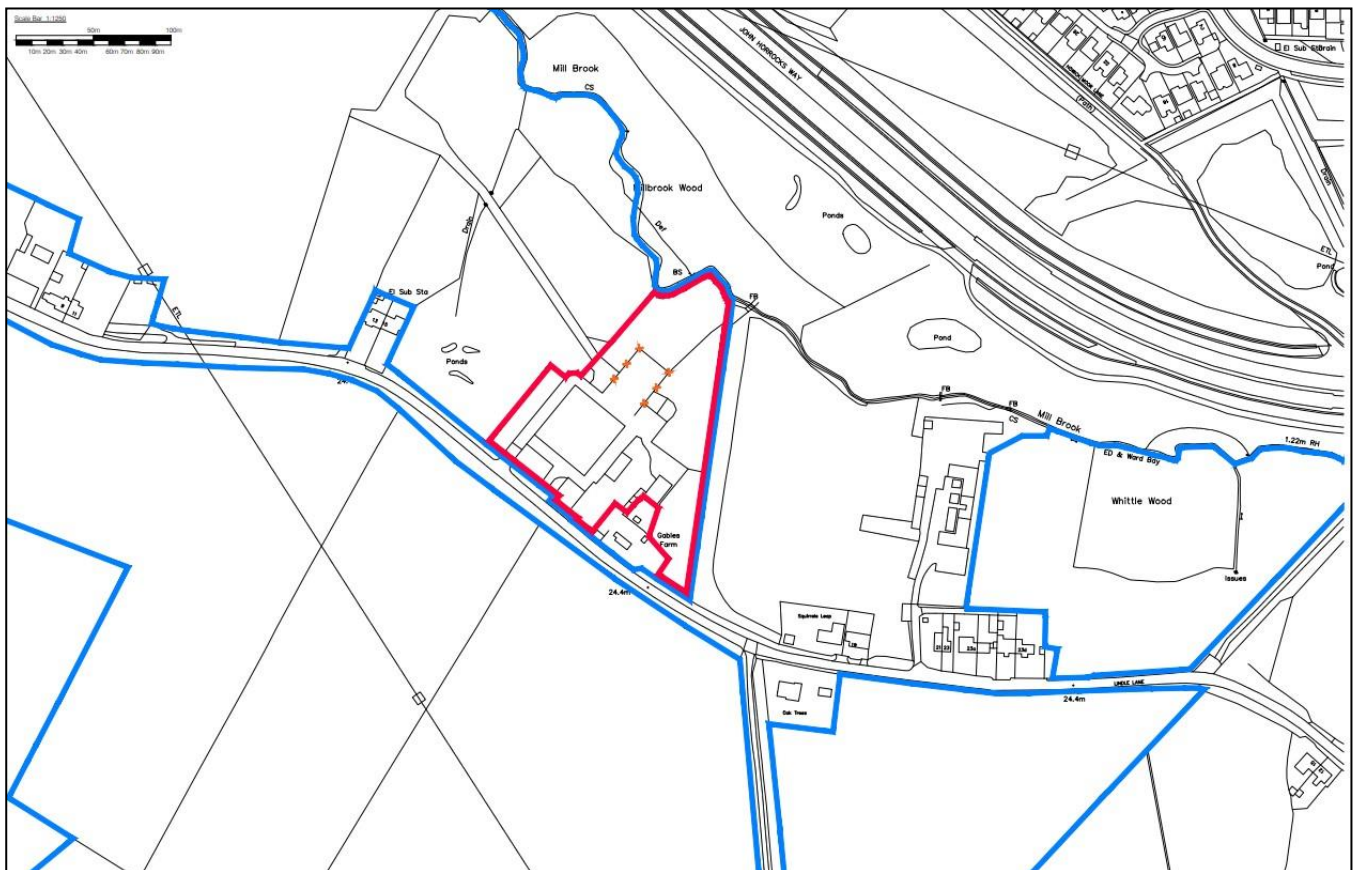


<b>Application Number</b>	07/2022/00689/FUL
<b>Application Site</b>	Gables Farm Livery Stables, Lindle Lane, Hutton
<b>Applicant</b>	Miss Nicola Wildman 47 Clanfield Preston
<b>Development</b>	Change of use from livery yard to dog training facility, and erection of 6 no: floodlights to rear outdoor area
<b>Officer Recommendation</b>	Approval with conditions
<b>Officer</b>	Debbie Roberts
Validation Date	31st August 2022
Target Date	26 <sup>th</sup> October 2022
Extension of Time	13 <sup>th</sup> February 2023



## 1. Introduction

1.1. This application was deferred by Planning Committee on 9th February 2023 to allow for review of recommended conditions and for officers to facilitate a meeting between the applicant and local residents in the hope that an agreement could be reached on possible amendments to the applicants proposal which would overcome local resident concerns.

1.2. As it was evident that significant changes were needed to overcome local residents concerns, officers provided the applicant with a list of five issues that would form the basis of discussion with regards to compromise on these issues in advance of a meeting Issues raised are listed below, together with the applicant's response.

### Points for discussion

- a) To reduce the proposed operational hours and/or days – applicant response: *'we can have it enforced we don't open Christmas day, Christmas eve, new years eve, new years day, and we can agree slightly later opening hours in the morning on weekdays only, but we don't have anymore to give on evenings, weekends and Bank Holidays. We are at our viability limit'.*
- b) To carry out works to the building to ensure its both fully enclosed and noise insulated – applicant response: *'this is not possible as we are only undertaking a 5 year lease and the loan we are receiving would not be sufficient to cover this, it would also not be beneficial for ventilation to keep the dogs cool'.*
- c) To undertake measures to minimise the risk of dogs escaping from the site onto the highway – applicant response: *'The fencing to the whole site is due to be checked and repaired before we undertake the lease. Whilst in theory we could put a bigger fence in this would seem pointless as we would need to keep the gates open on the front so as not to cause issues on the highway with the opening and closing of gates. Dogs are already on a lead on the while site unless in an arena with 8ft tall wall surrounding it'*
- d) To provide further information in respect of visitor/client toilet arrangement – applicant response: *'There are three internal toilets on site, we won't ever have more than 21 people on site including staff this is far more provision than would be required for any other type of use. I am also not in control of this as it is Myerscough's site'.*
- e) To review car parking provision to ensure it can accommodate client needs particularly at the cross over between lessons where there is likely to be two sets of clients on site at the same time – applicant response: *'we have more than double the amount of spaces we will ever require, if every single client turned up in both lessons, no one car shared, no one was in two lessons one after the other (which is a regular occurrence) and we had two staff members for every single lesson (which we wouldn't ever do) we would still have spare car parking spaces'*

1.3. The applicants response clearly signalled that there would be no prospect of these primary concerns being resolved in any meeting and consequently senior council officers determined that there was no benefit in setting up the meeting or delaying determination of the proposed application.

1.4. In respect of point d) the Environment Agency was contacted by several residents who objected to the scheme. Whilst no changes to existing drainage or work within proximity to Mill Brook is proposed the Environment Agency offer advice with regards to work permits. They do not however object on drainage or pollution grounds. United Utilities did not comment but

only do so where there are proposed physical changes to drainage systems rather than only changes to use of the site itself. A condition has been added to the recommendation to address concerns relating to foul water drainage.

1.5. Point e) is covered by proposed condition 13 which requires parking areas to be marked out and suitably surfaced prior to first occupation.

1.6. Whilst the main body of this report remains substantially the same as that presented to Planning Committee on the 9th February, it has been amended in some areas to provide greater clarity, to incorporate Environment Agency comments and to include the ecology update referred to in an earlier update sheet.

1.7 Proposed conditions have been reviewed as requested by members. The wording of some has been revised for greater clarity and additional conditions have been added (conditions 2 and 16) to provide the Council with greater control of the site.

## **2. Report Summary**

2.1. The application refers to Gables Farm, Lindle Lane, Hutton, a complex last used as a 40-horse livery yard by Myerscough College. The complex is described in full at Section 3 below

2.2. This area is allocated as Green Belt by South Ribble Local Plan Policy G1, is semirural in nature and characterised by well-spaced ribbon development on both sides of the road with deep tracts of land to the rear.

2.3. High levels of representation have been received both in support and objection to the proposal, much of which is from residents very distant from, and whose amenity would not be affected by the proposed development. It is clear overall however that there is no consensus of opinion from a respondent's perspective.

2.4. Statutory consultees are satisfied subject to relevant pre-commencement conditions. Noise Impact Assessment has been provided and is considered acceptable by the Councils Environmental Health department. The same can be said of LCC Highways who are satisfied that the proposal is acceptable on highways safety and capacity grounds when taken in the context of the sites lawful use which could return at any time

2.5. On balance, therefore, and in line with the commentary below, the application complies with the Central Lancashire Core Strategy, South Ribble Local Plan (policies as identified below), Rural Development SPD and National Planning Policy Framework. It is recommended for approval subject to conditions

## **3. Application Site and Surrounding Area**

3.1. The application refers to a former 40-horse commercial livery yard complex last used by Myerscough college

3.2. The complex comprises a two-storey dwelling (south-east corner) which is outside of the proposed development area, a number of large stables, arena, horse walker and other outbuildings which are screened on all sides by mature trees and hedgerow. Access is from the western side. The applicant advises that the dwelling would be her primary residence should permission be granted.

3.3. Site buildings are fairly dilapidated and constructed in a simple agricultural style – base panels with partially open ‘hit and miss’ or walled timber boarding upper walls and corrugated or asbestos roofs

3.4. To the rear of the site is a courtyard used for storage; secured on three sides by concrete wall panels supported by a slightly raised bund. The fourth side is screened from the road by the larger of the site’s buildings and there is grazing land to the rear. Parking is possible throughout the sites centre which is large and relatively open.

3.5. This section of road is within the Green Belt (Local Plan Policy G1 refers) is semirural in nature but well trafficked, and characterised by well-spaced ribbon development on both sides with deep tracts of land beyond.

#### **4. Site Context / Planning History**

- ▣ 07/2004/0399 - Change of use of farm to Lancs Constabulary training facility including elevational and internal works to main barn building, erection of new training buildings and enclosures and formation of new internal roads and car parks. Approved August 2004
- ▣ 07/2005/0324 - Conversion of farm buildings to provide full horse livery use with internal exercise yard (40 horses). Formation of illuminated sand paddock. Approved June 2005 but restricts to livery use with internal exercise

#### **5. Proposal**

5.1. The application proposes change of use from livery yard to a dog training facility, with erection of 6 floodlights around the edges of the rear walled courtyard. The floodlights would be 1.55-watt output on 5m poles, would face into the courtyard but would be fairly screened from the road by existing buildings, and from the rear by large trees.

5.2. Other than proposed floodlights, and internal works to buildings there would be no external physical change.

5.3. The applicant originally proposed hours of operation within the training building were Monday to Friday 7am – 10pm. Reduced hours of operation was proposed for the weekend of 7.30am to 9.30pm Saturday and 8am to 9pm Sunday, however it was stated that a cool off period for dogs in fields at the rear would also be necessary until 10pm.

5.4. Following discussions with officers, the applicant revised the proposed operational hours (which would be secured by condition). The revised operational hours would be 8am - 9pm (visitors and dogs)/ 9.30pm (staff) and weekend/bank holiday times of 8am - 7pm (visitors and dogs) /7.30 (staff). The applicant has indicated that further reduction in operational hours would make the business commercially unviable. Environmental Health are happy with the revised operational hours. The business would have two full time and one part time employee.

5.5. The applicant has indicated that she would also like to hold third party organised dog training or other dog related events on a limited number of occasions throughout the year. This form of activity is controlled through condition no.5 which restricts the number of such activities, the frequency and the hours of operation.

5.6. Extracts from the applicant’s statement note the following in summary:

### *Site layout/buildings*

- The venue allows for creation of 3 indoor arenas within existing buildings; the largest split internally, and a 20m x 40m indoor arena would be converted into an Astroturf area aimed towards higher level competitors.
- Buildings would be made safe and surrounding smaller buildings used for occasional storage of equipment e.g. lawnmowing equipment. There are *'plans to upgrade the main building to give us the three arenas with safe, all weather surfaces as well as protection from inclement weather conditions'*. *Officer Note: No firm details are provided as to what 'upgrade' measures are*
- There are no kennelling facilities available, and client's dogs would not be onsite outside of business hours.

### *Proposed Classes*

- With a maximum of 6 people per class (3 classes), the business runs 30 hours of classes – typically from 1pm Monday, Weds and Thursday, to finish at 9pm in the evening (*Officer Note: proposed hours would be as set out in recommended conditions no. 4 and 5*)
- Each class of 6 will have an instructor who will be the same for each arena throughout the evening.
- 6 people per class is the maximum for each hour long class - With 3 internal teaching areas this would give a maximum of 18 dog/handler partnerships on site at any one time but averages 15
- Surrounding fields would be used during daylight hours to warm up and cool down dogs before and after classes and when daylight is not available the existing concrete area to the rear can be utilised if the proposed floodlights are granted up to 10pm.
- All dogs would be on a lead unless in one of the enclosed areas.
- *'Lots of the disciplines intended require verbal cues from the handler. Dogs are engaged in work, ready to listen and well behaved when off lead in these areas. It is unproductive to these activities for the dogs to bark as it can prevent verbal commands being heard and, in many activities you will receive reduced points if your dog barks when under test. Although a small level of barking is to be expected the owners will always be with the dogs'*
- There are currently 158 clients subscribed to the direct debit system for classes

### *Other Proposals/Comments*

- Venue hire would be available to approved individuals of a professional standard of dog training. This would be monitored through an approval process with one of the instructors.  
- most often single people up to groups of three friends helping each other but not available before 8am or after 9pm on weekdays and Saturdays. Or before 9am and after 8pm on Sundays.
- As well as offering venue hire for event organisers Wild Paws would organise some of these events.
- The Wild Paws group currently runs 48 days of events per year on Fridays, Saturdays and Sundays taught by Nicola. These would only use the one central arena and have a maximum of 8 per class; each class lasts a minimum of 2 hours. Usually these are run between 9am and 5pm. These longer workshops are tailored for more professional level dog training and as such the price reflects this.
- Every week around the UK a large number of training events are organised with venues and clubs bringing in professional trainers to share knowledge from other areas. As well as offering venue hire for event organisers Wild Paws would be seeking to organise some of these events.
- The presence of the Lancs Constabulary Dog Unit within 600m sets a precedence for this type of use

5.7. Sufficient car parking space is available on site

## 6. Representations

### 6.1. Summary of Publicity

6.1.1. A site notice was posted and 12 neighbouring properties have been consulted. Representation was received from 454 residents, including multiples from the same people both supporting and objecting.

Many of the responses come from a great distance (Wales, Scotland, all areas of England and Southern Ireland for example), and whilst these may be from clients of the business, they would not be directly affected by issues of amenity, noise, light pollution or traffic generation in the same way that more proximate residents would. There is also clearly an element of canvassing both for and against the scheme to increase the perceived support or objection to this proposal. For this reason, those reported as 'distant' are outside the base line areas of the relatively close South Ribble, Chorley and Preston boroughs where it is likely that most clients will hail from, and where impact would be most likely. Comments are summarised as:

#### In Opposition/Neutral Position

143 respondents oppose the scheme with one offering neutral comments - 4 (2.8%) of whom are distant to the site.

#### *Amenity*

- Noise from dogs using adjacent fields late at night
- Extended opening hours unacceptable and give little respite to residents
- Excessive number of dogs on site at all times resulting in continuous noise especially to those who now work from home during the day
- Light pollution from flood lights until 10pm
- Supporters suggest site is good for their mental wellbeing, but impact of the site on more local residents will negatively impact on mental health – residents cannot get away from noise where more distance supporters can
- Buildings are not purpose built or sound proofed
- Respondent notes a resident with PTSD who would be affected with increased noise
- Use should be limited to weekdays and 5pm evenings
- Noise report doesn't assess cumulative impact of Lancs Constabulary and Wild Paws (applicant) dogs

#### *Highways*

- LCC report of no incidents is incorrect – recent accident mentioned by several respondents  
*Officer Note: LCC's database only includes reported accidents*
- No mention of maximum capacity on site
- Parking for 20 cars is inadequate
- Horse transport (existing) would be staged. Proposal would see continuous stream of traffic to and from the site
- Increased traffic on Lindle Lane since opening of the bypass already a problem  
User '*will not arrive in cars but tend to drive diesel vans which are noisier*' Impact to hacking horses passing by

#### *Other*

- Loss of a livery facility and associated mental health benefits

- Questions why facility was not rented as a livery again
- Lancs constabulary dogs are housed with handlers not on site
- Impact on the natural environment and site ecology
- Not compliant with local planning policy
- Respondent requests a limit to numbers
- No mention of proposed fencing
- Statement contains untruths
  - Lindle lane has not become quieter since the new bypass but remains very busy
  - Gables farm only ever accommodated 28 horses
- Horse transport has never been at the level noted by the applicant
- That relationship between applicant and Myerscough College employees must be scrutinised due to private financial gains. Relationship unfairly prevents lease of site for equine use
- Lack of public consultation
- Too much support from out of the area

### In Support

239 respondents support the scheme – 150 (62%) of whom are distant to the site

#### *Amenity*

- Benefits to mental and general health
- Regularly travels 40 miles to benefit from expertise and improved dog/owner fitness
- Benefits to the community
- Dogs are under control at all times
- Less disturbance in rural setting than in an urban area – *‘disruption to the community would be minimal – if any at all’* Existing site is not noisy or disruptive
- Residents are *‘used to it’* (noise) from the police dogs
- Respondent lives close to existing facility and has not had a problem

#### *Highways*

- Slow approach to car park encouraged
- Good transport links to site

#### *Other*

- *‘World class’*, safe and secure facility on the doorstep welcomed
- Risk that dogs bought during Covid-19 would be sent to rescue care due to lack of socialisation
- Objections likening the proposal to Crufts are unfounded and factually incorrect
- Applicants expertise and professionalism is rare
- Existing site is outdoor and not user friendly
- Training promotes responsible ownership
- Clear demand for services - two year waiting list
- Existing brownfield site
- Compliance with Core Strategy objectives
- Benefits to local retail – post and pre-lesson use
- Site is not exclusive and open to all ages. Councils bad attitude towards dogs *‘disgusts me’*
- Objects to SRBC who generally has an anti-dog sentiment

## 7. Summary of Responses

7.1. **Lancashire County Council Highways** - LCC have no objections when balancing with the existing use, and feel that the proposal will not have a negligible additional impact on highway safety and capacity. LCC also do not object to the proposed flood lights.

**7.2. Environmental Health** – following a site visit several concerns came to light. The proposal is clearly an intensification of the sites use and the intended use needs to be firmed up, namely number of dogs on site at any one time; how they are controlled; days/times of use and which areas are involved. EH concerns centred around possible loss of amenity to nearby residents including residents at Gables Farm which was occupied during their site visit. The site appears relatively run down and the buildings proposed for the main uses have clearly been used for equine purposes and as such would not give reasonable acoustic performance due to their structure and construction. The initial submission made a number of unsupported claims in relation to noise and as such Environmental Health requested more information including a noise impact assessment with details of measures needed to minimise the impact this intended use would have on nearby noise sensitive receptors. NIA (ADC Acoustics ARR/C/3575.01: 8.11.22) has been provided and states in its summary

*'The general noise climate at the proposed site was dominated at all times by noise from the local main road, as well as underlying influence of middle-distance traffic on John Horrocks Way, the A59, and other substantial main roads in the area. The quietest 15-minute period has been used in the assessment so as to assume a worst case.*

*The proposed operation was based on an existing operation at an existing facility run by the applicant. There was very little barking, because the dogs are handled one-to-one and are fully occupied and/or rewarded. Most of the noise was from the handlers' voices. We have used the noisiest one-minute period of measurements in our assessment, and also illustrated an extreme situation of much higher levels of barking to provide a very robust assessment. Even under some fairly extreme worst-case assumptions, the impact is likely to be negligible. In previous applications, we are aware that Planners asked for informal discussions of traffic generated by the development. With a possible rate of 30 vehicles in a changeover hour, this would be equivalent to a very quiet residential street and nowhere near existing levels. We are advised that the likelihood of dogs left barking in cars is very low, and that any barking would be dealt with as a management issue of unacceptable behaviour. However, an assessment has been carried out as it has been asked for in previous applications. Three dogs barking constantly for 10 minutes each (or one dog barking constantly for 30 minutes, etc) is predicted to have some impact at the worst affected residential location, but added to the contextual issues, is the fact that it would be dealt with and stopped by management'*

The report goes on to say that

*'Predicted levels at the nearest house are up to 30 dB LAeq. This is well below the external equivalent of the BS 8233 criterion of 50 dB LAeq for daytime "desirable conditions". In fact, it is even significantly below the night time criterion of 45 dB LAeq. In essence, the proposed facility will make negligible contribution to overall noise in terms of a BS 8233 assessment. The BS 4142 "initial estimate" (data removed for ease of reading) ...well below what BS 4142 rates as "low impact depending on the context". The context of course is an established livery facility with a busy road directly outside, and several very busy roads in the close area. There is the Police Dog kennelling facility nearby as well as local dogs audible. It is also relevant to note that the nearest house is part of the application site ownership and we understand that they will be taken up by the proposed operators. We would suggest that the impact will be low*



*to negligible. The next residential property to the NW is much further away And has predicted levels 6 dB lower. The impact here is likely to be negligible'.*

Para 6.6 of the report discusses mitigation as *'Mitigation: The above assessments are based on the proposed building as it is. Although it is very poorly insulated, we find no need for any mitigation. We would anticipate, however, that Planners will require a management plan to expand on the notes presented in para 6.3 to ensure reasonable behaviour and action to take in the event of noisy dogs'*. Para 6.3 states *'Operation of the Training Facility: We have been given a description of the operations and have also discussed it with the applicant. This is summarised as follows:- Most of the noise is from the handlers' voices. Barking is very infrequent and is unproductive for the training - it makes dogs too excited to work properly and it can be difficult for them to hear verbal cues. The dogs are generally worked for up to 40 seconds at a time, the bulk of the lesson being rewarding, instructing and swapping between handlers etc. The handlers, which are one-to-one with the dogs, also want to hear the instruction from the trainers. The business model is based around training people, so there will always be at least a one handler per dog, which means dog management is relatively easy'*.

A second noise report was provided, and the councils acoustician has discussed the proposal with the applicant's own consultant – collaboration as required by the National Planning Policy Framework. On the basis of this report and agreed conditions the proposal is now found acceptable. Subject to ensuring the report's recommendations are complied with there is no obvious reason to recommend refusal on noise grounds. The closest property would be used by the applicant, but acoustic fencing provided prior to first use in case this does not occur, and others are of sufficient distance that whilst noise from the site may be audible, it is unlikely to result in disamenity to residents or be at a level where it becomes an identifiable statutory nuisance.

Following finalisation of this recommendation two residents contacted the Environmental Health officer directly. The first asked him to visit the site which he confirmed had already occurred. The residents e mail stated that *'whilst the applicant has had the opportunity to instructor a 'noise expert' these objecting have not had the same opportunity afforded to them. It is only right therefore that our representation should be heard'* It goes on to say that the report was paid for, and scenarios controlled by the applicant, and as such it is *'one sided, and neither neutral nor independent'* No assessment of Lindle Lane has been made when used by dogs and there has been no review of videos posted on social media sites. The second resident suggested that the officer *'showed more diligence than he had until now'*.

*Officer comment in response:* Noise Impact is a technical, factual determination undertaken and subsequently assessed by qualified acousticians as experts in this field, and following submission of relevant reports as required by the application validation process. Although reports are accepted if commissioned by third parties they are not habitually invited, and the 'clock' does not stop on the decision-making timescale to provide an opportunity for differing factions to prove either the applicant or councils' statutory consultees wrong. Statutory consultees are required by law to provide a balanced assessment to the Council, and are not 'employed' to do so for the benefit of either applicant or respondents. As such they should not be expected to enter into third party correspondence or justify their own position to individual contact.

Reports on behalf of an applicant will often be contested in terms of impartiality and that is the purpose of the third party consultee who will agree or disagree with report findings and provide relevant conditions where there is doubt but where a problem can be resolved. Officers have been provided with copies of social media videos, but these are unsubstantiated, and content cannot be verified. Assessment of all noise situations is based upon worst case proposed data. To obtain readings on the Lindle Lane site with 24 dogs (as suggested) is neither practical nor

reasonable; particularly as there is no permission to do so until this application has been determined

Also of note is that social media accounts are not open for public view and as such even if officers needed to do so as part of the planning process – which in this case having the benefit of formal noise assessment they do not - they do not have access.

7.3. **Ecology (GMEU)** has assessed the accompanying report. Their comments are summarised as:

*‘The main ecological issue is the apparent use of buildings by barn owl as a roosting site. Other ecological issues relating to bats, badger, nesting birds and ecological mitigation and enhancement can be resolved via condition and or informative.*

#### **Bats**

*All site buildings were assessed as having negligible to very low bat roosting potential by a suitably experienced consultant. All four buildings are also being retained with works only proposed to building 1 where internal refurbishment is proposed. I am therefore satisfied that there is very unlikely to be any impact on bat roosting opportunities in these buildings and that all that is required is an informative note. One tree has been assessed as having some bat roosting potential. Whilst the tree is to be retained it is located approximately 15m from a proposed floodlight. I am satisfied that any risk can likely be mitigated as I note the site will only operate until around 9pm and therefore the period when the lighting is on is unlikely to significantly impact on a bat roost if present ie it would primarily be in use during the winter months when bats are not active and only impact on a small part of the flight period during spring and summer months. I recommend however that the proposed floodlighting avoids spillage on to this tree through the use of LED lighting and suitable measure to prevent light spillage on the tree. The details can be provided via condition*

Following this assessment, an objector provided officers with Merseyside and West Lancs Bat Groups (MWLBG) critical assessment of GMEU’s comments which suggested that GMEU were not conversant with Bat Conservation good practice guidelines, that their assessment of the site was incorrect, and that additional survey is required. The results of that survey may then necessitate Natural England Licence. MWLBG also noted issues with proposed lighting assessment and proposed conditions. As a failsafe, officers passed both sets of comments on to a third ecologist who agreed with GMEU’s initial assessment and stated that *‘the building has negligible potential and therefore I agree with GMEU comments. GMEU are fully conversant with BCT guidelines which as it states are guidelines which allow for professional judgement to come into play. With regards to Natural England being informed this (extracts below) was taken from BCT website, and as Natural England are the statutory nature conservation organisation, if bats are found they would need to be informed’*

#### ***Am I in trouble if I find bats during building work?***

*While it is illegal to disturb a bat roost, you will not be in trouble if you act responsibly as soon as the bats are found. We recommend that you pause all work immediately and seek advice from your SNCO or an ecological consultant. The aim of the various advice services is to help you continue with your work legally while reducing the chances of accidentally harming any bats or their roosts. (extract BCT website)*

Conditions relating to lighting had been recommended already, but the third ecologist agrees with initial findings in that *‘if there is any light spillage on the tree they would be in breach of said condition. In my experience if there were an active noctule roost within that tree then the*

*consultant would most probably have picked up some signs. Also, as the Noctule emerges before sunset sometimes, would this not suggest that it is less sensitive to light disturbance'.*

Officers are confident that assessment of bats on site has been appropriately considered, but that any species which may be present and unaccounted for can be suitably protected by the conditions and informatives recommended at the bottom of this report.

#### *Barn Owl*

*There was no evidence that barn owl had nested in any of the buildings but all four had probable or possible evidence of use by roosting barn owl. As no works are proposed to buildings 2-4 no direct impact on the roosting potential of these buildings will occur and the nearest over 40m from any new floodlighting. Building 1 will be internally modified and be utilised for dog activities. Any daytime roosting is therefore very unlikely to occur and the building may therefore become unsuitable for barn owl. This is not however an offence and can be mitigated through enhancement of the other buildings as roosting/nesting sites or trees on the site. I am therefore satisfied that no further survey is required.*

#### *Badger*

*It is noted that badger may be present in the adjacent woodland and that dogs may increase the level of disturbance to any setts that may be present. I believe however this risk is very low as the supporting information notes that dogs will be on a lead unless in an enclosed area and in maximum groups of six. Given the business is about dog training, I would be very surprised if dogs escaped and ran free. Second, they note that light spillage may disturb badger foraging. Given the site will only operate up until 9pm, I cannot see any significant effect will occur as the site will only be unavailable for a short period after dusk and badger if present have large areas of alternative foraging habitat whilst this site is unavailable. No further information or measures are required.*

*Nesting Birds There was no evidence that birds nest in building 1. Other buildings did have evidence of nesting but are not directly impacted upon. There is also no indication that any of the existing trees and shrubs on site will be removed. A precautionary condition is recommended*

*Contributing to and Enhancing the Natural Environment: Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site is primarily building and hard standing with vegetation loss appearing to be restricted to early successional habitats. Species impact appears restricted to possible loss of barn owl roosting habitat and potential loss of other bird nesting habitat. I am satisfied that mitigation and enhancement can be achieved on site, through provision of barn owl and bird boxes and some additional soft landscaping e.g. Tree planting or hedge planting. The details can be provided via condition'.*

Addendum as per committee update sheet 9.2.23: During submission of the application for planning permission the applicant has supplied an ecology report which was assessed by GMEU (Council ecologist) who subject to conditions was satisfied. Following this assessment, an objector provided officers with Merseyside and West Lancs Bat Groups (MWLBG) critical assessment of GMEU's comments as noted above and as a failsafe officers passed both sets of comments on to a third ecologist who agreed with GMEU's initial assessment. Late representation was then received from a different third party who consulted MWLBG again who considered the second ecologist to be 'misguided'.

Overall it does not appear that a consensus can be reached between MWLBG and the Councils consulting ecologists. Officers are confident however that the condition imposed

would mitigate against any harm caused as a result of development, and that no breach of planning or other legislation would occur should permission be granted and conditions imposed

7.4. **Chorley Borough Council**– The applicant wishes to move from their present site to secure indoor, all weather facilities. A number of letters of representation have been received which state that the existing site in Chorley borough is well managed, and that loss of amenity to adjacent residents has been negligible, but as a precaution officers contacted the Development Management team at Chorley Borough Council to see if there had been any issues relating to the site, complaints or enforcement taken as a result. Their response was that following a check with planning, enforcement and environmental health colleagues, the feedback is that they have had no issues, and that the business seems to operate well without concern to the Council. The existing site is subject to a mixed-use development proposal and will not be available to the applicant in the long term.

7.5. **Environment Agency position** have no objection to the development proposed but offer advice for the applicant with regard to development with proximity of Mill Brook which is a designated main river. No works are proposed within 8metres of Mill Brook however advice reminds them of the rules governing the requirements for an environmental permit should additional work be planned.

## **8. Material Considerations**

### 8.1. Green Belt Development

8.1.1. The site and extended surroundings are allocated as Green Belt by Policy G1 of the South Ribble Local Plan; 'Green Belt' being a land use designation. Both the NPPF and Policy G1 define inappropriate development as harmful to the Green Belt, which should not be approved except in very special circumstances. There are some exceptions to this however which are

- a) buildings for agriculture and forestry.
- b) provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

8.2. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it including the *'re-use of buildings provided that the buildings are of permanent and substantial construction'* and *'material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds'*

8.3. The scheme does not provide for agricultural or forestry building and does not replace the building with one in the same use. It does not offer limited infill development and is not in a village settlement, nor does it provide for affordable housing. The only relevant exemptions above therefore are points b), c) and g.

8.4. Points b and c) – *‘provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’ and ‘the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’*. Buildings would not be extended, and alterations would be limited to internal works which would not be disproportionate. The proposal also complies with point b) as it provides for sport and recreation.

8.5. Traffic to and from the proposed site would be more regimented as hourly classes start and begin with members arriving and departing at the same time but spread throughout the day unlike equine use where users tend to attend in the morning and evening, and would be by and large limited to around 40 in and out movements each time if the site was at full capacity. LCC Highways however do not object on safety and capacity grounds.

8.6. Point g) – *‘limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or would not cause substantial harm to the openness of the Green Belt’* - The NPPF definition of previously developed land includes *‘land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure’* but excludes amongst other things *‘land that is or was last occupied by agricultural or forestry buildings’*. Equine use is not classed as ‘agriculture’ for the purposes of planning and as such the test then is whether the use of the land would have a greater impact on the openness of the Green Belt than the existing.

8.7. On balance the proposal accords with NPPF point (b), and on parts of points (c) and (g) in that it is previously developed land suitable for re-development. All other material considerations which reflect remaining parts of (c) and (g) - whether the scheme results in disproportionate additions to or has a greater impact on the Green Belt than the existing so as to warrant refusal - are discussed below. As the proposal is compliant with at least one exemption however the very special circumstances required of Green Belt policy do not have to be demonstrated.

8.8. Separately, Local Plan Policy G2 (Re-Use and Adaptation of Buildings in the Green Belt) supports re-use of existing buildings within the Green Belt where they meet the following criteria:

- a) The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
- b) The building is of permanent and substantial construction, of sufficient size and suitable for conversion to the proposed use without the need for additions or alterations which would harm its existing form or character;
- c) The proposed development would not result in an adverse impact in respect of noise, odours, emissions or traffic; and

d) The building and site have access to a public highway available for use without creating traffic hazards and without involving significant road improvements which would have an undue environmental impact.

G2 says that all applications shall be accompanied by a detailed structural survey which considers both the condition of the existing structure and identifies the extent of any rebuilding work, but because of the nature of the scheme and the limited work required which would be for functionality only, this is felt to be an unnecessary separate study which would hold no bearing on the decision to be made.

The proposal in principle complies to this policy in all aspects other than (c) which refers to the points which also complete Policy G1(c) and (g) (above). Noise and traffic are discussed elsewhere in this report

**8.8.** Additional policy of marked relevance to this proposal is as follows.

#### *8.8.1. National Planning Policy Framework*

8.8.1.1. The NPPF (2021) at Para 11: presumes in favour of sustainable development which means approving development which accords with the development plan unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole. Other chapters of the NPPF of interest are:

8.8.1.2. Chapter 6 (Building a Strong Competitive Economy) supports protection and enhancement of economic opportunity and employment

8.8.1.3. Chapter 12 (Achieving Well Designed Places) attaches great importance to the built environments design which contributes positively to making better places for people.

8.8.1.4. Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change – the planning system supports the transition to a lower carbon future taking account of flood risk and climate change.

8.8.1.5. Chapter 15 (Conserving and Enhancing the Natural Environment) – when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity

#### *8.8.2. Central Lancashire Core Strategy*

8.8.2.1. Policy MP requires that planning applications which accord with Local Plan policies will be approved without delay unless material considerations indicate otherwise

8.8.2.2. Policy 1 (Locating Growth) focusses growth and investment on well located Brownfield sites and key urban locations including Penwortham

8.8.2.3. Policy 3 (Travel) encourages alternative, sustainable travel methods to reduce motor vehicle dependency.

8.8.2.4. Policy 17 (Design of New Buildings) requires new development to take account of the character and appearance of the local area.

8.8.2.5. Policy 22 (Biodiversity & Geodiversity) aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area

8.8.2.6. Policy 24 (Sports and Recreation) provides opportunities for access to sport, and protects existing sport facilities unless they are surplus to requirement

### 8.8.3. *South Ribble Local Plan*

8.8.3.1. In addition to site allocation policy G1 (above), the following are also pertinent:

8.8.3.2. Policy F1 (Parking Standards) requires all development proposals to provide car parking and servicing space in accordance with parking standards adopted by the Council.

8.8.3.3. Policy G16 (Biodiversity and Nature Conservation) protects, conserves and enhances the natural environment at a level commensurate with the site's importance and the contribution it makes to wider ecological networks.

8.8.3.4. Policy G17 (Design Criteria for New Development) considers design in general terms, and impact of the development upon highways safety, the extended locale and the natural environment.

### 8.9. Design, Character and Appearance, and Residential Amenity

8.9.1. The proposal sits within an existing, well screened site. Development is limited to change of use, flood lighting and work to the inside of buildings, but otherwise the physical state of the site will change little.

8.9.2. The closest residential property is Gables Farm which sits adjacent to the main access but is buffered by trees and is reportedly to be used by the applicant should permission be granted. 'Squirrels Leap' is around 90m distance, and there are semi-detached properties at 110m beyond in the east, whilst properties in the west beyond open land are around 70m away. South is open land. Although separation distance appears more than adequate, when taking into account the open, rural nature of the area, it is likely that sound will carry from the fields outside of the indoor arenas. Following advice from Environmental Health, officers consider that operation of the site during the revised hours of use agreed with the applicant would not have a significant detrimental impact on amenity of local residents

8.9.3. Proposed lighting would sit to the back of the site and light issue would be visible from outside of the site boundary. Details of the lights themselves have not been provided, but Environmental Health are confident that lighting would be well screened from view of adjacent residential properties, and whilst visible would not constitute a light nuisance. A condition to require lights to be on a timer until 10 minutes after the latest closing time (also secured by condition) is however prudent.

### 8.10. Health and Wellbeing, Highways and Traffic

8.10.1. Core Strategy Policy 24 (Sport and Recreation) states that everyone should have the opportunity to access good sport, physical activity and recreational facilities, although Chapter 11 of the same document states that spatial planning can have a positive effect on health and wellbeing by '*reducing motor vehicle traffic which in turn leads to reductions in air and noise pollution and road traffic accidents*'. Many of the supporters of the site state that use of the site, fresh air and the benefits of working with their dogs is of benefit to their physical and mental health which is to be supported. Weight however must also be given to the impact on the mental health of existing residents who may suffer disproportionately from additional light, traffic generation and noise.

8.11. Highways and Traffic - LCC Highways have considered the proposal and have no objection on highway safety and capacity grounds only. They have not assessed the impact of highways amenity however which has the potential to blight the amenity of local residents. Although this proposal garners a considerable amount of support – albeit an overwhelming proportion is from areas very distant from the site – and shows that this business has the potential to thrive and be a viable concern in an appropriate location, it is also clear conversely that clients are willing to travel some distance to attend classes, and that classes are well represented. This supports the concern from local residents that there is likely to be an increase in traffic generation and associated problems on what is a semi-rural, but busy country lane.

On the basis that 40 horses could be lawfully liveried on site, and that each owner may attend twice a day the assumption is that this would be around 160 traffic movements a day. The planning statement reports that Wild Paws (applicant) have 158 clients subscribed to their direct debit system for classes, and that there is a two-year waiting list. This, and the suggested class times and sizes suggest a considerable number of traffic movements to and from the site. As noted above there could be up to 18 dog/handler partnerships on site at any one time, but at an average of 15 this amounts to 120 dog/handler partnerships accessing and leaving the site, excluding staff movements which would be minimal. This assumption therefore of 240 traffic movements per day is a 50% increase over the existing at full capacity, although anecdotally the site has been in much lower stabling use than it has potential for whilst calculations for the proposed use are based on the business working at full capacity which may not always be the case.

## **9. Conclusion**

9.1. It is very clear from the number and content of representation received both in objection to and supporting the proposed change of use from commercial livery (40 horses) to a dog agility training centre that feelings relating to this scheme run high. The decision before you however must be based on the planning merits of the proposal having regard to the evidence provided and responses to that evidence from qualified professional statutory consultees.

9.2. Undeniably there will be an increase in traffic movement, but LCC's assessment must be whether this increase would increase to a level which causes severe additional harm – the NPPF requires harm to be severe if used as justification for refusal, and on balance LCC do not think that it is.

9.3. Two noise impact assessments have also been provided and the councils assessing acoustician agrees with its findings, confirming that when considering site topography, proximity to neighbours etc, no work is needed to site buildings to make the proposal comply with relevant noise legislation. This is a judgement call, given that the use is not operating from the site and has a degree of subjectivity as to whether that noise will or will not have a significant detrimental impact upon the amenity of the local residents in this particular location.

9.4. Despite the findings of the noise impact assessments members may still have some concerns regarding the potential impact of the proposed use on the amenity of local residents and the area in general. In order to provide a degree of confidence in respect of this matter the recommendation now incorporates a temporary use condition which would limit the proposed use of the site for dog training to a period of 15 months. The use of the site after this period of time would require the submission of a further planning application, consideration of which would have the benefit of clear evidence of how the actual use of the site has impacted on matters such as residential and local amenity and highway safety etc.



9.5. Lighting has separately been assessed but is screened to the rear of the site by buildings and by mature trees. Subject to a timer requiring lights to turn off ten minutes after approved site hours lighting should not impact on any resident to the level where it warrants refusal

9.6. In summary, the proposal is considered to be in accordance with the National Planning Policy Framework, and relevant policies of the South Ribble Local Plan, Central Lancashire Core Strategy and Rural Development SPD South Ribble Residential Design SPD and is therefore recommended for Approval subject to the imposition of conditions

### **RECOMMENDATION:**

Approval with Conditions.

### **RECOMMENDED CONDITIONS:**

1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 15 months from the date of this decision unless otherwise agreed in writing with the local planning authority.  
REASON: To enable the Local Planning Authority to retain control over the use of the land and assess the impact of the use on the residential amenity of local residents and the area in general.
3. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans  
Location plan PPOL/01 (Evans McDowall)  
Site plan PP02/01 (Evans McDowall)  
Land ownership plan PP03/01 (Evans McDowall)  
Noise Impact Assessment 9ADC Acoustic ARR/C/3575.01 Nov 22)  
Ecology report (Contract Ecology Nov 22)  
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development
4. The use of the site, fields surrounding and site buildings within the approved 'red edge' identified on location plan PPOL/01 (Evans McDowall) for the use hereby approved shall be restricted to the hours of 8am - 9pm (visitors and dogs)/ 9.30pm (staff) Monday to Friday, and 8am - 7pm (visitors and dogs) /7.30 (staff) weekends and nationally recognised public or bank holidays  
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy
5. Rental, loan or sub-let of the site, fields surrounding and site buildings within the approved 'red edge' identified on location plan PPOL/01 (Evans McDowall) to any third party for dog training or other dog related events shall be limited to twelve weekends per calendar year only with a maximum of two weekends per calendar month between the times of 9am -6pm (visitors and dogs) /6.30 (staff) Saturday and Sunday.  
REASON: In the interests of the amenities of adjoining residents and to accord with Policy 17 in the Central Lancashire Core Strategy

6. All floodlighting to be erected as part of the development shall be fitted with a timer device to ensure that the lights are turned off ten minutes after the final use of the site as detailed by condition 4 of this permission. The timer device must take account of day light saving time.  
REASON: In the interests of the amenity of the nearby residents in accordance with Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
7. Notwithstanding the Provision of the Town and Country Planning (Use Classes) Order 1987 Paragraph 3(1) or any provision equivalent to this in any statutory instrument revoking and re-enacting this Order, the use of the site, buildings or associated areas within the approved 'red edge' identified on location plan PPOL/01 (Evans McDowall) shall be restricted to the use applied for (dog training) unless the prior consent of the Local Planning Authority is obtained. Commercial kennelling use as overnight accommodation or any other commercial use of the land and buildings or other such use is prohibited.  
REASON: So that the Local Planning Authority can retain control over the impact of the development on residential amenity and/or highway safety in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
8. Dogs shall not at any time be left alone on site or in site buildings, and shall always be accompanied by a relevant handler  
REASON: to retain control over the impact of the development on residential amenity in accordance with Policy G17 in the South Ribble Local Plan 2012-2026
9. Prior to the commencement of development, a scheme for the collection, containment and removal of animal effluent shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be put into practice on first commencement and adhered to at all times thereafter.  
REASON: In the interests of amenity of neighbouring residents and to prevent pollution of the water environment in accordance with Policy 29 in the Central Lancashire Core Strategy
10. That any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not take place during the nesting season, normally between March and August, unless the absence of nesting birds has been confirmed by further surveys or inspections and written approval has been given from the Local Planning Authority.  
REASON: To protect habitats of wildlife in accordance with Policy 22 of the Central Lancashire Core Strategy.
11. Prior to development a lighting design strategy shall be submitted to and approved in writing by the LPA. The strategy shall include, but not be limited to:
  - o Identify areas/features on site that are potentially sensitive to lighting for bats;
  - o show through appropriate lighting lux contour plans that any impacts on bats is negligible;
  - o Specify frequency and duration of use.
 External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site or trees and hedgerows in the area. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Professionals guidance Bats and Artificial Lighting in the UK 08/18).

Once agreed all external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy prior to first use of the site hereby approved.

REASON: To ensure that adequate provision is made for these protected species in accordance with Policy 22 in the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

12. Details of bird boxes at and barn owl roosting opportunities within the site shall be provided and agreed in writing by the Local Planning Authority, and in accordance with the details provided in Chapter 8 of the approved Ecological Appraisal (Contract Ecology Nov 2022) Once agreed these shall be installed prior to first use of the facility hereby approved and retained thereafter.

REASON: To ensure adequate provision is made for these protected species in accordance with Policy 22 of the Central Lancashire Core Strategy and Policy G16 in the South Ribble Local Plan 2012-2026

13. Prior to first occupation of the development hereby approved, the parking spaces identified on approved plan PP02/03 shall be marked out and surfaced with a material to be agreed by the Local Planning Authority. These areas shall be retained at all times thereafter and shall not be used for any purpose other than the parking of vehicles.

REASON: To ensure the provision and retention of adequate on-site parking in the interests of residential amenity and highway safety as required by Policy F1 and Policy G17 in the South Ribble Local Plan 2012-2026

14. No outside area other than the floodlit courtyard (rear) shall be utilised for the training of dogs or any other commercial activity involving dogs. Whilst toileting dogs shall remain on a lead unless otherwise agreed in writing with the local planning authority. Dogs shall only be permitted in the main training arena hereby approved and not in any of the remaining buildings at any time

REASON: to retain control over the impact of the development on residential amenity in accordance with Policy G17 in the South Ribble Local Plan 2012-2026

15. Prior to commencement of the development, details of an acoustic fence/gates between the site and Gables Farm dwelling, shall be submitted to and approved by the Local Planning Authority in writing. The use hereby approved shall not commence until the fencing has been erected in accordance with the approved details. The approved acoustic screen/fence shall be retained and maintained at all times thereafter.

REASON: To ensure the provision and retention of adequate screening in the interest of amenity and to accord with Policy 17 in the Central Lancashire Core Strategy

16. Prior to commencement of the development, details shall be provided to the local planning authority to prove that the existing septic tank/drainage system within the site is of sufficient capacity to cater for the increased use of the dog training facility as approved. If such details require mitigation of the drainage/sewage system these shall be implemented prior to first use and thereafter confirmed in writing with the local planning authority. Any approved mitigation shall be retained and maintained at all times thereafter.

REASON: To ensure the provision and retention of adequate drainage and to prevent pollution of the water environment in accordance with Policy 29 in the Central Lancashire Core Strategy

## **RELEVANT POLICY**

### **NPPF National Planning Policy Framework**

#### **Central Lancashire Core Strategy**

- 1 Locating Growth (Core Strategy Policy)
- 3 Travel (Core Strategy Policy)
- 17 Design of New Buildings (Core Strategy Policy)
- 22 Biodiversity and Geodiversity (Core Strategy Policy)
- 24 Sport and Recreation

#### **South Ribble Local Plan**

- F1 Car Parking
- G1 Green Belt
- G16 Biodiversity and Nature Conservation
- G17 Design Criteria for New Development

### **Note:**

Other application Informative

1. Attention is drawn to the condition(s) attached to this planning permission. In order to discharge these conditions an Application for Approval of Details Reserved by Condition form must be submitted, together with details required by each condition imposed. The fee for such an application is £116. The forms can be found on South Ribble Borough Council's website [www.southribble.gov.uk](http://www.southribble.gov.uk)

2. The applicant is advised that under the terms of the Wildlife and Countryside Act 1981, Wild Mammal (Protection) Act 1996 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds, roosting birds or other protected species, or to inflict unnecessary suffering to wild animals. The work hereby granted does not override the statutory protection afforded to these species or provide defence against prosecution under this act, and you are advised to seek expert advice if you suspect that any aspect of the development would disturb any protected species

3. Environmental Agency Note:

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.