

## Local Review Body: Review of Planning Application Reg. No. 18/00180/DPP

Mr Stuart Armstrong  
19 Polton Terrace  
Lasswade  
EH18 1BN

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Stuart Armstrong, 19 Polton Terrace, Lasswade, EH18 1BN, which was registered on 29 May 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works at land south east of The Old School House, School Green, Lasswade**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	LASS (LP)001 1:1250, 1:500	16.03.2018
Site Plan	LASS (LP)002 1:250	16.03.2018
Elevations And Floor Plans	LASS (LP)003 1:200	16.03.2018
Landscaping Plan And Site Sections	LASS (LP)004 1:2500, 1:200	16.03.2018
Site Plan	LASS (LP)005 1:500	16.03.2018
Proposed Elevations	LASS (LP)006 NTS	16.03.2018
Design And Access Statement		16.03.2018
Supporting Statement Scottish Water Capacity		16.03.2018
Supporting Statement Broadband Connections		16.03.2018
Supporting Statement Water Capacity		09.04.2018
Supporting Statement Visibility Splay		17.04.2018

Subject to the following conditions:

1. Development shall not begin until a revised 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 and roads 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 proposed new planting including trees, shrubs, hedging and grassed areas;
- 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 all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 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:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has 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 with the planning authority.

**Reason:** To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.

4. 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 and a validation report confirming the works have been completed shall be submitted to the planning authority.

**Reason:** To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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.

5. Development shall not begin until details of the provision of an electric vehicle charging station has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details.

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

6. Prior to the dwellinghouse being occupied the vehicular access arrangements detailed on drawing number LASS (LP)002 and in the Design & Access Statement shall be completed and operational.

**Reason:** To ensure that the dwellinghouse is provided with a safe access.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 4 September 2018. The LRB carried out a site visit on the 3 September 2018.

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

Development Plan Policies:

1. STRAT2 Midlothian Local Development Plan – Windfall Housing sites;
2. DEV2 Midlothian Local Development Plan - Protecting amenity within the built-up area
3. DEV5 Midlothian Local Development Plan – Sustainability in New Development
4. DEV6 Midlothian Local Development Plan – Layout and Design of New Development
5. DEV7 Midlothian Local Development Plan – Landscaping in New Development
6. ENV6 Midlothian Local Development Plan – Special Landscape areas
7. ENV19 Midlothian Local Development Plan – Conservation Areas
8. ENV22 Listed Buildings

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and conservation area. Furthermore, the proposed dwelling will not have an unacceptable impact on the amenity of neighbouring residential properties or the adjoining listed building.

Dated: 04/09/2018



Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
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)*