

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>28 August 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/0458
Planning proposal:	Erection of commercial dog kennels

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mr And Mrs James Stuart
Location:	The Maynes Burnhead Road Symington Biggar ML12 6JX

## 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: Burrell Design Studio
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan**  
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  
**Proposed SLDP2**  
Policy 4 Green Belt and Rural Area  
Policy GBRA2 Business proposals and rural area  
Policy 5 Development Management and Placemaking

◆ **Representation(s):**

▶	9	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application site sits in the grounds of a large sandstone villa in existing woodland to the north east of the applicant's house at the end of the existing private driveway. The site is located within the rural area south of Symington accessed off Burnhead Road. As such, it is important to consider the impact of this proposal upon landscape, the surrounding area and the suitability of the proposed development for the rural area. The relevant policies in this case are Policies 3, 4, and GBRA 1 which seek, amongst other aims, to ensure developments integrate well with their surroundings and are suitable for the rural area. On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance, therefore, Policies 4 Green Belt and Rural Area, GBRA2 Business Proposals and Rural Area and 5 Development Management and Placemaking are also relevant.

## **2 Proposal(s)**

- 2.1 The proposal is to erect a single storey, pitched roof building incorporating 18 kennels for dog boarding with a reception, office, store along with indoor exercise and grooming areas. The application also shows associated parking for 8 cars, landscaping and the general arrangement of the site. This proposed business will be run by the owners of the dwellinghouse The Maynes.

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 In terms of the Adopted South Lanarkshire Local Development Plan (2015), the site is located within the rural area as such Policy 3 Green belt and rural area and Policy 4 Development management and placemaking. These policies require development within rural areas functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside, to take account of the local context with no significant adverse impact in the local environment or amenity. Policy GBRA 1 of the supplementary guidance is also relevant and states that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale.
- 3.1.2 In addition, the Proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy was approved at Planning Committee on 29 May 2018. As such, the SLLDP2 is now a material consideration in determining planning applications. In this case, the corresponding policies are Policy 4 Green Belt and Rural Area and Policy 5 Development Management and Placemaking.. As above, these policies require development to be appropriate to the countryside with no significant adverse impact in the local environment or amenity.

### **3.2 Relevant Government Advice/Policy**

- 3.2.1 None relevant

### **3.3 Planning Background**

- 3.3.1 There is no planning history for this site relevant to this application.

## 4 Consultation(s)

- 4.1 **Roads Development Management Team** - No objections to the proposal for the kennels subject to conditions on visibility, passing places and parking.

**Response:** Noted: Appropriately worded conditions would be attached to any consent issued.

- 4.2 **Environmental Services** - No objections to the proposal for the kennels subject to conditions on noise, construction standards, acoustics fencing and noise management.

**Response:** Noted: Appropriately worded conditions would be attached to any consent granted to address the above matters.

## 5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the local press due to the scale and nature of the development. Ten letters of objection have been received from 8 people in relation to this proposal. The contents of the letters are summarised below:

- a) **There are concerns in terms of traffic generation of the proposed business in terms of roads safety and disturbance due to the number car movements.**

**Response:** In terms of car movements, it was observed that the private access that will serve the new kennel business passes a residential property called Maynes Cottage. This cottage is currently being used as a holiday let. It is considered that, even at full capacity, the development would result in 36 car movements per day for customers and if you allow for a couple of staff on top of the owners who live on site, this would result in around 40 car movements per day. Customer drop off and pick up is to be restricted to between 10am and 12 noon and 2pm to 5pm giving an average of 8 car movements per hour. In reality, as dogs will on average stay for more than one night, the number of customer movements most days would be significantly less than this. In addition, as the customer access is restricted to 5 hours in the middle of the day, this will result in the majority of the day having very little additional traffic. At this level, the proposed business traffic is not considered to constitute a nuisance. In terms of road safety, the Roads Development Management Team were consulted on the application and following the submission of a speed survey by the applicant, have no objections or comments to make on the application providing the visibility to the south west of the entrance is improved with the removal of the stone pillar and part of the hedge.

- b) **There are concerns that the proposed kennels will create a noise nuisance to the nearby residential properties and the wider area.**

**Response:** Environmental Health have been consulted on this application due to potential noise concerns. Their response noted they had no comments or objection to the proposal subject to conditions designed to control noise emissions from the business to acceptable levels during the day and night. As part of the submission, the applicant has submitted a noise impact assessment to demonstrate the noise levels expected from the kennels when the dogs are both outside in the runs during the day and within the building, acceptable noise levels can be achieved. The building design was also changed to ensure the noise levels from inside the building shall achieve a minimum sound reduction of 50dB from the external noise level, a level that Environmental Health conclude should result in no noise nuisance to the residential neighbours from dogs while in the kennel building, day or night. In addition, the noise assessment provided by the applicant has shown that any noise experienced by the residents of Symington would be below the level considered a nuisance.

- c) **The proposed business will have a negative impact on tourism.**  
**Response:** Based on the assessments above on traffic movement and noise nuisance it is considered that the proposed business will have no impact on tourism in and around Symington.
- d) **Concerns have been raised that the drainage arrangements put in place are not adequate and that the surrounding drainage infrastructure will be overrun.**  
**Response:** The applicant has shown a treatment system connection to an existing watercourse within their land. Any new drainage system that intends to use an existing watercourse or a connection to land drainage system will need approval from SEPA and this will form the basis of the submission to Building Standards for their building warrant application. A planning condition will be added to the decision notice should consent be granted for the applicant to demonstrate that the approval from SEPA is in place before development is implemented.
- e) **The question of what happens to dog waste from the kennels.**  
**Response:** The plans submitted show a small skip will be placed on site for the collection of solid waste. Environmental Health, as part of the licence process, will require the applicant to demonstrate a system to collect and dispose of the dog waste.
- f) **The design of the building especially the scale of the pitched roof has been questioned in terms of its appropriateness for this location.**  
**Response:** The design of the kennel building is considered an appropriate design for a rural location and the pitched roof is consistent with traditional rural buildings. Although the large roof structure is not required in the operation of the proposed kennels, it is not considered necessary to alter the design.

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 application site is located within the private grounds of The Maynes, approximately 500m south of Symington. The proposed kennels will be located in an existing woodland area to the north east of the applicant's house at the end of the existing private driveway. The applicant also proposes the formation of a parking area for the proposal adjacent to the new kennel building.
- 6.2 Policy 3 Green belt and rural area of the South Lanarkshire Local Development Plan states that the Green Belt and rural area functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Policy GBRA1 advises that the Council will seek to support the rural economy by promoting rural diversification and facilitating job creation by encouraging development of an appropriate type and scale. The proposed use is considered appropriate for a rural location and will support the rural economy and facilitate job creation. It is therefore considered that the proposed development accords with Policies 3 and GBRA1.
- 6.3 Policy 4 seeks to ensure integration into the local context including access arrangements. Concerns have been expressed that the proposed kennels will result in an excessive number of traffic movements on the access. However, in response to consultation, the Roads Development Management Team have raised no objections subject to improvements being carried out, these improvements are within the control of the applicant and have been incorporated in the proposed plans. I am of the view the additional traffic generated by this proposal will not create a significant increase in traffic movements which would create road safety concerns or significant nuisance to residential amenity. The kennels are located as to not affect visual amenity and the

design is considered acceptable for its rural location. It is therefore considered that the proposed development accords with Policy 4.

- 6.4 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 and GBRA2 are relevant.
- 6.5 Roads and Transportation Services and Environmental Services were consulted as part of the planning application process and offered no objections to the proposal subject to conditions. These conditions cover issues ranging from noise limits and construction details to control noise and activity to alterations to the existing access road to improve visibility and provide passing places.
- 6.6 Following the neighbour notification and the advertisement of the application in the local press, the Council received 9 letters of objection in relation to concerns on road safety, noise, drainage etc. These objections have been addressed in section 5 of this report and it is considered that the issues raised have been satisfactorily met by the applicant. Due to the location and design of the kennels, business hours proposed, access improvements and the submission of a comprehensive noise management plan, it is considered the applicant has demonstrated that their proposed business can be operated without causing a significant nuisance to residential amenity.
- 6.7 In conclusion, the proposal is not considered to have a significant detrimental impact on the rural setting, the surrounding amenity or on road safety and, as such, it complies with the relevant policies of the adopted South Lanarkshire Local Development Plan, Supplementary Guidance and the proposed Local Development Plan 2.

## **7 Reasons for Decision**

- 7.1 The proposal complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance (Policies 3 and GBRA1) and the proposed Local Development Plan 2 (Policies 4 and GBRA2). There are no additional material considerations which would justify refusing to grant consent.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

10 August 2018

### **Previous references**

- ◆ None

## List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Neighbour notification letter dated 17 April 2018
- ▶ Consultations
  - Roads Development Management Team 29.06.2018
  - Environmental Services 27.07.2018
- ▶ Representations Dated:
  - Mr David Carrick, 104 Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6FS 03.05.2018
  - Mr Craig Ritchie, 106 Burnhead Road, Symington, Biggar, , ML12 6FS 22.04.2018  
03.05.2018
  - Mrs Janet Pilling, The Pines, 40 Abington Road, Symington Biggar, South Lanarkshire, ML12 6JX 03.05.2018
  - Mrs Anne Stillman, Totherin, 46 Abington Road, Symington Biggar, South Lanarkshire, ML12 6JX 02.05.2018  
03.05.2018
  - Alison & Matthew Lehane, Maynes Lodge, Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6JX 09.05.2018
  - Murdo MacKenzie, "Cipeo", Jerviston Street, Motherwell, ML1 4BL 17.05.2018
  - Mrs Frieda Kennedy, The Woodlands, Burnhead Road, Symington, Biggar, South Lanarkshire, ML12 6FS 10.05.2018
  - Mr David M Thomson, 71 Hillend Road, Clarkston, Glasgow, G76 7XT 09.05.2018

## Contact for further information

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

Steven Boertien, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455116

Email: [steven.boertien@southlanarkshire.gov.uk](mailto:steven.boertien@southlanarkshire.gov.uk)

## Detailed planning application

Paper apart – Application number: P/18/0458

### Conditions and reasons

01. That before the development hereby approved is completed or brought into use, the alterations to the existing vehicular access to form the passing places as shown on the approved plans, shall be constructed prior to the kennels hereby approved being brought into use all to the satisfaction of the Council as Planning Authority.

Reason: To ensure the private access is fit for purpose.

02. That before the development hereby approved is completed or brought into use, the visibility splay to the south east of the entrance shall be improved by removing the existing stone pillar and hedge that sits within the achievable splay measuring at 2.4m by 92m measured from the edge of the carriageway, the visibility splay north west is currently 2.4m by 107m and this should be maintained. Nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.

Reason: In the interests of traffic and public safety.

03. That before the kennels hereby approved are completed or brought into use, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.

Reason: To ensure the provision of adequate parking facilities within the site.

04. That during the operation of the kennels hereby approved the noise emissions received from the kennels, within any external amenity area of a noise sensitive receptor, shall comply with the following-

- a) The external levels shall not exceed an LAeq,16hr of 45dB daytime (07:00 - 23:00)
- b) The external levels shall not exceed an LAeq,8hr of 40dB night-time (23:00 - 07:00).
- c) The external levels shall not exceed an LAm<sub>ax</sub> of 50dB night-time (23:00 - 07:00).

Reason: To minimise the risk of nuisance from noise to residential dwellings.

05. The weighted apparent sound reduction index (R'<sub>w</sub>) for the building envelope around the kennels, exercise area and grooming room shall achieve a minimum sound reduction of 50dB

Reason: To minimise the risk of nuisance from noise to residential amenity.

06. The noise barriers as shown on the approved plans and referred to in the noise impact assessment No. R-8189-TWF-RGM shall be constructed to a minimum height of 1.8m with an average surface density of 15kgm. The barrier shall not have any gaps both between boards and also between the points of contact with the ground. The barrier shall achieve a minimum insertion loss of 15dB.



Reason: To minimise the risk of nuisance from noise to residential dwellings.

07. That the noise management policy (P/18/0458 Noise management plan) submitted to the Planning Authority shall be adhered to at all times and shall thereafter be amended following consultation with the Council as Environmental Health and Planning Authority if required to address any issues arising from the operation of the kennels.

Reason: To ensure the business is operated in a manner to minimise the risk of nuisance from noise to residential dwellings and to maintain effective planning control.

08. That no more than 27 dogs can be boarded at any one time in the kennels hereby approved.

Reason: To ensure the business is of a scale appropriate for its location and to minimise the risk of nuisance from noise and excessive activity to residential dwellings.

09. That no more than 15 dogs shall have access to the outside runs at any one time and that access shall be restricted to between the hours of 9am to 7pm.

Reason: To minimise the risk of nuisance from noise to residential dwellings.

10. That no development shall commence on site until the applicant provides written confirmation from SEPA to the Council as Planning Authority served by a drainage system that meets their standards.

Reason: To ensure the provision of an appropriate drainage system.

11. That the native species hedge as shown on the approved plans shall be planted at the first available planting season following the completion of or occupation of the kennels hereby approved and shall thereafter be maintained at a minimum of 1.8m high and shall act as an effective barrier to views into and out of the site.

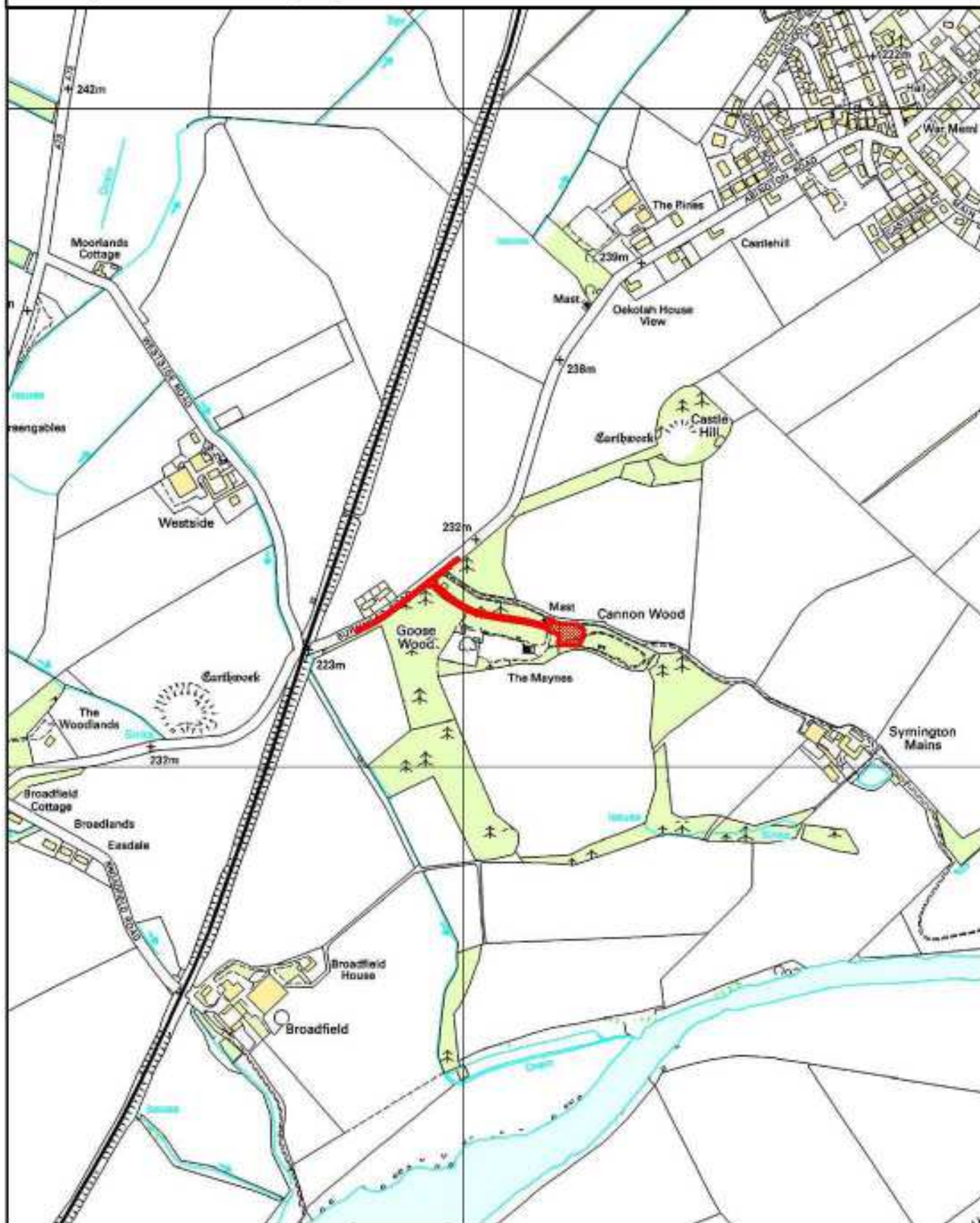
Reason: To ensure the provision of adequate screen planting to the north of the development site adjacent to the farm access road.

12. That before any boundary fences or walls are erected, full details of the design and location of all fences and walls, including any retaining walls, to be erected on the site shall be submitted to and approved by the Council as Planning Authority.

Reason: To ensure the development is satisfactory in appearance and to maintain the visual quality of the area.

P/18/0458

The Maynes, Burnhead Road, Symington



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Scale:  
1:8,000  
Date:  
30/07/2018



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