

Notice of Review: Land at Springfield Farm, Lasswade

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 erection of fence and gate and formation of access track (part retrospective) at Springfield Farm, Polton, Lasswade.

2 Background

- 2.1 Planning application 15/00120/PPP for the erection of fence and gate and formation of access track (part retrospective) at Springfield Farm, Polton, Lasswade was refused planning permission on 29 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.

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 29 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

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 19 October 2015; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that one consultation response and nine representations have been received. As part of the review process the interested parties were notified of the review. One additional comment has been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 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 conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Prior to the commencement of the track hereby approved, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Proposed cross sections showing any changes in ground levels; and
 - b) Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and

species of all trees and shrubs that are proposed to be planted.

Reason: *These details were not submitted as part of the original application; to protect the character and appearance of the countryside, Green Belt and Area of Great Landscape Value.*

2. Unless otherwise agreed in writing by the planning authority, no external lighting shall be installed at the site.
3. Any external lighting provided on site approved by condition 2 shall be designed and installed to minimise the spread of light beyond the arena boundaries.

Reason for conditions 2 and 3: *To minimise the visual intrusion of such lighting in the area.*

4. The scheme of landscaping approved in accordance with condition 1b) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

5. Unless otherwise approved in writing by the planning authority, within 4 weeks of the date of this consent, the fencing hereby approved shall be painted either brown or grey.

Reason: *To limit the visual impact of the fence on the surrounding countryside, Green Belt and Area of Great Landscape Value.*

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 15/00120/DPP available for inspection online.