

Local Review Body: Review of Planning Application Reg. No. 13/00805/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the review of the application by Mr John Tickle, 25 Damhead, Loanhead, EH10 7EA, which was registered on 3 February 2014 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Partial change of use from agricultural farm to dog kennels and erection of associated kennels at Land 50M West Of 25 Damhead, Lothianburn, Edinburgh, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	9739 1:1250	13.11.2013
Site plan, location plan and elevations	9739 01 1:1250 1:200	13.11.2013
Site plan, location plan and elevations	9739 02A 1:1250 1:200	13.11.2013
Other statements		13.11.2013
Noise Report		13.11.2013
Transport assessment		13.11.2013

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) Details of all external finishes of the kennel building;
 - b) Details of any proposed fences, walls and means of enclosure, including position, design, materials and finish;
 - c) Details of staff and customer parking areas;
 - d) Details of any proposed external exercise areas, including location and materials;

- e) Details of the number of dogs to be permitted into the external exercise area at any one time; and
- f) Details of any the location and materials of any areas of hardstanding.

Reason: *These details were not submitted with the original application; to ensure the development is in keeping with the surrounding countryside.*

- 2. Unless otherwise agreed in writing by the planning authority, the acoustic fencing hereby approved shall be coloured either dark green or brown.

Reason: *To ensure the development is in keeping and protect the appearance of the surrounding countryside.*

- 3. Prior to the dog kennels being brought into use, the acoustic fencing hereby approved shall be erected.

- 4. No dog shall be allowed into any external run area outwith the hours of 6.00pm to 9.00am unless otherwise agreed in writing by the planning authority.

Reason for conditions 3 and 4: *To minimise noise disturbance to nearby residential properties.*

- 5. The kennels hereby permitted in terms of this planning permission shall be operated by the occupant of 25 Damhead Holdings.

Reason: *The noise assessment has not assessed the impact on the amenity of the occupants at 25 Damhead Holdings; to protect the amenity of the occupants of this property.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 3 June 2014. The LRB carried out an accompanied site visit on the 2 June 2014.

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

Development Plan Policies:

- 1. RP1 Midlothian Local Plan – Protection of the Countryside
- 2. RP4 Midlothian Local Plan – Prime Agricultural Land
- 3. ECON8 Midlothian Local Plan – Rural Development

Material Considerations:

- 1. The individual circumstances of the site; and
- 2. The representations made as part of the application and review process.

In determining the review the LRB concluded:

The proposed kennels are an appropriate development in the countryside in support of the rural economy. The developments siting within a sparsely populated area means that any noise disturbance from the use will have limited impact on the residential amenity of local residents. In addition, any noise disturbance can be further mitigated by noise insulation within the design of the building and the imposition of conditions on the grant of planning permission.

Dated: 03/06/2014

Councillor J Bryant
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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk