

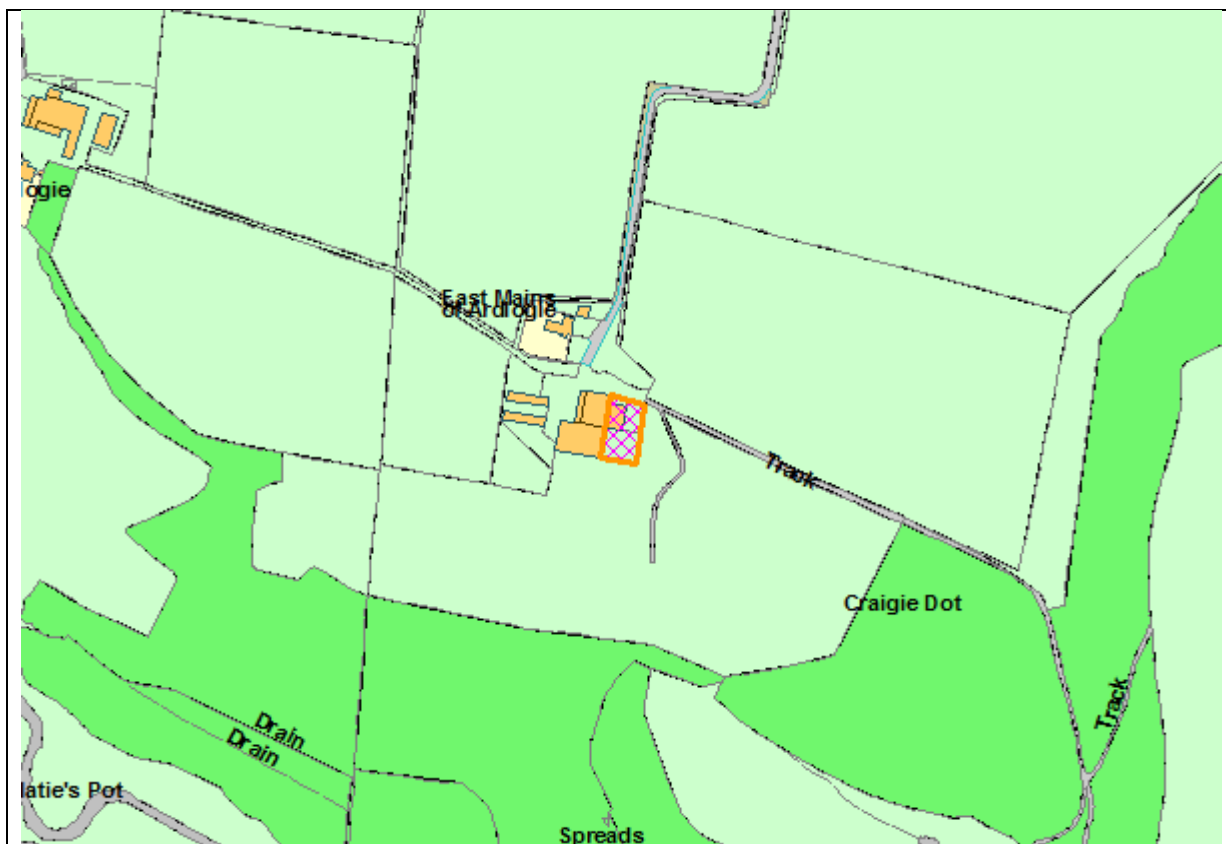
Formartine Area Committee Report – 07 February 2017

Reference No: APP/2016/2822

Full Planning Permission for Retention of 5 No. Modular Buildings for Use as Kennels and Associated Works (Previously Approved APP/2015/1266) at Site at East Mains of Ardlogie, Fyvie, Turriff, AB53 8PH

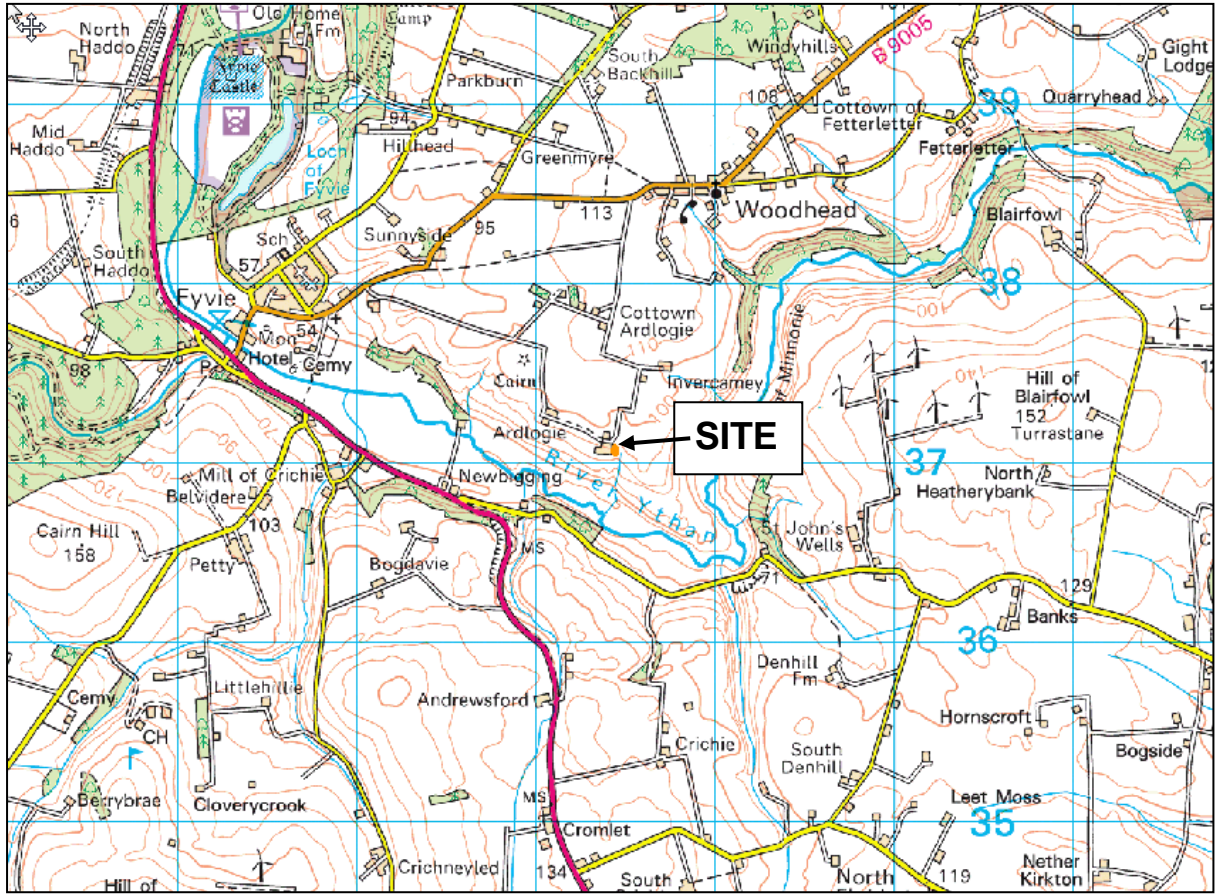
Applicant: Miss Michelle Wood
Agent: No Agent

Grid Ref:	E:378438 N:837075
Ward No. and Name:	Turriff And District
Application Type:	Full Planning Permission
Representations:	1
Consultations:	4
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	RHMA
Complies with Development Plans:	Yes
Main Recommendation:	Grant



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1 g. of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from Waste Management.
- 1.2 This application was deferred at the last meeting of the Formartine Area Committee on the 17 January 2017 in order that a site visit be undertaken. The site visit has now been carried out.
- 1.3 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks a renewal of planning permission for the siting of five modular accommodation units for the purpose of operating dog kennels.
- 2.2 The farm is located in a fairly remote position, 2km to the southeast of Fyvie, overlooking the River Ythan valley. (Appendix 1 contains the Location Plan) The units are located within the farm complex, adjacent to the steading buildings and are laid out in an approximate courtyard formation. (Appendix 2 contains the Site Plan)
- 2.3 The modular units measure 3m by 10m each. While the external appearances of the modular units are not pristine cosmetically, they appear to be in a wind and watertight condition.
- 2.4 Since last year, some work has been carried out on the roofs of the modular units (tarpaulins attached and nailed down) and an access gate/security fencing has been erected along the front of the courtyard.
- 2.5 Relevant planning history includes;
 - APP/2015/1266 - Erection of 5 No. Modular Buildings for Use as Kennels and Associated Works (Retrospective). This application was approved by the Formartine Area Committee for a temporary period of one year. This application has been submitted as the permission has now run out.

3. Representations

- 3.1 A total of 1 valid representation (object) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letter raises the following material issues:
 - *No outside runs are shown in the plans*

- *Drainage*
- *Lack of re-cycling/waste provision*

4. Consultations

- 4.1 **Infrastructure Services (Contaminated Land Unit)** does not object to the proposal.
- 4.2 **Infrastructure Services (Environmental Health)** does not object but advises that a licence is required under the Breeding of Dogs Act 1973 and 1991 (as amended) and that issues over noise would be controlled under the Environmental Protection Act 1990.
- 4.3 **Infrastructure Services (Roads Development)** has not responded, however did not object to the previous proposal approved last year.
- 4.4 **Infrastructure Services (Waste Management)** objects to the proposal as no evidence has been provided regarding the provision of re-cycling/refuse storage.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as

regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

5.3 Aberdeenshire Local Development Plan 2012

Policy 3 Development in the countryside
SG Rural Development1: Housing and business development in the countryside

Policy 8 Layout, siting and design of new development
SG LSD2: Layout, siting and design of new development

5.4 Proposed Aberdeenshire Local Development Plan 2017

The Town and Country Planning (Development Planning)(Scotland) Regulations 2008 Proposed Aberdeenshire Local Development Plan – Report of the examination

The Report of Examination of the Aberdeenshire Local Development Plan 2017 was issued on 19 December 2016, and subsequently published on 21 December 2016.

There are recommended changes to policies and sites within the Examination Report. Reports to Area Committees will be on the 24 and 31 January 2017 and 7 February 2017 with a final Report to Full Council on 9 March 2017.

In the interim period, until the adoption of the Local Development Plan, in respect of development management decisions, elements of the emerging plan, as adjusted to reflect the Reporter's recommendation, will carry significant material weight, which will need to be considered in the assessment of all planning applications.

5.5 Other Material Considerations

None

6. Discussion

- 6.1 The first determining factor relating to this application relates to the principle of development. SG Rural Development1 promotes the creation of rural businesses where there are less than 5 employees or the site is less than 0.5 hectares, subject to other policies relating to technical issues and layout, siting and design. In this case the application red line site boundary measures approximately 0.1ha and the business is family operated. A kennels

is also the type of business that would typically be found in a rural location. It is considered, therefore, that the proposal complies with the aims of Policy 3.

- 6.2 In terms of the layout, siting and design of the proposal, the business is located within a collection of farm units of various design and condition. While it cannot be argued that the modular units are pleasing to the eye, they are nevertheless functional and appear to be wind, watertight and capable of use. While general maintenance on the exterior of the units would undoubtedly improve the appearance of the development, it is considered that the modular units are acceptable in what is part of a wider farm complex. As is typical with temporary buildings, concerns over the future appearance of the development means that a temporary approval is considered to be more desirable. Subject to this, the proposal is considered to comply with Policy 8.
- 6.3 No details have been provided on how re-cycling/waste will be dealt with and as a result, Waste Management objects to the proposal. However, the kennels are in operation and it would be expected that some form of waste management will be carried out. Nevertheless, it is critical that such a business accommodates an appropriate waste management process. Accordingly in order to address the objection, a condition will be attached to ensure that waste will be dealt with appropriately. In terms of drainage, while no details have been provided, as the site forms part of the farm unit, it would be expected that the existing system would be used.
- 6.4 In terms of the comments received by the letter of representation, the remaining issue not addressed above relates to the lack of a dog run. While it is not shown on the plan, there is an outside run at the site located to the south of the units.
- 6.5 This is a business that the operation of it will be controlled by separate legislation to planning. To run a kennel, a prospective operator will need to obtain a licence from Aberdeenshire Council's Environmental Health Department. Any applicant must meet eligibility criteria in order to obtain such a licence. This is separate from the need for planning permission. An applicant may have planning permission but this does not guarantee that an operator's licence will be granted.
- 6.6 The planning questions here are:
- a) is the operation of a kennels appropriate in the countryside;
 - b) is the appearance of the development appropriate in a farming environment; and
 - c) will the proposal result in any loss of amenity in the locality.
- 6.7 It is considered that the countryside is a good location for kennels, the cabins are reasonably typical of what can be seen in farm yards and, apart from an apparent lack of waste/re-cycling facilities, no issues have been raised by the consultees which suggest that there is no nuisance occurring as a result of the development. Subject to conditions in relation to maintenance and waste management, the application is recommended for approval.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Equalities, Staffing and Financial Implications

- 8.1 An equality impact assessment is not required because the proposed development is not considered to give rise to any differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or the Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT subject to the following conditions:-

01. That permission for the development hereby approved shall be for a limited period of 5 Years from the date of this approval.

Reason: In order to retain control over this temporary form of development and to enable the impact of the development on the amenity of the surrounding area to be reviewed.

02. That within one month of the date of the expiry of this permission the use hereby approved shall cease and the site shall be restored all in accordance with a scheme of restoration, which shall be submitted for written approval no less than three months prior to the expiry of the temporary planning permission.

Reason: In order to ensure the timeous reinstatement of the site following the expiry of this temporary permission in the interests of the amenity of the area.

03. That the use hereby granted shall ensure solely for the benefit of the applicant, namely Miss Michelle Wood.

Reason: In order that the permission can be reviewed in the event of the present applicant relinquishing ownership and/or control of the site.

04. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development and thereafter maintained in perpetuity.

Reason: To ensure that suitable provision is made for the storage of waste and recycling bins.

05. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended or the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended the premises shall be used only as accommodation of dogs and shall not be used for any species without an express grant of planning permission from the Planning Authority.

Reason: To enable the Planning Authority to consider the implications of any subsequent change of use on the amenities of the area.

11.2 Reasons for Decision

01. That the proposal fully accords with the requirements of the Development Plan in that it is considered that the countryside is an appropriate location for Kennels.

Stephen Archer
Director of Infrastructure Services
Author of Report: Alan Davidson
Report Date: 22 December 2016

APP/2016/2822

Appendix 1

