

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 21 JANUARY 2005

**04/0991/FL: PROPOSED KENNELS AND DOG NURSERY TRAINING UNIT
WITH ASSOCIATED NEW HOUSE AND DOUBLE GARAGE
AT LAND ADJACENT TO LITTLE CUTSTRAW FARM, STEWARTON
BY MISS T DAVIDSON**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning permission is sought for the erection of a kenneling business in a grouping comprising a dwellinghouse, double garage and two buildings comprising a dog nursery/training unit and kennels. This grouping is proposed to the north of the larger field in the applicant's control but central on the field's eastern boundary. The details confirm a single storey house with external finishing materials of grey roof tiles with wet dash rendered walls and a double garage similarly finished. The other buildings are detailed as being finished in a more utilitarian manner with blockwork base and steel cladding. Access to the site is lengthy and taken from the southeast corner of the field where it abuts the B778.

1.2 The business would provide a supply of trained dogs and pups, would train clients' dogs and offer boarding kennels. The goal of the business according to the business plan is to move from its existing focus on dog/puppy sales to a high quality boarding kennel and dog training business.

1.3 This new application represents an amendment of two earlier applications which involved the same proposal but on sites further south within the land holding of the applicant. Application 02/0929/FL was withdrawn in October 2003. Application 03/0861/FL was considered by the Northern Area Local Planning Committee on the 20 February 2004. The application was continued to correct certain items in the report and to assess new information. Additionally clarification was sought on the issues of access, noise and the potential for disturbance to animals and livestock from the proposed use.

1.4 In response to the above the applicants have reassessed the project and have amended the siting of the group of buildings significantly in an effort to address the issues. The group of buildings is now 200 metres further north with a clear separation distance in excess of 200 metres from the nearest habitable accommodation.

1.5 The applicants have also confirmed their intentions and/or the options available in respect of a number of the issues raised.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. CONCLUSIONS

3.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the Development Plan. Therefore given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

3.2 There are material considerations, which are addressed in the report and are not considered to be of sufficient weight to justify the refusal of the application. The design of the units is generally acceptable. The visual impact will be reduced by its siting. The use of conditions will secure an appropriate external finishing treatment to the house. The site is sufficiently divorced from other residential properties to mitigate against any noise issues.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site comprises part of a field under grass to the north of the Stewarton-Fenwick road, the B778. The land adjacent to the site is in agricultural use. Current boundaries are of the typical stob and wire fencing with mixtures of native hedging. The site is reasonably level but does fall slightly to the south

2.2 **Proposed Development:** Full planning permission is sought for the erection of a kenneling business in a grouping comprising a dwellinghouse, double garage and two buildings comprising a dog nursery/training unit and kennels. This grouping is proposed to the north of the larger field in the applicant's control but central on the field's eastern boundary. The details confirm a single storey house with external finishing materials of grey roof tiles with wet dash rendered walls and a double garage similarly finished. The other buildings are detailed as being finished in a more utilitarian manner with blockwork base and steel cladding. Access to the site is lengthy and taken from the southeast corner of the field where it abuts the B778.

2.3 The business would provide a supply of trained dogs and pups, would train clients' dogs and offer boarding kennels. The goal of the business according to the business plan is to move from its existing focus on dog/puppy sales to a high quality boarding kennel and dog training business.

2.4 This new application represents an amendment of two earlier applications which involved the same proposal but on sites further south within the land holding of the applicant. Application 02/0929/FL was withdrawn in

October 2003. Application 03/0861/FL was considered by the Northern Area Local Planning Committee on the 20 February 2004. The application was continued to correct certain items in the report and to assess new information. Additionally clarification was sought on the issues of access, noise and the potential for disturbance to animals and livestock from the proposed use.

2.5 In response to the above the applicants have reassessed the project and have amended the siting of the group of buildings significantly in an effort to address the issues. The group of buildings is now 200 metres further north with a clear separation distance in excess of 200 metres from the nearest habitable accommodation.

2.6 The applicants have also confirmed their intentions and/or the options available in respect of a number of the issues raised.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Council's Roads and Transportation Division has confirmed that they have no objection to the application subject to the securing of appropriate sightlines and formation of an appropriate road junction. These sightlines will require the re-location of the access on the application site's boundary. Details of works associated with this will require to be submitted to and approved by the Planning Authority.

Noted. This aspect can be secured by means of conditions if the Committee is of a mind to approve the application. The conditions will also require details of engineering and landscaping operations associated with the formation of the new access.

3.2 The Scottish Environment Protection Agency has advised that they have no objection to the principle of the development. They have advised of their requirements in connection with the issues that are likely to arise from such activities. Specifically this relates to the management of waste from the facility and the requirement to keep the waste from the kennels separate from that of the house and to ensure it is disposed of properly.

Noted. This aspect can be secured by means of conditions and a note to applicant if the Committee is of a mind to approve the application.

3.3 Scottish Water have confirmed that there are no known sewers in the area and that foul drainage will require to be treated by means of septic tank or other suitable system. They have also confirmed that they should be contacted to determine how the development should be supplied with a water supply. In correspondence with the applicant forwarded to this office it is established that,

due to the altitude of the site, there may be difficulties in generating sufficient water pressure to ensure that the proposal is served with a constant supply. Currently the applicant has to determine the option that is preferred and depending on the choice there will be financial implications for the securing of a water supply provision.

Noted. A condition can require the submission of foul drainage arrangements. Scottish Water have not offered objections to the proposal. The applicants have confirmed, in writing, that there are a number of water supply options currently available.

3.4 East Ayrshire Council's Environmental Health Service has not raised any significant issue in connection with the proposal. Specifically they have been requested to comment on the grounds of objection raised in respect of noise emanating from the premises and offer comment on any minimum separation distance that would be required from habitable properties. Members may recall that there was some debate on a minimum distance of 200 metres being required

In that regard, they have confirmed that under current legislation the impact of noise is assessed in terms of its impact on the internal amenity of residential properties. On the basis of the new siting they cannot rule out that dog barking at the kennels may be heard at the nearest houses but they confirm that they could not sustain any valid objection to the application on noise nuisance grounds.

The Service has advised that the layout and structure of the proposed kennels meets the requirements under the relevant licensing legislation and that adequate drainage arrangements should be made to the satisfaction of the Council and SEPA.

Noted.

3.5 Stewarton and District Community Council have confirmed that they do not object to the proposed development but are concerned about the necessity for the house, considering that the kennels should be formed before a dwellinghouse is approved to proceed. They welcome the potential for local employment.

Noted. A condition can require development of the house only after the kennels have been implemented.

4. REPRESENTATIONS

4.1 Letters of objection have been submitted from three parties in connection with this new application. Two are from local residents and one letter from the "Waterside Action Group". The valid grounds of objection are as follows: -

- (a) The proposal is outwith the development plan for East Ayrshire and should not be allowed.

The development plan considerations are addressed below (section 5).

- (b) Existing problems with the sewage management means that the proposal could not be connected to the main system.

The consultation replies on this particular aspect confirm the circumstances of the provision of both fresh water and the means of disposal of foul water for the proposal. They have not advised of any issues that would warrant the refusal of the application in this instance.

- (c) The existing public road has an accident black spot near the proposed site entrance. This will add to the existing hazard.

The Roads and Transportation Division have confirmed their requirements which can be secured by means of conditions.

- (d) The proposal will give rise to noise nuisance unless properly handled.

Noted. The Council's Environmental Health Service have confirmed that the siting of the facility (it is no nearer than 200 metres from the nearest house) should not give rise to a nuisance of so substantial a nature as to warrant action from their office.

- (e) The proposal will result in additional run off that will contribute to localised flooding of existing burns in the area.

This issue has not been raised as problematic by any relevant consultees indeed SEPA who would advise on these issues have not expressed a requirement for any SUDS treatment for surface water arising from the site.

- (f) The proposal will interfere with and disturb the animals currently kept in the vicinity.

This aspect is an unusual claim but the matter has been discussed with the Scottish Agricultural College who confirmed that a degree of disturbance should be anticipated at the outset of the facility if approved but that farm animals are adaptable and would settle down in time and there should not be any long term damage caused.

(g) In addition to the above points the objection also raises matters connected to relevant licensing requirements.

These do not in themselves relate to the planning considerations but it should be noted that the Council's Environmental Services have confirmed that the submitted details meet their requirements.

(h) The double garage and parking proposed is excessive.

This is not considered to be the case given the nature of the proposal.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted East Ayrshire Local Plan, (EALP).

5.2 The Structure Plan addresses development issues at a more strategic level than is proposed in this instance. On assessing the details of this application against the provisions of the EALP, it is considered that Policies IND 10 and RES 13, 15 and 17 are appropriate as are ENV12/13.

5.3 Policy IND 10 confirms criteria where business development outside settlement boundaries will be acceptable.

It is considered that the use proposed is acceptable against the terms of this policy, kenneling being considered an acceptable rural business. An appropriate justification has been submitted in this instance and a business plan has been brought forward to complement this application. This statement confirms that the applicant has been operating a dog training and kenneling facility on a lesser scale within the Council area for more than 5 years and the business has been expanding but there is limited scope for enlarging the existing premises due to other constraints. It continues by presenting a business plan for the new proposed facility at the

application site. This statement has been assessed by the Council's Economic Development Section who has advised that the content and assumptions are soundly compiled and reasonable.

East Ayrshire Council's Economic Development Section have been requested to comment on the content of supporting information put forward on behalf of the applicant and have confirmed that they consider the application to be supportable.

5.4 Policy RES 13 confirms criteria where proposals for permanent new housing in the Rural Protection Area will be acceptable.

In respect of this policy and as stated above a justification is required demonstrating why the house is required for the purposes of work generated by an acceptable rural business or activity. This normally confirms the nature and scale of the work generated by the business and why permanent residential accommodation is required onsite. The submitted justification again addresses this issue and it has been found to be acceptable.

It is considered appropriate to ensure that the dwellinghouse is not occupied prior to the formal establishment of the business. This can be secured by means of a condition if the Committee are of a mind to approve the application.

5.5 Policies ENV 12 and 13 confirm environmental considerations related to the appropriate siting of proposals in the countryside. The application has been assessed and found to be acceptable.

The group of the buildings has now been sited at a considerable distance from the highest point of the larger field within the applicant's control thus reducing the visual impact of the proposal. The impact of the access is unavoidable in circumstances such as this but as it is to serve an appropriate development, this impact is considered to be acceptable.

5.6 Policy ENV 7 of the Local Plan relates to the Council's Design Guidance. In respect of this application it is considered that the proposal could be improved to accord with its provisions by means of conditions.

The application is therefore considered to be consistent with the terms of the Development Plan.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The material considerations relevant to this application are the consultation responses, the letters of objection and the impact on the amenity of the area.

6.2 The consultations and letters of objection are summarized in the report. Given the further amendment of the proposal, these are not considered to raise matters of sufficient weight to justify the refusal of planning permission .

6.3 In terms of the impact on the amenity of the area it is acknowledged that the proposal will have a degree of local impact. However the impact is as a consequence of an appropriate rural use and is limited to an extent such that there are no objections from Environmental Health. The siting of the group of buildings has been amended to take them off the skyline and to further address concerns in connection with noise issues.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in determining this application.

8. CONCLUSIONS

8.1 As indicated in Section 5 of the report, the application is considered to be in accordance with the Development Plan. Therefore given the terms of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise.

8.2 There are material considerations which are addressed in the report and are not considered to be of sufficient weight to justify the refusal of the application. The design of the units is generally acceptable. The visual impact will be reduced by its siting. The use of conditions will secure an appropriate external finishing treatment to the house. The site is sufficiently divorced from other residential properties to mitigate against any noise issues.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning Development and Building Standards the application will not require to be referred to the Development Services Committee as there would be no significant breach of Council Policy.

Alan Neish
Head of Planning and Building Control

13 January 2005
(IW/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form/Plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of Objection.
5. Approved Ayrshire Joint Structure Plan.
6. Adopted East Ayrshire Local Plan 2003.
7. Previous Application 02/0929/FL.
8. Previous Application 03/0861/FL.

Anyone wishing to inspect the above papers please contact Ian Walker on 01563 576769.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

03/0861/FL

Site of Proposal:	Land at Little Cutstraw Farm STEWARTON
Nature of Proposal:	Proposed Kennels and Dog Breeding Unit with Associated New House and Double Garage
Name & Address of Applicant:	Miss T Davidson Per Nicoll Design 184 Main Street PRESTWICK KA9 1PG
Name & Address of Agent:	Nicoll Design 184 Main Street PRESTWICK KA9 1PG

DPOs Reference: IW/MMM

The above FULL application should be granted subject to the following conditions:-

1. The dwelling shall only be occupied by a person or persons employed full time at the kennels to which the application relates.

REASON The proposed development constitutes the construction of a dwelling house in the countryside which would otherwise be contrary to policy.

2. Notwithstanding the plans hereby approved details/samples of external finishing materials to be used shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON In the interests of visual amenity.

3. Notwithstanding the submitted plans details of the boundary treatment of the application site shall be submitted to and approved by the Planning Authority before any development commences on the site.

REASON To allow the Planning Authority to control the design and construction of such features in the interests of visual amenity.

4. Notwithstanding the plans hereby approved, any septic tank provided to serve the development shall be sited in such a position as will enable it to be emptied by the tanker.

REASON In the interests of public safety.

5 Details of the provision of sightlines of 2.5m x 160 m for the proposed access to the B778 shall be submitted for the approval of the Planning Authority and thereafter implemented as approved prior to the commencement of the development and maintained thereafter to the satisfaction of the Planning Authority. These details shall allow for the new access to the B778 being formed such that the sightlines are located within the application site. The details shall include existing and proposed ground/access levels and gradients associated with the formation of the access road together with details of the landscaping/planting treatment of affected adjacent areas.

REASON In the interests of road safety.

6. Details submitted in pursuance of condition 3 above shall provide for the formation of a natural/native species hedge along the boundary with the Stewarton-Fenwick road the B778. This shall be planted during the next appropriate planning season following occupation of the dwellinghouse.

REASON In the interests of visual amenity.

7. Details submitted in pursuance of condition 2 above shall provide for the use of natural slate as a roofing material for the house and garage and the use of a wet dashed render as a finish to the external walls and the provision of traditional sash and case windows unless otherwise agreed by the Planning Authority. Details/samples of said materials/finishings should be submitted to and approved by the Planning Authority prior to the commencement of work on the dwellinghouse and utilised as approved.

REASON In the interests of visual amenity.

8. Details of the means of the provision of the access including the means of fording any surface watercourses shall be submitted for the approval of the Planning Authority prior to the commencement of development. Thereafter said access shall be implemented in accordance with those details as approved.

REASON In the interests of visual amenity and road safety.

9. Details of the means of disposal of foul drainage from the development, both the house and the kennels, shall be submitted for the approval of the Planning Authority prior to the commencement of development and thereafter implemented in accordance with such details as are approved.

REASON In the interests of public health and safety.

10. Any septic tank and soakaway or other means of foul drainage shall be constructed in accordance with the current code of practice BS 6297:1983.

REASON In the interests of public health and safety.

11. There shall be no commencement of the construction of the dwellinghouse until such time as the nursery unit and kennels have been fully implemented on site in accordance with the approved details.

REASON The dwellinghouse is only permissible at this location where the other elements of the development have first been provided.

NOTES:

1. Separate application will have to be made to Scottish Water for the provision of site water mains, if required, and service connections. Consultation should be made with Developer Services regarding compliance with current bylaws and use of water for building purposes. It is strongly recommended that a cold water storage system is provided, for the house having an actual (not nominal) capacity of 200 litres.
2. There are no known sewers to which a connection may be made from the proposed development. Drainage will require to be treated by septic tank or other suitable treatment system to the satisfaction of SEPA. It is advisable that any septic tank should be sited in such a manner as to allow easy access for emptying by tanker. The applicants are advised to make early contact with SEPA on 01355 574 200.

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