

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 25 October 2016
Item No 5.2

Local Review Body: Review of Planning Application Reg. No. 16/00193/DPP

Brent Quinn
Cockburn's Consultants
29 Ryehill Terrace
Edinburgh
EH6 8EN

Midlothian Council, as Planning Authority, having considered the review of the application by Mr S Alexander, Lothian Cottage, Lothian Bridge, Dalkeith, Midlothian, EH22 4TS, which was registered on 9 August 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of a two storey and a single storey extension at Lothian Cottage, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	070/LP 1:1250	17.03.2016
Elevations, floor plan and cross section	070/PL1A 1:100 1:50	17.03.2016
Elevations, floor plan and cross section	070/PL2 1:500 1:100 1:50	17.03.2016

Subject to the following conditions:

1. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

2. Before the extension is occupied for residential purposes any remedial measures required in accordance with the scheme approved in terms of condition 1 shall be completed.

Reason: *To ensure that the site is in a suitable condition for its proposed use for residential purposes given the industrial history of the site.*

3. The external walls and copes of the extension shall be finished in natural stone.
4. The size, colour, texture and coursing of the natural stone to be used on the external walls of the extension shall match those of the external walls of the original dwellinghouse.
5. Revised elevation drawings shall be submitted to the Planning Authority showing:
 - a) the design, size and surround details of the windows and doors, which shall match those of the original dwellinghouse; and
 - b) the provision of a chimney on the proposed gable feature to relate to the existing chimneys on the original dwellinghouse.

No work shall start on the extension until these details have been approved in writing by the Planning Authority. The proposed extension shall be constructed in accordance with the details hereby approved.

6. The slate on the roof of the extension shall match the size, colour and coursing of the slate on the roof of the original dwellinghouse.
7. Details of the design of the garage doors shall be submitted to the Planning Authority for written prior approval. The approved design shall be implemented and retained unless otherwise agreed in writing by the Planning Authority. The garage doors shall be of a form and design which complements the elevation of the extension and its relation to the original house.

Reason for conditions 3- 7: *To safeguard the character of the house as extended and the visual amenity of the surrounding area.*

8. Development shall not begin until a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified implemented in accordance with details to be submitted and approved in writing by the planning authority. The update investigation shall be carried out within the 6 months prior to development commencing.

Reason: *In the interests of safeguarding otter, barn owl, badger and bats in accordance with Policy RP13 of the Adopted Midlothian Local Plan and to ensure that an up to date understanding of these species on the site is available prior to development commencing.*

9. Unless otherwise approved in writing by the Planning Authority the 1.8m high fence indicated by a broken black line on the approved site plan, drawing no. SP 002, shall comprise a close boarded timber fence and shall be erected within three months of the rear extension being completed or brought in to use whichever is the earlier date and thereafter shall not be removed.

Reason: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 6 September 2016. The LRB carried out a site visit on the 5 September 2016.

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. RP8 Midlothian Local Plan – Water Environment
3. RP9 Midlothian Local Plan – Protection of River Valleys
4. DP3 Midlothian Local Plan – Protection of the Water Environment
5. DP6 Midlothian Local Plan – House Extensions

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed extension by means of its scale and compliance with the stated conditions is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.

Dated: 06/09/2016

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

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

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:

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