

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 10 April 2018  
Item No 5.2

## Local Review Body: Review of Planning Application Reg. No. 17/00672/DPP

Tony Thomas  
APT Planning and Development  
6 High Street  
East Linton  
EH40 3AB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr and Mrs Colin and Jane McClung, Sunnybrae Gardens, 16 School Green, Lasswade, EH18 1NB, which was registered on 19 January 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Erection of dwellinghouse at 16 School Green, Lasswade**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL-100 1:1250	24.08.2017
Site Plan	PL02-1 1:500	24.08.2017
Site Plan	PL02-2B 1:500	24.08.2017
Proposed Floor Plan	PL03B 1:100	24.08.2017
Proposed Elevations	PL04 1:100	24.08.2017
Proposed Elevations	PL05B 1:100	24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
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Illustration/Photograph		24.08.2017
Design And Access Statement		24.08.2017

Subject to the following conditions:

1. Development shall not begin until a revised 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 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 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 house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until a programme of archaeological work and investigation has been submitted to and approved by the planning authority. The approved programme shall be carried out prior to the commencement of development unless an alternative phasing is agreed as part of the approved programme.

**Reason:** *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 27 February 2018. The LRB carried out a site visit on the 26 February 2018.

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

Development Plan Policies:

1. DEV6 Midlothian Local Development Plan - Landscaping in New Development
2. ENV1 Midlothian Local Development Plan – Protection of the Green Belt
3. ENV6 Midlothian Local Development Plan – Special Landscape Areas
4. ENV19 Midlothian Local Development Plan – Conservation Areas

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

Dated: 27/02/2018



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](mailto:peter.arnsdorf@midlothian.gov.uk)*