

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 8 October 2019 |
| Report by: | Executive Director (Community and Enterprise Resources) |

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| Application no. | P/19/0662 |
| Planning proposal: | Change of use from agricultural field to 3 dog running fields, erection boundary fencing, erection of 3 shelters and formation of 2 car parks |

1 Summary application information

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| Application type: | Detailed planning application |
| Applicant: | Run Free Dog Fields Ltd |
| Location: | Land 180M SSW Off Loanend Cottages Loanend Road Cambuslang Glasgow South Lanarkshire |

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: 14 Cambuslang East
- ♦ Policy Reference(s):

Policy reference:
South Lanarkshire Local Development Plan (2015)
Policy 3 Green Belt and Rural Area
Policy 4 Development Management and Placemaking

Supplementary Guidance; Green Belt and Rural Area

Policy GBRA1 Economy/business related developments

Proposed South Lanarkshire Local Development Plan 2

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking

Proposed South Lanarkshire Local Development Plan 2 (Volume 2)

Policy GBRA2 Business Proposals within Green Belt and Rural Area

◆ **Representation(s):**

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| ▶ | 17 | Objection Letters |
| ▶ | 18 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

Halfway Community Council

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The application site relates to land off Loanend Road which lies approximately 2km to the south east of the boundary of Cambuslang. The site lies east/south east of a small group of properties known as Loanend Cottages and is within the rural area. The site sits with open fields although there are trees and shrub planting between the site and Loanend Cottages. The site is accessed by an established private road next to 11 Loanend Cottage. The site is leased to the applicant by Flemington Farm.

2 Proposal(s)

- 2.1 The applicant seeks retrospective detailed planning consent for the change of use of an agricultural field to a dog running business together with the erection of boundary fencing and three shelters and the formation of two carparks. The business comprises three enclosed dog running fields. The enclosed fields allow dog owners to let their dogs run free off the lead in a safe and secure environment. Bookings are made via the company's website and once the customer has paid the fee, they receive a security code to unlock their chosen field. Bookings are for a 30 minute slot and the maximum number of dogs per field at any one time is 8.
- 2.2 The fields range in size from 0.24 ha to 0.56ha and are each enclosed by boundary fencing ranging in height between 1.8m and 2.1m. Erected just inside the entrance to each field is a shelter measuring 2.4m x 1.8m in area and 2.0m in height. The shelters are clad in horizontal timber on three sides and have a metal sheet roof. The closest distance between the fields and houses is 55m with the other two fields 150m and 180m away. Two car parks have been created adjacent to the entrances to the fields.
- 2.3 Two of the fields have been in operation for over two years and did not generate any complaints to the Council. The third field was created in March this year which led to complaints to the Planning Service.

3 Background

3.1 Local Plan Status

- 3.1.1 In determining the application, the Council must assess the proposed development against the policies contained both within the adopted South Lanarkshire Development Plan (SLLDP0 (2015) and associated supplementary guidance produced in support of the SLLDP.
- 3.1.2 In land use terms, the application site is identified as being within the rural area. Policy 3 (Green Belt and Rural Area) is applicable and states that development located in the countryside should demonstrate that there is a specific locational requirement and established need for a proposal within the countryside.
- 3.1.3 Policy 4 (Development Management and Place Making) of the SLLDP is also considered to be relevant and states that when assessing development proposals, the Council will ensure there will be no significant impact on the landscape

character, built heritage, habitats or species including Natura 2000 sites, biodiversity and Protected Species.

- 3.1.4 Policy GBRA1 (Economy/Business Related Developments) of the Green Belt and Rural Area Supplementary Guidance is also relevant to this proposal. The policy states business proposals should involve an appropriate use in the green belt and rural area. A specific locational requirement will need to be demonstrated. Proposals should have no adverse impact of biodiversity including Natura 2000 sites and protected species or features which make significant contribution to the cultural and historic landscape value of the area and respect the existing landscape.
- 3.1.5 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 5, and GBRA2 are relevant

3.2 Planning Background

- 3.2.1 There is no recent planning history pertaining to this site.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Development Management)** : have no objections to the proposal. Advise that the sightlines at the point the private road meets Loanend Road are appropriate and that sufficient parking is proposed to serve the development.

Response: Noted

- 4.2 **Environmental Services** Have advised that a noise management plan should be submitted to show how the applicant would address any concerns about noise generated by the business. Officers have visited the site on a number of occasions to witness the type of activity. Overall, they have no concerns about the business operating between 8am and 8pm Monday to Friday but recommend hours of operation on a Saturday be limited to between 8am and 3pm with no activity at all on a Sunday.

Response: Noted. Appropriate conditions to limit the operating hours of the business and ensure the noise management plan is enforced would be added to any planning permission.

- 4.3 **Halfway Community Council:** Object to the application on the following grounds.

- a) **Halfway Community Council have several procedural concerns. The Community Council were not contacted by Planning Service and advised of this retrospective application. The application was not on the weekly list of planning applications and neighbours were not notified. Key documentation is missing from the public portal.**

Response: Community Councils receive the weekly list of new planning applications which gives them the opportunity to ask to be consulted on individual proposals. Due to an administrative error, the application did not

appear on the relevant weekly list. Once the error came to light, the Community Council was formally consulted on the application and given an extended period of time to submit their comments. Only one property was required to be notified of the application, however, it was advertised in the local press. The correct documents are now available on the public portal.

- b) **The Community Council have noted several inaccuracies in the developer's statements particularly in relation to complaints that residents have made and the distance between the fields and nearby houses.**

Response: Noted, however, the distances between the site and houses have been verified and are as described earlier in the report. The Councils Environmental Services and Roads and Transportation Services have confirmed that no complaints had been received to their offices regarding the business prior to March 2019.

- c) **Local Concerns raised by residents living at Loanend Cottages. There is regular hysterical and out of control barking which goes on for hours. Residents have heard arguments between dog walkers. There is no control over who uses the site as the business is unmanned. People are accessing the car park after 10pm. Dog walkers are parking on Loanend Road. The level of litter has increased.**

Response: The Council's Environmental Services have advised they have visited the site on over 10 occasions to monitor the type of activity associated with the business. They noted that there is inevitably some noise associated with the business which tends to be when users of the field are unloading their vans/cars and again when the dogs go back into the vehicles at the end of the session, however, the barking noted was never excessive or prolonged at any of the visits. Noise from dog barking, whilst the dogs were in the fields, was infrequent and none of the barking witnessed at any time would breach any relevant standard in terms of the activity constituting a statutory noise nuisance. As part of the application, the applicant has been required to submit a Noise Management Plan which explains how dog numbers and use of the fields will be managed. The Noise Management Plan has been assessed by Environmental Services and, based on the mitigation described and what officers observed on site, they have recommended that the use of the fields be limited to between 8am and 8pm Monday to Friday, 8am and 3pm on a Saturday and at no time on a Sunday. The applicant cannot control who uses the car park after closing hours and any anti-social behaviour is a matter for the Police. Visits to the site have revealed it is mainly local residents who park on Loanend Road while is sufficient parking within the site. A sign has been erected to direct customers to the access road and car park. The applicant has provided a number of litter bins within the site.

- d) **There are sometimes more than 8 dogs in a field as advertised.**

Response: The applicant has provided measures within the Noise Management Plan to deal with excess number of dogs in a field.

- e) **Other material considerations. There has been no detailed noise assessment. The noise is significant and therefore anti-social. There is no acoustic fencing. The business is not appropriate for the greenbelt area. There has been flooding at the entrance on Loanend Road. The**

increase in traffic would adversely impact the local community. The business is too close to residential properties. None of his other sites are close to residential properties. The site is bigger than the other 6 sites the applicant operates. There is no video or audio surveillance in the site to manage the site better.

Response: The Council's Environmental Services have not requested a noise assessment. They have, however, visited the site over 10 times and have advised the barking does not constitute a statutory nuisance. Environmental Services have not requested any additional acoustic fencing in their consultation response. The Council's Road and Transportation Service have no objections to the application in terms of road safety. They have attended to the drain once in November 2018 and have advised the issues of the blocked drain could not be attributed to the business. The Planning Service cannot compel the applicant to install video or audio surveillance. The comments about the applicant's other sites (none of which are in South Lanarkshire) are noted, however, each application must be considered on its merits.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local paper due to the non-notification of neighbours and as a bad neighbour development. As a result 17 letters of objection (including a letter from James Kelly MSP) and 18 letters of support were received. The grounds of objection are summarised below:

- a) **The fields are open 7 days a week 7am to 9pm. The fields are being used by professional dog walkers. The maximum number of dogs per field is noted as being 8 on their website but the numbers can increase as dog walkers share slots as the site is uncontrolled, unmanned and unregulated.**

Response: Environmental Services have recommended amended hours of operation which will limit the use of the fields especially at the weekend. The applicant has submitted a Noise Management Plan to cover the management of the site. It has been assessed by Environmental Services and it is considered acceptable. A condition requiring it to be implemented would be attached to any consent granted.

- b) **The expansion of the business has increased the level of traffic. There is no line of sight. Vans are driving on the grass verge to enter and exit the site and have blocked the drains. Many vans regularly speed within a 30mph area. Many of the dog walkers park on Loanend Road.**

Response: The Council's Road and Transportation Services have no objections to the proposal. They have reported the last complaint received regarding flooding on Loanend Road was on the 29th November 2018. They have also advised the blockage cannot be attributed to the business. The applicant is not responsible for the driving standards of his customers. There are sufficient parking facilities within the site and a sign has been erected at the entrance to the access road directing customers to the car parks. No evidence has been submitted showing customers parking on

Loanend Road. In any event there are no parking restrictions on the public road.

- c) **The addition of the third field has exacerbated the problem. There is no barrier between the houses and this field.**

Response: It is noted the business operated for approx 2 years without complaint and it was only the creation of the third field that prompted complaints. Environmental Services have not requested any additional sound attenuation for the site.

- d) **There is hysterical barking which can go on for hours and you can hear people shouting, arguing and witness physical confrontations. We have reported the noise to the Council's Environmental Services.**

Response: This matter is addressed in section 5.1c above.

- e) **There are people using the car parks after closing hours.**

Response: The applicant cannot control who uses the car park after closing hours. Residents should call the Police if they are concerned about anti-social behaviour.

- f) **The amount of litter has increased since the start of the business.**

Response: There is no evidence to attribute increase in litter in a public place to the business. In any event, litter bins have been provided by the applicant.

- g) **The application claims the nearest property is 150m away when is actually nearest property is 57m away.**

Response: This is addressed in section 4.3b above.

- h) **There has been no noise assessment submitted.**

The Council's Environmental Services have not requested a noise assessment because there is no relevant standard to assess the noise against. However they have monitored the site and did not find that a statutory noise nuisance has occurred.

5.2 18 letters of support have been received. The issues are summarised below:

- a) **The fields are 100% safe and secure for dogs to run free. They provide customers with the reassurance that their dogs won't run away or be involved in an incident. Many parks may contain poisonous materials or glass.**

Response: Noted

- b) **The fields are in immaculate condition with bins being emptied regularly and poo bags always available with fresh running water.**

Response: Noted.

- c) **The owner has contacted us to advise us to watch our speed, be aware of noise pollution and to not park outside residential homes. It is impossible to drive fast with dogs in your care.**

Response: Noted

- d) **I have never witnessed out of control barking as most dogs are happy to be off their leads.**

Response: Noted

- e) **The field is used by many rescued dogs which require a safe environment to run freely. Many rescue dogs suffer from anxiety due to neglect, or some trauma in their lives and may find it difficult to socialise with other dogs. The closed running fields have given these dogs a new lease of life.**

Response: Noted.

- f) **There is a real sense of community amongst the field users.**

Response: Noted

- 5.3 These letters has 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 retrospective detailed planning consent for the change of use from agricultural field to three dog running fields, erection of boundary fencing and three shelters and formation of two car parks. The field is located at Flemington Farm off Loanend Road, Cambuslang and is within rural area. The determining issues in consideration of this application are its compliance with local development plan policy and, in particular, its impact on the amenity of the surrounding rural area and road safety

- 6.2 The application site is within the Green Belt. Policy 3 – Green Belt and rural area in the adopted South Lanarkshire Local Development Plan (SLLDP) (2015) states that the Green Belt functions mainly for agriculture, forestry, recreation and other appropriate uses. The associated supplementary guidance on Green Belt and the rural area produced in support of the SLLDP sets out what is considered to be an appropriate use and includes outdoor sport and recreation where the use requires a countryside location. The proposed use involves a recreational use in the form of a safe environment for dogs and their owners and, therefore, the proposal is considered to be acceptable in land use terms and accords with policy on development in the Green Belt.

- 6.3 Notwithstanding the above the proposals should also be appropriate in terms of other criteria and, in this case in particular, their impact on the amenity and character of the location and surrounding area and on road safety. Policy GBRA1 describes matters that need to be assessed. The relevant issues in this case include;

- A specific locational need
- Impact on biodiversity and the cultural/historic environment
- Respect the existing landscape form
- Retention of existing features such as trees and hedgerows
- Avoiding the introduction of suburban-style development
- Meet access, parking and servicing standards
- Respect the amenity of the area in terms of noise, lighting, overlooking and visual impact.

Policy 4 (Development Management and Place Making) of the SLLDP is also relevant and states that, when assessing development proposals, the Council will ensure there will be no significant impacts on the local community or on the landscape character, built heritage, habitats or species, including Natura 2000 sites, biodiversity and Protected Species.

- 6.4 By its nature, the proposed use requires a countryside location in order to provide the required open space to create the dog running fields while minimising the impact on residents. No trees or shrubs have been removed and indeed existing landscaping helps screen the site from nearby properties. There has been no impact on the wildlife or fauna nor on any designated cultural or natural heritage sites. Likewise, there has been no impact on surface water or drainage. The structures that are proposed are small scale in nature and do not adversely affect the rural character of the area. In addition they are not visible from public viewpoints. It is noted the fields with the removal of fence and shelters the land can be returned to agricultural land without difficulty. There is no lighting of the fields.
- 6.5 In terms of road safety, the access to the fields is via a private track road, which is rented along with the fields. The access road is 165m long and there are two passing places on it. The road is 3m wide, widening to 6m at the passing places. The speed limit on the public road approaching the site is 30mph. Roads and Transportation Services have advised they have no objections to the application and, in particular, are satisfied sufficient parking is available. Directional signage has been erected at the entrance to the private road.
- 6.6 The key issue is the effect of the business on the amenity of local residents in terms of the noise generated by dogs. Concerns have been raised regarding the number of dogs that are allowed in the fields and the noise levels associated with the business. Environmental Services have not requested a noise impact assessment to be submitted in this case. However, they have monitored the site over an extended period of time and have concluded, based on their observations, that a statutory noise nuisance has not occurred. Nevertheless, it is recognised that the intermittent barking of dogs can have a detrimental impact on residents especially during times when they would expect to experience a peaceful environment. As a result, Environmental Services have requested the applicant submit a Noise Management Plan which outlines the management policy for monitoring activity and addressing any adverse impact. This has been assessed and, overall, they are satisfied that the measures in the plan are appropriate. On this basis, Environmental Services offer no objection to the proposal. The proposal accords with Policy 3, 4 and GBRA1 of the South Lanarkshire Local Development Plan (2015).
- 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 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 proposal accords with Policies 2, 4, 5, 11 and DM1 in the proposed SLLDP2.

- 6.8 In response to publicity on the application, 17 letters of objection have been received which highlighted the concerns local residents have about the activity on their amenity and road safety. These matters have been the main consideration in determining whether the continuation of the business at this location is acceptable. Officers in Environmental Services and Roads and Transportation Services have closely assessed these impacts and, overall, have concluded that, subject to limits on the hours of operation and the implementation of the noise management plan, the retention of the business is acceptable.
- 6.9 In view of the above, it is considered that the proposals accord with planning policy and that retrospective planning permission be granted.

7 Reasons for Decision

- 7.1 The development complies with Policies 3 and 4 of the adopted South Lanarkshire Development Plan and Policy GBRA1 of the Supplementary Guidance 2: Green Belt and Rural Area and Policies 4, 5 and GBRA2 of the proposed South Lanarkshire Development Plan 2. There are no other additional material considerations which would justify refusing to grant planning permission.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 26 September 2019

Previous references

- ◆ None

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 3 June 2019

- ▶ Consultations
 - Halfway Community Council 06.08.2019
 - Roads Development Management Team 18.06.2019
 - Environmental Services 20.06.2019

- ▶ Representations Dated:
 - Carol Patton, 10 Loanend Cottages, Cambuslang, G72 8YD 21.06.2019
 - Mrs Shona Glaister, 9 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD 19.07.2019
 - Gillian Arnott, By Email 12.08.2019

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| Gordon Arnott, By Email | 12.08.2019 |
| Conor McGlinchey, Received Via Email | 08.08.2019 |
| Erin McGlinchey, Received Via Email | 08.08.2019 |
| Jack Patton, Received Via Email | 08.08.2019 |
| Christine Reid, 5 Loanend Cottages, Loanend Road, Cambuslang, Glasgow, South Lanarkshire, G72 8YD | 08.08.2019 |
| Adam Patton, By Email | 08.08.2019 |
| Mr Alan Hepworth, 4 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD | 11.08.2019 |
| Harriet Leggatt, Received Via Email | 03.09.2019 |
| Jacqueline Bryson, Received Via Email | 03.09.2019 |
| Lauren Tarditi, Received Via Email | 03.09.2019 |
| Karen Morrissey, Received Via Email | 03.09.2019 |
| Peter McKeown, Received Via Email | 03.09.2019 |
| Roundabout Dog Care, Received Via Email | 03.09.2019 |
| Heather And Tobias Garrud, Received Via Email | 03.09.2019 |
| Isabel MacLellan, Received Via Email | 03.09.2019 |
| Amanda Sykes, Received Via Email | 03.09.2019 |
| Janet Findlay, Received Via Email | 03.09.2019 |
| Angela Lawrie, Received Via Email | 03.09.2019 |
| Claire Murphy, Received Via Email | 03.09.2019 |
| John O'Neill, Received Via Email | 03.09.2019 |
| Gillian Reddiex, Received Via Email | 03.09.2019 |
| Lynn Forsyth, Received Via Email | 03.09.2019 |
| Michael McMonagle, Received Via Email | 03.09.2019 |
| Ann-Marie Sharpe, Received Via Email | 03.09.2019 |
| Fiona Menzies, Received Via Email | 03.09.2019 |

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| Lorraine Kinnen, Received Via Email | 21.08.2019 |
| James Kelly MSP | 03.09.2019 |
| David Patton, By Email | 24.07.2019 |
| Mrs Liisa Hepworth, 4 Loanend Cottages, Loanend Road, Cambuslang Glasgow, South Lanarkshire, G72 8YD | 11.08.2019 |
| Charlotte Patton, Received Via E-Mail | 07.08.2019 |
| Majella Purcell, By Email | 15.08.2019 |
| Patrick McGlinchey, Received Via E-mail | 05.08.2019 |

Contact for further information

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

Mohammed Hussain, Planning Officer, Montrose House, 154 Montrose Crescent,
Hamilton, ML3 6LB

Phone: 01698 455269

Email: mohammed.hussain@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0662

Conditions and reasons

01. That the operating hours of the premises hereby granted consent shall be limited to,

Mondays to Fridays: Between 08:00 to 20:00 in April to September

Mondays to Fridays: Between 08:00 to 17:00 in October to March

Saturdays: Between 10:00 to 15:00

For the avoidance of doubt there shall be no business activity on Sundays or Bank Holidays

Reason: To safeguard the amenity of the area.

02. That the applicant shall adhere at all times to the Noise Management Plan submitted to the Council on 13 September 2019. The approved details shall be implemented in full throughout the period of the operation of the use hereby approved.

Reason: To ensure proper management of the site.

03. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 7, 8, 14, and 15 shall be undertaken without the express prior consent of the Council, as Planning Authority.

Reason: In the interests of retaining appropriate planning control of the site.

04. The operator of the premises shall keep a complete record of bookings at all times and for the avoidance of doubt these records shall be made available within two weeks of any request by the Council as Planning Authority.

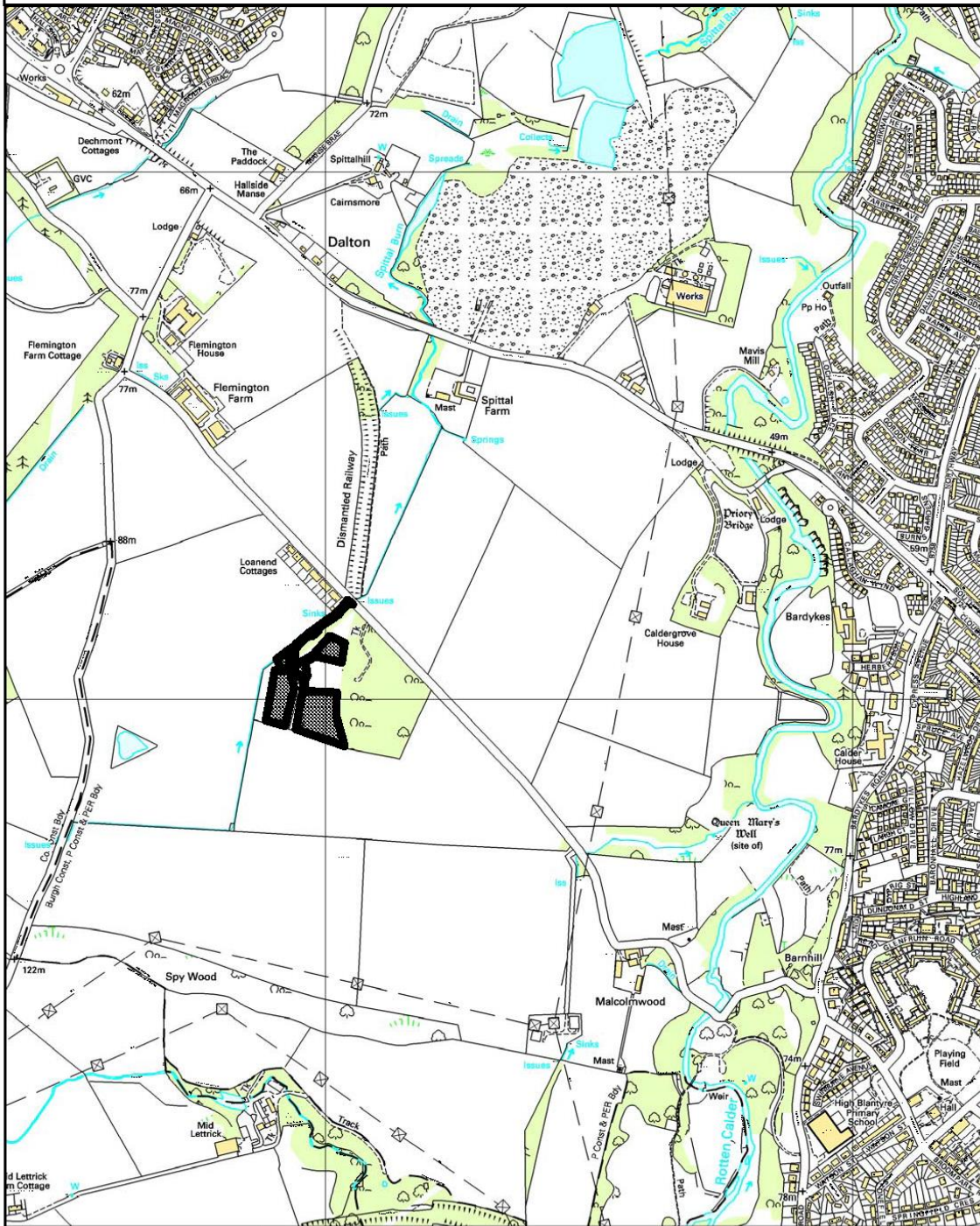
Reason: In the interests of retaining appropriate planning control of the site.

05. The maximum number of dogs permitted in each field at any one time shall not exceed 8 dogs.

Reason: In the interests of retaining appropriate planning control of the site.

P/19/0662

Land 180m SSW off Loanend Cottage, Loanend Road, Cambuslang



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Scale:
1:10,000
Date:
11/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development