

# Development Management Sub-Committee Report

**Wednesday 23 October 2024**

**Application for Planning Permission  
Land 200 Metres North Of 11 Lochend Road, Newbridge,**

**Proposal: Change of use of agricultural land for use as a dog exercise area, erection of kennels, ancillary office and facilities, provision of car parking, alterations to existing access including visibility splay, and associated works. (as amended).**

**Item – Committee Decision  
Application Number – 23/07357/FUL  
Ward – B01 - Almond**

## **Reasons for Referral to Committee**

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than twenty material representations in objection and the recommendation is to grant planning permission.

### **Recommendation**

It is recommended that this application be **Granted** subject to the details below.

### **Summary**

The proposal would represent an appropriate use for the site. It would not have a detrimental impact on the character and appearance of the surrounding area and, subject to the imposition of suitable conditions, on neighbouring residential amenity and aerodrome safety.

The application is acceptable in terms of NPF4 Policies 1, 7, 8, 13, 14 and 29 and LDP Policies Des 1, Des 4, Env 10, Hou 7, Tra 2 and Tra 4.

There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a large field (approximately 0.9 hectares) situated to the north of the junction between Glasgow Road and the Newbridge Roundabout. Edinburgh Airport lies to the east of the site and a waste treatment facility to the north. Access to the site is gained from the north-east, along Lochend Road.

The nearest residential properties lie approximately 115m to the south-east of the application site.

### **Description of the Proposal**

The application proposes a change of use from agricultural land to a dog kennels, with an outdoor exercise area, ancillary offices and facilities and car parking for staff and visitors.

The proposal has been amended to reduce the level of hard surface and the extent of the acoustic fence (Scheme 2 - Drawing 03a).

### **Relevant Site History**

22/01180/FUL

Land 200 Metres North Of

11 Lochend Road

Newbridge

Change of use of agricultural land to use as a dog exercise area, erection of building for use as kennels in connection with the exercise area, parking, and alterations to existing access.

Refused

29 August 2023

### **Other Relevant Site History**

No other relevant history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Roads Authority.

Archaeology

Environmental Protection.

Airport Authority

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** Not Applicable

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 5 January 2024

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 339

## Section B - Assessment

### Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 Sustainable Places Policy 1
- NPF 4 Sustainable Places Policy 7
- NPF 4 Sustainable Places Policy 8
- NPF 4 Policy Sustainable Places Policy 13
- NPF 4 Policy Liveable Places Policy 14
- NPF 4 Productive Places Policy 29
- LDP Design Policies Des 1 and Des 4
- LDP Environment Policy Env 10
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 4

The non-statutory Guidance for Development in the Green Belt and Countryside is a material consideration when considering NPF 4 Policy 8 and LDP Policy Env 10.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering LDP Policies Des 1 and Des 4.

The non-statutory Guidance for Business is a material consideration when considering LDP Policy Hou 7.

### Principle of Development

The proposal is located within the Countryside Area, as defined in the adopted Edinburgh Local Development Plan (LDP).

The Council's non-statutory Guidance for Development in the Countryside and Green Belt states that, provided it can be demonstrated that a countryside location is essential, a kennel use may be acceptable.

The applicant is currently running the business from Hallyards Farm, which is located in a small industrial estate, approximately 500m north-west of the application site. The proposal would allow the business to expand and provide an increased service to its customers. In terms of the design, the structures would be acceptable and would not detrimentally impact the landscape quality and/or rural character of the area; this is expanded on below. Moreover, the proposal would increase employment opportunities, with extra staff anticipated.

The proposal would have a neutral impact in terms of NPF 4 Policy 1, as it would not create an excessive increase in the level of private vehicle journeys.

The proposal is in compliance with the requirements of NPF 4 Policies 8 and 29 and LDP Policies Des 1 and Env 10.

### Scale, Design and Materials

The site retains an essentially rural appearance and has an important role in contributing to the character of the surrounding countryside; the proposal would involve the construction of a stand-alone building for dog kennels within the site, an area of hard standing, an acoustic fence and a perimeter fence around the application site. The proposal has been amended to reduce the level of hard standing and to restrict the extent of the acoustic fence, so that it extends around the kennel building only.

The style of the building would have regard to the agricultural character of the site and its surroundings, with a plain and functional style. In conjunction with the proposed materials, the development would be appropriate to the location, creating a sympathetic and suitable addition to the surrounding area. A condition requiring an alternative colour scheme for the building has been attached to the permission to ensure it will reflect the character of the surrounding area.

There is existing screening to the north, west and south, which would assist in reducing the visual impact of the building from both nearby and wider views.

The proposal complies with NPF4 Policy 14 and LDP Policies Des 1 and Des 4.

## Amenity

The kennels would be capable of housing at least 26 dogs, with an open area to the south of the car park and enclosed kennels to the west of the car park.

The application site is located in an area which has a high background noise level due to transport sources, including aircraft noise. However, there are existing residential properties approximately 115 metres south-east of the site. and a NIA (Noise Impact Assessment) was submitted as part of the application, which is expanded on below.

Environmental Protection was consulted as part of the proposal. That service was satisfied that, subject to the imposition of a suitably worded condition requiring the erection of acoustic screening, any increase in noise from the proposal could be mitigated. The introduction of the 2m high acoustic screen around the kennel building, where barking would most likely occur, would mitigate amenity concerns that were present in the previous application (22/01180/FUL).

Due to the distance between the site and the nearest residential property, it is not anticipated that any issues would arise due to smells and odours.

The proposal complies with NPF4 Policy 29 and LDP Policy Hou 7 and would not have an unacceptable impact on residential amenity.

## Road and Pedestrian Safety and Active Travel

Given the busy road network that is within close proximity to the site, the proposal would not have a measurable increase in vehicle movements within the vicinity and would not have a detrimental impact on road safety.

In terms of active travel, the proposal includes four cycle spaces in covered Sheffield cycle racks.

The Council, as Roads Authority, was consulted in relation to the proposal and returned no objections.

The proposal complies with NPF4 Policy 13 and LDP Policies Tra 2 and Tra 4.

## Archaeology

The City Archaeologist has confirmed that the site lies within an area of potential archaeological significance. The Archaeology Service has no objection, subject to the imposition of a condition requiring a programme of archaeological works be undertaken. Please see the conditions section for more detail.

The proposal would not have an adverse impact on a site of archaeological significance and complies with NPF 4 Policy 7.

## Aerodrome Safeguarding

Edinburgh Airport was consulted on the proposal and raised no objection subject to the inclusion of suspensive conditions requiring details of a bird hazard management plan and control of lighting. These conditions are required to ensure that the site is managed to minimise its attractiveness to birds and to avoid confusion with aeronautical ground lights or glare, both of which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The proposal does not raise any issues in respect of aerodrome safeguarding providing the aforementioned conditions are attached.

## Biodiversity

The proposal was assessed in terms of biodiversity. A Preliminary Ecological Appraisal was submitted, and this concluded that the proposal would have no adverse impact on any protected species or the wider environment. The proposal would be acceptable providing a detailed landscape plan is submitted prior to the commencement of development. This has been attached as a suspensive condition.

The proposal would not have a detrimental impact on biodiversity or on the wider environment.

This would comply with LDP Policy Env 10.

## **Conclusion in relation to the Development Plan**

The application is acceptable in terms of NPF4 Policies 1, 7, 8, 13, 14 and 29 and LDP Policies Des 1, Des 4, Env 10, Hou 7, Tra 2 and Tra 4.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. On 27 June 2024, the Council accepted the recommendations and modifications required to the Proposed City Plan 2030.

On 10 September 2024 Scottish Ministers issued a Direction under section 20(5) of the Town and Country Planning Scotland Act 1997 that City of Edinburgh Council consider modifying the proposed City of Edinburgh Local Development Plan 2, City Plan 2030 as detailed within the annex to the direction. The required modifications are being reviewed and will be considered at a further meeting of the Planning Committee and then further Full Council.

At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the adoption of the plan.

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

## Public representations

The application attracted 339 contributors; of that 339, 32 objected and 307 supported the proposal.

A summary of the representations is provided below:

### *material considerations - objections*

- Additional traffic - this is addressed in section a).
- Dangerous junction and dangerous driving where kennels would be sited; this is addressed in section a).
- Increased noise and disturbance both day and night; this is addressed in section a).
- Increased smell nuisance; this is addressed in section a).

### *material considerations - support*

- Expanding existing business in the countryside; this is addressed in section a)
- Further employment opportunities; this is addressed in section a)
- Good facility for day care when more people back to work; this is addressed in section a)
- Upgrade current facilities giving more space for dog exercise; this is addressed in section a)

### *non-material considerations*

- Couldn't go on holiday without the business
- Dogs are very well exercised
- Business supports dogs in difficult times
- Dogs become more sociable

## **Conclusion in relation to identified material considerations.**

The proposals do not raise any issues in relation to other material considerations identified.

## **Overall conclusion**

The proposal would represent an appropriate use for the site. It would not have a detrimental impact on the character and appearance of the surrounding area and, subject to the imposition of suitable conditions, on neighbouring residential amenity and aerodrome safety.

The application is acceptable in terms of NPF4 Policies 1, 7, 8, 13, 14 and 29 and LDP Policies Des 1, Des 4, Env 10, Hou 7, Tra 2 and Tra 4.

There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. A detailed landscape plan shall be submitted to and approved by the City of Edinburgh Council, as planning authority, prior to the commencement of development. The approved plan shall be implemented within six months of the permission, hereby approved, being taken up.
4. A Bird Hazard Management plan must be submitted and agreed by the Council, as Planning Authority, prior to the commencement of development. The agreed scheme plan shall be implemented prior to the use, hereby approved, being taken up.
5. A Control of Lighting plan must be submitted and approved by the Council, as Planning Authority, prior to the commencement of development. The plan shall be implemented prior to the use, hereby approved, being taken up.
6. The use hereby approved shall not be taken up until an acoustic barrier is erected, using close boarded timber fences, which facing material shall have a minimum surface density of 12 kg/m<sup>2</sup> and be constructed continuously ensuring there are no gaps, either between the boards or at the barrier base, located as per drawing number 03a.
7. Notwithstanding the contents of the approved drawings, the proposed colour of the building shall be subject to the written approval of the Council, as planning authority.

### **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.



2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.
4. In the interests of aviation safety
5. In the interests of aviation safety
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to ensure that the colour scheme of the building is compatible with the character of the surrounding area.

### **Informatives**

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Given the nature of the proposed development it is possible that a crane may be required during its construction. The Council would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - [Local Development Plan](#)**

**Date Registered: 22 December 2023**

**Drawing Numbers/Scheme**

01,02,03a-07

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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Appendix 1

### **Summary of Consultation Responses**

NAME: Roads Authority.  
COMMENT: No objections.  
DATE: 29 January 2024

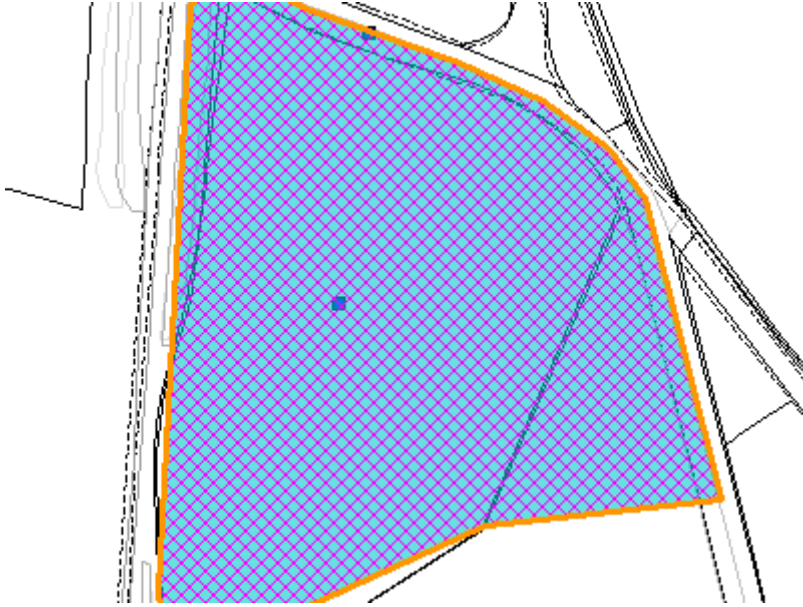
NAME: Archaeology  
COMMENT: No objections providing their recommended condition is met.  
DATE: 7 May 2024

NAME: Environmental Protection.  
COMMENT: No objections providing their recommended condition is met.  
DATE: 7 May 2024

NAME: Airport Authority  
COMMENT: Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority.  
DATE: 12 February 2024

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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