

Marr Area Committee Report 1 May 2018

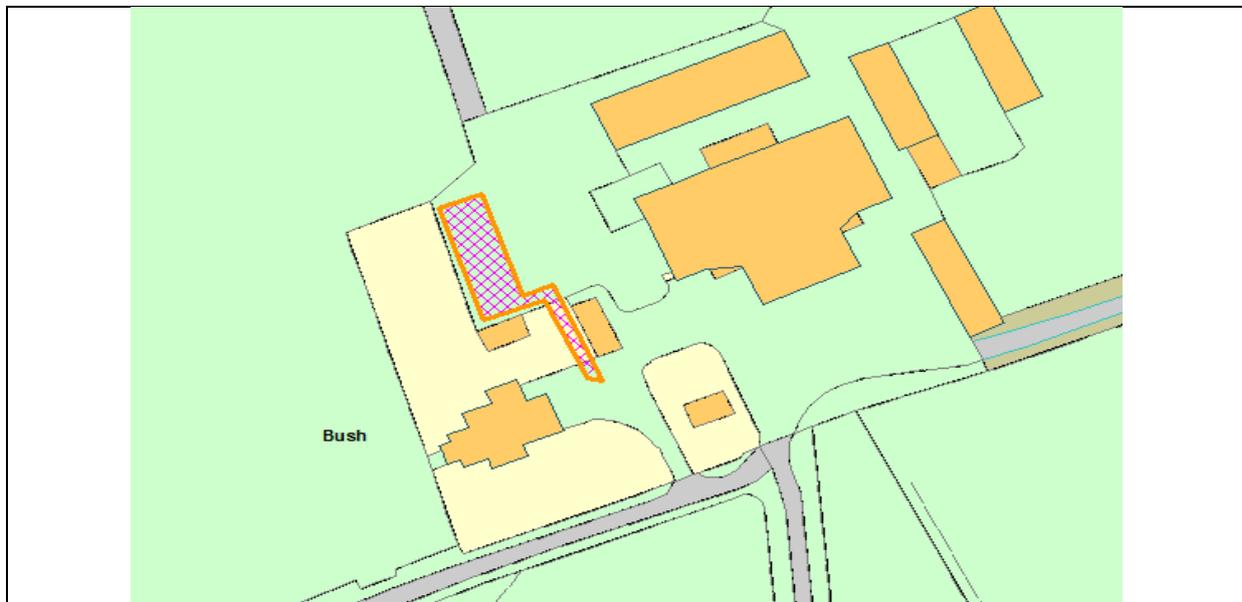
Reference No: APP/2017/2721

Full Planning Permission For Erection of Dog Boarding Kennels (Retrospective) at Bush Farmhouse, Banchory, Aberdeenshire, AB31 5QQ

Applicant: Mrs Rosemary Charlish, Bush Farmhouse, Banchory,
AB31 5QQ

Agent: No Agent

Grid Ref: E:372763 N:798615
 Ward No. and Name: W16 - Banchory And Mid-Deeside
 Application Type: Full Planning Permission
 Representations: 0
 Consultations: 2
 Relevant Proposals: Aberdeenshire Local Development Plan
 Map
 Designations: Aberdeen Housing Market Area
 Complies with: No
 Development Plans:
 Main Recommendation: Grant With Conditions



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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 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 Full planning permission is sought for the erection of dog boarding kennels at Bush Farmhouse, Banchory. The kennels have already been erected and partially in operation, therefore the application is retrospective in nature.
- 2.2 The site is located approximately 2km to the north east of Banchory, accessed via the unclassified road which runs north/south between the A93 and B877. The farm is in a relatively secluded location and consists of Bush Farmhouse, and a number of traditional stone built outbuildings with agricultural land surrounding. The kennels are located in the North West corner of the site, orientated westwards with the immediate surrounding area classified as garden ground, however it is largely scrub land with some self-seeded trees.
- 2.3 The Planning Service became aware of the unauthorised kennels through the Council's Dog Warden, who made the applicant aware that without planning permission, it is not possible to licence the kennels.
- 2.4 The kennels are constructed in galvanised steel, with a sloping, profile metal sheet roof, green in colour. The kennel building incorporates a total of 10 individual kennels with associated runs, orientated west, and with raised internal sleeping areas. There are two access doors, to the west into a utility area and to the north. An internal walkway runs along the length of the building allowing access into each sleeping area. A slabbed external walkway runs along the front of the runs. The kennels measure 19 metres by 4.6 metres, with a height of 2.5 metres.
- 2.5 Car parking would be accommodated in the existing farm yard, and connection to the public water supply network is proposed, with private arrangements for surface water.
- 2.6 A number of documents have been submitted in support of the application.
 - Drainage Report (S.A.McGregor dated March 2018) – trial pits confirmed moderate draining soils suitable for the installation of a sub-surface soakaway for the disposal of surface waters from the roof areas of the

kennels and concrete hardstanding's. The report provides calculations for the size and location of the soakaway.

- Business Plan and Supporting Statement (carried out by the applicant, dated 12th March 2018 and 10th April 2018) – outlines that 10 purpose built kennels will be open 7 days a week, covering a large catchment with no other kennels between Banchory and Aberdeen. They are in a rural location with no neighbouring properties in close proximity, with easy access to countryside for dog walking. A commercial/industrial site within a settlement would not offer this, nor be appropriate for nature of the business and potential noise generated. The applicant will be the only employee, with help from family if necessary during busier spells. The applicant lives on Bush Farm, and the licence conditions would stipulate 24 hour attendance per day, for the safety and comfort of the animals.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

Internal

- 4.1 **Infrastructure Services (Environmental Health)** initially requested detail regarding the private water supply in terms of its quality and quantity. However, following this request, the applicant confirmed that they propose to connect to the public water supply network. Environmental Health have confirmed that have no comments to make in regard to noise and nuisance from the kennels and therefore, hold no objection to approval.
- 4.2 **Infrastructure Services (Roads Development)** have confirmed that parking spaces exist adjacent to the kennels within the wider site at Bush Farm. The visibility can be provided at the site access with the public road if roadside vegetation is kept cut back. Therefore, they do not object subject to a condition in relation to visibility splays.

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 2017

Policy P1: Layout, siting and design

Policy R1: Special rural areas

Policy R2: Housing and employment development elsewhere in the countryside

Policy RD1: Providing suitable services

Policy E2: Landscape

6. **Discussion**

- 6.1 The main planning considerations with this application relate to the principle of kennels on this site and the impact this would have upon the character, amenity and overall context of the area. Technical matters such as drainage and access will also be considered.

Development of Principle

- 6.2 The application site is located in the Aberdeen Housing Market Area where Policy R2 Housing and employment development elsewhere in the countryside applies. The criteria within Policy R1 Special Rural Areas also applies. Policy supports the refurbishment and conversion of existing buildings or the redevelopment or previously developed sites that are redundant. The proposal is for the siting of a retrospective kennels on a (formerly) greenfield site and as such, fails to comply with planning policy in this location as no provision exists within the relevant policy for new business development on greenfield sites.

- 6.3 Planning policy encourages businesses to be located within settlements on designated business land. However, the proposal only comprises 10 kennels, which is relatively small scale for a business site within a settlement. The supporting statement provided attempts to justify the chosen location, stating that the nature of the business means it is not compatible with a dense residential location. Furthermore, a site within an established business park on the periphery of a settlement, which is where such designations typically exist, would likely be of a noisy and disturbing character themselves, which would not be particularly compatible for kennels due to the potential nuisance disturbing the dogs residing at the kennels. The rural location ensures the noise from the kennels does not create a nuisance to surrounding properties, and vice versa. Furthermore, the business requires 24 hour on site attendance to ensure the safety and comfort of the animals, which is often a stipulation of a licence. Therefore, convenience and necessity plays a large part in the siting of the kennels close to Bush Farmhouse, where the applicant resides.
- 6.4 Further to the above, the applicant has outlined that the existing buildings within the site could not be utilised as they would not meet the standards required for licencing the kennels for formal use. Had an existing building have been suitable, the re-use of that would have complied with Policy R2.
- 6.5 The kennels would cover a large catchment, with the applicant reporting that there are no kennels located between Banchory and Aberdeen, while the applicant acknowledges that there are existing established kennels in a 20 mile radius of Bush Farm, these are on the west side of Banchory, with the closest sited in Torphins. The siting to the north of the A93 is considered an ideal location, for easy access for members of the public travelling to and from Aberdeen. Market research carried out by the applicant influenced the business venture through understanding the demand in the area, and the site at Bush Farm being a gap in the kennel locations across Marr.
- 6.6 Although planning policy does not support the erection of new businesses in the Aberdeen Housing Market Area, the Planning Service takes the view that this development can be supported as a departure from planning policy in this particular instance. Indeed, the scale of the business would be small (10 kennels) and the nature of the business makes it best suited to a countryside location, rather than a more urban area in terms of residential amenity, lack of compatibility with other business designations, and access to open space. It is considered that the applicant has suitably justified the location for this use, both in terms of its unsuitability for an allocated employment site within a settlement and the site specific remote location close to a main public road. The Planning Service are therefore willing to support the proposal as a departure from Policy R2 of the Aberdeenshire Local Development Plan 2017.

Layout, siting and design

- 6.7 Policy E2 Landscape aims to promote the protection and management of the landscape. Specifically, development will only be approved where the scale,

location and design is appropriate to the landscape character of the area. The area is characterised by working farm hubs and residential dwellings, surrounded by agricultural land with pockets of native woodland. Commercial development should be sited in a way that does not disrupt the landscape and field patterns and should be closely associated with existing buildings.

- 6.8 The proposed development is of relatively small scale, both in terms of footprint and overall massing. As the kennels are in close proximity to other farm buildings, they form part of the existing cluster and farm hub, their flat roof and location at the rear of the site ensure they are not visible to the north, south and east. The outlook from the kennels is open to the west, however, there are no neighbouring properties visible. The design is typical of kennels and is not considered to have any significant impact on the landscape. The kennels remain visually subservient, associated with the existing buildings. The proposal is not considered to impact on the character of the surrounding area in accordance with policy P1 layout, siting and design and E2 Landscape.

Amenity

- 6.9 The nearest neighbouring property, not in the applicant's control, is Bush Cottage which is located approximately 340 metres to the east of the kennels. Environmental Health were consulted and have confirmed that a Noise Impact Assessment is not required due to the separation distance and rural location. Furthermore, as the kennels are retrospective, Environmental Health have confirmed that, to date, there have been no noise related complaints in relation to the development. Therefore, the proposal is not considered to have a detrimental impact on neighbouring amenity.

Technical considerations

- 6.10 Turing to Policy RD1: Providing suitable services, a private connection was initially proposed for water supply, however, the applicant has confirmed that there is a public connection in the vicinity. Connection to the mains supply is encouraged where possible, therefore, Environmental Health are satisfied with this means. Surface water will be via a soakaway, the submission of the drainage report, carried out by S.A.McGregor, identified the need for a larger soakaway than originally proposed, which is out with the red line boundary of the site. However, the Planning Service are content that a suitable means of surface water disposal can be achieved, albeit, for the soakaway to be lawful, this engineering works requires planning permission in its own right. A condition will be attached to ensure works are in accordance with the drainage report, along with an informative advising planning permission should be obtained for the siting of the soakaway.
- 6.11 Roads Development have confirmed that within the site there is sufficient parking provision, a condition will be attached to ensure the visibility with the public road remains.

- 6.12 Therefore, the above ensures that the proposal can be appropriately serviced in terms of access and drainage in line with Policy RD1 Providing suitable services.

Conclusion

- 6.13 The proposal is considered appropriate in terms of design and scale and there would be no adverse visual, landscape or amenity impact arising from this development, however the proposal fails to comply with the principal Policy R2. Planning policy does not support the erection of new businesses in the Aberdeen Housing Market Area, however, the Planning Service takes the view that this development can be supported as a departure from planning policy in this particular instance, given the particular nature of the business in question. The business serves a wide catchment area, with a local customer base, with the applicant justifying the location and unsuitability of the business for an urban/residential site. The very nature of the business makes it best suited to a rural location, both in terms of residential amenity, compatibility and access to open space. Therefore, in light of the material circumstances highlighted, it is considered that the proposal can be supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

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. Implications and Risk

- 8.1 An equality impact assessment is not required because the granting or refusing of the application will not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

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

Policy RD2: Housing and employment development elsewhere in the countryside

10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

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. No development in connection with the permission hereby granted shall commence, and the access hereby approved shall not be brought into use, unless visibility of 120 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres, measured at right angles, from the existing edge of the carriageway surface along the centre line of the access, in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

02. Within 6 months from the date of this consent, the surface water drainage system shall be provided in accordance with the drainage report by S.A.McGregor dated March 2018, unless otherwise agreed by the Planning Service. The surface water drainage system shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

11.2 The Committee agrees the reason to depart from the Aberdeenshire Local Development Plan (2017)

The scale of the business would be small, and the buildings would have very limited visual impact, located within an existing established grouping of buildings. Furthermore, the nature of the business is best suited to a remote location rather than a more populated/urban area, both in terms of residential amenity and access to open space. The proposal is therefore supported as a departure from Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017).

Stephen Archer
Director of Infrastructure Services

Author of Report: Louise Smith
Report Date: 12 April 2018