THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE 20 August 2013

Agenda Item	5.5
Report No	PLS 046/13

13/02395/FUL: Miss Margo Howatson

The Steading, Wester Inshes, Inverness, IV2 5BG

Report by Area Planning Manager – South

SUMMARY

Description: Change of use of an office building (Class 4) to a dog day care facility (sui

generis).

Recommendation: GRANT

Ward: 20 - Inverness South

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee: Objections from more than 5 different households.

1. PROPOSAL

- 1.1 The application proposes the use of the unit as a dog day care centre where dog owners can leave their dog for the day. The internal layout of the unit will consist of a reception area, shop (17.5m²), staff room, puppy area, adult dog area, sleep area, isolation room and feeding area. In addition, there is an area of hardstanding to the side of the unit which will be used as a play area for the dogs. The dogs are to be exercised in neighbouring fields.
- 1.2 No pre-application advice was offered in relation to this proposed development.
- 1.3 The applicant has confirmed that the application site is to be served by an access from the single track Dell of Inshes Road to the east of the site.
- 1.4 A supporting letter has been submitted with the application which confirms that planning permission is sought for the care of a maximum of 12 dogs and during the daily operation of the facility they will be separated into 3 groups of 4. These groups of dogs will then be allocated to the outdoor or indoor play areas, or walking groups, which will operate on a rotational basis. Dogs will have the option to sleep within the facility when tired. There is to be a maximum of 7 employees and a local veterinarian will be on call at all times. A pick up/ drop off service for dogs will run daily. There is to be a 240 litre bin kept within the confines of the facility for the safe disposal of dog waste. This will be emptied fortnightly.

There will be no overnight boarding and there will be no runs, kennels or crates in the facility. There will be one 2 hour kennel club seminar held every 3 months with approximately 5 people attending. There are to be training classes held with no more than 5 dogs at any one time (not to run concurrently with the day care function).

1.5 The applicant has produced revised access and parking arrangements in light of comments from the Roads Engineer.

2. SITE DESCRIPTION

2.1 The site is situated at Wester Inshes and would have originally been the steading relating to Wester Inshes Farm. The site is located to the south east of the RF More Properties Ltd. Inshes Mews development and is adjacent to Wester Inshes Farmhouse. The site can be accessed via the Dell of Inshes public road or through the aforementioned residential development from the distributor road.

3. PLANNING HISTORY

3.1 04/00547/FULIN - Change of use to retail (non food) maternity and baby/nursery retail shop. Application granted.

06/00612/FULIN - Taxi office to rear of farm shop at Wester Inshes Farm, Inshes, Inverness. Application refused.

07/00497/FULIN - Change of use from retail to office use at The Steading, Wester Inshes Farm, Inshes, Inverness.

13/02331/PREAPP - Shop with pet products. Dog day care. This pre-application advice form was submitted by the applicant in error and has since been closed without a response having been issued following the submission of a formal application.

4. PUBLIC PARTICIPATION

4.1 Advertised: 12.07.2013 Schedule 3 development.

Representation deadline: 26.07.2013

Timeous representations: 32
Late representations: 0

- 4.2 Material considerations raised are summarised as follows:
 - This residential area is unsuitable for a commercial business.
 - The premises are too close to residences.
 - There will be an increase in noise from the extra vehicles and the dogs.
 - There will be a detrimental impact on road safety through an increase in traffic in the locality.
 - Customers of the doggy day care facility will use existing parking provided exclusively for residents.

- The premises are not suitable for 90 dogs this would have a significant detrimental impact on neighbouring amenity. There is no parking for 90 dog owners.
- The value of property in the surrounding area will be reduced as a result of the proposed development.
- Speed limits in the area, including the 20mph speed limit at the school, will
 not be adhered to by customers of the facility.
- Is it normal for these works to have been carried out without planning permission?
- Several members of the community work night shifts and are concerned they will not be able to sleep during the day.
- At present, dog walkers leave mess all over the place.
- What plans are in place if the dogs get free from the walkers?
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.
- A petition with 102 signatures in support of the application has been presented by the applicant in support of the venture as a needed facility.

5. CONSULTATIONS

- 5.1 **TECS (Area Roads and Community Works Manager):** No objection. Conditions and informatives recommended.
- 5.2 **TECS (Contaminated Land):** No objection.
- 5.3 **TECS (Environmental Health):** No objection. Conditions and informatives recommended.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
34	Settlement Development Areas
56	Travel
57	Natural, Built and Cultural Heritage

72 Pollution

6.2 Inverness Local Plan (March 2006) (as continued in force)

38(i) Inshes: Redevelopment/conversion of the existing farm steadings for commercial/community or housing use will be promoted.

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (June 2011)

7.2 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, February 2010)

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The application proposes the use of the building as a dog day care centre where dog owners can leave their dogs for the day. Policy 34 of the Highland-wide Local Development Plan highlights the importance of supporting existing communities and identifies Settlement Development Areas as the preferred areas for most types of development. However, the policy also states that development proposals within designated settlement development areas must adhere to a range of criteria including, crucially in this case, conforming with existing and approved land uses and with Policy 28 Sustainable Design which contains the necessary criteria for assessing new developments – that is, on the extent to which they are compatible with public service provision; are accessible by public transport, cycling, walking and the car; maximise energy efficiency in terms of location, layout and design; are affected by physical constraints as described in the relevant supplementary guidance; make use of brownfield sites, existing buildings and recycled materials; the impact on individual and community residential amenity; and whether such a use would contribute to the economic and social development of the community.

The proposed development finds support in principle in the Highland-wide Local Development Plan and the Inverness Local Plan 2006 (as continued in force). The facility would provide an opportunity to encourage economic development and create new employment in the area. Given the nature of the business as demonstrated by the applicant, providing expert support and education in this respect to the public can be seen not only as a benefit for dog owners but as a benefit for the wider community. The facility is proposed in an existing commercial unit on a brownfield site, without any alteration to its external appearance (excluding signage which is subject to separate consideration through an application for advertisement consent) and provides satisfactory locational justification with such ready access to a large customer base, in line with several of the aforementioned requirements listed in the relevant policies.

Noise/Waste (Policies 28 and 72): The Environmental Health Officer has met with the applicant and visited the proposed development site, and, following assessment of the supporting information, is satisfied that whilst there may be potential for intermittent noise, the level of this disturbance is unlikely to result in unacceptable noise disturbance effects to nearby residential properties in the general locality. Accordingly the Environmental Health Manager has raised no objection to the granting of permission subject to a condition pertaining to the arrangement of adequate disposal of refuse from the premises. An application for a licence under the Animal Boarding Establishment Act 1963 will consider the operation of the business and the welfare of the animals in terms of food, lighting, heating, inoculation etc separately to the planning process. An informative note is recommended to highlight this.

Access/ parking provision: There will be 10 parking spaces to the side of the building that will be allocated to staff and customers. Given the nature of the business, customers will only stay at the site for short periods of time to collect or drop off their dogs, or visit the shop. The business will also operate a collection service from customers' homes and therefore not all dogs will be brought to the site by their owners. Parking provision has been assessed by the Roads Engineer who has concluded that it can be considered sufficient to ensure that customers can park within the site and not use private spaces in the adjacent residential area. There is also additional ground within the site to provide overspill parking if required.

Given the nature of the business, as demonstrated by the applicant in the supporting information, this proposal is considered to represent an acceptable form of development, which satisfies development plan requirements. However, in the interests of protecting the amenity of the area, given the specialist nature of the business, it is recommended that in the event of planning permission being granted, consent is made personal to the current applicant only. In that way, the Planning Authority will be afforded the opportunity of re-assessing the use of the site in the event that the current applicant relinquishes the business.

8.4 Material Considerations

- This residential area is unsuitable for a commercial business. The premises are too close to residences. There will be an increase in noise from the extra vehicles and the dogs: The Environmental Health Authority has assessed the proposal and raised no objection to the granting of permission.
- There will be a detrimental impact on road safety through an increase in traffic in the locality: The access arrangements have been assessed by the Roads Authority and have been found to be satisfactory.
- Customers of the doggy day care facility will use existing parking provided exclusively for residents: The parking arrangements have been assessed by the Roads Authority and have been found to be satisfactory.
- Is it normal for these works to have been carried out without planning permission? This is not normal procedure. The applicant applied for a licence under the Animal Boarding Establishments Act 1963. During processing of the licence application, it was found that planning permission was not in place. The applicant had been under the impression that Planning Permission would not be required and has intimated her apologies to the Area office for proceeding without the necessary consents in place. She has, nonetheless, elected to open the retail element of her business without the benefit of planning permission while the application takes its course. However, in accordance with the Council's Enforcement Charter, enforcement action has not been pursued whilst there is a formal application under consideration. It is also noted that signage has been installed at the premises. The applicant will be required to submit an application for advertisement consent to regularise this.
- Several members of the community work night shifts and are concerned they will not be able to sleep during the day: The Environmental Health Authority has assessed the proposal and raised no objection to the granting of permission.
- What plans are in place if the dogs get free from the walkers? The applicant has responded specifically to this particular representation. There is to be a strict screening of dogs before they are accepted into the facility which is designed to uncover underlying behavioural issues. There will be a double door system in operation and all exits will be alarmed to ensure there is no unauthorised access or exit. When out walking, the dogs will be on lead as policy. However, if a dog does escape, the staff would retrieve the dog using the 'high reward technique'. All the dogs must be micro-chipped for ease of identification, and they will also have ID tags on in compliance with dog law. Health and safety equipment such as walkie-talkies and personal alarms will also allow staff to get assistance quickly if there is an incident of this kind. The operation of the facility is addressed in detail through Environmental Health's licensing process.

8.5 Other Considerations – not material

Speed limits in the area, including the 20mph speed limit at the school, will not be adhered to by customers of the facility: This is not a material planning consideration. The speed limit in the locality is imposed by the Roads Authority and exceeding this becomes a police matter exclusively. The Planning Authority cannot legislate against human behaviour in this regard; the assessment of the application has to be made on the premise that road users will respect the speed limit.

At present, dog walkers leave mess all over the place: This facility has not been in operation to date so these issues cannot be attributed to the business. The operation of this facility would be subject to the terms of the Animal Boarding Establishments Act 1963.

The value of property in the surrounding area will be reduced as a result of the proposed development: This is not a material planning consideration.

The premises are not suitable for 90 dogs - this would have a significant detrimental impact on neighbouring amenity. There is no parking for 90 dog owners: The assertion that there will be this many dogs and vehicle movements is inaccurate. The applicant has confirmed that the maximum number of dogs in the facility will be 12 and this is the number upon which this assessment has been based.

9. CONCLUSION

9.1 In conclusion, this proposal is considered to represent an acceptable form of development which satisfies development plan requirements and accordingly is recommended for approval. There are no material considerations which would indicate any other recommendation.

10. RECOMMENDATION

Action required before decision issued	Ν
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Notification to Scottish Ministers N

Notification to Historic Scotland N

Conclusion of Section 75 Agreement N

Revocation of previous permission N

Reason: N/A

Subject to the above, it is recommended the application be **GRANTED** subject to the following conditions and reasons/notes to applicant:

1. The permission hereby granted shall endure only for the benefit of Ms Margo Howatson.

Reason: In order to clarify the terms of the permission hereby granted and to allow the Planning Authority to retain effective control over any future operator of the premises.

2. For the avoidance of doubt, the dog day care facility hereby approved shall be used for day care exclusively and shall not be occupied overnight as a boarding kennel at any time.

Reason: In order to ensure that the premises are occupied for day care purposes only and not as permanent accommodation.

- 3. Unless otherwise approved in writing by the Planning Authority in consultation with the Environmental Health Authority, hours of operation of the dog day care facility and shop shall be restricted to the following period(s):-
 - 0900-1800 Monday to Friday
 - 0900-1300 Saturday

and at no time on Sundays or Public Holidays.

Reason: In order to allow the Planning Authority to retain effective control over the use of the site, in the interests of the amenity of adjacent residents.

4. The number of dogs accommodated in the development shall not exceed 12 at any one time.

Reason: In order to ensure that the development does not result in infrastructure capacities being exceeded.

5. Prior to the first occupation of the development hereby approved, the first 10 metres of the access, as measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority. Only the approved details shall be employed and thereafter the access shall be maintained to the agreed standard unless/until it is adopted for maintenance under the Roads (Scotland) Act 1984 (as amended).

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

6. Prior to the commencement of development, a plan showing revised access details, in accordance with The Highland Council's Roads Guidelines for New Developments, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority.

For the avoidance of doubt, the details shall incorporate the junction formed in accordance with drawing no HDDL LP03 and shall include visibility splays of 2.4m x 70m (the x dimension and y dimension respectively) in each direction formed from the centre line of the junction. The access shall be designed to incorporate a turning area within the site such that all access to and from the site can be undertaken in forward gear.

Prior to the first occupation of the development hereby approved, the site access shall be constructed in accordance with the approved details.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the x dimension and an object height of 0.60m anywhere along the y dimension. The visibility splays shall be maintained as such in perpetuity.

Reason: To ensure that an adequate level of access is timeously provided for the development; and in the interests of road safety and amenity.

7. No part of the development shall be occupied until all advanced signage has been provided at locations first approved by the Planning Authority, in consultation with the Roads Authority, to ensure access is not taken through the adjoining residential area.

Reason: To ensure that the development will not impede access to, or have an adverse impact on the purposeful use of, the surrounding residential area.

8. Prior to the first occupation of the development hereby approved, a secure bin storage area shall be provided within the application site. Thereafter, the bin storage area shall be maintained for this use in perpetuity.

Reason: In the interests of the amenity of nearby residents.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

FOOTNOTE TO APPLICANT

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

Conditions: Your attention is drawn to the conditions attached to this permission. Any preconditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

Road Openings Permit / Road Construction Consent: You will require a Section 56 from the Roads Authority prior to the commencement of this development. You are therefore advised to contact them direct to discuss the matter.

Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Environmental Health: You are advised that an animal day boarding licence in accordance with the Animal Boarding Establishment Act 1963 will be required to operate this facility.

Signature: Allan J Todd

Designation: Area Planning Manager – South

Case Officer: Stuart Morrison

Background Papers: Highland-wide Local Development Plan, Inverness Local Plan

Relevant Plans: Plan 1: LP01- Location Plan

Plan 2: LP02- Site Layout Plan

Plan 3: LP03- Access/parking arrangements

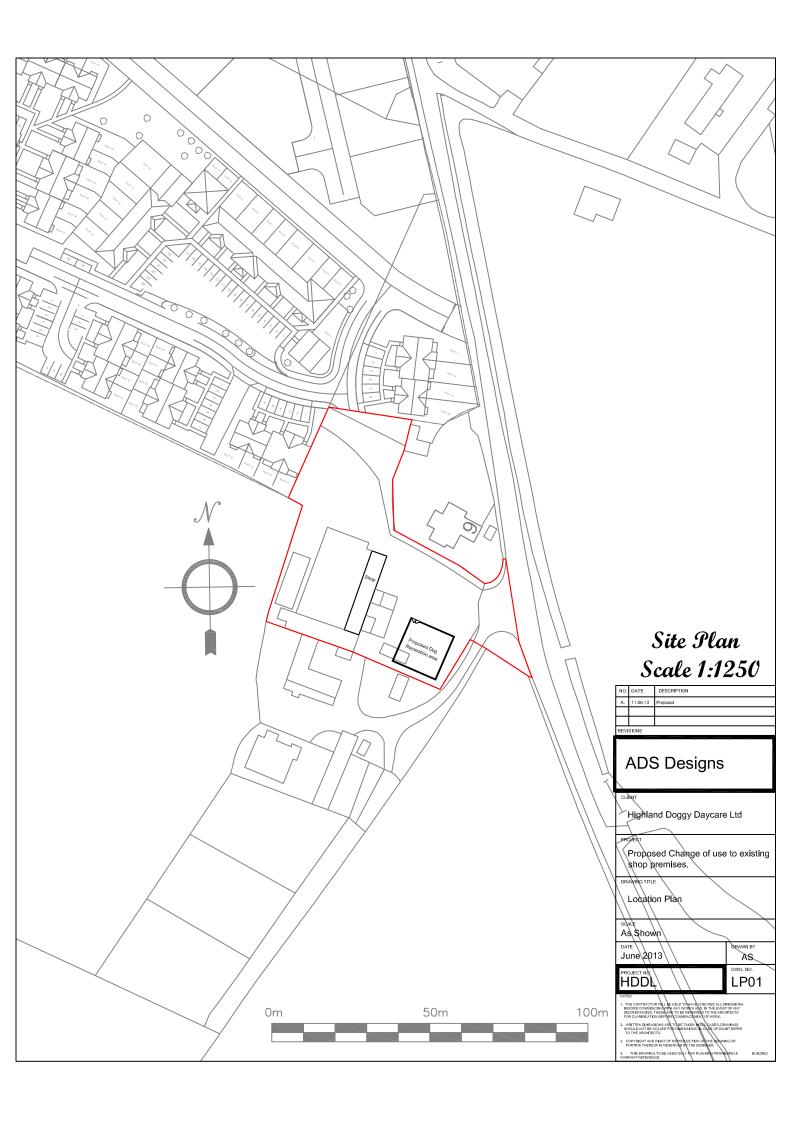
Plan 4: FP03- Floor Plan

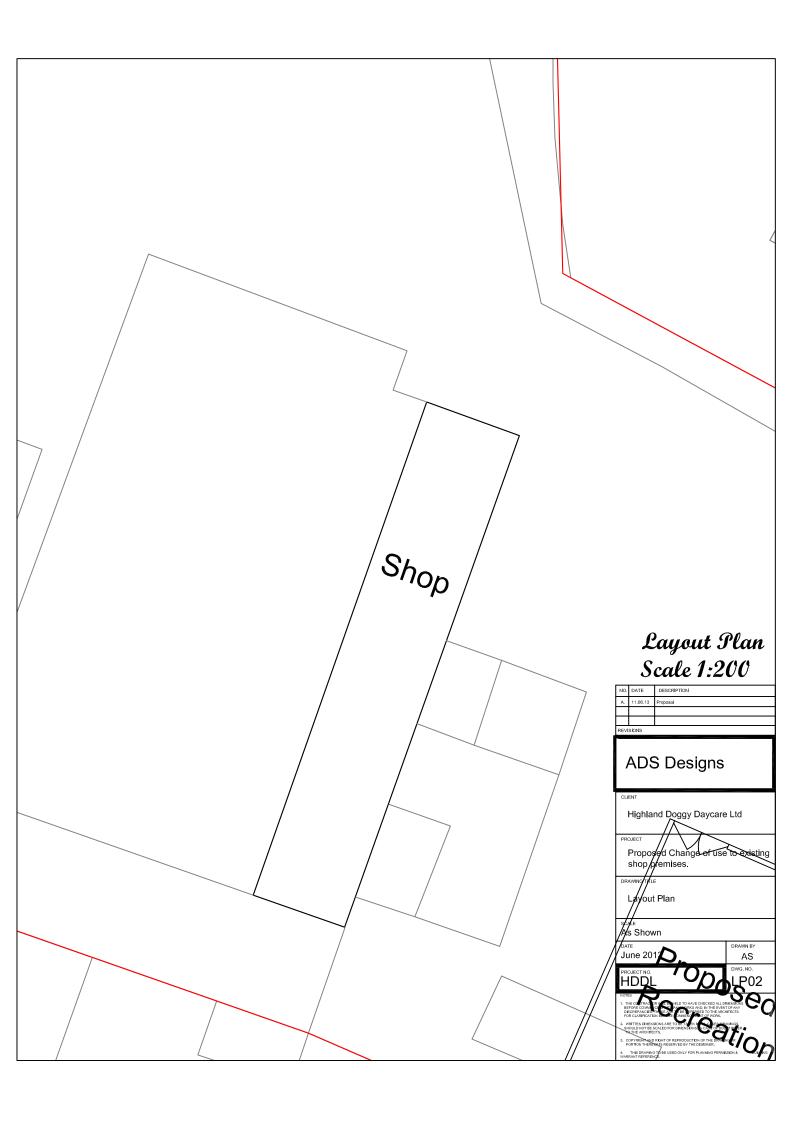
Plan 5: FP03- Elevation Plan

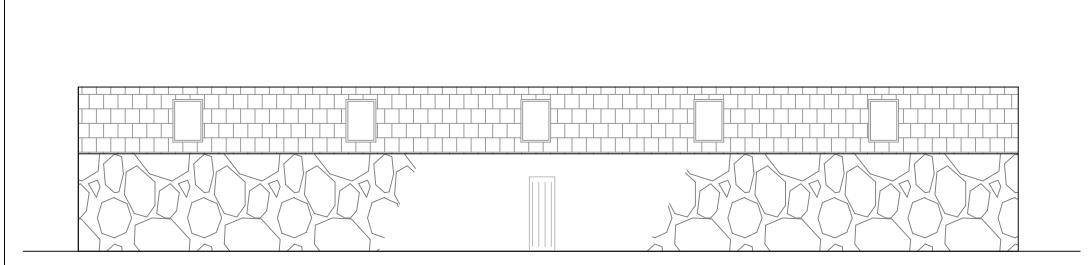
Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Gordon Irvine	37 Inshes Mews, Inverness, IV2 5HY,	01 Jul 2013	Against
Mr Richard Crawford	Druid House, Old Edinburgh Road South, Inverness, IV2 6AR,	01 Jul 2013	Against
Mr Robert Roberts	60 Cedarwood Drive, Milton of Leys, Inverness, IV2 6GU,	01 Jul 2013	Against
Mr Lewis Mackenzie	17 Inshes Mews, Inverness, IV2 5HY,	02 Jul 2013	Against
Mrs Sarah Mackenzie	17 Inshes Mews, Inverness, IV2 5HY,	02 Jul 2013	Against
Mrs Heather Gardiner	Meadowfield House, 9 Meadowfield Park, Inverness, IV2 5HW	04 Jul 2013	Against
Miss Rosemary Nicol	8 Wester Inshes Place, Inverness, IV2 5HZ,	08 Jul 2013	Against
Mrs Toni Fairweather	22 Inshes Mews, Inverness, IV2 5HY	10 Jul 2013	Against
Ms Tammy Farmer	30 Inshes Mews, Inverness, IV2 5HY,	10 Jul 2013	Against
Ms Mairi Mascarenhas	45 Inshes Mews, Inverness, IV2 5HY,	14 Jul 2013	Against
Mrs Louise Innes	10 Meadowfield Park, Wester Inshes, Inverness, IV2 5HW	17 Jul 2013	Against
Mrs Susan Inglis	4 Hayfield Avenue, Inverness, IV2 5HT,	17 Jul 2013	Against
Mrs Mandy Darroch	7 Meadowfield Park, Inshes, Inverness, IV2 5HW,	18 Jul 2013	Against
Mr Calum MacDonald	9 Wester Inshes Farm, Inverness, IV2 5BG,	22 Jul 2013	Against
Miss Carolyn Dawson	20 Inshes Mews, Inverness, IV2 5HY,	23 Jul 2013	Against
Ms Eleanor Neilson	Wester Inshes Farmhouse, Inshes, Inverness, IV2 5BG,	24 Jul 2013	Against
Mr Leighton Hall	3 Meadowfield Park, Inverness, IV2 5HW,	29 Jul 2013	Against
Mrs Shirley Caddle	13 Murray Road, Smithton, Inverness, IV2 7LU	01 Jul 2013	For
Mrs V Barclay	9 Little Cullernie Park, Balloch, Inverness,	04 Jul 2013	For

	IV2 7FQ		
Ms Lorna Nicol	48 St Margaret's Road, Inverness, IV3 5AL	04 Jul 2013	For
Miss Lisa Busza	18 Kessock Avenue, Inverness, IV3 8BB	10 Jul 2013	For
Miss C Campbell	13 Stuart Avenue, Ardersier, Inverness, IV2 7SA	17 Jul 2013	For
Mrs Lynne Munro	71 Wyvis Place, Inverness	17 Jul 2013	For
Ms B Stewart	5 Bridge View Drive, South Kessock, inverness, IV3 8SL	17 Jul 2013	For
Ms Isobel Miller	28 Eastfield Ave, Drakies, Inverness, IV2 3RR	17 Jul 2013	For
Mrs Alison Bown	4 Firthview Avenue, Inverness, IV3 8NT	19 Jul 2013	For
Miss Emma MacLeod	12 Cuthbert Road, Inverness, IV2 3RU	23 Jul 2013	For
Mr Paul Power	66 Cranmore Drive, Smithton, Inverness, IV2 7FG	23 Jul 2013	For
Gail Caldwell	No address supplied.	24 Jul 2013	For
Lynn D Aitchison	19 Brunstane Bank, Edinburgh, EH15 2NT	24 Jul 2013	For
Mike John	Woodroberts, Winkleigh, Devon, EX19 8DN	24 Jul 2013	For
Petition	102 Signatures	24 Jul 2013	For







Elevation



Elevations Scale 1:100

NO.	DATE	DESCRIPTION
Α.	13.06.13	Proposal
REVI	SIONS	
,	ADS	S Designs
CLI		nd Doggy Daycare Ltd
PRO	DJECT	
	Propos	sed Change of use to existing remises.
	Propos	remises.

THE CONTRACTOR WALL BE HELD TO HAVE CHECKED ALL DIMENSION BETTORE COMMENCING WITH ANY WORKS AND, IN THE EVENT OF AN DESCREPANCES, THESE ARE TO BE REFERRED TO THE ARCHITECTS FOR CLAMPICATION EXPORTS OF COMMENCEMENT OF WORK.

SCALE As Shown

June 2013
PROJECT NO.
HDDL

DISCREPANCES, THESE ARE TO BE REFERRED TO THE ARCHITECT FOR CLARFICATION BEFORE COMMENCEMENT OF WORK.

2. WRITTEN CIMENSIONS ARE TO BE TAKEN IN ALL CASES DRAWNS.

TO THE ARCHITECTS.

3. COPYRIGHT AND RIGHT OF REPRODUCTION OF THE DRAWING OP PORTION THEREOF IS RESERVED BY THE DESIGNER.

OF IS RESERVED BY THE DESIGNER.
IT TO BE USED ONLY FOR PLANNING PERMISSION 6

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FP03

