


DA  
16/00872/FUL

Jul Byrle  
Joint Owner  
30 Acres  
Cringle Hill  


Dear Sirs.

I am writing to object to planning  
Application 16/00872 Ful. - Dog day Care unit.  
Cringle Hill fields.

on the grounds of the detrimental environmental  
impact this has had so far, to Eddleston Water,  
which as you are aware has recently undergone  
significant re-generation, causing tens of thousands  
of pounds -

I have personally witnessed at least 40  
bags of dog excrement piled high on the River  
bank, and in the River itself - the Dog shed  
is also an eyesore along the A702, having been  
erected without planning permission on rented  
ground.

Yours faithfully  


# **Application Comments for 16/00872/FUL**

## **Application Summary**

Application Number: 16/00872/FUL

Address: Land South West Of Milkieston Toll House Eddleston Scottish Borders

Proposal: Erection of dog day care building, perimeter fence and associated works (retrospective)

Case Officer: Dorothy Amyes

## **Customer Details**

Name: Mr Robin Waddell

Address: 13 Cardrona Way, Cardrona, Scottish Borders EH45 9LD

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate screening
- Poor design

Comment: Much as I like to support local enterprise and small business's I was wondering how long it would take planning authorities to "catch up" with this development. I'm afraid it appears rather "jerry built" in terms of both design and construction and is out of keeping with the area.

I would have no objection to a properly constructed and screened building.

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Case Officer: Dorothy Amyes

## **Customer Details**

Name: Mr William Bell

Address: Sunnybank Cottage 101 Northgate, Peebles, Peebles, Scottish Borders EH45 8BU

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate Boundary/Fencing
- Road safety

Comment: In the Peebleshire News it says facility has to retrospectively apply for a 6ft Deer fence, I would advise you ask the RSPCA for their advice as it is just an insecure plastic mesh, it should be metal deer fence which should also be chicken wired to prevent dogs escaping so close to a busy main road, I speak from experience having run Glenfield Kennels for many years, I am aware it is not a Boarding Establishment but I am concerned for the dogs safety as well as the safety of the road users

Dear Madam or Sir,

25<sup>th</sup> July 2016

**Objection to Application: 16/00872/FUL**

**Dog Day Care Centre, Cringletie, Eddleston, Peebleshire.**

### **Background**

I jointly own 50 acres adjacent to the proposed Dog Kennels/day care centre and object to the retrospective application for planning permission for the kennels or shed and the "bog" building, which I understand is a toilet.

The application does not disclose specifics of the business: It is run by a gentleman from Dalkeith, who lets it to a person from Edinburgh, who takes dogs from Edinburgh, and runs them on the strip of field at Cringletie. There are estimated to be 25-40 dogs at a time.

My particular interest in this application arises from having recently fulfilled an ambition to re-naturalise the Eddleston Water and create a diverse wetland habitat for wading birds and ducks, following year-long works on site, and years of study, research and preparation. Principally realised by investors (including Borders Council) and The Tweed Forum. As a result, the proposed site is very sensitive to development.

I must confess to being deeply disturbed, when this February, I fished out tens of small plastic bags of dog faeces from the banks, river and wetland, which emanate from the Dog Kennels.

However, my objection is broader than that, in summary there are 5 issues:

1. Dog waste
2. Dog Noise
3. Impact on near by business - sheep farming lets (lambing)
4. Visual impact/Inconsistent with the distinctive character of Cringletie
5. Road danger

## **1. Dog Waste/ Wetland & River Contamination**

In February this year I visited the site and saw hundreds of small black plastic bags containing dog faeces on ground of the actual site and tens of bags on my land and in the river. The site floods heavily from September to March, the dog waste was washed against the fence line, through the fence, onto my land, and also into the river. This is contrary to PDM1 b) requiring the preservation of air and water quality and b) the protection of natural resources, landscapes, habitats, and species.

Separately, 3-5 large black plastic bin bags of dog waste are kept long term lying on the ground, leaning against a fence, on site. See attached photos.

This waste, on balance of probabilities, will have entered the downstream river system and travelled into Peebles. It has polluted the river, the wetland and my ground. In the last 10 days I have noted persons seeking to clear up the site, this is the first time I have noted this and believe it may be synthesised for the purposes of obtaining consent.

This is inconsistent with the development of the area to promote wildlife and wetland habitat. Commercial volumes of dog faeces are a pollutant.

In my view, a condition attached to planning consent could not mitigate the pollution. This is because over the last two years, the business has not done so, any assurances given when consent is sought lacks credibility. This feature of the business can also be viewed as inconsistent with the character of Cringletie. The river restoration makes the site very sensitive to development, which I suggest should be in keeping and low profile.

Please see the website photo showing the dogs in my river:

<http://www.fastandfurriestdog.com/services.html>

<https://en-gb.facebook.com/The-Fast-And-The-Furriest-Dog-Daycare-Centre-482480438569285/>



I note the rare *Water Rail* is thought to be nesting close by, along with *Moorhen*, *Geylag Goose* and the *Reed Warbler*<sup>1</sup>. Trout, Atlantic Salmon and grayling are lying up in the dense riparian vegetation we have created. Otters are also believed to be in situ. It is an offence to intentionally “harass” or “disturb” an otter: Conservation Natural Habitats Regulations 1994 (as amended), in terms of s39, (i) and (ii).

## **2. Dog Noise**

The dogs make a noise that travels throughout my land and can be heard from three neighbours, it is inconsistent with the rural character of the area, which for many years has been defined by sheep farming and horse riding and a gentrified character lent by Cringletie House.

Furthermore, the dogs noise impacts on the effectiveness of the wetland habitat, discouraging nesting birds, which is disappointing having spent time creating an environment for their benefit. I encourage the Planning Officer to listen to the noise.

## **3. Impact on my business**

On account of the dogs barking, and frequently jumping onto my land and swimming in the river it is no longer open to me to keep lambs any more. New lambs are at risk of shock from neighbouring intermittent large volumes of dogs running and barking throughout the site and occasionally onto my property. There is also a significant risk that they chase and kill sheep. A deer fence has been recently erected, it is unattractive and its effectiveness is unclear. I am not assured by it.

## **4. Visual Impact**

This chapter is inherently subjective. The building and dog business:

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<sup>1</sup> Recorded by Ray Murray, Local Bird Atlas Recorder.

- Is not *'by its nature appropriate to the rural character of the area'* (policy ED7 at (a));
- does not, as it *"must"*, *"respect the amenity and character of the surrounding area"* (ED7 at para 2 (a));
- The use and scale of the development is not *"appropriate to the rural character of the area"* (ED7 (d)).

In my view the build falls foul of PMD2, being of poor design and out of context, a policy not limited to housing<sup>2</sup>. It does, contrary to the policy, negatively impact on neighbouring properties, the landscape and visual amenity. The area is sensitive to development on account it being close to the river and at the entrance to the Cringletie Settlement<sup>3</sup>.

I invite the planning officer to look at the "bog" and the kennel, look at the location, look at how many visitors to Peebles travelling on the A703 will see it, look at it from my fields and roundabout and ask whether, in terms of ED7, it is appropriate to the rural character of the area. That comprises not only Peebleshire, but Cringletie, which is a very attractive hamlet, defined by the Cringletie House Hotel. For my part I wish to see the improvement of the area through positive or neutral development that contributes to the aesthetic, be that residential or agricultural.

## 5. Road Risk

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<sup>2</sup> "1.1. The aim of the policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings, or surrounding landscape and visual amenity of the area. In some locations, the local environment will be more sensitive to change than in others. The policy aims to help tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment. "

<sup>3</sup> PMD2: "(h) it creates developments with a sense of place, based on clear understanding of the context, design and sympathy with the Scottish Borders architectural styles...

"(k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form"

Having 25-40 dogs off leads immediately adjacent to the A703, in my humble opinion, is very dangerous.

When or if a dog gets onto the road, it will impact with cars travelling at 60-80mph. This risk is quite different to stationary sheep or horses. The dogs are wildly energetic running in a sort of pack up and down and back and forth. I encourage the planning officer to observe this behaviour. I emphasise that the dogs are all off leads and run free.

### **Other Matters**

I do not accept the contention in the application that it contributes to the local economy and provides a local service. The service is provided to dog owners from Edinburgh<sup>4</sup> the dogs are driven down to the site, the owner does not reside in, nor is otherwise connected to, the area, the site was bought as a speculative property investment with plans for a number of chalet homes. The only effect on the local community is entirely negative; there is no contribution to Peeblesshire by this business.

Further, whilst the land is very poor on that site, it has been used to keep ponies for at least 30 years, as I can personally confirm. An appropriate and professionally built sheep shed or stable on the location of the old one, tucked under the trees in front of the gate, might be quite positive in its impact, or neutral so that no one notices or cares. The current building sticks out very much due to site, size, design, materials and use.

As a result lots of people do notice, and do care.

### **Conclusion**

I therefore object to the application for planning permission and change of use. I should add, that I wish Mr Melville well in pursuing a sympathetic and environmentally neutral use of his field.

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<sup>4</sup> The website states "City stay to country play" for example.



Yours faithfully,

**Dan Byrne**

1. Enclosed photos from the kennel website and photos of black bags of waste

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Case Officer: Dorothy Amyes

## Customer Details

Name: Mr Jacob Van Houdt

Address: Cringletie House Hotel, Peebles, Scottish Borders EH45 8PL

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Detrimental to Residential Amenity
- Health Issues
- Inadequate Boundary/Fencing
- Overlooking
- Poor design
- Road safety

Comment: I fully and wholly agree with Dan Byrne's objections. In particular the dog waste problems as also clearly visible on his photo's. Dog Waste in the Eddleston Water is the worst thing, as so much efforts have been done to get the Eddleston Water up to a reasonable standard, also the efforts of Tweed Forum.

The current fencing is clearly sub-standard, and will result in escaping dogs; bad for the dogs and bad for the traffic.

Finally, why did we not get a notification, despite being direct neighbours?

**From:** Raymond Haston

**Sent:** Thursday, August 18, 2016 10:24 PM

**To:** prs@scotborders.gov.uk

**Subject:** Erection of day care building application no,16/00872/FUL ,SW MILKIESTON TOLL HOUSE.

I am the owner of Milkieston Toll Cottage a direct neighbour to this day care application.

I wish to object to any planning permissions being granted at this site as it is a regular area of deep fast and dangerous and very unpredictable flooding.

The unpredictable weather we are receiving makes such a venture unrealistic on a known flood plane.

This is a major safety concern.

The erection of any kind of structure in this area is a hazard, not only for the staff but any unwitting passers by to danger should it be flooded.

The proposed buildings could also wash or be degraded and risk being washed into the water course and contaminating the water course as well as fixings inside and outside the area.

The present building is an eyesore and not fitting with the environment it looks like a gang hut. The A703 road is also a very fast and dangerous road with vehicles regularly passing by my house on the A703 at over 100mph, this could also be a concern for traffic entering or departing the proposed area.

There have been fatalities at, and near this part of the road in the past.

There is also the noise of dogs barking despite the owners stating this would not happen. How is it possible to stop a pack of dogs from barking? Not very easy really, so this is also a concern now and ongoing!

I have witnessed the flood water only a few feet away from the base of the existing structure only last year during heavy rainfall.

The river here is filled from water in all the surrounding hills and the day centre is sited near the bottom of the hills, so as well as the waters reaching tidal velocity from rain water it gathers from the hills greatly.

Pictures of flooding 5<sup>TH</sup> DEC 2015 to follow.

Regards Ray Haston.

Sent from Mail for Windows 10

From: "Raymond Haston" [REDACTED]  
Date: Tue, Aug 23, 2016 at 10:51 PM +0100  
Subject: FW: milkieston sw at proposed dog day centre flooding dec 5th 2015  
To: "[prs@scotborders.gov.uk](mailto:prs@scotborders.gov.uk)" <[prs@scotborders.gov.uk](mailto:prs@scotborders.gov.uk)>

Hi Heres a pic I took of the existing dog day centre at Milkieston SW Eddleston, On the 5<sup>th</sup> Dec 2015.  
The water is only a few feet away from the base of the existing hut.

This should be forwarded for the attention of the flood risk officer.

There were no surveyors registering the water levels on this day because they wouldn't have got in the field for the amount of saturation.

I want this to be presented in the planning application.

Regards  
Ray Haston.

Sent from Mail for Windows 10