

Notice of Review: Land to the West of 25 Damhead, Lothianburn

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from agriculture to dog kennels and erection of associated kennels at land 50 metres west of 25 Damhead, Lothianburn.

2 Background

- 2.1 Planning application 13/00805/DPP for the change of use from agriculture to dog kennels and erection of associated kennels at land 50 metres west of 25 Damhead, Lothianburn was refused on 13 January 2014; a copy of the decision is attached to this report.

- 2.2 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B);
- A copy of the case officer's report (Appendix C);
- A copy of the policies stated in the case officer's report (Appendix D);
- A copy of the decision notice issued on 13 January 2014 (Appendix E); and
- A copy of the relevant plans (Appendix F).

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an accompanied site visit for Monday 2 June 2014; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was three consultation responses and six representations received. As part of the review process these interested parties were notified of the review. No additional comments have been received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
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.*

6 Recommendations

- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 27 May 2014

Report Contact: Peter Arnsdorf, Development Management Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 13/00805/DPP available for inspection online.