



Item no

Report no

4

**Planning Permission 10/02728/FUL
at
Land 470 Metres Northeast Of
156 Woodhall Road
Edinburgh**

**Development Management Sub-Committee
of the Planning Committee**

DEPARTURE FROM THE DEVELOPMENT PLAN

This development proposed by this application is a departure from the development plan:

An exception is justified as non-statutory guidance allows for uses similar to the one proposed in the Green Belt and the proposed buildings and enclosures do not adversely affect the character or appearance of the Green Belt or landscape quality, residential amenity or road safety.

1 Purpose of report

To consider application 10/02728/FUL, submitted by Ms Sandy Maxwell Forbes. The application is for: **Change of use to dog exercise holding and socialisation area for dog day-care and fenced area with 3 all weather shelters (part retrospective)**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The application site is approximately 0.2ha in area and formerly used as part of a larger area for keeping horses at Woodhall Farm. The site is largely enclosed by a predominantly post and wire mesh fence, although there is a small area of horizontal close boarded timber fencing. The site is bounded by farmland to the north and west and Woodhall Road to the south with farmland beyond the road. The A720 City Bypass runs along its eastern side.

The business is currently operating and has two blue steel storage containers located at the southern end of the site separated from Woodhall Road by a small wooded area.

The site lies within the Green Belt.

Site History

February 2010 - A Certificate of Lawfulness for walking dogs on the land was issued (application reference 10/00116/CLP).

Pre-Application Process

Pre-application advice was given on the principle of the proposals.

Description of the Proposal

The proposal is for the use of the site as a dog day-care centre and includes the installation of three timber shelters (6020mm wide by 3032mm deep by 2562mm high) and ancillary enclosures (1200mm high). The three timber shelters are proposed to replace two steel storage containers, blue in colour, which are presently located on the site. The proposed buildings will provide staff facilities and shelters for the dogs. The application is partially retrospective.

The applicant has submitted a supporting planning statement which sets out the operation of the business, the clients of the business, the specification of the timber shelters and the controls under which the business operates i.e. veterinary inspector, licensing etc. This is available to view on the Planning and Building Standards Portal.

3. Officer's Assessment and Recommendation

Determining Issues

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the proposal is acceptable in a green belt location;
 - b) the effect of the proposal on the character and appearance of the Green Belt and Area of Great Landscape Value;
 - c) the proposal would have an adverse impact on neighbouring residential amenity; and
 - d) there are any implications for road safety.
- a) Policy Env 10 of the Edinburgh City Local Plan advises that development will only be permitted in the Green Belt where necessary for the purposes of agriculture, woodland and forestry, horticulture or for a countryside recreational use compatible with an agricultural or natural setting, and provided also that any necessary buildings, structures or hard standing areas are ancillary to the main use, small scale and of high design quality.

Whilst the proposal does not fall into any of these categories, the non-statutory guideline on 'Development in the Countryside and Green Belt' considers uses such as a cattery or kennel may be appropriate uses in the Green Belt, provided that a countryside location is essential. The proposal, whilst not being for a kennel, has similar characteristics and the proposed buildings and open areas reflect this. A countryside location is essential for uses such as the one proposed to provide the facilities required and to minimise noise disturbance to neighbouring residents.

The proposal is therefore acceptable in a green belt location subject to it not adversely affecting the character and appearance of the Green Belt and Area of Great Landscape value.

- b) The fence enclosure is appropriate to its location in the Green Belt and Area of Great Landscape Value.

In respect of the proposed shelters, blue storage containers are in use at present for shelters. This allows an assessment of how the proposed natural timber shelters will impact on views from Woodhall Road and Lanark Road.

The positioning and materials of the shelters will reduce the visual impact that currently exists in views from Woodhall Road. There are no plans to alter the existing woodland to the south of the site, which partially screens the shelters from Woodhall Road.

Whilst the views from Lanark Road will not be so restrictive, the views are distant and the use of natural timber will allow the shelters to blend in more with their background. However, conditions requiring a detailed layout of the siting of the shelters and a material specification shall be attached to any consent in order to ensure that the shelters are appropriately positioned to keep their visual impact to a minimum.

The location, size and material of the proposed shelters will ensure that the proposals have a minimal visual impact on the character or appearance of the Green Belt or Area of Great Landscape Value.

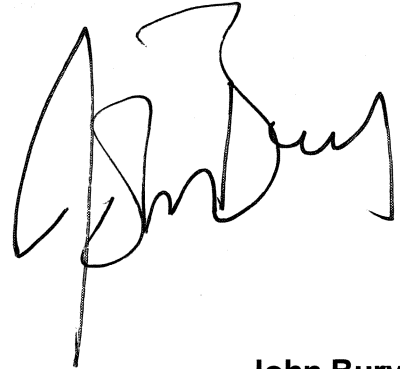
- c) The nearest residential properties are approximately 180 metres away. Whilst there are instances of barking dogs, this is subsequently mitigated by background noise from traffic on the adjacent A720 City Bypass. Environmental Assessment has no objections subject to the daytime operation of the business; a condition to this effect is proposed.
- d) The applicant has provided a transport statement in support of the application and as a result Transport Planning has no objection.

In conclusion, the proposed buildings and enclosures do not adversely affect the character or appearance of the Green Belt or landscape quality and there are therefore compelling reasons for approving departure from the Development Plan. There will be no adverse impact on residential amenity or road safety. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to conditions on hours of operation, positioning of the shelters, materials and the removal of the existing storage containers.

REASON FOR DECISION

Whilst the proposed use does not comply with the development plan, an exception is justified as non-statutory guidance allows for uses similar to the one proposed in the Green Belt and the proposed buildings and enclosures do not adversely affect the character or appearance of the Green Belt or landscape quality, residential amenity or road safety.



John Bury
Head of Planning

Contact/tel	Brian Fleming on 0131 529 3518
Ward affected	A08 - Colinton/Fairmilehead
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Green Belt/ Area of Great Landscape Value
Date registered	22 September 2010
Drawing numbers/ Scheme	01-04 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner,
Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail Gillian.ferrier@edinburgh.gov.uk or jack.dunn@edinburgh.gov.uk

Appendix A



Application Type Planning Permission
Application Address: Land 470 Metres Northeast Of
 156 Woodhall Road
 Edinburgh

Proposal: Change of use to dog exercise holding and socialisation area for dog day-care and fenced area with 3 all weather shelters (part retrospective)

Reference No: 10/02728/FUL

Consultations, Representations and Planning Policy

Consultations

Transport Planning

No objections.

Environmental Assessment

The proposal is to erect 3 wooden shelters for use by a dog day-care company. The location is set within a green field site adjacent to the Edinburgh city bypass. The closest residential properties are approximately 180m away and the general background noise levels are higher than normal due to the bypass traffic noise. The area will be used for supervised dog exercise from 10.00 until 15.00 daily. No noise complaints have been received by this department about the dog walking undertaken at this location since the company "Citidogs" started using this location.

Environmental Health has no objections to the proposed development if used for daytime activities. Should the applicant seek to operate outside daytime hours this department would wish to comment further on the potential impacts.

Representations

The application was advertised on 10 December 2010

Neighbours have been notified of the application. The application has attracted three letters of representation from two neighbouring residents and one from the Colinton Amenity Association; all objecting to the proposal. The material grounds of objection/concern are:

- a. Issues of principle, taken account of in assessment a:
- use not in-keeping with its agricultural status
- b. Landscape and design issues, taken account of in assessment b:
- buildings not in-keeping with surroundings
 - buildings unsuitable for dogs
- c. Residential amenity issues, taken account of in assessment c:
- noise from dogs barking
- d. Transportation issues, taken account of in assessment d:
- road safety concerns due to inconsiderate parking

Other issues raised were non-material planning considerations; these included failing to attend a Colinton Amenity Association meeting, disregard for planning regulations, walking of dogs in public and services being installed.

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The application site is located in an Area of Great Landscape Value and the Edinburgh Green Belt in the Edinburgh City Local Plan.

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Relevant Non-Statutory Guidelines

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

Appendix B



Application Type Planning Permission
Application Address: Land 470 Metres Northeast Of
 156 Woodhall Road
 Edinburgh

Proposal: Change of use to dog exercise holding and socialisation area for dog day-care and fenced area with 3 all weather shelters (part retrospective)

Reference No: 10/02728/FUL

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **GRANTED**

Conditions

1. The hours of operation shall be restricted to 0900hrs to 1700hrs daily.
2. A detailed layout plan showing the accurate positioning of the proposed timber shelters in relation to the existing woodland delineating the southern boundary of the site shall be submitted to and approved by the planning authority prior to the installation of the shelters on the site. The drawing should indicate the woodland to be retained and any supplementary planting, if necessary.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning before work is commenced on site;
 Note: samples of the materials may be required.
4. The two steel storage containers, blue in colour, that are currently located on the site shall be removed within three months of the date of this consent.

Reasons

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to restore the character and appearance of the Green Belt and Area of Great Landscape Value.

End

Appendix C



Application Type Planning Permission

Proposal: Change of use to dog exercise holding and socialisation area for dog day-care and fenced area with 3 all weather shelters (part retrospective)

Reference No: 10/02728/FUL



Location Plan

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