

Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 23/357)

PROPOSAL:	Part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works (in retrospect)
LOCATION:	Land north of Glenheart Farm, Glenlomond, Kinross

Ref. No: [23/01000/FLL](#)
Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application has been submitted in retrospect for the part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works. The site lies partly in the settlement of Glenlomond with the external area located on agricultural land adjacent to the settlement boundary.
- 2 The business began operating in 2020 and due to increased demand, by 2022 expanded as detailed in this application. The applicant did not realise at that time, that planning permission was required. The Enforcement Team investigated this matter in April/May 2023. The response to the investigation is the submission of these proposals in retrospect.
- 3 The applicant provides indoor and outdoor training. The facility operates 14:00 to 21:00 Monday to Thursday, and 09:00 to 14:00 on Friday, with no operation at the weekends.
- 4 The access to the site is through the village of Glenlomond with a parking and turning area provided within the site.

Pre-Application Consultation

- 5 Pre application Reference: No pre-application enquiry

- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 29: Rural Development

Perth and Kinross Local Development Plan 2

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 17: Residential Areas
- Policy 53: Water environment and Drainage
- Policy 55: Artificial light
- Policy 56: Noise

- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

12 Non-Statutory Guidance.

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

13 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

National Roads Development Guide 2014

15 This document supports Designing Streets and expands on its principles and is the technical advice that should be followed in designing and approving of all streets including parking provision.

Site History

16 No recent site history

CONSULTATIONS

17 As part of the planning application process the following bodies were consulted:

External

Environmental Health (Noise Odour)

- 18 No objection to proposal subject to conditions to control noise, odour, hours of operation/deliveries and lighting.

Transportation And Development

- 19 No objection to proposal after assessment on trip data.

Representations

- 20 127 representations were received, of which 16 were objections, with the remainder in support. The main issues raised within the representations are:

Objection Comments

- Light Pollution
- Noise Pollution – barking, owners shouting instructions.
- Road Safety Concerns – increased traffic, inappropriate speeds in village, mostly single-track road, no streetlights on the road
- Traffic Congestion
- Pedestrian safety – no pavements
- Out of character with the area
- Adverse effect on visual amenity
- Inappropriate land use
- Overlooking
- Contrary to development plan policy
- Biodiversity concerns – Tawny owls, bats, and moth species.

Support Comments

- Supports economic development – visiting local shops and restaurants before/after training sessions
- Enhances character of area
- Adequate onsite parking and classes are staggered to minimise traffic meeting on the roads, keeps classes small to minimise impact on traffic.
- Employment provision
- Roads in the area are very easy to access, well signposted with speed limits
- Results in Environmental Improvements

- 21 These issues are addressed in the Appraisal section of the report. There have been a number of additional comments which are not material planning considerations for example loss of views over Lomond Hills, providing mental and physical benefits, making the countryside more accessible to all, and, supporting young entrepreneur.

- 22 An additional point was raised that all owners of the road were not notified however the applicant did within the land ownership forms state that they did not know all owners and therefore an advert was placed in the press as per legislative requirements.
- 23 The letters also raise a concern about an additional area of land out with the redline site being utilised for additional training. The agent has confirmed that this area is personal to the applicant's family and that apparatus associated with that has been removed to ensure clarity.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted – Noise Assessment, Noise Management Plan, Waste Management Plan, Trip Assessment

APPRAISAL

- 24 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 25 The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Principle

- 26 The proposal is for the establishment of a new rural business (in retrospect). The buildings and car parking are within the settlement boundary of Glenlomond, the outdoor area lies out with but adjacent to the settlement boundary. The proposal is considered under Policy 17 Residential Areas with the area out with the settlement assessed against Policy 6 Settlement Boundaries of LDP2. Policy 29 Rural Development is the most applicable policy of NPF4.

