

## **Notice of Review: Land at Stone Place, Mayfield**

### **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 change of use of vacant ground to allow the siting of site huts for the use as a builders welfare facility (retrospective) on land at Stone Place, Mayfield.

#### **2 Background**

- 2.1 Planning application 15/00199/DPP for the change of use of vacant ground to allow the siting of site huts for the use as a builders welfare facility (retrospective) on land at Stone Place, Mayfield was refused planning permission on 14 April 2015; 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.
- 2.3 The 'Notice of Review' was reported to the LRB at its meeting of 1 September 2015 following a site visit on the 31 August 2015. The LRB determined to defer consideration of the review to afford the applicant the opportunity to propose possible environmental improvements which the LRB could consider as part of the determination process. In response the applicant has proposed to remove the advertisements from the building, paint the structure a uniform colour and plant a hedge in front of the structure fronting onto Stone Place.

#### **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). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, excluding the standard advisor notes, issued on 14 April 2015 (Appendix D); and
  - A copy of the relevant plans (Appendix E).

- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and no representations 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 26 November 2013, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The use hereby approved shall cease within two years of the date of this permission and the land returned to its condition prior to the development commencing within one month of the cessation of the use. All storage containers, material, structures and equipment

brought onto the land in association with the temporary use shall also be removed within one month of the cessation of the use.

**Reason:** *The proposed use does not accord with development plan policies; however the material considerations of the application mean a temporary use is considered acceptable and enables the local planning authority to consider the environmental impacts of the development in the future.*

2. Within 42 days of this grant of planning permission the advertisements positioned on, attached to and/or adjacent to the temporary building/structure shall be removed from the site.
3. Within 42 days of this grant of planning permission the temporary building/structure shall be painted a single colour in accordance with details to be submitted to and approved in writing by the local planning authority.
4. Within 42 days of this grant of planning permission a hedge shall be planted on the grass verge between the temporary building/structure and footpath running along Stone Place in accordance with details to be submitted to and approved in writing by the local planning authority. The hedge shall run the length of the temporary building/structure and the length of the adjoining building (2A Stone Place, Mayfield).

**Reason for condition 2, 3 and 4:** *To mitigate the detrimental impact the proposed development has on the local streetscape.*

## **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:** 13 October 2015

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**Background Papers:** Planning application 15/00199/DPP available for inspection online.