

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 4 September 2018
Item No 5.3

Local Review Body: Review of Planning Application Reg. No. 18/00065/DPP

Mrs Louise McVay
Ace Car Disposal and Spares Ltd
Yard 1
Camps Yards
Camps Industrial Estate
East Calder
EH27 8DF

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Louise McVay, Yard 1, Camps Yards, Camps Industrial Estate, East Calder, EH27 8DF which was registered on 27 April 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use of land to car breakers yard at 17 - 29 Engine Road, 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	29.01.2018
Illustration/Photograph		29.01.2018
Illustration/Photograph		29.01.2018
Other Statements		29.01.2018

Subject to the following conditions:

1. Prior to the commencement of this use, the following details shall be submitted to and approved in writing by the Planning Authority:
 - a) details of all proposed walls, fences, gates or other means of enclosure, including boundary treatments;
 - b) details of any proposed lighting, including flood lighting and security lighting, including position; and
 - c) Details of a dust management plan to prevent nearby residential and commercial properties being affected.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the Planning Authority.

Reason: *These details were not submitted with the original application; to protect the amenity of neighbouring residents.*

2. The use hereby approved shall not operate outwith the following hours:
Monday to Fridays: 8am to 5pm
Saturdays: 8am to 1pm
3. The boundary treatments approved in condition 1a) shall be close boarded and/or solid, no lower than 2 metres high.
4. Any stored vehicles within the site shall be stacked no more than 2 vehicles high.
5. There shall be no crushing/breaking up of vehicles within the site.
6. There shall be no vehicle grabber or car crushing machinery on site.
7. Unless otherwise approved in writing by the Planning Authority, the lighting details approved in condition 1b) shall include details of their position. The lights hereby approved shall only be in use between the hours of operation approved in condition 2 and the floodlighting system installed shall be fitted with an automatic cut out to ensure these do not operate after 17.30 on Mondays to Friday and 1.30pm on Saturdays. The floodlights shall be installed and operated so that there is not direct illumination of any neighbouring sensitive property and the lamp design such that the actual lamps and inner surface of the reflectors will not be visible from the neighbouring sensitive receptors' properties.
8. Prior to the use commencing, the applicant must demonstrate to the satisfaction of the Planning Authority that noise from the development when rated in accordance with BS 4142: 2014 shall be less than +5dB above a representative L_{A90} (as determined by the Environmental Health Manager) at neighbouring residential use. The use shall operate in line with these restrictions hereafter.
9. The design and construction of any plant shall be such that associated noise shall not exceed noise rating curve NR25 (or NR 20 if tonal) between the hours of 2300-0700 and noise rating curve NR30 (or NR 25) between the hours of 0700-2300 within any nearby residential property (window open standard).
10. In terms of vibration from the use hereby approved movements, the vibration dose value in terms of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings shall not exceed the low probability of adverse comment day and night-time values of 0.2 to $0.4 \text{ m.s}^{-1.75}$ and 0.1 to $0.2 \text{ m.s}^{-1.75}$ respectively.

Reason for conditions 2 to 10: *In the interests of protecting the amenity of neighbouring residents; to mitigate for potential noise and amenity disturbance.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
2. ECON1 Midlothian Local Development Plan – Existing employment locations
3. ECON5 Midlothian Local Development Plan – Industries with potentially damaging impacts
4. ENV18 Midlothian Local Development Plan – Noise

Material considerations:

1. The industrial history of the site.

In determining the review the LRB concluded:

The change of use of the former coach depot and garage to a car breakers is acceptable, subject to conditions mitigating the impacts of the development on neighbouring residential properties, considering the previous uses that have taken place on the site and its established industrial use.

Dated: 20/06/2018

A handwritten signature in black ink, appearing to read 'Peter', with a stylized flourish extending from the bottom left.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
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, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk