impact highway safety nor have a discernible impact on highway capacity above the existing use. As set out above whilst the proposal is for up to 130 dogs, it is anticipated that around 80% of the dogs at the day care facility would be collected by the business operator. The Highway Authority have confirmed that they do not believe the proposal would result in a highway safety concern and raised no objection subject to conditions.
- 7.17 The proposed development provides for a total of 13 car parking spaces, comprising 4 for company vans which collect the dogs, and the remaining for staff and customers including 2 blue badge spaces. Due to the nature of the proposal it is predicted only staff will be parking their cars for an extended period of time with customers dropping off or picking up their

dogs. There would be approximately 10- 16 employees on site during each shift. Those employees who drive the van for the collection service will also use the van for transport to work therefore these employees will not require additional parking on site. As stated within the applicants supporting information the majority of staff at the site due to their age do not own their own vehicle therefore will use public transport, car chare or cycle to work. Due to the reasons stated above it is considered that 13 car parking spaces is adequate for the site and the proposed use.

- 7.18 The Highway Authority have requested several conditions, one condition is for the 50% of the parking spaces to be provided with fast charge socket. The Parking Guidance requires 20% fast charge socket as such the condition will be amend to 20% to align with Parking Guidance.

Flooding and SuDs

- 7.19 A section to the north of the exiting barn is within Flood Zone 2, this does not contain any buildings and would be the outdoor field to the north of the barn.
- 7.20 The proposal does result in increased hardstanding to the front of the site. In the original submission the Lead Local Flood Authority and the RBC Drainage Engineer objected due to insufficient evidence. The applicant submitted additional information and both the LLFA and RBC Drainage Engineer removed their objections. The LLFA have recommended conditions which have been included in the recommended conditions in paragraph 11 of this report.

Ecology and biodiversity

- 7.21 Policy SD7, EE9 and EE11 deal with sustainability and biodiversity and sets out that development proposals should demonstrate that consideration has been undertaken to maintain and protect the existing biodiversity on site and also demonstrate net gains in biodiversity. The Green and Blue Infrastructure Supplementary Planning Document (SPD) provides further guidance on sustainability and biodiversity and states “development, at whatever scale, can contribute towards delivery of a high quality multi-functional green and blue infrastructure network by providing, protecting, maintaining and enhancing green and blue infrastructure assets”.
- 7.22 A Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment has been undertaken by the Ecology Partnership. The reports have identified mitigation measures including sensitive lighting scheme, and best practice guidance and enhancements such as planting native hedgerow, ornamental planting, Log Piles and bird boxes. These measures will be secured via a condition. It is considered with this condition the proposal complies with SD7, EE9 and EE11. Please note that the lighting proposed is limited with only a light on the building proposed as the majority of dogs will only be on site 9:30am and 3:00pm.

Other matters

- 7.23 The proposal is supported by an archaeological desk based assessment. The application is for a change of use application with no meaningful ground disturbance. The report concludes that there would be no designated heritage assets lie on the site and the site has a low archaeological potential for all past periods of human activity. Due to the anticipated extent of past ground disturbance and the site’s limited archaeological potential the proposed development will therefore have no archaeological impact. SCC Archaeology raises no objection. The proposal complies with EE7.
- 7.24 Regarding the letter received, the majority of the concerns have been discussed above. In relation to the safety of the dogs, it is beyond the scope of a planning assessment to assess

the safety of the dogs in their care. However, on site the applicant stated that they will construct specialist fencing to secure the site with the dogs not allowed access on the hard standing at the entrance.

8. PLANNING OBLIGATIONS/COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposal is not CIL liable.

9. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

9.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the decision would have regard to this duty.

10. CONCLUSIONS

10.1 The development has been assessed against the following Development Plan policies – EE1, EE2, EE7, EE15, EE17 and SD4 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

11. FORMAL OFFICER RECOMMENDATION

The Hop be authorised to grant planning permission subject to the following planning conditions:

	Recommendation conditions
1.	<p><u>Standard three-year time limit</u></p> <p>The development for which planning permission is hereby granted must be commenced no later than the expiration of three years beginning with the date of this permission.</p> <p>Reason: To comply with Section 51 of Part 4 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p><u>Approved Plan</u></p> <p>The development hereby permitted shall not be carried out except in complete accordance with the approved plans:</p> <p>Location Plan</p> <p>3170.SK01.04.02 DD</p> <p>3170.SK01.05.03 DD (amended plan)</p> <p>3170.SK01.06.01 DD</p> <p>3170.SK01.07.01 DD</p> <p>Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.</p>
3.	<p><u>Materials</u></p> <p>The development hereby permitted shall be constructed entirely of the materials as stated in the Materials Sheet prepared by Sampsons Associated received 07/02/2024.</p> <p>Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance within the NPPF.</p>
4.	<p><u>Ecology and biodiversity</u></p> <p>The development hereby approved shall be undertaken in accordance recommendation measures as set out in the Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment prepared by The Ecology Partnership dated October 2023. Development shall be undertaken in accordance with the approved details for the construction of the development and the mitigation proposed within the above reports shall be undertaken prior to occupation of the development hereby approved.</p> <p>Reason: To ensure the provision of suitable mitigation for bats in accordance with Policy EE9 of the Runnymede 2030 Local Plan and guidance within the NPPF.</p>
5.	<p><u>Hours of operation</u></p> <p>The use hereby approved shall not take place outside the following hours:</p> <p>Monday – Friday between 7:30am and 6:00pm</p> <p>Reason: To protect the residential amenities of the neighbouring properties and to comply with Polices EE1 and EE2 of the Runnymede 2030 Local Plan and</p>

	guidance within the NPPF.
6.	<p>The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:</p> <p>a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.</p> <p>b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+25% allowance for climate change) & 1 in 100 (+25% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off (or as low as feasible) including multifunctional sustainable drainage systems.</p> <p>c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).</p> <p>d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.</p> <p>e) Details of drainage management responsibilities and maintenance regimes for the drainage system.</p> <p>f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.</p> <p>Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.</p>
7.	<p>Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.</p> <p>Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.</p>
8.	<p>The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket</p>

	<p>(current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2023.</p>
9.	<p>The use hereby approved shall not commence until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.</p> <p>Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2023.</p>
10.	<p>The use hereby approved shall not commence until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:</p> <p>(a) The secure parking of bicycles and EV bicycles within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.</p> <p>Reason: To ensure the development does not prejudice highway safety nor cause inconvenience to other highway users and in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2023.</p>