

Planning Development Management Committee

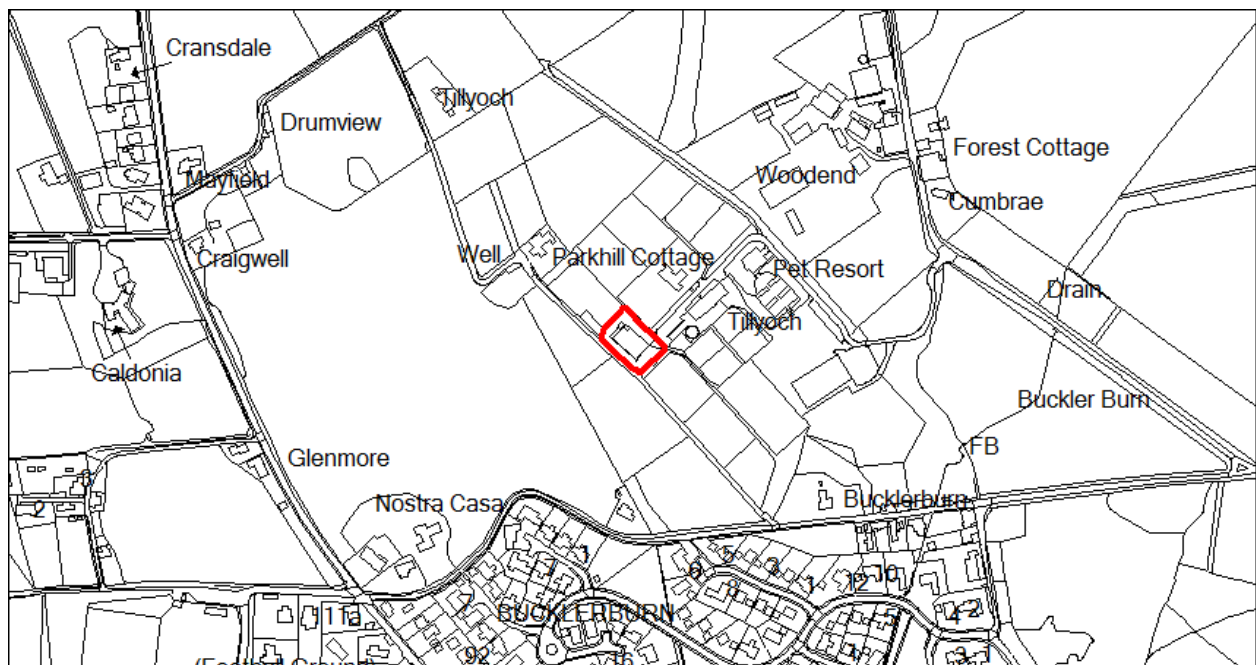
TILLYOCH, CULTER HOUSE ROAD,
ABERDEEN

EXTENSION AND CHANGE OF USE OF PART
OF STABLES TO FORM DOG KENNELS

For: Aberdeen Pet Resort

Application Type: Detailed Planning Permission
Application Ref.: P141813
Application Date: 04/12/2014
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M
Maik)

Advert: Section 34 -Proj. Pub. Concern
Advertised on: 21/01/2015
Committee Date: 17/08/2015
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site forms part of a stable block within a former farm currently used as a cattery (but also accommodates other pets excluding dogs) and as an equestrian centre. The stable block itself is finished with timber clad walls with a profiled sheet metal roofing and timber clad.

The stable block is to the south west of the grouping of buildings forming part of the Pet Resort.

RELEVANT HISTORY

A8/1137 – Erection of cattery, livery stables, outdoor school, storage building, house, access road, car park and landscaping granted Outline Planning Permission by the Planning Committee on 13 January 2009.

P090089 – Approval of reserved matters relating to planning application A8/1137, for design and layout of access road approved unconditionally by the Planning Committee 23 April 2009.

P090090 – Approval of reserved matters relating to planning application A8/1137, for siting, design & external appearance of the buildings, outdoor arena, hardstanding/service yard & car park approved conditionally by the Planning Committee 23 April 2009.

PROPOSAL

Detailed Planning Permission is sought for the change of use of part of the stable building to form 14 dog kennels (and its extension to form an external “safety corridor”). The external corridor would be sited on the south western elevation and finished in timber plank wall cladding, with profiled polycarbonate roof sheeting.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council’s website at

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141813>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Two Noise Impact Assessments were submitted in support of this application, one dated 5 March 2015 and a revised Noise Impact Assessment dated 10 June 2015.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 in time letters of objection have been received (15 in this instance) and Culter Community Council have objected. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – Following clarification of parking arrangements at the existing "Pet Resort", no objections.

Environmental Health – No objection following submission of a Noise Impact Assessment to be undertaken to ascertain the impact of barking dogs to be accommodated within the kennels on the surrounding residences.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Culter Community Council – Object on the following basis:

1. The stables are not soundproofed.
2. Dogs will bark on hearing vehicles approach. These will be numerous given the capacity of the pet resort having the capacity to accommodate 120 cats or other small pets.
3. Gymkhanas/Horse Shows occur frequently during the summer in the evening and at weekends and the noise from PA systems will also cause dogs to bark.
4. Plans do not show how waste and waste water from the kennels, including water to hose them out, is dealt with and contained to avoid run off from a hill top site.
5. CCC are aware of a need for quality boarding kennels in this area but do not consider this site to be suitable in the interests of animal welfare or proximity to housing, either existing or consented/allocated within the Local Development Plan.

The following matters raised are not material considerations and will not be taken into consideration in the determination of the application, with brief explanation in brackets:

1. Members of Culter Community Council (CCC) are under the impression that the building subject to this application was to be demolished under the initial application. (Not relevant to this application, however plans show the building retained in original application for site.)
2. The stable building is unsuitable for accommodating domestic pets, as it is not insulated and not warm and dry as pet owners would expect. (Standards for accommodation are not a matter for planning.)
3. Dogs easily disturb cats with their barking causing stress in the cats which can lead to medical problems. (Welfare of animals is not a planning consideration.)
4. When the plans for the pet resort were first approved, members of CCC were assured that the four large water treatment and storage traps/pits included in the designs were sufficient to contain and treat sewerage and surface water run off. Since the ménage was permitted and constructed, there has been an increase in surface water run off, especially during rainy

- periods, flooding nearby Bucklerburn Road, Malcolm Road and even Shoddy Road, with the drains on Malcolm Road continuously being blocked by the sand and silt carried down Bucklerburn Road. (Not relevant to this proposal.)
5. Horses using the facility may also be upset by barking dogs, especially if they are housed in the same building. (Welfare of animals is not a planning consideration.)
 6. Nowadays advice given is that dogs and cats are not housed together, preferably not even on the same site. (Not relevant to the determination of the application.)
 7. No landscaping around the site per the location plan, which leads to the query if completion certificates had ever been signed off on the development? (Completion certificates are not a planning requirement and are covered under an application for a building warrant. The requirements of landscaping has been passed on to the Enforcement Team)
 8. If Development Management Committee are minded to approve the application, it is wished the this is not given until the treatment of waste water/run off from the site has satisfactorily been dealt with. (Not relevant to this proposal.)

REPRESENTATIONS

15 letters of objection have been received. The objections raised relate to the following matters –

1. Noise from barking/howling dogs will be excessive and impact on residential amenity of neighbouring houses.
2. There is currently noise disruption from equestrian events held at the facility however this is infrequent. The noise from kennels will be more frequent.
3. Noise from the Pet Resort generally finishes by approx. 10 pm, however the kennels would result in much more noise.
4. Even if there was insulation to prevent noise from the kennels, dogs will be exercised outside and will make noise.
5. Automatic lights on site will come on and result in dogs barking at all hours of the night.
6. The development would change the character of area which is very peaceful.
7. There will be odours associated with the kennels. You do expect “country smells” given the edge of settlement location but not dog excrement.
8. The development will result in more traffic on the ill equipped Culter House Road.
9. Development would result in increased commercialisation of rural areas to the detriment of all residents of Peterculter.
10. No water treatment shown for the disposal of dog waste and large amounts of water necessary to wash the kennels.
11. No details on clean up of dog waste.
12. Has SEPA been consulted about this application for waste water and dog fouling handling?

13. Light pollution will be an issue as children's bedrooms look directly onto the building which during feeding times, particularly in winter months.

The following matters raised are not material considerations and will not be taken into consideration in the determination of the application, with brief explanation in brackets:

1. As a dog owner, the barking of many dogs would distress my pet. (Welfare of animals is not a planning consideration.)
2. There have been complaints regarding the welfare of animals kept there, hence why the pet resort is not very busy. Allowing a change of use for further abuse and neglect of animals (dogs) would be a gross failing on Aberdeen City Council's part. (Welfare of animals is not a planning consideration.)
3. What procedures are to be put in place where dogs escape and disturb neighbouring livestock. (Animal welfare is covered under areas of legislation separate from planning – e.g. the Dogs (Protection of Livestock) Act 1953.)
4. Horses and dogs should not be housed in the same building. (Welfare of animals is not a planning consideration.)
5. Horses have been found on the road and in our garden due to gates and doors being left open despite communication with staff, which is a concern for animal welfare. (Welfare of animals is not a planning consideration.)
6. Our own septic tank and soakaway set up has been breached due to new fencing which has been erected near our border. (This is a legal matter between both parties and not a planning matter.)
7. The original development has not been finished per approved plans and this needs to be attended to before any further thoughts of development. (There is no requirement for development to be completed under the planning legislation.)
8. Horses and owners' dogs have escaped from site into my garden and scare my ducks and chicken. (Welfare of animals is not a planning consideration.)
9. Documentation was not provided on the city council website. (Documentation relative to the application was provided online prior to the application being notified (advertised in this instance).

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Exceptions apply where development:

- is associated with existing activities;
- is for essential infrastructure; or
- involves the change of use and rehabilitation of buildings of historic or architectural interest to private residential use.

The above exceptions are subject to development complying with a number of criteria.

D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

Proposed Aberdeen Local Development Plan

Related policies within adopted ALDP in brackets after policies, all of which have similar principles:

NE2 – Green Belt (*NE2 – Green Belt*)

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking*)

T5 – Noise is a new policy introduced in the proposed ALDP, with the current ALDP containing no specific policy on noise impact.

Policy T5 states that where significant exposure to noise is likely to arise from a development, a Noise Impact Assessment will be required as part of a planning application. It creates a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive properties (either existing or proposed), while new housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without significant mitigation measures in place to reduce the impact of noise.

Other Relevant Material Considerations

None

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle

The site falls within an area designated as green belt land in the ALDP, with associated policy NE2 creating a presumption against new development in most instances, with exceptions for certain types of development. Exceptions include instances where activity cannot be accommodated within an urban area and is more suited to rural areas.

In this instance, the application relates to an existing building, seeking a part change of use of a stable and a small extension to provide a “safety corridor”. The building is located within the “curtilage” of an established cattery and equestrian facility granted consent in 2009, which ultimately involves the boarding of domestic animals. The change of use of the existing building to dog kennels is an addition to this, however as it involves different animals which may present additional issues, the additional use cannot be simply seen as an intensification of the existing activity. Consideration must therefore be given to the impact the operations would have on the amenity of the surrounding area, particularly in terms of noise.

Policy D1 of the ALDP states that all development should be designed with due consideration for its context. The kennels would utilise an existing building within the green belt rather than a new building in itself, though there would be a minor extension to the building to accommodate a safety corridor. This would be relatively minor and not result in any adverse impact on the landscape of the green belt in what is a relatively prominent site within the local area. Accordingly the proposals are considered to comply with the requirements of policy D1.

It could be argued that dog kennels cannot be sited within urban areas on the basis that barking from dogs disturbs residential amenity, and general activity within urban areas would disturb/upset dogs resulting in further barking, therefore requiring such uses to be located in rural areas where there are fewer residents in close proximity and less activity that could potentially upset dogs. In this instance the site is located on an edge of settlement site, some 160 metres from the boundary of Peterculter with the greenbelt. Further consideration is given to noise below, but with the closest residential property 95 metres to the north west, the site provides the opportunity for kennels to be sited with no neighbours in its immediate surrounds.

Taking account of the above considerations, the development is considered to accord with the principles of policy NE2. The proposal would fit in with the exceptions to the general presumption against development in the Green Belt as it consists of development associated with existing activities.

