

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

25 JUNE 2018

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 18/00173/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Erection of 7 No boarding kennels with attached runs
SITE:	West Greenfields, 6 Greenburn, Reston, Eyemouth
APPLICANT:	Ms Irene Dougal
AGENT:	IRD Design

SITE DESCRIPTION

The proposed site is located within the curtilage of West Greenfields, a detached 2-storey C listed farmhouse of traditional character sitting roughly 450m north-east of the village of Auchencrow and roughly 3.5km west of Reston. West Greenfields sits at the end of a 280m private track which rises north from the B6438 road. Land rises further to the north of the property and a burn runs south towards the public road to the east of the proposed site. A small pond is located within the curtilage of the property to the south. The property is surrounded by open farmland and grassland and the landform is gently undulating.

This application follows an earlier approval (16/01145/FUL) at this site for four boarding kennels of pre-fabricated construction and a more substantial 'dog hotel' building. The four kennels have been erected on the site and are operational but the dog hotel has not been built. As well as the main house and four existing kennels, a tack store, polytunnel, and a single storey office building also sit within the curtilage of the property.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection of a further seven boarding kennels of the same simple utilitarian design and pre-fabricated construction (coloured white). Each kennel would have a footprint of 1.5m by 1.5m to a height of 2m, each adjoined by a 2m by 1.5m dog run area which would be enclosed by galvanised steel bars. A storage unit would sit between kennel numbers 6 and 7. The 7th kennel, on the far side of the storage unit, would serve as an isolation kennel. In total, the row of kennels and storage unit would extend to roughly 13m in width, with a depth of 3.5m. The row of kennels would sit to the east of the 4no existing kennels.

PLANNING HISTORY

Relevant planning history on the site can be summarised as follows:

- 11/00149/PPP – Erection of dwellinghouse – A proposed housing plot to the south end of the curtilage of the property was refused planning permission in principle in March 2011.
- 16/01145/FUL - Erection of dog hotel, kennels and associated works – Approved in November 2016. The four approved kennels have been operational since November 2017. As noted above, the dog hotel has not been built but the consent has been

implemented meaning it could be built in the future. It is understood that the applicant intends to build the dog hotel next year.

REPRESENTATION SUMMARY

Seven objections have been submitted in response to this application from seven separate households. Copies of this correspondence can be viewed in full on *Public Access*. In summary, the objectors raise the following issues:

- Adverse impact on amenity arising from noise nuisance
- Poor design/ landscape and visual impact
- Conditions on the original consent have not been satisfied
- The dog hotel was never built
- Inadequate drainage
- Lack of soundproofing
- Lack of detail on use
- Restrictions should be imposed
- Residents only found out about the original application after it had been approved

APPLICANT'S SUPPORTING INFORMATION

A Design Statement was submitted with the application. This states that the objective for the application and development is to provide additional kennel facilities for dogs from which the applicants can continue to run and expand their business. The facilities will provide additional accommodation to help meet demand and provide the additional income towards future construction of the dog hotel.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

ED7 Business, Tourism and Leisure Development in the Countryside

IS7 Parking Provision and Standards

IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

EP7 Listed Buildings

HD3 Protection of Residential Amenity

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objection. The access to the site was significantly improved as part of the original application for kennels at this location.

Environmental Health Service: No objection. Environmental Health has not received any complaints in relation to dog barking emanating from the existing development. Environmental Health visited the existing kennels prior to providing final comments on this application. At the time of the visit all the kennels had dogs in them. The dogs did not bark when Environmental Health drove up to the house or when upon exiting their car. The dogs did bark when the kennels were passed. Whilst on site dog barking could be heard from a nearby farm. Environmental Health discussed the various issues with the owners, who will

review the noise mitigation plan to include mitigation measures that they were currently carrying out but were not documented.

Economic Development: No objection. Economic Development have no comment to make on this application other than to support it on the basis that it supports expansion of the business.

Statutory Consultees

SEPA: No objection. SEPA have provided advice which can be relayed to the applicant by means of an informative.

Reston and Auchencrow Community Council: No objection, but the community council has serious concerns about this application, primarily due to potential noise impacts. Auchencrow sits to the south-east of the existing and proposed kennels. With a predominately westerly wind the noise of dogs barking can be heard within Auchencrow, with the nearest dwelling being at a distance of less than 450m. The Community Council notes that the dog hotel has not been built and feels this would have reduced noise levels. Conditions relating to 16/01145/FUL have not been satisfied. It should be a condition of this application that the 'BS 8233 for internal noise levels and WHO noise standards' are considered to mitigate any further noise pollution. The Community Council would encourage screening to be introduced as a condition of any consent to alleviate and reduce noise coming from the additional 7 kennels. The previous approval stated that the kennels would be of 'moorland green', which the erected kennels are not. A further condition required the siting of a 'Cesspool' 5700ltr capacity for removal of site waste. Presently there is no evidence of this. This should be a condition of planning consent. The Noise Mitigation Plan states "once the boarding kennels are made operational, the applicants would endeavour to keep barking to a minimum through proper management, including both mental and physical stimulation for the dogs". Presently it is felt this plan is not being adhered to as informed by the residents of Auchencrow. We would encourage the applicant to look further into this negative impact that is currently present. We would also advise that screening be introduced and be a condition of any consent to alleviate and reduce any noise coming from the proposed additional 7 kennels. Screening would reduce visual impact of existing and proposed kennels to the southerly side closest to Auchencrow village.

KEY PLANNING ISSUES:

The key determining factor is whether the proposed development would comply with development plan policies and guidance, with particular regard to policies relating to business development in the countryside; residential amenity; landscape and visual impacts; the setting of Listed Buildings; and road safety, and whether, if not, any material considerations outweigh any potential conflict with development plan policies and guidance.

ASSESSMENT OF APPLICATION:

Principle

The principle of siting kennels at West Greenfields has already been established by the earlier consent for a dog hotel and four kennels. That application was also assessed under the current Local Development Plan (LDP). The most relevant policy in considering the principle of this application is LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside). This policy aims to allow for appropriate employment generating development in the countryside whilst protecting the environment. The proposed development is considered to satisfy criterion (c) of policy ED7, in that the development would be used for a business generating use, and there is an operational need to for the

countryside location. In this case a countryside location is required in order to minimise the number of potential receptors that could be affected by potential noise nuisance impacts associated with developments such as this. Given the application would support an existing business the economic development component to the policy would also be met.

The remaining criteria are considered below.

Residential amenity

Given the significant distances to neighbouring properties the sole residential amenity impact liable to occur would be noise nuisance. Concerns around noise nuisance were the primary reason for objections to this application and it should be noted that a significant proportion of local residents have objected to this application. The nearest residential properties are located at Auchencrow, at a distance of over 400m south-east of the proposed kennels. A row of traditional farm cottages is also located to the south-west of the proposed kennels at a distance of over 500m. Further residential properties are located at Sunnyside Farm, to the east of the proposed site, at a distance of over 600m. The nearest residential dwellings (other than the applicant's own home) are therefore a significant distance from the proposed development. It is understood that the applicant chose this property for this reason.

It is worth summarising the background to the existing development, which has been referred to in objections. The original approval from 2016 was for the erection of a main kennel building (aka 'dog hotel') and a row of four pre-fabricated kennels. The dog hotel has not been built, but the four kennels are operational. It has been suggested that the dog hotel proposal was a way of circumventing the planning process in some way, but the existing approval was not contingent on the delivery of the dog hotel and the potential benefits of the dog hotel (greater soundproofing/ superior facilities) formed no part of the reason for approving that application. The earlier consent has now been implemented via the erection of the four kennels. It is within the applicant's gift to decide when and/ or whether to progress the dog hotel component. It is understood that the applicant intends to do so next year, but this application has been assessed on its own merits with no assumptions made about the delivery of the dog hotel. Equally, the Planning Authority needs to be satisfied that if all approved components are built, their cumulative impact does not result in unacceptable adverse impacts on matters such as residential amenity, landscape and visual impact, vehicular access, servicing etc.

Environmental Health has visited the site to inspect existing operations. At the time of their visit all kennels were occupied. Environmental Health notes that no complaints have been received in relation to dog barking emanating from the existing development despite operations beginning last November. Whilst objections to this application have indicated noise nuisance is occurring this has not resulted in any previous complaints to Environmental Health. The applicant has submitted a Noise Mitigation Plan (NMP), similar to that provided for the earlier application. This includes simple mental and physical stimulation measures for the boarding dogs. It has been suggested that the NMP for the existing kennels may not been implemented fully, but no complaints to that effect have been received previously. This could be investigated separately should objectors wish to report this to the Enforcement Service. Members should be aware that Environmental Health has no concerns with the proposed NMP. It is understood that the applicants wish to update the proposed NMP to include additional mitigation measures they are already carrying out but which have not been included with the NMP. A condition can be added to require formal submission and agreement of a suitable updated plan prior to the commencement of development.

Ultimately, having visited the site and assessed the proposals, Environmental Health has no objections to this application. Amenity impacts such as noise nuisance require specialist

assessment. Having taken cognisance of the Environmental Health comments it is contended that no unacceptable adverse noise impacts can be expected, and there are no material planning grounds to refuse this application on the basis of LDP policy HD3 (Protection of Residential Amenity). It should be noted that separate powers are available to Environmental Health should a statutory nuisance occur.

Landscaping and visual impact

The potential adverse visual impact of siting seven further kennels on the site was also raised by objectors, although this was generally of secondary importance to noise nuisance concerns. Local Development Plan PMD2 (Quality Standards) requires all new development to integrate with its landscape surroundings. There are no landscape designations applicable within this part of Berwickshire, so other landscape policies do not apply. The main public receptors would be from the B6438 road and the public road through Auchencrow, although at such distances the kennels should barely be visible from the latter. The main existing impact on the wider landscape is the polytunnel, which is much larger in scale than the proposed development and is prominent from significant distances.

The Landscape Section has not been consulted on these modest proposals but did provide comments on the earlier 2016 application. The Landscape Officer did not object to those proposals and noted that the dog hotel and kennels would be located more than 250m from the public road. In the context of existing buildings, the Landscape Officer did not consider that the proposed development would have a negative impact on the wider landscape.

This application for seven further kennels is less significant in scale to the previous application, which included the substantial dog hotel proposal. The visibility and prominence of the kennels in the wider landscape can be judged in part by assessing the impact of the four existing kennels. (It should be noted that the four existing kennels are as approved. Whilst the dog hotel was to be finished in bath stone concrete blockwork with green cladding to the roof, the prefab kennels were to have a white finish as per the kennels being proposed now.) Whilst visible from the public road, the structures are not unduly prominent. The large polytunnel remains the most dominant visual intrusion. Nevertheless, the addition of further white coloured kennels in the landscape would have a cumulative impact. The applicant has offered to plant screening to mitigate the impact of both the existing and proposed kennels. This is welcomed and would certainly help integrate the proposed development into the wider landscape setting. This can be controlled by a suitably worded planning condition. Subject to compliance with such a condition, no significant adverse landscape impacts will arise.

Built Heritage and Design

Local Development Plan policy EP7 (Listed Buildings) aims to protect Listed Buildings from development that would spoil their historic or architectural interest. The proposed development would be located within the curtilage of the category C listed dwelling, West Greenfields (previously known as Coldlands Farmhouse), and would be visible alongside the property from the public road to the south and Auchencrow (the key public receptors of the Listed Building). The Built Heritage Officer was informally consulted on the previous application and did not consider there would be an unacceptable adverse impact on the setting of the Listed Building, given the scale and position of the development to the side of the property. The development being considered now is smaller in scale than the previous application and will be located further from the Listed Building. Cumulative effects of development must also be considered however, and it is felt that added to the polytunnel, outbuildings, approved dog hotel and existing dog kennels, the setting of the Listed Building would become somewhat cluttered in visual terms, when viewed from key receptors. The stark white appearance of the structures does not help. This can however be mitigated by

the proposed planting scheme, which the applicant has offered to use to help screen both the proposed and existing dog kennels. Subject to the implementation of an agreed planting scheme, it is contended that no unacceptable adverse impacts on the setting of the Listed Building will arise from the proposed development.

Access and Parking

The proposals have been assessed by the Roads Planning Service who has no objections. It is noted that the access into the site was previously improved as a requirement of the earlier planning approval. The Design Statement notes that the applicants will normally collect and drop off the dogs from customers, which would reduce the number of vehicle trips associated with the development.

Services

Foul waste for the existing four kennels is currently removed from West Greenfields to an approved site in Dunbar. Dog waste is currently collected in dog bags and stored in plastic bins, prior to removal off-site. When this application was lodged the proposal was for this arrangement to continue until a Klargestor tank was installed on the site at the same time the dog hotel is built. Correspondence from the previous application indicates that both SEPA and Building Standards expected a sealed collection tank to be used for storage of waste before its removal off-site. As noted above, such arrangements are not in place. The implementation of the existing agreed arrangements can be explored separately with the applicant. For the purposes of this application, the recommended fully suspensive planning condition would ensure that satisfactory arrangements for foul waste and wash down water are in place before the development begins. SEPA have been consulted on this application and have no objections to the proposals but have offered guidance which can be relayed to the applicant by means of informatives.

Surface water would drain to a soakaway on the applicant's land to the south of the kennels. This is considered to be a suitable solution.

Other matters

Whilst not directly relevant to this application, objectors have raised a concern that they were not aware of the original application (16/01145/FUL) until that application was approved. This is not disputed, but it should be noted that both applications were advertised in the Berwickshire News. The Community Council has also been consulted on both applications. Given the distances to neighbouring properties no neighbours have been notified directly for either of the two applications. Neighbour notification procedures are set out by central government and have been followed correctly for both applications.

Environmental Health has requested an informative to ensure the applicant is aware of their responsibilities in terms of licencing and the Animal Boarding Establishments Act 1963. This is appropriate. Wording has been added to the proposed informative to confirm that it shall be the applicant's responsibility to address any licence changes required as a result of implementing the proposed development.

CONCLUSION

The proposed development of this site for the erection of seven boarding kennels with attached runs will accord with the Local Development Plan 2016 as regards the principle of development, and other matters such as neighbouring amenity impacts; landscape and visual impacts; the setting of the listed building; and access and parking, subject to conditions.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informatives

Conditions

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include (as appropriate):
 - i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
 - ii. location of new trees, shrubs, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings, and in the interests of protecting the setting of the Listed Building.
3. No development shall commence until an amended noise mitigation plan is submitted to, and agreed in writing by the Planning Authority. Thereafter the development shall be completed and operated wholly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.
Reason: In order to protect neighbouring amenity
4. No development shall commence until a waste management plan is first submitted to, and approved in writing by the Planning Authority. The agreed means of storing foul waste, spent medicines and wash water on the site shall be installed before the development hereby approved is operational. Thereafter the storage and management of wastes including foul waste, spent medicines and wash water shall be carried out wholly in accordance with the approved details.
Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water/waste.

Informatives

1. SEPA advise that all dog waste; spent medicines and wash down water (particularly if it contains disinfectants) must be collected and disposed of offsite. Wash water must not be discharged to the water environment even through an effluent treatment system. With regard to the use of SUDS on site, developers are directed to the SUDS Manual (C753) and the importance of preventing runoff from the site for the majority of small rainfall events (interception) is promoted. Applicants should be using the Simple Index Approach (SIA) Tool to determine if the types of SUDS proposed are adequate.
2. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. If you are unable to find the advice you need

for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF. Tel: 01896 754797

3. Under the Animal Boarding Establishments Act 1963, anyone wishing to board animals commercially must obtain a licence from their local council. The Act requires councils to ensure the business observes certain conditions regarding the suitability of the accommodation provided and the welfare of the animals boarded. It is the expectation of Scottish Borders Council that new dog boarding establishments will comply with the standards set within the CIEH publication Model Licence Conditions and Guidance for Dog Boarding Establishments. A free copy may be downloaded from http://www.cieh.org/policy/dog_guidance.html?terms=dog+boarding

Hardcopies of the publication may be purchased from CIEH Tel. 020 7827 5821. The applicant is advised to ensure that the proposed kennels will comply with the above conditions. Further information about the required standards is available from SBC's Regulatory Services, Environmental Health Team. It shall be the responsibility of the applicant to ensure any changes to an existing licence are addressed in full to cover any required changes to licencing arrangements resulting from the implementation of the development hereby approved.

DRAWING NUMBERS

Location Plan

Proposal Drawing Ref: 18/283 001

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

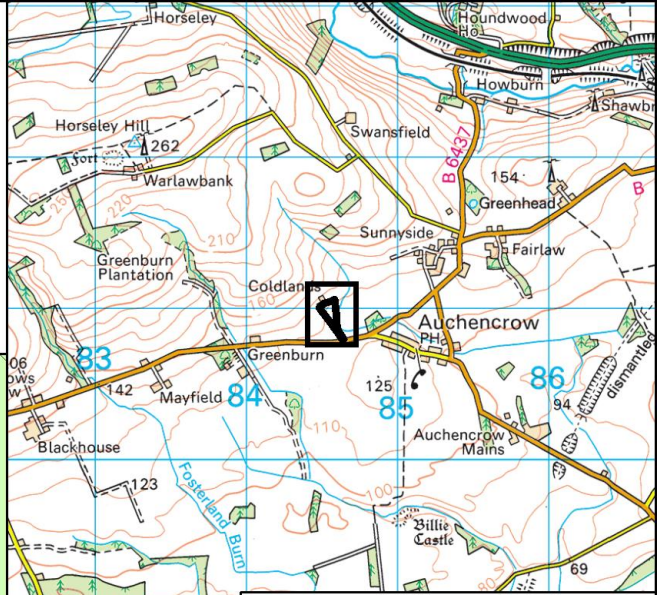
Author(s)

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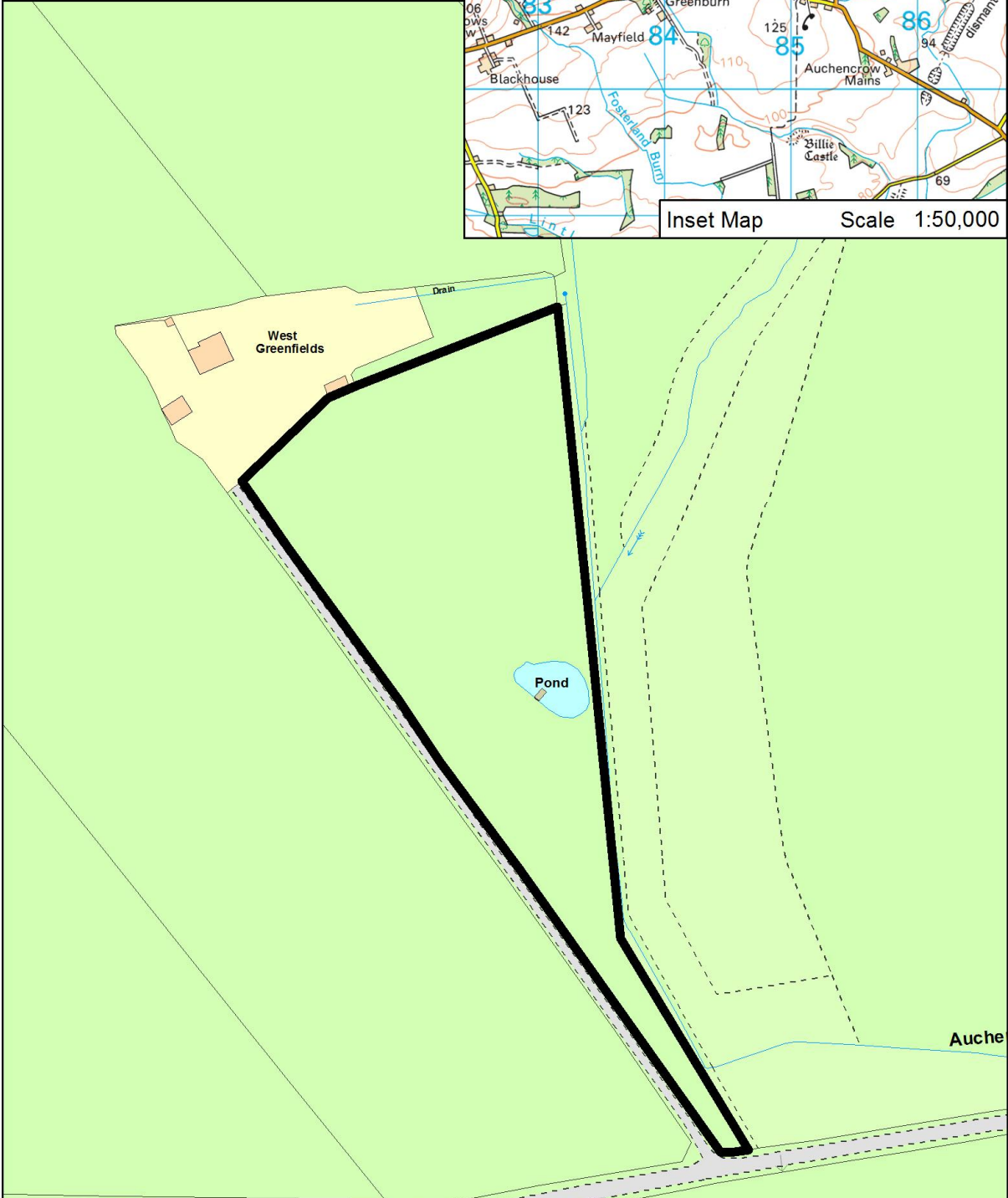


18/00173/FUL

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Inset Map Scale 1:50,000



Scale 1:2,000

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