

Report

Report to:	Planning Committee
Date of Meeting:	26 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/0969
Planning proposal:	Erection of single storey dog boarding kennels and formation of associated external dog walking area, landscaping and car parking.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Douglas And Kayleigh Munro
Location:	Crooklands Farm Haywood Road Forth ML11 8ES

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: William Reilly
- ♦ Council Area/Ward: 02 Clydesdale North
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015):**
Policy 3 Green belt and rural area
Policy 4 Development management and placemaking

Supplementary Guidance 2: Green Belt and Rural Area
Policy GBRA1 Economy/business related developments

**Supplementary Guidance 3: Development
Management, Placemaking and Design**
Policy DM1 Design

**Proposed South Lanarkshire Local
Development Plan 2:**

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and
Placemaking

Policy GBRA2 Business Proposals within Green
Belt and Rural Area

Policy DM1 New Development Design

◆ **Representation(s):**

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site is located on land at Crooklands Farm, to the north east of the settlement of Forth. The site is accessed via an existing private access road. The ground level of the site is relatively flat, and sits marginally lower than the access road. The site is bound to the north by open farm land. The applicant's dwellinghouse is located to the west of the site, whilst the site is bound to the east and south by open ground and a farm steading within the applicant's ownership. To the south-west is a neighbouring farm steading and dwellinghouse, with another dwellinghouse located further to the south-west. Adjacent to the private access road to the west, approximately 94m from the application site, is a dwellinghouse with a cattery boarding business.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning consent for the erection of single storey detached dog kennels and an associated outdoor walking area with 3 car parking spaces on land to the east of the applicant's dwelling. The kennels are segregated into 5 bays, each with their own fenced outdoor run. Attached to the kennels is a proposed reception area and associated utility and store room. The applicant proposes a 2m high close boarded timber fence along the north-western boundary of the application site, and along the perimeter of the outdoor walking area. There is landscaping proposed along the boundaries of the fencing. The proposed development will be accessed via an existing private vehicular access road.
- 2.2 The applicant has submitted a Noise Impact Assessment in support of the application.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan (adopted 2015), the site is located within the Rural Area where Policies 3 and GBRA1 apply. Policy 4 – Development Management and Placemaking and its associated supplementary guidance are also of relevance to the proposed development.
- 3.1.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, Policies 4 – Green Belt and Rural Area, 5 – Development Management and Placemaking, DM1 – New Development Design and GBRA2 – Business Proposals within Green Belt and Rural Area are considered to be of relevance to the application.

3.2 Planning Background

- 3.2.1 There is no relevant planning history relating to this site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management Team)** – offered no objections to the proposed development and are satisfied with the level of car parking provided to serve the development. There are no road safety or traffic concerns.

Response: Noted.

- 4.2 **Environmental Services** – following the submission of a Noise Impact Assessment in respect of the development, Environmental Services offered no objections to the proposed development subject to conditions requiring the recommendations of the Noise Impact Assessment to be implemented on site to their satisfaction. These include detailed specifications for the construction of the new building, the formation of barriers and landscaping and the submission of a noise management plan to address how complaints about noise levels would be dealt with.

Response: Noted. The requested conditions would be attached to any consent issued.

5 Representation(s)

- 5.1 Following the carrying out of statutory neighbour notification and the advertisement of the proposal in the Lanark Gazette for non-notification of neighbours, 6 letters of representation were received. The grounds of objection are summarised below:

- a) **The development will create unacceptable noise nuisance to neighbouring dwellinghouses. Proposed mitigation is not acceptable to address the issue.**

Response: The applicant has submitted a Noise Impact Assessment which has been assessed by the Council's Environmental Service. The existing background noise has been measured, and details provided of mitigation measures to reduce proposed noise to acceptable levels which would prevent a nuisance. The Council's Environmental Service is satisfied with the information submitted and has raised no objection to the proposal subject to conditions. Should consent be granted, conditions will be attached to ensure mitigation measures are carried out prior to the development becoming into use. In view of the above, it is not considered that the proposal will create adverse noise nuisance.

