

Local Review Body: Review of Planning Application Reg. No. 15/00592/DPP

Derek Scott Planning
21 Landsdowne Crescent
Edinburgh
EH12 5EH

Midlothian Council, as Planning Authority, having considered the review of the application by Newhall Farm Partnership, Newhall, Carlops, EH26 9LY, which was registered on 17 September 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of dwellinghouse and formation of access at Whitehill, Nine Mile Burn, Penicuik, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	556-P-LOC-01 1:1250	16.07.2015
Site Plan	580-P-EX-01 1:200	16.07.2015
Site Plan	580-P-GA-01A 1:200	16.07.2015
Proposed Elevations	580-P-GA-02A 1:200	16.07.2015
Proposed Elevations	580-P-GA-03A 1:200	16.07.2015
Proposed Elevations	580-P-GA-04 1:200	16.07.2015
Proposed Elevations	580-P-GA-05 1:200	16.07.2015
Other Statements		16.07.2015

Subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and samples of the proposed colour of the external wall and roof materials;
 - b) Details of the proposed colour of the window and door frames;
 - c) Details of any proposed walls, fences or other means of enclosure, including position, design, dimensions, materials and colour finish;
 - d) Details of the proposed hardstanding materials;
 - e) Proposals for the treatment and disposal of foul surface water drainage from the proposed house;

- f) Details of a scheme of landscaping. 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 on site which are proposed to be removed and retained; and
- g) Details of how the design and construction of the dwellinghouse incorporates sustainable building techniques and materials.

Reason: *These details were not submitted with the application; in order to ensure the development is in keeping with and does not detract from the surrounding area.*

2. Unless otherwise agreed in writing by the planning authority, the wall materials shall be natural stone and smooth or wet dash render.

Reason: *To ensure that the proposed materials are of a high quality and in keeping with the character and appearance of the rural area.*

3. The scheme of landscaping required in terms of condition 1f) above shall include details of additional planting along the areas shaded in green on approved drawing number 580-P-GA-01A.

Reason: *To ensure the landscaping is carried out to an acceptable standard, in the interests of protecting the visual amenity of the area.*

4. The scheme of landscaping approved in accordance with condition 1f) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any hedging or trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 24 November 2015. The LRB carried out an unaccompanied site visit on the 23 November 2013.

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. RP5 Midlothian Local Plan – Woodland Trees and Hedges
3. RP6 Midlothian Local Plan – Areas of Great Landscape Value
4. RP7 Midlothian Local Plan – Landscape Character
5. DP1 Midlothian Local Plan – Development in the Countryside
6. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The individual circumstances of the site; and
2. The existing distribution of properties in Nine Mile Burn.

In determining the review the LRB concluded:

The principal of a dwellinghouse in this location is acceptable. The sites relationship to the existing dwellinghouses in Nine Mile Burn ensures that the development will be seen as part of the housing cluster within the village curtilage and as such would not be incongruous with its setting. The individuality of design of the dwellings in Nine Mile Burn mean that the proposed dwelling will not look out of place or conflict with nearby properties in terms of its scale, form or design. Furthermore, the appropriate use of planting can soften the buildings impact in the landscape ensuring the development does not have a detrimental impact upon it.

In reaching its decision the LRB considered the proposed development can be considered within the policy context of Policy DP1, Section 1.2 Housing Groups of the Midlothian Local Plan which restricts to a maximum of 1 new unit per 5 existing units within the local plan. This case can be considered on its individual merits without undermining adopted development plan policies and the SPG on Development in the Countryside.

Dated: 24/11/2015

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