

## Local Review Body: Review of Planning Application Reg. No. 20/00375/PPP

David Liston  
Liston Architects  
3F2  
33 London Street  
Edinburgh  
EH3 6LY

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Dougie Givan, Carlyle Lodge, Gorebridge, Midlothian, EH23 4QN, which was registered on 7 July 2020 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 At 10 Ashbank, Vogrie Road, Gorebridge, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2004_C_001 1:1000	07.07.2020
Site Plan	2001_B_002 1:200	07.07.2020
Site plan	2001_B_003 1:200	07.07.2020

Subject to the following conditions:

1. 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 has been submitted to and approved by the Planning Authority. The scheme shall contain details of the proposals to deal with any contamination and include:
  - a) The nature, extent and types of contamination on the site;
  - b) Measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
  - c) Measures to deal with contamination encountered during construction work; and
  - d) The condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority and a validation report or reports shall be submitted to the and approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the approved scheme.

**Reason:** *To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

2. 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;
- b) A report of findings arising from the intrusive site investigations and the results of any gas monitoring; and
- c) A scheme of remedial/mitigation works.

Before any work starts onsite on the erection of the dwellinghouse 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 house hereby approved shall not be occupied until this has been approved in writing by the Planning 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 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, 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 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 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 high speed fibre broadband connections for the house;

- g) Details of the provision of electric vehicle charging stations for the house;
- h) 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;
- i) Details of a scheme of landscaping for the boundaries of 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 dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

- 4. The house hereby approved in terms of conditions 3 (a), (b) and (c) shall be on a maximum of two levels with the upper floor wholly accommodated in the roofspace.

**Reason:** *To ensure that the dwelling is of an appropriate scale to the surrounding rural area; for the avoidance of doubt; to ensure that adequate room is provided to allow for appropriate landscaping; to help integrate the house in the surrounding rural and sensitive area.*

- 5. The details of the hardstanding required in terms of condition 3d) shall be porous materials.

**Reason:** *In the interests of road safety; to prevent water run-off from the site onto Vogrie Road.*

- 6. The details of the boundary treatments required in terms of condition 3a) shall include close boarded fencing along the north and east boundaries.

**Reason:** *To protect the amenity of the occupants of the house from noise from the adjacent dog day care business.*

- 7. The landscape scheme approved in terms of condition 3i) shall include details of planting along the west boundary to Vogrie Road.

- 8. The scheme of landscaping approved in accordance with condition 3j) shall include details of boundary planting to both integrate the development into the surrounding area and also provide and maintain privacy to existing and future occupants.

**Reason for conditions 7 and 8:** *To ensure the development is integrated into and in keeping with the surrounding rural and sensitive area.*

- 9. The scheme of landscaping approved in accordance with condition 3i) 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.*

10. The tree protection measures approved in terms of condition 3i) shall be in place before any work on the development is begun, including site clearance, and shall be retained until the development is completed, including the protection of trees outwith but adjacent to the site which would be affected by development. Within the area enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit. These works shall be carried out in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

**Reason:** *To ensure that the trees and landscaping to be retained are protected from damage during development; to protect the appearance of the surrounding rural area.*

11. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 3h) 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.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 14 September 2021.

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

Midlothian Local Development Plan Policies:

1. DEV5 - Sustainability in New Development
2. DEV6 - Layout and Design of New Development;
3. DEV7 - Landscaping in New Development
4. TRAN5 - Electric Vehicle Charging
5. IT1 - Digital Infrastructure
6. RD1 - Development in the Countryside
7. ENV7 - Landscape Character
8. ENV8 – Woodland, Trees and Hedges
9. ENV18 – Noise

Supplementary Guidance for Housing Development in the Countryside and Green Belt

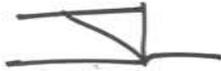
Material considerations:

1. The individual circumstances of the proposal and the site;
2. The representations made in relation to the application; and,
3. The consultation responses.

In determining the review the LRB concluded:

The development is an opportunity to tidy up an untidy workshop and area of hardstanding in an attractive rural location.

Dated: 20/09/2021



Joyce Learmonth  
Lead Officer - Major Developments and Enforcement (Advisor to the Local Review  
Body)  
Place Directorate  
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](mailto:peter.arnsdorf@midlothian.gov.uk)*



**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**