- b) **The proposal will adversely affect farming in the area due to possible disease risk and a risk to livestock from dog attacks and distress from barking.**

Response: The issue of disease risk is not a material planning consideration. In this case, the applicant proposes boundary fencing which will restrict dogs to within the outdoor walking area and individual runs. To prevent possible distress to livestock, the applicant has proposed a 2m close board timber fence along the length of the north-western boundary to restrict direct views by and of the dogs. In view of the above, it is not considered that the proposal will have an unacceptable adverse impact on agriculture or livestock.

- c) **There is sufficient availability of dog kennels within the surrounding area, and there is no need for more.**

Response: This is not a material planning consideration.

- d) **The occupiers of Mansefield should have been notified.**

Response: The Council has carried out statutory neighbour notification to all properties located within 20m of the application site as required. The application was also advertised in the Lanark Gazette due to the non-notification of neighbours.

- e) **The proposal will cause additional vehicle traffic and road safety issues.**

Response: The Council's Roads and Transportation Service has raised no concerns regarding the impact of the proposal on road or traffic safety.

- f) **The proposal will impact adversely on the existing cattery boarding business located approximately 94m to the west of the application site.**

Response: The issue of noise nuisance is addressed in section 5.1a of this report. It should be noted that although it is not considered that the proposal will create unacceptable noise nuisance, should there be concern regarding noise, then the complaint can be raised with the Council's Environmental Services to investigate.

- g) **It is not clear how the noise from the proposal will be measured, monitored or controlled over the long term.**

Response: Should consent be granted, conditions will be attached to ensure that the mitigation measures identified in the Noise Impact Assessment are carried out prior to the development coming into use. Should there be concern regarding noise, then the complaint can be raised with the Council's Environmental Services to investigate.

- h) **It is not clear if there will be restrictions placed on increasing the number of kennels, or the formation of a separate isolation unit.**

Response: Such development would require the applicant to apply for planning permission. Each application would be assessed on its individual merits.

- i) **The existing vehicle access is not suitable for large vehicles associated with construction, and will further damage the road.**

Response: The impact of the development on the condition of the private access road is a private legal matter between the relevant parties.

5.2 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 The applicant seeks detailed planning consent for the erection of single storey detached dog kennels and an associated outdoor walking area with 3 car parking spaces on land to the east of the applicant's dwellings at Crooklands Farm, Forth. The determining issues in the assessment of this application are its compliance with local development plan policy as well as its impact on surrounding rural and residential amenity. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan framework against which the proposal requires to be assessed comprises the South Lanarkshire Local Development Plan (adopted

2015) and its associated supplementary guidance. The Proposed South Lanarkshire Local Development Plan 2 is also a material consideration.

- 6.2 In terms of the adopted local development plan, it is noted that the site is located in an area which is designated as Rural Area where Policy 3 states that the Rural Area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Other uses can also be considered appropriate, but only in specific circumstances including where there is a specific locational need. Policy GBRA1 – Economy/Business Related Developments of the Green Belt and Rural Area Supplementary Guidance document associated with the adopted plan states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation through developments of an appropriate type and scale. Uses considered appropriate to the countryside are listed in the policy and includes boarding kennels. The re-use or extension of existing buildings is the preferred option but in other cases new development may be acceptable where it is shown to integrate with an established building group.
- 6.3 In this instance, it is noted that operations such as commercial dog boarding would not necessarily be considered a traditional countryside use, such operations are considered to be potentially acceptable in countryside areas subject to considerations such as siting and amenity. In this regard, it is noted that it can be difficult to source appropriate locations and premises for animal related developments within settlements and that these uses can be more suitably catered for in countryside locations. In this case, the development is proposed within a wider building group at Crooklands Farm rather than in an isolated location in the countryside. Additionally, it is noted that the building is located adjacent to the applicant's dwellinghouse and that, given the nature of operations, there is a need for the development to be sited in a location where 24 hour care to animals can be provided. As such, the view is taken that the principle of the development at this location is considered to be acceptable given that the development relates to an existing building group and there is a specific locational requirement in terms of animal welfare for the development to be established at the property. It is, therefore, considered to be compliant with the principles of Policy GBRA1.
- 6.4 With regard to the specific design and layout of the proposed development, Policy 4 – Development Management and Placemaking requires all proposals to take account of and be integrated with the local context and built form. The policy states that development proposals should have no significant adverse impacts on amenity or the local environment in planning terms. These requirements are further supported by the associated supplementary guidance relating to development management, placemaking and design.
- 6.5 In this instance, the proposed kennels and outdoor walking area are immediately adjacent to the rear of the applicant's dwellinghouse, a farm steading and two residential dwellings to the south west of the site, and a dwellinghouse with a cattery business located approximately 94m to the west of the application site. Given the nature of the proposed use, it was requested that a Noise Impact Assessment be carried out to consider whether the business operations would have any significant adverse amenity impact on neighbouring properties in terms of noise issues. It should be noted that the applicant has amended the proposal to relocate the outdoor walking area to the north-east of the site, with the aim of reducing noise disturbance to neighbouring dwellings. The applicant has added close board fencing along the

north-western boundary to prevent a view from the kennels to the adjoining fields with the aim of minimising the visual stimulation of the dogs. Following the submission of the Noise Impact Assessment, Environmental Services have advised that, subject to conditions to manage noise levels, a significant adverse impact would not occur in this instance.

- 6.6 In terms of context and built form, the single storey building is discretely located within the rural area, adjacent to an existing building group and with a backdrop of an agricultural shed when viewed from the public road. The applicant proposes landscaping along the boundary to reduce the visual impact of the proposed close board fencing. It is considered that the proposal does not have a significant landscape or environmental impact. In addition, the Council's Roads and Transportation Services are satisfied with the level of car parking provided, and there would be no issues in terms of access or road safety associated with the development. In view of the above, it is considered that the proposal would have no significant adverse amenity impact and would comply with Policy 4 of the adopted local development plan as well as all relevant policy and guidance as set out in the associated supplementary guidance.
- 6.7 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The submission has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal generally accords with Policies 4, 5, DM1 and GBRA2 in the proposed plan.
- 6.8 In addition to the standard neighbour notification procedure carried out by the Council, the application was also advertised in the local press. Six letters of objection have been received in relation to the proposed development. The points raised are addressed in detail in Section 5 above. It is not considered that the points of objection raised would substantiate grounds for refusing permission.
- 6.9 In conclusion, it is considered that the development is appropriate for the site, and would not significantly adversely affect residential amenity or the character of the rural area, and is compliant with the provisions of the relevant policies of the adopted South Lanarkshire Local Development Plan and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2. It is, therefore, recommended that planning permission is granted for the proposed development subject to the attached conditions.

7 Reasons for Decision

- 7.1 The development has no significant adverse impact on residential amenity or the character of the rural area, and complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3, 4, DM1 and GBRA1) and the Proposed South Lanarkshire Local Development Plan 2 (Policies 4, 5, GBRA2 and DM1).

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 30 April 2020

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2

Lanark Gazette advertisement

- ▶ Neighbour notification letter dated

- ▶ Consultations

Environmental Services

Roads Development Management Team

05.08.2019

- ▶ Representations

Dated:

Amanda Forsyth, Crooklands Farm Bungalow, Haywood
Road, Forth, Lanark, ML11 8ES

31.07.2019

Alasdair Morrison, Averton View, Haywood, Forth, ML11 8ES

29.07.2019

Claire Morrison, Averton View, Haywood, Forth, ML11 8ES

29.07.2019

Alexander And Helen Morrison, Averton View, Haywood,
Forth, ML11 8ES

29.07.2019

Thomas Ballantyne, Bugthknowes Farm, Haywood, Forth,
Lanark, ML11 8ES

01.08.2019

Ms MADELIENE Milburn, Mansefield, C207 From Haywood
To Auchengray C37, Forth Lanark, South Lanarkshire, ML11
8ES

29.07.2019

Contact for further information

If you would like to inspect the background papers or want further information, please contact:-

Pamela McMorran, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 455170

Email: pamela.mcmorran@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0969

Conditions and reasons

01. That prior to the development hereby approved being brought into use, the barrier identified and as specified within the SANDY BROWN Consultants in Acoustics, Noise & Vibration, 19348-R01 B, 16 January 2020, (Crooklands Farm Boarding Kennels) Noise Impact Assessment shall be put in place and thereafter maintained to the satisfaction of the Council as Environmental Services and Planning Authority.

Reason: To reduce the impact of noise from the facility on neighbouring dwellings.

02. That prior to the development hereby approved being brought into use the following mitigation shall be implemented with respect to the kennel building:
- o The building shall be of a masonry construction.
 - o This shall have solid core timber doors fitted, and these shall be closed at night.
 - o The doors from the kennels to the run shall have a minimum sound insulation of Rw 35dB. This would require typically a 54 mm solid core door with effective compression seals around the entire perimeter, including at the threshold.
 - o The slate roof tiles should be installed on a layer of at least 18mm plywood (or equal).
 - o A plasterboard ceiling shall be installed below the main roof structure of the kennel building, and this shall be overlaid with a mineral fibre quilt insulation.
 - o An acoustically absorbent ceiling below the plasterboard ceiling (e.g. hygienic, washable acoustic tiles as used in kitchens) shall be installed to help to reduce reverberant sound levels inside the kennel building.
 - o Windows shall have a minimum of 6mm thick glass and should be closed at night. This may necessitate ventilation, which should also be attenuated.

The measures above shall be carried out in accordance with the SANDY BROWN Consultants in Acoustics, Noise & Vibration, 19348-R01 B, 16 January 2020, (Crooklands Farm Boarding Kennels) Noise impact assessment, and shall be completed and thereafter maintained to the satisfaction of the Council as Environmental Services and Planning Authority.

Reason: To reduce the impact of noise from the facility on neighbouring dwellings.

03. Prior to works commencing on site, a noise management policy shall be submitted for the approval of the Council as Environmental Services and Planning Authority, and shall thereafter be adhered to.

Reason: To ensure the applicant runs the facility in a manner which prevents noise nuisance.

04. The operation of the development shall ensure that noise from the development meets the following conditions to the satisfaction of the Council as Environmental Services and Planning Authority:

- a) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LAeq,1hr of 50dB daytime (08:00 - 20:00)
- b) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LAeq,15min of 40dB night-time (20:00 - 08:00).
- c) The external levels within the curtilage of any noise sensitive receptor shall not exceed an LA,max of 55dB between 23:00 and 07:00.

Reason: In the interests of residential amenity to neighbouring dwellings .

- 05. That prior to the development coming into use, the 2m close boarded screen fences shall be erected as shown on the Block Plan hereby approved and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of amenity and to reduce the visibility of the dogs to surrounding activity.

- 06. That before any work commences on the site, a scheme of landscaping for the area indicated on the approved Block Plan shall be submitted to the Council as Planning Authority for written approval and it shall include:
 - (a) an indication of all existing trees and hedgerows plus details of those to be retained and measures for their protection in the course of development;
 - (b) details and specification of all proposed trees, shrubs, grass mix etc, including, where appropriate, the planting of fruit/apple trees;
 - (c) details of any top-soiling or other treatment to the ground;
 - (d) sections and other necessary details of any mounding, earthworks and hard landscaping;
 - (e) proposals for the initial and future maintenance of the landscaped areas;
 - (f) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to these details.

Reason: To ensure the appropriate provision of landscaping within the site.

- 07. That the landscaping scheme relating to the development hereby approved shall be carried out simultaneously with the development, or each phase thereof, and shall be completed and thereafter maintained and replaced where necessary to the satisfaction of the Council as Planning Authority.

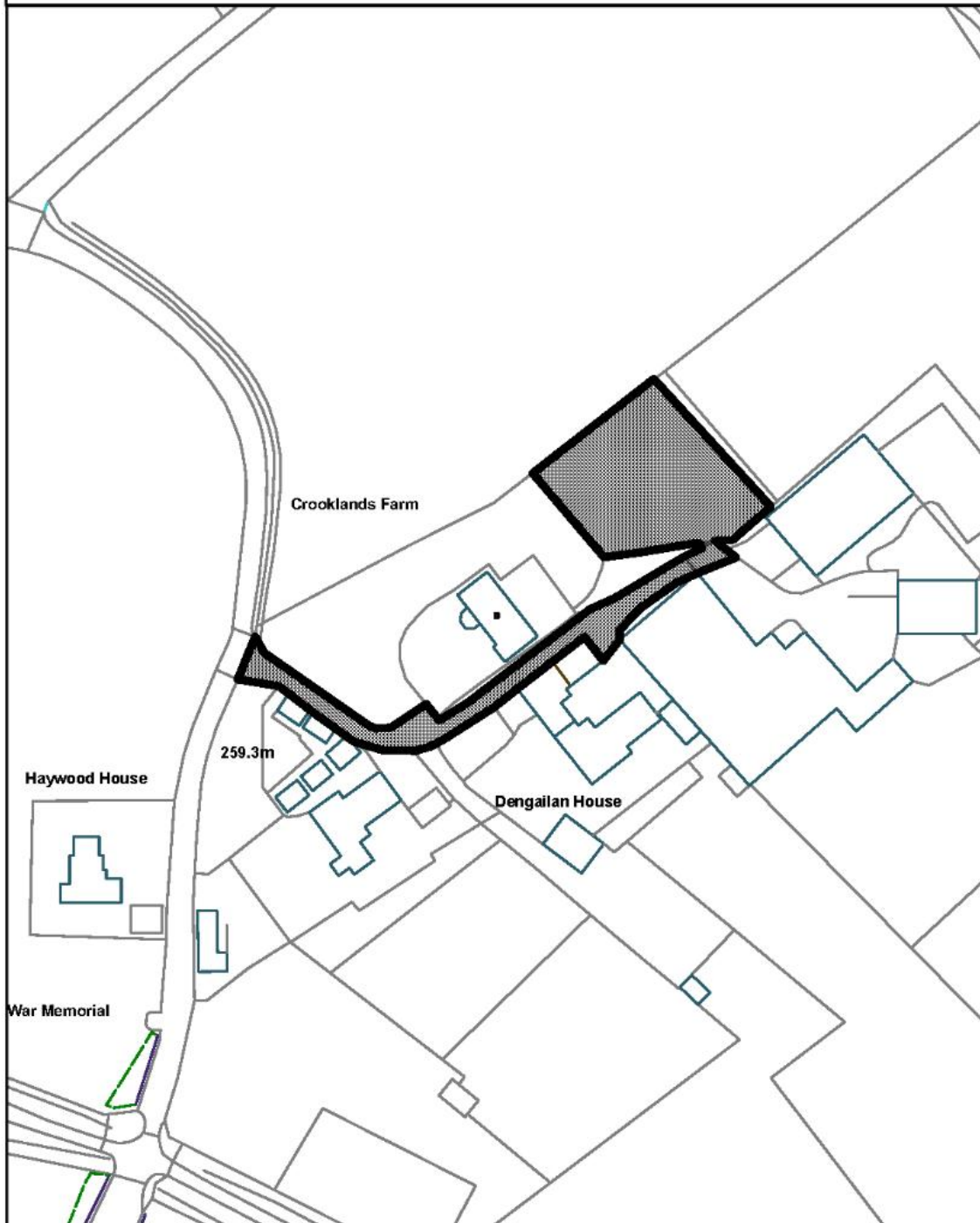
Reason: In the interests of the visual amenity of the rural area.

- 08. Notwithstanding the Block Plan hereby approved, the 3No. car parking spaces indicated shall be extended to a minimum of 2.6m x 6m each, and shall be constructed prior to the development coming into use to the satisfaction of the Council as Roads and Planning Authority.

Reason: To ensure sufficient car parking spaces are provided.

P/19/0969

Crooklands Farm, Haywood Road, Forth



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Scale:
1:1,250
Date:
17/03/2020



South Lanarkshire Council
Community and Enterprise Resources
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