

Notice of Review: Land at Glencorse Mains Steading, Penicuik

Determination Report

Report by Dr Mary Smith Director of Education, Communities and Economy

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 a dwellinghouse on land at Glencorse Mains Steading, Penicuik.

2 Background

- 2.1 Planning application 19/00611/DPP for the erection of a dwellinghouse on land at Glencorse Mains Steading, Penicuik was refused planning permission on 3 September 2019; a copy of the decision is attached to this report.
- 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 advisor notes, issued on 3 September 2019 (Appendix D); and
 - A copy of the relevant plans (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. All consultation responses, representations and any additional comments made in response to the notice of review can be viewed on this case file.

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair have:

- scheduled a site visit for Tuesday 18 February 2020; and
 - determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that three consultations have been received. No representations have been submitted. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application/review 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 to the next 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 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. 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 colour of all window frames and doors;
 - c) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure;
 - d) Details of the materials of all areas of hardstanding;
 - e) Proposals for the treatment and disposal of foul and surface water drainage; and

- f) 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 houses are finished in high quality materials; to protect the visual amenity of the surrounding rural area; to ensure the houses are provided with adequate amenity; to help integrate the proposal into the surrounding area.*

- 2. The external finishes of the houses hereby approved shall be natural stone and natural slate.
- 3. The roof windows hereby approved shall be conservation style rooflights, installed in a manner which ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they are to be installed and with minimal flashing. A detailed section drawing or manufacturer brochure showing this shall be submitted for the prior written approval of the Planning Authority.

Reason for conditions 2 and 3: *To ensure the proposal is finished in materials appropriate to the rural area.*

- 4. Before any house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 1e) shall be completed to the satisfaction of the Planning Authority.

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

- 5. Prior to the commencement of development, amended floor plans and elevations shall be submitted for approval to accurately show the position of all dormer windows hereby approved.

Reason: *The submitted plans do not accurately show the position and design of the dormer windows.*

- 6. Prior to the commencement of development, an amended site plan accurately showing the proposed vehicular access shall be submitted for approval to accurately show the position of all dormer windows hereby approved.

Reason: *The submitted plans do not accurately show the position and width of the proposed access.*

- 7. The scheme of landscaping approved in accordance with condition 1f) 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.*

8. 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 birds 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.*

9. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre 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 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 adopted Midlothian Local Development Plan 2017.*

11. 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.

12. On completion of the decontamination/ remediation works required in condition 11 and prior to any dwellinghouses 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 11 and 12: *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.*

6 Recommendations

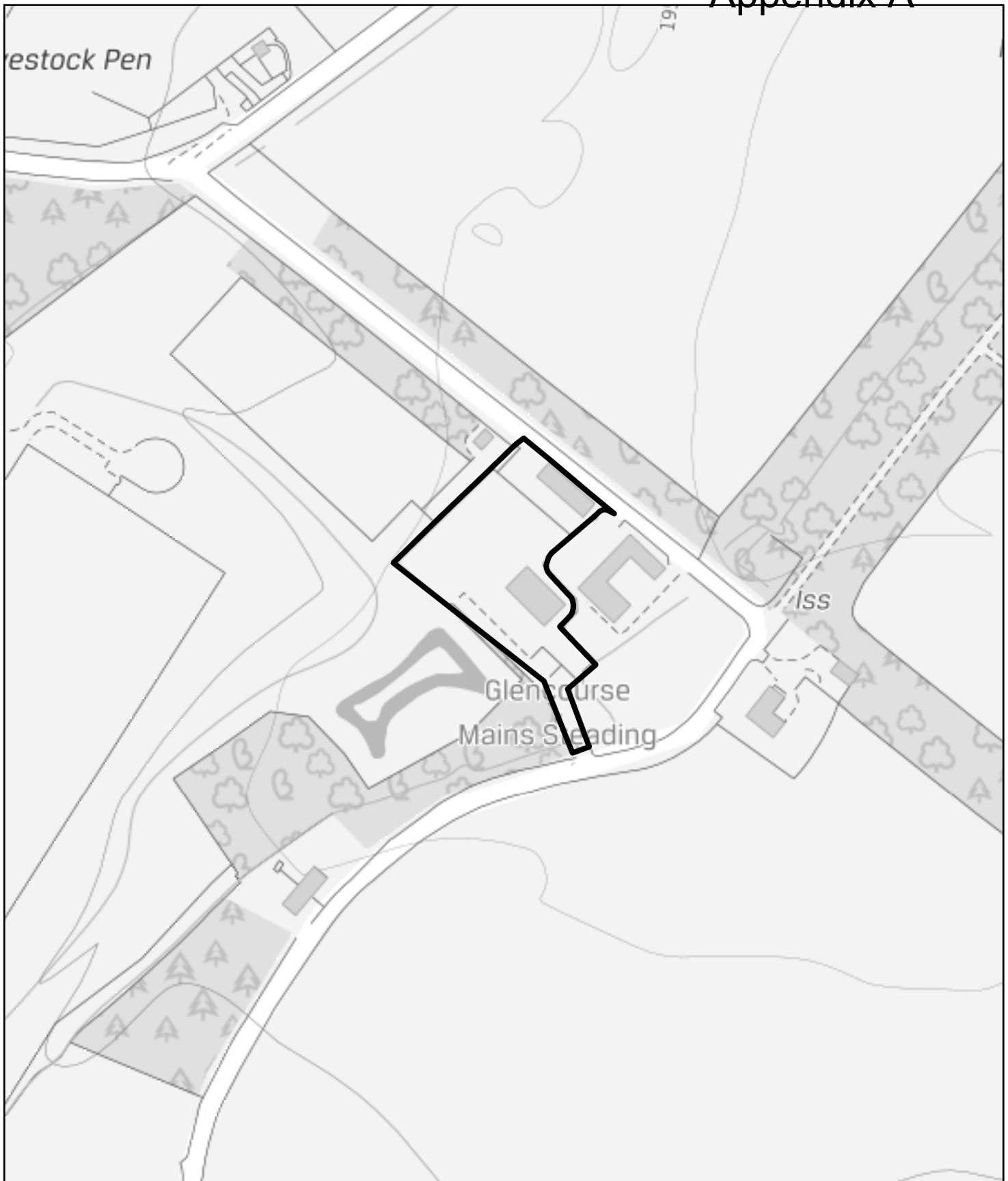
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

Date: 7 February 2020

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 19/00611/DPP available for inspection online.



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

Erection of dwellinghouse at Land At Glencorse Mains Steading, Penicuik

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File No. 19/00611/DPP

Scale: 1:2,000



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr and Mrs	Ref No.	
Forename	Stuart and Wendy	Forename	Timothy
Surname	McHarg	Surname	Simpson
Company Name		Company Name	Tim Simpson, Architect
Building No./Name		Building No./Name	
Address Line 1	2 Glencorse Mains Steading,	Address Line 1	27 Park Road,
Address Line 2	Belwood Road,	Address Line 2	Edinburgh,
Town/City	Milton Bridge, by Penicuik Midlothian	Town/City	
Postcode	EH26 ONQ	Postcode	EH6 4LA
Telephone		Telephone	0131-552-2128
Mobile		Mobile	
Fax		Fax	
Email		Email	

Application Details

Planning authority	Midlothian Council
Planning authority's application reference number	Reg. No. 19/00611/DPP

Site address

Land at Glencorse Mains Steading , Penicuik 2 Glencorse Mains Steading, Belwood Road , Milton Bridge, by Penicuik, Midlothian EH26 ONQ	14 NOV 2019
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Description of proposed development

It is proposed to erect a 1½ storey house (single storey and attic bedrooms) on the site. Whilst the applicant is flexible, on the dimensions and positioning of the house the house in the application is approximately 20 metres long by 13.5 metres wide It is positioned to the North West of the existing steading buildings.

Date of application

5 July 2019

Date of decision (if any)

3 September 2019

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Mr and Mrs McHarg are flexible in their proposals for this 1½ storey house. This may end up with some revisions to the plans in consultation with the Planning Officer and possibly an adjustment to the layout and dimensions of the house in relation to its neighbours, which could result in submitting revised plans.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



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



If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

05/00120/FUL Conversion and alteration to farm steading to form four dwelling houses, consent with conditions. After reconfiguration, only three houses were delivered. This application is to deliver the fourth house to complete the group. The house is wholly within the curtilage of the former farm steading. The house completes the form of a farmyard with enclosure of a central space. The house would make a significant contribution in completing the group at Glencorse Mains. The whole of the Farm Steading at Glencorse is already in the Green Belt. Therefore the buildings within the curtilage of the farm steading must be allowable within the green belt. Therefore the whole of the completed houses in this steading must be allowable in terms of the green belt. The whole of the proposed house 4 is within the curtilage of the steading; and completes the four house scheme originally intended or implied in the 2005 consent.

The Scottish Water Treatment Plant is also in the green belt. It is a major industrial plant which surrounds this steading on three sides. There are chemical treatment facilities, underground pipes pools and settlement tanks which prevent any development adjoining Glencorse Mains ensuring that developments cannot merge or "coalesce" in this part of Midlothian. PTO

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

We may not have made clear how we were to achieve a 6 metre drive for house 4. The boundary of cottage 3 would be adjusted to give a 6m drive for house 4 and an 8.3 metre width between the boundary and gable end of the cottage. The land is in the control of Mr and Mrs McHarg.

We may not have made clear that the applicant is flexible and happy to discuss aspects of his proposals.

Adjustments to the positioning of the new house, can meet the Council's stated privacy distance of 16 metres between houses. We can reduce the length of the house by 550 millimetres to 19.450 metres and adjust its position, to be 16 metres from the stable and the cottage 3, or other adjustments to meet the Council's privacy issues.

• **STATEMENT continued**

This application is for just one house in an established four house group and yet it is surrounded by the educational buildings at the Bush, a major industrial plant and the housing schemes on Bellwood Road.

Midlothian Planning Department state that the garden is of sufficient size, transportation have no comment to make on the access and there are no objections from neighbours.

The proposals are for a sand stone building with dormer windows and slate roofs generally in keeping with the existing buildings.

The Planning refusal states that "It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity"

The owners Mr and Mrs McHarg stated in the letter dated 16 August 2019 that they "would like to explore the opportunities in Midlothian, that this location could offer to the tourism sector". The house has to be built before Mr and Mrs Stuart McHarg are able to explore these opportunities.

The Planning refusal states that "nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017."

• The steading conversion was not completely implemented since only three family houses were achieved out of the four intended in the proposal of 2005.

The proposal for house 4 is within the curtilage of the steading boundary. This is clearly defined on the ground. The proposed house 4 adds to the group value and sense of enclosure for this building type.

The Scottish Water plant extends underground, below the surface of the surrounding fields with pipes tanks and plant on three sides of the steading. This is of industrial scale in its nature. However it also acts to restrict any other surface development in the vicinity of the steading, effectively making this former farm yard an "island" in the landscape. The applicant's proposal is for a single traditional stone building on vacant land, within the curtilage of the steading. The new house would complete the enclosure of this group more in the spirit of Braidwood farm, granted consent for additional houses on agricultural land within the boundaries of a group of former farm buildings.

Reason 2 for refusal of house 4 - The Proposed development has potential for overlooking between the proposed house and the existing houses and garden ground at neighbouring dwellings, to the significant detriment of the amenity and privacy of the existing and future occupants. The proposal is therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017."

Whilst the proposed development may have the potential for overlooking its neighbours houses and garden ground, the applicant is flexible about these issues and would strive to find acceptable solutions on these issues.

There is flexibility over the positioning of the house, windows walls boundary hedges or fences. The architect would work with the planning officer to alleviate the perceived privacy issues. Further dimensions have been added to the plan to show how the 16 metre privacy rule in the planning brief can be complied with for this development.

We would ask the Planning Committee to reconsider this application and support the approval of this new house.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Appeal Application Form. Certificates Notification etc Letter dated 16 August 2019
Historic Site Photographs, of steading with the cattle shed and the cattle shed during demolition.
Google Aerial photos of the Scottish Water Treatment plant under construction (surround 3 sides of steading). Photographs of the site for the proposed house.
Glencorse Water Treatment Works and housing developments North of Penicuik with Glencorse Mains as an island which is detached from current or future development by underground tanks and pipes. Drawing Number 2016/1/10 A Outline Proposals House 4
Drawing Number 2016/1/11 A Block Plan and Location Plan.
Outline Proposals
Ground, First and Roof Plan, Elevation & Section

Statement of reasons for seeking review - continuation sheet.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

[Redacted Signature]

Tim Simpson

Date: 12 November 2019

On behalf of Mr and Mrs McFarlane

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00611/DPP.

Site Address: Land At Glencorse Mains Steading, Penicuik.

Site Description: The application site comprises two houses (House 2 and Cottage 3 on the site plan) and a garage/stable building at Glencorse Mains Steading. The houses and garage/stable have stone walls with slate roofs and white window units. House 2 is two storey, Cottage 3 is single storey. The garage/stable is single storey with accommodation in the roofspace served by dormer windows and is associated with House 2. This does not appear in use as a stable but as a garage. House 2 and the garage/stable share a vehicular access, with Cottage 3 served by a different access.

Glencorse Mains Steading comprises the two houses and garage/stable within the application site, as well as an additional house (House 1) to the east outwith the site. The buildings are a combination of single and two storey buildings. Houses 1 and 2 are at lower ground level than the garage/stable building and Cottage 3. The land to the northwest and west a water treatment works, with adjacent area having the appearance of being a field. There are fields to the northeast, and the remainder of the steading buildings to the east and southeast.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to erect a house at the site. The proposed house is to measure 20 metres long by a total of 13.5 metres wide and 7 meters high. The house is to be positioned to the northwest of the existing buildings at the former steading. The house is proposed to be single storey with accommodation provided within the roofspace served by rooflights and dormer windows rising from the wallhead. The walls are to be finished in stone, the roof slate and timber window frames. The dormer cheeks are to be slate and the front stone.

Two parking spaces are proposed, accessed from the northeast adjacent to Cottage 3. A beech hedge is proposed around the site.

The house will connect to the private water supply in the area and drainage will connect to an existing septic tank.

The application form states the proposal is for a house and makes no reference to any other use. The submitted plans make reference to the house being large enough to operate a viable bed and breakfast or for self-catering groups and the applicant's agent has submitted a letter stating the applicants wish to explore the opportunity the development would offer to the tourism sector.

The applicant's agent states there was formerly a cow shed on site. This has been removed. They state that the house would complete the group as four houses have previously been approved at the former steading with only three in place.

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

Application site

19/00604/DPP Conversion of stable building to ancillary residential accommodation, formation of dormer windows and associated external alterations. Pending consideration.

Wider steading area including application site

07/00208/FUL Erection of a garage and stables. Consent with conditions.

06/00319/FUL Amendment of condition 1 of consent ref no 05/00120/FUL to allow additional down-takings and rebuilding of units 2 and 3, amendment to house 1 to allow additional extensions and elevation changes, alteration of the access to houses 2,3 and 4, relocation of gate on roadway and amendment of garden landscape. Consent with conditions.

05/00120/FUL Conversion and alteration to farm steading to form four dwellinghouses. Consent with conditions.

04/00882/FUL Conversion and alteration to farm steading to form five dwellinghouses. Withdrawn.

04/00730/FUL Conversion and alteration to farm steading to form nine dwellings. Withdrawn.

01/00486/FUL Change of use, alterations and extensions to agricultural buildings to form three dwellinghouses. Consent with conditions.

House 1 on site plan

07/00202/FUL Alterations to roof and exterior of dwellinghouse. Consent with conditions.

House 1 and 3 on site plan

07/00850/FUL Alterations to form single dwellinghouse from two dwellinghouses and erection of garage. Consent with conditions.

Glencorse Water Treatment Works (northwest and west)

11/00261/DPP Erection of 7 no pole mounted security cameras and 6 no wall mounted security cameras. Consent with conditions.

09/00198/DPP Amendment to condition 3 of planning permission 08/00135/FUL (Erection of water treatment works including chemical storage building and lime silo and underground storage tanks with associated land form changes, ground works, landscaping and fencing and formation of access, service roads and parking) to allow formation of temporary access from A702(T). Consent with conditions.

08/00561/FUL Amendment to condition 6 of planning permission 08/00135/FUL (erection of water treatment works including chemical storage building and lime silo and underground storage tanks, with associated land form changes, ground works, landscaping and fencing and formation of access, service roads and parking) to extend site working hours. Consent with conditions.

08/00135 Erection of water treatment works including chemical storage building and lime silo and underground storage tanks, with associated land form changes, ground

works, landscaping and fencing and formation of access, service roads and parking (this application is accompanied by an environmental statement). Consent with conditions.

Consultations:

The Council's **Policy and Road Safety Manager** has no objection. They state that the access track to the site is not currently adopted by the Council and will be privately maintained.

The Council's **Environmental Health Manager** recommends conditions to ensure ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times to limit noise in the area. They also request a condition relating to details of the private water supply for the house.

Scottish Water has no objection but states that they will not accept any surface water connections to the combined sewer.

Representations: No representations were received.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

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 a high quality of architecture will be 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 will be required to be accompanied by a comprehensive scheme of landscaping. This should: complement the existing landscape within and in the vicinity of the site; create landmarks in the development layout and use the landscape to emphasise these;

TRAN5 Electric Vehicle Charging states that the Council will support and promote the development of a network of 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;

VIS2 Tourist Accommodation states proposals for the development of hotels of self-catering tourist accommodation will be supported, provided the proposal: is in a scale and in keeping with the character or the local area; is sited and designed to respect its setting and is located in an unobstructed manner within the rural landscape; is well located in terms of the strategic road network and maximises public transport access; and is accordance with the following.

Proposals for hotels in business areas and key gateway locations with ease of access to the major functions of the A702 City Bypass, may be supported where it can be demonstrated that: there are not suitable alternative sites elsewhere in the urban envelope; and the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

Proposals for self-catering tourist accommodation will be permitted where: the proposal is not within the Green Belt unless linked to some related existing development; the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business;

ENV1 Protection of the Green Belt states development will not be permitted in the Green Belt except for proposals that: are necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or provide for essential infrastructure; or form development that meets a national requirement or established need if no other site is available. Any development proposal will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the identity and landscape setting of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence. This policy states that housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity, as detailed above. The applicant will be required to show the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity; and

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.

Planning Issues: The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise.

The application submitted was for the erection of a house. There are notes from the applicant's agent that this may be used for B&B or self-catering accommodation.

The proposed site lies within the Green Belt where there is a restrictive planning policy limiting housing unless the proposal complies with particular criteria. The Green Belt surrounding Edinburgh plays an important role in safeguarding and maintaining the landscape settings of the city and the individual settlements of

Midlothian. The Green Belt helps to maintain the character and identity of individual settlements by restricting coalescence of neighbouring settlements. In order to ensure that the Green Belt is maintained and that settlements avoid coalescence planning policies do not support development within the Green Belt except where it is required for the furtherance of existing acceptable uses. The primary aim of Green Belt policy is to maintain separation between settlements.

If the application is assessed as a house as stated in the application form, this would result in a new house within the Green Belt. The applicant's agent has not suggested or demonstrated that this is necessary to agriculture, horticulture or forestry. Equally, it is not required to provide opportunities for access to the open countryside, nor is it to be related to other uses appropriate to the rural character of the area or is part of a development that meets a national requirement. The applicant's agent has also not provided any information to demonstrate that the house is required for the furtherance of an established Green Belt activity.

If the application is taken as tourist accommodation, this must comply with policy VIS2. The application is not for hotel accommodation but B&B or self-catering. Whilst the building is of a scale and in keeping with the character of the area and sited and designing to respect its setting, it is not well located in terms of the strategic road network. The site is within the Green Belt and no information has been submitted to demonstrate that this is linked to related existing development or that the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business. There is therefore no support for this building if it were to be used for holiday accommodation.

It is acknowledged that the area around the application site has been subject to significant development with a Scottish Water facility to the west and allocated housing sites around Belwood Road to the south. The policy and planning status of the application site was assessed in the preparation of the MLDP adopted in 2017 by both the Planning Authority and the Reporter, with the surrounding developments and allocations given due consideration. It was considered that the site and the surrounding area should be retained within the Green Belt. The developments in the surrounding area do not justify approval of a house at this site.

The applicant's agent has stated that previous applications granted planning permission for four houses at Glencorse Mains Steading and that only three were implemented, thereby meaning there is support for an additional house at the group. Planning permission was previously granted at the wider Glencorse Mains Steading for four houses within the converted steading buildings – two units in House 1, one at House 2 and one at Cottage 3. A further application was subsequently approved to allow House 1 to be occupied as one dwelling. Although four houses at the site were previously approved, these were within buildings to be converted and were not new buildings in the area. There was also an application revert these to three residential units. The considerations for approving four units at the site were different from the current application. Support for four units was based on these being within converted buildings. It does not therefore follow that there is support for a house within a completely new building in the area.

The fact that there was historically a building in this area is not a material planning consideration. The building has been removed and cannot be relied upon for support of a new building in the Green Belt. Even if it had been in place, the related planning policy would not support the redevelopment of a redundant non-residential building, only the conversion.

The proposed house is of traditional design and materials which is reflective of the other houses in the immediate area. The submitted plans do not accurately show the proposed elevations and the positions of the dormer windows. Accurate plans are required if planning permission is granted.

The position of the house is such that it will be read alongside the existing houses at Glencorse Mains Steading. Should permission be granted, landscaping plans will be required to ensure this is integrated into the landscape.

The proposed house is positioned close to the existing House 2, Cottage 3 and stable building on the submitted site plan. The side of the proposed house will be 13 metres from the rear elevation of Cottage 3. There are windows on both elevations. The separation distance between these two properties is lower than the required Council standard of 16 metres between gable and rear elevations. Cottage 3 is at a lower ground level than the site of the proposed house. The combination of reduced distances, windows on both elevations and ground levels will result in a loss of privacy to the occupants of Cottage 3 to the significant detriment of their amenity. This is not only to the house but the garden ground to Cottage 3, which would be directly overlooked by the proposed house.

The proposed house is positioned 19 metres from the side elevation of House 2. There are a number of window openings on House 2 which will be directly overlooked by the proposed house. House 2 and the related garden ground is on lower ground than the proposed house. The land falls down within the application site down a banked area down to the same ground level as House 2. This is wholly within the application site. This means that the existing house and garden ground will be significantly overlooked by the proposed house as occupants of the proposed house would be able to clearly see into the existing house and garden ground. Although beech hedging is proposed along this shared boundary, this would not prevent overlooking from the proposed house and the higher garden ground serving the proposed house.

Sufficient garden ground is provided for the proposed house.

The plans show the proposed vehicular access from the northeast of the site, running along the garden of Cottage 3. The plans show this to be 6 metres wide, however on site this measures approximately 2.5 metres wide. Should planning permission be approved, accurate details of the access will be required. There are no road safety objections to the proposal.

With regards to the construction at the site, mitigation measures regarding ground conditions and contamination and/or previous mineral workings must be considered. The Council's Environmental Health Manager has no objection to the proposal but recommends that conditions be attached to protect future occupants of the site and

neighbouring land from the potential impact of contaminated land. A scheme mitigating any contamination of the site and/or previous mineral workings, and the submission of a validation report(s) confirming the approved works have been carried out shall be required by planning condition should permission be approved. Some information was submitted at a late date by the applicant, however this has not been considered by the Environmental Health Manager at this stage.

Should planning permission be granted, details of the proposed water supply will be required.

Although the Environmental Health Manager recommended a condition restricting the hours of construction at the site, this is better controlled by their own legislation rather than through planning measures.

The site is not within SEPA's Waste Water Drainage Consultation Zone so there is no requirement to consult SEPA on this application. The applicant's agent has submitted some details of the proposed drainage, however should planning permission be granted, further details of drainage would be required, including the position of the septic tank.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 19/00611/DPP**

Tim Simpson
27 Park Road
Edinburgh
EH6 4LA

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Stuart and Wendy McHarg, 2 Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik, EH26 0NQ which was registered on 5 July 2019 in pursuance of their powers under the above Acts, hereby **refuse** 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 documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2016/1/10 1:50,000 1:250	05.07.2019
Elevations, floor plan and cross section	2016/1/11 1:100	05.07.2019

The reasons for the Council's decision are set out below:

1. *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017.*
2. *The proposed development has potential for overlooking between the proposed house and the existing houses and garden ground at neighbouring dwellings, to the significant detriment of the amenity and privacy of the existing and future occupants. The proposal is therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*

Dated 3 / 9 / 2019

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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

Email: planningconsultation@coal.gov.uk

Website:

www.gov.uk/government/organisations/the-coal-authority

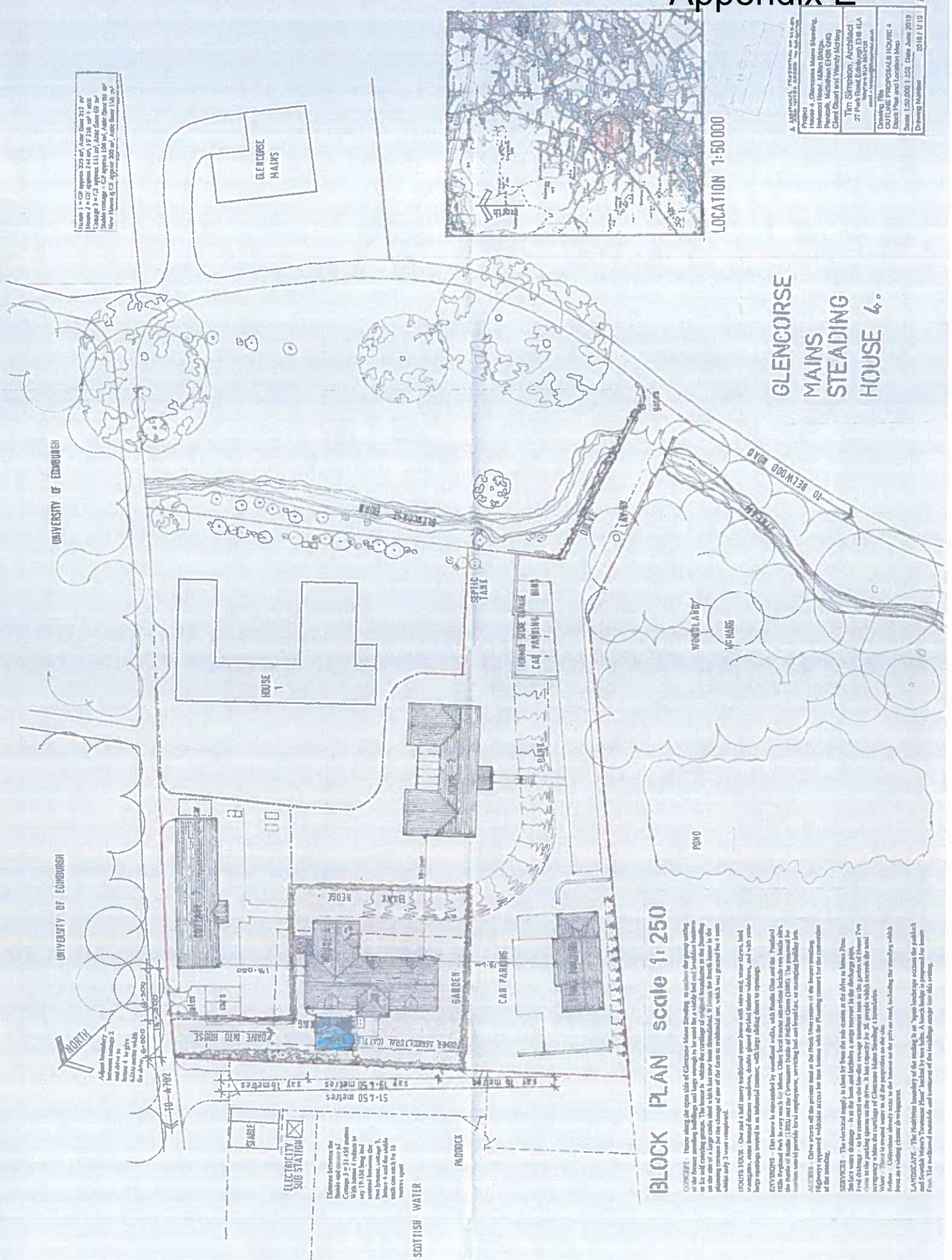
STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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.

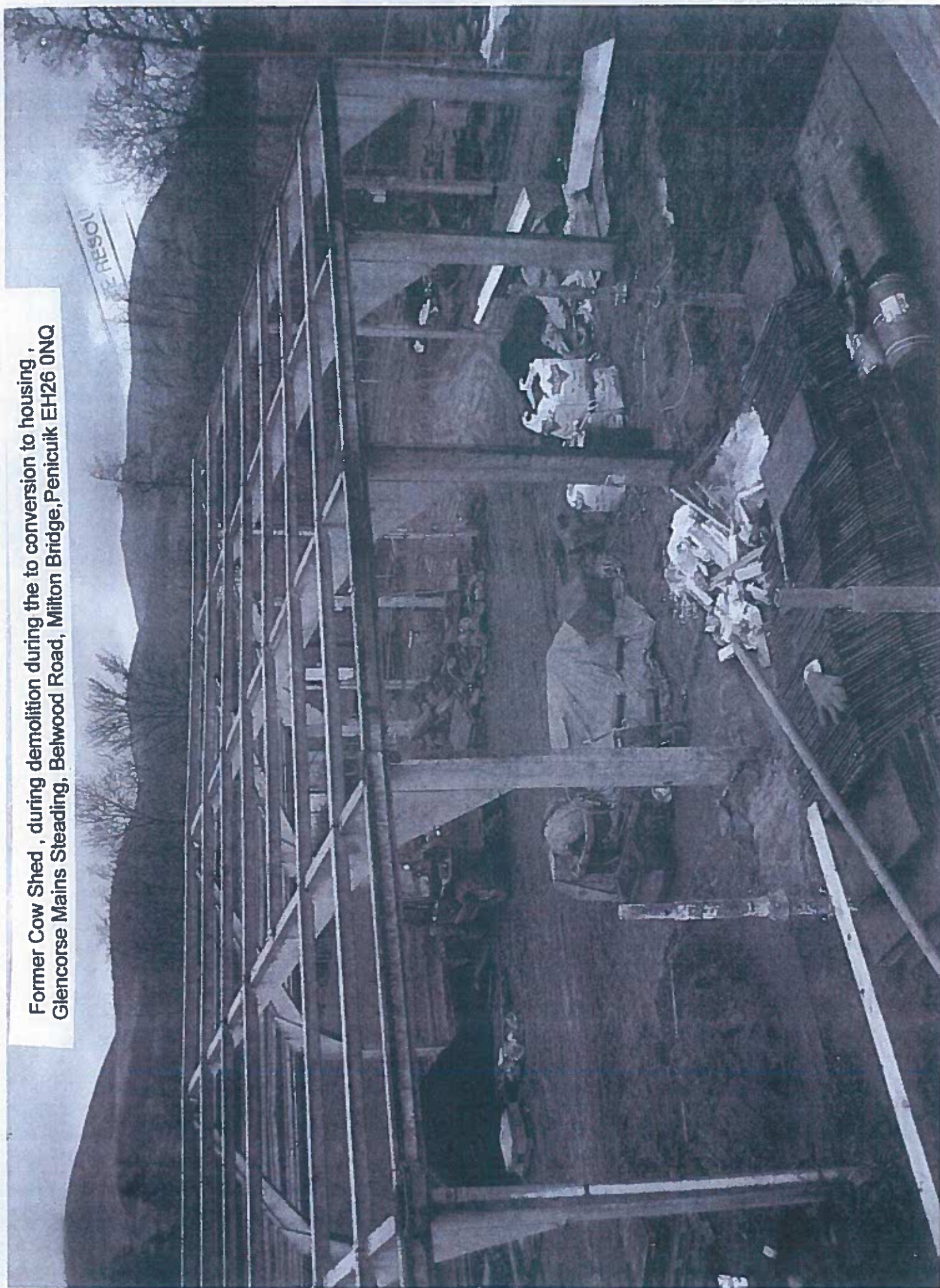
Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020



Former Cow Shed , during demolition during the to conversion to housing ,
Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik EH26 0NQ





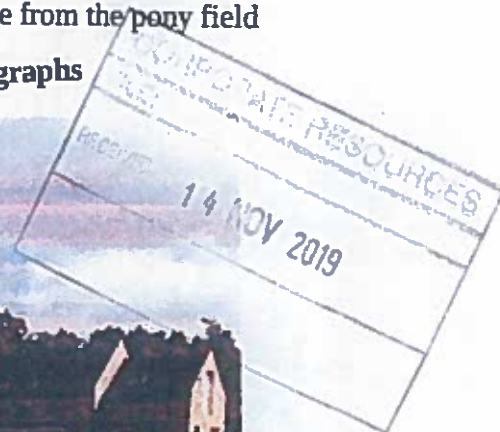
Former farm buildings and Cow Shed, prior to conversion to housing,
Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik EH26 0NQ

GLENCORSE MAINS STEADING, Belwood Road Milton Bridge EH 26 ON



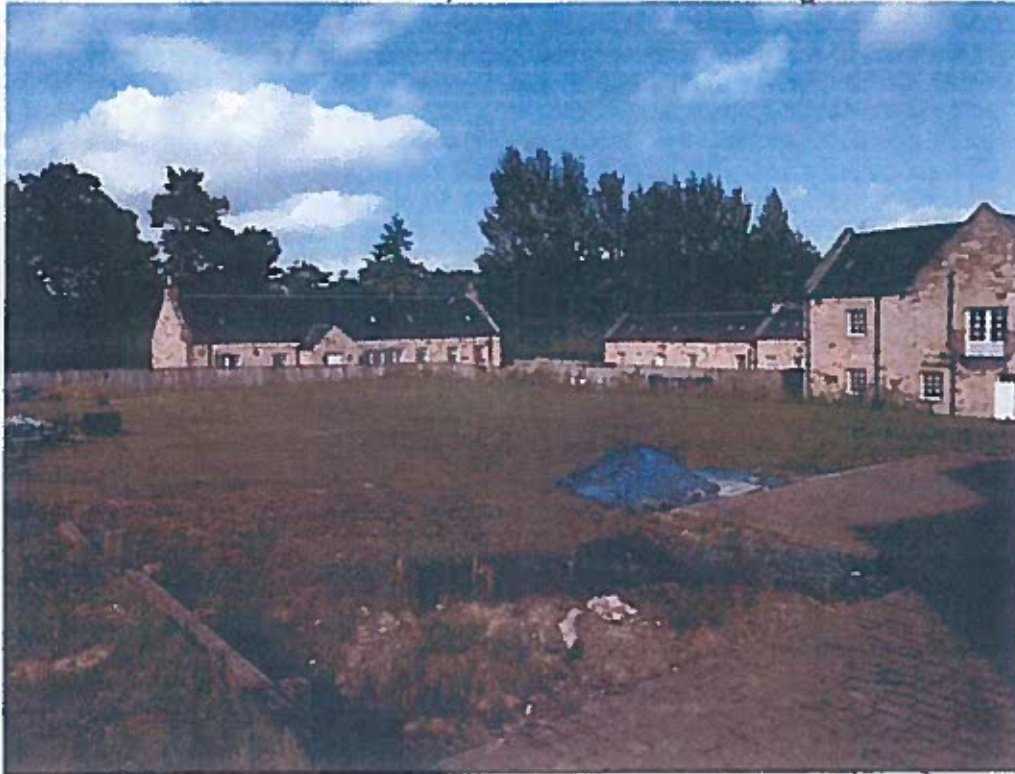
View of House 2 and the stable close by with its gable end stable from the pony field

Glencorse stable, tack room and garage - photographs



View of House 2 and the front of the stable from the poney field

GLENCORSE MAINS STEADING, Belwood Road Milton Bridgenn EH 26 ON



View of the site for House 4 showing the gap to be filled to complete the group

Glencorse site for house 4 - photographs



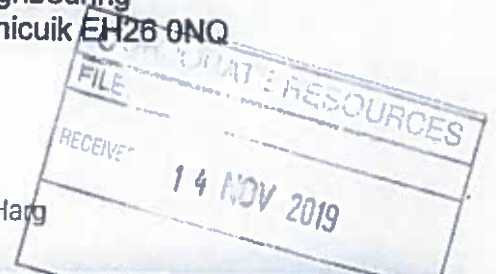
View of House 2 and the site for House 4 (inside the fence) with the Pentland hills beyond

Google Maps 3 Glencorse Steading Stuart and Wendy McHarg



Imagery ©2016 Getmapping plc, Map data ©2016 Google 20 m

Scottish Water's treatment plant during construction and neighbouring Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik EH26 0NQ



Google Maps 3 Glencorse Steading Stuart and Wendy McHarg



Imagery ©2016 Getmapping plc, Map data ©2016 Google 100 m

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