

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 27 APRIL 2001

**01/0133/FL: PROPOSED CHANGE OF USE FROM CLEANSING DEPOT TO
TRAINING CENTRE FOR SECURITY DOG HANDLERS
AT TOWNHOLM CLEANSING DEPOT, MILL ROAD, NEWMILNS
BY MR CAMPBELL**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 This is an application to change the use of a vacant cleansing depot to use as a security dog handlers training centre. The purpose of the training centre is to train handlers not dogs. All training would be undertaken within the building. The proposed hours of operation of the centre are 8.00am to 4.00pm, 5 days per week with a maximum of 5 handlers being trained at any one time. The security dogs would all be dogs working in the areas of security and drug detection. They would be used for the purposes of training new handlers during the day and taken off site at night to their places of work. The premises would be staffed 24 hours, 7 days per week with a maximum of 2 no staff at any one time.

No external alterations are proposed with the exception of removing the boarding from existing windows and repairing the slate roof and guttering.

2. RECOMMENDATION

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

3. SUMMARY OF ANALYSIS

3.1 Given the negligible relevance of the very elderly adopted plan it is considered that in the determination of the application, great weight should be placed on the EALP and the other material considerations. It is not considered that there would be detriment to the community or adjacent properties arising

from a planning consent suitably conditioned which, on that basis, would comply with the EALP.

Alan Neish
Head of Planning and Building Control

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 and Building Control

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 because it is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site is located to the south east of Newmilns and is currently vacant premises, previously used as a cleansing depot and formerly a lace factory. Immediately adjacent to this building is a factory, Famco Automatic Sausage Linkers. These buildings are located outwith the settlement boundary of Newmilns.

2.2 **Proposed Development:** This is an application to change the use of a vacant cleansing depot to use as a security dog handlers training centre. The purpose of the training centre is to train handlers not dogs. All training would be undertaken within the building. The proposed hours of operation of the centre are 8.00am to 4.00pm, 5 days per week with a maximum of 5 handlers being trained at any one time. The security dogs would all be dogs working in the areas of security and drug detection. They would be used for the purposes of training new handlers during the day and taken off site at night to their places of work. The premises would be staffed 24 hours, 7 days per week with a maximum of 2 no staff at any one time.

No external alterations are proposed with the exception of removing the boarding from existing windows and repairing the slate roof and guttering.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Roads and Transportation Division have no objections to the proposal.

Noted.

3.2 West of Scotland Water has no comment to make regarding this application.

Noted.

3.3 Scottish Environment Protection Agency have no objection to this proposal on the understanding that the foul drainage is connected to the public sewer. The applicant should consult with West of Scotland Water in this regard.

Noted.

3.4 Newmilns and Greenholm Community Council and Strathclyde Police have not responded at the time of writing.

Noted.

3.5 Department of Community Services, Environmental Health and Waste Management has no objections to the proposed development.

Noted.

4. REPRESENTATIONS

Three letters of objection have been submitted in respect of this application.

4.1 It would seem highly unlikely that a training centre for dog handlers could function without the presence of security dogs.

The area the business would be in is one of the very few quiet places in Newmilns greatly used by the community for walking. It is a quiet, peaceful, high Council tax band, residential area. The residents close to the proposed development have taken great pride in their properties, constantly improving them and creating a pleasant and tranquil environment.

It is not only the residents who enjoy our situation. A footbridge crosses the river to the quiet Browns Road and Lanfine Estate and this is one of the last remaining areas where people can enjoy a walk in pleasing surroundings in peace and safety. Should this application be granted, then that peace and safety is likely to be compromised.

The proposals do not include any training outwith the building and therefore it is not anticipated that there would be any disruption to the amenity of the area. The applicant has advised that the dogs would only be taken outside for exercise at which times they will always be on a lead and muzzled.

4.2 The building is adjacent to residential properties and the potential nuisance of being kept awake with dogs barking all night is worrying nearby residents.

Security dogs, by the very nature of their training, are aggressive and noisy. Residents in the area do not relish the appalling nuisance of large dogs barking in such close proximity.

As noted in para 2.2 above, the security dogs would all be working dogs and would be used for the purposes of training new handlers during the day and taken off site at night to their places of work. No dogs would therefore be kept overnight in the building unless in the event of any dog being unwell.

The applicant has also advised that the security dogs are trained to work to a lead, being used primarily to protect the handler, rather than trained to run loose within the premises under protection.

4.3 Residents in the area do not wish to live with the constant threat, even if remote, of a dog escaping the training centre and entering the environs of residential properties where young children often visit and play, or onto the pathways on which old people and toddlers are walking, often with their own domestic dogs. It may also be where the security dogs are exercised. Even on leads, such dogs would be a frightening prospect for elderly persons, children and domestic dogs.

The loading and unloading of dogs would be undertaken within the building and therefore the dogs would not be outside. As noted in response to para 4.1 above, the dogs would only be taken outside for exercise at which times they would always be on a lead and muzzled.

4.4 Access to the proposed development is by way of a private lane for which residents have a maintenance responsibility. At present there is no vehicular traffic outwith daytime hours. There is concern that the applicant may require access all hours thus disturbing residents' evening and night time peace. Neither do the residents wish to have handlers with security dogs using the lane for pedestrian access, passing within 6 ft of houses and alongside gardens where there are domestic dogs and visiting grandchildren.

The dogs would be picked up by the applicant in the evening, taken to their place of work and then returned to the premises in the morning. However, due to the nature of the work undertaken by drug dogs, which allows them to work for shorter periods of time, they would be returned to the premises at some point during the

night. Nevertheless, as noted above in para 4.3 the loading and unloading of dogs would be undertaken within the building.

4.5 There are no details with regard to:

- (a) the number of dogs likely to be on site;
- (b) whether or not they would be, at any time, outside the building;
- (c) if it would be a 24 hour operation;
- (d) where the dogs would be exercised; and
- (e) what security arrangements and public liability insurance would be in place.

As noted in para 2.2 above the premises would be staffed 24 hours, 7 days per week. The proposed hours of operation of the centre are 8.00 am to 4.00 pm, 5 days per week with a maximum of 5 handlers being trained at any one time. All training would be undertaken within the building with the dogs only being taken outside for exercise at which times they will always be on a lead and muzzled. The applicant intends to exercise the dogs across the footbridge along the side of the river. Initially it is anticipated that there will be 5 no dogs. No additional security is proposed for the site as part of this application. The details of any public liability insurance is not a material planning consideration.

4.6 It is expected that checks be made to ascertain the suitability of the applicant with regard to his credentials in the fields of animal training and animal welfare.

The suitability of the applicant is not a material planning consideration.

4.7 The Council's eagerness to find a use for one of their redundant buildings is understandable but any development must be considered in respect of the detrimental effect on local residents. The proposed development is totally inappropriate in such close proximity to the residents of one of Newmilns' most attractive and peaceful residential areas.

It is considered that the proposals do not significantly affect the amenity of the area.

4.8 The proposal would make it impossible to sell nearby properties if prospective buyers are put off due to constant barking from this establishment.

The value of the properties is not a material planning consideration.

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 Adopted Ayrshire Joint Structure Plan, the Adopted Ayr County Development Plan (1953) and Newmilns Town Map (1965).

5.2 However, the Adopted Ayr County Development Plan is now almost 40 years out of date. Given the age of this plan, its relevance to the application is negligible, particularly in the context of a site having been used for non industrial purposes in recent years.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material consideration relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications 2001) (EALP), and the planning history.

6.2 The Adopted Ayr County Development Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the EALP should be considered a prime material consideration.

There are two relevant policies within the EALP. Policy CS1 states that community and service infrastructure services should be retained wherever possible to maintain and improve the services provided. In this case the cleansing depot is vacant and surplus to requirements therefore it is not necessary to retain this particular facility.

The industrial land in question is not safeguarded for industrial use in the EALP therefore proposed alternative uses must be assessed against policy IND 8. This policy states that proposals for alternative uses on industrial land or premises will be considered acceptable so long as the proposed use is not detrimental to surrounding uses and that alternative industrial sites exist within the settlement concerned. There are no residential properties adjacent to the property however some are located nearby. Through the application of suitable conditions, the Council can be satisfied that noise from the proposed development would not cause disturbance to these residential properties and the application would comply with Policy IND 8. Suitable alternative industrial land exists in Newmilns within the safeguarded industrial area at Brown Street/ Stoneygate Road.

6.3 The building was originally a lace factory which was in accordance with the Ayr County Development Plan. The use of the building was then changed to a Cleansing depot for use by the Council. Consequently, the non-industrial use of the site has been well established.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 The Council currently retains an ownership interest in the site. However, given that there are only a limited number of objections, the relevance of the Development Plan is negligible and the EALP supports the development, no referral to the Scottish Ministers would be appropriate.

8. CONCLUSIONS

8.1 Given the negligible relevance of the very elderly adopted plan it is considered that in the determination of the application, great weight should be placed on the EALP and the other material considerations. It is not considered that there would be detriment to the community or adjacent properties arising from a planning consent suitably conditioned which, on that basis, would comply with the EALP.

9. RECOMMENDATION

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

**Alan Neish
Head of Planning and Building Control**

06 April 2001
(YM/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. Letters of objection.
5. Correspondence from/to the applicant.
6. Ayr County Development Plan/Irvine Valley local Plan/East Ayrshire Council Local Plan (Finalised Version with Modification).

Anyone wishing to inspect the above papers please contact Yvonne Mitchell on 01563 576771.

Implementation Officer: Dave Morris

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EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

01/0133/FL

Site of Proposal: Townholm Cleansing Depot
Mill Road
NEWMILNS

Natural of Proposal: Proposed Change of Use from Cleansing
Depot to Training Centre for Security Dog
Handlers

Name & Address of Applicant: Mr T Campbell
5 Hillside Place
NEWMILNS kA16 9EH

Name & Address of Agent:

DPOs Reference: YM/MMM

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

1. The use hereby approved shall only operate between the hours of 8.00 am and 5.00 pm, Monday to Friday.

REASON To prevent noise and disturbance extending into hours during which other sources of noise have subsided, in the interest of residential amenity.

2. The consent hereby granted relates only to the change of use of the building to form a training centre for security dog handlers. Any subsequent construction works, including the formation of any new openings, alterations or extensions to the building, shall be the subject of a separate planning application.

REASON To ensure the development is carried out in accordance with the approved details.

3. There shall be a maximum of 5 no handlers present at each training session.

REASON To prevent excessive noise and disturbance by vehicles and pedestrians, in the interest of residential amenity.

4. There shall be no more than 10 dogs on site at any one point in time.

REASON In the interest of residential amenity.

Note: The foul drainage shall be connected to the public sewer.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA