ITEM 2

Application Reference	**DC/087743**
Location:	Lomber Hey Farm 74 Andrew Lane High Lane Stockport SK6 8HY
PROPOSAL:	Change of use of land to outdoor dog exercise area
Type Of Application:	Full Application
Registration Date:	03/02/2023
Expiry Date:	31/03/2023
Case Officer:	Mark Burgess
Applicant:	Mr D Wild
Agent:	Garner Town Planning Ltd

UPDATE FOLLOWING CONSIDERATION BY MARPLE AREA COMMITTEE ON THE 21ST JUNE 2023

Members will recall that, following consideration of the application by Marple Area Committee on the 21st June 2023, the application was deferred to Officers to seek clarification and negotiation with the application regarding the proposed hours of opening/operation of the proposed dog exercise area.

In response to issues raised by Members, the following amended hours of opening/operation have now been proposed by the applicant :-

- Weekdays : 07.30 to 18.30.
- Weekends : 10.00 to 18.00.

The applicant has highlighted that in terms of existing dog related businesses within the wider Lomber Hey Farm Complex, 'Woof Club' has no hours of opening/operation conditioned as part of planning permission DC071606, however information contained on its website confirms that it operates from 07.30 to 18.00 on weekdays only. 'Loyal Hounds' is subject to conditions in relation to hours of operation imposed as part of planning permission DC078477, which allows the use of the approved dog training area between the hours of 15:30 and 20:00 on Mondays; 09:00 and 13:00 on Tuesdays; 09:00 and 13:00 on Thursdays; 15:30 and 20:00 on Fridays; 10:00 and 16:00 on Saturdays; 10:00 and 18:00 on Sundays.

The applicant states that the proposed amended hours of opening/operation, include a 07.30 start on weekdays which is the same as 'Woof Club'; an 18.30 finish on weekdays which is earlier than the maximum for 'Loyal Hounds', who are allowed to operate until 2000 two evenings a week; and between 10.00 and 18.00 on weekends, which is the same as 'Loyal Hounds'.

DELEGATION/COMMITTEE STATUS

Marple Area Committee. Application referred to Committee due to receipt of more than 4 letters of objection, contrary to the Officer recommendation to grant. Application also called-up by Councillor Thornley.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the change of use of a currently unused parcel of land to the South East of Lomber Hey Farm in High Lane to an outdoor dog exercise area.

Information submitted in support of the application states that the proposed dog exercise area would be complimentary to the existing canine-related uses and would allow for the expansion of the dog care area that has been established at the Lomber Hey Farm complex. The proposed use would not require any buildings to be erected, however it is proposed to provide small agility and play equipment to assist with the exercise of the dogs. The proposed exercise area would be enclosed by 2.0 metre high stock/deer proof fencing, with a 2.0 metre high gate to the access. The land will be accessed via the existing gate to the North West corner, with a turning area and parking for two cars provided by way of either the laying of a permeable cinder/limestone surface or the use of a geogrid matting system over the existing grass to maintain the rural appearance of the site.

The proposed hours of operation are specified as between 07.00 and 20.00, seven days per week. The proposed dog exercise area would be on a self-service booking arrangement, with clients booking the area for exclusive use for 50 minute slots with 5 minutes allowed at the beginning and end for entering and vacating the land to ensure that there is no crossover period where a potentially reactive dog may meet another. The area will normally be used for one or two dogs per booking with a maximum of four dogs per booking, which will be set out in the rules of use.

The application is accompanied by the following supporting information :-

- Planning Statement.
- Noise Management Plan.

The plans and drawings submitted with the application are appended to the report.

SITE AND SURROUNDINGS

The application site is located to the South East of the Lomber Hey Farm complex, which comprises a variety of buildings and accommodates a number of commercial uses. Such uses include recently introduced canine related businesses for dog day care, hydrotherapy, physiotherapy, grooming and outdoor training. Access to the site is taken from an existing access road from Andrew Lane to the West.

The site is adjoined to the East and, beyond the Lomber Hey Farm complex to the North, by open fields. Further open fields lie beyond the access road to the

Wybersley Water Treatment Works to the South. The nearest residential uses exist along Andrew Lane to the West of the site and on Meadway and Meadow Close to the South West of the site.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and

- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 17th March 2011.

The application site is allocated within the Green Belt and within a Landscape Character Area (Hazel Grove – High Lane), as defined on the UDP Proposals Map. The site is also located within the boundaries of the High Lane Village Neighbourhood Development Plan Area. A Public Right of Way exists to the South West of the site. The following policies are therefore relevant in consideration of the application :-

Saved UDP policies

- LCR1.1 : LANDSCAPE CHARACTER AREAS
- LCR 1.1A : THE URBAN FRINGE INCLUDING THE RIVER VALLEYS
- GBA1.1 : EXTENT OF GREEN BELT
- GBA1.2 : CONTROL OF DEVELOPMENT IN GREEN BELT
- L1.7 : RECREATION ROUTES: MAINTENANCE AND EXPANSION OF NETWORK
- L1.8 : STRATEGIC RECREATION ROUTES
- L1.9 : RECREATION ROUTES AND NEW DEVELOPMENT

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-6 : ADAPTING TO THE IMPACTS OF CLIMATE CHANGE
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT

- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

High Lane Village Neighbourhood Development Plan (HLVNDP)

Following an Independent Examiners Report in May 2021 and a referendum vote in favour in September 2021, the HLVNDP has been adopted and forms part of the Development Plan. Members are advised that full weight to the relevant policies of the HLVNDP should be afforded in the determination of planning applications. Relevant policies of the HLVNDP include :-

- NH1 : PROTECTING LOCAL LANDSCAPE CHARACTER IN THE HIGH LANE AREA

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published in March 2012 and subsequently revised and published in July 2021 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'.*

Paragraph 2 states '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'.*

Paragraph 7 states '*The purpose of the planning system is to contribute to the achievement of sustainable development'.*

Paragraph 8 states '*Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-*

a) An economic objective

b) A social objective
c) An environmental objective'

Paragraph 11 states '*Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless :-

> *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
>
> *ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*

Paragraph 12 states '*……..Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'.*

Paragraph 38 states '*Local Planning Authorities should approach decisions on proposed development in a positive and creative way…... Decision-makers at every level should seek to approve applications for sustainable development where possible'.*

Paragraph 47 states '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing'.*

Paragraph 219 states '*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.*

<u>National Planning Practice Guidance (NPPG)</u>

NPPG is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

The following planning history relates to the whole Lomber Hey Farm complex :-

- DC078477 : Use of land as outdoor dog training area : Granted – 03/03/2021.

- DC075426 : Use of unit as an office and therapy centre (human physio/veterinary physio/healing centre) for people and small animals : Granted – 03/02/20.

- DC072751 : Change of use to Animal Hydrotherapy Centre : Granted – 02/05/19.

- DC071606 : Change of use of property to dog day care centre : Granted – 30/01/19.

- DC027042 : Former farm outbuildings to be used as a small office for web development (Retrospective) : Granted – 28/08/07.

- DC027104 : Two A boards on the grass verge of Andrew Lane : Refused – 12/09/07.

- DC013538 : Change of use from agricultural outbuildings to office and storage space (Retrospective) : Refused – 06/04/04.

- DC008710 : Change of use of land and buildings to the storage and maintenance of motor homes for sale and hire with ancillary storage and offices (Re-Submission : DC008136) : Refused – 07/10/02 : Appeal Dismissed – 28/08/03.

- DC008136 : Change of use of land and buildings to storage, maintenance, sale and hire of motor homes, together with ancillary storage and offices : Withdrawn – 24/07/02.

- J.68276 : Removal of condition 5 of planning permission J.56626 for slaughterhouse : Granted – 22/10/97.

- J.64611 : Demolition of abattoir and retail outlet, redevelopment for residential housing : Refused – 10/07/96.

- J.56626 : Alterations and extensions to slaughterhouse for the renewal of meat cutting and associated stores and welfare facilities : Granted – 20/01/93.

- J.46303 : Farm shop sign : Refused – 05/09/89.

- J.44063 : Proposed extensions : Refused – 08/08/89.

- J.40732 : Farm shop sign : Granted – 02/02/88.
- J.39756 : Conservatory : Granted – 11/08/87.
- J.34288 : Garage, kitchen extension : Granted – 06/08/85.
- J.22543 : New two storey rendered extension : Granted – 31/03/81.
- J.16242 : Plant room compressor : Granted – 19/07/79.
- J.8039 : Alteration to existing slaughterhouse and cutting room : Granted – 09/03/77.

NEIGHBOUR'S VIEWS

The owners/occupiers of adjacent properties were notified in writing of the application and the application was advertised by way of display of notice adjacent to the site.

Letters of objection from 14 properties have been received to the application. The main causes for concern raised are summarised below :-

Impact on Residential Amenity

- Residents bought their properties for the quiet location, countryside, outlook, privacy, views and gardens. Resident have lived in their homes for many years and purchased their properties due to the peaceful, Green Belt location.
- Residents used to live in a quiet, peaceful area which is no longer the case.
- Life was tranquil until the Woof Club dog day care centre began to operate from Lomber Hey Farm in 2022.
- In recent years there has been increasing concern about the development of the units on Lomber Hey Farm.
- The opening of the Woof Club dog day care and Loyal Hounds dog training facility has resulted in constant barking from dogs. The barking is audible throughout the year in homes with doors and windows closed. The noise outside or in the warmer months in the house with open windows is tortuous.
- The incessant barking from the dogs at the Woof Club commences at 07.30 each day. At the close of business at 18.00, it overtaken by the barking from the outside training area at Loyal Hounds, coupled with the shouting of instructions and whistle blowing, until 20.00 three evenings of the week and all day (10.00 until 18.00) on Saturdays and Sundays.

- The existing Dog Day Care Centre is noisy during the week.

- Noise from dogs barking can be heard on Meadow Close, Meadway and Andrew Lane.

- The barking of dogs can already be heard in neighbours homes and gardens.

- The local environment has significantly changed due to the sounds of aggressive loud barking and high pitched whining.

- The business is already a nuisance to residents due to the constant noise of dogs barking all day.

- The barking makes any attempt to relax or enjoy time in the garden impossible.

- Residents have to suffer intolerable, incessant barking from the dogs at the Woof Club, which is located within the same premises at Lomber Hey. The dogs bark almost all day whilst they are at the dog day care centre.

- The barking is audible within properties with the windows closed, not only outside in gardens.

- Residents can hear the sound of dogs barking for long periods even with windows and door closed. It is very unsettling to listen to and puts residents off being in their gardens, spoils enjoyment and ability to relax and the sound makes residents anxious.

- Whilst the site is separated from residential properties, the land elevates, creating a bowl effect and sounds echo.

- Dogs that are inside can be heard, let alone when they are outside.

- Despite complaints to the Woof Club, nothing has ever been done to stop the barking.

- There is no noise control from the existing business.

- The existing nuisance that is caused should be looked into in consideration of the application.

- Residents could not have imagined the impact the businesses would have on their lives from a noise pollution perspective.

- Residents are having to put up with undue noise already and the proposal will add to the situation as the number of dogs are not part of the agricultural landscape.

- If dogs were to be exercised outside on a regular basis, this would severely affect neighbours quality of life.

- There is an existing agility field and dogs are let out now.

- If this is allowed to expand, it will be of serious detriment to residents.

- The proposal would make it even worse, every day.

- At present the Woof Club does not open at weekends and this is residents only respite from the intolerable barking. The only respite from the noise is in the early morning, evening and weekends.

- The application is for every day of the year from 07.00 to 20.00, creating the prospect of never having a single, peaceful, bark-free day in residents homes/gardens at all.

- To have an exercise area open from 7am to 8pm, seven days a week would be horrendous. It would cause upset and distress to residents, most of whom are elderly.

- Residents do not wish to hear noise from 7am to 8pm, seven days a week. This is a statutory nuisance and is intrusive and irritating.

- There will be no respite from the noise if the application is granted to allow dogs to exercise in the open on a daily basis between 07.00 and 20.00, seven days per week.

- The time period is totally ridiculous and having to put up with this from 07.00 to 20.00 is totally unrealistic.

- The incessant barking would be agonizing for anyone working regular office hours.

- If dogs have access to the field, it would become intolerable to sit out or work outside in.

- The area contains many retired residents who are at home during the day and have to suffer the horrendous noise pollution.

- One resident who has lived in their property for many years, has found the noise from the dogs so unbearable that they have recently moved out of their own property and are renting in another residential area to escape the incessant barking.

- This is a particular issue for those who works shifts and need to sleep during the day. Such workers struggle to get one single hour of uninterrupted sleep at any time during the day due to the constant barking. This is agonizing during the winter, however it is much worse during the warmer months with not being able to have windows open due to the perpetual barking.

- Residents will have no alternative but to go out of their homes most of the time. This would adversely affect relationships with family and friends, including child care.

- The planning application wrongly states that the development would have no detrimental effect to nearby occupiers as there are no residential properties nearby when in fact it is a residential area.

- The application states that dogs would be left unattended in the field. As there is a public footpath alongside, it is likely that dogs will bark every time someone passes.

- The dog day care area has a solid wooden fence around to mitigate the noise of dogs barking which is considerable.

- There should be some form of sound proofing to protect residents form excessive noise.

- The addition of this further dog related facility will add to noise levels of barking and therefore more disturbance and discomfort caused to residents.

- The proposal would result in more dogs running around barking outdoors for longer periods.

- The introduction of an increased number of dogs is unacceptable.

Highways Issues

- There would be a huge amount of traffic on the access road. The access is a narrow country lane which serves as a public footpath.

- Visitors to the site show little regard to walkers. Several near misses have been witnessed, with cars speeding round blind bends and not expecting walkers on the lane.

- Drivers pulling out of the units onto Andrew Lane have little regard to residents or children walking to the local primary school, exceeding the 20mph speed limit.

- Added traffic down the lane creates more pollution.

- Having experienced the dangerous driving, residents would have objected to previous applications.

- The site should be visited to observe and analyse the traffic safety issues which would only be worsened if the application is approved.

Lack of Consultation

- None of the residents were informed about the application or the first application which was granted, until someone in the locality mentioned it.

- Residents have not been officially notified about this application or any previous application to have a group of dogs barking outside near their homes.

- Many residents are elderly, do not have access to a computer, and are finding it impossible to navigate the website. As such, there will not be an accurate feeling in the area.

- Having experienced the level of noise pollution that residents have and witnessing some very dangerous driving, residents would have objected to previous planning applications.

Other Issues

- The area has many green spaces and people can walk their dogs in the countryside, parks, public footpaths, canal network and Lyme Park. There is already plenty of space, therefore there is no need for the proposed development.

- The application makes reference to there being no residential properties near to the site, which is completely wrong. There are many houses close to the site and within earshot of the existing and proposed site.

- These businesses should be operating on an industrial estate, not in a residential area at the costs of residents health and well-being.

- Any such site needs to be located as far away from residential properties and the main consideration must be to the residents who have to live in their home all the time and not the visiting dog owner who merely spends an hour there.

- The application makes reference to a similar dog exercise area in Romiley. However, the two sites are not comparable as the Romiley site is approximately 650 metres from the nearest hours whereas the proposal is only approximately 250 metres from the nearest houses. The Romiley site is separated from the housing estate by a golf course and mature trees, unlike the application site. The Romiley site does not have a dog day care centre next door with an already unacceptable level of noise nuisance from barking, something that should be considered by the Council when deciding upon this application.

- It is not right to let the dogs run free unsupervised. If they escaped, the owners of the dogs would be frantic. Safety is the key.

- The lack of supervision is concerning. Who would ‘police’ the site with reference to noise levels? It would be difficult for residents to determine the source of any noise nuisance (ie between the proposed site and the Woof Club). Either party could deny it being their dogs or their responsibility.

- There would be training of dogs for recall which would involve owners calling to dogs and using whistles. This would be another annoying and intruding noise nuisance to residents, especially given the extensive hours of use proposed.

- The dogs seem unsettled, which is disturbing.

- The barking dogs set off the local dogs in the neighbourhood, making it difficult for dog owners to manage their pets.

- The dog related businesses at Lomber Hey Farm are not well managed.

- Residents will no longer have the opportunity to hear bird song in the early morning and evening as to this will be drowned out by the nuisance of dogs barking and howling.

- There are other businesses operating from the farm, such as vehicle repairs, which do not cause problems.

- Farmers have sheep and cattle on the land. When the dogs are barking it sets the flock of sheep charging around which cannot help the pregnant ewes. God forbid if the dogs escape.

- The application states that the proposal would assist with the mental health and well-being of dogs and their owners. If the application is granted, the mental health and well-being of residents would be adversely affected.

- Due to the substantial property prices in the area, if the application is granted, residents would be looking for several thousand pounds compensation.

- Council Officers dealing with the application should pay an unannounced visit to the area to listen to the disturbance made by the dogs already using the Lomber Hey site before making any decision on this application.

Letters of support from 20 properties have been received to the application which assert the following :-

- Lockdown has seen an increased number of dogs providing a companion during difficult times when socialising was prohibited.

- Many dogs are unable to do off load for one reason of another.

- It can be daunting when walking a reactive dog, trying not to react with other dogs. The secure field would be beneficial to this. Secure areas that support reactivity rehabilitation are invaluable.

- Many dogs are anxious and nervous in busy areas due to previously being attacked and this would provide a secure location for owners to exercise their dogs safely.

- There are a growing number of anxious dogs, unable to exercise in high stress areas such as local parks.

- Many dogs need work on recall and owners cannot let them off-lead. It would be fantastic to have something in the area which allows owners to play fetch, let their dog run and play off-lead in a safe environment and is important for training.

- It is important to have such facilities to help with off-lead training for puppies so that they are safer when out in public areas.

- It is a duty as a responsible dog owner to ensure that puppies are well trained and this would be the perfect place to do one-to-one recall training.

- Some rescue dogs cannot be let off-lead. It would be amazing to have somewhere to run around safely.

- Safe and secure areas to train and exercise dogs are vital.

- A secure field would be a valuable resource for dog owners and walkers.

- It would improve the community and local parks as it would give dogs who are less predictable or owners who are not as responsible somewhere to go to let their dog off-lead in a safe, responsible way without having to spend a lot or travel far.

- It would decrease the amount of dogs being walked off-lead through fields with sheep in lamb.

- With the escalating number of dog attacks, more responsible dog owners will be looking to rent private fields to exercise their dogs safely.

- Whilst there are other such facilities in the area, they are difficult to book.

- There is a lack of these fields in the local area which requires more travelling which adds to congestion on the roads.

- Good dog fields are few and far between. Many areas do not have these fields. Places like this are few and far between and to have a local area would be a great asset for dog owners.

- The proposal would benefit other dog related businesses in the area. It would be great for the existing businesses in the area.

- Many residents use the existing dog related facilities at the farm and it is important to support small businesses in the current climate.

- A secure field would be a godsend, which would enrich a dogs life when they have to be confined to a lead most of the time on walks.

- Similar uses are well used and have no adverse impacts at all.

- This would be a great addition to the area and will be well used.

UPDATE FOLLOWING CONSIDERATION BY MARPLE AREA COMMITTEE ON THE 21ST JUNE 2023

Following the consideration and subsequent deferral of the application by Marple Area Committee and on submission of amended hours of opening/operation by the applicant, neighbouring properties were consulted on the submitted amended hours of opening/operation.

Members are advised that 8 further letters of objection and 1 further letter of support have been received as part of the neighbour consultation on the submitted amended hours of use/operation, from properties who had commented on the application as originally submitted. No additional substantive matters are raised to those contained above.

CONSULTEE RESPONSES

Environmental Health Officer (Noise and Amenity)

Comments of 16/02/2023

Insufficient information has been submitted with the application, in order to adequately assess the impact of the proposed development.

A Noise Management Plan and a reduction in the proposed hours of operation are required.

The proposal, has been assessed in relation to impact upon the environmental quality of life to existing sensitive receptors, in proximity to the proposed development.

Adjacent land recieved approval on 3rd March 2021 under planning application DC/078477 - *Use of land as outdoor dog training area.*

The business page: Loyal Hounds - School for Dogs operates at this land. The land used as a dog training area has not generated noise complaint to this service nor has any of the other canine related businesses located at Lomber Hey Farm.

The current proposal has generated objections from residents at Meadow Close, Alders Green Ave, Arnside Close and Andrew Lane. The Neighbourhood Area Officer has confirmed that there are have been no corresponding barking-dog noise reports to this service.

- *Proposed Development – Impact Upon Existing Receptors*

Open-air enclosed boundary, dog-fields, are new activities/ business oppotunities and have the potential to bring marginal farmland into profitable commercial use, by diversification of agricultural land into 'Dog Field' hire.

The site will be enclosed with 2m high fence.

The Proposed hours of operation of the outdoor dog exercise area are Monday to Friday, Saturday, Sunday & Bank Holiday - 07:00 to 20:00

The following supporting Information is contained within the submitted Planning Statement :

2.2 The complex of Lomber Hey Farm accommodates a variety of commercial uses, including the introduction of five dog-related businesses for: day care, hydrotherapy, physiotherapy, grooming, and outdoor training area which have gained planning consent over the past few years.

3.1 The scheme seeks to make use of the parcel of land by providing an outdoor dog exercise area which will be complimentary to the existing canine-related uses and will allow for the expansion of the dog care area that has become established at the complex.

3.4 The proposed use will operate from 0700 hours to 2000 hours each day, given that as dogs need to go for a walk every day operating seven days a week is essential. The hours as proposed also allow for the exercise area to cater for anyone who needs to take their dogs out pre-work and to also allow for owners to return from work and have enough time to exercise their dog.

3.5 The exercise area will be self-service and secure, with clients booking the area for exclusive use for 50-minute slots with five minutes allowed at the beginning and end for entering and vacating the land to ensure there is no crossover period where a potential reactive dog may meet another, and to also eliminate the need for any more parking spaces than the two indicated on the submitted plans.

3.6 When using the facility, the dogs within the area are free to roam and be allowed off their lead as the land will be secured by stock/deer proof 2 metres high fencing around the perimeter with a 2 metres double gate to access the area which is also stock/deer proof. The boundary treatment proposed does not require permission as it is within the limits of permitted development, and will not infringe on the public footpath that runs to the south of the site.

3.7 The site will be self-service so no staff will need to be present on site, although the telephone number of the applicant (who holds a Level 3 Diploma in Animal Management) will be provided to anyone who books, to ensure that they can be on call to assist with any queries. The site will also be checked regularly each day to ensure it is tidy and to check that the fence has not been compromised.

3.8 Dog waste bins will be put out on the site along with biodegradable waste bags, with the waste will be collected daily and taken to a larger wheelie bin which will be emptied by an appropriate contractor such as Stockport Council trade waste services.

3.9 The rules of use of the exercise area will be sent out with each confirmation of booking, as well as appropriate signage provided at the site stating the rules and reconfirming contact details in case of an emergency, with a first aid kit available on site. Bookings will be made via the website on a live availability basis to ensure that once a slot is booked out it will be unavailable for anybody else to book. The booking system will also allow the applicant to know who has been on the land and at what time, to assist with general management if any issues arise or if the rules are not adhered to.

3.10 The area will normally be used for one or two dogs per booking with a maximum of four dogs per booking, with cars restricted to two per booking which will be set out in the rules. It is proposed to include small agility equipment to assist with the exercise of the dogs within the site, which will be freestanding, small in scale and non-permanent. These will consist of things such as wooden stakes for weaving, small ramps, large tractor tyres, a tunnel and a sand pit. There will be a toy box on site which will include things such as tug toys, balls, ball throwers for clients to use. Drinking water bowls will also be available.

3.11 The reason for allowing cars to park in the site is to allow the owners to let their dog straight out of the car and into the area to avoid encountering another dog/human, as the dog may be reactive. Once in the secure site there is no chance of escape as the gate will be locked and the fencing in place. It is envisaged that many local dog owners will use the facility so they will be able to walk to the site, with the parking area only encouraged if walking to the site is not an option due to injury or due to a problem with the dog's social behaviour.

- *Environmental Health Officer Comment*

The critical business areas to address noise impact arising from the proposed change of use of land to outdoor dog exercise area are :-

- Hours of operation;
- Session duration and service user change-over (50 minute slots with five minutes allowed at beginning and end to ensure no cross over period to address reactive dog triggers)
- Number of dogs to be exercised (maximum of four dogs per session).

- Noise Management Plan (not provided in support of the application)

- *Hours of Operation*

The proposed hours of operation are 07:00 – 20:00, 7 days a week. The dog-exercise area is not proposed to be illuminated, therefore hours of use will be reduced during periods of reduced natural light, typically reduced hours during the winter period. Therefore there will be summer and winter timetable to permit use of the area in natural light.

If the use of the field as a dog exercise area, is not adequately controlled, there is potential to negatively impact the amenity of the area.

The early morning 07:00 start of operations at this location is considered too early and a later 8:00 commencement hour is recommended.

The dog field is self-service; no details have been provided of how complaints of dogs barking are to be addressed/ managed.

To reduce the impact, of the field as a self-service dog exercise area, upon the amenity of noise sensitive residents and the general area; this service, considers it necessary that :-

- The hours of use should be reduced (it is suggested, that the days and hours of use shall be restricted Monday to Friday 08:00 hours to 20:00 and
- A Noise Management Plan (NMP) shall be submitted in support of the proposal

NMP Considerations

To prevent excitement or aggression in dogs, to ensure that situations never develop that are beyond the immediate control of the persons present; the dog exercise area use, shall be limited to exclusive session hire by dog/s owner or person responsible for dog/s under their supervision/ control.

In response to noise complaint, assess client booking record, to establish if same owner/dogs are causing issue and request they do not return, until the dogs behaviour is controlled to stop barking upon command.

Consider, advising (signage or conditions of filed hire) that owners stay in vehicles with their dogs until the field and other dog owners have secured their dogs in their vehicle/ vacated the parking area, before allowing their dog/s out of the car and walked to the filed on lead.

Information Required to be Submitted

- A site specific Noise Management Plan to address noise impact upon sensitive receptors, detailing all measures to be undertaken to restrict any noise emanating from the site.

- Amended hours of operation shall be submitted.

Further comments of 26/05/2023, following submission of a Noise Management Plan

In response to 16/02/23 comments from this service, the applicant has provided additional information in support of the development in emails from the agent which have included a Noise Management Plan:

The information and Noise Management Plan has addressed this services concerns about the operation of the outdoor dog exercise area at this location, with respect to the preservation of environmental quality of life, residental and community amenity.

Concerning the hours of operation :-

- *In regard to the EHOs requested start time of 08:00 instead of 07:00, the facility is essential to allow people to exercise their dogs and so the additional hour is essential for the use.*

- *As pointed out by the EHO, there are a number of late autumn/winter/ early spring months where this cannot take place anyway due to there being no natural light and so to impose the restriction of 0800 seems unjustified.*

- *I would also point to the fact that the existing dog day care use on the complex has no hours of use restriction and accommodates a much larger number of canines than proposed by the current application.*

This service is agreeable to the applicants original requested start time of 07:00.

The applicant has provided additional information regarding the context in which the proposed dog exercise area will occur. When making an assessment of the impact and arriving at decisions, it is essential to place the sound in context.

For completeness confirm the proposed hours of operation of the outdoor dog exercise area are Monday to Friday, Saturday, Sunday & Bank Holiday - 07:00 to 20:00.

Recommended Condition :-

- The development shall operate in accordance with the submitted and approved Noise Management Plan

Reason: To ensure that existing noise sensitive receptors are adequately protected from noise impact arising from the proposed development.

Highway Engineer

The development in itself is not likely to significantly change the volume or nature of traffic to the site; I would, however, be more comfortable with some additional information regarding likely numbers using the facility given restricted local access. For example, the applicant should confirm if the facility operates on an appointment basis and that there is no overlap of customers resulting in unacceptable parking demand. I recommend that a suitable condition be attached to any approval.

Details of the construction and drainage of the proposed access and parking areas are required to ensure compliance with sustainable drainage policies in not resulting in any increased discharge to the adopted surface water system. I recommend that a suitable condition be attached to any approval.

- Recommendation : No objection, subject to the following conditions :-

No work shall take place in respect to the construction of the car parking facilities to be provided for the approved development until a detailed drawing of the car parking facilities have been submitted to and approved in writing by the Local Planning Authority. Details shall include how the car parking facilities will be surfaced and drained. The approved development shall not be brought into use until the car parking facilities have been provided in accordance with the approved drawing and are available for use. The car parking facilities shall thereafter be retained and shall remain available for use.

Reason: To ensure that adequate parking facilities are provided and that they are appropriately located and are of a safe and practical design, in accordance with Policies SD-6 ‘Adapting to the impacts of climate change’, SIE-1 ‘Quality Places’, T-1 Transport and Development’, T-2 ‘Parking in Developments’ and T-3 ‘Safety and Capacity on the Highway Network’ of the Stockport Core Strategy DPD, supported by Chapter 10, ‘Parking’, of the SMBC ‘Sustainable Transport’ SPD.

A method statement detailing how the approved exercise space will operate shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of staff and customer numbers, hours of operation, parking demand and provision and details of what activities will take place at the facility. The exercise field shall only operate in accordance with the approved method statement unless otherwise agreed in writing by the Local Planning Authority. The field which is the subject of this application shall not be used for any other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order, with or without modification.

Reason: To ensure that the proposed development does not result in a level of vehicle movements to / from the site greater than the level considered as part of the planning application and that an appropriate level of parking is provided, having regard to Policies T-1 ‘Transport and Development’, T-2 ‘Parking in Developments’ and T-3 ‘Safety and Capacity on the Highway Network’ of the Stockport Core Strategy DPD.

Public Rights of Way Officer

The Planning application is close to 194 M but based on information provided should not impede the line of the route.

An advisory note needs to be placed on any permission that any closure of the route in construction requires a TTRO for the path and that this permission is separate to planning permission.

High Lane Village Neighbourhood Forum

As representatives of the HLVNF we have reviewed the above planning application and would state that whilst the Forum has no specific issues with this application, we have heard from one or two residents local to the application, that they are concerned about a noise issue. Apparently, noise from that site travels across the fields adjacent to the Water Treatment works.

Beyond the above, we have no comments to make on this proposal.

ANALYSIS

Policy Principle

The site is allocated within the Green Belt, as defined on the UDP Proposals Map. As such, assessment of the proposal against the provisions of the NPPF and saved UDP policy GBA1.2 is required.

The NPPF addresses the national approach to Green Belt policy under the heading entitled ‘Protecting Green Belt Land’ and takes as its fundamental starting point the importance of maintaining ‘openness’ on a ‘permanent basis’. Paragraph 137 of the NPPF confirms that ‘*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 150 of the NPPF states that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These include ‘*Material changes in use of land*’. Saved UDP policy GBA1.2 is consistent with Paragraph 146 of the NPPF states that ‘*Forms of development, other than new buildings, including changes in the use of land, will not be permitted unless they maintain openness and do not conflict with the purposes of including land in the Green Belt*’.

Information submitted in support of the application confirms that the proposal seeks to use the existing unused parcel of land as an outside dog exercise area and does not require the erection of any buildings. Whilst some portable agility/play equipment is proposed to be used, these are not permanent structures, easily removed and are not considered to comprise permanent structures for which planning permission is required. Additionally, the proposed 2.0 metre high stock/deer proof fence and gates to enclose the proposed dog exercise area could be erected under permitted development rights without the requirement for planning permission.

In view of the above, it is considered that the proposed use of the land as a dog exercise area would maintain the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal is not considered to comprise inappropriate development within the Green Belt, in accordance with saved UDP policy GBA1.2 and the advice contained within the NPPF.

Impact on Landscape Character Area

Information submitted in support of the application confirms that the proposal seeks to use the existing unused parcel of land as an outside dog exercise area and does not require the erection of any buildings. Whilst some portable agility/play equipment is proposed to be used, these are not permanent structures, easily removed and are not considered to comprise permanent structures for which planning permission is required. Additionally, the proposed 2.0 metre high stock/deer proof fence and gates to enclose the proposed dog exercise area could be erected under permitted development rights without the requirement for planning permission.

On this basis, due to the fact that no permanent structures or buildings are required to accommodate the proposed use, it is considered that the use of land would not result in harm to the character of the High Lane – Hazel Grove Landscape Character Area within which the site is located or the visual amenity of the area. As such, the proposal complies with saved UDP policies LCR1.1 and LCR1.1A, Core Strategy DPD policy SIE-1 and HLVNDP policy NH1.

Impact on Residential Amenity

The neighbour objections received to the application on the grounds of loss of residential amenity by reason of noise and disturbance from existing dog related activity at the site and from the proposed use of the land as an outdoor dog exercise area are noted and acknowledged. The detailed comments received to the application from the Council Environmental Health Officer are contained within the Consultee Responses section above.

At the outset, consideration should be taken of the fact that the application site is located within a rural area, within which usual noise associated with agricultural activity is commonplace. In addition, the site is located approximately 160 metres from the nearest residential properties on Meadway and Meadow Close to the South West of the site and approximately 190 metres from the nearest residential properties on Andrew Lane to the West of the site.

In order to address concerns raised by the Environmental Health Officer, a Noise Management Plan has been submitted in support of the application, which confirms the following :-

- The overall implementation and maintenance of the noise management protocol will be the responsibility of the facility manager, with the day-to-day management of noise delegated to the manager on call at the time. The facility manager will provide contact details to the Environmental Health Officer so that any noise complaints made directly to the Local Authority can be handled quickly and efficiently.

- Noise level checks will be carried out as part of any routine checks of the site at the nearest noise sensitive properties. If unacceptable noise levels are observed, the specific source would be identified via the use of the online booking system which will be operated, and the owner would be asked to calm their dog.

- The exercise area will operate under a warning system and should a noise complaint be received, the owner will be issued with a warning. If the owner receives two warnings in any one session, they will be asked to leave the site. Persistent offenders over a number of sessions will not be permitted to use the exercise area in the future. Prolonged periods of dogs barking will not be tolerated and owners and their dogs will be requested to leave immediately

- As far as is reasonably practicable, the facility manager should ensure that guests keep noise to a minimum. Practical measures may include but are not limited to :- A) Notices around the exercise area requesting that dog owners keep noise to a minimum; B) Additional notices at the entrance/exit of the site informing guests of the site rules and regulations; C) Carrying out of routine checks could be provided with hi-visibility vests with a message on the back to keep noise to a minimum, which has proved to be effective in noise management on similar such projects.

- Local residents can be provided with a means by which noise complaints may be made, either by email or telephone which may be provided either by a letter or leaflet drop or an advertised number on the company website.

- Should a noise complaint be received, it will be investigated and a subjective assessment of the noise noted. If noise levels are considered to be intrusive and likely to cause complaint, immediate action would be taken to reduce the noise at source. If no noise is audible at off-site locations, then this should also be recorded.

- A complaints log will be kept, detailing the time of complaint, address and any actions taken, which should be made available to the Local Authority upon request. The results of any noise checks should also be logged, including times, locations and any action taken.

Members are advised that the information and proposed mitigation measures contained within the submitted Noise Management Plan have addressed the concerns of the Environmental Health Officer in respect of impact on the residential amenity of surrounding properties. This would be subject to the imposition of a condition to ensure that the use is operated in accordance with the Noise Management Plan.

Members will be aware that the Environmental Health Officer was agreeable to the originally submitted proposed hours of operation of the dog exercise area (07.00 to 20.00, seven days per week). Following consideration and subsequent deferral of the application by Marple Area Committee on the 21st June 2023, the applicant has submitted amended hours of operation between 07.30 and 18.30 on weekdays and between 10.00 and 18.00 on weekends. In the absence of objections from the Environmental Health Officer, the submitted amended hours of operation are considered acceptable and would be controlled by condition.

In summary, the neighbour objections raised on the grounds of loss of residential amenity by reason of noise and disturbance resulting from the proposed use are noted and acknowledged. However, on the basis of the submitted information, in the absence of objections from the Environmental Health Officer and subject to conditional control, it is considered that the proposed use could be accommodated on the site without causing an undue loss of residential amenity to surrounding properties, by reason of noise and disturbance, that would justify the refusal of the application. As such, the proposal is considered to comply with Coe Strategy DPD policies CS8, SIE-1 and SIE-3.

Highways Considerations

The detailed comments received to the application from the Council Highway Engineer are contained within the Consultee Responses section above.

In raising no objections to the proposal, the Highway Engineer considers that the proposed development/use of the land is not likely to significantly change the nature of traffic to the site. Given the restricted local access and to ensure that there is no overlap of customers and associated unacceptable parking demand, a condition is recommended by the Highway Engineer to require the submission, approval and implementation of a Method Statement detailing how the proposed use would operate in respect of staff/customer numbers, hours of operation, parking demand and activities that will take place. A further condition is recommended by the Highway Engineer to require the submission and approval of details of the proposed car parking facilities, to ensure that such facilities comply with sustainable drainage policies and do not result in increased discharge to the adopted surface water system.

In view of the above, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from a traffic generation, parking and highway safety perspective, in accordance with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Impact on Public Right of Way

The site is adjoined by a Public Right of Way (194 M), however the Council Public Rights of Way Officer considers that, on the basis of the submitted information, the proposed use should not impede the line of the route, therefore the proposal does not conflict with saved UDP policies L1.7, L1.8 and L1.9. The applicant will be advised of the existence of the Public Right of Way and the requirement for a separate Temporary Traffic Regulation Order should any closure of the route be required during construction by way of informative

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The application seeks planning permission for the change of use of a currently unused parcel of land to the South East of Lomber Hey Farm in High Lane to an outdoor dog exercise area.

It is considered that the proposed use of the land as a dog exercise area would maintain the openness of the Green Belt within which the site is located and would not conflict with the purposes of including land within it. As such, the proposal is not considered to comprise inappropriate development within the Green Belt.

Due to the fact that no permanent structures or buildings are required to accommodate the proposed use, it is considered that the use of land would not result in harm to the character of the High Lane – Hazel Grove Landscape Character Area within which the site is located or the visual amenity of the area.

The neighbour objections raised to the application on the grounds of loss of residential amenity by reason of noise and disturbance are noted and acknowledged. However, on the basis of the submitted information, in the absence of objections from the Environmental Health Officer and subject to conditional control, it is considered that the proposal would not result in undue loss of residential amenity that would justify the refusal of the application.

In the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from a traffic generation, parking and highway safety perspective. No objections are raised from the Public Rights of Way Officer in respect of impact on the adjacent Public Right of Way.

In view of the above, the proposal is considered to comply with relevant saved UDP, Core Strategy DPD policies and HLVNDP policies and relevant SPD's. In considering the planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant.

MARPLE AREA COMMITTEE (21/06/2023)

The Planning Officer introduced the application and highlighted the pertinent issues of the proposal.

Members sought clarification from the Planning Officer on various matters, including the permitted hours of use for the ‘Woof Club’ within the Lomber Hey Farm complex; the reason why the proposed hours of operation had not been reduced in accordance with the original recommendation of the Environmental Health Officer; and at what point the number of dog related activity at the site would be considered unacceptable cumulatively in terms of impact on residential amenity. The Planning Officer clarified the matters raised by Members.

A member of the public spoke in objection to the application, representing the surrounding residential properties. Residents wished to sit in their gardens without noise from dog related activity. Between 2019 and 2021, four dog related businesses had been granted at the site without consultation with neighbours and no consultation had taken place with surrounding properties as part of the current application. Aggressive and nervous dogs tend to bark more and people using the adjacent footpath would set the dogs off barking at the proposed site and within the existing dog related businesses in the wider site, which is already a problem. The proposed fence would not keep the dogs in. The reference to the dog exercise area in Romiley is not comparable to the current application as it is not in proximity to residential properties. If granted, the proposal would impact on a lot of peoples lives and well-being and is unacceptable within a residential area.

Members sought clarification from the objector as to existing dog noise issues which are already experienced at the premises. The objector explained that there was a lot of noise at the moment, dogs barked when people walked past and there was noise from whistles and instructions.

The applicant spoke in support of the application. The proposal would allow owners to exercise dogs freely and off-lead and would benefit dogs who are reacitive and have bad recall. The proposed parking area would be adjacent to the field to ensure that owners do not have to walk along the footpath. The proposal would be for 1-4 dogs for up to 2 households maximum to use the area at any one time. Fencing would be provided which would be checked daily. Dogs would be supervised by their owners whilst on the facility. Booking would be via a website, which would allow the applicant to address any issues raised. If continued complaints are received about a particular dog, they will be prevented from using the facility. Rules would be set out clearly. The proposal for a 07.00 start and 20.00 finish would allow people who work to exercise their dog. There would be a gap at the end and start of each session to prevent overlap. There had been much interest from owners seeking to use the facility, which would benefit reactive dogs.

Members sought clarification from the applicant as to whether or not they had considered other sites within the area that were sited further away from residential properties. The applicant stated that this had taken place, however the application site was the only one that could be found. Members sought clarification from the applicant as to the proposed hours of operation and whether or not these could be amended to address concerns raised by residents. The applicant confirmed that the proposed measures that could be put in place would address any issues and explained the reasons for the proposed hours of operation, however it was stated that the proposed hours could be reduced. Members sought clarification as to why up to 4 reactive dogs would be allowed. The applicant confirmed that they would not allow more than 1 reactive dog at any one time.

Following Member questions, the Planning Officer provided clarification to Members that the proposed hours of operation had been considered acceptable by the Environmental Health Officer following the submission of the Noise Management Plan. The Planning Officer advised members that, should the use not operate in accordance with the recommended Noise Management Plan condition, there could be the potential for enforcement action. The Planning Officer confirmed the extent of the neighbour notification and advertisement that had been carried out as part of the application, which were considered to be in accordance with adopted procedures.

Members debated the application. It was noted that that there been a lot of communication from local residents to the application. Relevant local planning policies in relation to protecting residential amenity were highlighted. Concerns were raised as to noise issues currently being experienced by local residents resulting from existing dog related activity at the site. Concerns were raised to the submitted hours of operation, particularly at the weekend and that the submitted hours of 07.00 to 20.00, seven days per week was too much for the nature of the business proposed. Members questioned whether the proposed hours could be conditioned to be in line with the existing 'Woof Club' at the wider site.

The Planning Officer advised Members to their options in making a decision on the application.

Following the debate, Members proposed, seconded and resolved to defer the application, to allow Officers to negotiate the proposed hours of operation with the applicant, with the application then to be referred back to Marple Area Committee for determination, following a further period of notification with neighbour properties.