

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 8 March 2016
Item No 5.1

Local Review Body: Review of Planning Application Reg. No. 15/00591/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Mark Smith, Format Design, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 4 December 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of dwellinghouse and outbuildings; formation of access roads, paths, car parking, two ponds, coarse fishery and associated works at land south of Camp Wood, Dalkeith, (land to the east of Gorebridge), in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	9865 1:500	24.07.2015
Proposed elevations	9865 01A 1:100	27.07.2015
Elevations, floor plan and cross section	9865 02A 1:100	24.07.2015
Site Plan	9865 03 1:250	24.07.2015
Proposed cross section	9865 04A 1:100	24.07.2015
Proposed cross section	9865 05 1:200	24.07.2015
Design and Access Statement		24.07.2015
Ecological Assessment		24.07.2015
Fishery Creation and Development Report		24.07.2015
House Justification Report		24.07.2015
Water Divining Survey		24.07.2015
Woodland Survey		24.07.2015

Subject to the following conditions:

1. Development shall not begin until phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing plan shall detail the timetable for the commencement of livestock rearing; the erection and operation of the fishery; and the erection and occupation of the dwellinghouse and associated outbuildings. Unless otherwise approved in writing by the

Planning Authority development shall be undertaken in the order detailed in the approved phasing plan.

Reason: *To ensure that the agricultural and fishery operations which justify the erection of a dwellinghouse are commenced within an acceptable timeframe.*

2. Development shall not begin until 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:
 - i. A scheme of intrusive site investigations;
 - ii. A report of findings arising from the intrusive site investigations; and
 - iii. A scheme of remedial works for approval by the Coal Authority.

Before any work starts onsite the investigation schemes and remediation works shall be fully implemented as approved by the Planning Authority and the Coal Authority.

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

3. Development shall not begin until a Woodland Management Plan, complying with current Forestry Commission Scotland guidance, has been submitted to and approved in writing by the Planning Authority. Unless otherwise approved in writing by the Planning Authority the woodland within the application site shall be managed in compliance with the approved plan.

Reason: *To ensure the development does not result in the loss or damage of trees which merit retention in accordance with policy RP5 of the Midlothian Local Plan and national planning guidance and advice.*

4. Development shall not begin until an Access Plan has been submitted to and approved in writing by the Planning Authority. The Access Plan shall provide details of measures to ensure that access complying with the Midlothian Core Paths Plan is maintained during and after development work. Unless otherwise approved in writing by the Planning Authority the Access Plan shall be implemented on commencement of development and shall remain in operation thereafter.

Reason: *To ensure that the development does not result in the loss of access to core path 7-35 and other paths that form part of the wider path network and to comply with policy RP32 of the Midlothian Local Plan.*

5. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained;

- removed, protected during development and in the case of damage, restored;
- iii boundary planting along the external boundaries of the application site;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details and sustainable urban drainage systems to manage water runoff;
- viii proposed car park configuration and surfacing; and
- ix proposed footpaths and rights of way (designed to be unsuitable for motor bike use).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.

6. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.

7. Prior to work commencing on the formation of the ponds, fishery and associated bunding the following details shall be submitted to and approved in writing by the Planning Authority:
 - i Scaled cross sections at a scale of 1:100 of the ponds and bunding;
 - ii Details of any landscaping associated with the ponds and bunding;
 - iii Details of a scheme to ensure that the design, construction and maintenance of the pond embankments will ensure the stability of the embankments.

Unless otherwise approved in writing by the Planning Authority the

development of the ponds and bunding shall be undertaken in compliance with the approved details.

Reason: *To ensure that the proposed development does not adversely affect the water environment and to comply with policies RP8 and DP3 of the Midlothian Local Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 19 January 2016. The LRB carried out an accompanied site visit on the 19 January 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
3. RP7 Midlothian Local Plan – Landscape Character
4. RP12 Midlothian Local Plan – Regionally and Locally Important Nature
5. DERL1 Midlothian Local Plan – Treatment of Vacant and Derelict Land
6. ENV 16 Midlothian Local Plan – Vacant, Derelict and Contaminated Land
7. DP1 Midlothian Local Plan – Development in the Countryside

Material considerations:

1. The proposed Midlothian Local Development Plan which is at an advanced stage of preparation; and
2. The individual circumstances of the proposal

In determining the review the LRB concluded:

The erection of a dwellinghouse discreetly designed to fit into the landscape would result in an environmental improvement of the site and help support the proposed rural business.

Dated: 19/02/2016

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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