



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 26 October 2022** at **14:15** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

2 Minutes

The accuracy of the Minutes of the meeting held on 28 September 2022 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 22/00408/PP - 2 Lovat Street, Largs

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers (copy enclosed).

4 Urgent Items

Any other items that the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact dataprotectionofficer@north-ayrshire.gov.uk.

Local Review Body Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

Irvine, 28 September 2022 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.40 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Cameron Inglis, Davina McTiernan and Chloé Robertson.

Present (Remote Participation)

Jim Montgomerie.

In Attendance (Physical Participation)

A. Gemmell, Strategic Planning Manager (Planning); R. Lynch, Senior Manager (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Apologies

Amanda Kerr and Ian Murdoch.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minute of the meeting of the Local Review Body held on 8 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00063/PP - Jarvie Plant, Corsehill Mount Road, Dreghorn

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit and hearing.

The Local Review Body unanimously agreed that (a) a site visit was not required; (b) a hearing be held before the review request was determined, to provide the applicant an opportunity to explain their views and provide information on why (i) the application would not be contrary to the Towns and Villages Objective of Strategic Policy 1 (Spatial Strategy) and Policy 3 (Town Centres and Retail) of the adopted North Ayrshire Local Development Plan; and (ii) the proposal would not undermine the Council's town centre first principle which gives priority to supporting the social and economic functions of town centres.

4. 22/00292/PP: 15 Pathfoot, Kilwinning

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, the representations received and policies affecting the application. Photographs and plans of the site were displayed. No site visit or hearing had been requested.

Councillor Foster, seconded by Councillor Davidson, moved that the Local Review Body uphold the officer's decision and refuse planning permission. There being no amendment, the motion was declared carried.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

26 October 2022

Local Review Body

Title: Notice of Review: 22/00408/PP - 2 Lovat Street, Largs

Purpose: To submit, for consideration of the Local Review Body, a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers.

Recommendation: That the Local Review Body considers the Notice of Review.

1. Executive Summary

- 1.1 The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, provides for certain categories of planning application for "local" developments to be determined by appointed officers under delegated powers. Where such an application is refused, granted subject to conditions or not determined within the prescribed period of 2 months, the applicant may submit a Notice of Review to require the Planning Authority to review the case. Notices of Review in relation to refusals must be submitted within 3 months of the date of the Decision Notice.

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 22/00408/PP - 2 Lovat Street, Largs for a change of use Class 1 to include a dog creche at that address.
- 2.2 The application was refused by officers for the reasons detailed in the Decision Notice.
- 2.3 The following related documents are set out in the appendices to the report:
- Appendix 1 - Notice of Review documentation;
 - Appendix 2 - Report of Handling;
 - Appendix 3 - Location Plan;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further Representations; and
 - Appendix 6 - Applicants Response to Further Representations.

3. Proposals

- 3.1 The Local Review Body is invited to consider the Notice of Review.

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

4.3 The Notice of Review requires to be considered in terms of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

5.1 Interested parties (both objectors to the planning application and statutory consultees) were invited to submit representations in terms of the Notice of Review and no further representations were received. Representations received from interested parties or statutory consultees to the planning application are attached at Appendix 5, with Appendix 6 providing the applicant's response to these representations.

Craig Hatton
Chief Executive

For further information please contact **Angela Little, Committee Services Officer**, on **01294 324132**.

Background Papers

0



Cunninghame House Friars Croft Irvine KA12 8EE Email: eplanning@north-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100595841-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---------------------------------------|--|---|
| Title: | <input type="text" value="Mrs"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text"/> | Building Name: | <input type="text"/> |
| First Name: * | <input type="text" value="Lynsey"/> | Building Number: | <input type="text" value="1"/> |
| Last Name: * | <input type="text" value="Ewing"/> | Address 1 (Street): * | <input type="text" value="REDACTED"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text" value="REDACTED"/> | Town/City: * | <input type="text" value="REDACTED"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="United Kingdom"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="KA30 8RF"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="REDACTED"/> | | |

Site Address Details

Planning Authority:

North Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1:

2 LOVAT STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LARGS

Post Code:

KA30 9NE

Please identify/describe the location of the site or sites

Northing

659031

Easting

220631

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use required to set up a pet shop with a dog crèche facility.

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

| | |
|---|---|
| <p>What does your review relate to? *</p> <p><input checked="" type="checkbox"/> Refusal Notice.</p> <p><input type="checkbox"/> Grant of permission with Conditions imposed.</p> <p><input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</p> | |
| <p>Statement of reasons for seeking review</p> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> <p>Please see a full document in the supporting documents section, detailing my reason for appeal.</p> </div> | |
| <p>Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | |
| <p>If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 60px;"></div> | |
| <p>Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> <p>Please find my appeal document in full on the supporting documentation page.</p> </div> | |
| <p>Application Details</p> | |
| <p>Please provide the application reference no. given to you by your planning authority for your previous application.</p> | <div style="border: 1px solid black; padding: 2px;">22/00408/PP</div> |
| <p>What date was the application submitted to the planning authority? *</p> | <div style="border: 1px solid black; padding: 2px;">30/05/2022</div> |
| <p>What date was the decision issued by the planning authority? *</p> | <div style="border: 1px solid black; padding: 2px;">27/07/2022</div> |

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Lynsey Ewing

Declaration Date: 22/08/2022

Proposal Details

| | |
|------------------------------|------------------------------------|
| Proposal Name | 100595841 |
| Proposal Description | Proposed Dog Day Care and Pet Shop |
| Address | 2 LOVAT STREET, LARGS, KA30 9NE |
| Local Authority | North Ayrshire Council |
| Application Online Reference | 100595841-001 |

Application Status

| | |
|--------------------------|----------|
| Form | complete |
| Main Details | complete |
| Checklist | complete |
| Declaration | complete |
| Supporting Documentation | complete |
| Email Notification | complete |

Attachment Details

| | | |
|--------------------------------|----------|----|
| Notice of Review | System | A4 |
| Appeal for planning permission | Attached | A0 |
| Notice_of_Review-2.pdf | Attached | A0 |
| Application_Summary.pdf | Attached | A0 |
| Notice of Review-001.xml | Attached | A0 |

Planning Appeal 22/00408/PP

I would like to appeal on the basis that the application has been refused being supposedly contrary to the LDP "Safe and Pleasant" quality for a successful place. I dispute this and hope that the document that follows helps to support my appeal and allows you to explore my points in a non-biased way.

The current site and the proposed development of a dog day care would be an improvement to the current land. Should, as was suggested in the planning comments, the unit should continue to operate under Class 1 retail, it is very likely that this remains as is currently - wasteland. This green area is utilised by the surrounding locals as an area to walk their dog which has led to unwanted dog waste being left. As you may be aware there is a significant lack of public bins on Irvine Road and the impact of this sees number 2 Lovat Street suffering the brunt of this and attracts both general and dog waste. The previous occupier had troubles having the grass cut as the appointed contractor often refused to cut the grass due to the volume of dog waste on the grass area.

In addition, the property does not have adequate street lighting in close proximity and therefore attracts anti-social behaviour. More specifically, the side of the property has been used as a teen drinking area with glass bottles and cans being dumped frequently. Again, the proposed plans would deter this behaviour due to the constructed fence.

A local councillor was successful in objecting to the erection of a 5G box to the side of the property as this was believed to attract further unwanted behaviour of this nature and risk public being given a basis to climb onto the roof of the property.

Furthermore, there were 15 neighbour notifications with less than half of these resulting in objections.

-Largs Community Council stated it would add to the amenity of the town and again at the LCC meeting on 18/8/22 the matter was discussed, and the overall thought is that my business would be a great asset to our town.

-Environmental Health - had no objection

- Transport Scotland - had no objection

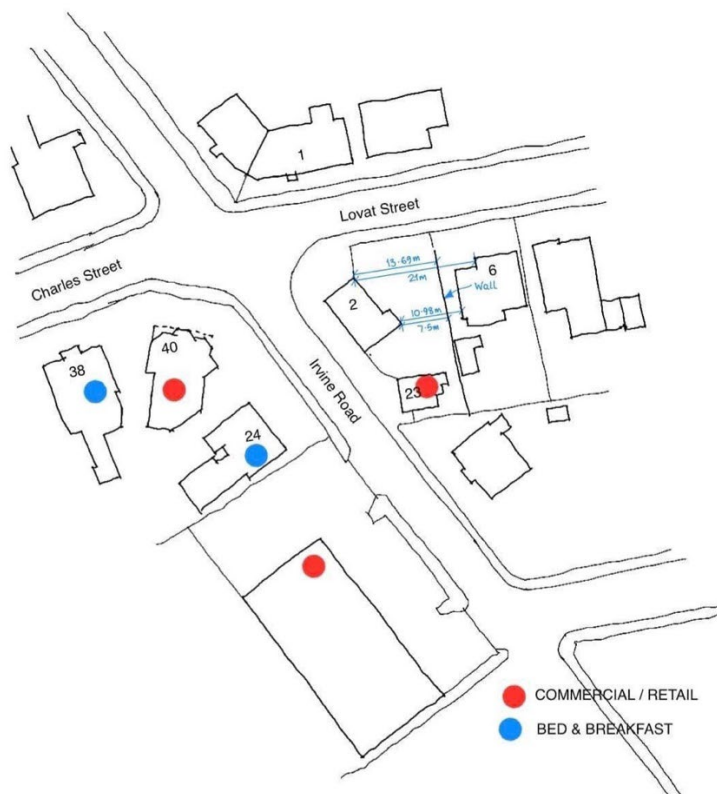
Yet, it was stated "on balance" that the proposal is not held to "meet the quality" of 'safe and pleasant' and is therefore contrary to Strategic Policy 2 of the LDP. Should there be the possibility of "unacceptable potential risk of noise disturbance" this should have been identified in Environmental Health's assessment as the Subject Matter Expert. Alternatively, it could have been set as a condition but to categorically deny the application appears unreasonable and from a transparency perspective lacks sufficient justification in arising at this decision. The proposal itself satisfies the aim and objective of the "safe and pleasant" in deterring the area to be used for dog waste and to deter unruly behaviour at unsociable hours.

I would also like to highlight the bias in summarising the public comments made in reference to this application via the planning portal. The account is not subjective and has been selective in the wording and language that it has chosen to report which I believe is not truly reflective of the town's and the relevant public bodies appetite in seeing this proposal successfully come to fruition. Following on from this, the public support I have received has been heart-warming. The Largs and Millport News Facebook post is testimony to this with many people commenting on how they feel there is a great need for such a service and would most definitely use a service like this. I have also been contacted by many people who would like to be considered for any jobs I create. Overall the support from our town has been incredible and leaves me with no doubt that such a business would be very well received.

Whilst I am in support of other dog/animal businesses in our town, it would be remiss of me not to mention in my appeal that there are several dog day care and dog boarding businesses operating from their home in Largs and in North Ayrshire. I find it difficult to understand why this is any different to my proposal with some of these businesses being run from semi-detached properties or flats and operate on a 24-hour basis. One business that particularly confuses me is Oaks Vet practice in Largs. This particular business forms the lower level of a block of residential flats. Unlike my business where dogs will be happy, engaged and entertained, it is common knowledge that dogs do not like going to the vets and behaviours like pooing, peeing, trembling or barking/howling are commonplace there. Whilst dogs bark by way of communication, it is unusual for a dog to bark excessively unless there is an underlying issue for example when they are left alone. The dogs in my care will never be left alone, instead they will be kept amused with games and interaction. In the unlikely event a dog barks excessively, I will have a management strategy in place. An example of this would be a distraction or redirection of the dog's attention or maybe a change of environment like taking the dog for a walk. This is often all that is needed to change unwanted behaviours. Each of my dogs will have a contractual agreement with my business where I reserve the right to terminate their place in my care should they have any antisocial behaviour like excessive barking. Each dog will be given a trial session to ensure their suitability before the contract commences. I will stress to each of my customers that if any dog breaches the excessive barking rule, then they will be asked to collect their dog from day-care. I frequent a local restaurant with my dogs and

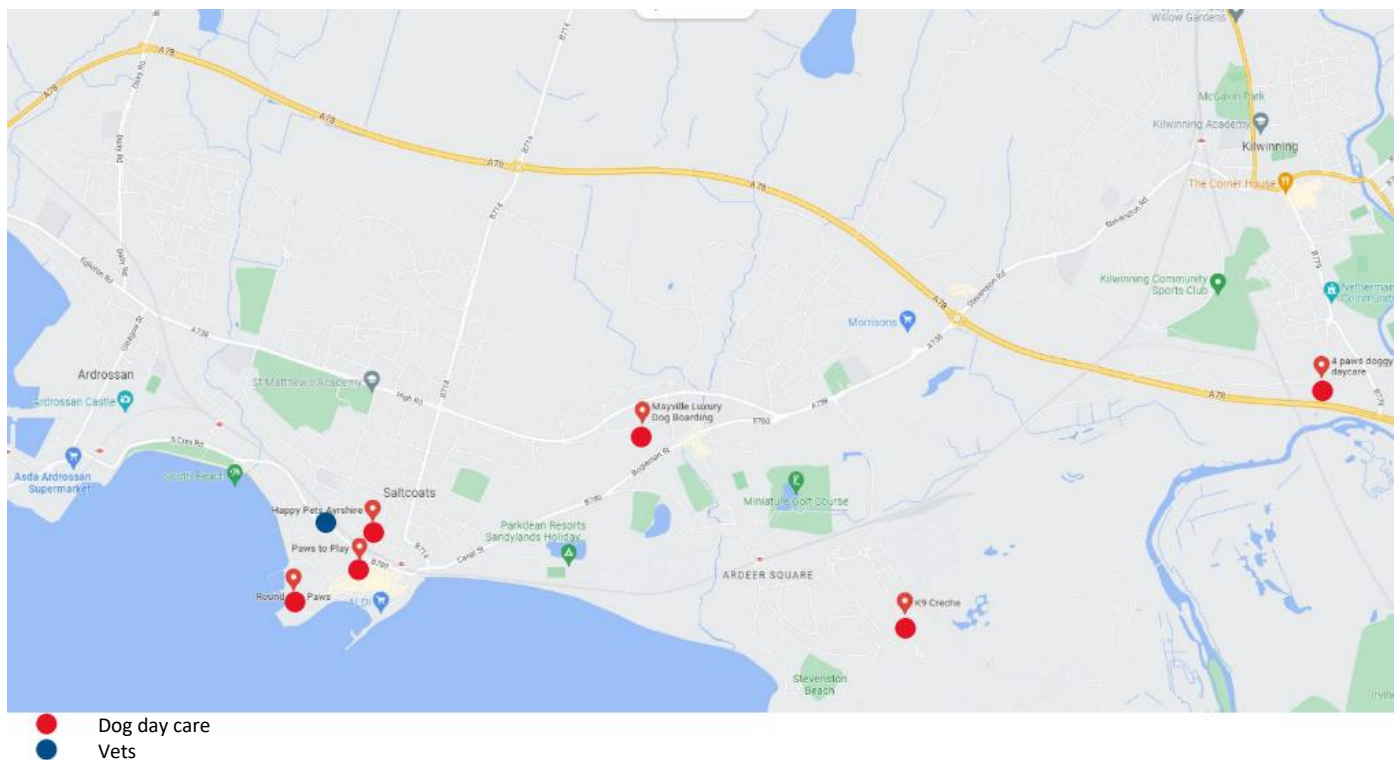
their policy is "3 barks and you are out". Dog owners understand this is the terms of their business and the business has found it is not adversely affected by having such a rule in place. By having a clause in my contract that covers excessive barking, I am sure you will agree that I cannot do any more to safeguard the potential for excessive noise disturbance. I must add, it was always in my plan to have this contractual term, as I myself do not like the idea of working in an environment where a dog barks all day.

Unlike the local and authority wide dog day care businesses mentioned above, my business would operate within normal business hours, Monday to Friday from a detached commercial property which starts the run of businesses into our town on the busiest, noisiest road in Largs. On the map below you will see the key will explain the properties and their proximity and the layout of the businesses in this area. Homemount House that was mentioned in one of the objections sits at the same proximity to 2 Lovat Street as it does to Morrisons Supermarket which is just down the road. Directly across the street is Quick-fit with metal banging and the clinking of materials. The map shows that 2 Lovat Street is already surrounded by busy businesses that create noise, traffic and constant flow.



With regards noise, I can confirm an average dog bark is approximately 80 decibels which is considered acceptable. A standard brick wall will block an average of 40 decibels. By adding soft absorption materials like sofas and beanbags, it can reduce the amount of sound that travels outward to neighbours. There are other day to day tactics that can be used to make a happy, settled, calm environment for dogs. Dogs find classical music soothing and playing it can reduce the frequency of a dog's disruptive barking. Lots of people under-estimate how intelligent our K-9 companions actually are, and they are unaware of how much dogs appreciate the complexities of classical music. Keeping classical music on a low volume may be all that is needed to create a relaxed environment. I will always have classical music playing in my day care centre.

Following on from my previous point regarding many dog day care/boarding businesses already existing in residential areas within North Ayrshire including Largs, I will demonstrate using a map and illustrations where some of these are located. See map below.



Paws to Play – Chapelwell Street, Saltcoats.



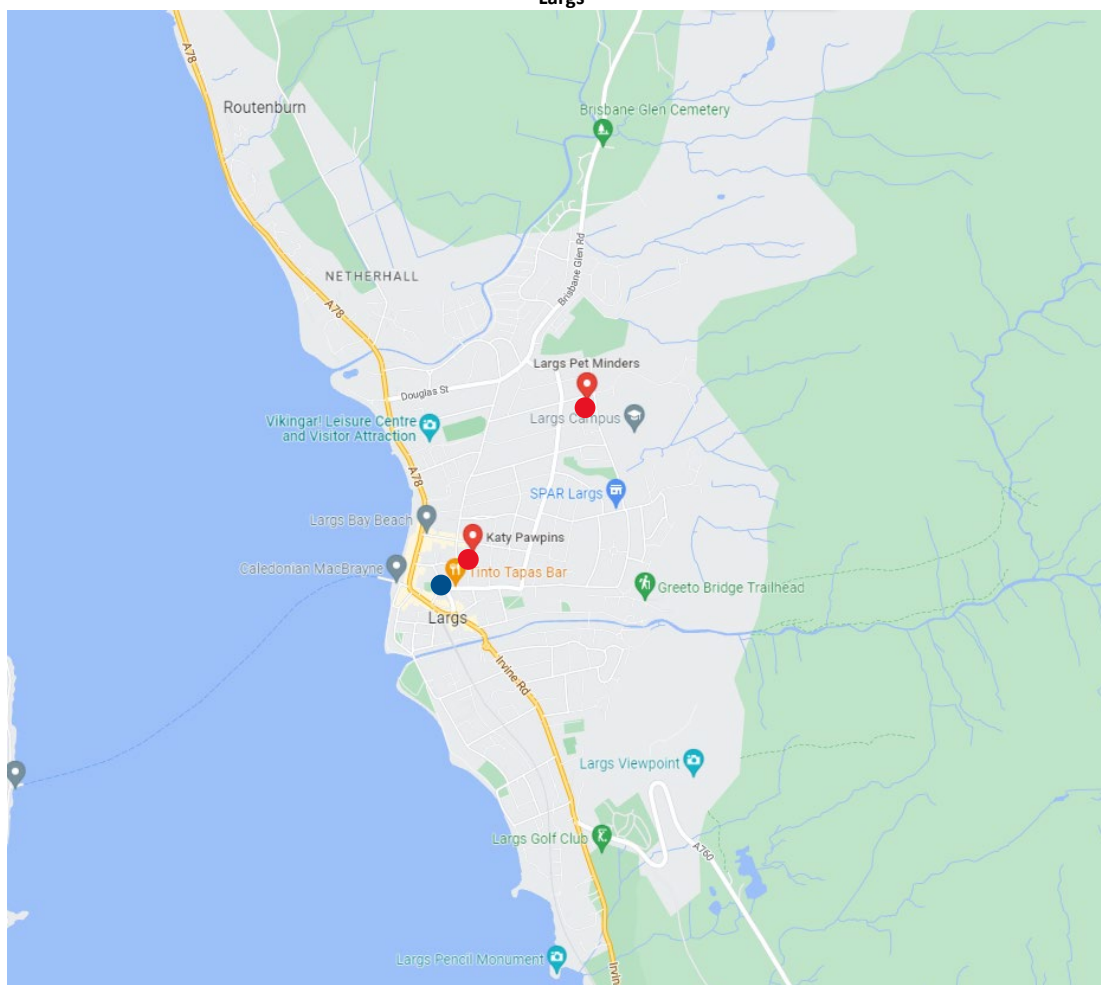
Happy Pets Ayrshire – 11 Glebe St, Saltcoats



Round of paws – 10 Winton Circus, Saltcoats



Largs



- Dog day care
- Vets

From the illustrations above you will see that there are other dog day care operators and vets located in mixed residential and commercial areas within North Ayrshire. I assume, like my proposed business, that these were approved by planning therefore please advise me of the difference in my application? The building at 2 Lovat Street has what many of these businesses don't have – a detached plot with it's own garden.

I will conclude my appeal document by clearly outlining my plans for 2 Lovat Street. Following a conversation I had with a local Councillor (whom I believe to be on the planning committee) there seems to have been some areas of my proposed plan were assumptions have been made and I would like the opportunity clarify these.

- My proposed business of Dog Day Care with a small pet shop provision will operate on a Monday to Friday only basis during sociable hours which I believe is classed as 7am-6pm. There was no provision requested on my planning application for off street parking. My customers will likely stop long enough to drop their dog and drive off. I do not expect any parking related congestion from my business. Many of my customers will likely walk.
- I am flexible as to how many dogs I have in my care however I was planning on a ratio of 10 dogs to 1 member of staff. This number has been researched and considered as manageable. It is likely in the initial days I will not exceed 10 and I never plan to exceed 20 dogs at any one time. I am happy to have a discussion surrounding this.
- I will be operating a calm, supervised environment and trained staff will ensure dogs are happy and settled. Happy, settled dogs are unlikely to bark for prolonged periods. For any dog that may show signs of distress or prolonged barking, this shows they are not happy in day-care and my previously agreed contract with the dog owner, allows me to terminate our agreement and send the dog home.
- The garden will be used to allow the dogs in my care to go to the toilet. Dogs will not be left outside as was assumed and as is mentioned in the objection letters. Dogs will not be left roaming the garden unattended and any signs of unwanted noise, dogs will be brought back inside. There will be no outside compound, no kennels, dogs will not be kept outside at any time and only be outside to go to the toilet and get fresh air. To clarify a previous question asked, toilet waste will be picked up and disposed of in a

hygienic, safe way, nothing will be left in the garden area. It is ludicrous to assume that a smell will omit from the garden if all dog waste is being picked up as and when dogs are depositing as has been mentioned in objection letters.

- The 6 foot fence that I propose will be neat and tidy and set back to allow sensible site lines to the neighbouring property. This fence is required to ensure the dogs safety whilst visiting the garden.
- There will be a door reinstated at the rear of the property (the existing back door which has been bricked up) This door will allow dogs to safely visit the garden for their toilet needs with no need to exit via the front of the building.
- I will have CCTV in operation which will show the coming and goings at the property and will demonstrate, if required, that there is no excessive noise that would cause disruption to neighbouring residents.
- I plan to run a home from home dog day care facility, allowing dogs to feel calm and settled in my care. There will be sofas, beanbags, dog tv, classical music, toys to play with and cuddles a plenty. All things considered, my dog clients should show no signs of being distressed and breaching any noise levels considered to be a nuisance.

I would welcome the opportunity to attend a hearing. I am almost certain after meeting me you will get an insight into my caring, nurturing, community spirited nature. After discussions with me about my proposed business, I will show you my passion and desire to make this work in a sensitive, community driven way. I am an advocate for helping our town grow and improve so my long-term objective is to bring a fantastic new business to our wonderful town, creating new jobs and to offer a fun, loving service for our furry friends.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

| | |
|--------------------------------|---|
| Reference No: | 22/00408/PP |
| Proposal: | Change of use from Class 1 to include dog creche |
| Location: | 2 Lovat Street, Largs, Ayrshire, KA30 9NE |
| LDP Allocation: | General Urban Area |
| LDP Policies: | SP1 - Towns and Villages Objective / Strategic Policy 2 / Detailed Policy 3 -Town Centres & Retail / |
| Consultations: | Yes |
| Neighbour Notification: | Neighbour Notification carried out on 09.06.2022 Neighbour Notification expired on 30.06.2022 |
| Advert: | Regulation 20 (1) Advert Published on:- 22.06.2022 Expired on:- 13.07.2022 Schedule 3 Published on:- 22.06.2022 Expired on:- 13.07.2022 |
| Previous Applications: | None |

Appeal History Of Site:

Relevant Development Plan Policies

SP1 - Towns and Villages Objective
Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places.

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure

that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 3 -Town Centres & Retail

Policy 3:

Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).

- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

Description

Permission is sought for the change of use of a Class 1 (shop) to a sui generis (dog day care) use. It is proposed to enclose part of the curtilage of the shop unit to create a secure outdoor space for the dogs. There are residential properties to the east and north. To the south is another shop unit. To the west is the A78 with a B&B, tanning salon, and garage on the immediate western side. The area beyond is predominantly residential.

The shop unit is a one and a half storey building with a ground floor footprint of some 76sqm. It was last used as the 'Bluestone' gift shop. There is an area of open space, some 280sqm, to the east and south of the building. This comprises part of the curtilage of the unit. It is proposed to enclose some 175sqm with a 1.8m high timber fence. The fence would come no further forward (to the north) of the front elevation of the adjacent No. 6 Lovat Street.

The applicant has provided a statement setting out how the use would operate. The applicant states that the use would be operated 8am to 5.30/6pm, Monday to Friday only, but subsequently verbally advised the case officer that the start time would likely be 7.30am to allow customers to drop off dogs prior to travelling to Glasgow. There would be no off-street parking as it is considered existing on-street parking is sufficient. The way the proposed fence is positioned could allow for off-street parking, but none is proposed. Customers are unlikely to be staying for anything other than short periods to pick up/drop off dogs. There would be space for sufficient waste storage.

The site is identified as part of the settlement of Largs in the adopted Local Development Plan (LDP). The proposal requires to be assessed against Strategic Policy 1: The Towns and Villages Objective, Strategic Policy 2: Placemaking and Policy 3: Town Centres and Retail.

Consultations and Representations

The application was subject to statutory notification procedures including advertisement in local press. There have been 16 objections and one representation of support.

1. The property is at the junction of Lovat Street and Irvine Road (A78) which is very busy. Users of the existing shop have parked across the pavement making it difficult for pedestrians and vehicles to see at the junction. If a dog escaped, it could run into the busy junction.

Response: Transport Scotland, as Trunk Road Authority, was consulted and has no objections. The property has a lawful commercial (Class 1 shop) use and any dangerous or illegal parking would be a matter for the Police.

2. Users of the property would have to park on the road which is already an issue for local residents. The proposed off-street parking would remove 3-4 on-street parking places and be detrimental to local residents. The spaces could be used by other business when the proposed use is shut, thereby denying the use to residents. There is a lack of details as to how the parking would be achieved. A previous application (ref: 95/00546/PP) was refused due to concerns over parking. Two of the received objections stated that they had no issue with the use but objected in terms of off-street parking only.

Response: No off-street parking is proposed. This misconception appears to have arisen from NAC Active Travel and Transportation's comments (see below). In terms of the 1995 application - this proposal was approved not refused. That proposal permitted off-street parking. Notwithstanding, the 1995 permission is considered to have little weight in respect of the determination of this application. As above the property has a lawful commercial use which operates without off-street parking. It is not considered any such parking is required.

3. Noise from barking dogs could affect nearby residents and businesses. It is not possible to keep dogs from barking. What restrictions would be placed on the operation in terms of hours and dog numbers? It is suggested the permission be restricted to 6 small dogs or 3 large dogs at any time.

Response: Noted. NAC Environmental Health states that dogs must not be allowed to bark for regular or prolonged periods. This is considered more fully below.

22/00408/PP

4. Concern over the smell from dog fouling. More information is required in terms of refuse disposal. Surely a dedicated foul bin would be required. The premises should be inspected to ensure the care of the animals.

Response: It is considered that dog waste could be managed within the curtilage of the property, prior to disposal, without being of a detriment to local amenity. NAC Environmental Health could take action against any statutory nuisance, and it would be for the operator of any use to ensure they did not cause such nuisance.

5. The proposed fence would be unsightly and out of keeping with the local area. There is no external access to the proposed enclosed yard. This means dogs would have to exit the front of the shop to be put in the yard. There is no information in respect of external lighting. Would further structures, such as kennels be constructed in the yard?

Response: The fence would be sited behind the front elevation of the property and that of the residential property to the east. It would be of a construction common to residential properties, and it is noted this would be 'permitted development' if constructed at one of the nearby residences. It is therefore not considered to be out of keeping with area. The applicant has confirmed the intention to re-open a previously closed rear door to the shop unit. This work does not require planning permission. No external lighting is proposed. If further structures were required, further planning applications may be required.

6. The ownership of the piece of land where the outside area is proposed is in dispute.

Response: The applicant has notified the owner of the land as required by planning application regulations. It is noted no further information is provided in respect of the alleged dispute. However, such an issue would be a matter for the parties involved, and not material to this planning application.

7. There was no consultation and neighbours were only notified on the 13th June 2022 by way of a letter dated 9th June 2022.

Response: Given the scale of the application, there is no requirement for prior consultation. The Council issued Neighbour Notification letters on the 9th June 2022 which were delivered by Royal Mail on the 13th June 2022. The application was also advertised, and comments were invited until 13th July 2022.

The applicant was invited to comment in respect of the issues raised and responded as follows:

There are no plans for off-street parking. The applicant was given the plans of the site from the property owner who was informed of the application. The applicant considers there would be a maximum of 20 dogs on site at any time. This is based on 10 dogs per member of staff, with one member of staff in addition to the applicant. There is a door to be reinstated which will allow direct access from the property to the enclosed area. A high desk would be constructed within the property to further limit chance of escape. Dog waste would be collected as and when deposited and not left outside. No external lighting or kennels are proposed.

In terms of noise, the applicant states that the property would be managed to minimise potential disturbance. Dogs excessively barking is often caused by being left alone and dogs would not be left alone at the premises. Any excessive barking would be managed through distraction/redirection of the dog's attention. The applicant would reserve the right to terminate the care of dogs which display anti-social behaviour, including excessive barking. The location is on the busiest road in Largs which is noisy in-itself and there is a garage across the road which can generate noise. This is a more suitable location for such a business than a residential property.

The applicant highlights the support from the Community Council and points to a positive reaction to stories in the local newspaper. There were 152 likes and 52 positive comments in reaction to the application on social media.

Response: Noted.

The representation of support can be summarised as follows:

1. The area is a residential with many dog owners and barking is a common noise. The site being on a main road is also generally noisy and it cannot be described as a silent location. The traffic generated by the use would likely be less than that generated by a shop use. The proposed off-street parking does not make any sense as on-street would be lost. Overall, it is considered it would be a good addition to the town.

Response: Noted. The issue of the location and noise is considered further below.

Largs Community Council supports the proposal. The concerns regarding noise and the appearance of the fence were noted. However, it is considered the proposal would add to the amenities of the town.

NAC Environmental Health has no objections. The applicant is advised that they must ensure dogs do not bark regularly or for prolonged periods.

Transport Scotland has no objections.

NAC Active Travel and Transportation has requested further information in respect of the off-street parking, including details of the exact number, size and construction of proposed bays.

Response: No off-street parking is proposed which is set out in the application form and confirmed again by the applicant. The applicant referenced the possibility of off-street parking given the position of the proposed fence, but none is proposed as part of this application. It is not considered that off-street parking is required given the existing use of the property.

Analysis

The Towns and Villages Objective of Strategic Policy 1 states that in principle support will be given to proposals which deliver productive re-use of vacant land. Support will also be given to development which supports the social and economic functions of our town centres by adopting a town centre first approach. Policy 3: Town Centres and Retail, of the LDP states that the Council will be flexible and realistic in applying a sequential approach.

22/00408/PP

The proposal would make use of an existing commercial property which is currently vacant. The proposal is unlikely to have significant footfall and it is noted that it is some 130m from the Largs Town Centre, as identified in the LDP. It is not clear if such a use would readily fit within a town centre location. Notwithstanding, it is considered that the proposal accords with the Strategic Policy 1 and Policy 3 of the LDP.

Strategic Policy 2: Placemaking sets out the six qualities of a successful place. It is considered the relevant qualities in respect of this proposal are 'distinctive' and 'safe and pleasant.'

The only physical work proposed is the installation of a 1.8m high timber fence to enclose the curtilage of the property. The fence would be set behind the front elevation of the property, and that of the neighbouring property to the east. It would be of an appearance common to the area, and it is noted the works would be permitted development were the property in residential use. It is considered that the fence would be an appropriate addition to the area and as such the proposal meets the 'distinctive' quality of Strategic Policy 2.

The 'safe and pleasant' quality states that a proposal should respect the amenity of existing and future users in terms of factors including noise, smells and traffic impacts.

The property is on the junction of Lovat Street and the A78. It is an existing commercial use and could be re-opened as a Class 1 shop without any planning permission. Transport Scotland, as Trunk Roads Authority, has no objection. No off-street parking is proposed. There is on-street parking immediately adjacent to the property. The property has, and could, operate with on-street parking only as a Class 1 shop. The possibility for off-street parking is noted but none is proposed in this application. The permission from 1995 which allowed the formation of off-street parking is also noted. However, it is not considered that off-street parking is required or that the proposed use would have any significant adverse traffic impacts.

The possibility of dog waste to cause smell nuisance is noted. However, it is considered that there is sufficient space within the curtilage of the building for the management of dog waste prior to proper disposal. NAC Environmental Health has provided no comment in respect of waste. However, it is noted Environmental Health would have power to act against any statutory nuisance. Given the opportunity to actively manage dog waste, it is not considered that any smell impacts would be significant.

The possibility of the use to cause noise disturbance is also noted. The applicant has stated that there would be no more than 20 dogs at the premises and would seek to manage the dogs, including the refusal to look after persistently noisy dogs. The occupier of a residential property could potentially have as many dogs as they wished, without any need for planning permission. The property is sited on a busy road with other businesses nearby.

The position of the property and nearby businesses are noted. However, it is also noted that the properties to the immediate east and north are residential. The wider area is also predominantly residential in character. NAC Environmental Health, although not objecting, has specifically advised that dogs must not be permitted to bark for regular or prolonged periods. Noise from dogs barking is a recognised

nuisance. Up to 20 dogs could be present on site and whilst the management procedures and potential for domestic properties to keep, in planning terms, as many dogs as the like are noted, it is considered that the proposal would place nearby noise sensitive properties at significant risk of disturbance. Limiting the number of dogs to a smaller amount could potentially mitigate the risk. However, the applicant has stated that a number fewer than 20 may not make the business viable. It is not considered that a condition relating to the size or type of dog would be relevant or enforceable.

The hours of operation could be limited to daytime hours and weekday operation only. However, it is not considered that this would acceptably mitigate the potential disturbance risk. NAC Environmental Health could act against statutory nuisance, should it occur, but this is only after nuisance has occurred and been identified.

On balance therefore, the proposal is not held to meet the quality of 'safe and pleasant' and is therefore contrary to Strategic Policy 2 of the LDP. The application should be refused on the grounds of unacceptable potential risk of noise disturbance. There are no material considerations to the contrary which outweigh this consideration.

Decision

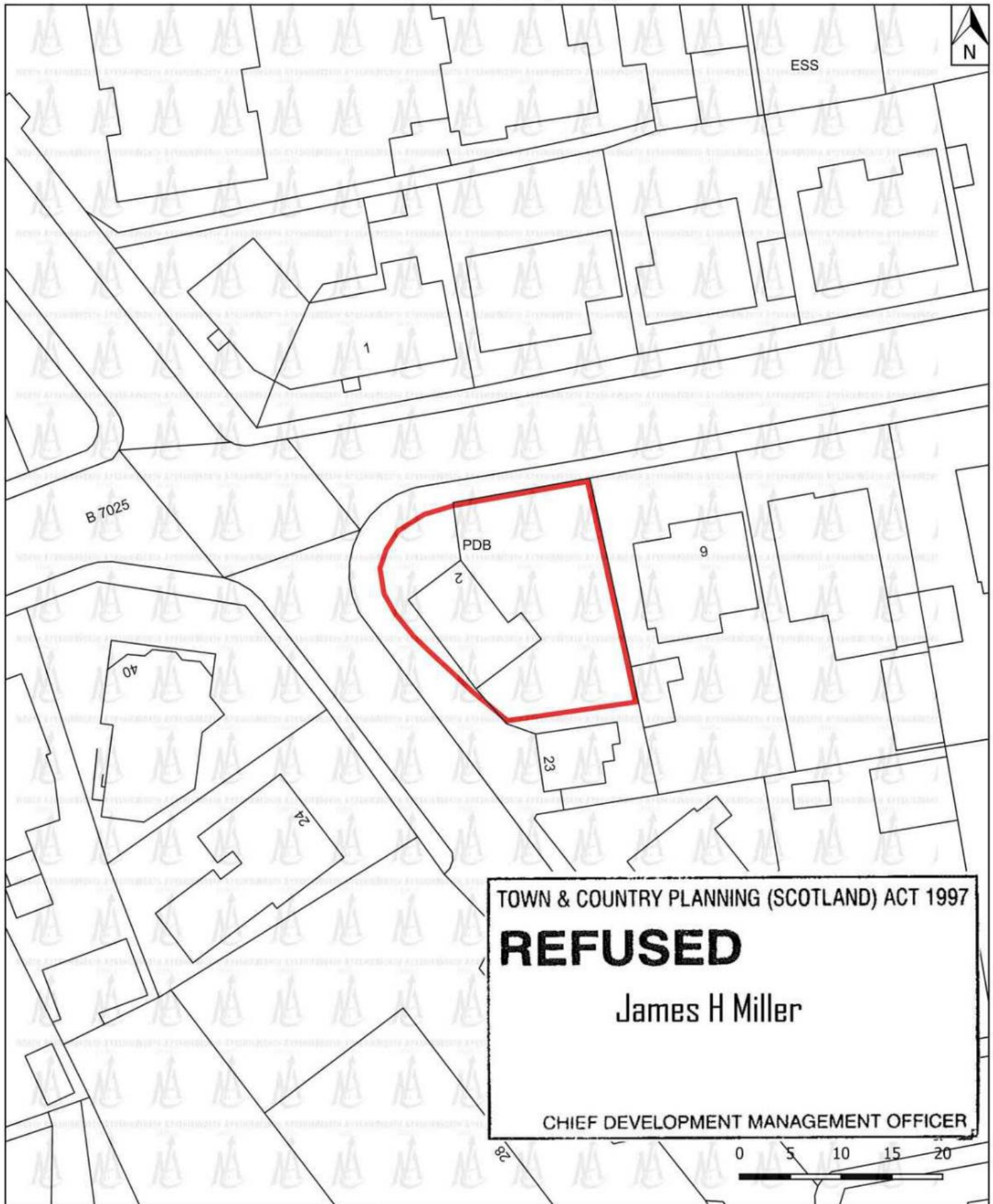
Refused

Case Officer - Mr Iain Davies

Appendix 1 - Drawings relating to decision

| Drawing Title | Drawing Reference (if applicable) | Drawing Version (if applicable) |
|------------------------|--|--|
| Location Plan | | |
| Block Plan / Site Plan | | |

2 Lovat Street, Largs



Property Searches
Scotland

Nominal Scale:
Map Center:
Date Issued:
Our Ref:
Drawn By :

1:500 @ A4
220628 659020
24/05/2022
23408574
MR

Tel. 0141 221 8884
Email: admin@propertysearchesscotland.co.uk





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/22/00408/PP

(Original Application No. N/100570897-001)

Type of Application: Local Application

REFUSAL OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997,
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013**

To : Mrs Lynsey Ewing
6 Chapelton Way
Largs
Ayrshire
KA30 8RF

With reference to your application received on 8 June 2022 for planning permission under the above mentioned Acts and Orders for :-

Change of use from Class 1 to include dog creche

at 2 Lovat Street
Largs
Ayrshire
KA30 9NE

North Ayrshire Council in exercise of their powers under the above-mentioned Acts and Orders hereby refuse planning permission on the following grounds :-

1. The proposed use would be contrary to Strategic Policy 2 of the adopted North Ayrshire Local Development Plan, as it would place nearby noise sensitive properties at significant risk of disturbance by way of noise, to the detriment of the residential amenity.

Dated this : 27 July 2022



.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006.
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2013 – REGULATION 28

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

FORM 2

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 (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Committee Services, Chief Executive's Department, Cunninghame House, Irvine, North Ayrshire, KA12 8EE.
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.

30/08/2022

[REDACTED]
Largs
Ayrshire
KA30 8HR

Angela Little
Committee and member Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Miss/Mrs Little

Planning Application: 22/0408/PP – 2 Lovat Street, Largs

I refer to your letter of 24th August which I have just received regarding the appeal against the planning application refusal. My property [REDACTED] to this dog creche and the thought of many dogs roaming about there and the disturbance that it would cause via the noise and the toileting within this area fills me with dread. This is a residential area and to place a dog creche within it would completely change its status. For myself I would not be able to enjoy the prospect of my garden and would hear the dogs from within my house. It only takes one determined dog barking and the rest would be set off.

The place for a commercial dog service is outside of the town where the disturbance is minimised and not within a residential housing area. In my opinion and of all the residents is that the planning officer came to the right decision and refused the application due to noise sensitive areas.

I gather from your letter that you require further representation to the review. I hope as you said in your letter that all original representations will be made known therefore as there was written objections from about eighteen families over the concerns of noise, smells, animal waste. Traffic on street, etc and change of character to this area there are still concerns that the applicant has not answered. In fact she has not answered anything in detail. I enclose the following:

(1)The external areas is it their intention or plan to install outside lighting to illuminate these areas. If this was to happen then it would be intrusive to surrounding properties and not be exceptable.

(2)The applicant stated that she would be able to stop animals from barking by among other things by playing music. Good luck with that as a former dog owner I know that constant music would make them more aggressive. If they decided to carry on with this idea would there be a speaker or speakers within the external areas. If this were to happen this would bring noise pollution and again make life unbearable.

(3) The external area is not of a large nature and is covered with grass the only detail that the prospective applicant has said is that when the dogs do the toilet they will pick up the faeces. The applicant has not got an environmental policy in place nor the prospect of an environmental bin in place with the plan for a contractor to remove the hazardous waste products on a regular basis. I can only conclude that they would expect the council to carry out this duty via the grey bin which here is picked up every three or four weeks. So you can imagine the hygiene danger. Because of a concentration of animals within a small area to toilet then faeces that can't be picked up and urine that also can't be picked up mixed with dogs pawing the ground and rain. This would make an environmental disease soup.

(4) The applicant also expects this to be a Play area.

(5) The shop that the applicant wishes to use and transform from a retail unit to one of class 1 retail shop + crèche is not of a large construction and after all that furniture that is proposed is inside there would be no room for the animals to move and this requires investigation.

(6) There are no details of any animal welfare that would be necessary or how many dogs would be on the premises. A previous statement said that it would require twenty dogs to make this a viable project. We don't know what size, sex or types of dogs that would be there.

(7) Surely there must be a limitation on the number. In fact the surrounding neighbours do not want what is proposed except if the appeal is granted then their life will be a nightmare.

These are some of the extra concerns that I have and am sure that all objectors feel the same. Surely the council review body will see that the present refusal stays in place given the unsuitability of the venue and the feelings of all the surrounding neighbours.

Yours Sincerely

A solid black rectangular box used to redact the signature of the sender.

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Fwd: Planning application 22/00408/PP - 2 Lovat Street, Largs
Date: 07 September 2022 14:22:46

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Get [Outlook for Android](#)

From: [REDACTED]
Sent: Wednesday, 7 September 2022, 14:21
To: [REDACTED]
Subject: Planning application 22/00408/PP - 2 Lovat Street, Largs

I am writing this email in response to the appeal against the above planning application. There are many statements made that are untrue and need to be corrected.

1)

I am a close neighbour of 2 Lovat Street and have lived in Lovat Street for over 30 years. The applicant claims this area is a teenage drinking area. That is not true. I can categorically state in all my years living in Lovat Street I have never seen anyone drinking in that area and to class that area as an anti-social area in order to advance a planning application is a disgrace. The point about a 5G box not being located in that area because of potentially the public climbing on the roof of property is also a nonsense.

2)

The applicant claims that of 15 neighbour comments, less than half objected. I have reviewed the comments on the planning portal and 11 are against, one objects to car parking and three favour, one of which comments on Largs Community Council which appeared after the comments section was closed. How did this comment appear on council portal after comments closed to public? How Largs Community Council can support this application with getting opinions of local residents in order to get a balanced view brings into question their judgement. Apparently it was discussed on 16th June before residents were formed the original business was subject to closure.

3)

The applicant states Environmental Health had no objection. In fact They stated that the applicant must ensure that any dogs kept at premises are not permitted to bark regularly. The applicant states that any barking dogs will be returned to owner. That cannot be guaranteed as the reason the dogs are there is because the owner is obviously unavailable. Transport Scotland are not responsible for Lovat Street, only trunk roads the point that they did not object is of no consequence to the application.

4)

The applicant makes a point about having many supporters in Largs. I can categorically state this is not the case in the surrounding area. Many folk from not only Lovat Street but neighbouring streets have stated to me that a dog creche next to a main road and in the

middle of a residential area is not the correct location.

5)

A comparison is made to Morrisons Supermarket and Kwik-Fit and the noise they create. Both are far enough away from Lovat Steet therefore noise is not an issue from these premises.

6)

If I understand the application correctly dog waste collection will be by normal council service. That will result in dog waste for up to 20 dogs being collected every three weeks. Is there a health risk here?

Also, who wants a dog toilet for up to maybe 20 dogs on their door step.

7)

A comparison is made to three other dog day care/boarding businesses in existence in Saltcoats. This is not true. Round of Paws is not a boarding service but is a dog grooming establishment Happy Pets Ayrshire is a dog walking service. The dogs in these businesses will be by appointment only therefore dogs at any involved at any one time will be minimal. Paws to Play location is on the fringe of the town, far from main road. Its next door neighbour is a church.

8)

The applicant states she had a conversation with a local Councillor on the planning committee. This is a concern regarding bias. Surely the Councillor involved should not be discussing a planning rejection with an applicant and seems to advise how the planning appeal should be framed. There is a potential conflict of interest here therefore the Councillor involved should consider removing himself from the meeting when appeal is addressed.

9)

The applicant makes a case that dogs in her care dogs are unlikely to bark. This cannot be guaranteed. Dogs bark for numerous reasons as any dog owner will testify. It's not always because they are unhappy.

10)

The original application was for hours 8am to 530 to six pm. The appeal states opening 7am. Is this change not a breach of council rules.

11)

Looking out your window and seeing a six foot fence across the road is not becoming to a residential area.

In summary, the appeal does not change anything. Bland statements about the methods to be used to keep dogs quiet cannot be guaranteed. The original decision was correct and nothing in the appeal should change this. Excessive dog barking is likely if this proposal is allowed to proceed which would be detrimental to those living closeby including elderly residents living in Homemount House a retirement complex.

If the applicant were to drop the dog creche side of the proposal and concentrate on a pet shop selling supplies, then there would be no issue in my opinion.

[REDACTED]

LARGS

Get [Outlook for Android](#)

Saturday, 3rd September 2022

[REDACTED]
Largs
Ayrshire
KA30 9NE

Angela Little
Committee Services Officer
Democratic Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Planning Application: 22/00408/PP
2 Lovat Street Largs

Dear Madam,

You will be aware that the applicant request for a dog creche will sit in a quiet residential area where most of the residents are retired or with young families. Being surrounded by housing my own property will only be about four metres away from the dog run/ toilet and play area. The applicant has courted the press with various statements from that the grass area at the side and rear of the property would be used as a play area. Later after the refusal she stated that the area would be used as a dog toilet area only. Indeed, only after the refusal of permission did we find out that to make the project viable that she would require to have at least twenty dogs on the site. No restriction would be put on the number of dogs that would be there or size of the animals or sex.

This would change the whole concept of life in this area due to constant noise nuisance by the dogs and make residents life intolerable. All other dog creche projects are out of town where the noise would be acceptable. The applicants saying to the press that she will keep them entertained so that the dogs wont bark. Her saying to the press is that happy dogs don't bark. As a former dog owner, I take this statement to be rubbish.

Happy dogs do bark, because there happy.
Dogs bark when their owners leave them
Dogs bark when they feel threatened by other dogs
Dogs bark when other dogs make advances
Dogs bark when spooked by a sudden noise for example car backfiring
Dogs bark when other dogs bark

All dogs bark or howl at sum time and you cannot distract determined dogs. The applicant refuses to acknowledge this aspect and if removal from creche because of a dog barking then there will be no clients.

The planning officer came to the correct decision in refusing the application on these grounds. They are so many other factors that make this application deemed for refusal.

The area externally allocated for play and toileting is not a large and consists of grass. The applicant stated that the dogs' faeces would be picked up after the dogs do the toilet. Not all dogs' faeces are solid, and you certainly can't pick up urine. Therefore up to twenty plus dogs per day after day using the same spot would turn it into a quagmire with all the opportunity for disease to take hold. In the application there is no mention to hardcore this area or to allow water sluicing system to be introduced to insure the cleanliness of the place. This is normal in commercial dog caring units. As said the applicant would pick up the faeces of the dogs. What then? Where would that go there is no plan to have an environmental bin in place to be picked up by a commercial contractor on a regular basis. The only alternative is for the faeces and soiled dog bedding to be placed in the council black bin which is emptied every four weeks. This again harbouring disease.

The plan is that a six feet fence to be placed along my brick three-foot boundary wall and halfway along the side of my garage. This would also deny view and light from the dining room and lounge window. If permitted this would weaken foundations of both the wall and garage and deny me the ability to maintain my property. In the application there was no dimensions except a crude line on a drawing. Therefore, the fence would have to be placed back at least three feet from the boundary wall and garage to allow access.

In this application there is no detail on how the premises would be or should be considered for housing of animals daily and I am surprised that it is even considered.

Has the applicant got a qualification to run a doggy day centre. It is the law that

What qualifications do you need to work at a dog day-care UK?

There must be a record of all staff training. Staff must either: hold a formal qualification such as, a **Level 2 qualification regulated by the Office of Qualifications and Examinations Regulation (Ofqual) appropriate for their role.** show they have relevant and sufficient knowledge and experience. 1 Jun 2022

The applicant has never submitted a plan for the welfare of the dogs. Nothing has been placed in writing about how they intent to keep dog's safe covering

all aspects that a responsible local authority requires before they would issue a licence to That is regarding ventilation, heating, eating area, washing area for hygiene. Isolation area for injured, distressed, or aggressive animal. There is not even a fire plan.

I am more surprised that the shop is being considered without even been inspected by council officials and animal welfare authorities. I will go into more details on how it is unsuitable for a commercial dog care centre.

The building is not large, or purpose built being a former gift shop has a external footprint of just 12 yards long and 9 yards broad and as the applicant has applied as pet shop + creche they will have to allow reception area and display of pet accessories. There is a requirement by law for separate washing facility. And a separate feeding facility. They will have to provide an isolation facility separate from the rest of the unit where a injured, sick, distressed or aggressive animal so they can be isolated while awaiting medical attention or its owner and presumably they will require a toilet for staff as well as rest area. Add onto that the need for fridge and cupboards. The applicant has stated that part of her plan is to include couches and reception desk.

As stated by applicant to make the project viable up to 20 dogs are required as in a previous statement. It unrealistic to expect an animal to stay in the one place or attention be diverted when they may be within these premises for up to 8hs daily during inclement weather. As you can see this premise is not a suitable venue.

There has not a statement available on how the applicant intends to keep the area safe and prevent a dog escaping when the main door is open to allow access.

Waste Management from Licensed Animal Welfare Premises

All businesses are responsible for managing their own waste and for its safe and correct disposal. Business waste is not collected by the council and businesses must put in place contracts with licenced waste management contractors. There are specific controls on animal faeces and related waste.

Waste from animal based businesses cannot be put in household bins or be taken to the household recycling centres. It must be correctly disposed of using a licensed waste management contractor. [Guidance for Pollution Prevention: Stables, Kennels and Catteries](#) advises on the what is expected. In practice, this means that all businesses handling this type of waste must:

- have a waste management contract in place which recognises that:

- animal faeces is a major part of the waste and that it is not 'general waste';
- animal faeces from cats and dogs are classed as offensive waste; and
- collection must be sufficiently often to ensure all waste can be held safely and securely.

You cannot burn soiled bedding from cats and dogs, mix it with agricultural waste or spread to land due to the risk of parasitic worms to grazing animals.

Advice to Applicants

on

Licence Conditions

The Animal Boarding Establishments Act 1963

DOG DAY CARE

In determining whether a licence should be granted, the Animal Boarding Establishment Act

1963 requires Local Authorities to have regard to the following:

- The premises in which the animals will be accommodated shall be suitable in respect of size, construction, number of animals, exercising facilities, temperature, lighting, ventilation and cleanliness.
- The supply of suitable food, drink and bedding material and that the animals will be adequately exercised and suitably supervised.
- Reasonable precautions that are to be taken in terms of infection control to prevent the spread of disease between animals including the provision of isolation facilities.
- Reasonable steps that are to be taken for the protection of in case of fire or other emergency
- A register being kept containing a description of the animal received into the establishment, date of arrival and departure, name and address of owner. The register must be kept for a minimum of 24 months.

2.2 The minimum number of members of staff shall be a ratio of staff to dogs this will be

stipulated on the licence.

2.3 The maximum number of dogs permitted to be freely mixing in any individual area will

be stipulated on the licence.

2.4 When deciding on the maximum number of dogs for the establishment the Local

Authority will take account of:

- The location
- The size of premises
- The layout of the premises ie how many dogs may be permitted in each separate area
- The number of staff and their roles within the establishment
- The qualifications / experience of the staff
- Advice from the council's veterinary officer

A ratio of 1.5 or 1.6 (staff to dogs) will apply to new establishments. If after a specified period of time the establishment wishes to apply to have the ratio increased

the Local Authority will carry out a risk assessment taking into account the following factors:

- Confidence in management
- Training / Experience of staff
- Complaints, including noise.

AMENITY

3.1 The premises shall be operated in such a way as to avoid statutory nuisance to occupiers of neighbouring properties.

3.2 The Licence holder should minimise the potential of odour and noise issues in particular, dog barking.

16.5 The Licence holder should ensure that all the dogs attending are routinely treated

against worms, fleas and giardia and obtain written documentation to confirm this has been carried out.

16.6 Communal water facilities with static water e.g. baths and troughs are not permitted

as they are considered to present a potential route for the spread of infection.

Communal water facilities must have continual running or flowing water.

A pool with flowing water or hose pipes may be useful to keep dogs cool during periods of high temperature.

16.7 Dogs attending the day care facility must have current vaccinations against Canine

Distemper, kennel cough, Infectious Canine Hepatitis (Canine adenovirus), Leptospirosis (*L. canicola* and *L. icterohaemorrhagiae*) and canine Parvovirus and other relevant diseases. Annual vaccination must thereafter be kept up to date. A copy of all up to date certificates must be kept on-site throughout the period that the

dog attends the day care facility and shall be made available to officers of the licensing authority for inspection on request.

16.8 The first complete course of vaccination must have been completed at least

four weeks before the first date of boarding.

16.9 The licence holder should be registered with a veterinary practice that can provide advice and assistance. The telephone number of the veterinary practice used by the establishment should be displayed in a suitable place close to the telephone. A list of the dogs own vet details should be accessible to all staff. Advice from a veterinary surgeon must be sought in case of signs of disease, injury or illness. Where any dog is sick or injured any instructions for its treatment which have been given by a veterinary surgeon must be strictly followed.

16.10 Following diagnosis of an infectious disease the establishment must undergo a reasonable quarantine period based on veterinary advice.

16.11 The licence holder must inform the licensing authority by the next working day of any dog boarded in the establishment that develops an infectious disease.

16.12 The Licensing Authority must be informed of the death of any dog in the establishment by the next working day.

16.13 A well-stocked first-aid kit suitable for use on dogs must be available and accessible on site.

16 ISOLATION FACILITIES

16.6 Suitable isolation facilities must be provided, with adequate heating and ventilation, to

house any sick or injured dog until such time as it can be returned to its owner or transported to a vet. There must be means of maintaining the temperature within the

isolation facilities at a level suitable for the condition of the dog and dependant on veterinary advice. In any event the temperature of the isolation facilities should not


be allowed to fall below 15.5°C unless specific advice is given to the contrary by the veterinary surgeon.

This is just some of the responsible actions and laws governing commercial dog care centres and there is no plan or details submitted.

As stated, the establishment of a dog creche in a quiet residential street not a suitable place. When the application was made 19 families wrote to the council objecting to it stating many reasons. On the courting support from the local community council, I would like it known that none of them reside here and therefore would not be affected by events.

Kind Regards

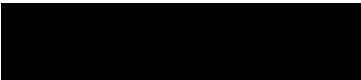




Largs
KA30 9NE

Planning Application : 22/00408/PP – 2 Lovat Street

Further to my previous concerns, I note below comments relating to the applicants review report.

1. I note the times of operation have crept out, how much more will this happen
 2. It is noted that the street light is inadequate, it should be noted that NAC are just about to complete an update the lighting, one of which is opposite this property. Although what this has to do with this application escapes me.
 3. It is noted that there is an antisocial problem adjacent to the property. Having lived in Lovat Street for 35 years and I categorically say there never has been and problem. A few empty cans only indicates a litter problem not dealt with by the previous owner.
 4. The applicant points out that other dog day care operates in Largs. Of the ones that I know about, they take 3 or 4 dogs not the 20 Proposed by the applicant. This application is different, its a more commercial operation.
 5. If the dogs are only let out to go to the toilet, why a large area surrounded by a 6ft high fence.
 6. The applicants mentioned that doge faeces will be disposed off but no mention of how, where and how often, 20 dogs will produce a considerable volume.
 7. With 20 dogs urinating several times a day, the build up of urine and thus smell in the grass will be considerable, especially with the increase of hot spells we are having.
 8. The applicant notes that less than half of the 15 neighbours who were notified objected, this underlies the actual amount of objections received which was 19
 9. To say that happy dogs do not bark is beyond belief, dogs bark for several reasons and distracting them is sometimes impossible.
 10. The applicant points out the proximity of Kwick-Fit, the vast majority of their work does not involving 'Banging and Clinking' And even if it did, its no reason to increase the potential noise levels by the introduction of barking dogs.
- 

From: [REDACTED]
To: [Angela Little \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Planning Application : 22/00408/PP
Date: 29 August 2022 12:11:53

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

I wish to make a further representation regarding the above application.
The applicant has repeatedly stated that the outside area will only be used as a toileting facility. Thus the dogs will not be outside for any extended period so no problem with noise.
Can she please explain, then, why she is proposing to build a ball pit and sensory area?
Thank you.

[REDACTED]

Sent from my iPad

Ref. Planning Application
22/00408/ PP 2 houat St.
Largs

Largs
29.08.22

Ms A Little
Committee Services Officer
North Ayrshire Council

Dear Ms. Little,

On receipt of your communication regarding the above application and possible Local Review, I wish to reiterate my objection to the proposed enterprise.

I note from this week's "Largs and Millport Weekly" that the applicant states:- "The location is on the busiest road in Largs, which is noisy in itself, and there is a garage across the road which generates noise. I really don't see the issue".

Is she suggesting further noise is acceptable? My back garden is my little oasis of comparative calm and [REDACTED] the proposed development, which in my opinion should not be sited in a residential area.

This enterprise will add noise and anyone suggesting otherwise is not being truthful. Traffic is fleeting, work in Kwik Fit is not always loud but yapping and barking are impossible to ignore. I should like to know whether those in favour of this development live in the vicinity. I understand people going to work may welcome

a facility where their dogs can be kept during the week but it should not impact on those who live in close proximity to this endeavour which should be sited well away from people's homes.

Yours sincerely,

[REDACTED]

3rd September 2022

Angela Little
Committee and Member Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Miss Little

Planning Appeal 22/00408/PP
Proposed dog care centre 2 Lovat Street, Largs

Thank you for your letter informing that the refused application has now gone to an appeal situation. I would like this letter to be added to the Council Review Meeting to further inform them of the consequence that would happen should this go ahead. I run a bed and breakfast boarding house opposite the proposed dog care creche exercise area that would be established and my concern is that of the noise and the disturbance that would come from that Area.

I have worked hard to establish a bed and breakfast facility and attract visitors to stay in the town. It has not been easy and with the commercial pressures placed on this small business to keep afloat. I wish to attract visitors to the town and not put them off staying here. I am sure if this is given the go ahead then it would result in the last straw for us and we would have no option then except selling up. That is if there would be a buyer as the dog creche would indeed put a buyer off. I hope that letter will be taken into consideration when a decision is made.

Yours Sincerely

Summary against the appeal of Planning Application 22/00408/PP

2 Lovat Street Largs

Ladies Gentlemen and of the decision board first I apologise for the Length of the extra comments that I have put down and I urge you to read it in full as the reply to a very long appeal I have tried to prove Inaccuracies and assumptions of the review appeal as honestly and without bias and why the original planning refusal should remain, and the appeal dismissed.

The proposed dog creche exercise/dog run / toileting area is only over four yards from my property. Therefore, the impact would affect me and all family members as in the applicants original application it stated that it would be essential to allow twenty dogs onsite to make the project viable.

I have covered alleged statement to wasteland and anti-social behaviour.

Areas within North Ayrshires boundary that the applicant is using existing premises as support for their appeal without evidence of their terms and condition of licence and assumptions on photos showing dog care centres when only one photo shows a dog care unit. All planning applications stand on their own merit and not one can be used as a precedent for others to follow.

I have covered unsuitability of shop area.

Hygiene issues and environmental impact of area.

There is so much that is negative that I urge once again the committee to read my objections in full

Yours Sincerely

A solid black rectangular box used to redact the signature of the person writing the letter.

5th September 2022



Angela Little
Committee Services Officer
Democratic Services
North Ayrshire Council
Cunninghame House
Irvine
KA12 8EE

Dear Madam,

Planning Application: 22/00408/PP – 2 Lovat Street

In reading the applicants appeal against the above application I feel that this appeal is untruthful in many respects and the true statements have been modified to suit the purpose of the appeal. I require that the following papers are issued with appeal letter to give the Council Local Review Body the comparison.

I feel that the appeal was written by a professional hand and not having that ability I will write as honestly and with respect over the appeal papers to show the true position.

The appeal stated that the area that they disputed is contrary to a Safe and Pleasant quality. In fact, if the area was maintained as the surrounding properties, then it would excel as an example to all. The proposed development of a dog care unit within this ground on the current land encompassing high fences would not be an improvement. The statement has been made that it is wasteland that is far from the case. The responsibility is for the owner to ensure that it is kept in a tidy manner. The issue that there are no public bins on Irvine Road should not come into this. There are no public bins most of the streets in Largs and if rubbish was left on the land, it is the responsibility of the person who is leasing the property or the owner to ensure that this is removed. The previous owner did have problem with cutting the grass as he left it too late and then had to evolve contractors and this now the owner's responsibility.

The following statement fills me with anxiety that the area attracts antisocial behaviour and has been used as a teen drinking area at the side of the property. Let me say that this is a respectful residential area and I have never witnessed vandalism, anti-social or disturbance. If this was so, then it can easy be checked through police knowledge and records. Where did the applicant get their knowledge from.

PAUL I

The removal of the T5 telephone box that was on the side of the property was requested at the owner bequest as they did not want something of that on nature their property and not as has been quoted to attracting unwanted behaviour and public risk in given a basis to climb onto the roof of the property. We have again a picture painted that this area is subject to anti-social behaviour when it is one of the most respectful and desirable areas in Largs. I urge the committee to dismiss these comments. The box now has been situated at the side of retiree's property of Homemount House without any disturbance to the residents.

Also the applicant stated that there were 15 neighbourhood notifications with less than half resulting in objections. This is false information and can be clarified by looking at the Planning Application Portal under public comments Altogether there was 15 comments submitted. Two were supporting and Objections were Thirteen. Once again supplying false information that would intend to mislead. Some were by electronic communication as is the planning office preference and some by postal under documents on the portal submitted by neighbours that were unable to communicate by electronic means. This can be verified by looking at the planning portal.

Statement made that Largs Community council were in favour and it was discussed at the meeting 18/08/22. In fact, it was discussed on the 16th of June 2022 as their minutes will show long before the neighbourhood and residents were informed that it was to be closed. The applicant had been courting the press and there been headlines in local paper giving publicity to enforce their point of view. The paper never approached anyone who lived in this area for comment and feel that we were let down. And adverse publicity effected the case. The comments made by some of the local community council in the press when the objection was unsuccessful were unbecoming to everyone public office. Calling the planning office Planning Beaks. Slim reason. What is more concerning is that a number said that they would get behind the appeal. I have never heard of a local community council being so impartial to a decision that has been made. No one from the local community council canvased the residents to get a balanced view nor did the applicant. We have had support from all people in this area all expressing concern and many stating that the Local Community Council has divided Largs and their reputation into doubt. This reflects on whether there will be a fair judgement or going through the motions. It's worth noting that none of the community council reside locally in this area and therefor would not be affected by adverse problems.

Environmental Health – had no objection. This again is not strictly true on the application portal environmental states: -

1. The applicant will require to ensure that adequate procedures are in place to prevent any occupier of any nearby noise sensitive property being subjected to a statutory noise nuisance in terms of Section 79 of the Environmental Protection Act 1990. The applicant must ensure then that any dogs kept at

the premises are
not permitted to bark regularly or for any prolonged period.

I have also written to the Environmental Health department Requesting information on the health impact of animals concentrating on the same ground for toileting faeces and urine over a long and regular period. What are the health risks for disease and transmission via insects to surrounding areas. I am waiting for a reply.

Transport Scotland – had no objection. The reason Transport Scotland has no objection is that they only have the responsibility only for trunk roads and the main access and egress to the shop with the garden area is in Lovat Street and the responsibility for that is in the council's remit.

The proposal does not meet the quality and of safe and pleasant as in the Strategic Policy 2 of the LDP. In surrounding most of the area with a 6ft fence to contain dogs does not mean safe and pleasant and the sentence that it would prevent dog fouling is the very thing that is intend for the fenced area. As deterring unruly behaviour at unsociable hrs. This has been delt within this letter pointing out that there is no unruly behaviour. Unless there a witness statements from the police then this must be dismissed.

The applicant has said that there is bias in summarising the public comments made in the planning portal and has been selective in wording. I urge the council meeting to read all the public comments and will find that they are direct. To the point without the hint of bias. Stating the case in a straight formal manner.

The applicant has stated that there is support for the project within Largs. If this is so, then it should not be within a residential area to the detriment of the residents. The whole reason for this appeal rejection is proof that the project should be situated in an area where excessive noise and other behaviours would not affect the rights of close communities and the business if transferred to area outside the town would be welcome by all.

The applicant in the appeal sites other dog caring facilities throughout and compares to their situation. You can-not compare as it would show bias. Maybe there was no objections, or they are licenced to have a maximum of dogs for example 4 animals. There is a lot of reasons for their licence being granted. This should not reflect on this application as we are not making judgement of other premises only on the task before you. If previous applications were seen as a precedent, then they also would have to be reviewed to ensure that all the correct procedure was carried out in past and that they did comply with rules at that time equally. The applicant is perplexed by Oaks Veterinary in Largs and that there is noise from suffering animals. The applicant mentions dogs kept within the premises pooling, peeing, barking/howling and is commonplace there and as the veterinarian practice is in the lower block of flats and that the residents above are willing to endure this discomfort. I expect that the veterinary practice does not help only dogs and that all animals are welcome there. And I would presume that the council planning office ensured that it did comply with all regulations and obligations required and mitigation factors were imposed. For example, soundproof rooms. As the applicant has singled out this premise then I would expect that they would put it forward for investigation.

PAGE 13

Reflecting on page two of the appeal there is an illustration of nearby commercial properties outlined except private properties. Close to the proposed site you will see that there are bed and breakfast properties. These properties are essential in attracting and retaining visitors to Largs and need all the encouragement that the council can muster. To attract people and not deter them. The extra layer of a dog compound with the further problems that would come this premise would make commercial life difficult.

In page 3 of the appeal, she has an illustration of pet minders and carers. Please note that most are out of the town. We don't know the details of the locations. Number of dogs they look after whether they are dog walkers or what they do. On the bottom of page three the applicant has photos of three buildings in Saltcoats which give the impression that they are day dog centres

. Happy pets in Glebe Street are dog walkers.

Round of Paws in Winton Circus are dog groomers

Paws to play in Chapelwell Street is a dog care centre and the centre is to the right of the photograph by a church where disturbance is minimum. The maximum dogs that are taken in is 10 dogs a day

I request that all from this page be omitted from the submission as to the vague information and no judgement can be made without evidence.

The hrs that the applicant will operate has now been classified in their appeal as 7am to 6pm. This is entirely different to the original hrs specified on the planning application which were 8am to 5.30/6 pm. As the planning officer had to take hrs into consideration in making their judgement. This increase in hrs constitutes a breach regarding this appeal as it no longer relates to the original application.

Therefore, I request that this appeal is denied

The applicant has admitted on her application on the same page that they had a conversation with a local councillor that is on the planning committee. Therefore, this application could be prejudicial and could cause bias on towards the objectors and may result in unfair decision.

Therefore, I request that this appeal is denied

The applicant in her appeal has stated how nice they are and how they intend to look after dogs. I am sure that they have the best intentions. However, the planning application was not about that. It is related to the venue as does the appeal. I request that the good intentions of dog minding are dismissed as it does not relate to what the planning

DNCE 46

objections were all about. However, as the applicant has insisted in their appeal to include this, I will enclose details that may touch on the care that the venue is not a suitable place.

Previously in the appeal the applicant stated that the ground on the property was used on an occasion by personal to allow their dogs to do the toilet there. Yet not proven. This is the exact same ground that they have proposed to use as a dog toilet. Only this time it's different. It will consist of a concentrated number of dogs using the same small area daily. It is stated on the appeal that they would pick up dogs' faeces from the grass and deposited in a safe way. Not all dogs' faeces are of solid matter and can be picked up and you can -not pick urine. It is obvious over time that this area will with rain and dog's toileting turn into a muddy quagmire that may harbour disease. There are no plans to hardcore this area and install a sludge system to enable it to be washed down. Ignoring this may change an environmental problem into a health and safety issue. There are also no plans to put dogs' faeces and soiled bedding and other material into an environmental bin which would be picked up regularly by a private contractor. It can be assumed that it is the intention to use the council refuse bin to deposit such material. In this area it is picked up every three weeks. Animal faeces from dogs is classed offensive waste and collection must be sufficiently often to ensure all waste can be held safely and securely. Without an environmental bin this could give a breeding ground to insects and would emit smells and it is not the council's policy to handle such material.

The shop that the applicant intends to use for the dog caring is a former gift shop and not a purpose-built dog unit and has not had modifications to enable it to be used as such. It is of a small area and only has an external footprint of just 12 yards long and 9 yards broad and as the applicant has applied as pet shop + creche they will have to allow reception area and display of pet accessories. There is a requirement by law for separate washing facility. And a separate feeding facility. They will have to also provide an isolation facility separate from the rest of the unit where an injured, sick, distressed, or aggressive animal can be isolated while awaiting medical attention or its owner and presumably they will require a toilet for staff as well as rest area. Add onto that the need for food storing and cupboards. To retain clients dogs, accessories. The applicant has stated that part of her plan is also to include couches and reception desk.

As stated by the applicant to make the project viable up to 20 dogs are required. It is unrealistic to expect an animal to stay in the one place or attention be diverted when they may be within these premises for up to 8hrs daily during inclement weather. As you can see this premise is not a suitable venue.

There has not a statement available on how the applicant intends to keep the area safe and prevent a dog escaping when the main door is open to allow access.

The applicant staffing ratio 1 person to 10 dogs is not realistic for inexperienced staff and the recommendation animal boarding establishment act 1963 Dog Care Centre states A ratio of 1:5 or 1:6 (staff to dogs) will apply to new establishments. If after a specified period the establishment wishes to apply to have the ratio increased the Local Authority will carry out a risk assessment considering the following factors:

- Confidence in management

PAGE 5

- Training / Experience of staff
- Complaints, including noise.

AMENITY

3.1 The premises shall be operated in such a way as to avoid statutory nuisance to occupiers of neighbouring properties.

3.2 The Licence holder should minimise the potential of odour and noise issues in particular, dog barking.

Regarding Staff There must be a record of all staff training. Staff must either: hold a formal qualification such as, **a Level 2 qualification regulated by the Office of Qualifications and Examinations Regulation (Ofqual) appropriate for their role.** show they have relevant and sufficient knowledge and experience.

The applicant has described how they intended to look after the dogs in a caring manner. It has never been the intention of the objectors to challenge this. It would be for the local authorities and animal welfare organizations to ensure that this is safe and proper. What the objectors have stated that the venue or siting is not the correct placement for such a business as the area sits within designated established residential quiet area and that the addition of the dog facility would have an impact on the life and wellbeing of close residents.

It would be naïve to think as the applicant has indicated that dogs would only be let out for toileting and fresh air. That supposes that in fair weather that the dogs would be guided in after toileting and that it would not be used as a play /exercise area. There has been no indication of the dog types that the center would accommodate. Neither sex, size or breed. This is important as each brings their own problems in relation to each other and would be difficult to handle.

The client has indicated that Happy Dogs don't bark and that they could easily be distracted. As a former dog owner, I know that

Happy dogs do bark, because there happy.

Dogs bark when their owners leave them

Dogs bark when they feel threatened by other dogs

Dogs bark when other dogs make advances

Dogs bark when spooked by a sudden noise for example car backfiring

Dogs bark when other dogs bark.

And dogs that are in groups or packs are more determined than usual to create noise. If as the applicant has stated would remove dogs that misbehaved or barked, then they would find that they have no clientele. The Dispute would be constant over the level of noise due to the proximity of neighbours.

In a statement the applicant has stated that they would start with a small number of dogs and then increase. The outcome would be the same no matter what way it is done the object would be to have up to twenty dogs on the long term to make the business viable.

In the conclusion of their appeal the applicant states that a 6-foot fence to be erected would have sensible site lines to neighbouring property. The drawing shows that it

would cut of visibility from the neighbouring property lounge and dining area. The site lines run along the three-foot brick boundary wall and garage. To place a fence here would have to break into the foundations of the wall and garage and would make it impossible to maintain the property. The fence would have to be set back about three feet to allow a safe and maintenance passage.

The applicant states that a CCTV will be in operation and recording the comings and goings of the property. This surveillance camara was not in the original application and would have been taken into consideration as it may infringe on the privacy and rights of residents in neighbourhood property.

Therefore, I request that this application for appeal is refused on these grounds.

The nature of the applicant is not in dispute but within the closed area there is no plans or details of how the area would be controlled with regards ventilation, heating, storing of animal food or hygiene areas fire control and evacuation. This I assume must be worrying for local authorities for if a licence to operate is given then responsibility for any incident will evolve them.

On the closing remarks of the appeal the applicant states a request to meet the planning committee and discuss the proposed business and of the applicant's caring nature and how the applicant likes dogs.

If the committee decided to meet the applicant and listen to her business plan, then this can be construed that a decision could be made against the objectors. The meeting would be deemed prejudicial and prejudice the outcome.

On the basis that the applicant is trying to influence the outcome of the appeal against a democratic decision-making body.

Therefore, I request that this application for appeal is refused on these grounds.

I am sure that the committee members are experienced to acknowledge that such a meeting could prejudice future litigation and would therefore be inadvisable. The applicant has said that they have a caring disposition. I also have caring disposition as do all the objectors. The applicant is of the impression that by adding a Six-foot fence onto a retail class 1 shop and allowing dogs to romp within whither supervised or not would meet the quality of a safe and pleasant area as in strategic policy 2of the LDC.

The decision in front of you is not that the applicant is nice, caring nature, or has passion or anything else. We are not disputing all of this. What the residents and neighbours of this quiet residential area are disputing that the location of such a dog creche centre

Page 2.

would be detrimental to life and wellbeing of families and retired residents, and would not meet the standards required and that then venue should be sought in an area where disturbance would not be of such a high criteria.

Planning Officers Report

As the council planning law stands then each application stands on its own merit and other plans that were previously approved cannot be used as a precedent. I have endeavoured to show the strong feeling within this community that this appeal should not be granted and the number of objections raised. Along with the other irregularities raised within this letter for dismissal of the appeal.

The council had commissioned an experienced planning officer to issue a decision on the application. This was deliberated over several weeks and taking all factors into consideration he concluded.

Up to 20 dogs could be present on site and whilst the management procedures and potential for domestic properties to keep, in planning terms, as many dogs as the like are noted, it is considered that the proposal would place nearby noise sensitive properties at significant risk of disturbance. Limiting the number of dogs to a smaller amount could potentially mitigate the risk. However, the applicant has stated that a number fewer than 20 may not make the business viable. It is not considered that a condition relating to the size or type of dog would be relevant or enforceable.

The hours of operation could be limited to daytime hours and weekday operation only. However, it is not considered that this would acceptably mitigate the potential disturbance risk. NAC Environmental Health could act against statutory nuisance, should it occur, but this is only after nuisance has occurred and been identified.

On balance therefore, the proposal is not held to meet the quality of 'safe and pleasant' and is therefore contrary to Strategic Policy 2 of the LDP. The application should be refused on the grounds of unacceptable potential risk of noise disturbance. There are no material considerations to the contrary which outweigh this consideration.

Decision **Refused** **Case Officer - Mr Iain Davies**

This refusal also the blessing of senior management of planning

In conclusion of this letter as there is only one dedicated pet shop in Largs if the applicant wished to set up this premises as retail unit sell pet

PAGE 2

foods and accessories then I am sure that they would be made welcome.

Yours Sincerely



Lynsey Ewing – Application No: 100570897-001

Planning Appeal Document No.2, 22nd September 2022

Dear Members of the appeal committee and anyone involved in the final decision for the proposed dog day care facility in 2 Lovat Street, Largs.

Firstly, let me apologise as I fear this document will be a regurgitation of the document before as was the letters received from the objectors, even although I had addressed their points on my original appeal document. I will walk through each area of concern in the headed sections below and hopefully go some way to helping you reach a decision. Within these sections I will highlight areas where I have answered questions that the objectors have asked in their most recent communications.

Garden area, hygiene and disposal of dog waste

There has been mention of how I plan to dispose of dog waste. As mentioned previously I will pick up faeces every time a dog deposits. If the safest means of disposal is considered a dog poo bin, then I will take my poo bags to one of the many allocated dog poo bins that are around our town. This will be done every single day and poo will not collect in the property. The aforementioned dog poo bins are emptied regularly in our town and pose no risk to the neighbours of Lovat Street. If this is not an acceptable disposal, I would be happy to dispose in our local recycling centre daily. If either of these options are unsuitable, I will explore alternatives with the council and be fully compliant with their hygiene and disposal requirements. Dogs urinating on grass is no different to dogs urinating on parkland and our inclement weather does a good job rinsing through grass around our town. In hotter months, the grass in Lovat Street will be hosed just like my garden at home.

One objector makes a comment “who wants a toilet for up to 20 dogs on their doorstep”. As mentioned in my initial appeal document, this area at the moment is by in large wasteland and is used by many locals who take their dog there to do their business. I can tell you in good faith that the previous businessman who owned the gift shop, stated there was a problem with this because, not only with copious amounts of dog fouling but by not picking it up meant that when it came to cutting the grass, he was met with an unpleasant situation.

For winter months when it gets darker earlier, it would be advantageous to have an outside light (not flood lights or intrusive lights), just a normal garden light to allow us to see the dogs when they are outside. This light will go out when we are not in the garden.

There was never mention of the garden being a play area. I have no idea why this keeps cropping up. The sensory areas and ball pits will be inside the building. Never on any of my applications has it stated that outside space would be a play area and to my knowledge the newspaper made this clear also.

I’m sure you will agree that it is not for the residents of Lovat Street to decide whether the garden is big enough for dogs to toilet there. The garden at 2 Lovat Street is a fabulous size. You will see this from the footprint of the map on my original application. Afterall, they could have a neighbour with 10 or more residential dogs living next door (I know several families with large numbers of dogs).

The fence that has been so largely in dispute by the aforementioned objectors, is a necessity whether I was looking after 1 dog or more. Safety is at the forefront of my business and even though this is a toilet area, every dog will be kept within the confines of safety behind the fence to keep

them safely in the garden. It would be remiss of me not to mention that even if this was a residential property, I would be permitted to erect a 6ft fence.

Lastly, as mentioned to the objectors on numerous occasions – the outside area WILL NOT be a play area and will be used only to let my dogs use the toilet.

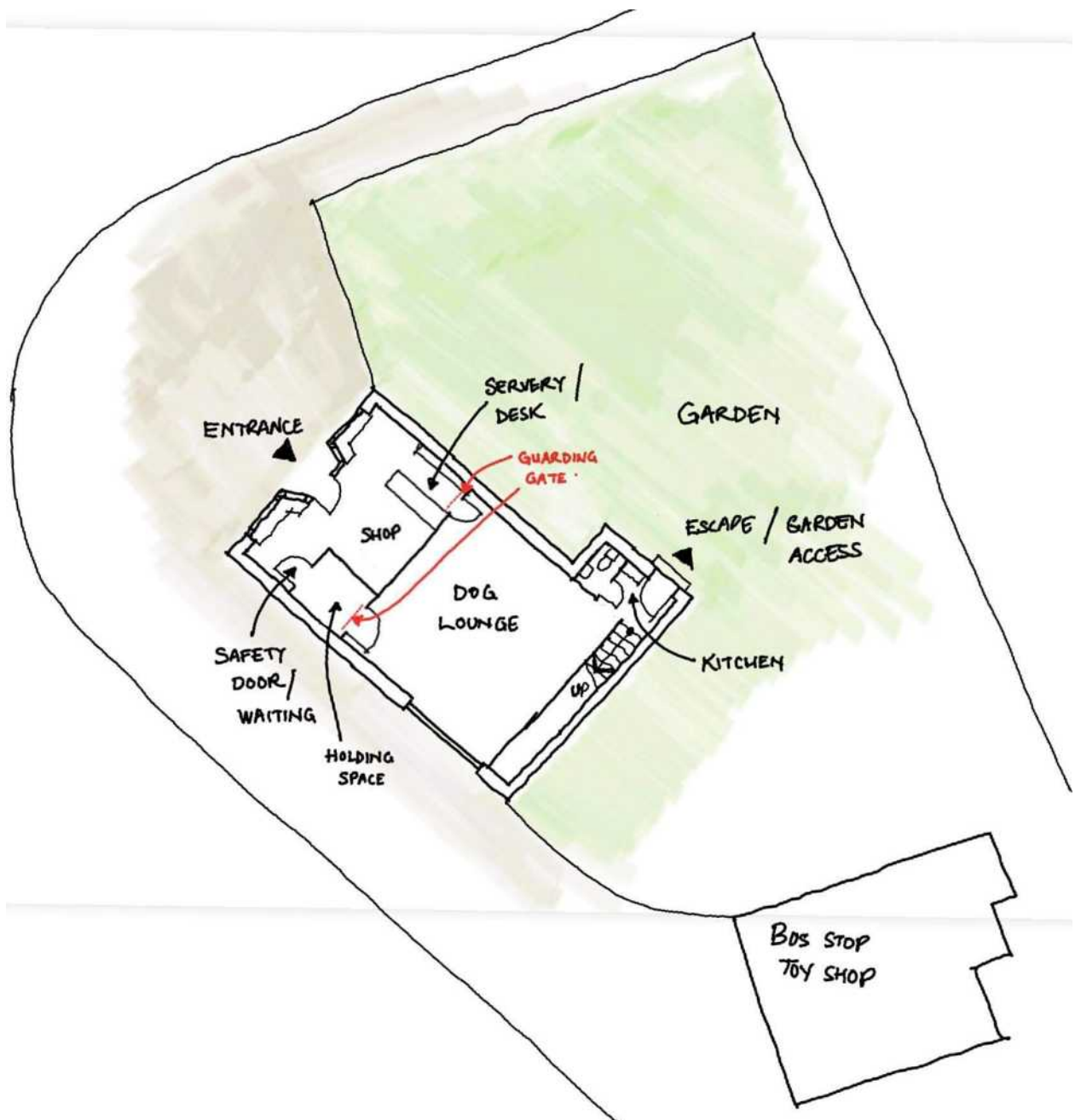
The Building and it's use

I have spent some time in a doggy day care centre currently thriving in Kilwinning North Ayrshire. This particular doggy day care centre is comparable in size to the proposed venue at Lovat Street. The doggy day care centre is in a residential area of Kilwinning and whilst not listed as one in my previous appeal document, it is a perfect example of how well this business works, causing no problems to surrounding area. I have volunteered there, and the proprietor/owner of the business has been incredibly supportive and helpful with my new business plans. As previously mentioned, her unit is of similar size to that of 2 Lovat Street and there is more than enough space for dogs to thrive in this environment. Everything I do will be in accordance with any requirements stipulated within my licence so the space required for each dog will be within guidance.

See attached a plan of the layout of the inside. It is important to mention here that this is not to scale as the layout for the inside was not needed for the original planning application. In the absence of architectural drawings, I have sketched this to show a rough layout. I expect the pet shop area to be much smaller than what it looks like below, leaving most of the space for the dog lounge area. The comment made by Mr Connor is news to me about 50% of the shop being used for retail. I have no idea what he is referring to here or where he got this information? For the record, I do not intend to use 50% of the shop for retail. You will note that safety is paramount with my double door entry/exit system. This will allow me to close one door, take the dog in/out to a holding area before opening the second door into the inner sanctum. You will also note, I have a small kitchen and toilet area to the rear. You will see there are adequate rest areas and dogs will be encouraged to rest for a minimum of 2 hours per day and for those who wish to rest longer, this is also fine. I will incorporate an area for feeding and will have plenty of space should I have to separate a dog from the pack. I will have a washing machine fitted to wash through covers, towels or anything dog related. It is also worth mentioning here that upstairs is almost the same size as the footprint of the ground level, so can also be used for storage or other use.

CCTV will only be used to record the goings on in my property. Neighbouring properties should not be worried about cameras facing their properties – this will not happen.

I acknowledge that you do not require the above information as to how I plan to layout the business but sadly, this seems to be something the neighbours of Lovat Street are obsessing over so I am happy to illustrate this for their benefit.



Additional Information

Having considered each point put forward by the objectors and their interest in the number of dogs I propose to look after. I have given this considerable thought. In my initial appeal document, I said I would like to start with 10 dogs and that I may well never increase however given I was looking at a ratio of 10 dogs to 1 staff member, I had said that I would be open to increasing this to a maximum of 20 dogs but never any more than 20. In a bid to show my compliance and willingness to be flexible, I would be open to lowering my limit. Whilst this will have a financial implication on my business, I feel confident my retail will bridge the gap. I will happily be guided by you as to minimum/maximum numbers.

Each of the dogs in my care will have to be neutered so sex of the dogs is not a consideration as per one comment in the feedback I received from objectors. I will not take any dogs from the dangerous

dog's act and I will be wary of breeds that I know can be a trickier breed to manage. My preference would be small to medium dogs, but I will view each dog on its own merit.

As stated in my first document, I have many supporters of my plans and from what I can see, the only people with a problem are those directly around 2 Lovat Street. I have been in contact with numerous families in neighbouring streets and from the ones I have spoken to, they are also in support of my plans.

To clarify the matter on my conversation with a local councillor. When I called the local councillor to ask advice, I had no idea he was on the planning committee. He stopped me during my opening speech and told me that he was on the planning committee and that he had taken forward some of the objections on behalf of constituents. For this reason, he is not allowed to be part of the appeal. He did tell me the objections he took forward were not his opinion as he is not allowed to take his opinion into consideration. I'm sure you will agree this takes any allegations of bias completely out of the equation when in fact a councillor who is on the planning committee taking objections forward in the first place, could be considered as "muddying the waters" but I never questioned this at the time.

Having considered opening times and following discussions with other doggy day care centres and in the interests of my neighbours in Lovat Street, I would be willing to open my business to dogs at 8am. I would be on the premises slightly earlier, maybe 7:30-45am to set up, but my dogs would arrive at 8am. Collection time would be 5-5:30pm, but this also allows flexibility if owners are running late. This falls perfectly in line with sociable working hours. This also sits in line with my original application.

My background as a professional dog groomer and my business acumen of running successful businesses, should leave no objectors wondering about my ability to run and make a success of such a business. My dog handling skills are exemplary and my understanding and knowledge of dogs, dogs body language, canine anatomy and canine first aid is excellent. My canine first aid certificate is current and up to date. I will employ staff with similar experience.

Having worked in a special needs school for 3 years (with a school dog), I do not protest to be an expert in Autism or any Autistic Spectrum Disorders however I think it is harsh of the owner of Bus Stop Toy Shop to try and use Autistic customers as a reason to object to my proposal. To the best of my knowledge The Bus Stop Toy Shop is not a recognised clinic or approved by the health board and is in fact, just a toy shop and whilst every customer is important, he will have many dog lovers amongst his customer base, autistic or otherwise. This can only be construed as an over exaggeration for the purposes of weakening my proposal and sadly a low blow in a bid to insight concern in this area.

This would be an important time to mention that there would be possible opportunities within my business to provide other community based initiatives such as volunteering for people suffering with mental health issues. I would be more than happy to work with the council to enable people with mental health issues to volunteer in my establishment. This is a proven outlet to help sufferers reduce anxiety, ease loneliness, boost self-confidence, adds structure to their day and help them to meet new people. The Doggy Day Care centre I volunteer at has a tried and tested approach to this and works directly with the job centre as it has proven so successful.

I would like to conclude by thanking you for taking the time to read this document. I know this is often part of your process. I hope you can deduce from my correspondence that I will work with my local authority and stick to any guidelines that they ensue and work tirelessly to ensure I comply will

all aspects of 'safe and pleasant'. I would also like to caveat by saying that should I be proven wrong, I will be the first to agree that maybe this wasn't a good idea after all and in turn, terminate trading. I do not foresee this to be the case and in fact I think not only will my business be an asset to our town but a service that many people will come to rely on and love.