

Grant the Removal of a Condition on a Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body: Review of Planning Application Reg. No. 13/00736/DPP

Niall Young Architecture Limited
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Midlothian Council, as Planning Authority, having considered the review of the application by Ms Joan Mercer, Carrington Mill, Gorebridge, EH23 4SJ, which was registered on 7 March 2014 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

Change of use of store building to form dwellinghouse and associated external works; including re-roofing, formation of door and window openings, installation of window and doors, erection of balcony, formation of access path and car parking area at Carrington Mill, Gorebridge, EH23 4SJ, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	1327(PA)02D 1:1250 1:500	14.10.2013
Elevations	1327(PA)01D 1:100 1:50	14.10.2013

Condition 6 attached to the grant of planning permission dated 6 December 2013 under reference 13/00736/DPP has been removed by the Local Review Body (LRB). Planning permission for the conversion and alteration of the store building at Carrington Mill has been granted subject to the following condition:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and a sample of all roof materials;
 - b) Details and a sample of all wall materials;
 - c) Details of the colour of the flue;
 - d) Details of the appearance of the bin store;
 - e) Details of all hardstanding materials, including paths and parking areas;
 - f) Details of the appearance, size, position and materials of all proposed

- walls, fences, gates and other means of enclosure; and
- g) Detailed plans to a scale of 1:20 showing how the balcony is to be fixed to the existing building.
2. Unless otherwise approved in writing by the planning authority the roof material approved in condition 1a) above for the porch shall be natural slate.
3. Unless otherwise approved in writing by the planning authority the wall materials approved in condition 1b) above shall be natural stone, zinc and timber cladding.

Reason: for conditions 1 - 3: These details were not submitted with the original application and are required in order to protect the character and appearance of the listed building and the surrounding area of great landscape value.

4. The use of cement banding and concrete cills and tiles around the openings are not approved: unless otherwise agreed in writing by the planning authority, the banding shall be smooth render, colour to be agreed by the Planning Authority, and the cills and lintels shall be natural stone.

Reason: To ensure traditional materials are used to protect the appearance of the listed building.

5. The rooflight hereby approved shall be installed in a manner which ensures that its upper surface is as near flush as possible with the upper surface of the roof into which it is to be installed and with minimal flashing. A detailed section drawing or manufacturer brochure showing this shall be submitted for the prior written approval of the Planning Authority.

Reason: To protect the character and appearance of the listed building.

6. No development shall take place on site until the applicants or their successors have submitted a programme of archaeological evaluation, including a historic building report and methodology for a watching brief, which has been approved in writing by the Planning Authority. This programme shall be undertaken by an archaeologist or archaeological organisation approved by the Planning Authority. A written report of the evaluation and investigation shall be submitted to the Planning Authority, including recommendations for any archaeological protection or mitigation measures required. The applicants or their successors shall implement these measures throughout the course of the development, and shall afford access at all times to the approved archaeologist/archaeological organisation in order to recover or record any archaeological finds discovered.,

Reason: To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 29 April 2014. The LRB carried out an unaccompanied site visit on the 28 April 2014.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP6 Midlothian Local Plan – Areas of Great Landscape Value
3. RP9 Midlothian Local Plan – Protection of River Valleys
4. RP24 Midlothian Local Plan – Listed Building
5. DP1 Midlothian Local Plan – Development on the Countryside
6. DP2 Midlothian Local Plan - Development Guidelines

Material Considerations:

1. The individual circumstances of the site.

In determining the review the LRB concluded:

The proposed development relates to the redevelopment of a redundant building in the countryside and the proposed alterations would enhance the appearance of the building and as such complies with policies RP1, R6, RP9, RP24, DP1 and DP2 of the adopted Midlothian Local Plan. The proposed use of glazing in the roof of the building does not have a detrimental impact on the character of the listed building and therefore it is appropriate to remove condition 6 from the original grant of planning permission.

Dated: 29/04/2014

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

Please note that any works carried out on the site shall also accord with the separate grant of listed building consent under reference 13/00728/LBC

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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk