

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 21 October 2014
Item No 5(a)

Local Review Body: Review of Planning Application Reg. No. 14/00047/DPP

Mr Alasdair Mackenzie
M McKenzie
Old Pentland
Loanhead
EH20 9NU

Midlothian Council, as Planning Authority, having considered the review of the application by M McKenzie, Old Pentland, Loanhead, EH20 9NU, which was registered on 23 June 2014 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use of vacant land to storage area for storage of skips at Land 70M North West Of Old Pentland Sawmill, Old Pentland, Loanhead, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	21.02.2014
Illustration/Photograph		21.01.2014
Site Plan		06.03.2014

Subject to the following condition:

1. Development shall not begin until details of a scheme of hard and soft landscaping, 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 implementation 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 policies RP1, RP2 and RP7 of the Midlothian Local Plan and national planning guidance and advice.*

2. No operations, industrial processes, movement of skips, engineering or other works or the operation of machinery shall take place outwith the hours of 7.30am to 18.00pm.

Reason: *To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution and to accord with the operating licence issued by SEPA.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 2 September 2014. The LRB carried out an accompanied site visit on the 1 September 2014.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP7 Midlothian Local Plan – Landscape Character
4. ECON8 Midlothian Local Plan – Rural Development

Material Considerations:

1. The individual circumstances of the site; and
2. The neighbouring land owners need to expand their business.

In determining the review the LRB concluded:

The proposed use is an extension to the neighbouring skip hire business and waste transfer station and as such is justified in this location. The limited scale of development and the local topography and landscaping means that the use can be incorporated into the landscape with limited visual impact.

Dated: 2/09/2014

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