

Notice of Review: Land South West of 54 Dewartown, Gorebridge

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 the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge.

2 Background

- 2.1 Planning application 23/00294/DPP for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge was granted planning permission subject to conditions on 10 July 2023; a copy of the decision is attached to this report. Condition 3 on planning permission 23/00294/DPP subject to review is as follows:

3. The use of render on the dormer cheeks and face is not approved: these elevations shall be clad in slate or another material to be agreed in writing by the planning authority.

Reason: *The use of render on the dormer cheeks and face would not integrate the dormers into the roofspace; in the interest of the visual amenity of the houses hereby approved.*

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence the dormer cheeks will be a render finish rather than slate.

- 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 10 July 2023 (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.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:
- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were three consultation responses and no representations received. As part of the review process the interested party was 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 20 June 2022, and without prejudice to the determination of the review,

the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

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 the proposed stone dressing and zinc seam materials;
 - b) Details of any related structures at the bin storage areas;
 - c) Details of the proposed hardstanding materials;
 - d) Details of the proposed air source heat pumps;
 - e) Details of the proposed electric vehicle charging points;
 - f) Proposals for the treatment and disposal of foul and water surface drainage, including the location of any new equipment;
 - g) A landscape plan, including details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs proposed, as well as identifying all trees on site which are proposed to be removed and retained;
 - h) An amended site plan showing a 2 metre wide public footway across the whole site frontage at the east of the site; and
 - i) Details of proposed streetlighting to the east of the houses hereby approved.

Reason: *These details were not submitted as part of the application: to protect the visual amenity of the surrounding rural area; to integrate the development into the area; in the interests of road safety.*

3. Before any house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 2f) shall be completed to the satisfaction of the planning authority

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

4. Before any house is occupied, the approved boundary treatment between the rear gardens of the houses shall be in place.

Reason: *To ensure the privacy of the future occupants.*

5. Within six months of the first house being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 2g) above shall be carried out;

thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To protect and enhance the landscaping of the area; to ensure that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.*

6. The amended site plan approved in terms of condition 2h) above shall include a road kerb at the new footway edge, any additional drainage required and a pedestrian drop kerb crossing point at the termination of the footway to allow pedestrians to cross the main road. These works shall be in place before the houses are occupied.

Reason: *In the interest of road safety; in order to ensure these works are in place before the houses are occupied.*

7. Within one month of the date of this permission, the existing redundant outbuildings on the land under the control of the applicant as shown on approved plan DPP100 A shall be demolished and all material removed from the site within four weeks of the buildings being demolished.

Reason: *The houses are only supported as these will result in the removal of the existing redundant outbuildings; in order to ensure the existing, unattractive, buildings are removed in the interest of the visual amenity of the area.*

8. 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 each 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.*

9. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog gaps shown on the fencing throughout the development has 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 with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan.*

10. Notwithstanding the details on approved drawing number DPP104, the house hereby approved at Plot 2 shall not include any areas of facing brick (blue engineering brick).

***Reason:** For the avoidance of doubt; these materials are not appropriate on this traditional house and appear to be a typo on the submitted plans.*

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: 15 September 2023
Report Contact: Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 23/00294/DPP available for inspection online.

Appendix A



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of 2 dwellinghouses Land South West of 54 Dewarton, Gorebridge

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File No.23/00294/DPP

Scale: 1:1,250





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: 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 100638783-001

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Rose cottage"/>
First Name: *	<input type="text" value="William"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Sives"/>	Address 1 (Street): *	<input type="text" value="Rose Cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Tynehead"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Pathhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH37 5XS"/>
Fax Number:	<input type="text" value="REDACTED"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Plot next to 54 Dewartown eh23 nx

Northing

664048

Easting

337802

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)

Appeal against the planning conditions that the dormer cheeks are to be clad instead of rendered as in the previous application they were accepted as rendered and have no impact on the village as they face open fields and no other properties.

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? *	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">≤</div> <div>Refusal Notice.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">T</div> <div>Grant of permission with Conditions imposed.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">≤</div> <div>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</div> </div>	
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> I am appealing against the condition to have the dormer cheeks clad as this is my second application and the dormer cheeks were always to be rendered which was previously given full permission. They face away from the village to the back of the property which is open fields so have no impact on the village. </div>	
<div style="display: flex; justify-content: space-between;"> <div> Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * </div> <div> ≤ Yes T No </div> </div>	
<p>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)</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
<p>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)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Previous application approved. Statements to have rendered dormer painted white the same as the house </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 5px;">23/00294/DPP</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 5px;">11/05/2023</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 5px;">10/07/2023</div>

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. *

T Yes ≤ No

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? *

T Yes ≤ No

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

T 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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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: Mr Angela Sives

Declaration Date: 09/08/2023

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00294/DPP

Site Address: Land South West of 54 Dewartown, Gorebridge.

Site Description: The application site comprises a paddock for grazing horses, a hardstanding. The land to the south of the site is under the control of the applicant and there are three outbuildings here. The outbuildings comprise two Nissan style huts finished in brick and metal sheeting and a breezeblock building. These buildings are located to the south of the site, with the existing vehicular access and hardstanding to the north. There is open countryside to the west, a paddock to the south, and houses to the north and east. There is landscaping along the east boundary, between the site and the road. The site is to the south of Dewartown, a linear hamlet of predominantly traditional single storey houses. A partially constructed house has been erected within the site, which is plot 2.

Proposed Development: Erection of two dwellinghouses and associated works.

Proposed Development Details: It is proposed to demolish the existing outbuildings and erect two houses at the north of the application site. The houses are detached, single storey properties with accommodation in the roofspace served by rooflights on the front elevations and dormers on the rear, built slightly set back from the road. The house at plot 1 is to have a single storey 'extension' projecting from the rear. The roofs are slate, the walls white wet dash render with stone surrounds and skews and timber framed windows coloured green. The rooflights are conservation style and the dormer cheeks ae render. The 'extension' at plot 1 has a standing seam zinc roof, engineering brick detailing and grey aluminium window and door frames. The elevations for plot 2 show engineering brick and aluminium doors, however it is not clear where these are and appear to be typos on the plans.

A footpath is proposed across the front of the houses. Six parking spaces are proposed to the rear, accessed by the existing track to the north. The parking is porous tarmac and an EVCP is proposed. Hardstanding in the gardens is paving slabs. The houses are served by a private drainage system and by a public water supply. A 1.8 metre high fence between the garden grounds and the sides of the gardens, with a 0.9 metre high fence to the rear of the gardens and around the parking area. This is to have gaps to allow movement of wildlife. The remaining boundaries are the existing post and wire fencing. Some landscaping is proposed along the west boundary, outwith the site boundary but under land controlled by the applicant, along with bat boxes. New beech hedging is proposed along the front boundary. The plans also show air source heat pumps by each plot.

A supporting statement has been submitted, providing the rationale for the application. This states the proposal is largely the same as an application approved in 2019, with the position of the houses altered within the site.

Background (Previous Applications, Supporting Documents, Development Briefs): Application site

22/00703/S42 Section 42 application to amend condition 1(h) and 9; and remove condition 1(i) and 8 of planning permission 19/00449/DPP. Withdrawn.

19/00449/DPP Erection of two dwellinghouses (amendment to design and layout approved in terms of planning permission 18/00595/DPP). Consent with conditions: details of materials, window frames and doors, hardstanding, means of enclosure, bin storage, drainage, landscaping; a footpath along the road frontage; streetlighting; natural materials; conservation style rooflights; remove all buildings on site before works begin; site investigation works; archaeological works; broadband; electric vehicle charging points; and biodiversity.

18/00595/DPP Erection of two dwellinghouses. Consent with conditions.

Land to the south

16/00240/DPP Application for extension of timeframe in which to implement planning permission 13/00119/DPP (change of use from agricultural land to equestrian use; erection of stable block; formation of hard standing area and formation of access road). Consent with conditions.

13/00119/DPP Change of use from agricultural land to equestrian use; erection of stable block; formation of hardstanding area and formation of access road. Consent with conditions.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection subject to conditions being attached to any consent relating to the formation of a footpath and the continuation of street lighting across the site frontage.

The **Coal Authority** has no objection.

Scottish Water has no objection but states they will not accept any surface water connections to the combined sewer. There is live infrastructure in the proximity of the development that may impact existing Scottish Water assets. The applicant must identify any potential conflicts with these and contact them for an appraisal of the proposals. The applicant is aware of this.

Representations: No representations have been received.

Relevant Planning Policies: The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

National Planning Framework 4 (NPF4)

- Policy **1 Tackling the climate and nature crisis** sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis;

- Policy **2 Climate mitigation and adaptation** sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change;
- Policy **3 Biodiversity** sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks;
- Policy **5 Soils** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development;
- Policy **6 Forestry, woodland and trees** sets out to protect and expand forests, woodland and trees;
- Policy **7 Historic assets and places** sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- Policy **9 Brownfield, vacant and derelict land and empty buildings** sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.
- Policy **11 Energy** sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS);
- Policy **12 Zero waste** sets out to encourage, promote and facilitate development that is consistent with the waste hierarchy;
- Policy **13 Sustainable transport** sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably;
- Policy **14 Design, quality and place** sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle;
- Policy **15 Local Living and 20 minute neighbourhoods** sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options;
- Policy **16 Quality homes** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland;
- Policy **17 Rural homes** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations;
- Policy **18 Infrastructure first** sets out to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking;

- Policy **19 Heating and cooling** To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures;
- Policy **20 Blue and green infrastructure** sets out to protect and enhance blue and green infrastructure and their networks;
- Policy **22 Flood risk and water management** sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding;
- Policy **23 Health and safety** sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing; and
- Policy **24 Digital infrastructure** sets out to encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

Midlothian Local Development Plan 2017 (MLDP)

DEV5 Sustainability in New Development states it will be expected that development proposals have regard to the following principles of sustainability: building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with other MLDP policy;

DEV6 Layout and Design of New Development states good design and high quality architecture is required in the overall layout of development proposals. This 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 states development proposals are required to be accompanied by a comprehensive scheme of landscaping;

TRAN5 Electric Vehicle Charging states the Council will 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;

RD1 Development in the Countryside states that 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 to a prescribed level.

Normally housing will only be permissible where it is required for the furtherance of an established countryside activity. However this policy identifies circumstances where exceptions to this policy where housing may be supported, which are: housing groups of 5 or more where one further house may be permitted; conversions of redundant farm buildings or other non-residential buildings; redevelopment of redundant farm buildings or other non-residential buildings; or enabling policies 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;

ENV4 Prime Agricultural Land does not permit development that would lead to the permanent loss of prime agricultural land;

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 development will not be permitted where it may significantly and adversely affect local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design; and

ENV11 Woodland, Trees and Hedges states development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter or historical value or are of other importance.

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. In this instance the planning history, namely the previous approvals of applications for two houses at this site, is a significant material consideration

The previous applications were considered by the adopted Midlothian Local Development Plan 2017, which remains part of the development plan. However this also now includes National Planning Framework 4 (2023) which was introduced in February 2023 and is a material consideration in the assessment of applications.

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, and subject to specific criteria. Policy RD1 and Policy 17 include several sections where houses in the countryside could be acceptable in planning terms.

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.

The proposal is connected with the redevelopment of outbuildings to the south of the site under the control of the applicant. It has previously been accepted that the proposed two houses could be accepted as replacements for these outbuildings. The previous permissions conditioned that the redundant buildings be removed before development on the houses begins. This is to remove any potential for the approved houses to be built with the redundant buildings remaining on site and for a future application submitted to replace the redundant buildings. This removal has not yet been done but remains necessary. A condition requiring the removal of the outbuildings shall be attached to any permission.

The proposed houses have been designed in a cottage style, with traditional proportions, detailing and materials, albeit with plot 1 having a contemporary designed 'extension' and finishings. The proposed houses are in keeping with the character and design of the houses within Dewarton, adjacent to the Dewarton Conservation Area, the surrounding rural area and are considered acceptable.

The position of the houses is acceptable.

The houses would be served by adequate garden ground.

The case officer, agent, applicant and Senior Manager Neighbourhood Services (Roads) have had previous contact about the provision of a footpath across the site frontage lighting this area. The Senior Manager Neighbourhood Services (Roads) has considered the submissions and is clear that this remains a requirement should this permission be approved.

Since the previous permissions were approved, NPF4 has become part of the local development plan. This requires additional measures in relation to climate change and biodiversity. The application includes some details on landscaping, wildlife corridors, electric vehicle charging points and air source heat pumps which is welcomed. Additional information on these are required to ensure these are sufficient and appropriate.

Recommendation: Grant planning permission.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00294/DPP



D2 Architectural Design Ltd
Newbattle Abbey
Newbattle Road
Dalkeith
EH22 3LL

Midlothian Council, as Planning Authority, having considered the application by Mr Billy Sives, 54 Dewarton, Edinburgh, EH23 4NX, which was registered on 11 May 2023, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Erection of two dwellinghouses and associated works at Land South West of 54, Dewartown, Gorebridge

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	DPP100 A 1:1250 1:200	05.06.2023
Proposed Floor Plan	DPP101 1:50	11.05.2023
Proposed Elevations	DPP102 1:50	11.05.2023
Proposed Floor Plan	DPP103 1:50	11.05.2023
Proposed Elevations	DPP104 1:50	11.05.2023

This permission is granted for the following reasons:

The proposal relates to the redevelopment of redundant buildings in the countryside and would be in keeping with the character and appearance of the surrounding rural area. The proposal complies with policies RD1, DEV6, DEV7, ENV6, ENV7, ENV11 and ENV25 of the adopted Midlothian Local Development Plan 2017 and the aims of National Planning Framework 4

Subject to the following conditions:

1. The development to which this permission relates shall commence not 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 the proposed stone dressing and zinc seam materials;
 - b) Details of any related structures at the bin storage areas;
 - c) Details of the proposed hardstanding materials;
 - d) Details of the proposed air source heat pumps;
 - e) Details of the proposed electric vehicle charging points;
 - f) Proposals for the treatment and disposal of foul and water surface drainage, including the location of any new equipment;

- g) A landscape plan, including details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs proposed, as well as identifying all trees on site which are proposed to be removed and retained;
- h) An amended site plan showing a 2 metre wide public footway across the whole site frontage at the east of the site; and
- i) Details of proposed streetlighting to the east of the houses hereby approved.

Reason: *These details were not submitted as part of the application: to protect the visual amenity of the surrounding rural area; to integrate the development into the area; in the interests of road safety.*

- 3. The use of render on the dormer cheeks and face is not approved: these elevations shall be clad in slate or another material to be agreed in writing by the planning authority.

Reason: *The use of render on the dormer cheeks and face would not integrate the dormers into the roofspace; in the interest of the visual amenity of the houses hereby approved.*

- 4. Before any house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 2f) shall be completed to the satisfaction of the Planning Authority

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

- 5. Before any house is occupied, the approved boundary treatment between the rear gardens of the houses shall be in place.

Reason: *To ensure the privacy of the future occupants.*

- 6. Within six months of the first house being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 2g) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To protect and enhance the landscaping of the area; to ensure that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.*

- 7. The amended site plan approved in terms of condition 2h) above shall include a road kerb at the new footway edge, any additional drainage required and a pedestrian drop kerb crossing point at the termination of the footway to allow pedestrians to cross the main road. These works shall be in place before the houses are occupied.

Reason: *In the interest of road safety; in order to ensure these works are in place before the houses are occupied.*

- 8. Within one month of the date of this permission, the existing redundant outbuildings on the land under the control of the applicant as shown on approved plan DPP100 A shall be demolished and all material removed from the site within four weeks of the buildings being demolished.

Reason: *The houses are only supported as these will result in the removal of the existing redundant outbuildings; in order to ensure the existing, unattractive, buildings are removed in the interest of the visual amenity of the area.*

9. 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 each 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 adopted Midlothian Local Development Plan.*

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog gaps shown on the fencing throughout the development has 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 with the Planning Authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the adopted Midlothian Local Development Plan 2017.*

11. Notwithstanding the details on approved drawing number DPP104, the house hereby approved at Plot 2 shall not include any areas of facing brick (blue engineering brick).

Reason: *For the avoidance of doubt; these materials are not appropriate on this traditional house and appear to be a typo on the submitted plans.*

Dated 10 / 7 / 2023



.....
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

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, 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

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

Informative Note valid from 1st January 2023 until 31st December 2024

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Silver Birch (*Betula pendula*)

Green Beech (*Fagus sylvatica*)

**Proposed New Trees
- 3 no of each**

**APPROVED
10.07.2023
23/00294/DPP**

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS
- Existing post & wire fence retained
- 1800mm high timber fence and gate to match
- 900mm high timber fence and gate to match
- Paving slab to form footpath & patios
- New footpath with road kerb to Midlothian Council specification
- New porous tarmac paving to form driveway & car parking
- Grass
- Existing Trees retained.
- New Trees.

2no bat boxes to be fitted to each existing tree

Electric vehicle dual socket charging pillar.

Fence to be set out 4.5m minimum from Main Water main to Scottish Water requirements

6 no space Carparking

Bin Store

**Plot 1
Area = 691sqm**

**Plot 2
Area = 648sqm**

Existing Trunk Main

ASIP

ASIP

Existing bush & verb planting retained

Site Boundary

Existing road edge

Existing post & wire fence removed & replaced with new beech hedging.

B6372

Existing gate removed

Existing footpath

Existing footpath

Existing streetlighting poles. All extg lighting to B6372 is located on the east of road

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d2 architectural design

PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of S4 Dewarston, Midlothian

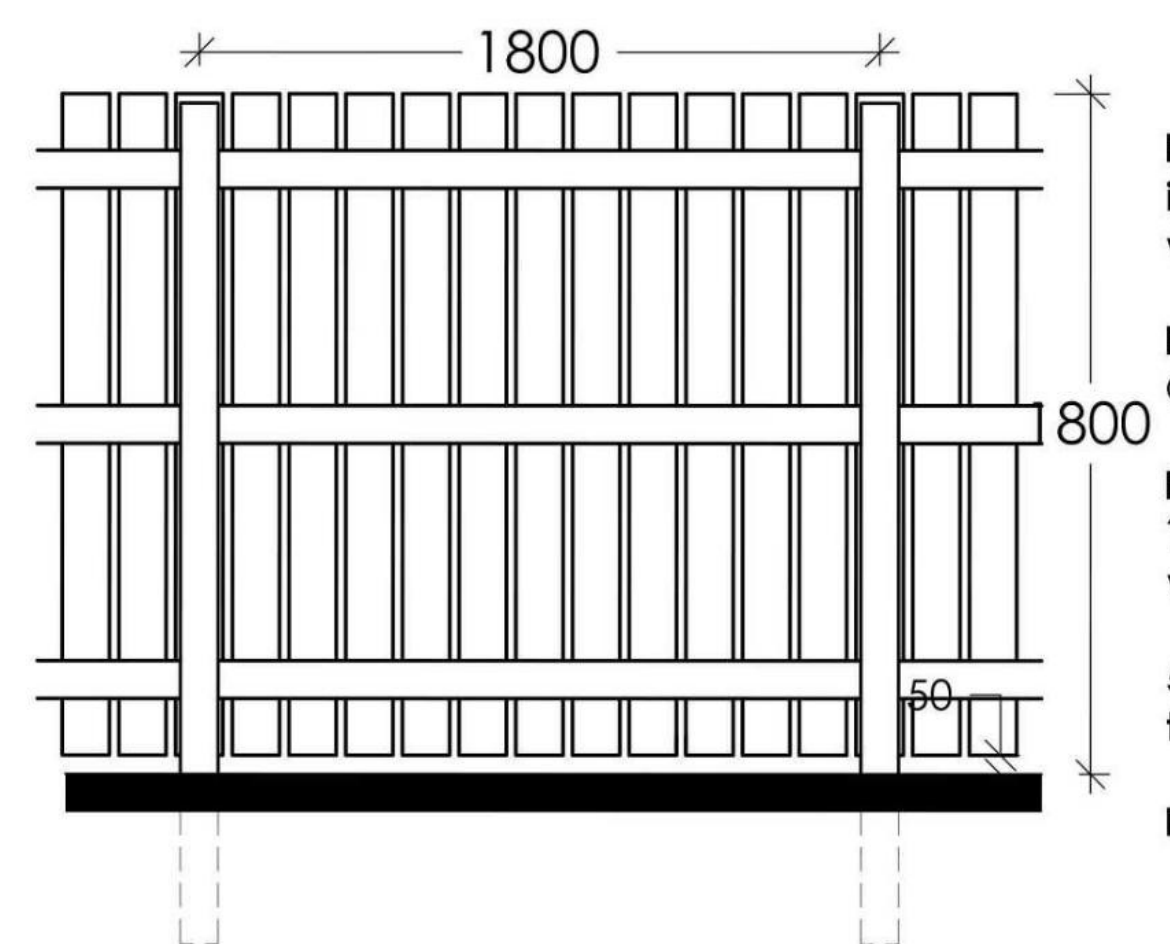
Mr & Mrs Sives

DRAWING
Location & Site Plans

DATE	DRAWN	SCALE
04.04.23	AS	various @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP100	A

Location plan
Scale 1:1250 @ A1

0 10 20 30m



Palisade fencing-Sawn redwood pressure impregnated with preservative and finished with two coats protective woodstain.

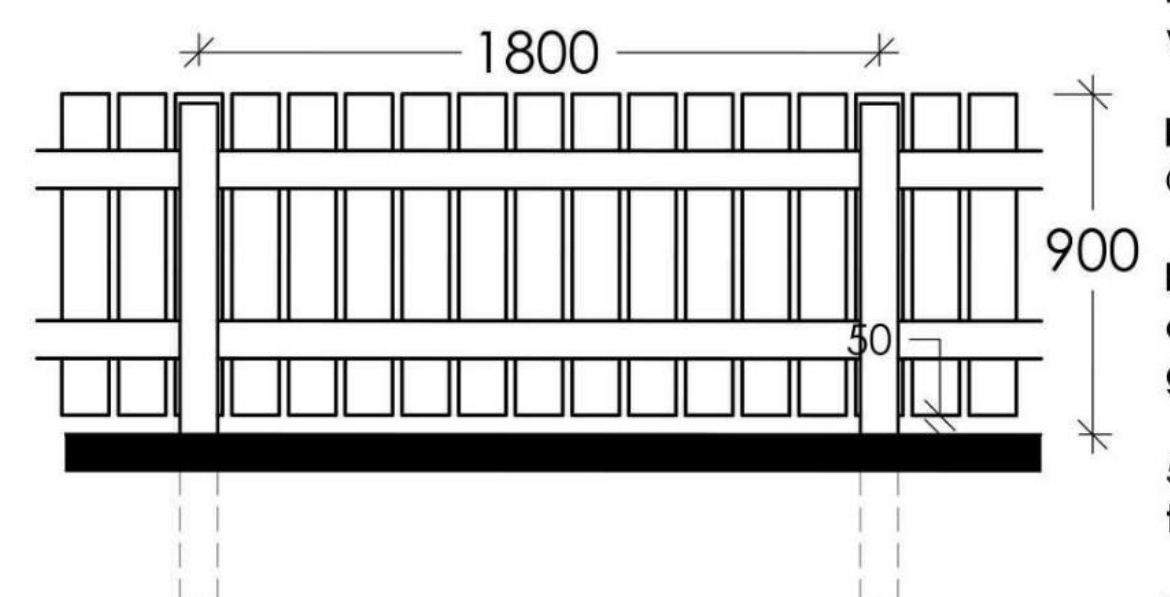
Posts- 100mmx100mm with weathered tops @ 1.8m maximum ctrs

Rails- 3 no. 100x50mm rails bevelled with 1/2 checked joints, twice fixed to posts with galvanised nails.

50mm clearance between fence & ground to be maintained for small wildlife access.

Foundation to post to SE specification.

Typical 900mm high fence



Palisade fencing-Sawn redwood pressure impregnated with preservative and finished with two coats protective woodstain.

Posts- 100mmx100mm with weathered tops @ 1.8m maximum ctrs

Rails- 2 no. 100x50mm rails bevelled with 1/2 checked joints, twice fixed to posts with galvanised nails.

50mm clearance between fence & ground to be maintained for small wildlife access.

Foundation to post to SE specification.

Typical 900mm high fence

Site plan

Scale 1:200 @ A1

0 2m 4m 6m 8m 10m

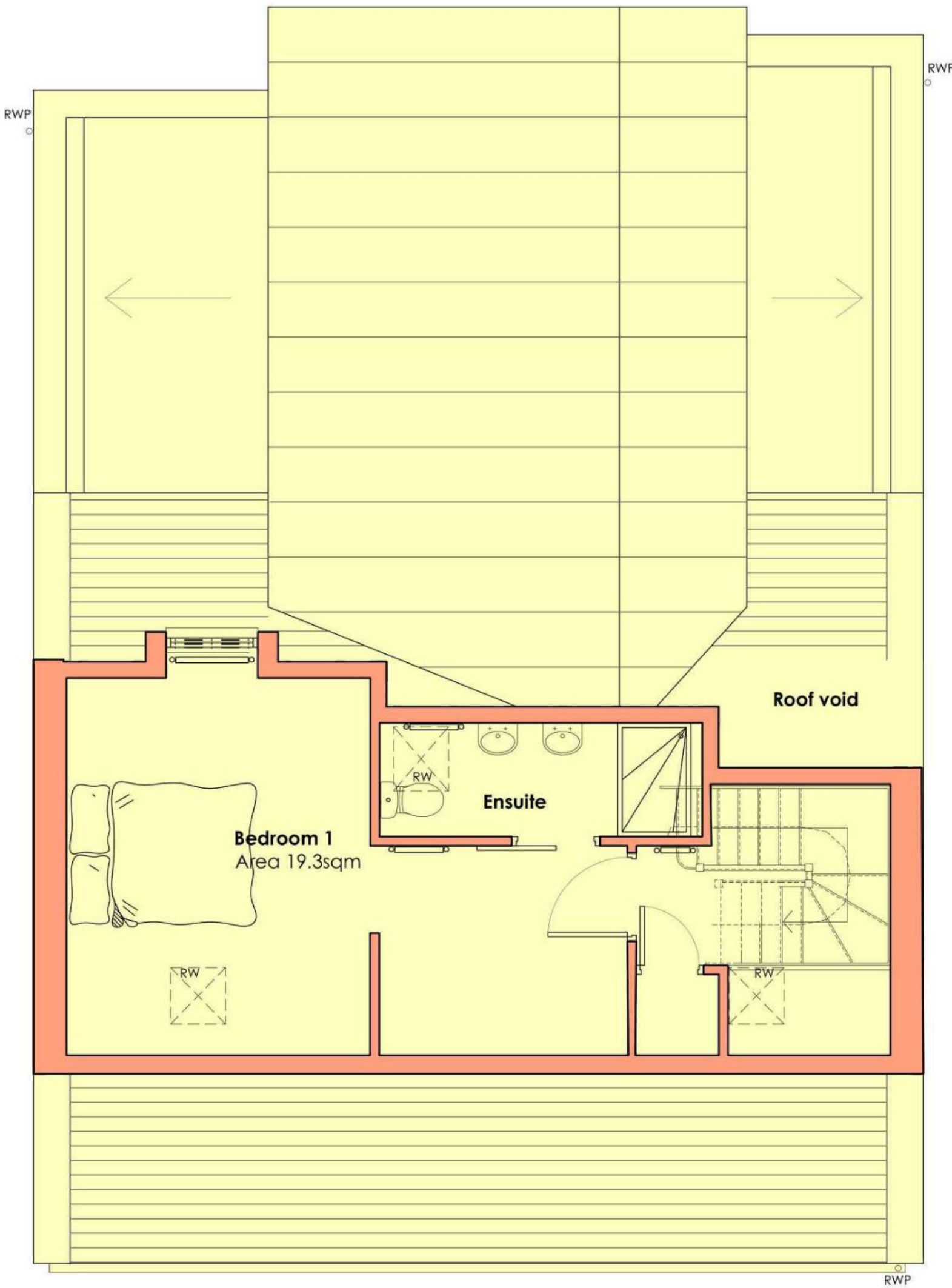
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APPROVED
10.07.2023
23/00294/DPP



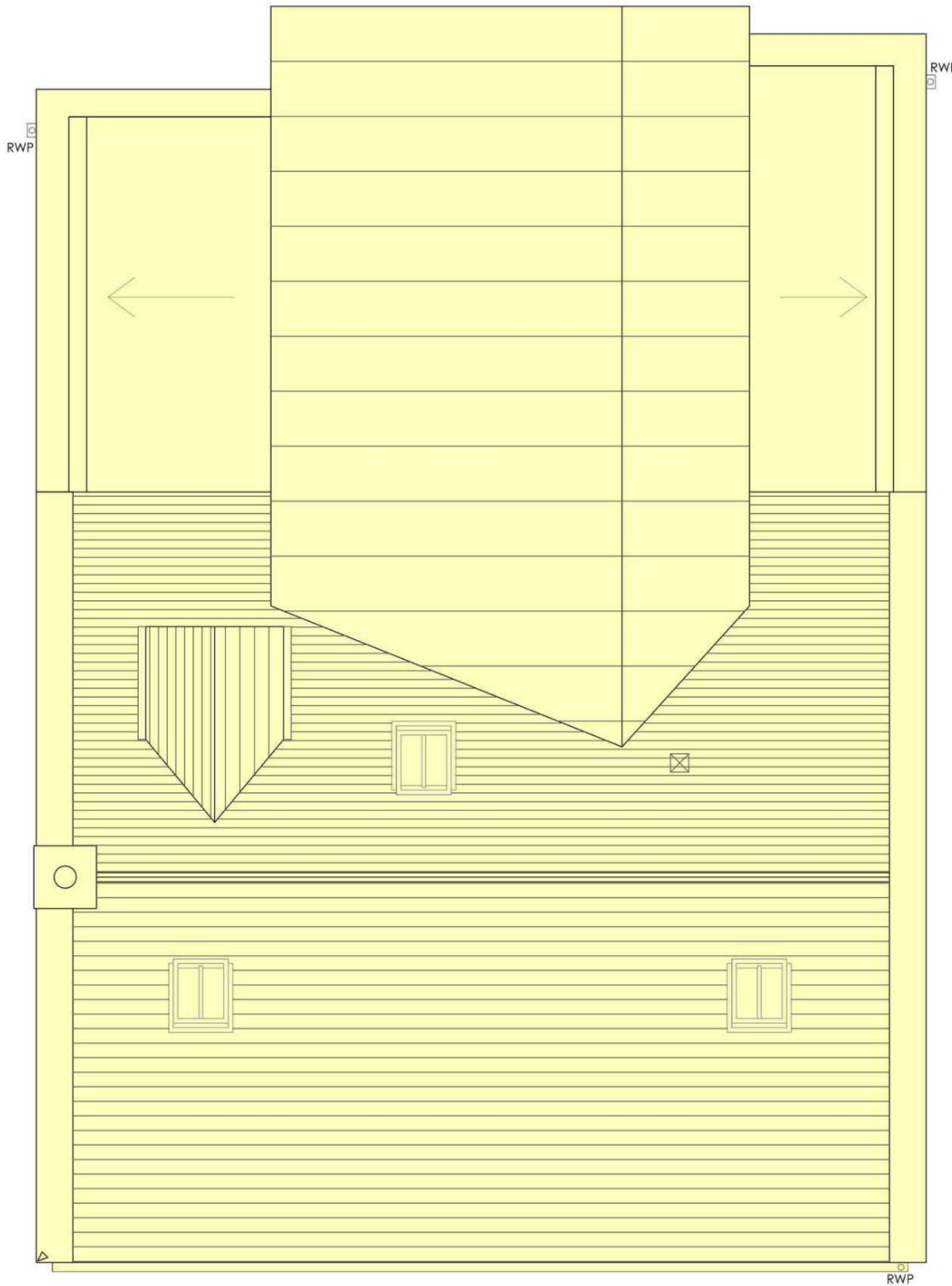
Ground Floor Plan
Scale 1:50 @ A1

0 1m 2m 3m



First Floor Plan
Scale 1:50 @ A1

0 1m 2m 3m



Roof Plan
Scale 1:50 @ A1

0 1m 2m 3m

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarton, Midlothian

Mr & Mrs Sives

DRAWING
Plot 1 - Floor & Roof Plans - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP101	

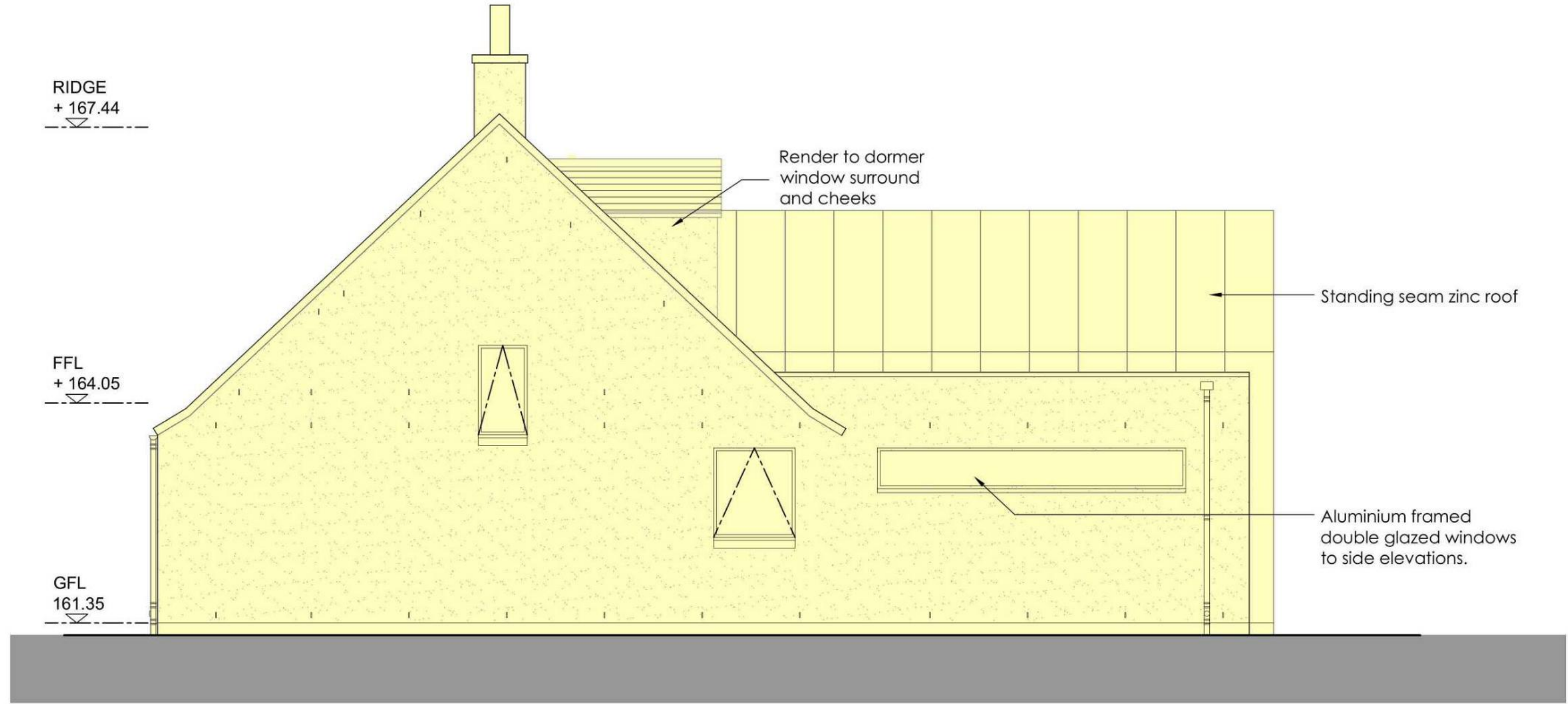
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10.07.2023
23/00294/DPP



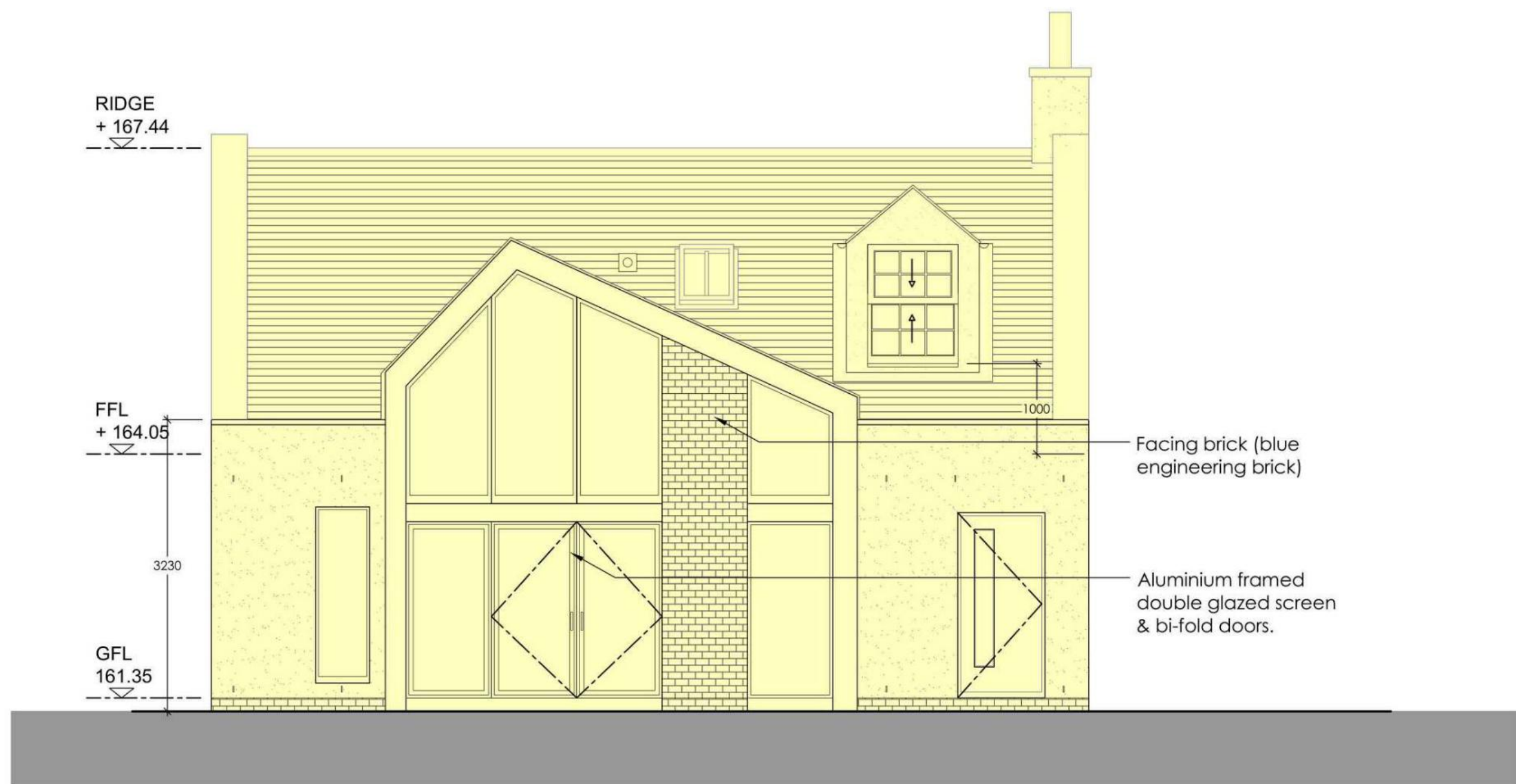
Front Elevation
Scale 1:50 @ A1

0 1m 2m 3m



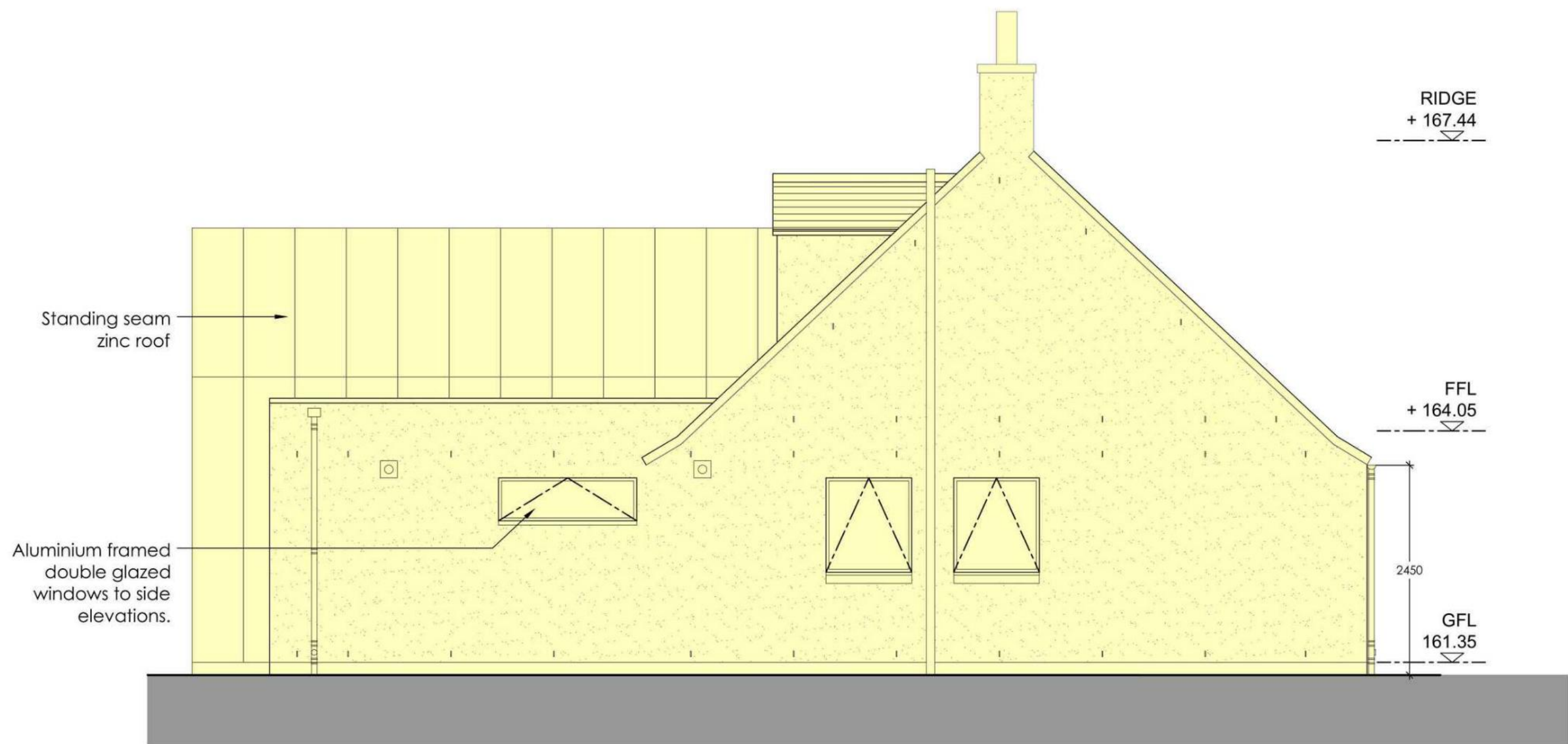
Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Rear Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

Mr & Mrs Sives

DRAWING
Plot 1 - Elevations - as proposed

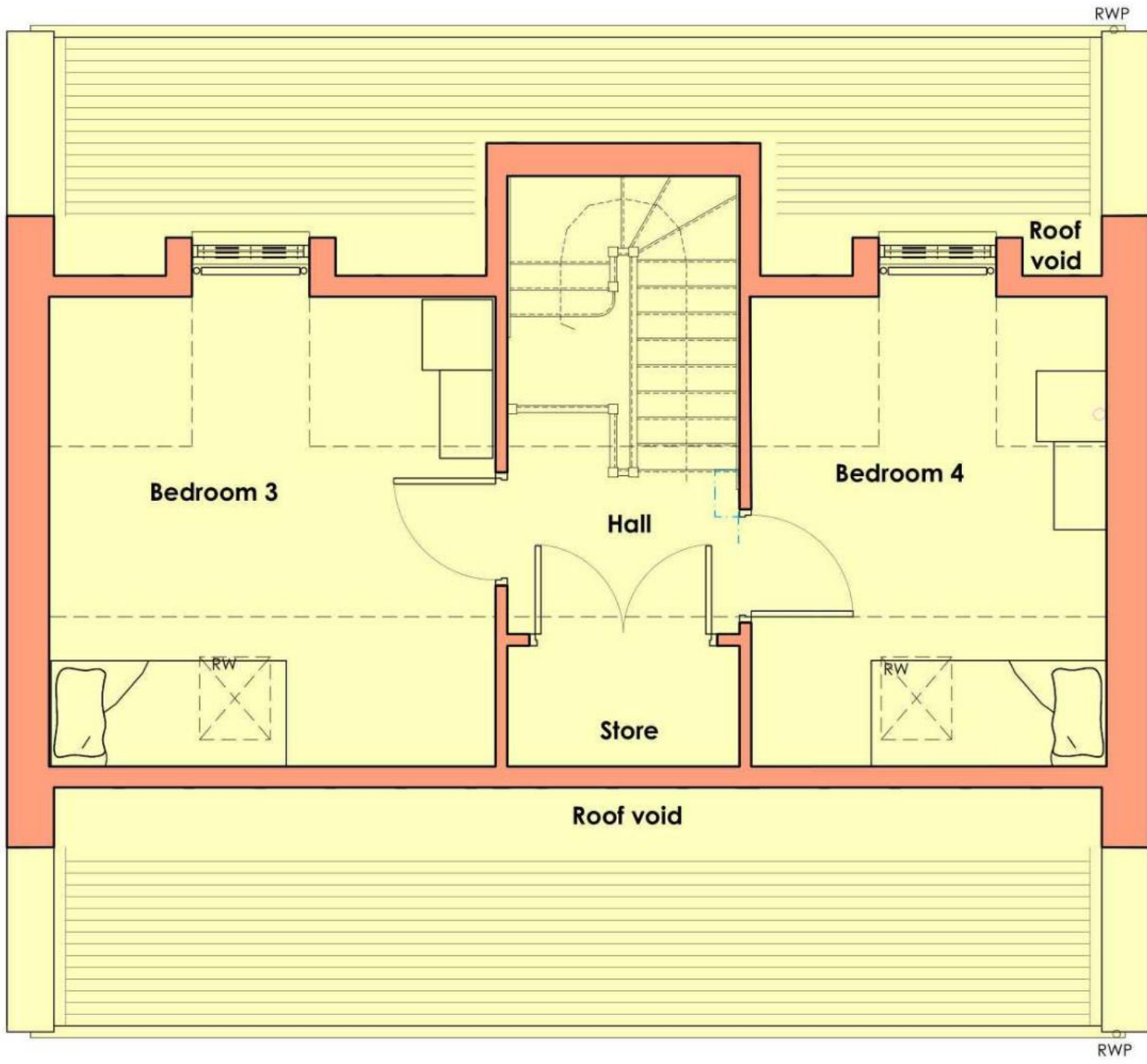
DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP102	

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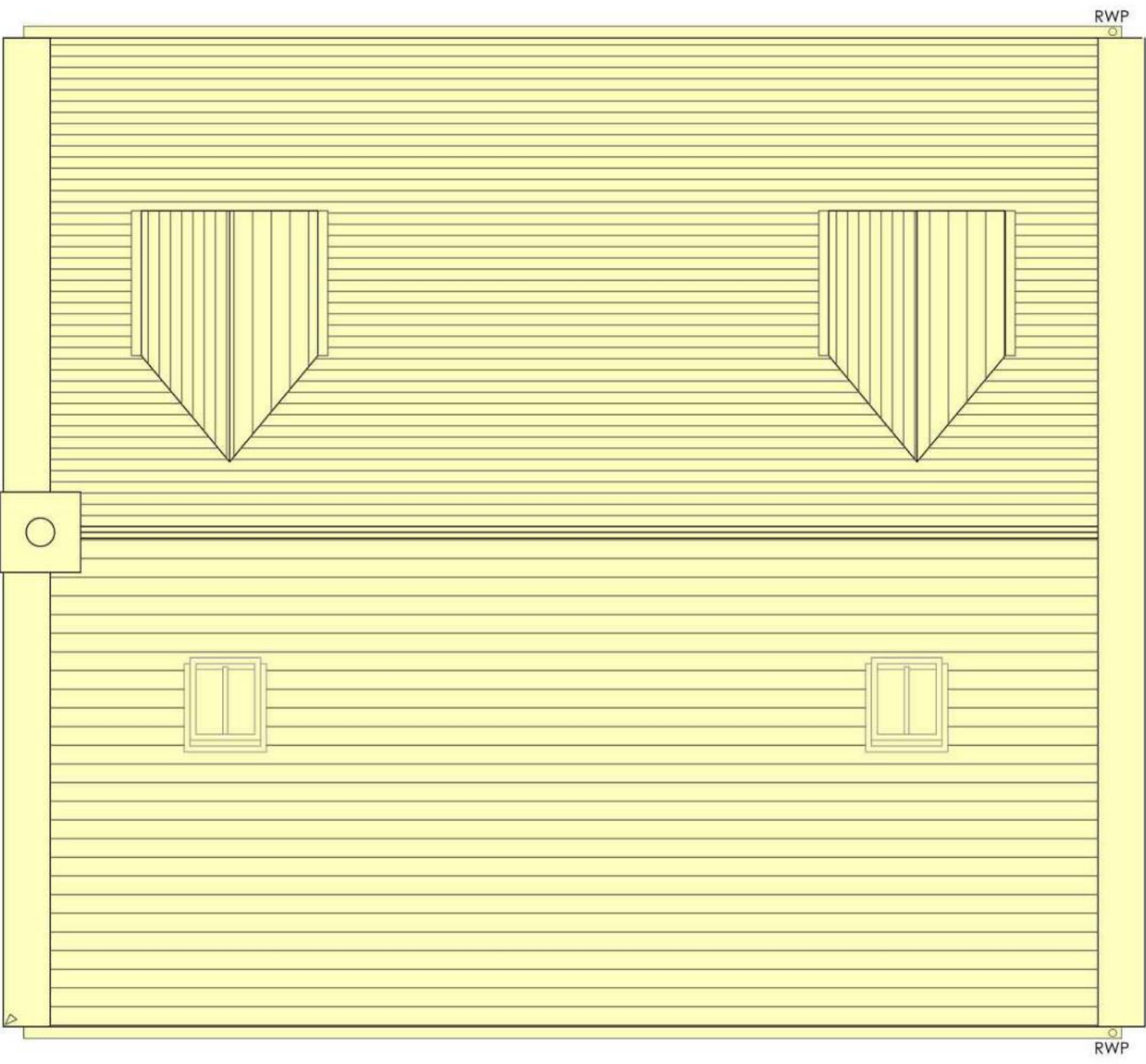
APPROVED
10.07.2023
23/00294/DPP



Ground Floor Plan
Scale 1:50 @ A1



First Floor Plan
Scale 1:50 @ A1



Roof Plan
Scale 1:50 @ A1



- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarton, Midlothian

Mr & Mrs Sives

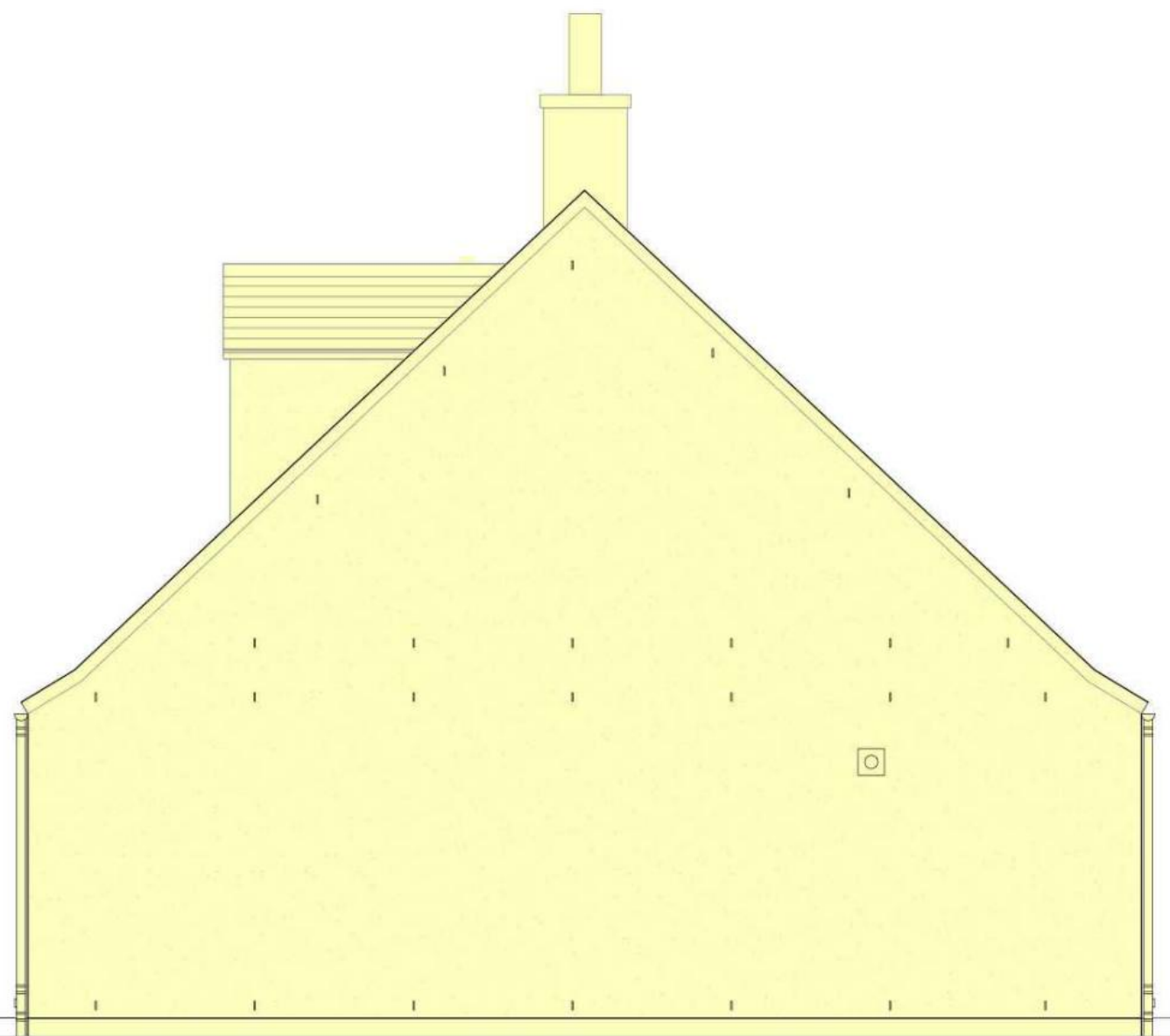
DRAWING
Plot 2 - Floor & Roof Plans - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP103	

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APPROVED
10.07.2023
23/00294/DPP



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Rear Elevation
Scale 1:50 @ A1

0 1m 2m 3m

Facing brick (blue engineering brick)

Aluminium framed double glazed screen & bi-fold doors.

RIDGE
+ 167.44

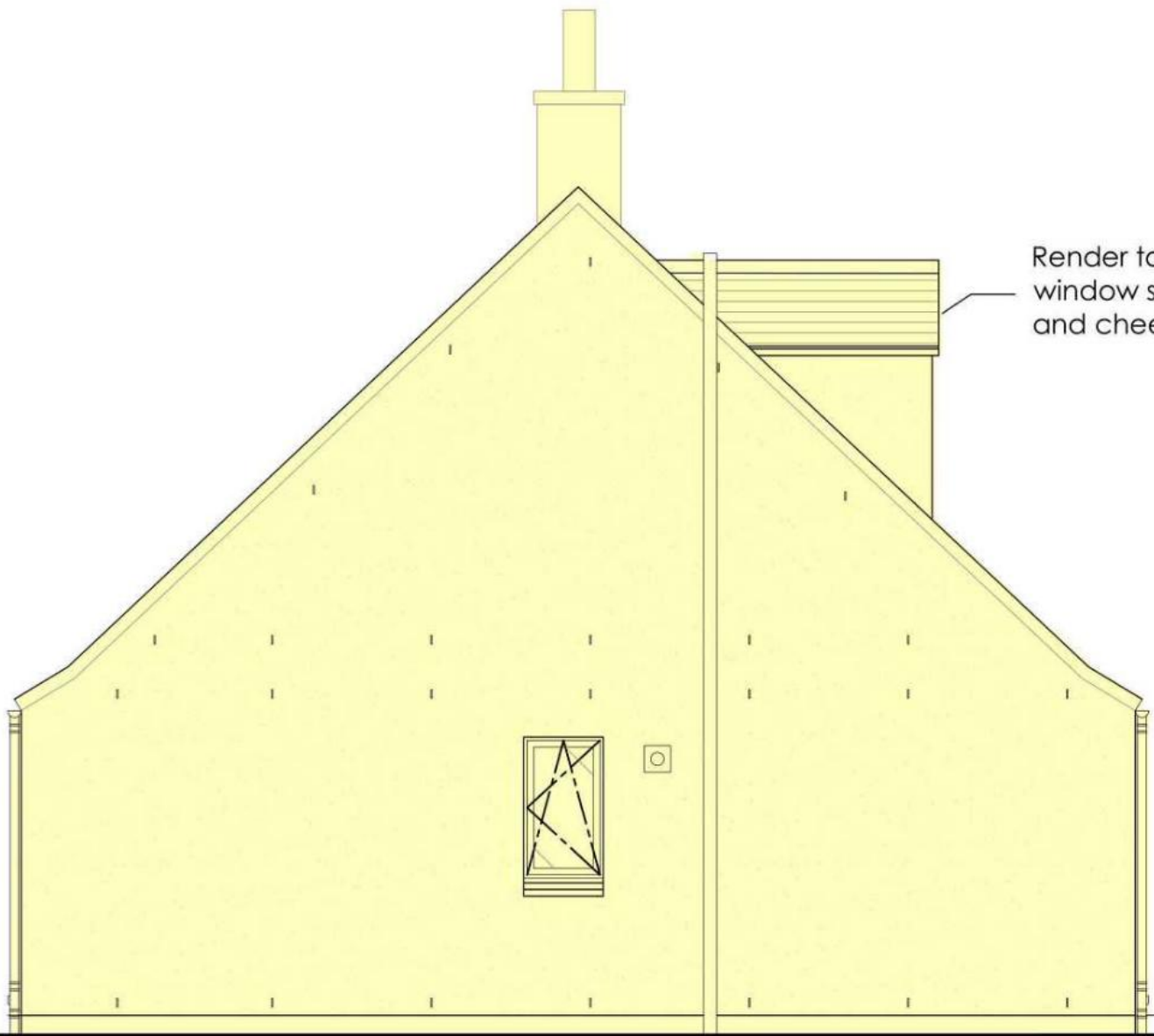
GFL
161.35



Front Elevation
Scale 1:50 @ A1

0 1m 2m 3m

Fakro FTW-V/C Conservation Centre Pivot Rooflight
Dressed stone skew
Pazaras Gallegas 35 slate
Timber sash and case windows (B&Q Fresh Sage)
Cast iron rainwater goods (grey)
Wet dash render facade, white finish
Natural stone surround, buff coloured



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m

Render to dormer window surround and cheeks

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

Mr & Mrs Sives
DRAWING
Plot 2 - Elevations - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP104	