

Grow Walkies Limited

**Land at Chipping Hall Farm, Chipping Hall, Chipping,
Buntingford, Herts, SG9 0PH**

Application for the Variation of Condition 3 of Permission 3/19/2596/FUL

Prepared by:

SBRice Ltd

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1.0 INTRODUCTION

1.1 Planning permission 3/19/2596/FUL granting the retrospective change of use from a grass paddock to the front of the farmyard from agricultural use into Sui Generis use for a dog exercise and play area was granted on 25th February 2020.

1.2 Permission was granted subject to conditions.

1.3 This report is submitted in support of an application to vary Condition 3.

2.0 THE CONDITION

2.1 Condition 3 is drafted as follows:

- *The use hereby permitted shall only take place between 09:00hrs and 16:00hrs Monday to Friday.*
- *Reason: In order to ensure an adequate level of amenity for residents of the new dwellings, in accordance with policy EQ2 of the East Herts District Plan 2018.*

3.0 THE ORIGINAL PLANNING APPLICATION & PERMISSION

3.1 The original planning application was submitted by the landowner on behalf of a dog day care business that only operated between the hours of 09:00 to 16:00hrs Monday to Friday.

3.2 As the business did not operate outside of these hours, they were the only hours that were applied for.

3.3 The Council therefore applied Condition 3 to the permission limiting the operational hours as that was all that was requested in the application.

3.4 Full Planning Permission was granted for the retrospective change of use of an existing agricultural grass paddock to Sui Generis use as a dog exercise and play area.

3.5 The previous application submitted was on behalf of a dog day care business that exercised up to ten dogs at one time. For a dog day care business to be financially viable, large numbers of dogs must be cared for daily. A dog day care business collects dogs from their customers and exercises

them in large groups. These dogs often have no knowledge of each other or the handler(s), and they are not able to be controlled as easily as small numbers of dogs being exercised by their owners.

3.6 The dog day care business no longer operates from this site.

4.0 CURRENT USE

4.1 Grow Walkies Ltd

4.2 In October 2023 Grow Walkies Ltd took over the lease for the site and on 15th November 2023 they opened the Chipping (Buntingford) site to their customers.

4.3 The permission (3/19/2596/FUL) granted to the Buntingford site is applicable to the use that Grow Walkies requires for their dog walking fields, however, the business model that Grow Walkies Ltd works to is very different to that of a dog day care business.

4.4 Grow Walkies are a professional company offering secure dog walking facilities over a number of sites. Their sites are well-maintained, professionally run with strict guidelines for users. The reviews and support for the sites are over-whelmingly positive and demonstrate the need for well-run enclosed dog walking areas.

4.5 Grow Walkies customers are predominantly individual dog owners walking one or two dogs at one time.

4.6 A significant number of Grow Walkies customers are working people that walk their dogs outside of usual working hours so the restrictive operational hours of the Buntingford site is prohibitive for their business.

4.7 The sophisticated booking system allows the company to monitor the number of bookings that a site has in a day and the number of dogs accessing the site.

4.8 Advance bookings are required to use the dog walking field, with each booking lasting for 30 minutes or an hour. Similar sites have an average of 12 bookings per day.

4.9 Dog owners access the Grow Walkies website where they can book and pay for their slot. On

- arrival at the site, they are required to close the gate to the parking area before unloading their dogs. This is for the safety and security of the dogs and to prevent dogs from accessing the wider field. When they are ready to enter the dog walking field, they call the access phone number from the mobile phone number they supplied at the time of booking and this electronically unlocks the gate.
- 4.10 During changeover times there may be a short period when two cars will be parked in the parking area. Most of the time there will only be one car present. No cars are left in the parking area overnight.
- 4.11 Dog bins and a waste bin are provided in the parking area and another just inside the gate to the dog walking field. All dog owners are required to clean up after their pets. The field is checked weekly and the dog bins are checked and emptied every other week. A company called Poo Patrol is employed to check and empty the dog bins.
- 4.12 The grass cutting and general maintenance of the field is carried out by contractors who are retained to carry out regular checks on the fencing and the grass cutting requirements.
- 4.13 As the business model for Grow Walkies Ltd is very different to that of a dog day care business, the number of dogs accessing the site is now greatly reduced and therefore the potential for noise is also significantly reduced.
- 4.14 Most of the Grow Walkies sites operate from 5am – 10pm daily as most dog owners need the flexibility to walk their dogs out of normal working hours.
- 4.15 When Grow Walkies took over the Buntingford site they hadn't noted that the permission attached to the site had the operational hours limited to 9-4pm.
- 4.16 As soon as they were made aware of this, their website was amended accordingly, and all future bookings outside of the permitted hours were re-arranged.
- 4.17 The applicants realise that Condition 3 restricting the operational hours to 9-4pm was applied to the permission because those were the hours that were applied for in the application.
- 4.18 Grow Walkies Ltd provides secure dog walking fields to dog owners that can't always walk their

dogs during the working day. They are therefore seeking a variation to Condition 3 to extend the operational hours. The current restriction of the hours of operation to 9-4pm is prohibitive for the current use of this site.

- 4.19 The numbers of dogs using the field at any one time will now be greatly reduced. The Buntingford field will now be used by individual dog owners and Grow Walkies Ltd do not allow dog day care companies to use their sites.
- 4.20 The applicants also accept that noise levels can affect the amenity of neighbours to a dog walking site however, not all dog walkers cause disturbance and noise, and they believe that management controls provide suitable mitigation for the potential impact.
- 4.21 On a recent application for a site in Tewin that is within a Grade II Listed Park & Garden, the only house immediately adjacent to the dog walking field submitted a letter of support to their application.
- 4.22 Grow Walkies are committed to being good neighbours and are submitting a Noise Management Plan in support of their application to extend the operational hours.
- 4.23 Most of the Grow Walkies sites are open from 05:00hrs to 22:00hrs daily however most of their bookings are during daylight hours.
- 4.24 The applicants are aware that noise has been an issue with the previous operators of the site and are submitting a Noise Management Plan (NMP) as part of this application.
- 4.25 In addition to the NMP, and as recognition of the concerns previously raised, they are proposing opening hours that are less than their normal operating hours.
- 4.26 This has been a successful approach to protect the amenity on another site which had three neighbours in close proximity to the dog walking field.

5.0 **THE PROPOSED VARIATION TO CONDITION 3**

- 5.1 We are proposing the following changes to Condition 3.
- 5.2 Currently Condition 3 is drafted as follows:

- *The use hereby permitted shall only take place between 09:00hrs and 16:00hrs Monday to Friday.*
- *Reason: In order to ensure an adequate level of amenity for residents of the new dwellings, in accordance with policy EQ2 of the East Herts District Plan 2018.*

5.2 We propose that the wording of Condition 3 is amended to:

- *The use hereby permitted shall only take place between 07:00hrs and 21:00hrs Monday to Friday and between 08:00hrs and 18:00hrs on Saturdays, Sundays, Bank or Public Holidays.*
- *Reason: In order to ensure an adequate level of amenity for residents of the new dwellings, in accordance with policy EQ2 of the East Herts District Plan 2018.*

6.0 SUMMARY

6.1 Planning permission 3/19/2596/FUL grants a retrospective change of use of a grass paddock from agricultural use into Sui Generis use for a dog exercise and play area.

6.2 Condition 3 which restricts the working hours to 09:00 – 16:00hrs was attached to the permission because that was what was applied for at the time of the application.

6.3 The site has been taken over by Grow Walkies Ltd as a secure dog walking field for use by their customers. The numbers of dogs using the site at any one time is now greatly reduced.

6.4 Grow Walkies customers are predominantly working dog owners that need to be able to walk their dogs outside of normal working hours. The restrictive hours imposed by Condition 3 are therefore prohibitive for this business.

6.5 We therefore dutifully request a variation to Condition 3 to read:

- *The use hereby permitted shall only take place between 07:00hrs and 21:00hrs Monday to Friday and between 08:00hrs and 18:00hrs on Saturdays, Sundays, Bank or Public Holidays.*

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings, in accordance with policy EQ2 of the East Herts District Plan 2018.