

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

Update Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide an update for the Local Review Body (LRB) regarding an application for planning permission for the erection of four dwellinghouses at land to the south of Hilltown House, Woolmet, Dalkeith.

2 Background

- 2.1 Planning application 12/00111/DPP for the erection of four dwellinghouses at land to the south of Hilltown House, Woolmet, Dalkeith was refused planning permission on 31 July 2012 for the following reasons:
1. In terms of their combined size and scale and the lack of scope for landscape mitigation the proposed four houses would not be satisfactorily integrated into the landscape; but instead, they would appear unduly prominent, exposed and intrusive in the landscape, harmful to the landscape character and amenity of the area. Thereby they are contrary to adopted Midlothian Local Plan Policies RP7 and RP20.
 2. The number of dwellings proposed would result in an over development of the site, with deficient useable private garden ground and landscaping, to the detriment of the residential amenity of the future occupants of the houses, contrary to adopted Midlothian Local Plan Policy DP2.
 3. The additional vehicle movements resulting from the proposed four house development would have a harmful impact on road safety within the local road network.
- 2.2 A Notice of Review was submitted by the applicants and at its meeting of 4 September 2012 the LRB was minded to uphold the review and grant planning permission subject to conditions and the prior signing of a legal agreement to secure developer contributions towards, education provision, children's play provision and the Borders Rail Line.

3 Current Position

- 3.1 To date the applicants have not concluded the legal agreement despite the planning authority chasing the applicants on numerous occasions over the last four years.

4 Recommendations

4.1 At its meeting of 4 September 2012 the LRB was minded to uphold the review and grant planning permission subject to conditions and the prior signing of a legal agreement to secure developer contributions towards education provision, children's play provision and the Borders Rail Line. However, as the applicants are not in a position to conclude the legal agreement it is appropriate for the LRB to determine to follow one of the following courses of action, or an alternative course of action as may be stated by the LRB:

Options:

- a) uphold the review and grant planning permission subject to conditions, but not subject to the legal agreement to secure developer contributions; or
- b) Give the applicants a further 3 months to conclude the legal agreement. But if the agreement is not concluded then dismiss the review and refuse planning permission for the reasons outlined in the planning officers decision; or
- c) defer the review and reinforce the LRB's original decision only to grant planning permission subject to securing developer contributions and that the review will be held in abeyance until such time a legal agreement has been concluded.

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