

Notice of Review: Shewington, Rosewell

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 planning permission for the formation of a temporary test piling facility, associated car parking, access road and buildings at Shewington, Rosewell.

2 Background

- 2.1 Planning application 15/00158/DPP for the formation of a temporary test piling facility, associated car parking, access road and buildings at Shewington, Rosewell was refused planning permission on 30 June 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 30 June 2015 (Appendix D); and
 - Copies of the relevant plans are contained within the applicant's statement.
- 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 23 November 2015; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that 15 consultation responses, 13 representations and a petition with 59 signatures 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 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. Planning permission is granted for a period of 1 year from the date of this permission.

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.*

2. Development shall not begin until an Environmental Management Plan detailing mitigation measures for noise, lighting and vibration at properties within 500m of the boundary of the application site has been submitted to and approved by the planning authority. Once approved the scheme shall be implemented prior to development commencing and shall remain in operation for the duration of the permission.

Reason: *To safeguard the amenity of local residents.*

3. Development shall not begin until a scheme of structural monitoring of the dam and reservoir at Rosslynlee Trout Fishery has been submitted to and approved in writing by the planning authority. The scheme shall contain details of the proposals to monitor the structural integrity of the dam and reservoir and include:
 - i. A survey of the structural condition of the dam and reservoir prior to development commencing at the application site;
 - ii. A scheme of vibration monitoring during the period of test piling activities; and
 - iii. A scheme of survey to be undertaken once test piling activities have ceased.

Unless otherwise approved in writing by the Planning Authority the approved structural monitoring scheme shall be implemented prior to development commencing and shall remain in operation for the duration of the permission.

Reason: *In the interests on flood risk management.*

4. Prior to test piling activities commencing the scheme of drainage detailed in Environmental Appraisal Appendix 7: Groundwater, Surface Water, Private Water Supplies and Soil Assessment as amended by the Responses to Objection from SEPA dated 1 June 2015 and 10 June 2015 shall be fully installed. Unless otherwise approved in writing by the Planning Authority the scheme of drainage shall remain in operation for the duration of the permission.

Reason: *To protect water quality.*

5. Within 6 months of the date of this permission a restoration masterplan shall be submitted to the Planning Authority for approval. The masterplan shall include:
 - i. Details of the removal of all areas of hardstanding and of all permanent and temporary above ground level structures within the application site;
 - ii. A scheme for monitoring waste from the remainder test piles;
 - iii. A scaled site plan showing proposed levels;
 - iv. Details and specifications of planting within the application site; and

- v. The location and details of all new fences and walls to be erected, or hedges to be planted, within or around the boundaries of the site.

Unless otherwise approved in writing by the Planning Authority the approved restoration masterplan shall be implemented within 6 months of the cessation of the use and shall be completed within 6 months implementation. 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 that the site is restored to a standard commensurate with the Prime Agricultural Land status of the surrounding area.*

- 6 Piling and testing works shall only take place between 08:00 and 18:00 Monday to Friday. Site set up and demobilisation/reinstatement works shall only take place between 07:00 and 19:00. Unless otherwise approved in writing by the Planning Authority in advance no operation shall take place out with these hours.

Reason: *To reduce the impact of the development on the amenity of residents living in the vicinity of the site.*

- 7. Unless otherwise approved in writing by the Planning Authority noise from fixed plant and machinery, including generators, shall be such that the combined noise level shall not exceed NR 30 daytime (07:00 to 23:00 hrs) and NR25 night-time (23:00 to 07:00 hrs) as measured from within any living apartment in any neighbouring noise-sensitive premises. For the purposes of this condition the assessment position shall be as identified by BS 7445 in relation to internal noise measurements.

Reason: *To ensure that noise emanating from the site is within acceptable levels.*

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: 17 November 2015

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Background Papers: Planning application 15/00158/DPP available for inspection online.