

Local Review Body: Review of Planning Application Reg. No. 17/00872/PPP

Niall Young Architecture Ltd
32-12 Harden Green Business Park
Dalhousie Road
Eskbank
EH22 3NX

Midlothian Council, as Planning Authority, having considered the review of the application by Mr I Walsh, Braidwood House, Braidwood Farm, Silverburn, Penicuik, EH26 9LP, which was registered on 31 January 2018 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 at Land North West of Braidwood House, Penicuik, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan (Existing)	1799(PE)01 1:1250	03.11.2017
Location Plan (Proposed)	1799(PE)02 1:1250	03.11.2017

Subject to the following conditions:

1. 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 house, details of vehicular access and parking provision within the site and details of all walls and fences to be erected;
 - 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 house, 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 the proposed water supply;
 - f. Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in

writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and

- g. Details of a scheme of landscaping for the site. Details shall include 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.*

2. Prior to occupation of the house the vehicular access referred to in condition 1 (a) above shall be completed to the satisfaction of the Planning Authority and the Roads Authority. The vehicular access shall comply with the following details:
 - a. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced;
 - b. The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road;
 - c. Visibility Splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the setback dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the setback dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension;
 - d. The width of the access shall be at least 5.5 metres wide for a distance of 10 metres from the nearest edge of the trunk road carriageway; and
 - e. There shall be no drainage connections to the trunk road drainage system.

Unless otherwise approved in writing by the Planning Authority the above standards shall be adhered to for the duration of the vehicular access' use.

Reason: *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

3. Before the new house is occupied the installation of the means of water supply approved in terms of condition 1(e) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure the appropriate supply of potable water to the development in, compliance with Midlothian Local Development Plan policy RD1, and to ensure that the addition of the new house has no adverse impact upon the quality or reliability of the water supply for existing residents in the area.*

4. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 1 (f) above shall be completed to the satisfaction of the planning authority.

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

5. The scheme of landscaping approved in accordance with condition 1 (g) above shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any 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.

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

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any subsequent order amending or superseding it, no external alterations to or extensions to the dwellinghouse, nor the erection of any new buildings within the application boundary, shall be permitted without the prior written consent of the Planning Authority.

Reason: *In order that the visual impact of the development is controlled and that the concept of the development is not compromised by improper extensions or alterations, and that the quality and form of development remains to a high standard.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 April 2018. The LRB carried out a site visit on the 9 April 2018.

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

Development Plan Policies:

1. RD1 Midlothian Local Development Plan – Development in the Countryside
2. ENV6 Midlothian Local Development Plan – Special Landscape Areas

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed dwelling by means of its siting and its relationship to the existing properties at Braidwood House/Steading fits into the landscape and can be considered as part of the housing cluster in compliance with policy RD1 of the Midlothian Local Development Plan 2017.

Dated: 10/04/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a stylized, flowing script.

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

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk