

Local Review Body: Review of Planning Application Reg. No. 14/00773/PPP

Ferguson Planning
Tower Room
Tweed Horizons Centre
1 Newtown St Boswells
Melrose
TD6 0SG

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Tim Ferguson, Tower Room, 1 Tower Room, Tweed Horizons, Newtown St Boswells, Melrose, TD6 0SG, which was registered on 15 February 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Application for Planning Permission in Principle for erection of dwellinghouse; alterations to building to create artist studio; formation of access; and associated works at Craigesk Coachworks, 6 Ashbank, Gorebridge, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL01 1:2500	27.10.2014
Site Plan	PL02 1:200	27.10.2014

Subject to the following condition:

1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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

- v those surrounding bin stores or any other ancillary structures;
- vi schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vii programme for completion and subsequent maintenance of all soft and hard landscaping; and
- viii 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.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of the proposed residential unit and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, internal roads, footpaths, car parking and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads in relation to a fixed datum;
 - ii proposed vehicular and pedestrian access;
 - iii proposed internal roads/driveways (including turning facilities) and footpaths;
 - iv proposed visibility splays, traffic calming measures, lighting and signage; and
 - v a programme for completion for the construction of access, roads, footpaths and car parking.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

4. Development shall not begin until an application for approval of matters specified in conditions for 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.

Reason: *To ensure that any contamination on the site is adequately identified and that appropriate decontamination 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.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 28 April 2015. The LRB carried out an unaccompanied site visit on the 27 April 2015.

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. ECON8 Midlothian Local Plan – Rural Development
- 3. DP1 Midlothian Local Plan – Development in the Countryside
- 4. DP2 Midlothian Local Plan – Development Guidelines

Material considerations:

- 1. Other uses and developments in the local area.

In determining the review the LRB concluded:

The erection of a dwellinghouse discreetly designed to fit into the landscape would result in an environmental improvement of the site and the removal of a significant number of scrap and disused vehicles. The existing use of the site for the storage and repair of motor vehicles means that the site doesn't have the appearance of being in the countryside. Therefore the redevelopment of this brownfield site is acceptable.

Dated: 28/04/2015

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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk