

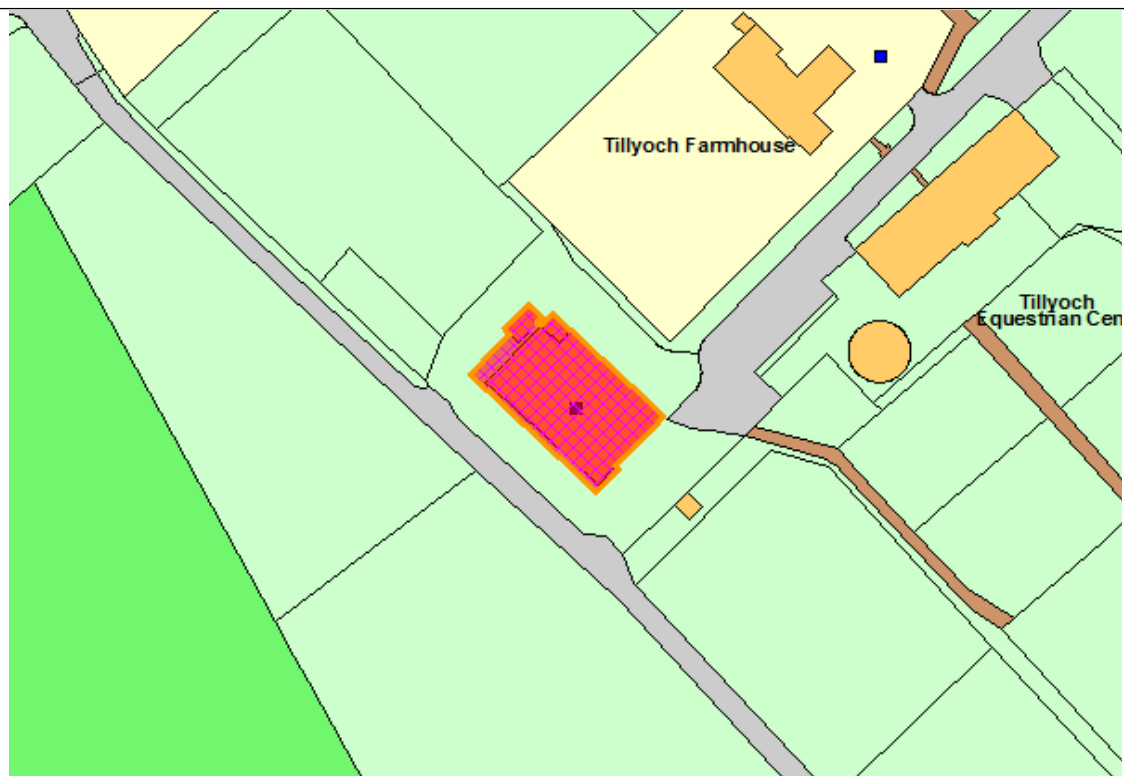


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 6<sup>th</sup> December 2018**

<b>Site Address:</b>	Aberdeen Pet Resort, Culter House Road, Aberdeen, AB14 0NS
<b>Application Description:</b>	Change of Use of existing stable building as a dog hotel with associated alterations including the installation of windows; doors and cladding with mesh panels; security fence and other associated works
<b>Application Ref:</b>	181460/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	16 August 2018
<b>Applicant:</b>	Aberdeen Pet Resort
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Jamie Leadbeater



## RECOMMENDATION

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Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The site comprises a vacant timber stable block and small area of adjoining land so the south-east and south-west of the building within the confines of Aberdeen Pet Resort on the western side of Culter House Road, Peterculter.

The pet resort comprises a cattery and equestrian functions, as well as landscaped boundaries and well-defined car parking area, set within a c. 40 acre land holding owned by the applicant. The land holding comprises most of the land south of the site area down to the Bucklerburn Road as well as most of the land east of the site until Culter House Road and some land extending northwards – excluding Parkhill Cottage. Access to the site is obtained via a modern gated entrance off Culter House Road.

The nearest residential property to the site is Tillyoch Farmhouse owned by the applicant sited c. 50m away to the north-east. Outwith the applicant's control, the nearest residential properties are Parkhill Cottage sited 96m away to the north-west and Bucklerburn Farm Cottage 130m to the south. Beyond those two properties, the nearest sporadically located properties are Bucklerburn Farmhouse is located approximately 200m to the south-west and Woodend Farmhouse and Forest Cottage which are located 280m and 297m away respectively to the north-east. In terms of larger residential areas, the nearest properties are located on Bucklerburn Close (c. 163m away) and Bucklerburn View (c. 174m away) to the south of Bucklerburn Road which runs east-west to the south of the site and is lined by mature trees. All properties to the south of the application site sit at a much lower land level in relation to the application site.

In terms of designations, the site falls within both the designated 'Green Space Network and "Green Belt" on the Aberdeen Local Development Plan (ALDP) Proposals Map to which policies NE1 and NE2 in the ALDP 2017 respectively apply.

### Relevant Planning History

Application Number	Proposal	Decision Date
141813	Extension and Change of Use of part of stables To form dog kennels	Refused by committee - 15/12/2015
110080	Extension to approved stables building, Tillyoch	Approved Con. – 25/03/2011
09/0089	MSC for approval of design and layout of Access road, Tillyoch Farm	Approved Con. - 23/04/2009
09/0090	MSC for approval of siting, design & external Appearance if buildings, outdoor arena, service yard and car park, Tillyoch Farm	Approved Con. - 23/04/2009

A8/1137

Outline PP for Erection of cattery, livery stables, outdoor school, storage building, house, access road, car park and landscaping

Approved Con. -  
13/01/2009

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Conversion of former stable building into a 'dog hotel' comprising of 11 individual dog kennels and associated internal exercise space, kitchen and store, with adjoining outdoor patio area.

Internally, all kennels and associated "exercising runs" either side would be located in the northern half of the building and would be constructed from uPVC double glazed walls and doors. Furthermore, the stud framework is to be insulated using 'acoustic wool' and sealed over-cladding.

Externally, new uPVC double glazed windows and doors to be installed in place of former stable door openings on the north-east elevation. New timber cladding to be added in parts.

In terms of the scope of operations, the facility would be run 24 hours per day with dogs staying within their enclosures between the hours of 6pm and 8.30am. Outwith these times, the applicant envisages each dog being taken from their bedrooms more than once each day. Use of the adjoining outdoor area would be limited to one dog at a time - to minimise stress on each dog to minimise the potential for barking – weather permitting. Each dog would likely be taken outside for 20 – 30 mins at a time – this will depend upon the health, mobility, allergies and care package applicable to each dog. These 'recreational' opportunities for dogs would primarily make use of indoor play areas within the building or the adjoining outdoor patio area. Some dogs may be taken off site for exercising across woodland areas in Aberdeen and Aberdeenshire. The applicant anticipates that 2 or 3 additional staff would be required to help run the proposed facility.

### **Supporting Documents**

All drawings, and supporting documents listed below, can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDHQ5FBZGKZ00> .

- Noise Impact Assessment
- Supporting Information Document

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application is recommended for approval and the local Community Council has objected and more than 5 valid objections have been received.

## **CONSULTATIONS**

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**ACC - Environmental Health** – Do not object, on the basis that the outcome of the Noise Impact Assessment (NIA) is accepted. The effectiveness of the recommended mitigation measures are considered critical to maintaining amenity at neighbouring properties and therefore implementation of such measures contained within Section 5 of the NIA should be controlled through condition. All noise mitigation measures, including the acoustic barrier, are expected to achieve the effectiveness as set out in the NIA.

**ACC - Roads Development Management Team** – No objection.

**ACC - Flooding & Coastal Protection** – No objections

**Culter Community Council** – Initially objected and then submitted an updated objection following further consultation. The material points raised as follows are:

- Adverse noise impact on existing homes and gardens;
- Adverse impact on the Green Space Network;
- Proposal is not consistent with the aims of the NPF3;
- Proposal fails to accord with ALDP policies NE1, NE2, D1 and T5;
- Proposal does not accord with the vision set out in the Aberdeen City and Shire Strategic Development Plan in respect of the areas “*unique quality of environment and high standard of living*”.
- The site may not be ‘urban’ but it is not ‘rural’ either.
- The submitted NIA is flawed as it has been undertaken against BS8233:2014 whereas BS4142:2014 should have been used given it includes procedures for tonal, intermittent, impulsive and other distinctive features;
- The NIA does not cover the possibility that 3 or 4 dogs may be out at any one time, and its outcomes are framed upon the presumption that one dog will be exercised outside at any one time;
- The quoted background noise levels are too-high and no account has been taken of the reduction in local traffic noise emanating from Malcolm Road once the AWPR has opened.

The following points raised by the community council are considered non-material in reaching a determination:

- Impact of noise on domestic pets is a concern;
- Dogs under the applicant’s ownership already cause domestic disturbance during night hours;
- Adverse noise impact on future homes and gardens;
- those supporting the application live 2km away from the site and the greater proportion of those objecting to the application live close to the site;
- No guidance is provided by applicant on how dogs brought to the site temporarily would interact with cats and horses;
- The applicant claims the proposed development is needed to maintain the viability of the existing pet resort business but no evidence has been supplied to substantiate this;
- Question whether new local jobs would be created if the proposal is approved;
- Intimate that there is not a lack of kennel facilities within and surrounding Aberdeen based on web search results, which is contrary to supporters’ beliefs.

In the event that Members are minded to approve, the Community Council have request conditions to the following effect to be applied to any subsequent consent:

- 1) Prior to commencement of development, specification of all sound attenuation properties applicable to the internal fabric of the building shall be submitted to the Planning Authority for approval;
- 2) Prior to commencement of development, the method for demonstrating post completion of works compliance with the approved specification for noise attention components;
- 3) Prior to bringing any part of the facility into use, compliance with the approved construction specification shall be demonstrated in line with a pre-agreed method;
- 4) The facility be maintained in accordance with the noise attenuation specifications when in operation for the housing of dogs, and any proposed change to specification be agreed in advance with the Planning Authority; and,

- 5) That the proposed facility shall operate in accordance with the proposed requirements set out in Section 3.7 and 5.2 of the NIA i.e. between 18.00hrs and 08.30hrs all dogs shall be located inside the internal sleeping area with all doors closed and that exercising of dogs takes place outwith these hours.

## **REPRESENTATIONS**

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A total of 89 representations have been received (65 objections, 2 neutral and 22 support) from 97 (includes 8 duplicates) letters/emails in total. The following material reasons have been given:

### Reason to object

- Noise output from proposal would adversely affect residential amenity;
- Siting of kennels in an inappropriate location, too close to residential properties;
- Increased traffic along Culter House Road would make it more dangerous;
- There are flaws in the submitted Noise Impact Assessment (NIA);
- There is no way of mitigating/soundproofing noise from dogs barking when outside of kennels;
- Proposal is contrary to the key aims of National Planning Framework 3 (NPF3);
- Proposals fails to accord with Policy T5 (Noise) in the ALDP;
- Proposal fails to accord with Policy H1 (Residential Areas) in the ALDP;
- Proposal fails to accord with Policy NE2 (Green Belt) in the ALDP;
- Dogs cannot be locked up 24/7 for animal welfare reasons and therefore need to be let out, and once let out will create lots of noise because they would be in unfamiliar surroundings;
- Previous application (ref 141813) was refused and so should this as there is no material different between the two proposals;
- Existing noise generated from sound system associated with equestrian function of the pet resort is bad enough without introducing dogs as well;
- Proposal would fail to adhere to the guidance set out in PAN 1/2011;
- Noise from dogs would adversely impacts on local residents' health whom reside south of Bucklerburn Road;
- There are already 59 kennels operating across Aberdeen and Aberdeenshire;
- There is enough dog barking disturbance in the area already.

### Neutral comments

- Dog kennels should be located as far away from human habitation as reasonably practicably possible or efforts should be made to demonstrate that noise pollution would be at a level that does not impact on those living closest. If this cannot be achieved, then the development should not be permitted;
- Committee members should be satisfied that noise levels from kennels would be less than 55 decibels (DB) at neighbouring properties, if minded to approve, as per World Health Organisation (WHO) guidelines.

### Reason to support

- Thoughtful design with a views to minimising noise disturbance;
- Lack of boarding kennels in Peterculter area;
- Business would create jobs;
- Very few houses nearby;
- Useful amenity for local community.

### Reasons to “object” considered non-material

- The proposed use would intensify use of Culter House Road which is already in a poor state of repair;
- Noise from kennels would affect the well-being of walkers and their dogs walking along the nearby footpath;
- Noise from dogs would adversely impacts on local residents’ health whom reside south of Bucklerburn Road;
- Internal arrangement of “dog hotel” not big enough to allow dogs a good quality of living;
- Proposed development would have an adverse impact on local house sales;
- Proposed development would adversely impact on the future development of affordable housing between Malcolm Road and Culter House Road;
- Noise arising from kennels would adversely affect domestic dogs and pets living at nearby residential properties;
- No comprehensive planning guidance has been published in the UK to deal with Kennel developments;
- Applicants not capable of taking good care of animals;

### Reasons to “support” considered non-material

- Dogs need homes for family holidays;
- Would be useful to have a facility where one can leave their dog and cat;
- Existing facility is well-run.

## **PLANNING POLICY FRAMEWORK AND MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

### **National Planning Policy and Guidance**

- National Planning Framework 3 (NPF3)
- Scottish Planning Policy
- Planning Advice Note (PAN) 1/2011: Planning and Noise
- Scottish Government Circular 4/1998: The Use of Planning Conditions in Planning Permissions

### **Aberdeen Local Development Plan (2017) (ALDP)**

- Policy D1: Quality Placemaking by Design
- Policy NE1: Green Space Network
- Policy NE2: Green Belt
- Policy NE6: Flooding, Drainage and Water Quality
- Policy T2: Managing the Transport Impact of Development
- Policy T5: Noise

## Supplementary Guidance

- Noise
- Transport & Accessibility

## Other Material Considerations

- Code of Practice for the Welfare of Dogs (DEFRA, December 2017) – Pursuant to Section 15 of the Animal Welfare Act 2016.

## EVALUATION

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### Main Issues

The main issues in this matter are: firstly, whether the principle of development is acceptable; and, secondly, whether the noise impact arising from proposed development and thus the impact on amenity would be acceptable given the site's context.

### Principle of the Proposed Development

The acceptability of the proposed development in principle falls under two different policy considerations – compliance with Policy NE1 and compliance with NE2 in the ALDP, and considerations of any other material considerations. Neither policy has any greater weight than the other, but in order for the proposal to be acceptable in principle it should comply with both policies.

Policy NE1 states the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN). Proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted. Given the proposed development would merely entail a conversion of an existing building and therefore would be contained within the shell of an existing building, it is not considered the proposed development would destroy or erode the character of the Green Space Network. As such, the proposal is considered compliant with the policy.

Policy NE2 states no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible uses compatible with an agricultural or natural setting; mineral extraction /quarry restoration; or landscape renewal. Beyond these provisions, the policy does make allowances for exceptions to accommodate development outwith these defined uses. The exceptions are:

- 1) Developments associated with existing activities;
- 2) Essential infrastructure;
- 3) Change of use to historic buildings;
- 4) Extensions to existing buildings; and,
- 5) Erection of replacement dwellinghouses.

The proposed use in isolation doesn't fall cleanly within the allowances for development types within the Green Belt and in that regard would not comply with Policy NE2. However, given the proposed development can reasonably be viewed as an expansion/extension of an existing established 'animal care' business which comprises a mix of planning uses, it is reasonable to consider the business as a single entity/activity. In that context, it is legitimate and appropriate for the proposal to be assessed against the criteria set out in "exception 1" of the policy. The criteria are as follows:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and,
- d) Any proposed construction is ancillary to what exists.

On review of the proposal set against the above criteria, the proposal is considered acceptable on the basis that: the site falls within the confines of the existing Aberdeen Pet Resort facility; the development is contained within the footprint of an existing small-scale building (relative to the site's rural context); whilst the proposed use of the building would be altered under these proposals, it would still be used to house a similar number of animals as what it was originally planned for and therefore no significant intensification would arise; and finally, all proposed construction works to the exterior would be mere subtle adjustments to the exterior of the building.

Subsequently, in light of the above discussion, the development is considered to be compliant with Policies NE1 and NE2.

### Noise Impact on Residential Amenity

Policy T5 states that developments with significant noise generating potential shall be accompanied by a Noise Impact Assessment (NIA). Such a document specifically tailored to the proposed development and its context has been submitted, which has been considered by the Council's Environmental Health Service. Objectors have claimed there are 'flaws' in the detail and methodology of the NIA but officers in Environmental Health established the methodology for the NIA in advance with the applicant's noise professional noise and are content with the quality of the assessment.

In assessing the potential noise impact of the development, two separate considerations exist in this case. Firstly, whether noise levels would be an acceptable level at the nearest residential properties when dogs are located within the proposed facility, and secondly, whether noise would be levels would be of an acceptable level when dogs are outside of the proposed area of containment i.e. within the adjoining outdoor patio area or elsewhere in the applicant's land holding. It is possible that dogs could be taken off-site completely for exercising purposes.

Whilst the area of land where dogs would likely be allowed to walk falls outwith the application site boundary, it is considered reasonable and proper to consider the implications of noise generation in this scenario given dogs under the care of the dog hotel would inevitably be allowed outside for their own general welfare purposes. The applicant has confirmed this would be the case. It should be noted that the local Community Council and objectors primarily focus their concerns on the latter of the two considerations, making a valid point that noised generation outside of the proposed facility "cannot be noise insulated" unlike the proposed facility itself.

In an effort to address the first consideration, the Council's Environmental Health Service has reviewed the methodology and findings of the submitted NIA and agree with the assessment's outcome, which concludes noise levels from dog barking would not exceed the relevant guideline noise levels for internal habitable space and external garden space at the two nearest residential properties (Parkhill Cottage and Bucklerburn Farm Cottage). The presumption on the back of these findings is that if the noise impact is acceptable at these properties then it would also be acceptable at residential properties further away than these. The conclusion from the NIA is made on the premise that the proposed sound mitigation measures set out in Section 5 of the document are implemented inside and outside of the building. The Planning Service has considered the merits of this approach and is content that implementation of noise mitigation measures could be competently controlled through use of a condition if the application is approved. Such a condition would require the applicant to undertake the work to the existing building before the use can commencement operation, thus ensuring the noise impact is minimised from the outset.



With regards to the second consideration, the likely impact of noise on local residents is assessed purely on probability of dog barking balanced against the frequency and length of time dogs would be out of their contained and noise insulated living space, and factoring in reasonable judgement. Objectors have made the valid point that external dog barking cannot be sound proofed unlike the 'hotel' facility, but that is not to say that other means of control cannot bring about a pragmatic solution to minimising the risk. It is considered the starting point in adopting such an approach is to first establish what dogs' welfare demands are.

DEFRA's "Code of Practice for the Welfare of Dogs" states "*dogs need a safe, comfortable place to rest, situated in a dry, draught-free area. All dogs need regular exercise...the amount of exercise a dog needs varies with age, breed and health.*" This document is considered to have been the most suitable basis for establishing the requirements of dogs, in order to employ 'reasonable judgement'. The points outlined in the document has been highlighted by objectors, with a view to conveying dogs are unpredictable and variable in their behaviour. Upon perusal of the document, this appears to be true but is not considered to amount to a definitive reason for refusal, but rather reasonable judgement is better used taking into account a number of assumptions centred on how the facility is likely to operate.

The applicant has submitted details of the likely daily operational routine for allowing dogs out of their enclosures in terms of frequency and the length of time they would be out at any one time – set out in the aforementioned "description of proposal". Based on these assumptions, coupled with the expectation that dog barking noises are prevalent in a rural/semi-rural context, it is considered reasonable to deduce that the likely overall daily impact arising from the use outwith the contained area would not be significant, subject to appropriate controls. The submitted NIA makes three recommendations in Section 5.2 relating to specific operational matters but on review of this approach they would be difficult to enforce and unduly restrictive and therefore unreasonable, rendering such proposals as incompetent to apply through use of condition when assessed against the six tests for competent planning conditions in Scottish Government Circular 4/1998. It is accepted the 'good management' of day to day operations of the proposed facilities strays largely beyond the control of the Planning Authority but controlling the hours outdoor activity does fall within their gift and it would be competent to do so via way of planning condition. This is considered fundamental in controlling the reasonable likelihood of undue noise disturbance. Subsequently, it is proposed a condition is attached to the planning consent restricting use of external space to between the hours of 08.30 to 18.00 daily, to ensure times outwith these hours local residents have the best opportunity to experience their highest level of general residential amenity. These hours align with those hours proposed in the NIA, which the Community Council would also be content with if Members are minded to approve this application. It is acknowledged that placing such a restriction could affect dog welfare to an extent that they would not be free to run very far or 'investigate', but as per the aforementioned guidance from DEFRA containment would offer a "safe" and "dry" place to reside balanced with space to play within the building, so dogs could still technically exercise during such hours - if needed for welfare purposes. Furthermore, should the building be noise insulated to the standard proposed then noise should not be significantly audible from outside the building during night time/early morning to protect residential amenity. Subsequently, taking the aforementioned factors into account it would not be unreasonable and therefore competent to apply such a condition. The local Community Council has recommended that a similar condition be applied to further restrict use of the internal recreational space during the recommended hours of containment, but this is considered unduly restrictive and therefore unreasonable, mindful of dogs' general welfare needs and the predicted efficiency of noise insulation within the built parameters of the dog hotel building.

Given the methodology of the NIA is framed upon 11 dogs occupying the hotel facility at any one time, it is considered necessary to restrict the number of dogs to be accommodated within the proposed dog hotel unit through use of condition. This shall seek to ensure that any likely noise

impact does not exceed the predictions set out in the Noise Impact Assessment and would be another means of safeguarding local residents general residential amenity balanced with permitting the proposed use.

Overall, based on Environmental Health's response and relevant guidance set out in PAN 1/2011, the Planning Service is content that the proposed noise mitigation measures and the restriction on night-time activity would enable the proposed facility to function without undue noise disturbance to immediate neighbouring and further away residents. Furthermore, based on reasonable judgement, the proposed location of the dog hotel would not give rise to significant noise disruption to neighbouring residential properties dispersed in all directions from the site. Subsequently, the proposal is considered compliant with Policy T5 in the ALDP, contrary to the view of those who have objected on the basis of non-compliance with this policy and PAN 1/2011.

## **Other Issues**

### External Design Changes

Policy D1 requires new development to be of a high quality, following a contextual appraisal of the site. The application property was designed to serve its originally consented equestrian purpose and resembles a building expected to be found within a rural/semi-rural setting. The proposed external modifications to the building - which are to be considered primarily under this policy - are not considered to significantly alter the building's appearance, especially from the nearest public vistas, and therefore are considered acceptable changes under this policy given they would not adversely affect public amenity. It should be noted that compliance with this policy aligns with one of the reasons to support the application.

### Access and Parking

The Council's Roads Development Team have reviewed the proposals and are content that the proposed development would be served by an appropriate existing access and car parking arrangement on land outwith the application site but within the applicant's control, which currently already serves the existing Cattery. As such, the proposal is considered compliant with relevant expectations of Policy T2 in the ALDP. This should allay objectors' concerns that the proposed development would not pose an undue road safety impact along Culter House Road.

### Drainage

The Council's Flooding & Coastal Planning team have considered the proposals and have no objection to the proposals. As such, the proposal is deemed compliant with the crux of Policy NE6 in the ALDP. This should address the concern expressed by the concerned neighbouring resident to the south of the site that the development would not give rise to an undue impact arising from a lack of site drainage.

## **Other matters raised in representations**

- *The submitted NIA is flawed as it has been undertaken against BS8233:2014 whereas BS4142:2014 should have been used given it includes procedures for tonal, intermittent, impulsive and other distinctive features* – Upon discussion with officers in Environmental Health, they have confirmed that the correct British Standard was used in undertaking the submitted NIA, contrary to the belief of the local Community Council. This is because the BS which the Community Council believed should be used is not to be used for assessing noise from domestic animals. Whilst the proposed development is a commercial entity, the animals they would house would not cease to be domestic. They would be domestic animals anyway, simply housed in the proposed facility on a temporary basis.

- *Proposal doesn't comply with Policy H1 in the ALDP* – The application site does not fall under the “residential areas” land-use designation or even adjoin an area for such use. Therefore, it has not been deemed necessary or reasonable to assess the proposal against this policy in this case.
- *Previous application 141813 was refused and so should this as there is no material different between the two proposals* – Each proposal is to be determined on their own merits. Notwithstanding this fundamental point, there are material differences between the two applications. Firstly, the application was assessed against policies in a different Aberdeen Local Development Plan; secondly, the last proposal sought to accommodate 14 dogs whereas the current proposal would accommodate a maximum of 11 dogs; and, thirdly, the current proposal represents an improved quality of noise insulation within the proposal dog boarding ‘hotel’ facility.
- *There are already 59 kennels operating across Aberdeen and Aberdeenshire* – Whilst this figure may well be accurate, there is no policy within the ALDP 2017 which specifically prohibits the introduction of new dog kennels facilities within the city boundary. As is the case for every planning application, each proposal is to be determined on its own merits.
- *Existing noise generated from sound system associated with equestrian function of the pet resort is bad enough without introducing dogs as well* – Noise generated from the equestrian function of the ‘pet resort’ is intermittent and therefore does not form part of the baseline background data for purpose of making a Noise Impact Assessment (NIA).
- *Business would create jobs* – The applicant has suggested that the proposal would create the requirement for 2 or 3 additional members of staff at the ‘pet resort’.

## **Equalities Impact**

The Planning Service acknowledges that there has been reference made in representations about the potential adverse impact of dog barking on those with protected characteristics. Despite attempting to investigate this further through making contact to relevant individuals no further information has been forthcoming to enable an Equalities Impact Assessment (EqIA) to be undertaken. Subsequently, the potential impact of the development of those with protected characteristic in ‘unknown’.

## **Concluding comments**

Overall, the change of use is considered acceptable given the site’s semi-rural context and based upon the findings of the submitted NIA and reasonably balanced judgement, the proposed development would not have an undue adverse impact on immediate neighbours’ and/or wider residents of Peterculter’s general residential amenity subject to implementation of proposed noise mitigation measures and control over the hours of certain operations. Further, the proposed use could be served by a suitable means of access and associated parking provision. These factors render the proposal compliant with the relevant policies in the Aberdeen Local Development Plan 2017. In the absence of any other overriding material considerations, the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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Approve Conditionally

## REASON FOR RECOMMENDATION

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The proposed use is not considered to adversely affect the function and character of the Green Space Network and is considered an appropriate use to be accommodated within the green belt and therefore the principle of development is considered compliant with Policy NE1 (Green Space Network) and Policy NE2 (Green Belt) in the Aberdeen Local Development Plan (ALDP) 2017, when viewed as an 'extension' to an established activity, thus being the "pet resort". Given the proposed noise mitigation measures set out in the submitted Noise Impact Assessment, and the likely length of time that dogs are likely to be outwith their enclosures during day time hours – due to use of condition restricting access to outdoor areas, it is not considered the proposed use would give rise to an unacceptable level of noise which could harm local residents general residential amenity and therefore the proposal complies with Policy T5 (Noise) in the ALDP 2017 and its associated Supplementary Guidance "Noise" through adherence to guidance set out in Scottish Government PAN (Planning Advice Note) 1/2011. Further, the proposed development would be benefit from a safe vehicular access and car parking arrangement rendering the proposal satisfactory within the parameters of Policy T2 (Managing the Transport Impact of Development) in the ALDP 2017, and the drainage arrangement would ensure compliance with Policy NE6 (Flooding, Drainage and Water Quality) in the ALDP 2017. In the absence of any other material considerations which dictate otherwise, the proposal is considered acceptable.

## CONDITIONS

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- 1) Prior to the dog hotel coming into operation, all noise mitigations measures contained within Section 5.1 of the submitted Noise Impact Assessment (prepared by Grosle Environmental Services, 09/10/2018) shall be implemented in full and remain in-situ for the lifetime of the development.

Reason: In the interests of mitigating the noise impact of the development to ensure compliance with Policy T5 (Noise) in the Aberdeen Local Development Plan 2017 and PAN 1/2011 guidance.

- 2) That all dogs residing in the 'dog hotel' facility shall remain within the confines of the built structure between the hours of 18.00hrs and 08.30hrs daily, as per the recommendations set out in the submitted Noise Impact Assessment.

Reasons: In the interests of minimising noise disturbance from the dog hotel during hours of the day local residents shall expect to enjoy their highest levels of general residential amenity, to ensure compliance with Policy T5 (Noise) in the Aberdeen Local Development Plan 2017 and to adhere to PAN 1/2011 guidance.

- 3) That the "dog hotel" facility hereby approved shall house no more than 11 dogs at any one time, unless otherwise approved in writing by the Planning Authority following the submission a separate planning application.

Reason: In order to ensure the dog hotel is operated in accordance with the noise mitigation measures detailed in the submitted Noise Impact Assessment, in the interests of the amenity of the surrounding area to comply with Policy T5 (Noise) in the ALDP and to adhere to PAN 1/2011 guidance.