

Report

Report to:	Planning Committee
Date of Meeting:	4 December 2018
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/18/0782
Planning proposal:	Partial change of use of dwellinghouse to boarding kennels; erection of 1.2 m high timber fence and gates to front of property; and erection of timber stable block

1 Summary application information

Application type:	Detailed planning application
Applicant:	Ms Dorota Sitek
Location:	65 Wilsontown Road Wilsontown Lanark ML11 8ER

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:
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): South Lanarkshire Local Development Plan: Policy 4 Development management and placemaking
South Lanarkshire Local Development Plan: Policy 6 General urban area/settlements
Supplementary Guidance 3: Development Management, Placemaking and Design Policy
DM11 Working from home

Proposed SLDP2: Policy 3 General Urban Areas
Proposed SLDP2: Policy 5 Development Management and Placemaking
Proposed SLDP2: Policy DM12 Working from

◆ **Representation(s):**

▶	10	Objection Letters
▶	0	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Environmental Services

Roads Development Management Team

Planning Application Report

1 Application Site

- 1.1 The application site at 65 Wilsontown Road lies within the small settlement of Wilsontown and comprises a bungalow, its garden and adjoining ground to the rear. The property is bordered on the north and south by other private residences with other houses lying on the opposite side of the public road, while at the rear there are the applicant's stable and storage buildings, with a riding arena positioned in the applicant's grazing fields. A portion of the application site adjoins the rear garden of 67 Wilsontown Road. This boundary is formed by a 1.8 metre timber fence.
- 1.2 There are currently two accesses into the application site. The northernmost is a gravel driveway in front of the dwellinghouse and provides space for parking and turning within its front garden area. The garden is separated from the public road by a knee high stone wall. Between the garden and the carriageway of the road there is a 2.5 metre wide service strip which is covered with a mixture of gravel and grit. The second access is a loose surfaced track between the applicant's house and 67 Wilsontown Road which leads down to the existing stables, yard and turning area, as well as providing access to the applicant's fields. The northern edge of the access, where it forms the garden boundary of the applicant's house is a dry-stone dyke with a timber palisade fence on top, and there are solid 1.8 metre timber security gates at the entrance to the yard. The applicant also owns a field to the rear of the property which is used for exercising the dogs.

2 Proposal(s)

- 2.1 The applicant seeks detailed planning permission to use part of her dwellinghouse to provide a boarding facility for dogs. The applicant intends to operate a boarding kennel where the visiting dogs will stay in the dwelling rather than in external kennels. The applicant seeks to provide an alternative to the standard kennel facilities where owners can leave their dogs within a "family" setting. The applicant also intends to erect 1.2 metre high fencing and gates at the front of the property. It is still proposed to erect 2m high fencing behind the building line of the house but this does not require planning permission. In addition, a further stable block 11 metres by 3.7 metres by 3.2 metres high is proposed within the land owned by the applicant which lies to the rear of 67 Wilsontown Road.
- 2.2 The boarding reception would be open for clients between 09:00 and 11:00, and 16:00 and 18:00. The maximum day boarders that can be in the property at one time would be five. The applicant has stated that the demand for the service is largely during the summer months around holiday periods.

3 Background

3.1 Local Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the house and garden ground of the application site as falling within the settlement of Wilsontown where Policy 6 - General Urban Areas/Settlements apply. In addition, Policy 4 - Development Management and Place Making is relevant. Finally, Supplementary Guidance on Development Management, Place Making & Design applies, with guidance is provided in Policy DM 11 – Working from Home.

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. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development requires to be considered against the relevant policies in the proposed plan, namely Policy 3: General Urban Area and Policy 5 – Development Management and Placemaking.

3.2 **Relevant Government Advice/Policy**

3.2.1 None

3.3 **Planning Background**

3.3.1 In 2012, retrospective planning consent was granted for the erection of a timber storage shed and formation of a riding arena.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** advise that they have no objection to the proposal due to the low vehicle movements associated with it and the rural nature of Wilsontown Road.

Response: Noted.

4.2 **Environmental Services** – advise that they are in receipt of an application in terms of the Animal Boarding Establishments 1963 in relation to the home boarding of dogs and have carried out inspections of the property. Whilst they have no objection to the planning application, they do advise that the Licence will set the maximum number of dogs to be boarded at any one time at 5.

Response: Noted. Appropriate conditions will be attached to any planning consent issued.

5 **Representation(s)**

5.1 Statutory neighbour notification was undertaken and the application advertised in the Lanark Gazette. The proposal received 10 letters of objection and 1 letter of comment. (It should be noted that reference is made in some of these letters to dog breeding facilities. This was initially included in the proposal description in error as it did not form part of the proposal applied for by the applicant). The issues raised are summarised below:

a) **The visual impact of 2 metre high fences around the front of the house would be very unsightly and not in keeping with the rest of Wilsontown. Cars exiting the lane from the rear of the site would have their view limited.**

Response: The applicant has been advised that 2 metre high fences at the front of the property are not appropriate for visual and road safety reasons. For this reason the fencing at the front of the house has been reduced to 1.2m in height. Adequate visibility would be available over the road verge in front of the fence and Roads and Transportation are satisfied with the access and parking arrangements associated with the proposal.

b) **There is currently a problem with customers of 65 Wilsontown Road parking on the roadside, and as there is no pavement pedestrians have to walk onto the road. The road provides essential access for residents and farm vehicles and on-street parking could affect safety. Any customer parking at the rear of the property would impinge on the privacy of neighbouring dwellings.**

- Response:** It is proposed that customers of the boarding kennels use the existing access in front of the dwellinghouse. Roads and Transportation note that there is sufficient space within the site for parking and as an alternative the 2.5 metre service strip could be utilised without impeding traffic movement or safety on Wilsontown Road.
- c) **The hardstanding where the stables are to be erected frequently floods after heavy rain. The drainage from 65 Wilsontown Road runs through an adjacent field not owned by the applicant, and the drains are already running to capacity. The applicant should clarify how they propose to drain and dispose of all associated waters.**
Response: Drainage matters within private sites or fields are a private civil matter between the relevant landowners. Advice on Reducing Pollution Risks in Stable Yards is available on SEPA's website and the applicant has been directed to this advice.
- d) **The applicant already has a large number of dogs and their barking disturbs neighbours. If further dogs were allowed in boarding kennels and associated "play areas" the disturbance will be even greater.**
Response: It is understood that, under an Animal Boarding Licence, the business owner's dogs and boarding dogs must be kept separate at all times. The proposed internal alterations to the dwellinghouse and the layout of the rear garden ground will facilitate this. Management of the site through such separation and following best practice procedures will all assist in reducing events or noises which may trigger barking. The applicant will be with the boarding dogs as they will live as "family pets" within the dwelling and will therefore be able to quickly settle any barking dogs.
- e) **The application includes the erection of fences but it is unclear how the dogs will be exercised. At present the applicant's dogs have the free run of her fields or they are exercised along the former railway line. There is a concern that due to past damage to the boundary field fences, the dogs may stray onto neighbouring land and perhaps worry livestock.**
Response: The maintenance of the boundary fences is a private legal matter for the landowners.
- f) **The layout of the application site will result in a high density of animals, their feed stuff, and waste storage. This may lead to an issue with odour and vermin if not properly managed.**
Response: Noted. If odours and vermin become a cause for concern, the matter should be highlighted directly with Environmental Services.
- g) **The plans submitted by the applicant include ground which is not within her ownership and the objector submits Title Deeds that show ground outwith the application site to the north-east being incorrectly included within her ownership.**
Response: The applicant has declared in the application form, that the red line application boundary as denoted on the submitted plans is not solely within her ownership, and that the necessary ownership notification was carried out. The objector highlights an ownership discrepancy on land which does not physically form part of the development site. The Council does not get involved in private land ownership issues, however, the disputed land has no bearing on the proposal.

5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The applicant seeks detailed planning permission to provide boarding kennels within her own dwellinghouse and for the erection of 1.2 metre high fences at the front of the house. The applicant also wishes to erect a timber stable for personal use on land behind Wilsontown Road. The boarding kennels will require a licence from Environmental Services and it will stipulate that the number of dogs using the facility will be limited to five dogs at any one time, over and above the applicant's own dogs. In addition, boarding dogs and the applicant's own must be segregated at all times as this will minimise stress and therefore noise. The applicant has confirmed that times when clients can drop-off or pick up their dogs will be limited to 09:00 – 11:00 and 16:00 to 18:00, and only from the front of the property.
- 6.2 The application requires to be considered against the policies of the adopted South Lanarkshire Local Development Plan, and its impact on the residential amenity of the area considered. As the application site is located within the settlement of Wilsontown Policy 6 applies, and this advises that development which may be construed as being a "bad neighbour" by virtue of visual impact, noise, smell, air pollution, disturbance, or traffic will not be permitted if they are detrimental to the amenity of residents, though each proposal will be considered on their own merits. Particular attention will be given to the amenity of the area, proposed servicing and parking arrangements. In light of this, care has been taken, through discussions with both Planning and Environmental Services to ensure that the applicants own dogs and any boarding dogs have their own space and disturbance to either is minimised. The proposal offers an alternative service to dog owners who require kennel accommodation for their dogs. The boarding dogs will live as family pets, much as they do at home with the applicant in the dwelling with them to observe and settle them at all times. No dogs will be accommodated in external kennels which will therefore minimise any noise.
- 6.3 Policy 4 - Development Management and Place Making along with supplementary guidance on Development Management, Place Making & Design requires the Council to seek well designed proposals which do not adversely impact on adjacent buildings or the streetscape in terms of scale, design and external materials nor on amenity as a result of light, noise, odours, dust or particulates. No issues are raised in respect of this policy.
- 6.4 Policy DM 11 - Working from Home advises that planning permission is not normally required where an owner or occupier wishes to use part of a dwellinghouse for business purposes without changing the overall residential character of the dwelling. However once the business activity increases and the non-residential use of the property cease to be ancillary to its use as a single dwelling, a material change of use has taken place and planning permission is required. In such instances the proposal will have to comply with the following:
- There will be no adverse impact on the residential amenity of neighbouring properties in terms of noise, disturbance, smell and dirt generated by the business or members of the public visiting the premises.
 - There will be no adverse impact on traffic or public safety resulting from traffic generated by the use.
 - There is provision for satisfactory car-parking and servicing facilities.
 - There will be no adverse impact on neighbours caused by activities taking place outside normal working hours and at weekends.
 - Any required storage of materials/vehicles is satisfactorily accommodated on the site without any adverse impact on neighbouring properties.

The need for planning permission will be assessed on a site-by-site basis in light of the site's context and on the individual merits of the case. In this case, given that the proposed business model is to have dogs staying within the dwelling, it was considered that planning consent would be sought.

- 6.5 Following several visits to the application site, it is considered that the internal adaptations to the dwellinghouse for dog boarding will not have any impact on the streetscape of Wilsontown, and that there is sufficient ground within the rear curtilage to provide the necessary outdoor space whilst maintaining separation between boarding dogs and the applicant's own dogs. The proposed stable will be for personal use only and will be positioned on the applicant's land to the rear of 67 Wilsontown Road, where it will be partially screened by an existing 1.8 metre timber fence and a domestic garage. It is considered that the stables are an appropriate use and will not affect the visual amenity of the area. Roads and Transportation Services are satisfied that there is adequate parking within the curtilage of the application site, and, in addition, there is a 2.5 metre wide service strip in front of the property which is wide enough to provide further parking whilst not impeding the two way traffic flow along Wilsontown Road.
- 6.6 While the applicant's dwelling and garden ground is considered capable of physically accommodating the boarding dogs, their proximity to other residential properties requires assessment in terms of the proposal's impact on residential amenity. Environmental Services were formally consulted on the planning application and advised that an Animal Boarding Licence is necessary and a requirement of that licence would be for the boarding dogs to be kept separate from the applicant's own dogs, with the drop-off and collection of the boarders occurring at the front of the house as these occasions can give rise to noise from barking dogs. Environmental Services have not objected to the planning application as the number of boarders is limited, and they will be kept within the applicant's house. Given that the dogs will be accommodated within the applicant's house, this gives a high degree of supervision of the dogs and any situations which cause dogs to bark can be minimised and dogs can be settled quickly. Similarly, as no dogs will be kept in external kennels, there was no requirement for a Noise Impact Assessment and Environmental Services have advised that, through the licensing process, the applicant will require to adopt best practice in relation to the control of noise. The licence requires to be renewed annually and, at this stage, any issues which may have arisen would be addressed.
- 6.7 In light of the scale of the proposed boarding kennels, their situation within the applicant's house and the operational standards to be adhered to in the Animal Boarding Licence, it is concluded that noise emitting from the dog boarding business will not have an adverse impact on the amenity of neighbouring properties. Roads and Transportation have also confirmed that they have no objections to the proposals. Ten letters of objection have been received which raise concerns about noise, parking, drainage and privacy. These comments have been taken into account in the assessment of the proposal and it is considered that the concerns raised can be addressed by the use of planning conditions and by the terms of any Licence issued by Environmental Services. Whilst the Animal Boarding Licence restricts the number of dogs boarding to five at any one time, an additional condition will be added to restrict the total number of adult dogs within the property to 12. This restriction to the total number of dogs has been discussed and agreed with Environmental Services who will monitor the operation through the Animal Boarding Licence and any other contact and will further safeguard residential amenity in the area. It is, therefore, considered that the proposals accord with local development plan policy and recommended that planning consent be granted.

6.8 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and therefore it is now a material consideration in determining planning applications. The proposed development 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 proposals accords with Policies 3, 5 and DM12 in the proposed plan.

7 Reasons for Decision

7.1 The scale and overall context of the proposal means that it will not adversely impact on the established amenity of the area and that it complies with Policies 4 and 6 of the adopted South Lanarkshire Local Development Plan (2015), as well as with the guidance contained in the SG on Development Management, Place Making & Design. In addition, the proposals are consistent with the relevant policies of the proposed South Lanarkshire Local Development Plan 2.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 16 November 2018

Previous references

- ◆ CL/12/0303

List of background papers

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

- ▶ Consultations
 - Environmental Services 04.10.2018
 - Roads Development Management Team

- ▶ Representations Dated:
 - Mr Wallace Somerville, 67 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 04.07.2018
 - James Geddes, 4 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 18.07.2018
 - Mrs Margaret Fowler, Glen Cottage, 69 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 17.07.2018
 - Elaine Somerville, 67 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 04.07.2018
 - Alexander And Doreen Kerr, 63 Wilsontown Road, Wilsontown, Lanark, ML11 8ER 03.07.2018

C And A Bothwell, Received Via E-mail	19.07.2018
Mrs Elizabeth Thomson, 51 Wilsontown Road , Wilsontown , Forth , ML11 8ER	19.07.2018
William And Agnes Thomson, 61 Wilsontown Road, Wilsontown, Lanark, South Lanarkshire, ML11 8ER	17.07.2018
Maxine Ross, 4 Arnton Grove, Airdrie , ML6 8GZ	23.08.2018
Anne Geddes, Mousebank, Wilsontown Road, Forth, ML11 8ER	18.07.2018
Mr Sandy Fowler, Glen Cottage, 69 Wilsontown Road, Forth, Lanark, ML11 8ER	23.07.2018

Contact for further information

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

Ailsa Shearer, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3
6LB

Phone: 01698 455273

Email: ailsa.shearer@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/0782

Conditions and reasons

01. That the total number of clients' dogs utilising the boarding facility shall not exceed 5 at any one time unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

02. That the reception hours of the boarding kennels premises for drop off and pick up, shall be between 09:00 and 11:00, and 16:00 and 18:00 unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To safeguard amenity and to minimise the risk of nuisance from noise to nearby occupants.

03. That the use of the stables hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the application site and no commercial activity shall be carried out in or from the stables.

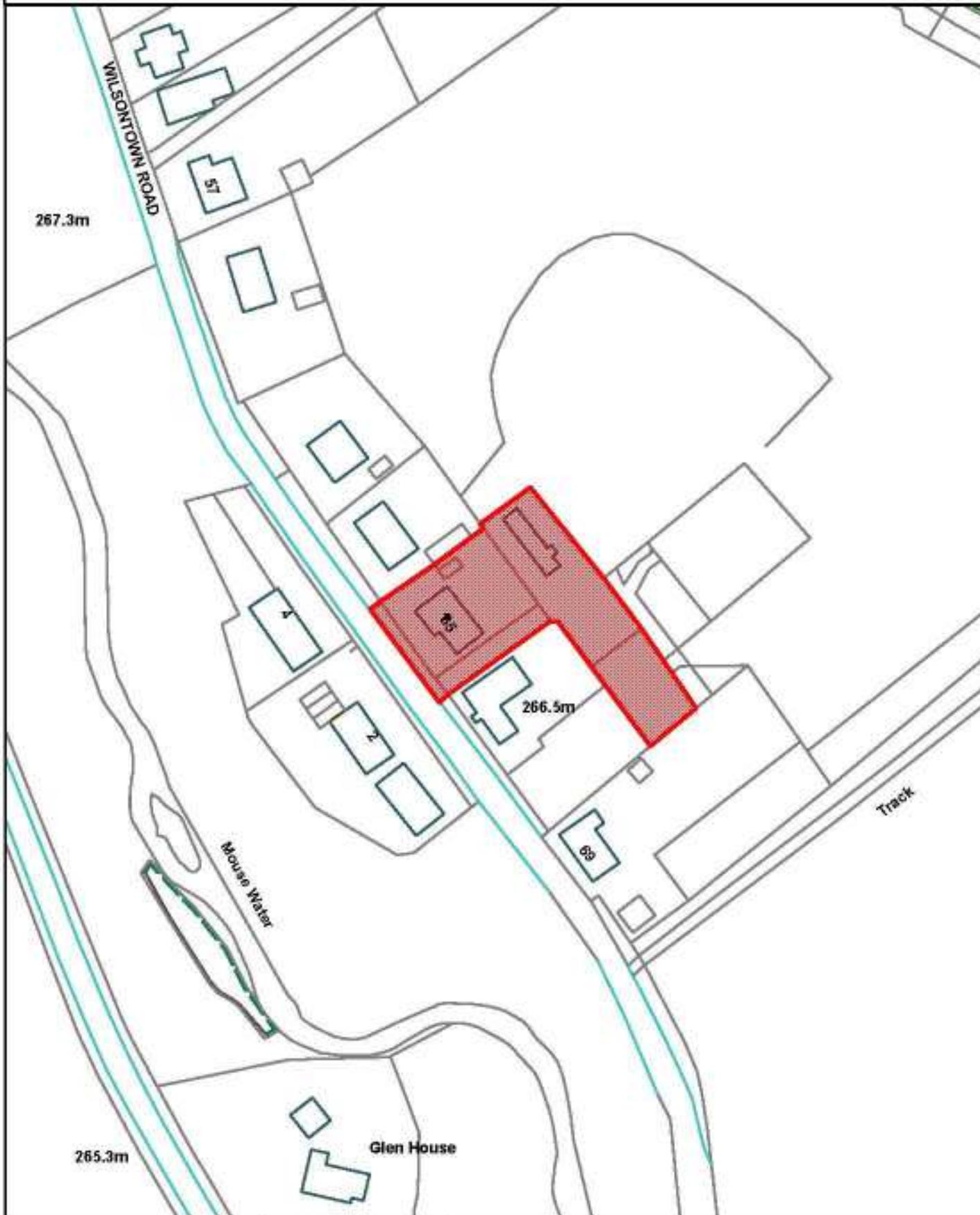
Reason: To safeguard the residential amenity of the area.

04. That the total number of adult dogs, including the client's own dogs and boarding dogs, residing overnight within the property shall not exceed 12 at any one time unless otherwise agreed in writing with the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control

P/18/0782

65 Wilsontown Road, Lanark



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Scale:
1:1,250
Date:
10/10/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development