

## Local Review Body: Review of Planning Application Reg. No. 16/00758/DPP

HALVORSEN ARCHITECTS  
Mountskip House  
Gorebridge  
EH23 4NW

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Christina Walters, 127 High Street, Dalkeith, EH22 1BE, which was registered on 30 January 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Erection of nursery building and formation of car park at Land at Hardengreen House, Dalhousie Road, Dalkeith**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	HGWN 101 1:1250	14.11.2016
Site Plan	HGWN 103 1:500	26.01.2017
Proposed floor plan	HGWN 104 1:100	14.11.2016
Proposed floor plan	HGWN 105 1:100	14.11.2016
Roof plan	HGWN 106 1:100	14.11.2016
Existing elevations	HGWN 107 1:100	14.11.2016
Proposed elevations	HGWN 108 1:100	14.11.2016
Existing elevations	HGWN 109 1:100	14.11.2016
Proposed elevations	HGWN 110 1:100	14.11.2016
Proposed elevations	HGWN 111 1:100	14.11.2016
Elevations	HGWN 112 1:100	14.11.2016
Existing elevations	HGWN 113 1:100	14.11.2016
Proposed elevations	HGWN 114 1:100	14.11.2016
Illustration/Photograph	HGWN 115	14.11.2016
Illustration/Photograph	HGWN 116	14.11.2016
Illustration/Photograph	HGWN 118	14.11.2016
Illustration/Photograph	HGWN 118	14.11.2016
Design Statement		14.11.2016
Access Statement		14.11.2016
Coal Mining Risk Assessment		14.11.2016

Subject to the following conditions:

1. Development shall not begin until the details of existing trees to be retained, removed, protected during development and in the case of damage, restored been submitted to and approved in writing by the Planning Authority. Development shall thereafter comply with the approved details unless otherwise approved in writing by the Planning Authority.
2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

***Reason for conditions 1 and 2:*** To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 of the Midlothian Local Plan; policy ENV11 of the Midlothian Local Development Plan; and national planning guidance and advice.

3. Prior to any external finish materials, including door and windows, being applied to the building; details, including samples if requested, of the finish materials shall be submitted to and approved in writing by the Planning Authority. Development shall comply with the approved details unless otherwise approved in writing by the Planning Authority.

***Reason:*** To safeguard the character and setting of the listed building.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 March 2017. The LRB carried out a site visit on the 6 March 2017.

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. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP5 Midlothian Local Plan – Woodland Trees and Hedges
4. RP24 Midlothian Local Plan – Listed Building

Material considerations:

1. The individual circumstances of the proposal
2. The provision of child nursery spaces

In determining the review the LRB concluded:

The proposed building by means of its size, form and design is compatible to its location and will not distract from the existing nursery building, Hardengreen House, which is a listed building. Furthermore the proposal will support the existing business and the provision of child nursery spaces.

Dated: 07/03/2017

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