

## **Notice of Review: Land 115m East of Highwood House, Barley Dean, Rosewell**

### **Determination Report**

Report by Chief Officer Place

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for residential development and associated works at land 115m east of Highwood House, Barley Dean, Rosewell.

#### **2 Background**

- 2.1 Planning application 21/00453/PPP for planning permission in principle for residential development and associated works at land 115m east of Highwood House, Barley Dean, Rosewell was refused planning permission on 26 November 2021; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, excluding the standard advisory notes, issued on 26 November 2021 (Appendix D); and
  - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

#### **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were six consultation responses and one representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. No more than five dwellings shall be erected on the site unless approved by the grant of a planning application.

***Reason:*** *The application has been assessed on the basis of a maximum of five dwellings being built on the site. Any additional dwellings would have a further impact on local infrastructure and additional mitigation measures may be required. Any such*

*measures would need further assessment by way of a planning application.*

2. 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 the use proposed, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. On completion of the decontamination/ remediation works referred to in condition 2, and prior to any building on the site being occupied or brought onto use, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied unless or until the planning authority have approved the required validation.

***Reason for conditions 2 and 3: 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.***

4. Development shall not begin until an application for approval of matters specified in conditions for a scheme of investigation and remediation to deal with previous mineral workings has been submitted to and approved in writing by the planning authority. The scheme shall include:
  - a) A scheme of intrusive site investigations to establish the risks posed to the development by past shallow coal mining activity;
  - b) A report of findings arising from the intrusive site investigations and the results of any gas monitoring; and
  - c) A scheme of remedial and/ or mitigation works to address land instability arising from coal mining legacy.

Before any work starts onsite on the erection of the dwellinghouses the investigation schemes and remediation/mitigation works shall

be fully implemented as approved by the planning authority and the Coal Authority and a verification report shall be submitted to and approved in writing by the planning authority and the houses hereby approved shall not be occupied until this has been approved in writing by the planning authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

***Reason:*** *To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to development commencing.*

5. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the planning authority:
  - a) A detailed layout plan of the site, showing the siting of the proposed houses, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
  - c) Detailed plans, sections and elevations of the proposed houses, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
  - f) Details of the provision of superfast broadband connections for the houses;
  - g) Details of the provision of electric vehicle charging stations for the houses;
  - h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed houses. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
  - i) Details of a scheme of landscaping for the boundaries of the site and a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

***Reason:*** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouses and site access arrangements; to ensure protected species are not adversely affected.*



6. The scheme of landscaping approved in accordance with condition 5i) shall include details of planting along the site boundaries.
7. The scheme of landscaping approved in accordance with condition 5i) shall be carried out and completed within six months of the first house either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

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

8. Before the new houses are occupied the installation of the means of drainage treatment and disposal approved in terms of condition 5h) above shall be completed to the satisfaction of the planning authority.

4 **Reason:** *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

9. The works hereby approved shall be carried out in line with the ecological survey dated 11 August 2021.

**Reason:** *To ensure that any impacts on protected species are mitigated for and to comply with policy ENV15 of the adopted Midlothian Local Development Plan 2017.*

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards primary and secondary school education provision, off site play facilities, Borders Rail and community facilities. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

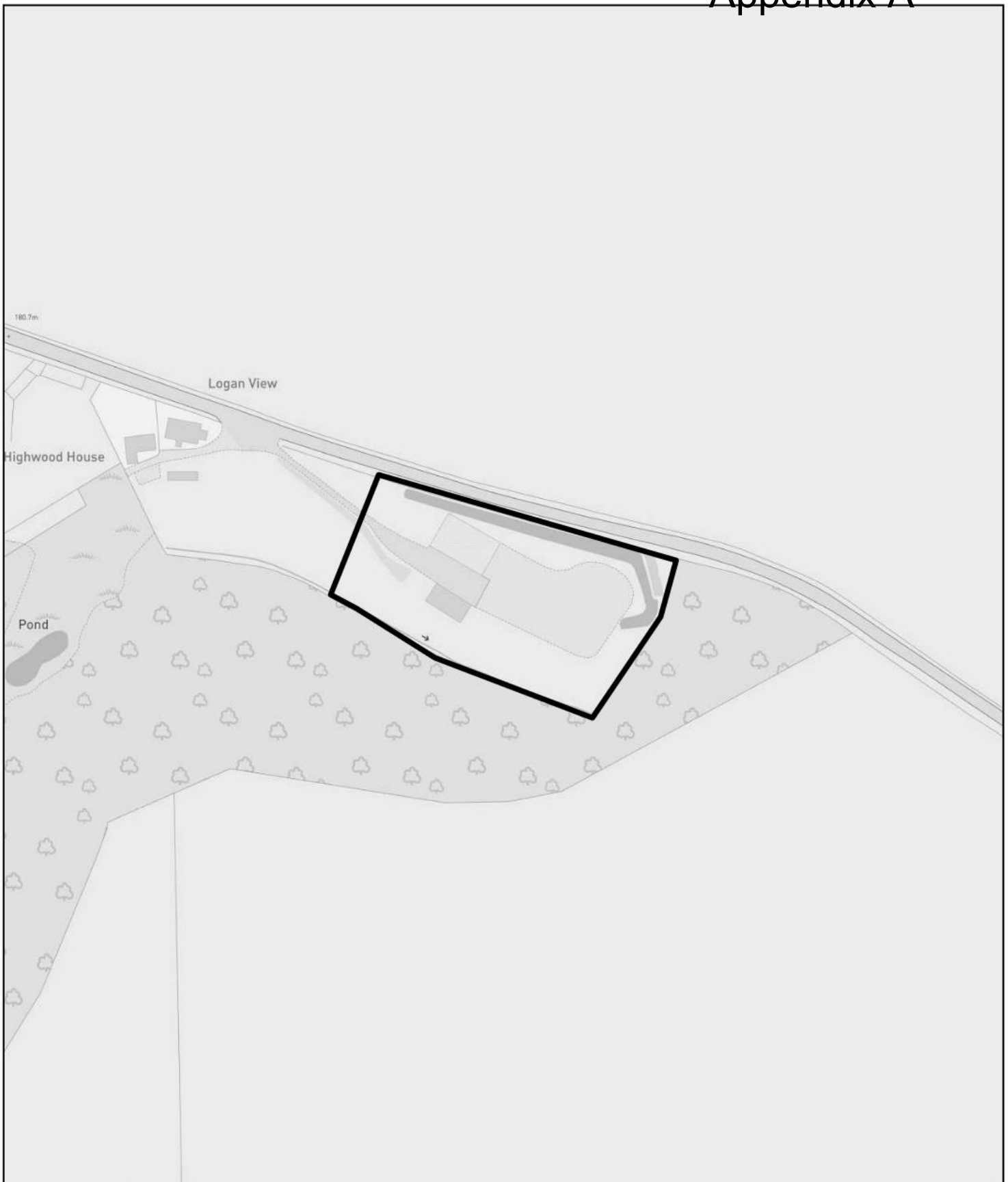
## 6 Recommendations

- 6.1 It is recommended that the LRB:
  - a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 10 February 2022  
**Report Contact:** Mhairi-Anne Cowie, Planning Officer  
[Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

**Background Papers:** Planning application 21/00453/PPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Application for planning permission in principle for residential development at Land 115M East of Highwood House, Barley Dean, Rosewell,

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File No: 21/00453/PPP

Scale: 1:2,000





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100512246-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Format Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Shona"/>	Building Name:	<input type="text" value="Holyrood Business Park"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="146"/>
Telephone Number: *	<input type="text" value="01316617666"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH16 4AP"/>
Email Address: *	<input type="text" value="formatdesign@aol.com"/>		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mrs"/>	Building Name:	<input type="text" value="Highwood House"/>
First Name: *	<input type="text" value="P Sime"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="E Thomson"/>	Address 1 (Street): *	<input type="text" value="Barleydean"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH24 9EA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="formatdesign@aol.com"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Land 115M East of Highwood House, Barley Dean, Rosewell

Northing	<input type="text"/>	Easting	<input type="text"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Application for planning permission in principle for residential development at Land 115M East of Highwood House, Barley Dean, Rosewell

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached planning appeal statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning Appeal Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00453/PPP

What date was the application submitted to the planning authority? \*

18/06/2021

What date was the decision issued by the planning authority? \*

26/11/2021

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To allow the members of the Local Review Body to view the appeal site and its Environs

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Shona Mackay

Declaration Date: 03/12/2021



APPEAL TO LOCAL REVIEW BOARD REGARDING THE REFUSAL OF  
PLANNING PERMISSION 21/00453/PPP  
FOR  
PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL  
DEVELOPMENT  
AT  
LAND 115M EAST OF HIGHWOOD HOUSE, BARLEY DEAN, ROSEWELL



02 DECEMBER 2021

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## 1 Introduction

The proposal is for planning permission in principle for a small residential development, reference 21/00453/PPP.

## 2 The refusal

The proposal was refused on 26 November 2021 for the following reasons:

1. *It has not been satisfactorily demonstrated that the application site is of a sufficient size to accommodate a scheme of the scale of the development as proposed in the submission. It has not been demonstrated that the site could accommodate the necessary levels of private outdoor space; acceptable parking arrangements; a scheme to deal with surface water drainage; adequate drainage provision; and adequate boundary planting. The proposal is an overdevelopment of the site, and is therefore contrary to policies **RD1** and **DEV6** of the adopted Midlothian Local Development Plan 2017.*
2. *It has not adequately demonstrated that the proposed development can be successfully integrated into the surrounding rural area and special landscape area with suitable landscaping. The proposal is therefore contrary to policies **RD1**, **ENV6** and **ENV7** of the adopted Midlothian Local Development Plan 2017.*
3. *It has not been demonstrated through the submission of site investigation works that contamination of the site from historic uses can be addressed, mitigated and remediation works be carried out to an acceptable level to allow the site to be developed.*

## Summary of Representations

Only one representation has been submitted, in support of the application. This states that the site will benefit from the change from a disused yard to a well presented, rural type small development for people who want a quality-of-life outwith mass housing schemes. Family living in a spacious environment will be good for health.

## 3 Case in support of approval

### A. Response to the reasons for refusal

The refusal notice provided 3 reasons listed in section 2 above and they are responded to in order here.

**Reason 1:** This reason is concerned with a lack of information to demonstrate that there is adequate space to accommodate the indicative number of units (reduced to 6 prior to determination). In particular with regards to amenity space for future occupants, parking, surface water drainage, foul drainage, landscaping (boundary planting in particular).

This is an application for planning permission in principle, and so these matters would not be expected to be provided in full detail, but it is appreciated that the applicant should be able to demonstrate how these would be accommodated.

First of all, we have a site area of over 5600 square metres for a development of 6 houses. The **mygov.scot** website advises that “A plot over 250 square metres should be enough for a medium-sized house with a small front and back garden”, and “A plot around 400 square metres will be enough for a 4-bedroom house with a large garden”. If we multiply the latter figure by 6 then that is 2400 square metres less than half of the site, in fact only 42%. This leaves a very significant area for communal space, parking landscaping and drainage.



**Aerial image of the site showing extent of area and existing landscape screening**

The site benefits from being near to a small watercourse and so it will be relatively straightforward to provide a private water treatment within the site which would outfall to the burn. Likewise, runoff from the developed areas could be adequately attenuated with an outfall to the burn at a level better than presently exists. These have not been provided at this outline stage but are readily achievable.

Parking can be accommodated at the point where the access track enters the development area and there is adequate space for this. Surfaces would be porous, and it would be designed to avoid ‘urbanization’, with careful choice of materials and planting of hedges about it.

With regards to landscaping, there is more than adequate space left over for landscaping. The report of handling says that “*there needs to be planting*”

*within the site to integrate the development into the surrounding landscape, as well as taking into account the change in ground levels from the road to the north down to the site, then down from the site to the land to the south".* The site already benefits significantly from existing vegetation to three sides and the change in ground levels is positive attribute as it helps in providing containment to the site reducing its visibility in the surrounding landscape. Photos were provided in the planning statement to demonstrate this, but it is best experienced by visiting the site and this is strongly recommended. There is a maturing tree plantation to the south and east which already screens the site heavily and which will continue to mature and increase in its screening ability. The roadside has a significant roadside hedge, more akin to a linear woodland feature now, and this is dense enough to provide excellent screening. This could be supplemented and maintained by condition. The site drops significantly from this road (see photo on page 5), and this itself has a significant benefit in screening any development from views from the north.

The report goes on to advise *"Any landscaping must have space to grow and become established, as well as not having an adverse impact on the amenity of the houses in terms of overshadowing or fall distances. From the indicative plans submitted, it has not been demonstrated that the site could accommodate either six or eight houses"*. As stated already, there is a large amount of space within which additional landscaping can be accommodated. The layout shown in the application was indicative and it can be reshaped and repositioned. The lesser 6-house scheme was shown in a position whereby it was more in line with the position of existing buildings, although the applicant would argue that there is no overriding requirement to build exactly upon the existing footprint, certainly not in this particular case.

**Reason 2:** This is concerned with the alleged lack of evidence to demonstrate that the proposed development can be successfully integrated into the surrounding rural area and special landscape area with suitable landscaping. The proposal is therefore contrary to policies **RD1**, **ENV6** and **ENV7** of the adopted Midlothian Local Development Plan 2017.



**The site viewed from the east showing the maturing tree plantation**

Again, this site is very well appointed in respect of containing the development. There is plenty of existing vegetation and the topography further helps to reduce the visibility.

The plot sits within a depression partly created by the small valley and accentuated by historic excavations related to quarrying.

There is a significant woodland feature to the south and east side that has been planted as part of the restoration of the former open-cast site at the adjacent Shewington site.

The roadside is heavily vegetated providing very good screening to any passing vehicles or cyclists.



**The drop into the site from the roadside**

**Reason 3:** The final reason relates to the lack of site investigation works to show that contamination of the site from historic uses can be addressed to allow the site to be developed.

There is evidence of the storage of vehicles and various materials and some historic uses such as quarrying and coal mining.

It was anticipated that one of the matters to be resolved during the submission of a detailed planning application would be site contamination and mitigation, however it was not considered that this would be necessary or appropriate at the outline stage. It is a costly exercise, and not one that would be advisable to fulfil without the knowledge that the development would be supported. If planning permission in principle were granted, then funding would be possible. It is anticipated that some remedial works will be required but that these would not be extensive.

The applicant did however carry out a Coal Mining Risk Assessment as this was more critical to the principle of the development.

The Coal Authority advised as the site is within the Development High Risk Area there are coal mining features and hazards which need to be considered in relation to the determination of the application. More specifically, the Coal



Authority's information indicated that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

The planning application was accompanied by a Coal Mining Risk Assessment report prepared by Wardell Armstrong, which correctly acknowledged that a five-foot coal seam is conjectured to outcrop across the site, and concludes that possible unrecorded shallow mine workings pose a risk of surface instability. Therefore an intrusive site investigation is required in order to further assess the risk posed by any unrecorded shallow mine workings. The report advises that should workings be found which pose an unacceptable risk, these will need to be treated by means of a drilling and grouting exercise. This was accepted.



The current houses on site (west of access)

#### **B. Responses to other significant statements within the Report of Handling:**

The report states that “*the proposal appears to comply with the basic redevelopment principles of policy RD1 and the SG. However, there are details that need to be considered, including access and services. Also, there is a requirement that any development respects and enhances the character and appearance of the countryside. The scale of development should not extend significantly beyond the footprint of the original building, unless there are significant design reasons for doing so.*”

This clearly indicates support for the principle of the development subject to scale, services, access, and landscape fit.

“*The footprint of the existing buildings on site is a total of approximately 461 square metres. The eight-house layout shows a footprint of approximately 972 square metres and the six-house layout shows approximately 736 square metres. Both of these layouts show houses out with the footprint of the existing buildings.*”

The main buildings on site extend to 461 square metres, however there are other lesser buildings, hard standings and areas of accumulated scrap vehicles and other materials which it is felt would benefit from the redevelopment.

*“...it is likely that the majority of trips would be made by private car. This does not appear to be in keeping with the Council’s aims of reducing reliance on the use of the private car and increasing opportunities for ‘active’ travel.”*

The site is relatively remote from public transport, but not excessively so. Also, it is intended to ensure the properties all have good ‘work from home’ facilities. Electric car charging facilities will be provided for all units, plus visitors. Ongoing national policies and government targets to offset climate change will ensure that in future private vehicles will be significantly more sustainable.

*“This lack of sustainability could be offset by achieving other environmental improvements through works to a site that is in poor condition which would be an overall benefit to the wider area.”*

The applicant is willing to work with the Council to achieve this, within reason. The site is in serious need of improvement and a good environment would be enjoyed by existing residents and future residents of the development.

*“Should planning permission be supported here, developer contributions would be required. The contributions would be towards education, Borders Rail, community facilities and play provision. This would be in the region of £22,000 per unit.”*

It was the opinion of the applicant’s planning consultant that the site was outwith the Borders Rail A7/A68 corridor. The SPG states that no sites within the A701 Corridor are expected to contribute as they are sufficiently remote from the stations to derive any direct benefit. There appears to be a lack of any map based designated zoning for applicant’s to access to see the extent of this ‘corridor’.

#### **4 Summary**

The proposed development is set within ample ground to accommodate parking, landscaping drainage and private amenity space.

The number of units, form and scale of development remains flexible, although at least 6 units is sought by the applicant.

The applicant will ensure that the development remains sustainable in terms of energy usage, materials and drainage, and as far as possible, transport.

A site investigation report is agreeable at the detailed stage, and it is hoped that the coal mining risk assessment will suffice at this outline stage.

#### **5 Conclusion**

The proposed development will be designed to preserve the landscape character of the surrounding area which contains low density housing within a landscape of improved pasture with shelterbelts.

The scale and form of the building has carefully considered the landscape setting and will incorporate appropriate architectural layout, form and materials.

The houses will provide a valuable contribution to the local rural housing stock providing opportunities for rural tenants and permitting the sustainable increase in the rural population. They will include home work spaces and covered storage for equipment. The development also facilitates the delivery of relatively low-cost rural housing, an issue that remains a priority to supporting community vitality.

With regards to access, the site will have good visibility in both directions.

The houses can all be readily serviced in terms of power, communications drainage and water supply.

It is not a location that could be deemed to be remote, and it is within a short distance of local amenities, and with a reasonable level of public transport available a short distance from the site.

Whilst the wording of countryside policies does not directly support the proposals, the development can be justified in terms of the existing site appearance, the unsightly buildings on site, and the legacy of non-agricultural uses, as well as its low visibility through topography and planting.

The proposal will enhance the rural housing supply and enhance the opportunities for living and working in the countryside in a sustainable manner, and one which will rid the area of what has become an eyesore and a blot on the local landscape.

The development will contribute towards a sustainable, economically active rural area, which is more likely to attract investment and which will encourage vibrant, growing communities. It achieves this whilst maintaining local landscape character.

It is hoped that the Local Review Body will agree and support this proposal in principle.



Existing site (also see cover photo)

## Policies of the Midlothian Local Development Plan 2017 referred to in the reasons for refusal

### Policy DEV 6 - Layout and Design of New Development

The Council will require good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts. The layout and design of development proposals should meet the following criteria:

- A. the layout of development proposals should complement or enhance the character of any adjoining or nearby urban area; include attractive street frontages; provide outlook onto communal open space; and integrate the siting of buildings, landscaping, open space, boundary treatment, and pedestrian/ cycle/ vehicular routes;
- B. any locally prominent landscape feature or historic building should be reflected in the layout and local landmarks and viewpoints should be incorporated into the streetscape to provide a welcoming atmosphere and assist with navigation;
- C. good quality materials should be used in the design;
- D. existing pedestrian routes, including desire lines, should be taken into account and the layout should be convenient for pedestrians and cyclists, with special attention to the provision of footpaths and cycleways which create links between key destinations;
- E. a high standard of passive energy gain should be achieved and overshadowing of buildings should be avoided;



- F. pedestrian routes, open space, sustainable urban drainage features or roads should be overlooked by front or side windows of buildings and doors should face onto streets or active frontages;
- G. buildings should be laid along contours to avoid excessive changes in levels and underbuilding in the street scene;
- H. open space for different age groups should be designed and sited to minimise disturbance and protect residential amenity;
- I. adequate spacing between housing should be provided to ensure privacy and amenity;
- J. where there is a recognised need for new open space in the area (see policy DEV9: Open Space Standards), this should complement and/or contribute to existing open space provision and the proposed green network;
- K. private open space should be provided on a scale appropriate to the relevant dwelling type;
- L. where the proposed development is of a scale and in a location which makes the provision of bus services a realistic prospect, roads providing access through the site must be of a width and design sufficient to allow the passage of buses, with lay-bys provided to allow them to stop without obstructing other traffic;
- M. any roads, lighting and parking must satisfy the Council's standards; and
- N. cycle parking and bin stores shall be incorporated into the layout of developments.

Exceptions to the above criteria may be considered where the proposed development is of a very high standard.

### **Policy RD 1 - Development in the Countryside**

Development in the countryside will only be permitted if:

- A. it is required for the furtherance of agriculture (including farm-related diversification), horticulture, forestry, countryside recreation or tourism; or
- B. it accords with policies RD2, MIN1, NRG1 or NRG2; or
- C. it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt.

All such development will need to be:

- a. of a scale and character appropriate to the rural area and well-integrated into the rural landscape; and
- b. capable of being serviced with an adequate and appropriate access; and
- c. capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply. Development must protect and where appropriate improve the water environment, avoiding unacceptable and unnecessary surface and foul water discharges to watercourses; and
- d. accessible by public transport and services (where appropriate), either within 1,600 metres (1 mile) of a settlement or a bus route with a frequency of at least 1 bus per hour.

### **Housing**

Normally, housing will only be permissible where it is required for the furtherance of an established countryside activity (see criterion A above). The applicant will be required to show the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity.

Proposals to replace an existing dwelling may be permissible where it can be demonstrated that it is incapable of renovation or improvement; that the proposal relates to a complete dwelling (i.e. not the plot of a previous, now demolished house); and provided that the replacement is of a similar scale.

The following circumstances are exceptions to the above requirement to demonstrate that the housing is for the furtherance of a countryside activity. The details of these exceptions will be set out in the relevant Supplementary Guidance:

- housing groups (allowing 1 new dwelling during the plan period where there are 5 existing units);
- conversions of redundant farm buildings or other non-residential buildings;
- redevelopment of redundant farm buildings or other non-residential buildings; or
- enabling development where it can be clearly shown to be the only means of preventing the loss of a heritage asset and securing its long-term future.

In all circumstances, proposals for new dwellings in the countryside must demonstrate a 'Very Good' or better BREEAM (Buildings Research Establishment Environmental Assessment Methodology) rating or equivalent standard for any successor development.

#### **Policy ENV 6 - Special Landscape Areas**

Development proposals affecting Special Landscape Areas will only be permitted where they incorporate high standards of siting and design and where they will not have an unacceptable impact on the special landscape qualities of the area.

#### **Policy ENV 7 - Landscape Character**

Development will not be permitted where it may have an unacceptable effect on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New developments will normally be required to incorporate proposals to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.



**East end of site, looking west**

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 21/00453/PPP

**Site Address:** Land 115M East of Highwood House, Barley Dean, Rosewell.

**Site Description:** The application site comprises a vacant area of land under the control of two houses to the west. There are two brick buildings on site in varying states of repair which appear to be used for storage. The site appears to be used as a storage area with numerous debris lying around, such as static caravan, caravan, tyres, trailers and other items. The site is accessed by a single lane track that leads to the vehicular access for the houses to the west, also under the control of the applicants. There is landscaping to either side of the track. Outwith the site but to either side of the track are items such as a storage container, caravan, lorry, trailers, tyres and other items.

There is countryside to the south, east and north and the two related houses to the west some 93 metres away. The site is at a lower level than the road to the north, with a drop down to the countryside to the south. The site appears to form part of an infilled quarry and is 0.73 hectares in area.

**Proposed Development:** Application for planning permission in principle for residential development.

**Proposed Development Details:** The application is for planning permission in principle, however the applicant's agent has submitted an indicative site plan, floor plans and elevations showing eight houses and a subsequently revised scheme of six houses in a steading layout. These are traditional design with stone and wet dash rendered walls, slate roofs and are single storey with accommodation in the roofspace. These are three bed and accessed by the existing access track. Twelve parking spaces are shown. The existing buildings on site are to be demolished. The applicant's agent has confirmed the houses will connect to the public water supply and have private drainage arrangements.

The agent has submitted a supporting statement stating the following. The site was previously used for coal and stone mining and so is previously developed land which at present is overgrown and used by fly-tippers. It was also previously a market garden and piggery. The positives of building in the countryside are highlighted, including health benefits and access to the outdoors, along with the negatives of this being unsustainable. The proposal would tidy up an unsightly site and enhance the appearance of the area. It would also add to the mix and availability of housing in the countryside and provide more affordable/low cost homes. The siting of the houses would fit into the landscape and these are of traditional design and materials.

**Background (Previous Applications, Supporting Documents, Development Briefs):** No relevant history.

## **Consultations:**

The Council's **Policy and Road Safety Manager** has reservations over the remoteness of the site and the lack of any pedestrian or public transport services in the local area. As the site is in a rural area, there are no pedestrian footways or street lighting available and given the remoteness of the site and the lack of any convenient public transport or walking / cycling facilities, it is likely that the majority of trips, including school journeys, would require to be made by private car. This does not appear to be in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel. They recommend that this application be refused.

The Council's **Environmental Health Manager** has significant concerns due to the potentially contaminative historic site uses and the potential impact of contamination to affect the development site. An assessment of the site in 2005 noted the site has been raised above surrounding ground level by approximately 2 metres suggesting infill or made ground. Buildings on site were observed to potentially contain asbestos. The ground cover comprises gravel and dirt, with evidence of a paved area underneath present cover. Evidence of made ground, colliery and spoil fragments were observed in areas of disturbed ground. A site representative reported that the eastern part of the site had historically comprised a depression from a former quarry, and had subsequently filled in over the years with wastes of various types, including domestic, organic, metals and plastics. A number of heaps of waste materials, metals, wood, plastics and road materials were observed. Scrap and waste was also observed in the field adjacent to the south of the site, and the banking of approximately 2m in height was also observed to comprise waste. A number of reportedly empty drums were stored on site, as well as hydraulic fluids, oils and cleaning products were stored in small containers within a storage shed with a cracked concrete floor. No evidence of hydrocarbon staining was noted in this area. However a number of motor vehicles, including a disused HGV, were observed to be stored on areas of dirt and grass ground cover. Heating of the greenhouses was observed to be from coal burning stove heaters. On the basis of these comments and that it is likely that contamination is present on site at such levels that it would pose a very high risk to the health of any future residents, they recommend the proposal be refused.

The Council's **Biodiversity Officer** has considered the submitted bat and owl survey and state these submitted ecology surveys are acceptable and that the recommendations in these reports be followed.

The Council's **Education Resource Manager** was consulted but did not make comment on the proposal.

The **Coal Authority** has no objection subject to conditions being attached to any permission, due to the coal mining history of the site and area.

**Scottish Water** has no objection. They state that there is no waste water infrastructure in the area and that they will not accept any surface water connections to the combined sewer.

**Representations:** One representation supporting the application has been submitted. This states that the site will benefit from the change from a disused yard to a well presented, rural type small development for people who want a quality of life outwith mass housing schemes. Family living in a spacious environment will be good for health.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are;

**DEV5 Sustainability in New Development** sets out the requirements for development with regards to sustainability principles;

**DEV6 Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking;

**DEV7 Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

**TRAN5 Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

**IT1 Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals;

**RD1 Development in the Countryside** states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour. In the case of businesses, these should not be primarily of a retail nature and do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

**ENV6 Special Landscape Areas** states development proposals in such areas will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the special landscape qualities of the area;

**ENV7 Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate

proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened;

**ENV15 Species and Habitat Protection and Enhancement** states that development that would affect a species protected by European or UK law will not be permitted unless: there is an overriding public need and there is no satisfactory alternative; a species protection plan has been submitted, which is based on survey results and includes details of the status of protected species on site and possible adverse impact of development; suitable mitigation is proposed and agreed; and the development is not detrimental to the maintenance of European protected species at a favourable conservation status;

**IMP1 New Development** seeks to ensure that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision;

**IMP2 Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development; and

**IMP3 Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

**Supplementary Guidance for Housing Development in the Countryside and Green Belt** is adopted and expands policy RD1 and the criteria to be met in such proposals. This provides some support for the conversion or redevelopment of redundant farm buildings or other non-residential buildings to houses. It must be justified and demonstrated that these buildings are fully redundant. Such developments will not be supported where these are still in use or where their loss may result in the requirement for a replacement building elsewhere. Any redevelopment must result in a development that respects and enhances the character and appearance of the countryside. Also the scale of development should not extend significantly beyond the footprint of the original building unless there are significant design reasons for doing so.

**Planning Issues:** The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

Principle of development



The Planning Authority has restrictive policies with regards to new housing proposals within the countryside. These restrictions aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However, there are enabling policies, within the adopted Midlothian Local Development Plan, which support residential developments within the countryside in some instances, subject to specific criteria. Policy RD1 and the related supplementary guidance includes several sections where houses in the countryside could be acceptable in planning terms. In addition, all such development will need to: be of a scale and character appropriate to the rural area and be well integrated into the rural landscape; be capable of being served by an adequate and appropriate access; be capable of being provided with drainage and a public water supply at reasonable cost, or acceptable private water supply; and be accessible by public transport and services.

The proposed houses are not required for the furtherance of an established countryside activity. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future.

There can be policy support for the conversion or redevelopment of redundant non-residential buildings in the countryside where these meet particular criteria. Any redevelopment must result in a development that respects and enhances the character and appearance of the countryside. Also the scale of development should not extend significantly beyond the footprint of the original building unless there are significant design reasons for doing so.

There are two buildings within the site which are in varying states of disrepair and appear to be used as storage. These do not represent examples of traditional, architectural or historic interest or make a significant positive contribution to the character and appearance of the landscape.

The applicant's agent has confirmed that the original use of these has ceased, but over the years they have accumulated with junk storage that is no longer required for that use. These buildings are dilapidated and ready for demolishing. There is no requirement for providing said accommodation elsewhere if the permission was granted. Given this, in this instance it has been satisfactorily demonstrated that the buildings on site are redundant and there would be no requirement for replacement buildings if these were replaced.

Given this, the proposal appears to comply with the basic redevelopment principles of policy RD1 and the SG. However there are details that need to be considered, including access and services. Also, there is a requirement that any development respects and enhances the character and appearance of the countryside. The scale of development should not extend significantly beyond the footprint of the original building, unless there are significant design reasons for doing so.

### Scale and character of the proposed development, impact on rural landscape and special landscape area and amenity for occupants

The scale of development should not extend significantly beyond the footprint of the original building unless there are significant design reasons for doing so. Guidance states that new development should fit and be well integrated into the landscape and landform of an area and be of a scale and character appropriate to the rural area. Any redevelopment must result in a development that respects and enhances the character and appearance of the countryside.

The footprint of the existing buildings on site is a total of approximately 461 square metres. The eight house layout shows a footprint of approximately 972 square metres and the six house layout shows approximately 736 square metres. Both of these layouts show houses outwith the footprint of the existing buildings.

The site is positioned at a lower level from the road to the north and higher than the ground to the south. This means that for any development to be well integrated into the surrounding area, sufficient landscaping would be required within the site. The general design approach for a traditional steading style development is appropriate for a rural location.

The application is for planning permission in principle however an indicative site plan and proposed floor plans and elevations of the houses have been submitted. Whilst it is acknowledged that these are indicative only, these are useful to show what could be accommodated at the site. The site plan shows a development of eight single storey houses in a steading style layout with accommodation wholly within the roofspace of traditional design and materials. Another scheme for a similar but reduced scheme for six houses in a slightly different footprint has been submitted.

The site appears too constrained for either a six or eight house development. There appears to be limited room to accommodate the houses, required parking for the houses and visitors, private amenity space for each house and the foul and surface water drainage services. Also, there needs to be planting within the site to integrate the development into the surrounding landscape, as well as taking into account the change in ground levels from the road to the north down to the site, then down from the site to the land to the south. Any landscaping must have space to grow and become established, as well as not having an adverse impact on the amenity of the houses in terms of overshadowing or fall distances. From the indicative plans submitted, it has not been demonstrated that the site could accommodate either six or eight houses.

### Access

The Policy and Road Safety Manager has not raised any concern over the site access.

There is a policy requirement for the site to be accessible by public transport and services, either within 1 mile of a settlement or a bus route with a frequency of at least 1 bus per hour. The site appears to be on the cusp of this, with the west boundary 0.96 miles from this catchment and the east boundary 1.04 miles. This



siting reflects the reservations of the Policy and Road Safety Manager over the remoteness of the site and the lack of any pedestrian or public transport services in the local area. Given this and that there are no pedestrian footways or street lighting available, it is likely that the majority of trips would be made by private car. This does not appear to be in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel.

The applicant's agent has noted that they propose enhanced working from home facilities.

The location of the site is not sustainable, however this is at a borderline position of the catchment for services. This lack of sustainability could be offset by achieving other environmental improvements through works to a site that is in poor condition which would be an overall benefit to the wider area.

### Ground contamination

There are strong concerns over contamination of the site due to the potentially contaminative historic site uses and the potential impact of contamination to affect the development site. The Environmental Health Manager makes reference to an assessment carried out at the site in 2005 which raises a number of concerns, including: the use of the site as a quarry; land infill using wastes of various types, including domestic, organic, metals and plastics; ground level alterations; asbestos buildings; storage of waste, scrap as well as a number of motor vehicles, including a disused HGV, stored on areas of dirt and grass ground cover; and storage of reportedly empty 45 gallon drums, as well as hydraulic fluids, oils and cleaning products being stored in small containers within a storage shed with a cracked concrete floor.

In the majority of their consultation responses, the Environmental Health team would request site investigation works to be required as a condition, to allow the site to be adequately assessed and for suitable mitigation and remediation works to be carried out to ensure the site cleared of any contamination before development begins. However in this case, they consider that it is likely that contamination is present at this site at such levels that it would pose a very high risk to the health of any future residents. Initially they requested that these site investigation works be carried out with the findings submitted before the application was determined, such was their concern that the principle of development here could not be established.

This information was requested and the applicant's agent queried if this could be required by condition. When it was confirmed this could not be, they submitted the following information and no site investigation report. The applicants have lived near the site all their lives but have no knowledge of the contamination alluded to. They note that particular requirements would be necessary to get any building warrant which would address site contamination. Some of the waste at the site is a result of fly tipping. Some of the drums referred to stored natural fertiliser.

Site investigation works are usually required by condition with any remediation works to be carried out before development begins. However the Environmental Health

Manager has such serious concerns over the level of contamination at the site being at such levels that it would pose a very high risk to the health of any future residents. They have requested this site investigation works are carried out before any decision is made because it is not clear if this contamination can be adequately addressed to allow any development at the site. Therefore they cannot support the principle of development here before considering this information. No site investigation works have been submitted to address these concerns.

#### Drainage and water supply

The application form states that the development will connect to the public water supply. Scottish Water has not raised any concerns over this or the impact a further connection would have on the supply to the area.

A private drainage system is proposed, including a septic tank and soakaway. This is acceptable in principle, as Scottish Water has confirmed there is no public waste infrastructure in the area, however the concerns over the size of the site being able to accommodate all the required amenities to occupants should be noted. Should planning permission be granted, details of the drainage, both foul and surface water, would be required. This drainage information would ensure that there is no pollution to watercourses as a result of the proposal, as well as how surface water run off would be dealt with.

#### Other matters

Should planning permission be supported here, developer contributions would be required. The contributions would be towards education, Borders Rail, community facilities and play provision. This would be in the region of £22,000 per unit.

#### Summary

Overall there are concerns over the principle of development, the scale of the proposals, the remoteness of the site and the condition of the land and questions if this can be developed. The Planning Authority appreciate that some of these concerns are finely balanced and that the proposal would have a number of environmental improvements for the site and the wider area. If these concerns can be addressed, there may be some scope for some development of the site. However the application in its current form cannot be supported.

**Recommendation:** Refuse planning permission in principle.

**Reg. No. 21/00453/PPP**

Format Design  
146 Duddingston Road West  
Edinburgh  
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Mrs P Sime Mrs E Thomson, Highwood House, Barleydean, Rosewell, EH24 9EA, which was registered on 18 June 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Application for planning permission in principle for residential development at Land 115M East of Highwood House, Barley Dean, Rosewell**

in accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	10275-03-06 1:2500	18.06.2021

The reason(s) for the Council's decision are set out below:

- 1. It has not been satisfactorily demonstrated that the application site is of a sufficient size to accommodate a scheme of the scale of the development as proposed in the submission. It has not been demonstrated that the site could accommodate the necessary levels of private outdoor space; acceptable parking arrangements; a scheme to deal with surface water drainage; adequate drainage provision; and adequate boundary planting. The proposal is an overdevelopment of the site, and is therefore contrary to policies RD1 and DEV6 of the adopted Midlothian Local Development Plan 2017.*
- 2. It has not adequately demonstrated that the proposed development can be successfully integrated into the surrounding rural area and special landscape area with suitable landscaping. The proposal is therefore contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017.*
- 3. It has not been demonstrated through the submission of site investigation works that contamination of the site from historic uses can be addressed, mitigated and remediation works be carried out to an acceptable level to allow the site to be developed.*

Dated 26 / 11 / 2021

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

.....  
Duncan Robertson  
Lead Officer – Local Developments  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal  
Authority**

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

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

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

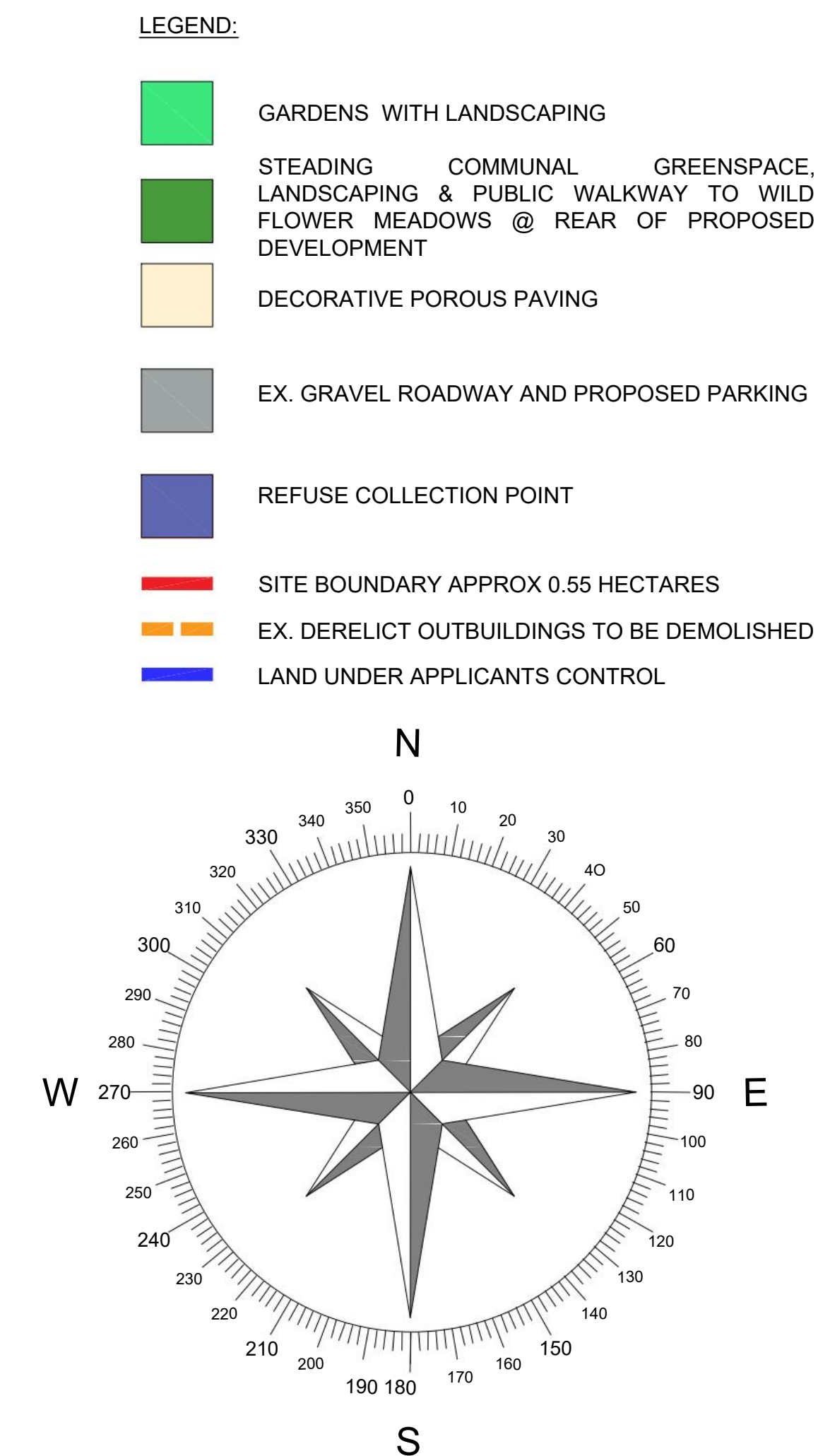
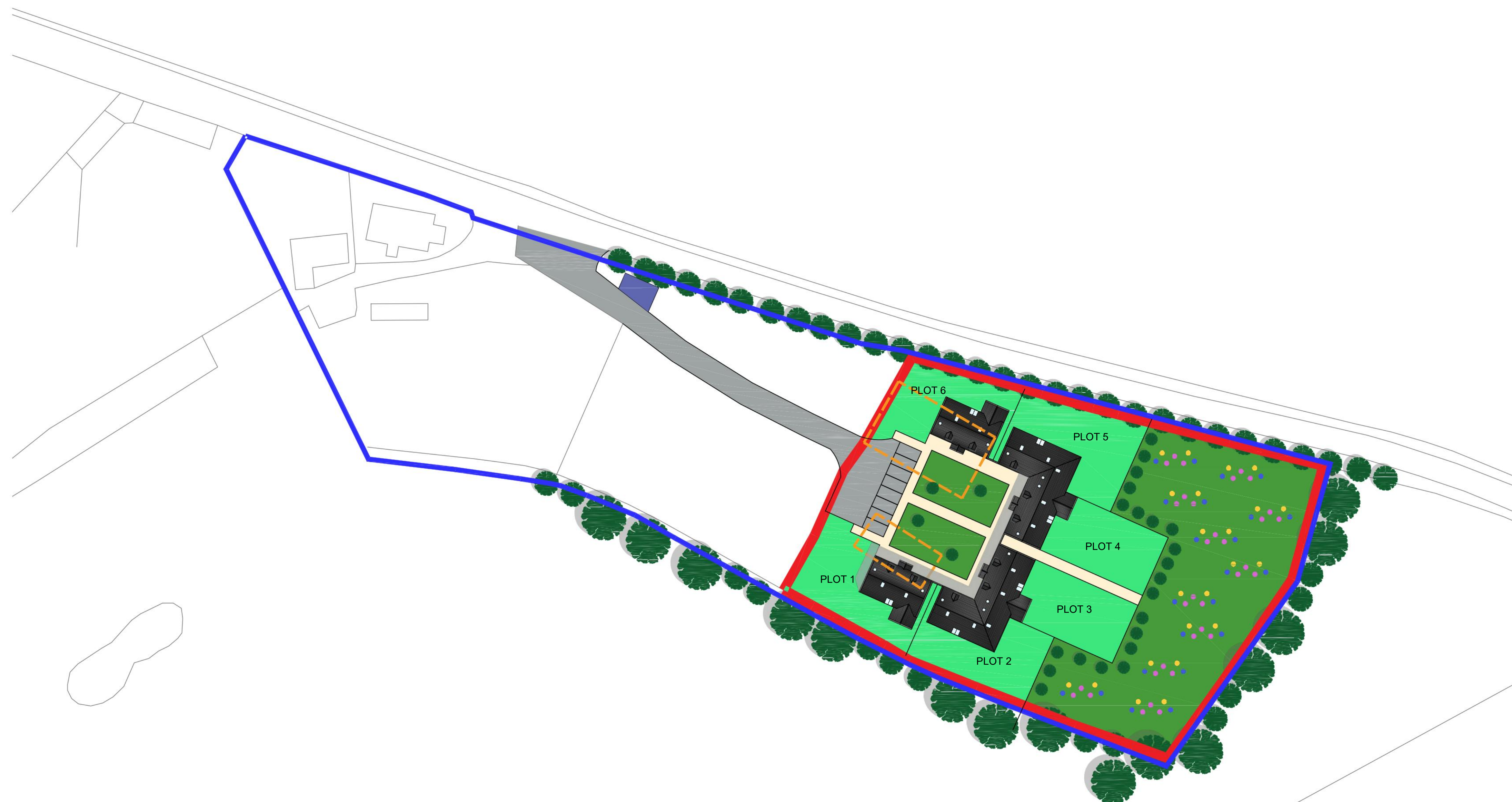
Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Informative Note valid from 1st January 2021 until 31st December 2022**





Prop.Site Plan  
Scale 1/500

rev	date	details	by	rev	date	details	by	<div>SERVICES OFFERED:</div> <div>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</div> <div>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</div>	drawing title: Prop. Site Plan	scale: @A1
A	26 08 21	Blue line added to show land under applicant control	MJ						job title: land at Highwood House, Shewington, Midlothian	drawing no: 10275 03 00
B	28 10 21	No.'s of dwellings reduced and site plan amended with introduction of meadows to rear	MJ						client: Mrs P Sime Mrs E Thomson	date: 12.05.21
									status: Planning In Principle	drawn: MJ
<div>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</div> <div>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</div> <div>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</div> <div>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</div> <div>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</div>								<div><b>format DESIGN</b></div> <div>FADADS Limited</div> <div>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AA</div> <div>Tel: 0131 661 766</div> <div>Fax: 0131 659 603</div> <div>Email: formatdesign@aol.com</div> <div>Web: www.formatbuildingdesign.com</div>		

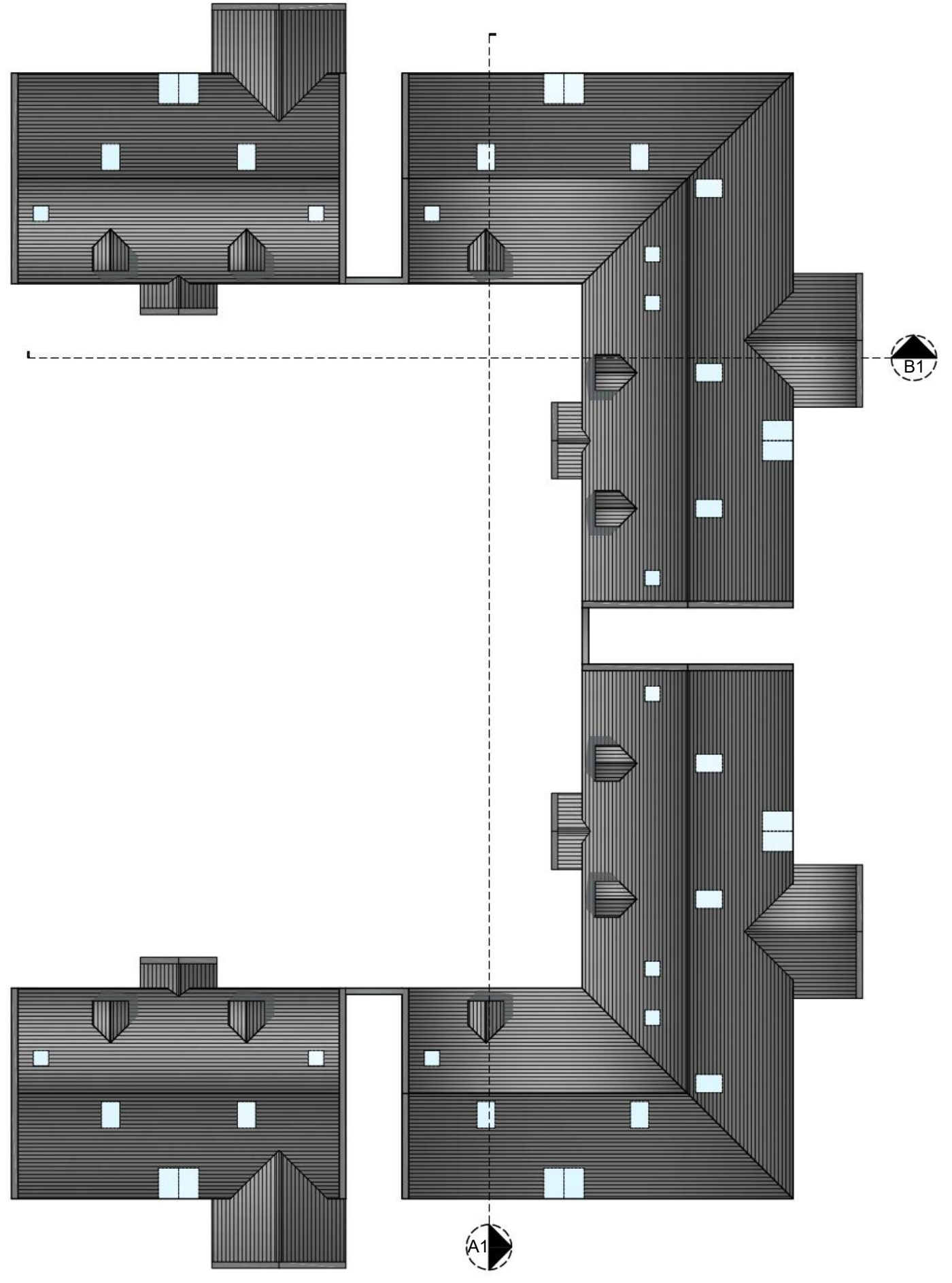




Prop.West Streetscape (A1)  
Scale 1/50



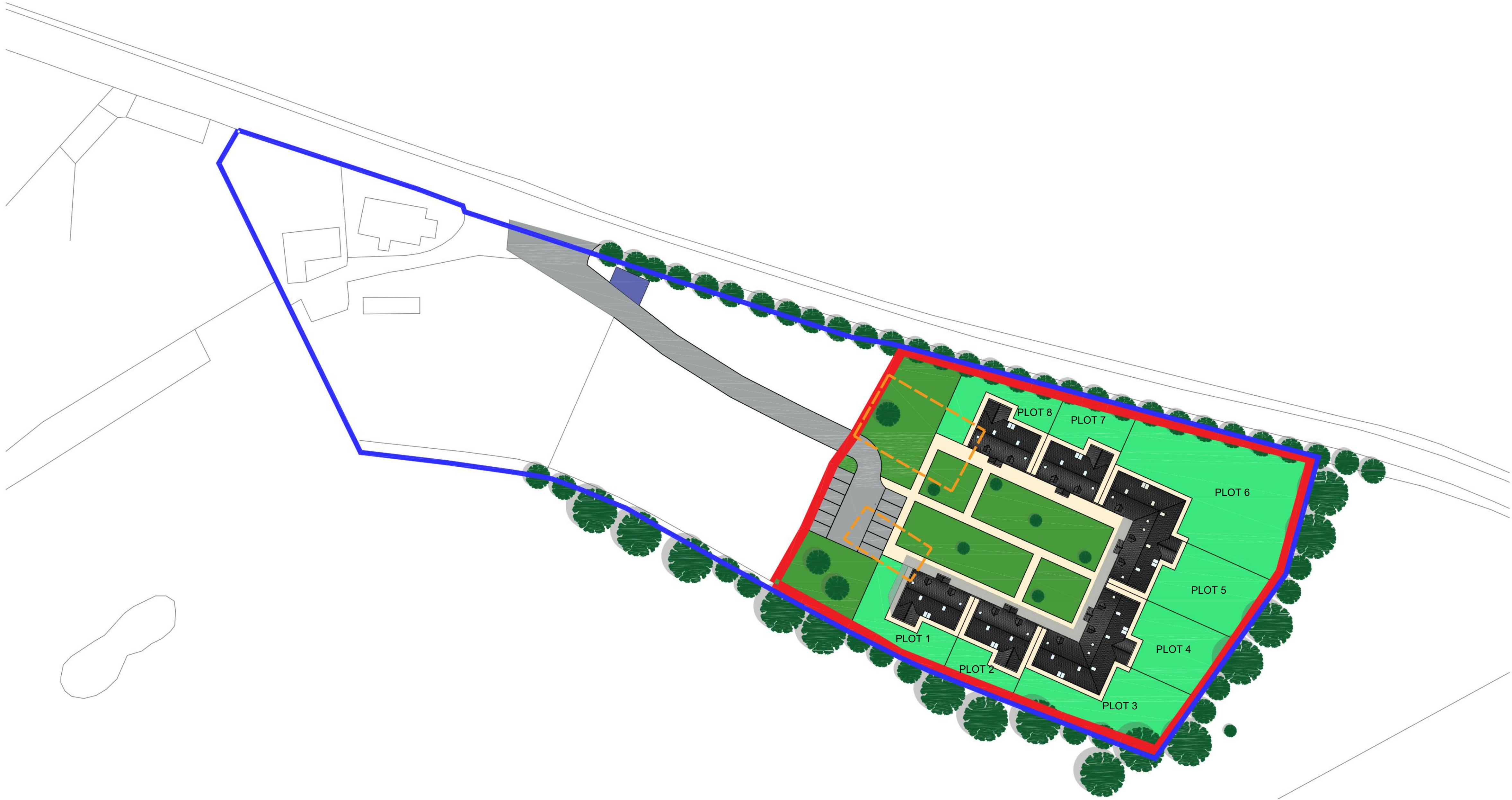
Prop.North Streetscape (B1)  
Scale 1/50



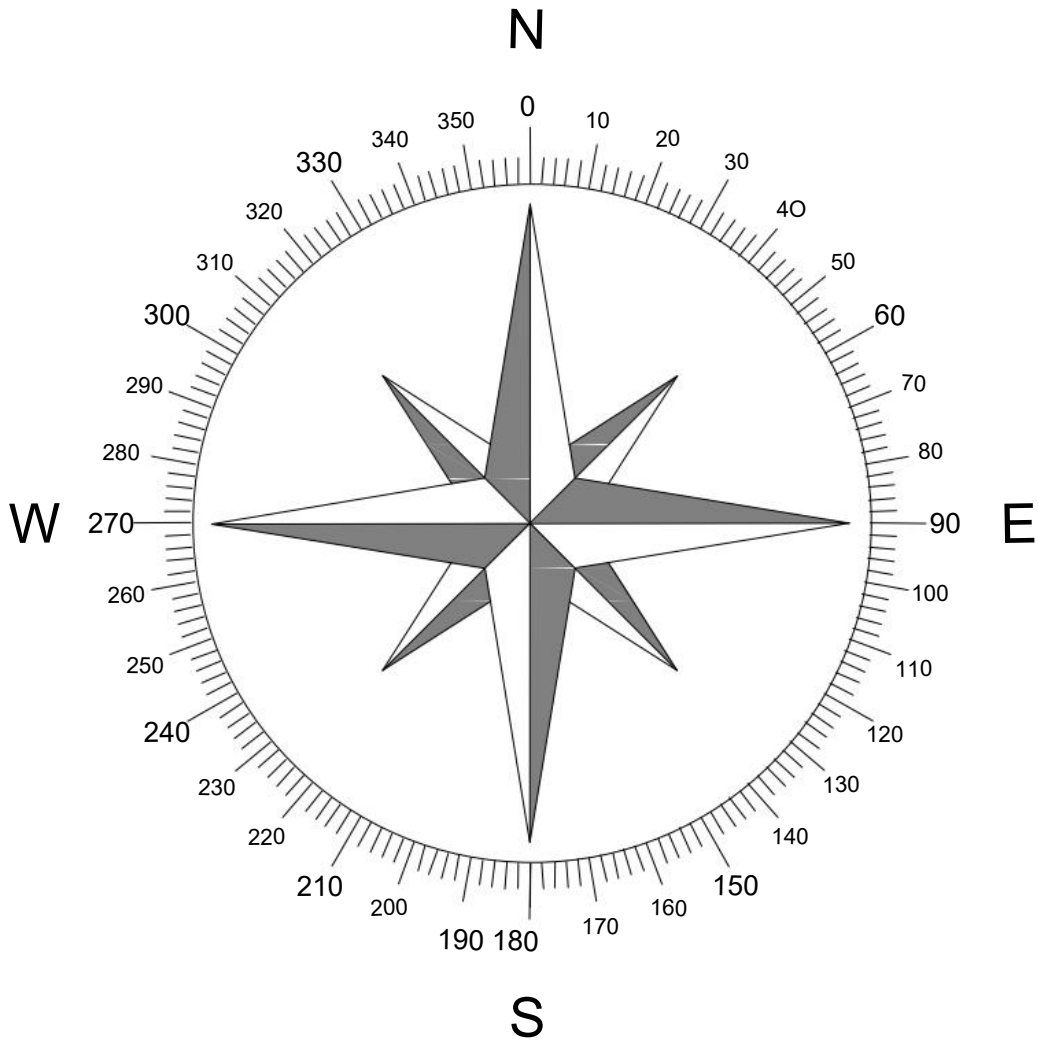
Prop.Block Plan  
Scale 1/50

rev	date	details	by	rev	date	details	by	<div>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</div> <div>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</div> <div>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</div> <div>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</div> <div>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</div>	<div>SERVICES OFFERED:</div> <div>MEASURED SURVEYS</div> <div>PLANNING CONSULTANTS</div> <div>FEASIBILITY STUDIES</div> <div>NEW BUILDS</div> <div>PLANNING APPLICATIONS</div> <div>LISTED BUILDING APPLICATIONS</div> <div>BUILDING WARRANT APPLICATIONS</div> <div>LIQUOR LICENCING DRAWINGS</div> <div>DEED PLANS</div>	drawing title:Prop. Streetscapes		scale: @A1
A	28 10 21	No.'s of dwellings reduced to 6 on site	MJ							job title: land at Highwood House, Shewington, Midlothian		drawing no: 10275 03 04
										client: Mrs P Sime Mrs E Thomson		date: 12.05.21
										status: Planning In Principle		drawn:MJ
										<div>format DESIGN</div> <div>FADADS Limited</div> <div>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div> <div>Tel: 0131 661 7666</div> <div>Fax: 0131 659 6033</div> <div>Email: formatdesign@aol.com</div> <div>Web: www.formatbuildingdesign.com</div>		





- LEGEND:
- GARDENS WITH LANDSCAPING
  - COMMUNAL GREENSPACE & LANDSCAPING
  - DECORATIVE POROUS PAVING
  - EX. GRAVEL ROADWAY AND PROPOSED PARKING
  - REFUSE COLLECTION POINT
  - SITE BOUNDARY APPROX 0.55 HECTARES
  - EX. DERELICT OUTBUILDINGS TO BE DEMOLISHED
  - LAND UNDER APPLICANTS CONTROL



Prop. Site Plan  
Scale 1/500

rev	date	details	by	rev	date	details	by	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p><b>SERVICES OFFERED:</b></p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	drawing title:Prop. Site Plan		scale: @A1
A	26 08 21	Blue line added to show land under applicant control	MJ							job title: land at Highwood House, Shewington, Midlothian		drawing no: 10275 03 04
										client: Mrs P Sime Mrs E Thomson		date: 12.05.21
										status: Planning In Principle		drawn:MJ
										<div><div>format</div><div>DESIGN</div></div> <div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div> <div>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div>		

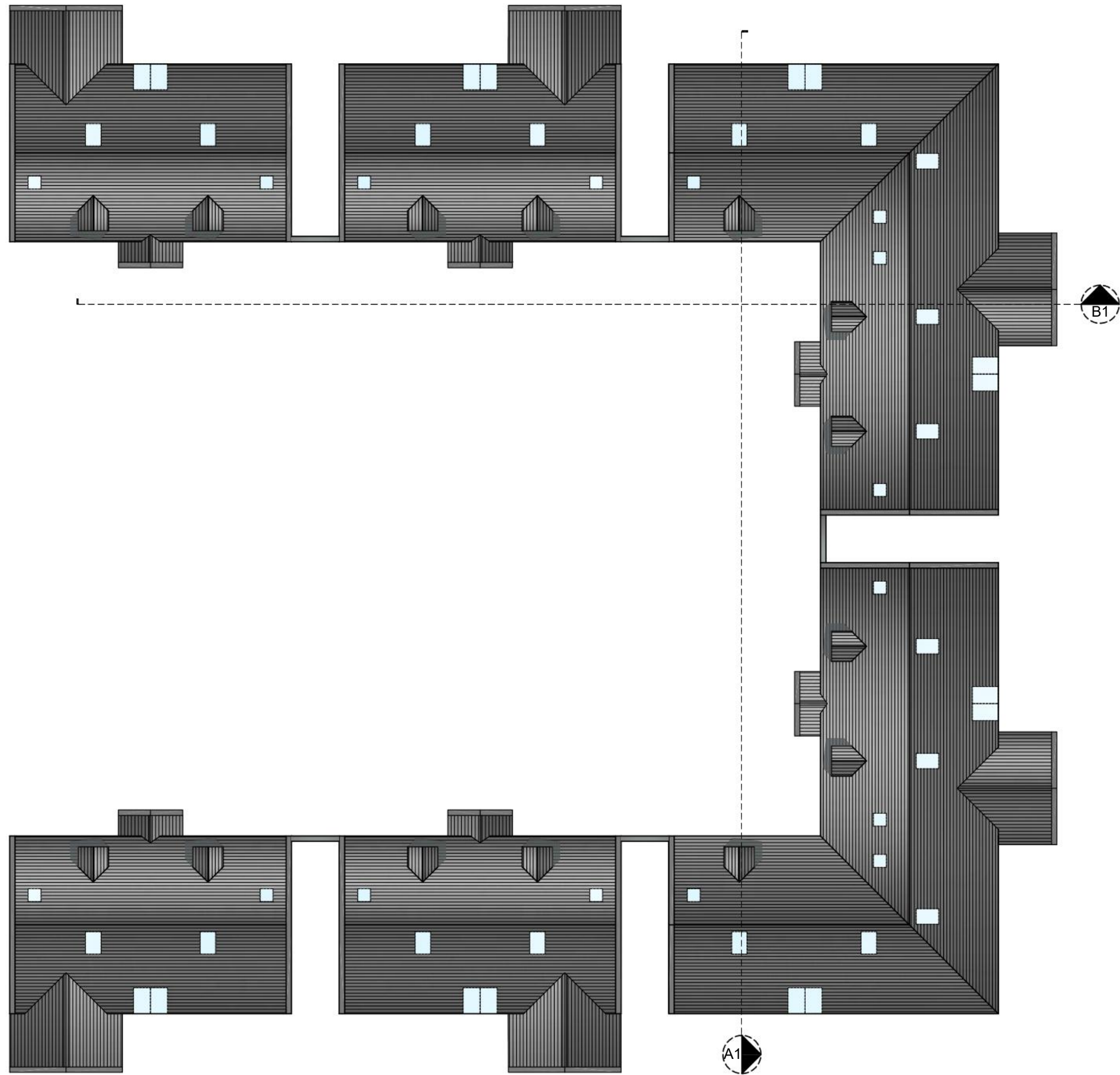




Prop.West Streetscape (A1)  
Scale 1/50



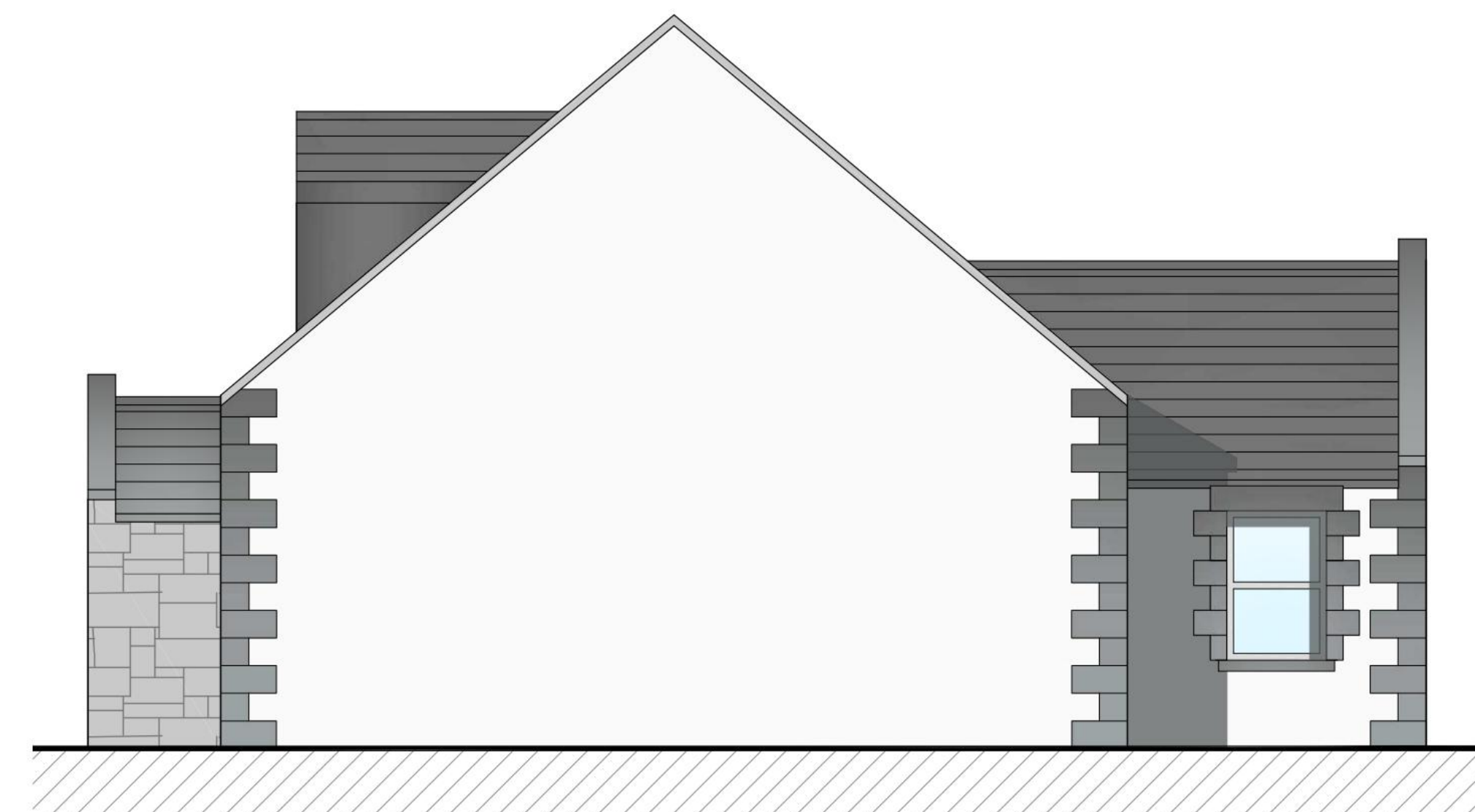
Prop.North Streetscape (B1)  
Scale 1/50



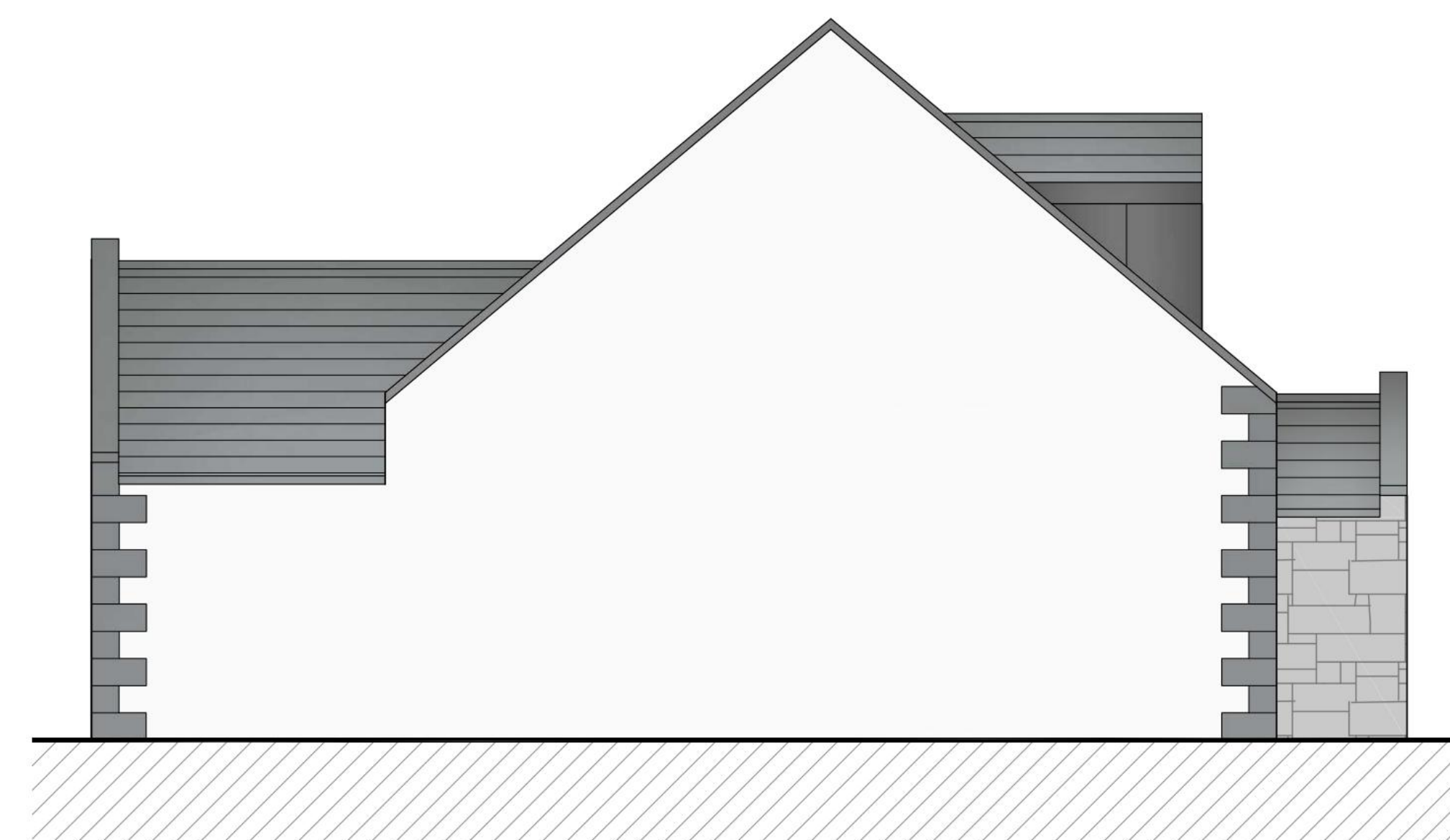
Prop.Block Plan  
Scale 1/50

rev	date	details	by	rev	date	details	by	<div><b>SERVICES OFFERED:</b></div> <div>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</div> <div>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</div>	drawing title:Prop. Streetscapes	scale: @A1
									job title: land at Highwood House, Shewington, Midlothian	drawing no: 10275 03 04
									client: Mrs P Sime Mrs E Thomson	date: 12.05.21
									status: Planning In Principle	drawn:MJ
									<div><b>format</b> DESIGN</div> <div>FADADS Limited</div> <div>Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</div>	<div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div>





Prop.Side Elevation  
Scale 1/50



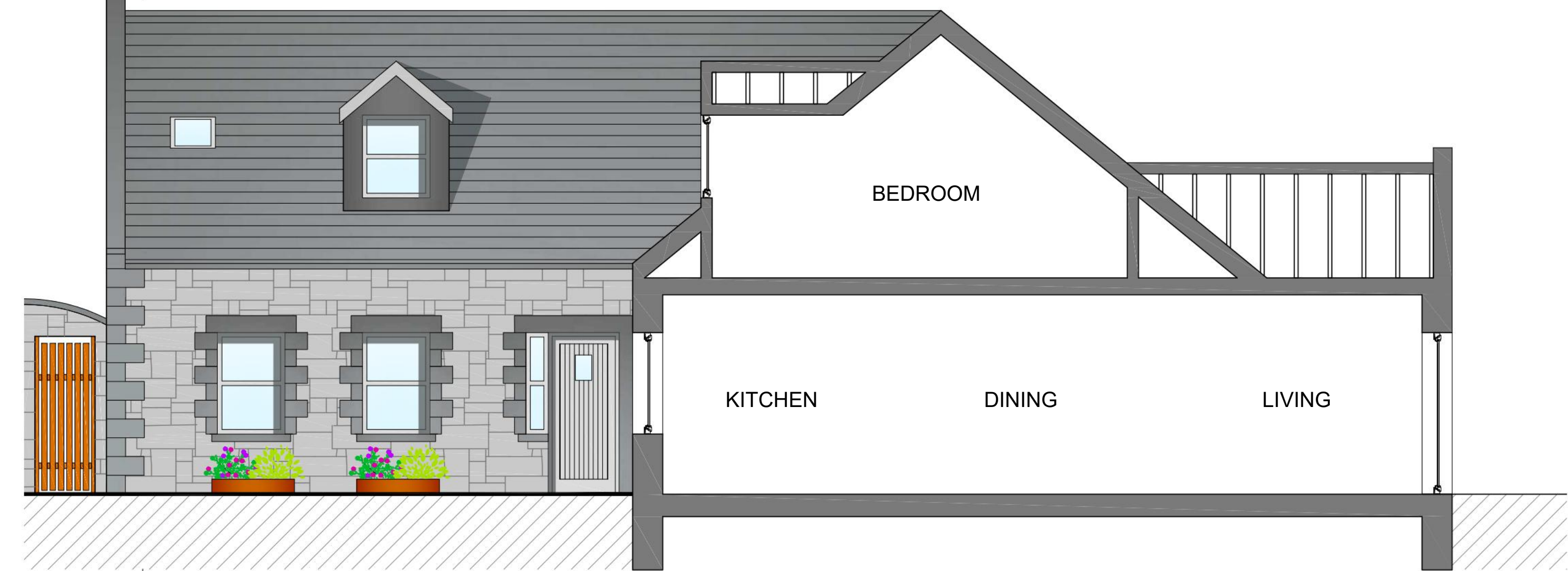
Prop.Side Elevation  
Scale 1/50

rev	date	details	by	rev	date	details	by
						<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	
<p><b>SERVICES OFFERED:</b></p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>							
<p>drawing title: Prop House type 1 plans &amp; elevations</p> <p>job title: land at Highwood House, Shewington, Midlothian</p> <p>client: Mrs P Sime Mrs E Thomson</p> <p>status: Planning In Principle</p>							
<p>scale: @A1</p> <p>drawing no: 10275 03 01</p> <p>date: 12.05.21</p> <p>drawn: MJ</p>							
<p><b>format DESIGN</b></p> <p>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p> <p>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p>							

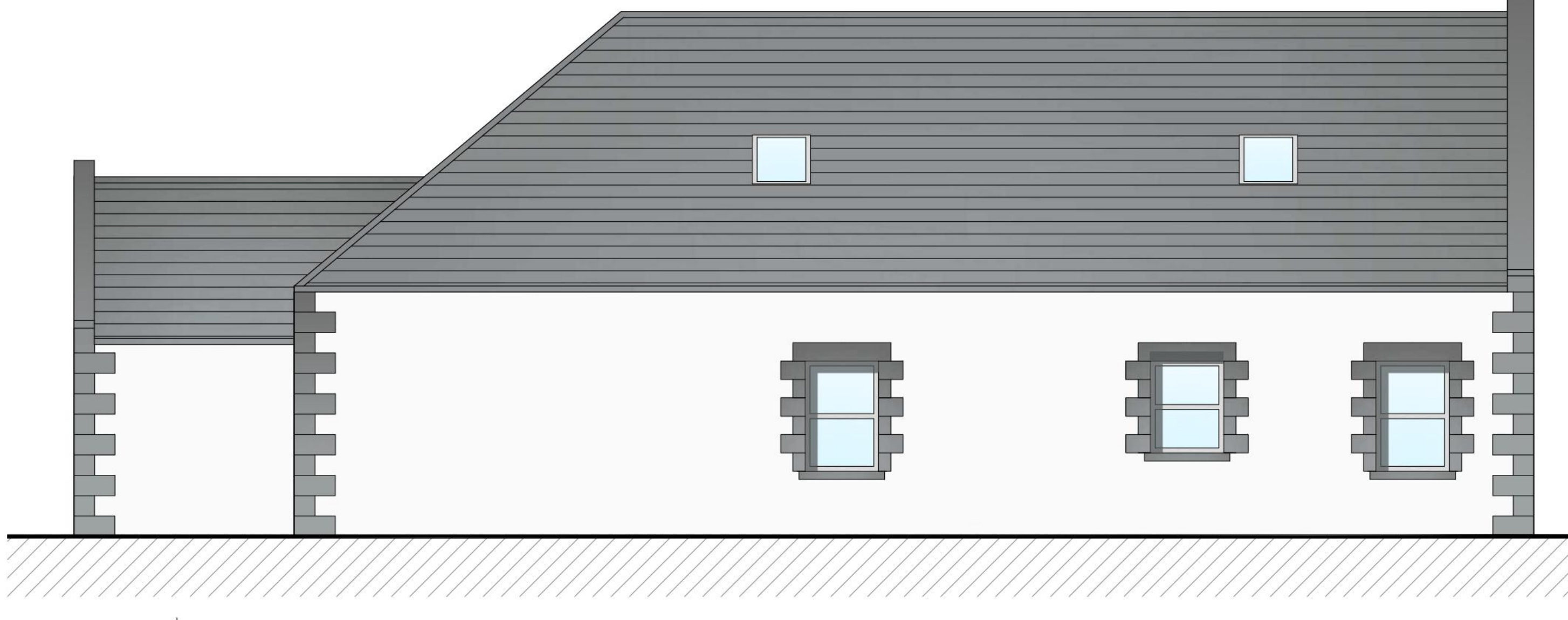




Prop. Sectional Elevation  
Scale 1/50



Prop. Sectional Elevation  
Scale 1/50



Prop. Side Elevation  
Scale 1/50



Prop. Rear Elevation  
Scale 1/50

HOUSE TYPES 2 - 3 ELEVATIONS

- LEGEND:
- WET DASH
  - TRADITIONAL STONE FRONTAGE
  - NATURAL SLATE

rev	date	details	by	rev	date	details	by	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>	<p><b>SERVICES OFFERED:</b></p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS</p>	drawing title:Prop. House types 2 - 3 Elevations		scale: @A1
										job title: land at Highwood House, Shewington, Midlothian		drawing no: 10275 03 03
										client: Mrs P Sime Mrs E Thomson		date: 12.05.21
										status: Planning In Principle		drawn:MJ
										<p><b>format</b> DESIGN</p> <p>FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p>		<p>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</p>