

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

2nd AUGUST 2021

APPLICATION FOR PLANNING PERMISSION

ITEM: REFERENCE NUMBER: 21/00687/FUL

OFFICER: Brett Taylor

WARD: Hawick & Denholm

PROPOSAL: Modification of planning permission 15/01353/FUL to allow dog boarding service, erection of insulated kennels and siting of cabin for staff use

SITE: Land North East Of Newlands Farm Cottage, Hawick, Scottish Borders

APPLICANT: Laura Glover

AGENT: Laura Glover

PLANNING PROCESSING AGREEMENT:

A Planning Processing Agreement is in place until 2nd August 2021.

SITE DESCRIPTION

The application site is the existing business 'Tweed Dogs Complete Canine Care Centre' which comprises a secure outdoor exercise area for dogs, day care centre building, car park and access. It is situated off the B 6359 between Lilliesleaf and Denholm.

PROPOSED DEVELOPMENT

The application seeks full planning permission modify condition 6 (part iv) of planning 15/01353/FUL to remove the restriction that no part of the site shall be used for overnight accommodation of dogs and people. The proposals also include the erection of a cabin for overnight accommodation for staff. The cabin would be positioned adjacent to the existing building and would measure 9.0m by 3.4m and 4.20m in height. It has been designed with a mansard roof and will incorporate a set of glazed doors and a window on the side elevation with a further window proposed for the side (gable) end elevation. The materials will comprise of timber larch cladding for the walls with a corten factory oxidised metal sheeting for the roof.

Other proposals submitted within the application include the provision to install six kennels within the existing daycentre building. Whilst these works to install the kennels do not require planning permission, the use of them for overnight accommodation is the subject of this application.

PLANNING HISTORY

09 February 2016 – Planning permission granted for the change use of land to form dog park, erection of associated dog care buildings and boundary fences and the formation of parking and access (15/01353/FUL).

REPRESENTATION SUMMARY

Members are reminded that all comments are available for Members to view in full on the Public Access website.

7 letters of objection were received from 7 separate households.

The issues raised by the objecting households are listed below:

- Contrary to local plan
- Detrimental to the environment
- Increased traffic/road safety
- Noise nuisance
- Smells
- Café/shop
- Economic justification

The application was advertised in the Southern Reporter.

Four letters of support were also received which raised the following points:

- High standard of facilities
- Professionalism of staff
- Welcome addition to the area
- Genuine commitment to dog welfare
- Natural extension to offer overnight facilities
- Commitment to local wildlife and the environment

APPLICANT'S SUPPORTING INFORMATION

- Business Plan
- Supporting Statement

DEVELOPMENT PLAN POLICIES:

Scottish Borders Council Local Development Plan 2016

PMD1 – Sustainability

PMD2 – Quality Standards

HD3 – Protection of Residential Amenity

ED7 – Business, Tourism and Leisure Development in the Countryside

EP1 – International Nature Conservation Sites and Protected Species

EP2 – National Nature Conservation Sites and Protected Species

EP3 – Local Biodiversity

EP8 – Archaeology

EP13 – Trees, Woodlands and Hedgerows
EP16 – Air Quality
IS5 – Protection of Access Routes
IS7 – Parking Provision and Standards
IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Guidance

Biodiversity (2005)
Householder Development (incorporating Privacy and Sunlight Guide 2006)
Landscape and Development (2008)
Trees and Development (2008)
Placemaking and Design (2010)
Privacy and Sunlight Guide (2006)

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: No objections in principle to the application. However, in order to ensure potential night time disturbance is minimised, it is recommended that the number of dogs is restricted and the applicant considers how noise will be managed e.g. restricting night time use of outdoor runs.

It is noted that no complaints appear to have been received by Scottish Borders Council regarding noise nuisance associated with the current activities.

It is recommended that the applicant contacts Scottish Borders Council's Trading Standards and Animal Health team at an early stage in order to discuss animal boarding establishment licensing requirements. An informative has been attached for this purpose.

Roads Planning: No objections to the application.

Statutory Consultees

Denholm & District Community Council: No objections to the application. They have recommended additional safety signage along this section of the public road.

KEY PLANNING ISSUES:

The principal planning issues with this application can be summarised as follows:

- Whether the proposals to allow overnight accommodation for up to six dogs and staff would harm the residential amenity of neighbouring dwellings or conflict with the established land use of the area.
- Whether the proposed cabin is acceptable in design terms and is a welcome addition to the site and the surrounding area.

ASSESSMENT OF APPLICATION:

Planning Policy and Principle

Under planning permission 15/01353/FUL, consent was granted for the change of use of land to form dog park, erection of associated dog care buildings and boundary fence and formation of access and parking. The principle of development on this site and the operation of the business has therefore already been established.

A Business Plan has been submitted setting out the business requirements for the site and lack of a similar offer within the local area.

In addition, the development must respect the amenity and character of the surrounding area, have no significant adverse impacts on nearby uses, particularly housing, and where new building is proposed, the applicant should demonstrate that no appropriate existing building or brownfield site is available. The scale of the development should be appropriate to the rural character of the area, the siting design and materials should be in accordance with Policy PMD2, and the development should account for accessibility. These matters will be discussed in more detail later in the report.

Policy ED7 encourages proposals for business in the countryside. Given the granting of the previous planning permission and the employment and economic generating nature of the proposals it is accepted that the application complies with this policy. The principle of this development is acceptable in this location and there are no other buildings or brownfield sites within the applicant's ownership that would be available.

It is noted that the existing structures relating to the business will remain unaltered and that subject to the undernoted conditions and informatives, the proposals would still be capable of respecting the amenity and character of the surrounding area. A further condition will ensure that the proposed cabin is restricted to staff/owner occupancy and not to be used as a permanent dwelling. That the structure is only 9m by 3.4m is an indication that its purpose is as a welfare building intended to support the business rather than being suited to a permanent residential occupation.

As was rehearsed when the original planning permission was granted for the business, this type of facility is not suited to urban locations and, having become established over the intervening years, it is not unreasonable that additional accommodation would need to be provided to support a growing operation. Any concern that the "residential" element would be permitted without an established business in place has therefore already been overcome and is further mitigated by the recommendation that the cabin is tied to the business by condition.

Having regard to the previous permission and the ongoing successful business operation, therefore, the principle is acceptable in planning terms.

Access and Parking

Members will note that objectors have raised concerns about the proposal from a road safety perspective. The existing access and parking arrangements will remain the same, nevertheless, Council's Roads Planning Service was consulted during the assessment of the application and has no objections to the modification to allow dog boarding service and associated infrastructure.

The proposal is considered to comply with policies PMD2.

Placemaking & Design

Policy ED7 requires that the development meets the siting and design criteria of policy PMD2; this policy requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

The proposed cabin for overnight staff accommodation is a relatively small scale development. It is a modular timber framed cabin and will be situated adjacent to the existing dog day care building and will utilise the existing water, drainage and electricity services. The site is large enough to accommodate the building and as such it is contended that the proposed development would not constitute an overdevelopment of the site. The surrounding area is characterised by a mix of structures associated with the dog care business. Furthermore, the resulting footprint of the cabin would be screened to an extent by the existing mature boundary treatment surrounding the site and as such it is unlikely to have any impact on the existing character of the area.

Turning to the specific design detail, the cabin would form a modern addition to the site and will utilise groundcrew foundations to minimise environmental impact. The drawings show clearly defined gable ends with a pitched roof. The choice of materials comprising of timber cladding, metal sheeting for the roof would be similar to that of the day care building and so are consistent with both the existing buildings and the site's rural location. These are considered acceptable and precise details can be controlled by condition. Overall, the proposals are considered to be suitable in terms of their scale, massing, height and density in line with Policies ED7, PMD2 and the Placemaking and Design SPG.

Archaeology

Policy EP8 seeks to ensure suitable archaeological evaluation takes place where appropriate. Whilst the Council's Archaeology Officer was not consulted on this application, it was established that there are no known archaeological implications for the original application. However, it was advised during the determination of that application that there is a background evidence for prehistoric activity and settlement in the wider area which suggests a low potential for encountering previously unknown buried archaeological deposits or objects. As such, given the cabin would require foundations, it would be prudent that an informative be attached on the consent to remind the applicant of potential archaeological discoveries. Subject to this informative, the proposals are considered to comply with policy EP8.

Residential Amenity & Noise

Members will note that objectors have raised concerns about the proposal from barking dogs especially overnight. Policy ED7 requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy HD3 seeks to ensure that development does not adversely affect neighbouring residential amenity. The Council has also adopted supplementary planning guidance on Householder Development, which sets out the Council policy position in terms of amenity and privacy. The nearest dwellings are sufficiently distant from the site that the proposals would not affect the residential amenities of occupants of these properties. There are no immediate properties in the surrounding area that would be close enough to the site to be significantly affected by the proposal.

The current planning permission allows for 8.00am to 5.30pm between Monday to Friday (inclusive) and Saturday 08.00am to 1.00pm. The consent also allows a maximum of 50 dogs shall be kept on site at any one time. These restrictions will not change by this application. The site is located within a rural area with the nearest properties being approximately 500 metres away. As such, the Council's Environmental Health Service was consulted on the proposals which includes 4-6 kennels to be installed within the existing daycentre building, providing accommodation for six overnight dogs. They have no objections to the application, nevertheless, in order to reduce night time disturbance to a minimum, it is recommended that the number of dogs is restricted to six. A condition has been attached to the permission to ensure compliance with Policies ED7 and HD3.

In terms of the new cabin for staff accommodation, the building itself should not harm neighbouring amenity and Environmental Health have raised no concerns regarding this aspect. Having welfare accommodation at the site may also have a positive impact in that there will be someone immediately available to address any noise that might arise. In terms of its use, it is recommended that a condition is attached to the application restricting the occupancy to staff members only and it to remain ancillary accommodation only. This would prevent a wholly separate dwelling from being established.

The rural context of the site and additional signage should be the minimum necessary for the operation of the premises. Given the opening hours will see the premises operating in the dark during winter months, there will be some limited need for lighting. This will be subject to a planning condition. Subject to conditions covering the identified points, the proposals are acceptable in terms of amenity impact.

The proposal is therefore considered to comply with policy HD3 as well as supplementary planning guidance.

Landscape and Visual Impacts

Policy EP13 states that the Council will refuse applications that would cause the loss of or serious damage to the woodland resource unless the benefits of the development clearly outweigh the loss of landscape, ecological, recreational, and historical or shelter value.

The site is located outside the Teviot Valley Special Landscape Area which is 1km to the east. The proposals subject to this application would result in no removal of trees. Conditions relating to landscaping and tree protection for the previous application have been agreed and discharged.

The landscape proposals would remain the same as the previous consented scheme. The proposal accords with the aims of Placemaking and Design standards sought by the SPG, in that this development will assimilate well with the surrounding built and natural environment.

Overall, it is still considered that the proposed cabin will fit comfortably within the immediate landscape setting without significant adverse impacts on the surrounding area.

Ecology

Policies EP1 and EP2 aim to give internationally and nationally designated sites (including Special Areas of Conservation and SSSI's) and protected species, protection from potentially adverse development. Policy EP3 also states that development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation

Concern will be refused unless it can be demonstrated that the public benefits of the development outweigh the value of the habitat for biodiversity conservation.

Huntlaw Burn to the west of the application site, flows into the River Teviot a tributary of the River Tweed Special Area of Conservation and SSSI. Given the distances involved, it is unlikely that the works required to erect the cabin would harm the special qualities of the Special Area of Conservation and SSSI. The site is within the Marlside Hill Moss Local wildlife site, however, given the relatively minor works involved and the cabin being situated within an existing business enterprise, it is considered that the proposals would have a negligible impact on this designation.

It is not clear from the plans whether trees and/or shrubs are being removed to accommodate the development but the applicant has confirmed that no trees of any note would be felled and the cabin would be out with the root protection zones of existing trees. It would be appropriate, however, given the proximity of the development to trees within the site, that an applicant informative reminding the applicant/developer of their obligations to protect breeding birds, is added to any grant of consent.

Services, Water Supply and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. SUDS is required for surface water drainage. The applicant has indicated on the submitted application forms that the cabin will utilise the existing service arrangements in terms of services, water supply and drainage. Nevertheless, a planning condition to cover the proposed water and drainage arrangements would be appropriate.

Other matters

Members will note that objectors have questioned the economic justification for the proposals a pet cemetery and a café/shop. Discussions with the applicant have confirmed that a pet cemetery and a café/shop were not part of the proposals and therefore these are not matters for consideration in the determination of this application. In terms of economic justification for the overnight dog accommodation, the applicant has submitted a business plan and supporting statement which gives the reasoning for the application.

CONCLUSION

The development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016, in particular Policy ED7: Business, Tourism and Leisure Development in the Countryside but also having had regard to overriding material considerations set out in the report.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING 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, unless otherwise agreed by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and external colours to be used in the construction of the external walls, roofs, and of the windows and doors of the cabin have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The cabin hereby approved shall be occupied by an employer or employee with a direct link to the dog caring business at the site and shall not be used as a person's sole or main residence or as temporary or permanent residential accommodation.
Reason: The accommodation on the site is not designed for permanent occupation and permanent residential use would be contrary to the council's housing in the countryside policies.
4. The overnight accommodation for dogs shall be restricted to a maximum of six dogs and is permitted 24 hours a day unless otherwise agreed by the Planning Authority. Sections i, ii and iii relating to condition 6 of application 15/01353/FUL for daycentre operations shall remain valid.
Reason: To limit potential adverse impacts on the amenity of nearby properties
5. The finished floor levels of the cabin hereby permitted, shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.
Reason: To limit the visual impact of the development.
6. No development shall commence until full details of the means of water supply, and of foul and surface water drainage have been submitted to and approved in writing by the planning authority. Thereafter the development shall be completed in accordance with the agreed details, unless subsequently agreed in writing by the planning authority.
Reason: To ensure that the development is adequately serviced.
7. Prior to commencement of development full details of all exterior lighting on the proposed cabin are to be submitted to and approved in writing by the planning authority. This is to include type, height and intensity of lighting, and indication of any sensors or timers. Thereafter the development is to be completed in accordance with the approved lighting details, and retained as such, with no further lighting provided unless first confirmed and agreed with the planning authority.
Reason: It is anticipated from the hours of operation that there will be a need for lighting, and it is important that this meets operational requirements without causing unnecessary light pollution.

Informatives

- 1 There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls or stone-constructions, pits or ditches) or artefacts (e.g. pottery, shaped and chipped stone) of potential antiquity are discovered, please contact the planner or Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered.
- 2 The Environmental Health Service advises that the applicant contacts Scottish Borders Council's Trading Standards and Animal Health team at an early stage in order to discuss animal boarding establishment licensing requirements.
- 3 The applicant/developer is reminded that where works are proposed to existing trees within or adjacent to the application site (including felling, lopping, topping, thinning etc.), no development should be carried out during the breeding bird season (March to August). Further advice on is available directly from NatureScot at <https://www.nature.scot/professional-advice>

DRAWING NUMBERS

| Plan Type | Reference | Date on plan |
|-------------------------|-----------|--------------|
| Location Plan | | 29/04/21 |
| Site Plan | | 29/04/21 |
| Floor Plan & Elevations | | 16/07/21 |

Approved by

| Name | Designation | Signature |
|------------|----------------------------------|-----------|
| Ian Aikman | Chief Planning & Housing Officer | |

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

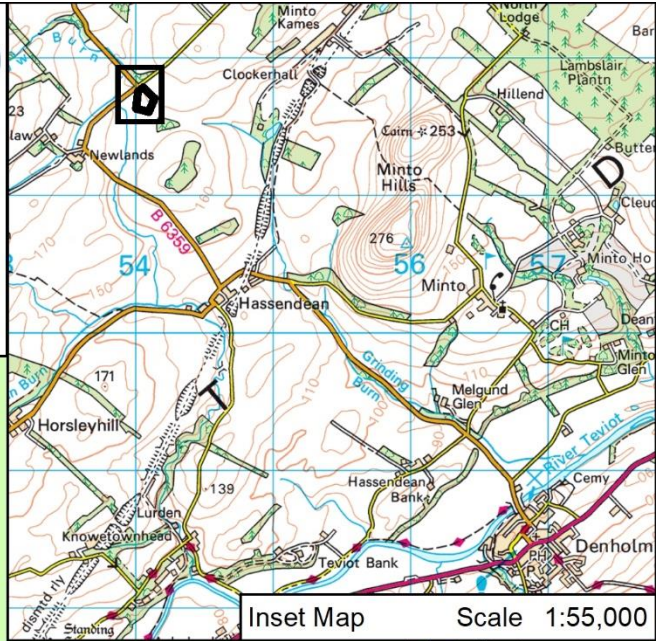
Author(s)

| Name | Designation |
|--------------|------------------|
| Brett Taylor | Planning Officer |

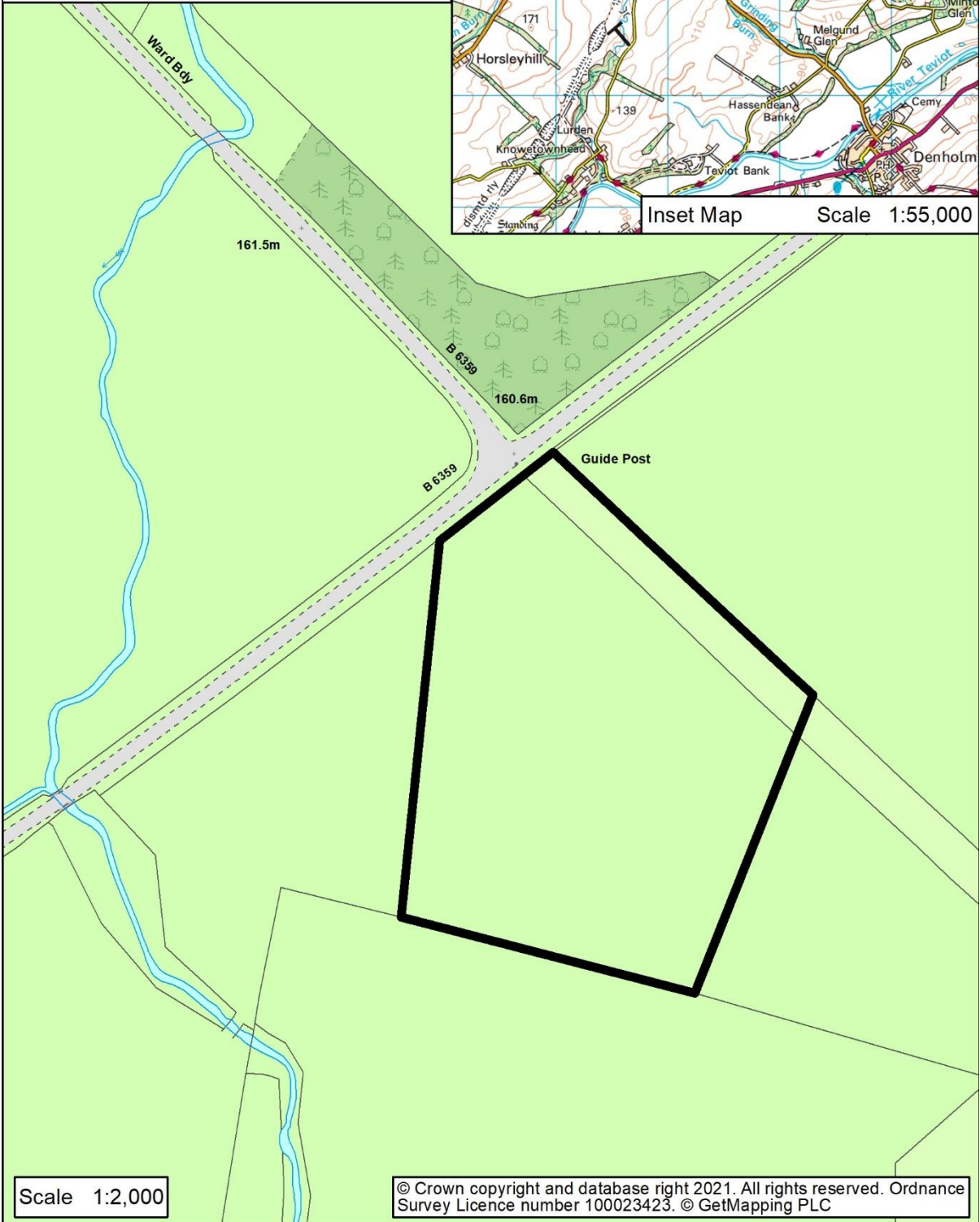


21/00687/FUL

Land North East Of
Newlands Farm Cottage
Hawick



Inset Map Scale 1:55,000



Scale 1:2,000