

Local Review Body: Review of Planning Application Reg. No. 21/00422/DPP

Miss Caroline Wilson
The Stackyard Fun Free Dog Park
9 Wilson Street
Penicuik
EH26 9BS

Midlothian Council, as Planning Authority, having considered the review of the application by Miss Caroline Wilson, The Stackyard Fun Free Dog Park, 9 Wilson Street, Penicuik, EH26 9BS, which was registered on 11 November 2021 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use of land to form dog park; erection of cabin, field shelters and fencing at land south west of Mosshouses, Penicuik, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	13.08.2021
Site Plan	1:800	13.08.2021
Illustration/Photographs		13.08.2021
Proposed Elevations		13.08.2021

Subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) A Management Plan;
 - b) Details of the colour finish or treatment of the external walls of the cabin and field shelters;
 - c) Details of the proposed floodlighting system and security lights;
 - d) Details of any proposed drainage works; and
 - e) Details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

Reason: *These details were not submitted with the original application; in order to protect the character and appearance of the surrounding rural area.*

2. The maximum number of dogs in either activity field hereby approved at any time will be 8.
3. The hours of operation of the activity fields hereby approved shall be restricted to the following:

Mondays to Sundays - 9am to 8pm.

4. Notwithstanding the plans hereby approved, the proposed perimeter fencing shall be erected at a height of 2 metres.

Reason for conditions 2 to 4: *In the interests of clarification; to protect the character and amenity of the surrounding rural area.*

5. The floodlight and/or security lighting approved in condition 1c) shall not be used between the hours of 8.30pm and 7.30am and shall be designed to minimise the spillage of light out with the site boundaries or up into the sky. No other floodlighting or security lighting to that approved shall be installed.

Reason: *To minimise any impact on amenity from floodlighting and security lighting on the surrounding area.*

6. The landscaping plan required in terms of condition 1e) shall include details of hedgerow planting with trees in a position to be agreed in writing by the planning authority around the boundary of the activity areas. The hedgerow planting shall comprise species such as mixed hawthorn, blackthorn and beech or single species hedgerows of hawthorn or beech unless otherwise agreed in writing by the planning authority.

Reason: *To integrate the development into the surrounding countryside.*

7. Within six months of the use hereby approved being implemented, the landscape scheme approved under the terms of condition 1e) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged within five years of planting shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To enhance the landscaping of the area by ensuring that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.*

Advisory Note – please encourage all visitors, customers and staff to access and leave the site via the A701 rather than the A6094. The section of Milkhall Road between the site and the A701 is more appropriate for the increase in traffic, rather than the section of Milkhall Road between the site and the A6094.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 January 2022.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. RD1 - Development in the Countryside;
2. ENV7 - Landscape Character;
3. ENV18 – Noise

Material considerations:

1. The individual circumstances of the proposal and the site;
2. The representations made in relation to the application; and,
3. The consultation responses.

In determining the review the LRB concluded:

The proposed development is an appropriate use of land in a rural location and accords with the principles of supporting the rural economy by providing a valued facility. Furthermore, the LRB concluded the access arrangements are adequate for the proposed limited scale of use and should not result in highway safety concerns.

Dated: 10/01/2022

A handwritten signature in dark ink, appearing to read 'Peter', with a stylized flourish extending from the bottom left.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
Advisor to the Local Review Body
Place Directorate
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
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 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 V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager via peter.arnsdorf@midlothian.gov.uk



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2021 until 31st December 2022