

Application Number 07/2022/00281/FUL
Address Cuerden Strategic Site East Of Stanfield Lane
Lostock Lane
Lostock Hall
Lancashire
PR5 5YG

Applicant Release the Dogs Limited

Agent
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undefined

Development Retrospective planning permission for the change of use of the site to allow the use of the land for exercising dogs (sui generis) for a further period of up to five years.

Officer Recommendation **Approval with Conditions**
Officer Name **Daniel Power**

Date application valid 08.04.2022
Target Determination Date 01.08.2022
Extension of Time 01.08.2022



1. Introduction

1.1. This application is brought before Committee as an earlier scheme was determined by Members at the request of a Ward Councillor

2. Report Summary

2.1. The application refers to a retrospective planning permission for the change of use of the site to allow the use of the land for exercising dogs (sui generis) for a further period of up to five years.

2.2. In policy and spatial separation terms the proposal is considered compliant, and having regard to the comments of statutory bodies and the above commentary, it is recommended that the application should be approved subject to the imposition of conditions

3. Application Site and Surrounding Area

3.1. The application realties to a parcel of land at the south east corner of the around-about where Lostock Lane (A582) and Stanifield Lane (A5083), projecting to Old School Lane to the east. The application site is access off Old School Lane, to the south of Lockstock Lane, from an existing gate into the field.

3.2. The site was split into two fields with mature trees and hedge along the boundary and dividing the two fields. The site forms part of the north west corner of the allocated site of Cuerden, which while permission have been permitted works have not commenced on the wider sites.

3.3. To the south of the A582 is largely open fields with sporadic dwellings, while the northern side is the settlement of Lostock Hall.

3.4. The site is designated by Policy C4 (Cuerden Strategic Site) of the South Ribble Local Plan.

4. Site Context / Planning History

4.1. There are six relevant planning applications on the history of this site:

- 07/2017/0211/ORM - Hybrid planning application comprising of Full and Outline development - Environmental Impact Assessment (EIA) development Part 1 FULL - Retail floorspace (Use Classes A1 & A3) and associated car parking, site access, highway works, drainage and strategic landscaping; Part 2 OUT - Employment floorspace (Classes B1, B2 & B8), hotel (Class C1), health and fitness and leisure (Class D2), creche/nursery (Class D1), retail (Classes A1, A2, A3, A4 & A5), car showrooms (Use Class Sui Generis), residential (Classes C2/C3) and provision of associated car parking, access, public open space, landscaping and drainage (Access applied for) and affecting the setting of a Listed Building – Approved subject to Section 106 agreement.

- 07/2018/0248/DIS - Application to discharge condition No 8 (Temporary access works), 29 (Tree Protection Plan), 39 (Invasive Species) to planning permission 07/2017/0211/ORM – Condition discharged
- 07/2018/9077/DIS - Application to discharge conditions 18(Archaeology) and 54 (Archaeology) of planning permission 07/2017/0211/ORM - Condition discharged
- 07/2018/1239/DIS - Application to discharge conditions No. 8 (Temporary Access Works (A49), 8 (Temporary Access Works (M65 Terminus), 22 (Construction Phase Surface Water Management), 44 (Transport Steering Group) and 91 (Transport Steering Group) of planning approval 07/2017/0211/ORM – Condition part discharged
- 07/2019/0583/DIS - Application to discharge condition 64 (network modelling) of planning permission 07/2017/0211/ORM – Condition discharged.
- 07/2022/00251/FUL - The creation of a new vehicular access off Old School Lane, realignment of Old school Land and Alterations to the junction of Old School Lane and Lostock Lane – Still under consideration.

5. Proposal

5.1. This application seeks retrospective planning consent for the use change of use of the site to allow the use of the land for exercising dogs (sui generis) for a further period of up to five years.

5.2. The application is retrospective and the works have been completed and the use is being undertaken. The two fields have been retained in their division, with a fence around each. The existing access of Old School Lane services as the access to the site, with a parking area along the north of the site, with each field having a timber shelter, access gates and dog waste bins.

6. Summary of Supporting Documents

6.1. The application is accompanied by the following:

- Full application form
- Planning Statement
- Location Plan
- Proposed site Plan

7. Representations

7.1. Summary of Publicity

7.1.1. Seventeen neighbouring properties have been consulted with three comments received in support and three objecting, which can be summarised as follows:

Objecting

- The development would result in a harmful impact to the local highway network.
- The application would result in the loss of hedge rows.
- The site is subject to flooding.
- The development would have a harmful impact to biodiversity.
- Signs have been erected without planning permission.
- The development has a harmful impact to neighbouring amenity as a result of noise and loss of privacy.
- The hours of opening are harmful to neighbouring amenity.
- There is no need for the development.
- The development was commenced without planning permission.
- Dogs have escaped from the field and killed animals.

Support

- The business is a fantastic secure dog run.
- Welcome to the business to the area.

8. Summary of Responses

8.1. South Ribble Environmental Health has no objection to the proposal relating to hours of use a reduction in what is being proposed, limiting the number of dogs to 8 in each area and conditioning the development in accordance with the management document.

8.2. Lancashire County Council Highways have no objections. I feel the change of use of the site to allow the use of the land for exercising dogs (sui generis) for a further period of up to five years will have a negligible impact on highway safety and capacity.

8.3. Farington Parish Council - object to this planning application for the following reasons:

- Opening hours from 8am to 8pm 7 days per week causing a detrimental effect on neighbouring properties
- Traffic impact upon a quiet access only single track lane
- Additional parking being created upon agricultural land
- Removal of hedgerows and trees around the site
- Installation of shelters and large signage
- The facility is unmanaged and users are creating issues for neighbouring properties
- Noise pollution from dogs and whistles during opening hours
- Light pollution from lights installed
- Lack of Consultation with affected neighbouring properties
- Impact upon biodiversity with bats, owls, hawks, rabbits and foxes inhabiting the area.
- The poor design of the facility allows animals to escape the enclosed area impacting upon safety in the area.
- The 6ft fencing around the fields is not adequate

- This should be refused on the grounds of the effect on the local amenity, nuisance and traffic impact to the area.

9. Material Considerations

9.1. Site Allocation Policy

9.1.1. The site is designated by Policy C4 (Cuerden Strategic Site) of the South Ribble Local Plan. Planning permission has been granted for the wider redevelopment of the site under planning permission 07/2017/0211/ORM, it is understood that a further application is to be submitted by one of the developers for the wider site. This current application seeks temporary permission for the use of the application site for a period of 5 years. Given the application is temporary and position of the application for the wider site, it is not considered the proposal would impact the future redevelopment of the wider site.

9.2. Character and Appearance of the Area

9.2.1 Policy G17: Design Criteria for New Development permits new development, including extensions and free standing structures, provided that, the proposal does not have a detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its design, height, scale, orientation, plot density, massing, proximity, use of materials.

9.2.2 The application site is located the south east corner of the around-a-bout for Lostock Lane (A582) and Stanifield Lane (A5083), projecting to Old School Lane to the east. The works are retrospective, but prior to the works being completed, the site was two open fields with mature hedges and trees along the boundaries, the vast majority of which remain. The southern side of the A582 is largely open fields with sporadic dwellings.

9.2.3 The application proposes a 2 metre fence around the boundary of the site, timber shelters and a height barrier at the entrance to the site. The structures are located to the north of the site, along the boundary with the A road. The timber shelters are small scale and largely screened by mature hedges and trees, from the wider public. The fencing around the site is mesh which reduces its visibility. Given the proposal is for a temporary period, prior to the redevelopment of the wider site, the proposal would not result in significant harm to the character of the wider area.

9.3. Neighbouring amenity

9.3.1 Policy G17: Design Criteria for New Development states that the development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect.

9.3.2 Objections have been received relating to the impact of the development to neighbouring property. The business has been operating from the site for a number of months and have reduced the hours of operating from the site. The closest dwellings to the site are to the south, with two on the western side of Old School Lane and a further three to the east.

9.3.3 A management plan has been submitted with the application detailing how the site will be managed including, the ensuring dog waste is cleared from the site and bins. The councils Environmental Health officer has considered the details of the application and have suggested conditions relating to hours of use a reduction in what is being proposed, limiting the number of dogs to 8 in each area and conditioning the development in accordance with the management document.

9.3.4 The fencing is set back from the boundary to the dwellings to the south and would not result in dogs being located closer to these houses than walking along Old School Lane. It is recommended a condition is imposed limiting the dogs to each field to 8 and therefore a total of 16. In addition, the management plan sets out the site will be managed and maintained. The walking area is split into two fields, one field is 2 acres and the second is 1.7 acres. While there would be an intensification of dogs to the site in comparison to an open field, given the number of dogs within this size of field, within the hours suggested it is not considered this would result in a level of noise and disturbance that would result in significant impact to neighbouring amenity.

9.3.5 The access to the site is close to the junction between Old School Lane and A582 including the parking area. The business website encourages the use of the A582 to access the site, rather than Old School Lane, which while it would be unreasonable to condition this route it is likely most would use the A582. Furthermore, given the scale of the development, and the restriction in numbers of dogs, it is not considered the level of traffic to the site and location of the access would not have a significant impact to neighbouring amenity.

9.4. Highways

9.4.1. Policy F1 states that all development proposals will be required to provide car parking and servicing space in accordance with the parking standards adopted by the Council. In general, parking requirements will be kept to the standards as set out unless there are significant road safety or traffic management implications related to the development of the site.

9.4.2. Objections have been received relating to the lack of car parking proposals. Lancashire County Council Highways have no objections to the proposal and comments that the change of use of the site to allow the use of the land for exercising dogs (sui generis) for a further period of up to five years will have a negligible impact on highway safety and capacity. Given the suggested conditions limiting the number of dogs per field and the size of the development the area of parking is considered acceptable.

10. RECOMMENDATION

10.1. Having regard to the above commentary and material considerations it is considered that the proposal would not prevent the future use of the site in accordance with its allocation. The structures and ancillary equipment on the site would not result in significant harm to the character of the area, for the temporary period of the development. The change of use of the site would not result in significant harm to the amenity of neighbouring properties or the local highway network.

10.2. Having regard to the above commentary it is recommended that this proposal should be approved subject to the imposition of conditions.

RECOMMENDATION:

Approval with Conditions.

RECOMMENDED CONDITIONS:

1. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 28th July 2027 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The use hereby permitted shall be limited to the hours of 08:00 to 20:00 Monday to Friday and 10:00 to 18:00 weekends and bankholidays and at no other times without the prior consent in writing of the Local Planning Authority.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy Local Plan Policy G17.

3. A maximum of 8 dogs (total 16) shall be exercised or contained within each field the land at any one time.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy Local Plan Policy G17.

4. The site shall be managed and maintained in accordance with the submitted 'Operational Management Strategy', for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and to ensure that the Council retains control over the use of the land in accordance with policy Local Plan Policy G17.

RELEVANT POLICY

NPPF	National Planning Policy Framework
POLC4	Cuerden Strategic Site
POLF1	Car Parking
POLG17	Design Criteria for New Development

Note:
