

## Local Review Body: Review of Planning Application Reg. No. 20/00695/DPP

APT Planning & Development  
6 High Street  
East Linton  
EH40 3AB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr and Mrs Chris and Emma Flockhart, Lugton House, 6 Lugton Brae, Dalkeith, EH22 1JX, which was registered on 20 October 2020 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of dwellinghouse; alterations to existing boundary walls; erection of gates and retaining walls at Land At 6 Lugton Brae, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	A(01)001 B 1:1250	20.10.2020
Site Plan	A(01)002 D 1:250	20.10.2020
Proposed Floor Plan	A(01)003 C 1:100	20.10.2020
Proposed Floor Plan	A(01)004 B 1:100	20.10.2020
Proposed Elevations	A(03)001 C 1:100	20.10.2020
Proposed Elevations	A(03)002 C 1:100	20.10.2020
Proposed Cross Section	A(04)001 1:100	20.10.2020
Illustration/Photograph	A(03)003 C	20.10.2020

Subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the planning authority and only those approved details shall be used in the implementation of this grant of planning permission:
  - a) Details and a sample of all external materials;
  - b) Details of the materials of any areas of hardstanding;
  - c) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure;

- d) Details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees and hedges on site which are proposed to be removed and retained;
- e) Details of a sustainability/biodiversity scheme for the site, including the provision of boxes for bats and birds and sustainability areas; and
- f) Details of the proposed solar including dimensions and illustrations.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the surrounding conservation area and nearby listed building.*

- 2. The wall materials approved in condition 1a) above shall be either natural stone, smooth or wet dash render, or timber cladding.

**Reason:** *In order to ensure that the development hereby approved does not detract from the character and appearance of surrounding conservation area and nearby listed building.*

- 3. The landscape plan approved in condition 1d) above shall include that the existing hedge along the west boundary of the site to 6B Lugton Brae is protected during development and retained.

**Reason:** *To protect the character and appearance of the surrounding conservation area; to integrate the house into the area; to protect the amenity and privacy of existing and future occupants.*

- 4. The landscape plan approved in condition 1d) above shall include details of protection measures for the hedge to be retained in condition 3.
- 5. Any temporary protective fencing approved in condition 4 shall be erected before any work on the development is begun, including site clearance, and shall be retained until the development is completed. Within the area enclosed by the fencing there shall be no movement of machinery, excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit. These works shall be carried out in accordance with BS5838:2012 Trees in Relation to Development.

**Reason for conditions 4 and 5:** *To protect the character and appearance of the surrounding conservation area; to integrate the house into the area; to protect the amenity and privacy of existing and future occupants; to ensure that the hedge to be retained is protected from damage during development; to ensure that the best practice is followed.*

- 6. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each

dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan 2017.*

7. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the planning authority.

**Reason:** *To ensure the development accords with the requirements of policy TRAN5 of the adopted Midlothian Local Development Plan 2017.*

8. Unless otherwise approved in writing by the planning authority, shrubs to be removed to accommodate the outbuilding shall not be removed during the months of March to September inclusive.

**Reason:** *To protect the local biodiversity of the site; there is potential for the disturbance of nesting birds at the site during bird nesting season.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 14 September 2021.

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

Midlothian Local Development Plan Policies:

1. STRAT2: Windfall Housing Sites
2. DEV2: Protecting Amenity within the Built-Up Area
3. DEV5: Sustainability in New Development
4. DEV6: Layout and Design of New Development
5. DEV7: Landscaping in New Development requires
6. TRAN5: Electric Vehicle Charging
7. IT1: Digital Infrastructure
8. ENV7: Landscape Character
9. ENV19: Conservation Areas
10. ENV20: Nationally Important Gardens and Designed Landscapes
11. ENV22: Listed Buildings


Material considerations:

1. The impact of the development on the surrounding conservation area;
2. The impact of the development on the existing houses at the site; and,
3. The planning history of the site.

In determining the review the LRB concluded:

The development is not visually intrusive and would not have a significant impact on the character and appearance of the surrounding Conservation Area as compared to the existing developments in the area, nor would it have a significant detrimental impact on the setting of the listed building. Sufficient amenity space is provided for existing and proposed houses. The development therefore complies with policies DEV2, STRAT2, ENV19 and ENV22 of the adopted Midlothian Local Development Plan 2017.

Dated: 20/09/2021

A handwritten signature in black ink, appearing to read 'Joyce Learmonth', with a horizontal line underneath.

Joyce Learmonth  
Lead Officer - Major Developments and Enforcement (Advisor to the Local Review  
Body)  
Place Directorate  
Midlothian Council

On behalf of:

Councillor R Imrie  
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)*



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison  
Direct Telephone: 01623 637 119  
Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2021 until 31st December 2022