

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body: Review of Planning Application Reg. No. 12/00526/DPP

G.S.M. ARCHITECTURE
36-12 Malbet Park
Edinburgh
EH16 6SY

Midlothian Council, as Planning Authority, having considered the review of the application by Mr D Robertson, Hillview Cottage, Hilltown, Woolmet, Newton, Danderhall, Midlothian, which was registered on 31 October 2012 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

Erection of two dwellinghouses and formation of associated vehicle access on land to north of Hillview Cottage, Woolmet, Dalkeith

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	DR02/602 1:1250 1:200	23.08.2012
Site Plan	DR02/601 1:500	23.08.2012
Proposed floor plan	DR02/101 1:100	23.08.2012
Proposed floor plan	DP02/104 1:100	23.08.2012
Proposed elevations	DR02/107 1:100	23.08.2012
Proposed elevations	DR02/108 1:100	23.08.2012
Photographs/Illustration	DR02/01	23.08.2012
Supporting statement		23.08.2012

Subject to the following conditions:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. 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 and floor levels for all buildings, open space and roads 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 programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the houses being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details and sustainable urban drainage systems to manage water runoff; and
 - viii proposed car park configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). 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 RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. The buildings permitted shall not be occupied until vehicular and pedestrian access details have been constructed in accordance with plans to be

submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

Reason: *To ensure the future users of the buildings have safe and convenient access to and from the site.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 22 January 2013. The LRB carried out an unaccompanied site visit on the 21 January 2013.

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

Development Plan Policies:

1. RP7 Midlothian Local Plan – Landscape character
2. RP20 Midlothian Local Plan – Development in the built-up area
3. DP2 Midlothian Local Plan – Development guidelines
4. HOUS3 Midlothian Local Plan – Windfall housing sites

Material Considerations:

1. The sites location in relation to the planned development at Shawfair;
2. The relationship between the application property and the neighbouring/nearby properties; and
3. The impact on highway safety and the local traffic network

In determining the review the LRB concluded:

The principle of the proposed development accords with the development plan and the scale and form of the proposed dwellings complements the neighbouring properties. Subject to satisfactorily planting, the proposed development can be incorporated into the existing cluster of houses and the wider landscape.

With regard the proposed developments impact on highway safety and the local road network, it is the opinion of the LRB that the additional traffic generated by two extra houses could be accommodated without detriment to highway safety. However, the resulting cluster of houses would be the maximum number of units that could be accommodated at Hilltown, off the A6106 (Millerhill Road) without highway improvements.

Dated 22/01/2013

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:

Please note that all correspondence, plans and supporting information relating to this application and subsequent review can be viewed online via the Council's website: www.midlothian.gov.uk.

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