

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 20 FEBRUARY 2004

**03/0861/FL: PROPOSED KENNELS DOG BREEDING UNIT WITH
ASSOCIATED NEW HOUSE AND DOUBLE GARAGE LAND
AT LITTLE CUTSTRAW FARM, STEWARTON
BY MS 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, garage and two buildings comprising a dog nursing / training unit and kennels. This grouping is proposed to the north of the high point of the larger field but central on the fields 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.

1.2 As the group of buildings is sited off the highpoint of the larger field the access to the site is lengthy and taken from the south east corner of the field where it abuts the B778.

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 and Building Control 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

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 as the proposal is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The site comprises part of a field to the north of the Stewarton Fenwick road, the B778. The field is bound to the west and south by the road, with land in agricultural use to the north and south. Current boundaries are of the typical stob and wire fencing with mixtures of native hedging. The field has a high point near its south eastern quadrant and falls to the north and west from this point by more than 6m.

2.2 **Proposed Development:** Full planning permission is sought for the erection of a kenneling business in a grouping comprising a dwellinghouse, garage and two buildings comprising a dog nursing / training unit and kennels. This grouping is proposed to the north of the high point of the larger field but central on the fields 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.

2.3 As the group of buildings is sited off the highpoint of the larger field the access to the site is lengthy and taken from the south east corner of the field where it abuts the B778.

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.

Noted. This aspect can be secured by means of a condition if the Committee is of a mind to approve the application.

3.2 The Coal Authority have not advised of any specific ground stability issues that they consider could impact on the ability of the development to be implemented.

Noted.

3.3 Transco have advised that they have no records of apparatus in the vicinity of the site. They have, however, recommend that the applicant should contact their office to arrange a meeting on site prior to the commencement of works.

Noted. This can be advised by a note attached to any planning consent.

3.4 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 separately and ensure it is disposed of properly.

Noted. This aspect can be secured by means of conditions if the Committee are of a mind to approve the application.

3.5 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

Noted. A condition can require the submission of foul drainage arrangements.

3.6 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. 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 and on that basis they do not anticipate the proposal will give rise to a nuisance of so substantial a nature as to warrant action from their office. They have confirmed that the facility will require to be licensed.

Noted.

4. REPRESENTATIONS

4.1 Five letters of objection have been submitted in connection with this 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 sewerage system means that the proposal could not be connected to the main system.

The consultation replies on this particular aspect have not confirmed a problem 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 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 over 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.

4.2 The site is prominent on the landscape.

Noted. This aspect has been assessed and the current siting proposed is an amendment to a previous application by the same

applicant (Our Ref O2/0929/FL), which was withdrawn for the following reason. That application did involve a site on the high point of the larger field. The issue was taken up with the applicant and this current application was subsequently submitted which re-sites the group of buildings further north and the floor level of the proposed house now sits some 3m down from the previous site. This allows reduction in the visual impact of the proposal.

4.3 The proposal will interfere with my human rights in that it will affect my peaceful enjoyment of my possessions and affect my home and family life.

The human rights of the objector are both retained and respected in the process of determining the application and the current Environmental Health legislation endorses these rights through its own parameters. Ultimately any objector may also challenge any consent through the courts.

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.

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. This statement confirms that the applicant has been operating a dog training and kenneling facility on a lesser scale within the Council area 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.

5.3 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.

5.4 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 been sited off the highest point of the larger field 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.

5.5 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 in accordance with the terms of the Development Plan.

6. ASSESSMENT AGAINST OTHER 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 and are not considered to raise matters of sufficient weight to justify the refusal of planning permission in this instance.

6.3 In terms of the impact on the amenity of the area it is acknowledged that the proposal will have an impact. However the impact is as a consequence of an appropriate rural use. The siting of the group of buildings has been amended to take them off the skyline allowing the lie of the land to the rear and the hedge line to soften its impact.

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 and Building Control 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

11 February 2004
(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.

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 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 refused.

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, the proposed LPG Tank shall be sited in accordance with the approved plans and shall be screened in accordance with a planting scheme to be agreed in writing with the Planning Authority prior to the commencement of development.

REASON In the interest of visual amenity.

5. 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.

6. Details of the provision of sightlines of 2.5m x 70 m from the existing access shall be submitted for the approval of the Planning Authority within one month from the date of this permission and thereafter implemented as approved prior to the commencement of the development and maintained thereafter to the satisfaction of the Planning Authority.

REASON: In the interests of road safety.

7. Details submitted in pursuance of condition 2 above shall provide for the formation of a natural/native species hedge along the boundary with Aiket Road. This shall be planted during the next appropriate planning season following occupation of the dwellinghouse.

REASON: In the interests of visual amenity.

8. Details submitted in pursuance of condition 2 above shall provide for the use of natural slate or an appropriate alternative roofing material 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.

9. 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.

10. Details of the means of disposal of foul drainage from the development 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.

11. 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.

12. There shall be no commencement of the construction of the dwellinghouse until such time as the nursery/housing 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. There is an existing public water main located in the street adjacent to the site which may be suitable to provide a supply to the proposed development. However, details of the highest water fitting related to Ordnance Datum and the proposed and the proposed demands must be forwarded to Scottish Water in order that hydraulic testing can be carried out.
2. 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.
3. 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.

4. The developer should make early contact with Transco to arrange a meeting prior to the commencement of works.

**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.**