

# Minute of Meeting

Local Review Body  
Monday 25 March 2024  
Item No 4.1



## Local Review Body

| Date                   | Time   | Venue                   |
|------------------------|--------|-------------------------|
| Monday 5 February 2024 | 1.00pm | Council Chambers/Hybrid |

### Present:

|                          |                    |
|--------------------------|--------------------|
| Councillor Alexander     | Councillor McManus |
| Councillor Bowen         | Councillor McEwan  |
| Councillor Cassidy       | Councillor Smail   |
| Councillor Imrie (Chair) |                    |

### In Attendance:

|                 |   |
|-----------------|---|
| Peter Arnsdorf  | Planning, Sustainable Growth and Investment Manager |
| Derek Oliver    | Chief Officer Place                                 |
| Lucy Roddie     | Democratic Services Officer                         |
| Gary Leadbetter | Democratic Services Officer                         |

## 1 Welcome, Introductions and Apologies

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Apologies for absence were received from Councillor Virgo, Councillor Milligan and Councillor Drummond.

## 2 Order of Business

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The order of business was as outlined in the agenda.

## 3 Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4 Minute of Previous Meeting

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The Minute of the Meeting of 11 December 2023 was submitted and approved as a correct record.

## 5 Reports

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### Notice of Reviews – Determination Reports by Chief Officer Place

| Agenda No   | Report Title                              | Presented by:  |
|---|---|--|
| 5.1   | 23.00620.DPP - 27 Eskview Grove, Dalkeith | Peter Arnsdorf,<br>Planning, Sustainable<br>Growth and<br>Investment Manager |
| <b>Outline of report and summary of discussion</b>  |   |  |
| <p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from dwellinghouse (ground floor flat) to short-term let (retrospective) at 27 Eskview Grove, Dalkeith.</p> <p>The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00620/DPP was refused planning permission on 24 November 2023.</p> <p>It was noted that elected members had attended a site visit on the morning of 5 February 2024.</p> <p>Councillor Imrie, the Chair, thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.</p> <p>The Local Review Body noted that the property was the main residence of those who own it. The residents travel extensively for work and letting out short term supports them to keep living in the property. No objections or complaints from neighbours had been received. The Local Review Body acknowledged the pressures on housing supply but deemed that the use of the dwelling for short term lets would not result in the loss of residential accommodation, as the property is already in use as a main</p> |   |  |

residence. It was noted that the property would otherwise lie empty for long periods of time. The Local Review Body noted the limited impact on the parking situation.

Councillor Smail, seconded by Councillor Alexander, moved to uphold the review request and grant planning permission.

Councillor McManus moved to refuse planning permission. No seconder was identified.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the change of use from dwellinghouse (ground floor flat) to short-term let (retrospective) at 27 Eskview Grove, Dalkeith.

#### Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

| Agenda No | Report Title                             | Presented by:  |
|-----------|--|--|
| 5.2       | 23.00308.S42 - Rosebery Farm, Gorebridge | Peter Arnsdorf,<br>Planning, Sustainable<br>Growth and<br>Investment Manager |

#### Outline of report and summary of discussion

The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' to vary conditions 8 and 15 of planning permission 18/00582/DPP at land at Rosebery Farm, Gorebridge.

It was noted that elected members had attended a site visit on the morning of 5 February 2024.

Councillor Imrie, the Chair, thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.

In considering the Notice of Review, the Local Review Body noted that the proposed development would continue to support the evolution and progression of an established rural business in accordance with the principles set out in the development plan. Any potential impacts on the local environment and amenity can be mitigated by the conditions attached to the grant of planning permission.

A discussion took place regarding the requirement to complete a bat survey to determine the presence, number and species of bats. The Planning, Sustainable Growth and Investment Manager reported that Council Officers had repeatedly asked for the survey to be completed, as is standard practice for any development which is

deemed to have an impact on a protected species in order for mitigation requirements to be identified and implemented. The Local Review Body in discussing this requirement noted its desire not to have a detrimental impact on the business or cause any disruption to existing bookings.

Councillor Imrie (the Chair), seconded by Councillor Alexander, moved to uphold the review request, subject to the completion of a bat survey.

On an amendment to the motion, Councillor McManus, seconded by Councillor Smaill, moved to uphold the review request, with the inclusion of a condition that prior to 31 December 2024 a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified and implemented.

On a vote being taken, 2 members of the Committee voted for the motion and 5 members of the Committee voted for the amendment. This then became the decision of the Committee.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission to carry out the following proposed development:

Section 42 application to amend condition 8 and 15 of planning permission 18/00582/DPP (to allow amplified music and siting of marquee within courtyard) at Rosebery Farm, Gorebridge, EH23 4SP, with the inclusion of a condition that prior to 31 December 2024 a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified and implemented, and subject to the conditions as set out in report.

#### Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

| Agenda No | Report Title  | Presented by:  |
|-----------|---|--|
| 5.3       | 23.00621.DPP - Land at Glencorse Mains Steading, Penicuik | Peter Arnsdorf,<br>Planning, Sustainable Growth and Investment Manager |

#### Outline of report and summary of discussion

The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse and associated works at land at Glencorse Mains Steading, Penicuik.

It was noted that elected members had attended a site visit on the morning of 5 February 2024.

Councillor Imrie, the Chair, thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.

In considering the Notice of Review, the Local Review Body noted that the proposed dwelling by means of its siting, form, design and materials fits into the landscape, complements the neighbouring cluster of dwellinghouses and is not detrimental to the green belt. In responding to a question, the Planning, Sustainable Growth and Investment Manager confirmed that the construction of one additional dwelling would not require any amendments to the existing junction.

#### Decision

The Local Review Body upheld the review request and granted planning permission for the erection of dwellinghouse and associated works at land at Glencorse Mains Steading, Penicuik, subject to the conditions as set out in the report. This was unanimously agreed by the Committee.

#### Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

## **6. Private Reports**

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting is scheduled for Monday 25 March 2024 at 13:00pm.

The meeting terminated at 13:49.

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

## Local Review Body: Review of Planning Application Reg. No. 23/00308/S42

Wright Planning and Development Ltd  
Norma Villa  
26 Wilson Street  
Lower Flat  
Perth  
PH2 0EX

Midlothian Council, as Planning Authority, having considered the review of the application by The Rosebery Estates Partnership, Norma Villa, 26 Wilson Street, Perth, PH2 0EX, which was registered on 22 December 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Section 42 application to amend condition 8 and 15 of planning permission 18/00582/DPP (to allow amplified music and siting of marquee within courtyard) at Rosebery Farm, Gorebridge, EH23 4SP**, in accordance with the application and the following plans:

| <u>Drawing Description.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|-----------------------------|-------------------------|--------------|
| Location plan               | 1:1250                  | 16.10.2023   |
| Supporting statement        |                         | 15.05.2023   |
| Noise Impact Assessment     |                         | 15.05.2023   |

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

***Reason:*** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. Unless otherwise approved in writing by the planning authority, the events use hereby approved shall only operate between the hours of 8am and 1am. All guests not residing in the related self-catering accommodation on site shall vacate the application site by 1am on the morning following the related event.

3. All staff members shall vacate the site by 2am on the morning following the related event, with the exception of any staff living on site.
4. All music on site shall cease at 00.30am and no music shall be played between 00.30am and 8am.
5. The units shown as farmhouse, dovecot and dairy on drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP shall either be used as accommodation for staff working at the events or self-catering accommodation. In the instances where there are events taking place at the site, this self-catering accommodation shall only be occupied by guests attending the event taking place and by no other person.
6. Guests attending any events shall not access any other area within the site other than that indicated by the red dash line on approved drawing number R35(ph2)L07 A on planning permission reference 18/00582/DPP.
7. Amplified music shall only be permitted within the hayloft, pumphouse, and threshing barn as detailed on approved drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP and the marquee hereby approved: this shall not be played at any other location within the site.
8. There shall be no live acoustic music played within the marquee hereby approved.
9. Prior to the use hereby approved being implemented, the sound insulation improvements and glazing enhancement detailed in the submitted noise impact assessment dated 12 January 2018 on planning permission reference 18/00582/DPP shall be in place.
10. Unless otherwise approved in writing by the planning authority, prior to the use hereby approved being implemented, the external doors to all areas where music is permitted as per condition 7 above shall be fitted with a self-closing device which ensures a controlled closing of the door and it shall not be propped open.
11. Unless otherwise approved in writing by the planning authority, prior to the use hereby approved being implemented, the door system providing access to the hayloft and pumphouse shall include internal lobby doors to the doors on the steading building as shown on the southwest elevation on approved drawing number R35(ph2)D02B on planning permission reference 18/00582/DPP and shall be operated so that the external door and the internal lobby door are not open at the same time and this door system shall not be removed without the prior written approval of the Planning Authority.
12. Prior to any event taking place within the marquee, a suitable sound limiter capable of controlling the overall sound output and bass frequencies shall be installed within the marquee. The limiter shall be installed, calibrated, set and maintained at a level to be agreed in writing by the planning authority. All amplified music shall be channelled through the limiter to ensure that no

amplified music or vocals are audible within any neighbouring noise sensitive living apartment.

13. The events use shall hereby be permitted within the buildings shown on the approved drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP and the marquee hereby approved: no new or additional buildings or more than one marquee are approved for use in association with the use hereby approved.
14. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible in any neighbouring living apartment.
15. The soundproofing of the buildings detailed in conditions 11, 13 and 14 and 15 and control of amplified sound detailed in condition 7 shall ensure that no amplified music or sound reproduction equipment used in associated with the use hereby permitted shall be audible within any noise sensitive property.

***Reason for conditions 2 to 15:*** These details are required to ensure that the events use is restricted to a level to protect the amenity of the surrounding residential properties; to ensure these mitigation measures are in place before any events at the site and that these remain in place whilst this use takes place.

16. The events at the application site shall be carried out in compliance with the approved supporting statement and noise impact assessment.
17. The noise impact assessment is only approved in relation to application 23/00308/S42 for events at Rosebery Farm and no other areas.

***Reason for conditions 16 and 17:*** In the interests of clarity; the report is acceptable in relation to the events at Rosebery Farm; however the report also makes reference to events at Rosebery House, Chapel and marquee which are not part of the application under consideration and has not been assessed.

18. The siting of one marquee hereby approved shall only be positioned within the courtyard of Rosebery Farm steading, outlined in red on the site plan submitted 15 May 2023.

***Reason:*** The current application is for the siting of a marquee within the courtyard and it is on this basis that the application has been assessed; if a marquee is sited elsewhere within the site, this may have a detrimental impact on the amenity of nearby residents through noise and the setting of this A listed building which have not been assessed in this application.

19. The marquee hereby approved shall not be fixed onto or attached to the surrounding buildings or hardstanding.



**Reason:** *In the interests of clarity; the applicant's agent has confirmed that marquees will not be fixed onto the surrounding buildings or hardstanding and it is on this basis that this is acceptable. If the marquee is fixed onto to surrounding buildings or hardstanding, this may have an adverse effect on the fabric of this A listed building which needs to be assessed.*

20. Unless otherwise approved in writing by the planning authority, the maximum number of guests attending any events in total at the site shall be restricted to 100.

**Reason:** *To ensure there is adequate drainage facilities on site.*

21. Prior to 31 December 2024 a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified implemented in accordance with details to be submitted and approved in writing by the planning authority.

**Reason:** *In the interests of safeguarding bats in accordance with the principles set out in policy ENV15 of the Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 5 February 2024.

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

#### National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis; and
2. Policy 2 Climate mitigation and adaptation;
3. Policy 3 Biodiversity;
4. Policy 4 Natural Places;
5. Policy 7 Historic assets and places;
6. Policy 13 Sustainable transport;
7. Policy 14 Design, quality and place;
8. Policy 15 Local Living and 20 minute neighbourhoods;
9. Policy 23 Health and safety; and
10. Policy 29 Rural development.

#### Midlothian Local Development Plan Policies:

1. RD1 Development in the countryside;
2. ENV6 Special landscape areas;
3. ENV7 Landscape character;
4. ENV15 Species and habitat protection and enhancement;
5. ENV18 Noise; and
6. ENV22 Listed building.

Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed development will continue to support the evolution and progression of an established rural business in accordance with the principles set out in the development plan. Any potential impacts on the local environment and amenity can be mitigated by the conditions attached to this grant of planning permission.

Dated: 25/09/2023

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', written in a cursive style.

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

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.

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 2023 until 31st December 2024**

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

## Local Review Body: Review of Planning Application Reg. No. 23/00620/DPP

Mr Colin Peckham  
27 Eskview Grove  
Dalkeith  
EH22 1JW

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Colin Peckham, 27 Eskview Grove, Dalkeith, EH22 1JW, which was registered on 11 December 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from dwellinghouse to short-term let (retrospective) at 27 Eskview Grove, Dalkeith, EH22 1JW**, in accordance with the application and the following plans:

| <u>Drawing Description.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|-----------------------------|-------------------------|--------------|
| Floor Plan with dimensions  |                         | 02.10.2023   |
| Location Plan               | 1:1250                  | 02.10.2023   |
| Supporting statement        |                         | 02.10.2023   |

The Local Review Body (LRB) considered the review of the planning application at its meeting of 5 February 2024.

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

### National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 2 Climate mitigation and adaptation;
3. Policy 7 Historic assets and places; and
4. Policy 30 Tourism.

### Midlothian Local Development Plan Policies:

1. DEV2 Development within the built-up area; and
2. ENV19 Conservation areas.

Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed use as a short-term let by means of its size/bedroom numbers combined with the property remaining, in part, the main residency of the owners will result in low levels of activity and limited impact on the parking position and as such will not be detrimental to the amenity of the local area or contrary to the policies set out in Midlothian Local Development Plan 2017 and National Planning Framework 4.

Dated: 05/02/2024

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', written in a cursive style.

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

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**Development Low Risk Area – Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Standing Advice valid from 1st January 2023 until 31st December 2024**



# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

## Local Review Body: Review of Planning Application Reg. No. 23/00621/DPP

Mr Scott Allan  
36 Wallace Avenue  
Wallyford  
East Lothian  
EH21 8BZ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Stuart and Mrs Wendy McHarg, Glencorse Mains Steading, Belwood Road, Penicuik, EH26 0NN, which was registered on 22 December 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Erection of dwellinghouse at land at Glencorse Mains Steading, Penicuik**, in accordance with the application and the following plans:

| <u>Drawing Description.</u>             | <u>Drawing No/Scale</u>           | <u>Dated</u> |
|---|-----------------------------------|--------------|
| Location Plan                           | 2022-54-000 1:2500 1:1250         | 27.09.2023   |
| Site Plan, Location Plan,<br>Elevations | 2023-66-001 1:1250 1:500<br>1:100 | 27.09.2023   |
| Proposed Floor Plan                     | 2023-66-002 1:50                  | 27.09.2023   |
| Proposed Elevations                     | 2023-66-003 1:50                  | 16.11.2023   |

Subject to the following conditions:

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

**Reason:** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
  - a) Details and samples of all proposed external materials;

- b) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure, including retaining structures;
- c) Proposals for the treatment and disposal of foul and surface water drainage;
- d) Details of the proposed zero or low carbon technology;
- e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and small mammal passage points in every third panel in any fencing;
- f) Existing and finished ground levels for all buildings and open space in relation to a fixed datum; and
- g) Details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

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

***Reason:*** *These details were not submitted as part of the application: to ensure the house is finished in high quality materials; to protect the visual amenity of the surrounding rural area; to ensure the house is provided with adequate amenity; to help integrate the proposal into the surrounding area.*

3. Before the house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 2c) 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.*

4. The scheme of landscaping approved in accordance with condition 2g) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the earlier date. Any trees or hedgerow 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.*

5. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of superfast broadband prior to the occupation of the dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

***Reason:*** *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the*

*requirements of policy IT1 of the Midlothian Local Development Plan.*

6. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the planning authority.

***Reason:*** *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

7. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
  - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

8. On completion of the decontamination/ remediation works required in condition 7 and prior to any dwellinghouse being occupied on site, 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 until this report has been approved by the planning authority.

***Reasons for conditions 7 and 8:*** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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; to ensure the remediation works are undertaken.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 5 February 2024.

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

## National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 2 Climate mitigation and adaptation;
3. Policy 5 Soils;
4. Policy 8 Green belts;
5. Policy 13 Sustainable transport;
6. Policy 14 Design, quality and place;
7. Policy 15 Local Living and 20 minute neighbourhoods;
8. Policy 17 Rural homes;
9. Policy 22 Flood risk and water management; and
10. Policy 24 Digital infrastructure.

## 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. ENV1 Protection of the green belt; and
7. ENV7 Landscape character.

## Material Considerations:

1. The individual circumstances of the site and the application.

In determining the review the LRB concluded:

The proposed dwelling by means of its siting, form, design and materials fits into the landscape, complements the neighbouring cluster of dwellinghouses and is not detrimental to the green belt and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

Dated: 05/02/2024



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

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**Development Low Risk Area – Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Standing Advice valid from 1st January 2023 until 31st December 2024**