

Application No: 20/0596M

Location: LAND OFF SPODE GREEN LANE, LITTLE BOLLINGTON, WA14 3QX

Proposal: Change of use of land and associated barn/field shelter from horse grazing to dog adventure field/dog exercise area.

Applicant: John Pearson & Julie Newland, The Dog Bus

Expiry Date: 22-Apr-2022

SUMMARY

The proposed development for a dog exercise area would result in the site being used for the exercise and care of dogs, with up to 45 being proposed on site at any one time. Based on the information provided it is considered that the proposed material change of use of the land and the reuse of the existing building on the site preserve the openness of the Green Belt and do not conflict with purposes of including land within it. The proposal is therefore not considered to be inappropriate development in the Green Belt.

One of the key concerns raised throughout the course of this application relates to potential noise levels from the site. Some local residents and Little Bollington Parish Council have raised this as an issue. Whilst it is acknowledged that noise may arise from the application site at times, it is anticipated that it would be an infrequent and unlikely event for all dogs on site to bark simultaneously. Furthermore, various factors significantly reduce the risk of noise causing significant harm to the amenities of the nearest residential properties. This includes the significant separation distance between the closest residential property and the application field, as well as the presence of a number of busy roads surrounding the application site, which will more frequently give rise to higher noise levels than the application site. Therefore, it is considered that the potential impact upon the living conditions of nearby properties is, on balance, likely to be acceptable. However, given the comments received from neighbouring properties and the unpredictable and intermittent nature of noise from dogs barking, a trial period is considered to be appropriate through a temporary planning permission.

The potential contamination of land and risk of spread of infectious diseases to animals using surrounding fields was an additional key concern raised. However, it has been shown that the likelihood of infection through ground water/water course contamination, in the event that the application field were to be waterlogged, is very low.

The proposals are considered to have an acceptable impact upon the character of the area, and no adverse impacts are identified relating to highways, flood risk and nature conservation. Accordingly, it is recommended that planning permission be granted for a temporary period of two years.

SUMMARY RECOMMENDATION

Approve subject to conditions for temporary period

REASONS FOR REPORT

The application covers an area greater than 2ha in size and therefore requires determination by the Northern Planning Committee. The application was also called into committee by the local ward Councillor, Cllr Parkinson, for the following reasons:

- 1. Residents in the Little Bollington area have made many complaints about the environmental health issues surrounding this application. For over a year The Dog Bus has increased their intake of dogs, and the noise is apparently very loud. I appreciate the owner of The Dog*

Bus has had an acoustics engineer to do a sound report, but I think CE EH should monitor this to give an unbiased opinion as we do not know when this report was done.

- 2. The field where the dogs are is constantly water logged. I have monitored the situation for a number of months, and the field where the dogs are held is full of stagnant water and very boggy. Animal welfare requires fields to be clear of water and free drain, which this is not. The field is always wet.*
- 3. While there is planning for a building to keep the animals warm, the building they intend to convert is not big enough to hold up to the 45 dogs they will be intending to house. In bad weather this would be too small to safely shelter dogs and the required number of people looking after the animals.*
- 4. This also has huge implications on the agricultural use for the surrounding fields in the future. Dog faeces can cause an infectious disease in cattle, sheep and horses. The disease is called Neosporosis. It is the most commonly diagnosed cause of miscarriage in these animals. Dogs and other canids are the definitive host. It is a parasite carried in dogs, where it becomes sexually mature and reproduces. There is a horse breeder in the adjoining field who has not been able to breed or train horses due to noise and faeces issues. To be able to maintain hygiene however much they could try, in the waterlogged conditions in this field there is no way that all the faeces from 45 dogs can be cleaned up properly without it entering the watercourse and infecting surrounding fields.*

DESCRIPTION OF SITE AND CONTEXT

The site comprises an agricultural field to the south of Lymm Road and north of the M56 in the Millington/Little Bollington Area. The field area extends to an area of approximately 2.7 hectares. The site has previously been used as paddocks for horses with an existing timber barn/field shelter building on the eastern boundary of the site. An access track and area of hard standing exist to the north-east of the site. The track is accessed from Spode Green Lane. Boundary treatments include stock fencing and hedgerows. The site is located within the Green Belt.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the change of use of the site, including the associated former barn/field shelter, to a supervised dog exercise area (a sui generis use), in association with the applicant's dog-walking/exercising business 'The Dog Bus' for a maximum of 45 dogs.

No new built form is proposed on the land, however, the existing barn/field shelter is proposed to be refurbished. The refurbishment will involve the replacement of the existing timber walls with insulated timber panels. Single doors will be provided to both ends of the building (north and south elevations) and the existing metal roof covering will be retained. No extensions are proposed to the building.

The following key points taken from the accompanying Planning Statement highlight how the business would operate:

- The dogs would be picked up directly from their owner's properties by staff members, with a group of dogs being brought to the site at the same time. This will keep traffic movements to a minimum. At the end of the session the dogs would be returned directly to their owner's properties.
- The dogs would be cared for on a 1 (staff) to 10 (dog) ratio.
- The site would typically accommodate 30 dogs at any time (with a maximum of 45).
- The site is not intended to function as a standard kennels as there would be no overnight accommodation provided for the dogs.
- The proposed hours of operation are 09:00 to 16:00 Monday to Friday only.

PLANNING HISTORY

20/4020M - Change of use from agriculture to mixed-use agriculture and equestrian. Construction of stables and associated storage buildings (retrospective) – Approved 06-Jan-2022

20/4660M - Certificate of lawful existing use for rolled stone hard standing - Approved 26-Jan-2022

POLICIES

Cheshire East Local Plan Strategy (2010-2030)

MP1 Presumption in Favor of Sustainable Development
 SD1 Sustainable development in Cheshire East
 SD2 Sustainable development principles
 SE1 Design
 SE12 Pollution, Land Contamination and Land Instability
 PG3 Green Belts

Macclesfield Borough Local Plan (MBLP) (2004)

DC2 Extensions and alterations
 DC3 Amenity
 DC6 Access and Parking
 DC13 Noise
 DC38 Space, light and privacy
 GC1 Green Belt

Little Bollington Neighborhood Plan

The Little Bollington Neighborhood Plan is currently at Regulation 14 stage (Pre-submission Consultation). The following draft policies are relevant, but limited weight is attached to them at this stage.

HLD1 Landscape Character
 HLD3 Design
 LE2 The Local Economy

Other Relevant Documents

National Planning Policy Framework (2021)
National Planning Practice Guidance

CONSULTATIONS (EXTERNAL TO PLANNING)

Environmental Health – Initial response (18/03/20): No objections subject to conditions relating to controls which should be imposed on the proposed operations in the event of an approval.

Second response (18/05/20): Note methodological concerns with the accompanying noise impact assessment and highlight how variations in noise levels may occur as well as drawing attention to the particular unpleasant nature of the type of noise which would arise as a result of the proposal.

Strategic Transport Manager – No objections subject to conditions

Lead Local Flood Authority - No objections

Environment Agency – No comments received

Animal and Plant Health Agency (APHA) – Provided a response in relation to concerns raised regarding the potential risk of Neosporosis to breeding horses in neighboring fields. APHA's Duty Vet noted that the overall risk for horses, or other stock in the circumstances described would be negligible or minimal.

Little Bollington Parish Meeting – Object to the application on the following grounds:

- Unacceptable noise levels – risk of distress to horses; likelihood of disturbing the peaceful nature of this rural area; likelihood of disturbance and annoyance to residents; Noise assessment undertaken does not provide a realistic assessment of the noise levels likely from the scale of operation proposed on the site.
- Animal welfare - risks of dog behaviour causing distress to horses on adjoining land; risks to animal health due to the waterlogged nature of a large area of the site and absence of adequate drainage; building on the site inadequate for providing shelter for many dogs.
- Risks to Animal and Human Health - contamination due to the amount of faeces deposited from a large number of dogs creating high risk of parasites which are injurious to animal and human health; proposals to collect all dog faeces are considered to be impracticable and unworkable; lack of adequate provision for toilet and sewerage facilities for staff working on the site.
- Traffic and parking - Spode Green Lane is a very narrow and winding road, which is reduced to a single-track road in parts; excessive vehicle journeys / unacceptable increase in the traffic flow on this narrow rural lane; Spode Green Lane is unsuitable for parking of vehicles; inadequate parking provision on site for the number of vans involved; land is rural in nature and are unsuitable and inappropriate for parking of a large number of vehicles.

- Adverse impact on green belt / rural area - nature of the proposed operation will transform the site from pastoral land to a commercial operation with many vehicle movements and considerable noise. This will have a serious adverse impact on the green belt; risk of excessive noise.
- Planning consent for the building - building used for a shelter appears to not have planning permission; original building has been on the site for a long time, which may provide deemed planning consent; extension was added in recent years.
- Other legal requirements - site has been operated as a dog exercise area since about May 2019; this use does not currently have planning permission and hence is in breach of planning regulations; applicant does not have a Dog Day Care Licence. This is required under the Animal Activities Licensing Regulations 2018.

REPRESENTATIONS

Representations have been received from 26 addresses. 20 of these representations are in objection to the proposal, and 6 in support.

Objections

A summary of the main points of objections raised are as follows:

- Proposals will result in unacceptable noise levels to nearby residential properties.
- Noise levels have been noted from Reddy Lane in the approx. 12 months that the site has already been in operation as a dog exercise area.
- Unpredictable stop start nature of barking dogs and shouting staff is of particular nuisance.
- Risks of noise causing distress to horses on adjoining land.
- Concerns that the noise assessment undertaken for the planning application is inadequate as it does not provide a realistic assessment of the noise levels likely from the scale of operation proposed on the site.

The agent has responded to concerns raised about noise noting that the dogs will only be on site during the day and the site will not support overnight boarding, unlike the existing kennels on Reddy Lane which are likely to give rise to more noise than the proposed use of the application site. The agent suggests that where noise has been raised as an issue it is difficult to distinguish the source due to the presence of existing kennels. The agent also points out that on the day of the noise impact assessment, as many as 75 dogs were present within the application field. Finally, the agent highlights that The Dog Bus have been operating at the site since May 2019. During this time no complaints were made to the Councils Environmental Health Service.

- Risks to animal health due to the waterlogged nature of a large area of the site.
- The building on site is inadequate for providing shelter for a large number of dogs
- No dry undercover areas for separation for nervous animals.
- Concerns over a risk of contamination due to the amount of faeces deposited on the land from a large number of dogs left to run free and proposals to collect all dog faeces are considered to be impracticable and unworkable. In response to this point the agent has drawn attention to The Dog Bus 'Dog Waste' advisory document which is made available to all members of staff.

- Concerns regarding increase in traffic to a single-track lane.
- In the event of an approval decision objectors request a total restriction against parking along Spode Green Lane.
- Concerns that the nature of the proposed operations will transform the site from pastoral land to a commercial operation with increased vehicle movements and noise.

In response to concerns raised regarding traffic and parking the agent has noted that the business has 4 vans. During the day, each van makes two visits to the site and two departures, a total of 16 traffic movements over a 7 hour period (09:00 – 16:00), Monday to Friday only. The agent has argued that this does not represent significant traffic movements.

- Concerns that we don't have a full understanding of the ongoing pandemic and whether the Covid-19 virus can be transmitted between animals and humans.
- A number of buildings on the site and in the wider area do not have planning consent.

Support

6 responses in support of the application have been received. These come from a combination of neighbors, employees, the landowner, adjacent landowners/occupiers and neighbors of previous sites operated by The Dog Bus. A summary of the main points of support received are as follows:

- Noise levels of the dogs not overwhelming in the slightest.
- Noise comes from Kennels on Reddy Lane and not The Dog Bus.
- Working hours are during the daytime Monday to Friday, not on weekend.
- There has been minimal increase in traffic on Spode Green Lane.
- The Dog Bus drivers are courteous, friendly willing to go out of their way to let you pass and they drive slowly down the lane.
- The Dog Bus customers don't park on the lane.
- They cause no more increase in traffic than people who have horses on neighbouring fields.
- Initially found the dogs took an interest in horses but after they'd seen them, they don't bother them anymore.
- Horses seem as relaxed and happy as before The Dog Bus came and have seen no change in behaviour.
- The Dog Bus has invested in a horse shower to wash the dogs off in warm water.
- The Dog Bus owner has obtained qualifications to become a dog trainer and behaviourist, holds a level 3 OCN qualification in dog day care along with numerous other dog related certificates.
- One supporter notes they do not have any concerns regarding the dog faeces as they've witnessed for themselves staff picking it up.
- The landowner notes that they would not accept or allow the field to become contaminated by dog faeces. They understand that The Dog Bus have procedures in place to pick up and dispose of dog waste and add that the field is checked frequently for its condition.
- The drains have improved the situation as the ground in neighbouring field is much drier since the landowner arranged for someone to rod the drains. Any standing water that was present has pretty much gone.

- A blockage in one of the drainage pipes in the field has now been repaired and the drains flow freely again.

OFFICER APPRAISAL

Green Belt

The application site lies within the Green Belt, where both national and local policies restrict the types of development which may be carried out. The most applicable Green Belt policies for consideration in this case are PG3 of the CELPS, saved policy GC1 of the MBLP and Chapter 13 of the NPPF (2021).

Paragraph 147 (NPPF) states that in the Green Belt inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 148 notes that 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.

Paragraph 150 identifies certain forms of development (other than new buildings) that are not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exceptions that are of relevance to this assessment are:

- *The re-use of buildings provided that the buildings are of permanent and substantial construction*
- *Material changes in the use of land (such as changes for outdoor sport or recreation, or for cemeteries and burial grounds)*

Whilst the re-use of buildings exception is listed under policy PG 3 of the CELPS, the change of use of land exception is not. This means policy PG 3 of the CELPS is not entirely consistent with the more recent NPPF. Therefore, the weight to be afforded to policy PG 3 is reduced. Having regard to the requirements of paragraph 150 of the NPPF, the key considerations for the Green Belt are whether the proposal preserves openness and does not conflict with the purposes of including land in the Green Belt.

Openness

The Planning Practice Guidance (“PPG”) states that:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

No additional structures are proposed by the proposed development. The existing building has been refurbished to provide some shelter for dogs and staff, but these works do not increase the size of the existing building and therefore do preserve openness. In terms of the use of the

field by dogs, this would not be significantly different to the presence of animals arising from the lawful agricultural / equestrian use, and the parking of vans associated with the dog exercise field would take place on an area of existing hardstanding associated with a longstanding equestrian use on adjacent land. This hardstanding area would be shared with users of the adjacent land. It is considered that proposed parking levels would be similar to if the application site remained in agricultural / equestrian use, and would not have any greater impact on openness in visual or spatial terms.

In terms of the duration of development and its remediability, the application seeks full planning permission for a use that would take place between 09:00 to 16:00 Monday to Friday. The permission sought is a permanent one, but the use would only take place during traditional working hours, which would minimise the duration of any impact, and given the absence of any significant additional operational development being proposed, the land itself would not change from its original state.

Finally, with regard to the degree of activity associated with the proposed development, as noted above, in terms of car parking, vehicle movements, and activity on the site, this is considered to be similar to the existing lawful agricultural / equestrian use of the land. Overall, having regard to the scale and form of the development proposed, it is considered that openness will be preserved.

Purposes of Green Belt

Paragraph 138 of the Framework advises that Green Belt serves 5 purposes:

- (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.

Given the absence of any significant operational development associated with the proposed development, there is not considered to be any conflict with the purposes of including land in the Green Belt.

Green Belt Conclusion

The proposed development involves the material change of use of land and the re-use of a building of permanent and substantial construction, which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal is therefore not inappropriate development in the Green Belt, and it complies with paragraph 150 of the NPPF.

Character and Design

Between them, Policies SE 1 and SD 2 of the CELPS seek to ensure that all development makes a positive contribution to the character and identity of the area it would be located in.

The proposed external refurbishment of the existing barn/shelter is relatively minor. The existing timber walls will be replaced with insulated timber panels and new doors will be provided to

both ends of the building. The new walls would be constructed with timber birch plywood sheets and the building would feature a corrugated metal roof. The general design of the refurbishment is considered to relate to the rural character of the area and there are no concerns raised in connection with the design of the proposals and impact on the surrounding landscape. The proposal is therefore considered to comply with CELPS policies SE 1 and SD 2.

Residential Amenity

It is important that proposed developments do not have a detrimental impact on the amenity of neighbouring residents. Paragraph 174(e) of the NPPF notes that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 185 seeks to ensure that new development is appropriate to its location, and para 185(a) of the NPPF adds to this, stating that planning decisions should mitigate, and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

Policy SE12 of the CELPS outlines that the council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. This is also highlighted through saved policy DC3 of the Macclesfield Borough Local Plan (MBLP) and Policy DC13 of the MBLP states that noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level will not normally be permitted.

The existing equine/agricultural use of the site is likely to produce very little noise. When considering an agricultural use in the broader sense, there could be some potential for noise generative activity at this site, for example from machinery or from large numbers of livestock. However, the field is surrounded by other fields which are used for the grazing of animals i.e. quiet activities. The rural nature of the area currently benefits from a low background noise level. Therefore, when assessing the proposed use of the field, in relation to its existing use, it is apparent that the exercising of dogs could give rise to increased noise levels from the barking of dogs. As a result of the existing rural and open nature of the site, any noise created could be noticeable.

By nature of being an open agricultural field, there is no existing containment of noise, such as might occur within a building or where high walls create boundaries. The topography of the land is very flat with no intervening buildings or barriers to block noise transmission routes between the application site and the nearest residential dwellings.

In support of the application, the applicant has submitted a Noise Impact Assessment. The key points in this report include:

- The Noise impact assessment involved two sets of measurements. Firstly, baseline measurements were initially taken of between 8 and 10 dogs barking in an external area of an existing kennel. The measurements were taken from approximately 3m away from the

dogs and the dogs were actively encouraged to bark to generate barking levels considered to constitute a worst-case scenario. This noise level has then been corrected to account for 30 dogs barking and an attenuation of the results has then been applied to account for a distance of 120m, (the distance between the site and the nearest noise sensitive receptor).

- Site specific measurements were also taken of the existing acoustic environment at the nearest noise sensitive receptors to the application site, to the west of the site on Reddy Lane. The report notes that during the measurement period the distant road traffic on the M56 and A56, as well as local road traffic, was the dominant noise source. It is stated that during the measurement period there were dogs using the application site but no noise from barking dogs was noted as being audible at the measurement position during the survey. The existing background noise levels were identified to be 55dB(A)
- The noise assessment states that the potential worst case noise levels at the Noise Sensitive Receptors as a result of dogs barking on the site is 54dB(A), and notes that this is 1dB lower than the existing ambient noise levels measured on site (due to nearby road traffic).
- The report concludes that with all factors considered, it would be highly unlikely that noise levels from the proposed dog exercise site would result in a significant adverse impact upon the nearest noise sensitive locations.

Initial comments received from Environmental Protection (26/03/20) highlighted that the application site lies approximately 120 metres from the nearest residential dwellings on Reddy Lane. This distance is considered significant in terms of noise drop off. These comments also highlight that the type of operations proposed, the exercising of dogs in an open field, does not give rise to a significant amount of barking as would, for example, operations that involve dogs contained in a kennel environment. It is also understood that the proposed activity has been in operation since May 2019 and has not caused any complaint of noise nuisance to the Council's Environmental Health Service. This initial consultation response received from Environmental Protection accepted the methodology, conclusions and recommendations of the noise impact assessment and raised no objections to the proposal.

The Environmental Protection Officer provided further comments in May 2020. The Officer makes reference to their previous comments and notes that these still remain valid. The additional comments simply serve to expand on the points made to assist in the determination of the planning application:

Environmental Protection advise that any resultant noise impact to nearby residential dwellings will be dependent on a number of factors including:

1. Noise levels will reduce with distance. The nearest residential property on Reddy Lane is approximately 120 meters from the application site (a distance considered significant in terms of noise drop off).
2. The noise that could be produced is extremely variable and would be affected by things such as weather conditions (including wind direction and speed), the number of dogs on the field at any one time, the type and size of dogs and the nature and temperament of individual dogs. It is therefore impossible to predict the amount of noise which will be produced on any given day.

3. The acoustic assessment report which was submitted with the application measured the noise from the simultaneous barking of eight dogs and calculated the noise level back to the distance involved at the nearest residential homes and corrected the noise levels to account for 30 dogs. However, where 45 dogs may be brought onto the site at any one time, noise could be caused simultaneously by a greater number or a lesser number of dogs. Hence variations to the results of the acoustic report have to be considered.

