

Report

Report to: Clydesdale Area Committee

Date of Meeting: 4 December 2018

Report by: Executive Director (Community and Enterprise

Resources)

Application no. P/18/0990

Planning proposal: Change of Use of Existing Farm Outbuildings (Sui Generis) to Form 6

Additional Boarding Kennels (Sui Generis), Erection of 1.8m High Fencing around Exercise Area and Associated Car Parking at West

High Cross, Yieldshields Road, Carluke

1 Summary application information

Application type: Detailed planning application

Applicant: Mr T Walker
Location: West High Cross

Yieldshields Road

Carluke ML8 4QY

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 Area Committee has delegated powers to determine this application.

3 Other information

Applicant's Agent: George SimpsonCouncil Area/Ward: 01 Clydesdale West

♦ Policy Reference(s): South Lanarkshire Local Development Plan:

Policy 3 Green belt and rural area

Policy 4 Development management and place-

making

Policy 15 Natural and historic environment Supplementary Guidance 2: Green Belt and

Rural Area

Policy GBRA1 Economy/business related

developments

Supplementary Guidance 9: Natural and

historic environment
Policy NHE16 Landscape

Proposed SLDP2:

Policy 4 Green Belt and Rural Area

Policy 5 Development Management and Placemaking
Policy 14 Natural and Historic Environment
Policy GBRA2 Business Proposals within Green
Belt and Rural Area
Policy NHE16 Landscape

Representation(s):

>	6	Objection Letters
>	8	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 at an existing dog boarding kennels (7 kennels) at West High Cross, Yieldshields within the rural area. The application site includes existing farm buildings which have been re-used as boarding kennels. Open land to the west of the kennels is proposed to be used as an exercise area and to the east there is an area of existing hardstanding to be utilised for parking and access. Also to the east lie agricultural sheds which, together with land to the north, are leased to a farmer. To the south the site fronts onto Yieldshields Road (B7056). The neighbouring properties include The Meadows at 35m to the west and Amberley House at 60m to the southeast.

2 Proposal

- 2.1 The applicant seeks planning permission to extend an existing dog boarding facility by 6 kennels which in addition to the existing 7 kennels would total 13 kennels. The proposal includes an improved access and parking area, a fenced exercise area and associated works.
- 2.2 During the handling of the application there have been amendments to plans, as follows:-
 - the overall number of proposed kennels has been reduced from 9 to 6 as a result of the applicant's noise impact assessment
 - parking and access arrangements have been amended to form an in/out access as a result of Roads and Transportation comments
 - ◆ the exercise area proposed has been reduced from 2 fields to the north and east of The Meadows to one field to the north of The Meadows
 - various noise mitigation measures have been introduced, including an absorptive barrier within the yard, acoustic fencing to the south of the kennels and fencing between the exercise area and The Meadows
- 2.3 Dog agility and training classes were recently held on part of the site for a short period of time by a third party but have since ceased. That activity has at no point been the subject of the current application.

3 Background

3.1 Local Development Plan Status

- 3.1.1 The adopted South Lanarkshire Local Development Plan identifies the site as being situated within the rural area. Policy 3 Green Belt and Rural Area and the associated Supplementary Guidance on the Green Belt and Rural Area is relevant. In addition, Policy 4 Development Management and Place-making and Policy 15 Natural and Historic Environment of South Lanarkshire Local Development Plan apply together with the SG on Development Management and Place-making, Natural and Historic Environment.
- 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 the following Policies 4, 5, 14, GBRA2 and NHE16 are relevant.
- 3.1.3 An assessment of the proposal against these policies is contained in Section 6 of this report.

3.2 Relevant Government Advice/Policy

3.2.1 Scottish Planning Policy (SPP) details that development plans should be tailored to local circumstances in rural areas of intermediate accessibility and where there is pressure for development. They should seek to provide a range of policies that provide for economic development. Accordingly, the South Lanarkshire Local Development Plan has policies covering the Green Belt and Rural Area to direct appropriate development for businesses within the rural area.

3.3 Planning Background

3.3.1 Retrospective planning permission was granted for 6 kennels within former farm buildings in 2016 under reference CL/15/0290. This did not include an exercise area and this has continued to operate since that time.

4 Consultation(s)

4.1 <u>Environmental Services</u> - No objections subject to the implementation of various noise mitigation measures in addition to that provided by the Noise Impact Assessment.

Response: Noted, amended plans have been received and appropriate conditions shall be imposed on any permission granted.

4.2 Roads and Transportation Development Management - No objections subject to the reconfiguration of the access, creating an in/out system together with the display of associated signage for customers.

Response: Noted, amended plans have been received and appropriate conditions shall be imposed on any permission granted.

5 Representation(s)

- 5.1 Following statutory neighbour notification and advertisement of the application in the press, a total of 14 representations have been received, 6 objecting and 8 in support. The Council's scheme of delegation requires an application to be referred to Committee where more than 5 objections have been received. The points raised in the representations are summarised and responded to below:
 - a) Query as to why they were not informed of the previous application for boarding kennels or of the current application, despite owning the road next to the property.

Response: The planning authority is required to notify neighbours where their property or premises falls within 20m of the site boundary. Where the neighbouring land to the site consists of open land (containing no premises) then the application is advertised in the local press, which was conducted in this case.

b) Concerns regarding noise generated by the development, referencing the occasion of one dog barking all day and night, barking dogs going unchecked, with one dog barking 4.30pm to 7pm on 20th August, (which was highlighted to Environmental Health). In the 3 weeks since then the objector has logged 21 instances of dogs being left to bark for over an hour, 3 mornings of noise from 5.15am to 8am and being kept awake until 4am. Concerned that dog barking will be heard by neighbouring residents regardless of the management of the facility. Dog barking can currently be heard from 5 am to 11pm.

Response: Environmental Health have advised of an onsite discussion with the objector regarding noise issues. The objector was advised to retain a log of any noise issues. The log of 21 instances referred to by the objector has not at this point in time been submitted to Environmental Health. In response, the applicant has submitted supporting information with regard to reports of dogs being left to bark unattended.

The applicant notes one occasion where they had one particularly noisy dog prior to any sound barriers being installed and discussed this with neighbours at the time. The applicant advised that dogs are not left to howl for any length of time without receiving attention. There have been a number of noise mitigation measures proposed alongside this proposal. On a site visit on 11th October it was noted that the absorptive barrier and acoustic fence to the south of the kennels have already been installed. There is further discussion of noise issues and the proposed mitigation measures in paras 6.4 to 6.6. of this report.

c) Concerns of dogs being exercised in 2 fields adjacent to property (The Meadows) when there is additional land available to owner. Dogs are exercised off lead several times a day, being shouted and whistled at by kennel owners. The use of this area has resulted in a loss of privacy which will not be solved by fencing as this would reduce light to property.

Response: The applicant has reduced the exercise area to one field directly to the rear of The Meadows. Other land marked as owned by the applicant was discussed, however was found to be leased out and not to be available to the applicant at this time. The applicant has proposed 2m fencing around the neighbouring property which shall reduce noise levels, screen views to the exercise area and provide privacy to the neighbours within The Meadows. The fencing would be sited to the north and east of the property's garden and at this orientation it is not considered that undue overshadowing would occur. Furthermore, it should be noted that the applicant could erect fencing at 2m in height behind the building line without requiring planning permission. There is a further discussion of noise issues and the exercise area in paras 6.4 to 6.7.

d) Highlights that there are static caravans on site which do not have planning permission.

Response: This has been reported to the Planning Enforcement Officer for investigation.

e) Concerns regarding privacy being invaded by dog walkers wishing to access the objectors' farm roads with dogs off their leads, resulting in the objector having to walk their dog at night to avoid meeting others.

Response: It is not clear if the dog walkers using farm roads to walk dogs are related to the boarding kennels, dog agility classes or unconnected dog walkers. The boarding kennels has included an exercise area within the application to exercise boarding dogs; consequently it is not apparent whether dogs from the boarding facility would be walked here. Additionally, dog agility classes have ceased and are not part of this application. The private road adjacent to the proposal is part of the core path network and can be used by members of the public, therefore this comment is not felt relevant to the proposal being assessed. Any situations involving out of control dogs should be report the Community Safety team within the Council's Environmental Health service and any dangerous dogs should be reported to Police Scotland.

f) Queries regarding the reference to 'quiet kennel' within the Management Plan, noting that this was not detailed on the plans and if there are 2 or more noisy dogs where does the second dog go.

Response: The 'quiet kennel' is marked on the plans as the kennel sited the furthest away from neighbouring properties. A quiet kennel is designed to be an isolation kennel from other dogs if a dog is noisy, aggressive or has medical issues.

g) Concerns that the noise assessment only takes into account noise from the kennels and not noise from the exercise area, that the noise assessment is calculated on the assumption of 1 dog per kennel as a family of dogs often share a kennel. Queries whether there is a limit on the total number of dogs which can be kennelled. Queries how the noise assessment can describe noise as low impact when dogs can be heard inside their house with the windows closed.

Response: Environmental Services have been consulted on the application and submitted information and have made no objections. Further discussion of noise issues and the exercise area takes place in paras 6.4 to 6.7. The noise assessment assumes one dog per kennel barking at any one time i.e. modelling a real life scenario that not all dogs would be barking at once. A condition would be imposed on any planning permission granted to limit the overall number of dogs to 20, which would amount to approximately 1.5 dogs per kennel. The noise impact assessment has considered whether the proposal would exceed the existing background noise level by more than 4dB (A), a level set by the appropriate British Standard. The background noise levels were measured on the previous application for 7 kennels and it was concluded in the assessment that the proposal would not breach the existing background noise levels by more than 4dB (A) at The Meadows. This is what is considered to be 'low impact' and below a level to be considered to be a nuisance. It does not necessarily mean the dogs will not be heard from the property.

h) A number of comments have been received generally supporting the use of the proposed exercise area for dog training and agility classes.

Response: The applicant has confirmed that this activity has ceased and does not form part of this planning application.

i) Support the application on the basis this is a much needed, well run kennels, there is no noise pollution to the surrounding area and the development is visually appealing, clean and tidy.

Response: Support for the current business is noted; further discussion on noise impact and visual amenity takes place in para. 6.4 to 6.11.

j) Support the application on the basis that the kennels are clean, secure, and the dogs are well exercised. Cannot understand why there would be any objection as dogs are no different to cows and sheep.

Response: Support for the current business is noted and further consideration of the application is given below. Dogs are a domesticated animal which require constant control and monitoring by people, whereas cows and sheep are commercial animals not requiring the same level of monitoring. It is well established that barking dogs can be a noise nuisance; the same cannot be said for agricultural livestock. A balance has to be struck between considering appropriate development within the rural area, allowing businesses to grow and maintaining the amenity of adjacent neighbours.

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 existing farm steading at West High Cross, Yieldshields. The proposed 6 additional kennels would be located south of the existing kennels and an exercise area to the west is also proposed, together with access and

parking arrangements to the east of the site. The main considerations in assessing this application relate to compliance with local plan policy and, in particular, the impact of the proposals on the residential amenity of neighbouring properties by way of noise and disturbance.

- 6.2 Policy 3 Green Belt and Rural Area of the South Lanarkshire Local Development Plan states that the green belt and rural area function primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Policy GBRA1 'Economy/business Related Developments' seeks to support the rural economy by promoting rural diversification of an appropriate type and scale. Dog boarding is considered an appropriate use within the rural area. In addition, in this case the proposal re-uses existing farm buildings for an alternative use. It is therefore considered that the proposed development accords with Policies 3 and GBRA1.
- 6.3 Policy 4 —Development Management and Placemaking and its associated supplementary guidance requires all proposals to take account of and be integrated with the local context and built form. The policy advises that proposed developments should not have any significant adverse impact on neighbouring properties by way of noise or other loss of amenity. The neighbouring properties include The Meadows at 35m to the west and Amberley House at 60m to the southeast.
- 6.4 The submitted noise impact assessment utilised the background noises measurements taken in 2016 for the existing dog boarding facility and models the expected noise levels for the additional kennels. The assessment highlighted that the initial design of 9 kennels would have resulted in a significant adverse impact during the day at The Meadows property. The mitigation measures proposed were to exclude the 3 smaller kennels to the south from the proposal and to include a 2m high acoustic barrier along the southern boundary; amended plans were duly received. This barrier has the added effect of preventing dogs seeing visitors or the adjacent road, thereby removing a noise stimulant.
- 6.5 Environmental Services have provided comment on the application and have recommended further mitigation. As the surrounding agricultural buildings consist of metal sheeted buildings which would reverberate noise, an absorptive barrier was requested to ensure the effectiveness of the acoustic barrier on the southern boundary of the kennels. The applicant has also chosen to provide fencing between the neighbouring property and the exercise area which will serve as an acoustic barrier. The acoustic fencing to the south of the kennels and the absorptive barrier have already been installed by the applicant. A noise management plan has also been submitted detailing a variety of actions to manage noise including:-
 - that dogs will be kept within internal runs during the night-time
 - dogs will be exercised one kennel at a time, and dogs will only kennels where they are family dogs
 - quiet kennel is available for aggressive or over noisy dogs
 - dogs fed using plastic bowls
 - ♦ use of calming music
 - ◆ CCTV and stated times for customers collecting and dropping off dogs
- 6.6 The proposed exercise area to the west of the property sits directly to the north of The Meadows, a neighbouring residential property. On initial plans the exercise area included land to the north and east of The Meadows. At the initial site visit (9th August) the area was already set up with agility equipment and was bound by construction style fencing. Reports of agility and dog training classes being run from these areas were also received. The applicant has confirmed that agility classes are no longer run from here and are not part of the application. At a later site visit (11th October) it was

noted that the agility equipment had been removed. Relocating the exercise area to an area to the north of the farm steading marked as being within the applicant's control was discussed. However, the applicant advised that this is currently leased out and is not available for his use. Amended plans show the exercise area limited to the area to the north of the Meadows. The noise management policy details that only one dog be exercised at a time, with the exception of a family of dogs which are boarded together which would be in the same kennel in any case. The noise management policy details that the exercise area would be used between 8am to 8pm. If each kennel was exercised for half an hour each this would result in approximately 6.5 hours of exercising a day when kennels are at full capacity which is not likely to occur all year round. The applicant has also proposed 2m fencing around this property which shall reduce noise levels, screen views to the exercise area and provide privacy to the residents of The Meadows.

- 6.7 On the basis of the additional noise mitigation measures, Environmental Services have raised no objection to the application. There are dog kennels already operating at the site and it is considered that the mitigation measures and management procedures will improve the overall operations, the current kennels as well as the proposed, at West High Cross Kennels. Given the proposal to erect fencing around The Meadows, the restricted time period of use, the intended practice of exercising of dogs alone or with family dogs, and overall numbers of dogs within the kennels, it considered that any noise or disturbance generated by the exercise area would be reduced to an acceptable level. Taking into account the mitigation measures, noise management measures and planning conditions which can be imposed on any permission to control noise emissions, it is considered that the proposal can operate without causing significant noise nuisance to neighbours. In terms of access and road safety, the plans show an in/out arrangement to maximise visibility and improve the usability of the access together with sufficient parking for the number of kennels. Therefore, it is considered that the proposals comply with Policy 4.
- 6.8 Policy 15 Natural and Historic Environment seeks to protect and enhance the natural and historic environment; Policy NHE16 provides specific advice on landscape. The site lies within the Plateau Farmland Landscape Character area. The relevant guidance for this location and type of development is to discourage the incremental development of buildings within the open countryside and discourage the use of suburban designs in the rural context. The proposed kennels utilise existing farm steading buildings and as such fit with the surrounding area. Fencing around the exercise area and to the south of the kennels would consist of a 2m high close boarded fence. Although this is not the type of fencing encouraged in the rural area, its design would ensure its function as a noise barrier, providing additional benefits in terms of amenity. The proposal therefore meets the terms of Policy 15 and NHE16
- 6.9 On 29th 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 applications proposed planning the South Lanarkshire Development Plan 2 is now a material consideration. In this instance Policies 4, 5, 14, NHE16 and GBRA2 are relevant. Policy GBRA2 continues to include boarding kennels as an appropriate rural use where they can operate entirely from existing residential properties or former farm steadings as is the case here. It is considered that the proposed development is compliant with these policies and the Proposed LDP 2.
- 6.10 In summation, the applicant has provided various noise mitigation measures to lessen the impact of the proposal and as a result it is felt the proposal could operate without

causing significant noise nuisance to neighbours. The main objections to the proposal relate to noise and loss of privacy and it is considered that these have been largely addressed by the mitigation measures proposed. Support for the proposal is also noted, albeit this has not been received from close neighbours. In conclusion, the proposal is not considered to have a significantly detrimental impact on the rural setting, the surrounding amenity or on road safety. The view is taken that the proposed development is compliant with the relevant provisions of the South Lanarkshire Local Development Plan (adopted 2015) and its associated supplementary guidance as well as the Proposed South Lanarkshire Local Development Plan 2 (2018). It is therefore considered appropriate for planning permission to be granted.

7 Reasons for Decision

7.1 The proposal complies with the relevant policies, Policies 3, 4, 15, GBRA1 and NHE16 of the adopted South Lanarkshire Local Development Plan and Supplementary Guidance and the proposed Local Development Plan 2. There are no additional material considerations which would justify refusing to grant consent.

Michael McGlynn Executive Director (Community and Enterprise Resources)

7 November 2018

Previous references

♦ CL/15/0290

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 6 August 2018

Consultations

	Environmental Services	09.11.18
	Roads Development Management Team	15.11.18
•	Representations Colin Weeks, The Meadows, Yieldshields Road, Carluke, ML8 4QY	Dated: 20.08.2018
	Mrs Daniela Reid, 2 General Roy Way, Carluke, South Lanarkshire, ML8 4LP	05.09.2018 05.09.2018
	Mrs Michelle McKay, Thornhome House, Yieldshields Road, Carluke, ML8 4QD	05.09.2018 05.09.2018
	Mr John Nimmo, 11 Weavers Yard, Douglas, Lanark, ML11 0QB	07.09.2018 07.09.2018
	Miss June Richardson, 18 Arranview Street, Airdrie, Ml6 8XN	07.09.2018 07.09.2018
	Jeff Weeks, Received Via E-mail	22.08.2018

Mrs Valerie Hutchin, 114 Manse Road, Forth, Lanark, South Lanarkshire, ML11 8AJ	03.09.2018 03.09.2018
Mrs Heather Kirkhope, Thornhome Farm, Yieldshields Road, Carluke, South Lanarkshire, ML8 4QD	30.08.2018
Mr Kenny Gray, 10 Violet Gardens, Carluke, ML8 5TJ	13.09.2018
Miss Stephanie Coia, 15 Glen Isla Drive, Carluke, ML8 4RS	13.09.2018 07.09.2018
Mrs Lee Valantine, Via Email	07.09.2018 19.09.2018
Mr And Mrs Robert And Heather Kirkhope, Thornhome Farm, Yieldshields Road, Carluke, ML8 4QD	31.08.2018
Mr Keith Hutchin, 114 Manse Road, Forth, Lanark, South Lanarkshire, ML11 8AJ	03.09.2018
Colin Weeks,	06.11.2018

Contact for further information

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

Fiona Bailie, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455271

Email: fiona.bailie@southlanarkshire.gov.uk

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Conditions and reasons

01. That prior to the kennels hereby approved coming into operation an acoustic barrier with a surface density of circa 13kg/m2 shall be positioned on the two locations as identified in green on approved plan 2C and thereafter retained and maintained to the satisfaction of the Council as Planning Authority. The barrier shall completely close off the kennel area (spanning between the kennel housing and adjacent agricultural buildings) and include an openable gate as required for access and egress.

Reason: To minimise noise disturbance to adjacent occupants.

O2. That prior to the kennels hereby approved coming into operation a layer of absorptive structured material shall be positioned as identified in brown on approved plan 2C either attached to or in front of the agricultural buildings opposite to the kennel runs. The absorptive structured material shall thereafter be retained and maintained to prevent deterioration over time, all to the satisfaction of the Council as Planning Authority.

Reason: To minimise sound pressure reflections and minimise noise disturbance to adjacent occupants.

03. That prior to the kennels hereby approved come into use the construction of the internal sleeping area shall be as provided within para 5.8 of the Noise Impact Assessment, Dog Kennels- West Highcross Farm, 6479779/NJM/R1 dated 24th August 2018 and layout shall be as shown on approved plan 4C and 2C.

Reason: To minimise noise disturbance to adjacent occupants.

04. That the noise management policy (P/18/0990 Noise management strategy Rev A) submitted to the Planning Authority shall be adhered to at all times and shall thereafter be amended if required, following consultation with the Council as Environmental Health and Planning Authority, to address any issues arising from the operation of the kennels.

Reason: To minimise noise disturbance to adjacent occupants.

05. Between the hours of 0800 and 2000 the measured noise level emitted from the premises (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90(1/2hour)) by more than 4dB (A) when measured in accordance with British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound at the proposed development.

Between the hours of 2000 and 0800 the noise rating level emitted from the premises (LAeq, 15mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at the proposed development. The background levels are taken from the levels measured prior to development as follows:-

- ♦ Day LA90, 30min of 47dB between the hours of 08:00 and 20:00
- ♦ Night LA90, 30min of 27 dB between the hours of 20:00 and 08:00

Reason: To minimise noise disturbance to adjacent occupants.

06. That before the kennels hereby approved are completed or brought into use, the first 4 metres of the access and exit from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: To prevent deleterious material being carried onto the road.

07. That before the kennels hereby approved are completed or brought into use, directional signage shall be erected to advise customers of the enter and exit arrangements, all to the satisfaction of the Council as Planning Authority

Reason: In the interests of road safety

08. That before the development hereby approved is completed or brought into use, 4 no. parking spaces (2.9m x 5.5m modules) 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.

09. That no more than 20 dogs shall be boarded at any one time in the 13 kennels available at West High Cross.

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.