- 27 Policy 17 Residential Areas supports business proposals where they are compatible with the amenity and character of the area and where residential amenity is protected. Policy 6 settlement boundaries states that built development should be contained within the boundary.
- 28 The elements of the proposal contained within the settlement boundary comply in principle with Policy 17. The use of the land out with the boundary is considered under Policy 6 where there are a number of criteria where development can be supported. This policy also specifically notes a restriction on built development however the development out with are the engineering works to create an arena which is not technically built development. The applicable criteria of policy 6 is a) which states that developments out with will be permitted where they are in accordance with Policy 8 Rural Business and Diversification. As the arena supplements a proposal within the settlement and has a low impact and well contained within the landscape it is considered to be an acceptable development and not a departure from the policy.
- 29 Policy 8 of the LDP2 supports rural businesses involving diversification of an existing business or be related to an existing site-specific resource or opportunity. Policy 8 is supported by Policy 29: Rural Development of NPF4 which seeks to encourage rural economic activity of certain types. These include related to this proposal land use businesses and the reuse of a redundant or unused building. NPF4 goes on to state that rural development should be appropriately scaled, sited and designed to be in keeping with the character of the area. They also require contributing towards local living and take account of transport needs.
- 30 The proposal therefore complies with the rural business policies of both LDP2 and NPF4 as a compatible and appropriately scaled diversification of the existing onsite business and incorporates retail of a scale which would be appropriate in the rural area.

Design and Layout

- 31 No new buildings or alterations to existing buildings is required to enable this change of use proposal. No new access is required.
- 32 The only works (engineering) to affect the proposal are formation of drainage below ground to ease drainage of the outdoor dog agility training arena and the application of a porous all-weather astro-turf grass to surface the outdoor dog agility training arena and lighting. The arena would be delineated and enclosed by a 1.2m post and timber fence boundary.
- 33 The existing farm building is partially used to house the indoor dog training and agility arena. An existing toilet and running water point is available, with no new works required.

- 34 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 35 There are residential properties neighbouring the agricultural field, in which the outdoor arena is located and the closest out with the applicant's ownership is Glenlmond House which is approximately 90 metres away.
- 36 The applicant originally submitted a Noise Management Plan (NMP) which was not adequate enough in detail to evidence good management procedures/controls for all operations/sources of noise from the facility. A subsequent revised NMP was then submitted to concerns.
- 37 The revised NMP includes controls, hours of operations, details of three available sessions (Group Agility, Group Puppies and Individual 1-2-1) and numbers per session, complaints procedures, A code of conduct is also included that all users of the facility have to adhere to, and non-compliance may result in access to the facility being refused. The plan along with operating restrictions/controls will be conditioned as part of the permission (Condition 1 – 6)
- 38 The applicant is also proposing to install flood lights at the corners of the outdoor dog training and agility arena. (Condition 7 and 8)
- 39 The proposal is therefore considered to accord with policies 55: Artificial light and 56: Noise of LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Access

- 40 The applicant advises that a maximum of 8 people with dogs, or 8 dogs will be in attendance at the site at any one time for each hourly session. It is noted that residents have concerns with the number of vehicles that will be travelling through the village to gain access to the site. The applicant makes reference to two other dog training facilities, both being in rural locations. It should be noted that neither of these applications pass residential properties from the point of leaving a classified road public road to gain access to the site. The application at Glenheart Farm, passes a number of residential properties at Wester Balgedie and Glenlmond.
- 41 The vast majority of the letters of support from customers, are travelling a distance to the site and the use of alternative modes, will not be possible. However, with most facilities like this in rural areas this would not be unexpected. Given the level of comments from members of the public regarding concerns with the level of vehicles arriving and departing the site along through the village of Glenlmond, Transport Planning requested further details regarding the

attendance within the sessions to better understand the impacts of the development.