Noise

In support of the application, a Noise Impact Assessment (NIA) was provided following consultation with the Council’s Environmental Health team. The initial NIA was considered insufficient to demonstrate the impact of the development on neighbouring properties. Revisions were made to the NIA, the results of which were reviewed by Environmental Health. The NIA identifies noise levels from similar facilities, with varying measurements taken. It found that subject to the

use of closed timber cladding and sheet roofing to ensure the safety corridor is fully enclosed, the proposals would not result in an adverse impact on the amenity of the surrounding area. Noise levels would be within limits set out by British Standards (BS8233:2014), World Health Organisation Guidelines and Planning Advice Note 1/2011 and its accompanying Technical Advice Note. Environmental Health raised no objections to the development following submission of the revised NIA, subject to the development being carried out in accordance with the mitigation measures recommended in the NIA and the kennels being limited to 14 dogs.

No assessment was made for when dogs are outside of the kennels within the NIA – however, the length of time for dogs to be out of kennels and being walked will be relatively minor, coupled with the number of dogs to be accommodated in the development (14) is unlikely to have a significant impact on the amenity of the surrounding area.

It is recommended that a condition requiring landscaping to be provided to offer some buffering between the proposed kennels and the surrounding area.

Traffic Impact

Policy T2 of the ALDP states that all development should ensure development is served by suitable parking provision, in line with standards contained within the Council's Transport and Accessibility Supplementary Guidance. Existing access arrangements and parking at the site would be utilised, with an area of car parking located adjacent to the main reception of the pet resort. In responding to the application, the Council's Roads Development Management team raised no objections to the development following clarification of these arrangements.

Matters Raised by Community Council

In respect of the material planning concerns raised by Culter Community Council, a response to each point is provided below.

1. The stables are not soundproofed.

The stables themselves will not have any additional soundproofing provided to mitigate against the noise of barking dogs, the NIA provided with the application demonstrated that the noise insulating properties of the existing structure and amendments required to accommodate the kennels would be sufficient soundproofing in its own right.

2. Dogs will bark on hearing vehicles approach. These will be numerous given the capacity of the pet resort having the capacity to accommodate 120 cats or other small pets.

There is approximately 100 metres of separation between the kennels and the car park of the pet resort. The kennels would be orientated so that they front away from the car park area. These two factors will help in avoiding disturbance to the dogs, however dogs will vary in terms of their own sensitivity and some barking may result from external triggers in proximity to the kennels.

3. *Gymkhanas/Horse Shows occur frequently during the summer in the evening and at weekends and the noise from PA systems will also cause dogs to bark.* Events are periodically held on the site and should any disturbance occur to result in dogs barking, this would be limited.

4. *Plans do not show how waste and waste water from the kennels, including water to hose them out, is dealt with and contained to avoid run off from a hill top site.*

As the works utilise an existing building, the existing drainage system will be used. In relation to dog waste, the volume of waste generated is likely to be much smaller than that of horses.

5. *CCC are aware of a need for quality boarding kennels in this area but do not consider this site to be suitable in the interests of animal welfare or proximity to housing, either existing or consented/allocated within the Local Development Plan.*

Animal welfare is not a material planning consideration. In terms of proximity to housing allocated, the area surrounding the site is green belt as far as the ALDP is concerned, and whilst areas of land are identified to the west and east in the Proposed ALDP, this plan is not adopted and has not be subject to examination by Scottish Government Reporters. There are no consents or applications under determination for these sites. Further evaluation is offered below under Proposed Aberdeen Local Development Plan.

Matters Raised in Representations

In respect of the material planning concerns raised in representations, a response to each point is provided below.

1. *Noise from barking/howling dogs will be excessive and impact on residential amenity of neighbouring houses.*
2. *There is currently noise disruption from equestrian events held at the facility however this is infrequent. The noise from kennels will be more frequent.*
3. *Noise from the Pet Resort generally finishes by approx. 10 pm, however the kennels would result in much more noise.*
4. *Even if there was insulation to prevent noise from the kennels, dogs will be exercised outside and will make noise.*
5. *Automatic lights on site will come on and result in dogs barking at all hours of the night.*
6. *The development would change the character of area which is very peaceful.*

The Noise Impact Assessment provided with the application demonstrates that the kennels will not have an adverse impact on residential amenity. External factors will vary as will the sensitivity of dogs, however a more rural location for dog kennels in comparison to urban areas will have less external disturbances and less residents nearby. As stated above, the walking of 14 dogs is unlikely to cause any more noise disturbance than dog owners in a typical residential area.

7. There will be odours associated with the kennels. You do expect "country smells" given the edge of settlement location but not dog excrement.

There are no residents in close proximity to the site (closest at approximately 100 metres). The smell from 14 dogs is unlikely to be significant or detrimental to the amenity of the surrounding area.

8. The development will result in more traffic on the ill equipped Culter House Road.

The Council's Roads Development Management team raised no objections to the development.

9. Development would result in increased commercialisation of rural areas to the detriment of all residents of Peterculter.

Rural areas require some degree of economic activity suitable for their setting in order to be viable places, as advocated by Scottish Planning Policy.

10. No water treatment shown for the disposal of dog waste and large amounts of water necessary to wash the kennels.

As the works utilise an existing building, the existing drainage system will be used. In relation to dog waste, the volume of waste generated is likely to be much smaller than that of horses.

11. No details on clean up of dog waste.

As the works utilise an existing building, the existing waste arrangements will be used. The volume of waste generated is likely to be less than that of horses.

12. Has SEPA been consulted about this application for waste water and dog fouling handling?

There was no requirement for consultation with SEPA as part of this application.

13. Light pollution will be an issue as children's bedrooms look directly onto the building which during feeding times, particularly in winter months.

The distance between neighbouring properties and the kennels means there is unlikely to be a significant impact of any lighting on neighbouring dwellings.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies within the proposed plan are substantively similar to those of the adopted plan, however the Proposed ALDP introduces a new policy specific to Noise (T5). In relation to noise, the considerations relating to noise outlined above are considered sufficient to demonstrate the development accords with the requirements of policy T5. In respect of other policies within the Proposed ALDP, the policies are substantively similar to those of the adopted ALDP and as such no further evaluation is considered necessary in this respect.

Areas of land are identified to the west (OP52) approximately 60 metres from the site and east (OP109) for housing development in the Proposed ALDP. This plan is not adopted and has not been subject to examination by Scottish Government Reporters. Both sites have been objected to (OP52 13 objections, OP109 7 objections). There are no consents or applications under determination for these sites.

In terms of the weighting given to these sites, it is recommended that limited weighting is given to either. OP52 in comparison to other sites within the Deeside Area has attracted 13 objections, which is considered to be a significant level of objection. OP109 attracted slightly less objection however it is considered there is sufficient separation between the site and the designation.

RECOMMENDATION

Approve Subject to Conditions.

REASONS FOR RECOMMENDATION

The change of use of the stables and its minor extension are considered to satisfy the requirements of policy NE2 – Green Belt of the Aberdeen Local Development Plan 2012 whereby their use as a kennel is considered a small scale extension to the “pet resort” at Tillyoch. The minor extension can be adequately accommodated upon the existing stable building, satisfying the requirements of policy D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012.

Insofar as they are relevant, the proposals accord with the requirements of policies contained within the Proposed Aberdeen Local Development Plan 2015, most notably policy T5 – Noise, with a Noise Impact Assessment provided with the application demonstrating that the predicated noise emissions from the kennels will be within limits set out by British Standards (BS8233:2014), World Health Organisation Guidelines and Planning Advice Note 1/2011 and its accompanying Technical Advice Note. The proposed designation OP52 to the west of the site has attracted significant objection, therefore limited weighting is given to the impact of the development will have on it.

CONDITIONS

1. That the kennels shall not be brought into use unless the development has been completed in its entirety as detailed in the plans hereby approved as part of this development and shall be operated in accordance with mitigation measures as detailed in the document *Noise Impact Assessment: Proposed Dog Kennels, Aberdeen Pet Resort, Milltimber, Aberdeen* by CSP Acoustics dated 10 June 2015 for the lifetime of the use of the kennels, unless otherwise agreed in writing by the Planning Authority – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.
2. That the kennels hereby approved shall house no more than 14 dogs at any one time – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.
3. that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
4. that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Dr Margaret Bochel

Head of Planning and Sustainable Development.