

## **Notice of Review: Land South of Units 2 and 4A, Butlerfield Industrial Estate, Bonnyrigg**

### **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 re-grading of land and formation of storage yard (part retrospective) at land south of units 2 to 4A, Butlerfield Industrial Estate, Bonnyrigg.

#### **2 Background**

- 2.1 Planning application 13/00901/DPP for the re-grading of land and formation of storage yard (part retrospective) at land south of units 2 to 4A, Butlerfield Industrial Estate, Bonnyrigg was refused planning permission on 5 March 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 5 March 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 unaccompanied site visit for Monday 2 June 2014; and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there was one consultation response and no representations received. As part of the review process the interested party was 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. Development shall not begin until details of a scheme of hard and soft landscaping, including the formation of bunding, has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all storage areas in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting, including trees, shrubs, hedging, wildflowers and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- vii proposed areas of hardstanding; and
- viii a programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed within six months of the grant of planning permission. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August).

All hard and soft landscaping, including the formation of bunding and hardstanding, shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (viii). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.

2. The maximum height of the stored materials and any plant and machinery on site shall not exceed 3 metres from the adjacent ground level approved in compliance with condition 1. Any stored materials and plant and machinery stored on the land shall be in connection with/for the use of Crummock (Scotland) Limited.

***Reason:*** To ensure the quality of the development reflect its setting in accordance with policy RP20 of the Midlothian Local Plan and national planning guidance and advice.

3. All salt and other fine grained material shall be stored on a hardstanding, the details of which shall be approved in compliance with condition 1.

***Reason:*** To ensure material does not contaminate the ground in accordance with policy DP3 of the Midlothian Local Plan.

## **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 13/00901/DPP available for inspection online.**