

## **Notice of Review: Caleco Waste, Eldin Industrial Estate, Loanhead**

### **Determination Report**

Report by Head of Planning and Development

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to determine the 'Notice of Review' for the amendment to condition 10 of planning permission 08/00680/FUL (Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings, part retrospective) to amend hours of starting operation from 7.00am to 6.00am, 7 days a week (retrospective) at Caleco waste, Eldin Industrial Estate, Loanhead.

#### **2 Background**

- 2.2 Planning application 12/00390/DPP for the amendment to condition 10 of planning permission 08/00680/FUL (Permanent use of land for waste transfer station, change of use of agricultural land to industrial use and erection of ancillary buildings, part retrospective) to amend hours of starting operation from 7.00am to 6.00am, 7 days a week (retrospective) was refused on 12 December 2012. At its meeting on 23 April 2013 the LRB agreed to carry out an unaccompanied site visit on the 3 June 2013 and to determine the review by way of written submissions. The following documents were attached to the report to the LRB meeting of the 23 April 2013:

- A site location plan;
- A copy of the notice of review form;
- A copy of the case officer's report;
- A copy of the policies stated in the case officer's report; and
- A copy of the decision notice issued on 12 December 2012.

- 2.3 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.
- 4 The first meeting of the LRB in connection with the review to decide the determination process on 23 April 2013.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 3 June 2013 (the site visit was scheduled at the time of drafting this report).

- 2.4 The case officer's report identified that there are six representations and one consultation responses. As part of the review process these interested parties were notified of the review. No additional comments have been received.

### **3 Procedures (Next Stage)**

- 3.1 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.

In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

- 3.2 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.
- 3.3 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

### **4 Conditions**

- 4.1 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. No operation of plant or machinery shall be operated on any part of the site and no HGV's shall enter the site or be dispatched out with the following hours unless otherwise approved by the Planning Authority:

Monday - Friday inclusive	6.00am -10.00pm
Saturdays	6.00am - 6.00pm
Sundays	6.00am -12.00 Noon

**Reason:** *In the interests of safeguarding the amenity of neighbouring residences.*

## **5 Recommendations**

- 5.1 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

**24 May 2013**

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**Background Papers: Planning application 12/00390/DPP & 08/00680/DPP available for inspection online.**