

Notice of Review: Land to South of Hilltown House, Woolmet, Dalkeith

Determination Report

Report by Head of Planning and Development

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to determine the 'Notice of Review' for the erection of 4 dwellinghouses at land to the south of Hilltown House, Woolmet, Dalkeith.

2 Background

- 2.2 Planning application 12/00111/DPP for the erection of 4 dwellinghouses was refused on 4 April 2012. At its meeting on 31 July 2012 the LRB agreed to carry out an accompanied site visit on the 3 September 2012 and to determine the review by way of a hearing. The following documents were attached to the report to the LRB meeting of the 31 July 2012:

- A site location plan;
- A copy of the notice of review form;
- A copy of the case officer's report;
- A copy of the policies stated in the case officer's report;
- A copy of the decision notice issued on 4 April 2012; and
- A copy of submitted plans.

- 2.3 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.
- 4 The first meeting of the LRB in connection with the review to decide the determination process on 31 July 2012.
- 5 The LRB Requesting Additional Information.
- 6 The LRB carried out a Site Visit on 3 September 2012 (the site visit was scheduled at the time of drafting this report).

- 2.4 The case officer's report identified that there is one representation and two consultation responses. As part of the review process these interested parties were notified of the review. An additional comment has been received from the representor and is attached as Appendix A.

3 Procedures (Next Stage)

3.1 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.

In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

3.2 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.

3.3 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

4 Conditions and developer contributions

4.1 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 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 the external surfaces of the extension 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 in communal areas and open space, 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 in the open spaces shall be completed prior to the houses/buildings on adjoining plots are 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.

- 4.2 If the LRB are minded to grant planning permission it should also consider the prior signing of a legal agreement to secure contributions towards, affordable housing provision, education provision, children's play provision, town centre improvements and the Borders Rail Line.

5 Recommendations

- 5.1 It is recommended that the LRB:
- a) determines the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

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Background Papers: Planning application 12/00111/DPP available for inspection online.