This point has been responded to by the applicant's noise consultant who has noted that the most likely number of dogs on site at any one time would be 30, and that it would be a rare occurrence for 45 dogs to be on site and all barking simultaneously. However, if 45 dogs were to bark on site simultaneously, as opposed to 30 dogs barking simultaneously, this would result in an increase in noise level of <2 dB over that calculated previously. This is not a significant increase, having regard to existing background noise levels.

4. In terms of the assessment of noise (from any source), the duration of the noise is a significant factor and also whether the noise is continuous or occurs on an intermittent basis. Noise tolerances by individuals is also variable and what may be disturbing to one person is not disturbing to another. In general, it is a recognised fact that most people's reaction to noise is that a continuous steady noise source is less disturbing than an intermittent, variable noise. The barking of dogs will obviously be intermittent and variable. In addition, the character of the noise is taken into consideration - and in terms of dogs barking – most residents would describe it as an unpleasant noise due to its character, intermittency and stop/start nature. Such noise will in general cause annoyance and irritation – particularly if heard when residents are trying to enjoy their garden areas and/or have house windows open during warm weather conditions.
5. The sound level measurements taken for the report were undertaken using the LAeq parameter which, whilst being a recognised methodology, 'averages' noise levels over a period of time. Due to the averaging nature of the noise measurements – this will smooth over the peaks of noise (i.e. loud short bark) by averaging the noise with the quieter periods.

In response to this point the applicant's consultant notes that during the survey, no dog barking was audible, the noise climate was entirely dominated by road traffic noise. The consultant therefore contends that, in this instance, the noise level metric used is irrelevant as the measured levels were dominated by road traffic such that any noise from dogs was not audible and did not affect the measurements. The noise consultant also adds that noise levels taken of eight dogs barking, used to calculate the potential impact at the nearest houses, is based on a measurement period of 12 seconds. A 12 second measurement is considered to be a short enough period to adequately quantify dog barking noise without being overly reduced by the quieter periods between barks.

6. Due to the nature of dogs, and the open land environment of this application, there is no effective physical noise mitigation measure which can be employed. The only control is management techniques and due to the unpredictable nature of the noise, there will be some noise from barking which is beyond the control of handlers.

Given that it is the impact of any noise upon the living conditions of neighbours that is the main concern and given that the development has been operating in some form for some years now, it is helpful to consider the detailed responses to the planning application received from the

nearest residential properties, relating to noise. Starting at the north of the site on the A56, and moving west and south along Reddy, the following properties have the closest relationship to the application site:

Model Farm (Lymm Road) – No comments received

Pear Tree House (Four Winds) (Reddy Lane) – *“My main concern is the noise generated by this business. Some days the noise is virtually constant from both dogs barking & people shouting & this has a detrimental effect on my health & well being. I feel that my residential amenity is being compromised”*

The Gables (Reddy Lane) – *“The noise level, particularly from the dogs barking (although the staff can also be heard shouting/calling the dogs) isn't acceptable for it's rural surroundings. There is a major concern that more dogs will be brought to this field in future, with the possibility of further dog companies using these facilities and the already unacceptable noise level becoming louder.”*

Orchard House (Reddy Lane) – *“the dog noise level in the area has increased dramatically from dogs constantly barking & people yelling instructions. This has negatively impacted on the peace of this rural green belt area.”*

Montgomery (Reddy Lane) – *“The noise is also of concern. 45 dogs running around a field causes a high volume of dog barking which can cause local cattle and horses to be spooked.”*

Oaklyn (Reddy Lane) – No comments received

Cedarhurst (Reddy Lane) – *“Noise level- we live opposite the field and feel that the the noise level will intrude on our peaceful location. As we have kennels behind us, we will be surrounded by dogs barking.”*

Bloomfield (Arthill Lane) – Comments received – no comment on noise.

Reddy Lodge (Reddy Lane) – No comments received

Reddy Lane Cottage (Reddy Lane) – No comments received

Of these closest 10 properties to the application site 5 did not raise any noise issues. Of the 5 properties that did raise noise from dogs and staff shouting as an issue, only 1 made specific reference to the impact upon their living conditions, 3 make reference to the noise impact upon the peaceful rural area, and 1 refers to noise impact in terms of the impact on cattle and horses.

Residential Amenity Conclusion

In conclusion, noise from the barking of dogs will inevitably occur from the field at times. However, the significant separation distance between the application site and the nearest residential properties is a factor that will considerably minimise the levels of noise audible at the nearest residential properties.

The submitted Noise Impact Assessment indicates that if 30 dogs were to bark simultaneously on site the noise level would equate to 54 dB, this being 1 dB lower than the existing background noise levels as a result of nearby road traffic noise. If 45 dogs barked simultaneously, the noise level would increase by less than 2 dB over that previously calculated in the Noise Impact Assessment. Therefore, if a scenario were to occur where more than 30 dogs were to bark simultaneously on site, this could take the noise levels on site very slightly above the existing ambient noise levels. However, such an event, where up to 45 dogs were to bark simultaneously at any one time, is likely to be exceptional and not a frequent occurrence. It is also accepted that the application site is surrounded by a number of busy roads, including the M56 and A56. These roads are more frequently likely to give rise to higher noise levels than the activities proposed by this proposal.

Although the noise of barking dogs can be a somewhat unpleasant sound, the factors discussed above suggest that the overall risk of causing significant harm to the living conditions of the occupiers of the nearest residential properties at this location is low. It is therefore considered that the potential impact upon the living conditions of nearby properties is, on balance, likely to be acceptable, and in accordance with the noise-related policies listed above. However, given the comments received from neighbouring properties and the unpredictable and intermittent nature of noise from dogs barking, a trial period might be appropriate in this case, through a temporary planning permission.

Planning Practice Guidance advises that *“Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.”* In this case, whilst the business has been operating for a couple of years, the scale of its operation is not known. Therefore, a trial period with appropriate conditions controlling the hours of use and scale of the operation would allow a period of time to be able to assess the effects of the development as proposed, and to ensure that a permanent use complies with policy SE12 of the CELPS, policies DC3 & DC13 of the MBLP and the National Planning Policy Framework. The use is currently being carried out on the site, and the works to the building have been carried out. The applicant has therefore already made the decision to invest into the site, and in these circumstances a temporary permission would not be unreasonable.

Contaminated Land

One of the concerns raised by Cllr Parkinson, which has been echoed by a number of objecting local residents, relates to possible contamination of land in surrounding fields which are currently occupied by horses. Specifically, the concern arises from the noted waterlogged conditions of the application site and whether the faeces from up to 45 dogs would be properly managed to prevent it from entering the watercourse. Cllr Parkinson has stated that dog faeces can cause an infectious disease, Neosporosis, in cattle sheep and horses.

As part of the application process the Animal and Plant Health Agency (APHA) were consulted.

The APHA Disease Consultant for Neospora notes that Neospora caninum infection, which is recognised chiefly in cattle, can occur in horses. Dogs are the definitive hosts and can pass oocysts (the infective stage of the parasite's life cycle) in faeces. And so, in theory, faeces contamination could be a risk for any grazing animals.

The Disease Consultant has however also raised the following points:

- The number of oocysts passed by dogs is usually few and excretion occurs for only a limited period (this compares with cats passing many millions of oocysts, far more than the numbers of Neospora oocysts passed by dogs).
- It is naïve dogs that undergo development of the parasite infection and oocyst excretion in faeces; these dogs are infected by eating a contaminated source of infection which on farms is most likely to be fallen stock/dead calves etc. The likelihood of domestic dogs therefore coming across a source of infection is extremely small.
- Most cases of Neosporosis in cattle are due to the animals being infected congenitally from their dams; a few outbreaks of abortion have occurred where there is circumstantial/other

evidence of a dog source of infection where animals were grazing fields or possibly where there was faeces contamination of feed brought into housed cattle.

- In each case the infection has occurred directly, there has not been any evidence of ground water/water course contamination occurring.
- There is no evidence of a risk to humans.

APHA's Disease Consultant concludes that all faeces contamination by domestic dogs should preferably be managed in such a way that the faeces is removed, and notes that the overall risk for horses, or other stock in this case would be negligible or minimal.

The application is supported by a Waste Management Document, a document issued to staff members providing guidance on the appropriate management of dog waste while on site. However, a condition is recommended to require the submission of waste management plan that is specific to the application proposal in terms of frequency of collection, removal from the site, etc.

Highways

Due to the nature of the proposed operations, whereby dogs are collected from their owners and brought to the site in groups, actual traffic movements to and from the site as a result of the proposed operations would be limited. The site provides a parking/turning area for up to 3 vehicles. The Strategic Transport Manager has raised no objection to the application however in the event of approval, a condition is recommended to state that the site is not open for access to the general public to ensure adequate parking is available.

Nature Conservation

The most applicable policies to consider are SE3 of the CELPS and NE11 of the MBLP, which seek to ensure that all development aims to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Where appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective. Net gains for new development to encourage the further development and protection of biodiversity and geodiversity.

No significant ecological issues are anticipated. The nature conservation officer raises no objections, and the proposal is considered to comply with policies SE3 of the CELPS and NE11 of the MBLP.

Trees

The most applicable policies and guidance to consider are SE5 of the CELPS and DC9 of the MBLP. Between them these policies seek to protect the continued health and life expectancy of trees, hedgerows or woodlands and where loss of or threat to them is proposed development will not normally be permitted unless there are clear overriding reasons for allowing development and that there are no suitable alternatives. Where such impacts are unavoidable, development proposals must satisfactorily demonstrate a new environmental gain by appropriate mitigation, compensation or offsetting

No significant arboricultural concerns are raised by the proposal. The arboricultural officer has been consulted on the application raises no objections. The proposal is therefore considered to comply with policies SE5 of the CELPS and DC9 of the MBLP.

Flood Risk

Policy SE13 of the CELPS seeks to ensure that new developments integrate measures for sustainable water management to reduce flood risk, avoid an impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation. Given the limited extent of the changes to the site, the proposal raises no additional flood risk concerns compared to the existing situation. No objections have been received from the LLFA. No significant flood risk issues are therefore raised.

Other Issues

The matter of animal welfare has been raised, in terms of the size of the shelter building and whether this would be sufficient should the site be at full capacity and all 45 dogs require shelter at the same time. Further details will be provided on this issue as an update, as whilst it is something that is covered by other legislation it is important to ensure that the proposed development includes facilities required for the scale of development (number of dogs) proposed. If it is not, then there may be further pressure for new buildings which may significantly affect the Green Belt assessment above.

CONCLUSIONS

The proposed development for a dog exercise area would result in the site being used for the exercise and care of dogs, with up to 45 being proposed on site at any one time. Based on the information provided it is considered that the proposed material change of use of the land and the reuse of the existing building on the site preserve the openness of the Green Belt and do not conflict with purposes of including land within it. The proposal is therefore not considered to be inappropriate development in the Green Belt.

One of the key concerns raised throughout the course of this application relates to potential noise levels from the site. Some local residents and Little Bollington Parish Council have raised this as an issue. Whilst it is acknowledged that noise may arise from the application site at times, it is anticipated that it would be an infrequent and unlikely event for all dogs on site to bark simultaneously. Furthermore, various factors significantly reduce the risk of noise causing significant harm to the amenities of the nearest residential properties. This includes the significant separation distance between the closest residential property and the application field, as well as the presence of a number of busy roads surrounding the application site, which will more frequently give rise to higher noise levels than the application site. Therefore, it is considered that the potential impact upon the living conditions of nearby properties is, on balance, likely to be acceptable. However, given the comments received from neighbouring properties and the unpredictable and intermittent nature of noise from dogs barking, a trial period is considered to be appropriate through a temporary planning permission.

The potential contamination of land and risk of spread of infectious diseases to animals using surrounding fields was an additional key concern raised. However, it has been shown that the likelihood of infection through ground water/water course contamination, in the event that the application field were to be waterlogged, is very low.

The proposals are considered to have an acceptable impact upon the character of the area, and no adverse impacts are identified relating to highways, flood risk and nature conservation. Accordingly, it is recommended that planning permission be granted for a temporary period of two years.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Development in accord with approved plans
2. Materials as application
3. Temporary use - 2 years
4. No public access to / use of site
5. Parking to be provided and retained
6. No dogs shall be left within the building on the site overnight or at weekends
7. Waste management plan to be submitted
8. No more than 45 dogs at anytime
9. Dogs to be supervised at all times in the ratio of 1 supervisor to 10 dogs
10. Hours of operation - Monday to Friday 09.00 hours to 16.00 hours.

