

My Ref: N/A
Contact: Ms C Murray
Telephone: 0141 618 7893
Email: dc@renfrewshire.gov.uk
Date: 06/05/2020



Miss Archibald
172 Hawkhead Road
Paisley
PA2 7BQ

Proposal: Proposed refurbishment of existing domestic garage to be used as a commercial dog day-care facility.
Location: 172 Hawkhead Road, Paisley, PA2 7BQ
Application No. 20/0077/PP
Email:

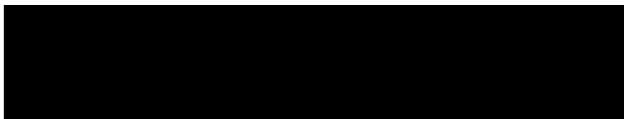
Dear Sir/Madam,

NOTIFICATION OF REFUSAL OF CONSENT

The Council has decided to refuse your application, details of which are given above. I enclose a decision notice which provides details of the reasons for refusal. I also enclose a copy of your submitted plans duly endorsed and the Report of Handling.

You have the right to seek a review of this decision by submitting a Notice of Review within three months from the date of the decision notice to the Head of Corporate Governance, Renfrewshire House, Cotton Street, Paisley PA1 1TR. The Notice of Review form and guidance is available on the Council's website or by contacting Legal & Democratic Services.

Yours faithfully,



Fraser Carlin
Head of Planning and Housing

-

DECISION NOTICE

Town and Country Planning (Scotland) Act 1997
Planning etc. (Scotland) Act 2006
Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013

TO

Miss Archibald
172 Hawkhead Road
Paisley
PA2 7BQ

With reference to your application registered on 13/02/2020 for Planning Consent for the following development:-

PROPOSAL

Proposed refurbishment of existing domestic garage to be used as a commercial dog day-care facility.

LOCATION

172 Hawkhead Road, Paisley, PA2 7BQ

DECISION

The Council in exercise of their powers under the above Acts and Orders, having considered the above proposal, the plans endorsed as relating to it and the particulars given in the above application hereby:-

REFUSE Planning Consent for the reasons provided on the paper apart. Please note that the full reasons as to whether the above Proposal is in accordance with the Development Plan (as required by section 37(2A) of the Town and Country Planning (Scotland) Act 1997) are found in the Report of Handling for your application which is attached as Appendix 1 and referred to for its terms which are deemed to be repeated, incorporated and forming part of this Decision Notice.

PLANS AND DRAWINGS

The plans and drawings relative to this refusal are those identified in the Schedule of Plans/Drawings attached as a paper apart and forming part of this Decision Notice.

Dated 06/05/2020

Signed 
Appointed Officer
on behalf of Renfrewshire Council

PAPER APART

TERMS AND CONDITIONS

- 1 That due to the potential unacceptable noise impact on surrounding residential properties and the surrounding residential area generally, as a result of barking dogs and vehicular movement, the proposal would not comply with the requirements of Policy P1 of both the Adopted Renfrewshire Local Development Plan (2014) and the Proposed Renfrewshire Local Development Plan (2019), and the associated New Development Supplementary Guidance, which seek to maintain acceptable levels of amenity within residential areas.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning Act (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Head of Legal and Democratic Services, Renfrewshire House, Cotton Street, Paisley PA1 1PR.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Appendix 1

RENFREWSHIRE COUNCIL

Application No: 20/0077/PP

COMMUNITIES, HOUSING AND PLANNING SERVICES
RECOMMENDATION ON PLANNING APPLICATION

Regd: 13/02/2020

Applicant

Agent

Miss Archibald
172 Hawkhead Road
Paisley
PA2 7BQ

Nature of proposals:

Proposed refurbishment of existing domestic garage to be used as a commercial dog day-care facility.

Site:

172 Hawkhead Road, Paisley, PA2 7BQ

Application for:

Planning Permission-Full

Description

Planning permission is sought for the change of use of a domestic garage to a commercial dog day care facility at 172 hawkhead Road, Paisley.

The application site is located within an established residential street, comprising detached dwellinghouses facing onto Hawkhead Road. The residential development known as Hawkhead village is located across Hawkhead Road to the east and residential dwellings are located immediately to the north and south. To the west is an area of informal open space.

The building, in which the dogs would be housed would be a converted domestic garage which is positioned to the side and rear of the dwelling hard against the northern boundary of the garden, immediately adjacent to the dwellinghouse located to the north.

The rear garden is fairly large however the width of the gardens and footprints of properties, in the immediate vicinity, dictate that dwellings are in close proximity.

The intention would be to have 14 dogs, although it is proposed that only 8 would be left at the property at any time, with the others out for walks.

The proposed opening hours for the facility would be between the hours of 8am and 6pm, Monday to Friday. Pick up and drop off would be by dog owners. Three part time members of staff would be on site on a daily basis.

History

None.

Policy & Material Considerations

Adopted Renfrewshire Local Development Plan 2014

Policy P1: Renfrewshire's Places

New Development Supplementary Guidance

Delivering the Places Strategy: Creating Places and Places Checklist
Delivering the Environment Strategy: Noise

Proposed Renfrewshire Local Development Plan 2019

Policy P1: Renfrewshire's Places

Proposed New Development Supplementary Guidance

Delivering the Places Strategy: Creating Places
Delivering the Environment Strategy: Noise

Material considerations

Planning legislation requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal requires to be considered against the policies and guidance set out above, the comments of the consultees, the physical attributes of the site and any objections received.

Publicity

Neighbour notification has been carried out in accordance with statute, the application was also advertised in the Paisley Daily Express on 26 February 2020, with a deadline for representations to be received of 11 March 2020.

Objections/Representations

There have been six objections to the proposal and the issues raised can be summarised as follows:

1. The dogs which are currently on site are very noisy and this would only intensify if the application was approved.
2. Dogs already bark through the night disturbing adjoining residents and constant barking throughout the day would exacerbate the noise and disturbance.
3. There would be a loss of privacy due to the change from domestic to commercial usage wherein existing boundary treatments are not sufficient.
4. Surrounding residents have not objected/reported the current levels of noise as they were advised that current dog walking business arrangements were temporary until alternative accommodation was acquired.

Consultations

Environmental Protection Section - Object to the proposal on the basis of potential unacceptable noise from the proposed use..

Director of Environment and Infrastructure (Roads /Traffic) - No objections.

Summary of Main Issues

Environmental Statement - N/A

Appropriate Assessment - N/A

Design Statement - N/A

Access Statement - N/A

Other Assessments -

Operational Statement - It is stated that the applicant currently runs a dog walking business and wants to establish a dog day care business at her residential property, to be accommodated within a renovated domestic garage.

Planning Obligation Summary - N/A

Scottish Ministers Direction - N/A

Assessment

Policy P1 of both the Adopted and Proposed Renfrewshire Local Development Plan, covers the application site and presumes in favour of a continuance of the built form. It considers that new development proposals within these areas should make a positive contribution to the place and be compatible and complementary to existing uses. In this regard, specific consideration shall require to be given to the impact of the proposed development on the existing residential land uses in terms of noise and disturbance, primarily.

In support of the application, the applicant has submitted a statement outlining the operational character of the facility. It is noted that the proposal is for the accommodation of a maximum of 14 dogs daily, on a day care basis, from 08.00 am to 18.00 pm, which would include the intermittent walking of the dogs and home based activity.

The applicant has outlined that the schedule is such that no more than 8 dogs would be left on the premises at any one time throughout the day insofar as the others would be out walking. The dogs would be dropped off and collected from the premises by their owners each morning and evening.

Additionally, the applicant has suggested that the proposal could be amended to accommodate lesser dogs and to stagger drop off pick up times.

When the proposal is assessed against the above policies and the requirements of the Adopted and Proposed, Renfrewshire Local Development Plan New Development Supplementary Guidance, it is evident that the proposal would be unacceptable in relation to the potential detrimental impact on amenity, essentially due to unacceptable noise impact from the dogs barking.

In this regard, the domestic garage is located in a residential area in close proximity to neighbouring properties where the introduction of up to 14 dogs, on a commercial basis, at times throughout the day would have an unacceptable impact on the existing amenity of surrounding neighbours. The proposed commercial use could result in up to 12 additional vehicular movements twice a day.

It is considered that the proposed use would have a detrimental impact on the residential area. This assessment is supported by the views of the Environmental Protection Section who have objected to the proposal due to impacts on amenity from dogs barking and potential vehicular movements. They also note that complaints have already been received from neighbours, regarding noise from the dogs already resident at the property.

The introduction of this use would be contrary to Renfrewshire Local Development Plan policy and guidance which seeks to maintain the amenity of areas.

Following consultation with the Director of Environment and Infrastructure (Roads Traffic), no objections have been raised in terms of access and traffic arrangements associated with the development.

The issues raised through objection have been addressed above and are reflected in the assessment of the proposal.

Recommendation and reasons for decision

In light of the above assessment, it is considered that on balance the proposals would be unacceptable and would not be in accordance with the provisions of the relevant policies and guidance of the Adopted and Proposed Renfrewshire Local Development Plan. It is therefore recommended that planning permission be refused.

RECOMMENDATION

Refuse

Other Action

Reasons

- 1 That due to the potential unacceptable noise impact on surrounding residential properties and the surrounding residential area generally, as a result of barking dogs and vehicular movement, the proposal would not comply with the requirements of Policy P1 of both the Adopted Renfrewshire Local Development Plan (2014) and the Proposed Renfrewshire Local Development Plan (2019), and the associated New Development Supplementary Guidance, which seek to maintain acceptable levels of amenity within residential areas.

Fraser Carlin
Head of Planning and Housing

Local Government (Access to Information) Act 1985 - Background Papers
For further information or to inspect any letters of objection and other background papers, please contact Sharon Marklow on 0141 618 7835.