- 42 The applicant has advised that on a worst-case scenario there will be 528 weekly movements to and from the site, but with the current customer profile, this is more likely to be 264 vehicle movements to and from the site, or in short 132 vehicles to the site. Whilst the public road network may be able to accommodate the level of vehicles, it is understood that the residents of Glenlomond have concerns with the vehicles passing through the private village to and from the site.
- 43 The road through the village is within private ownership, as detailed in letters of representation. A number of issues have been raised around access rights, title deeds, maintenance and repairs. These are issues out with the planning remit and owners of the road may wish to pursue these issues separately as a civil matter.
- 44 The applicant has advised that no commercial deliveries in van or other large vehicles are anticipated with the site as the business owner will manage her own deliveries via her own private vehicle, however, a commercial waste contractor will be visiting the site as part of the waste management strategy to remove dog waste from the site on a fortnightly basis.
- 45 As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 46 The development sits out with river and surface water flooding risk areas as shown on SEPA flood maps.
- 47 There are no new foul drainage proposals, and no new foul drainage infrastructure is required. Some new ground drainage externally would seek to improve ground conditions, thereby satisfying Policy 53 Water Environment and Drainage of LDP2.

Waste Collection

- 48 A waste management plan has been submitted. The applicant will provide a 500L waste bin within the car parking area for dog waste. Users will be encouraged to bring their own dog waste bags, but the applicant will also be able to provide on-site where necessary. Owners will be responsible for cleaning up after their dog and putting waste only in the bin provided. The 500L bin will be emptied by commercial waste contractors bi-weekly. Clients will be encouraged to take home any recyclable materials.

Developer Contributions

- 49 The proposal does not require any developer contributions.

Economic Impact

- 50 The business will contribute positively to the local economy in providing rural employment.

VARIATION OF APPLICATION UNDER SECTION 32A

- 51 This application was not varied prior to determination. Additional information was submitted in relation to noise, trips generation and odour but this did not after the original submission.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required

DIRECTION BY SCOTTISH MINISTERS

- 53 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 54 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The hours of operation shall be restricted to between 1400 hours and 2100 hours Monday to Thursday and 0900 and 1400 hours Friday only.

Reason: In order to safeguard the residential amenity of the area.

2. The maximum number of dogs per session at any given time shall be 8.

Reason: In order to safeguard the residential amenity of the area.

3. The submitted and approved Noise Management Plan 'Glenheart Dog Training & Agility- Glenheart Farm' V1.1 dated September 2023 undertaken by Ellendale Environmental plan ref 12 ,which includes hours of operation, maximum dog numbers and measures that will be implemented to adequately control and minimise noise from the premises, including the complaint investigation procedure, shall be fully implemented, and adhered to. The Plan shall be reviewed on a regular basis and/or following receipt of a justified complaint or at the request of the Planning Authority in consultation with Environmental Health.

Reason: In order to safeguard the residential amenity of the area.

4. In the event, that justified complaints for noise are received by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall at their own expense employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to be approved in writing by the Planning Authority. Thereafter, recommendations/mitigation measures along with timescales for implementation will be incorporated into a revised Noise Management Plan (NMP) and submitted to the Planning Authority within 28 days of the assessment.

Reason: In order to safeguard the residential amenity of the area.

5. The submitted and approved Waste Management Plan dated November 2023 (plan ref 14) shall be implemented to adequately control and minimise odour from the premises. The Plan shall be reviewed on a regular basis and/or following receipt of a justified odour complaint or at the request of the Planning Authority in consultation with Environmental Health.

Reason: In order to safeguard the residential amenity of the area.

6. Servicing or maintenance at the site shall be carried out between 0700 and 1900 Monday to Friday only.

Reason: In order to safeguard the residential amenity of the area.

7. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

8. Floodlighting associated with the arena shall be switched off during the hours of 2200 to 0800 hours.

Reason: In order to safeguard the residential amenity of the area.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None required

D INFORMATIVES

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.
2. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and <http://shop.bgs.ac.uk/georeports/>.

Background Papers: 127 letters of representation
Date: 1 December 2023

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