

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 6 September 2016
Item No 5.5

Local Review Body: Review of Planning Application Reg. No. 15/00995/DPP

Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Midlothian Council, as Planning Authority, having considered the review of the application by Dr's Christopher And Victoria Rofe, 63 Woodhall Road, Colinton, Edinburgh, EH13 0HQ, which was registered on 27 April 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead, EH37 5SY, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	664/FLM 101 1:1250	22.12.2015
Site Plan	664/FLM 102 1:100	22.12.2015
Existing elevations	664/FLM 103 1:100	22.12.2015
Site Plan	664/FLM 105 1:100	22.12.2015
Site Plan	664/FLM 106 1:100	22.12.2015
Elevations	664/FLM 107 1:100	22.12.2015
Site Plan	664/FLM 108 1:200	22.12.2015
Site Plan	664/FLM 111 1:100	22.12.2015
Proposed floor plan	664/FLM 112 1:50	22.12.2015
Proposed floor plan	664/FLM 113 1:50	22.12.2015
Roof plan	664/FLM 114 1:50	22.12.2015
Proposed elevations	664/FLM 121 1:50	22.12.2015
Proposed elevations	664/FLM 122 1:50	22.12.2015
Proposed elevations	664/FLM 124 1:100	22.12.2015
Proposed elevations	664/FLM 125 1:100	22.12.2015
Proposed elevations and floor plan	664/FLM 131 1:20	22.12.2015
Proposed cross section	664/FLM 132 1:25	22.12.2015
Proposed elevations	664/FLM 133 1:50	22.12.2015

Subject to the following conditions:

1. 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 access tracks 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 boundary planting along the external boundaries of the application site;
 - 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 the boundary planting. The boundary planting shall be completed prior to the house 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 driveway 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 RP7 and RP22 of the Midlothian Local Plan 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: *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 RP22 of the Midlothian Local Plan and national planning guidance and advice.*

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

Reason: *In order to safeguard the visual amenity of the Fala Conservation Area.*

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

Reason: *To protect the residential amenity of surrounding properties.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
2. RP7 Midlothian Local Plan – Landscape Character
3. RP20 Midlothian Local Plan – Development within the built-up area
4. RP22 Midlothian Local Plan – Conservation areas

Material considerations:

1. The Conservation Area Appraisal for Fala; and
2. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed dwellinghouse by means of its scale, form and design is compatible with its countryside location and positively contributes to its village setting. The individual design of the proposed building is of merit to justify the demolition of the existing building on the site and to provide a strong built form on the edge of the settlement.

Dated: 07/06/2016

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