

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 2 September 2014
Item No 5(c)

Local Review Body: Review of Planning Application Reg. No. 13/00901/DPP

Crummock (Scotland) Limited
4A Butlerfield Estate
Bonnyrigg
EH19 3JQ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Derek Hogg, Crummock (Scotland) Limited, 4A Butlerfield Estate, Bonnyrigg, EH19 3JQ which was registered on 3 April 2014 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Re-grading of land and formation of storage yard (part retrospective) at Land South Of Units 2 to 4A, Butlerfield Industrial Estate, Bonnyrigg, in accordance with the application and the following plan:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	15.01.2014
Site Plan	131011 Existing layout and levels	15.01.2014
Site Plan	1310112 Proposed layout and levels	15.01.2014
Proposed cross section	1310113	15.01.2014
Proposed cross section	1310113	15.01.2014

Subject to the following conditions:

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.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 3 June 2014. The LRB carried out an accompanied site visit on the 2 June 2014.

In reaching its decision the LRB gave consideration to the following development

plan policies and material considerations:

Development Plan Policies:

1. COMD1 Midlothian Local Plan – Committed development
2. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
3. RP7 Midlothian Local Plan – Landscape Character
4. RP20 Midlothian Local Plan – Development within the built-up area
5. DP3 Midlothian Local Plan – Protection of the Water Environment

Material Considerations:

1. The individual circumstances of the site; and
2. Supporting business and job creation/protection.

In determining the review the LRB concluded:

The proposed development would support the existing business and with appropriate landscaping (secured by condition) can satisfactorily be incorporated into the landscape without detriment to local amenity. The use is a 'natural' extension of the existing industrial estate and can be seen in this context.

Dated: 03/06/2014

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk