

Notice of Review: Land adjacent 103 Lothian Street, Bonnyrigg

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 formation of car park at land adjacent 103 Lothian Street, Bonnyrigg.

2 Background

- 2.1 Planning application 15/00222/DPP for the formation of car park at land adjacent 103 Lothian Street, Bonnyrigg 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 accompanied site visit for Monday 31 August 2015; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that two consultation and seven representations have been received. As part of the review process the interested parties were notified of the review. Two additional comments have 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 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. The following details shall be submitted to the Planning Authority and no work shall start at the site until these details have been approved in writing by the Planning Authority:
 - (a) A detailed site plan at a scale of 1:100 to accurately show the layout and position of the parking bays, vehicular access, planting area and the location of any walls, fences, gates or barriers;

- (b) Details of the hours of operation of the car park;
- (c) Details of the type and colour of all finishes for hard surfaced areas;
- (d) Details of the means of drainage of the site;
- (e) Detailed plans at 1:50 scale of the proposed planting areas to include details of the position, number, spacing, species and size of all trees and shrubs proposed to be planted;
- (f) Details of the height and appearance of all walls, fences, gates or barriers;
- (g) Details of the position, height and design of any proposed lighting within the site; and
- (h) Details of ongoing maintenance of the site.

Reason: For the avoidance of doubt as to what is approved and in the interests of the visual amenity of the surrounding area.

- 2. The car park shall not be brought in to use until the parking bays have been formed and all hard surfaces laid in accordance with the details approved in terms of condition 1.

Reason: In the interests of the visual amenity of the area.

- 3. Prior to the site being brought in to use a dropped kerb foot way crossing shall be constructed at the vehicle entrance.

Reason: In the interests of road safety and the free flow of traffic.

- 4. Any gates to the vehicular access shall be inward opening.

Reason: To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.

- 5. Parking provision shall be carried out in accordance with the approved plans and hours of operation approved in terms of condition 1 and shall be closed and locked outwith these times and such provision shall be permanently reserved for the parking of customers visiting the premises at 72 Lothian Street and not used for any other purpose.

Reason: To ensure that the use of the parking area remains ancillary to the operation of 72 Lothian Street which formed the basis of the application submission.

- 6. The planting approved in terms of condition 1 shall be carried out within six months of the parking bays and hard surfaces being installed or the car park being brought in to use whichever is the earlier date. Any trees or shrubs removed, dying, severely damaged or seriously diseased within five years of planting shall unless otherwise approved in writing by the Planning Authority be replaced in the following planting season by trees or shrubs of the same size and species as those originally required.

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

7. No walls, fence, gates or barriers shall be erected at the site other than those approved in terms of condition 1.
8. Ongoing maintenance of the site shall be carried out in accordance with the details approved in terms of condition 1.

Reason for conditions 7 and 8: *In the interests of the visual amenity of the area.*

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: 25 August 2015

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 15/00222/DPP available for inspection online.