

Notice of Meeting and Agenda



Local Review Body

Venue: Council Chambers,
Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 18 February 2020

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- 4.1** Minute of Meeting of 2 December 2019 - For Approval 3 - 8

5 Public Reports

Decision Notices:-

- 5.1** 19 George Drive, Loanhead 19/00563/DPP 9 - 12

- 5.2** 26 Bellerophon Drive 19/00211/DPP 13 - 16

Notice of Review Requests Considered for the First Time –
Determination Reports by Director, Education, Communities and
Economy:-

- 5.3** Land South East of Orchard House, Green Lane, Lasswade 19/00610/DPP 17 - 122

- 5.4** Land at Glencorse Mains Steading, Penicuik 19/00611/DPP 123 - 150

- 5.5** 1 Laurelbank Road, Mayfield 19/00687/DPP 151 - 168

- 5.6** The Old Mill House, 40 Newmills Road, Dalkeith 19/00884/DPP 169 - 194

6 Private Reports

No private reports to be discussed at this meeting

7 Date of Next Meeting

The next meeting will be held on Tuesday 31 March 2020 at 1.00 pm.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

Minute of Meeting

Local Review Body
Tuesday 18 February 2020
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 2 December 2019	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Muirhead

In Attendance:

Peter Arnsdorf, Planning Manager	Mike Broadway, Democratic Services Officer

1 Apologies

Apologies for absence were received from Councillors Baird, Curran, Lay-Douglas, Milligan, Munro and Smaill.

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 22 October 2019 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 16 Lady Brae, Gorebridge (18/00759/S42).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.2 of the Minutes of 22 October 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mark Skinner, City Access Scaffolding Ltd, 16 Lady Brae, Gorebridge seeking, a review of the decision of the Planning Authority to refuse planning permission (19/00247/DPP, refused on 31 May 2019) the erection of a temporary building at that address and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Eligibility to Participate in Debate
In considering the following items of business, all the LRB Members present had attended the site visits and so participated in the review process.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – 19 George Drive, Loanhead (19/00563/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 21 November 2019 by the Director, Education, Communities and Economy, regarding an application from David Paton Building Consultancy, 13 High Street, Loanhead seeking, on behalf of their client Mr T Dick, a review of the decision of the Planning Authority to grant planning permission (19/00563/DPP, granted on 21 August 2019) subject to condition for the extension to dwellinghouse at 19 George Drive, Loanhead, requesting removal of the condition.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 2 December 2019.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for the condition, the LRB acknowledged that this was in accordance with the normal practice to require use of matching materials on extensions. In this particular instance however, the LRB where of the view that given the particular circumstances, the scale and location of the proposed extension meant that it was, on balance unlikely to have a significantly detrimental impact on the amenity of the neighbouring properties if the condition requiring the use of matching materials was removed.

Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

The proposed roof design on the extension, by nature of its size, the proposed materials and its partial screening by the boundary hedge, does not undermine the amenity of the local area, nor is it detrimental to the character of the existing building and as such the condition on the original decision requiring the form and materials of the roof to match the existing extension is not required. The proposed development accords with the Midlothian Local Development Plan 2017.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 26 Bellerophon Drive, Penicuik (19/00211/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 21 November 2019 by the Director, Education, Communities and Economy, regarding an application from Kevin Smith Architectural Technologist, 10 Halfway Avenue, Luton seeking on behalf of their client Mr H Rodgers, a review of the decision of the Planning Authority to refuse planning permission (19/00211/DPP, refused on 10 July 2019) for the installation of replacement windows (retrospective) at 26 Bellerophon Drive, Penicuik.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 2 December 2019.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that permitting the use of UPVC in a Conservation Area would have in Policy terms and in terms of setting a precedent. It being noted that in terms of consistency a similar case in close proximity to the current application site and within the same conservation area had recently been refused planning permission. The general feeling was that if the use of UPVC was to be permitted in conservation areas then it should be as a result of a review of the current policy. With regards the current application, the retrospective nature of the application was remarked upon as was the fact that previous planning permission has expressly prohibited the use of UPVC.

After further discussion, Councillor Muirhead, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

As an amendment, Councillor Cassidy, seconded by Councillor Alexander, moved to uphold the review request, and grant planning permission.

On a vote being taken, two Members voted for the motion and two for the amendment. There being an equality of votes, the Chair in terms of Standing Order 11.2(iv) exercised his casting vote in favour of the motion, which accordingly became the decision of the meeting.

Decision

The LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *The introduction of uPVC framed windows fails to preserve or enhance the character or appearance of the conservation area or the application dwelling, resulting in a significant adverse impact on the character and appearance of the conservation area, which is contrary to policies ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

2. *Approval of the proposed scheme would be contrary to a recent Local Review Body decision on a similar case in close proximity to the application site and within the same conservation area. There are no overriding material considerations to outweigh the recent decision of the Local Review Body.*

Action
Planning Manager

The meeting terminated at 1.20 pm.

Local Review Body: Review of Planning Application Reg. No. 19/00563/DPP

David Paton Building Consultancy
13 High Street
Loanhead
EH20 9RH

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Thomas Dick, 19 George Drive, Loanhead, EH20 9DL which was registered on 14 October 2019 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Extension to dwellinghouse at 19 George Drive, Loanhead, EH20 9DL, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	19-33-004 1:1250 1:20	24.06.2019
Existing Elevations, Floor Plan And Cross Sections	19-33-EX 1:1250 1:500	24.06.2019
Proposed Elevations, Floor Plan And Cross Sections	19-33-002 1:50	24.06.2019

The Local Review Body (LRB) considered the review of the planning application (and the condition attached to the original grant of planning permission) at its meeting of 2 December 2019. The LRB carried out an unaccompanied site visit on the 2 December 2019.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan 2017 – Protecting amenity within the built-up area

Material Considerations:

1. The individual circumstances of the site.
2. The potential impact of the proposed development on neighbouring properties and the street scene.

In determining the review the LRB concluded:

The proposed roof design on the extension, by nature of its size, the proposed materials and its partial screening by the boundary hedge, does not undermine the amenity of the local area, nor is it detrimental to the character of the existing building and as such the condition on the original decision requiring the form and materials of the roof to match the existing extension is not required. The proposed development accords with the Midlothian Local Development Plan 2017.

Dated: 02/12/2019

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a stylized, cursive script.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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

Local Review Body: Review of Planning Application Reg. No. 19/00211/DPP

Kevin Smith
Architectural Technologist
10 Halfway Avenue
Luton
LU4 8RB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Herbert Rogers, 26 Bellerophon Drive, Penicuik, EH26 8NU which was registered on 7 October 2019 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Installation of replacement windows (retrospective) at 26 Bellerophon Drive, Penicuik, EH26 8NU, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:250	14.05.2019
Illustration/Photograph	ANGLIAN 30164470/1 1:500	14.05.2019
Proposed Elevations	ANGLIAN 30164470/2 1:20	14.05.2019
Other Statements	PLANNING POLICY STATEMENT	14.05.2019

For the following reasons:

1. The introduction of uPVC framed windows fails to preserve or enhance the character or appearance of the conservation area or the application dwelling, resulting in a significant adverse impact on the character and appearance of the conservation area, which is contrary to policies ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.
2. Approval of the proposed scheme would be contrary to a recent Local Review Body decision on a similar case in close proximity to the application site and within the same conservation area. There are no overriding material considerations to outweigh the recent decision of the Local Review Body.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 2 December 2019. The LRB carried out an unaccompanied site visit

on the 2 December 2019.

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

Development Plan Policies:

1. DEV2 of the Midlothian Local Development Plan 2017 – Protecting amenity within the built-up area; and
2. ENV19 of the Midlothian Local Development Plan 2017 – Conservation Areas

Material Considerations:

1. The individual circumstances of the site;
2. Setting a precedent in how the local planning authority considers the use of UPVC in Conservation Areas; and
3. Government guidance on the protection and management of Conservation Areas (Historic Environment Policy for Scotland 2019 (HEPS) and Scottish Planning Policy (SPP))

Dated: 02/12/2019



Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Important Advisory Note:

The installed uPVC windows in the property do not benefit from planning permission and as such must be removed from the building within 3 months – the Council will contact you separately under its Planning Enforcement powers regarding this breach of planning control.

Advisory note:

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

Notice of Review: Land South East of Orchard House, Green Lane, Lasswade

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 south east of Orchard House, Green Lane, Lasswade.

2 Background

- 2.1 Planning application 19/00610/DPP for the erection of a dwellinghouse on land south east of Orchard House, Green Lane, Lasswade was refused planning permission on 12 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, supporting statement and additional statement in response to comments made by representors (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 12 September 2019 (Appendix D);
 - A copy of the relevant plans (Appendix E); and
 - A copy of the additional third party representations made in response to the submitted notice of review (Appendix F).
- 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 a hearing.
- 4.2 The case officer's report identified that two consultations and 37 representations to the application have been received. As part of the review process the interested parties were notified of the review. 16 (3 support and 13 objections) additional comments have been received from the representors – a copy of the representations are attached as Appendix F. Furthermore, an additional objection from a local resident, who did not object to the planning application, has been received. It does not raise any new/additional material planning considerations and is also attached as part of Appendix F (dated 26 January 2020). All the comments can also 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 of the house;
 - b) Details of the colour of the proposed window frames;
 - c) Details of the colour of the proposed doors;
 - d) Details of the materials of all areas of hardstanding;
 - e) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure;
 - f) Details of the proposed solar panels, including position and dimensions;
 - g) Proposals for the treatment and disposal of foul and surface water drainage;
 - h) 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;
 - i) A tree survey of the existing trees on site;
 - j) A woodland management plan;
 - k) Details of the make-up of the sedum roof and maintenance proposals;
 - l) A proposed topographical plan showing finished ground levels for all buildings and open space in relation to a fixed datum; and
 - m) Proposed cross sections through the site, including through the proposed parking area.

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

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

2. Before the new house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 1g) 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.*

3. The landscape plan approved in terms of condition 1h) shall include the details of the Root Protection Areas of all trees to be retained on site as well as tree protection methods. Any excavation within the Tree Protection Areas of the trees to be retained, including works in the construction of the hardstanding, shall be hand dug.

4. The temporary protective fencing approved in the landscape plan as required in condition 5 shall be erected within one month of the date of this permission and shall be retained until the development is completed. Within the area enclosed by the fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit. These works shall be carried out in accordance with BS5838:2012 Trees in Relation to Development.

Reason for conditions 3 and 4: To ensure that the trees to be retained are protected from damage during development.

5. The landscape plan required in condition 1h) shall include details of new tree planting along the northern boundary of the site to Green Lane to create a broadleaf wooded edge to the site.
6. The landscape plan required in condition 1h) shall include details of native hedge planting along all boundaries of the site, or an alternative form of living screen to be agreed by the Planning Authority.

Reason for conditions 5 and 6: To ensure appropriate landscaping around the site to help integrate this into the surrounding area.

7. The scheme of landscaping approved in accordance with condition 1h) 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. The woodland management plan approved in condition 1j) shall include details of the management of the existing trees within the site as well as trees to supplement the site.

Reason: To ensure appropriate landscaping around the site to help integrate this into the surrounding area.

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 2017.

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 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.*

12. 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.

13. On completion of the decontamination/ remediation works required in condition 12 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.

Reason for conditions 12 and 13: *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

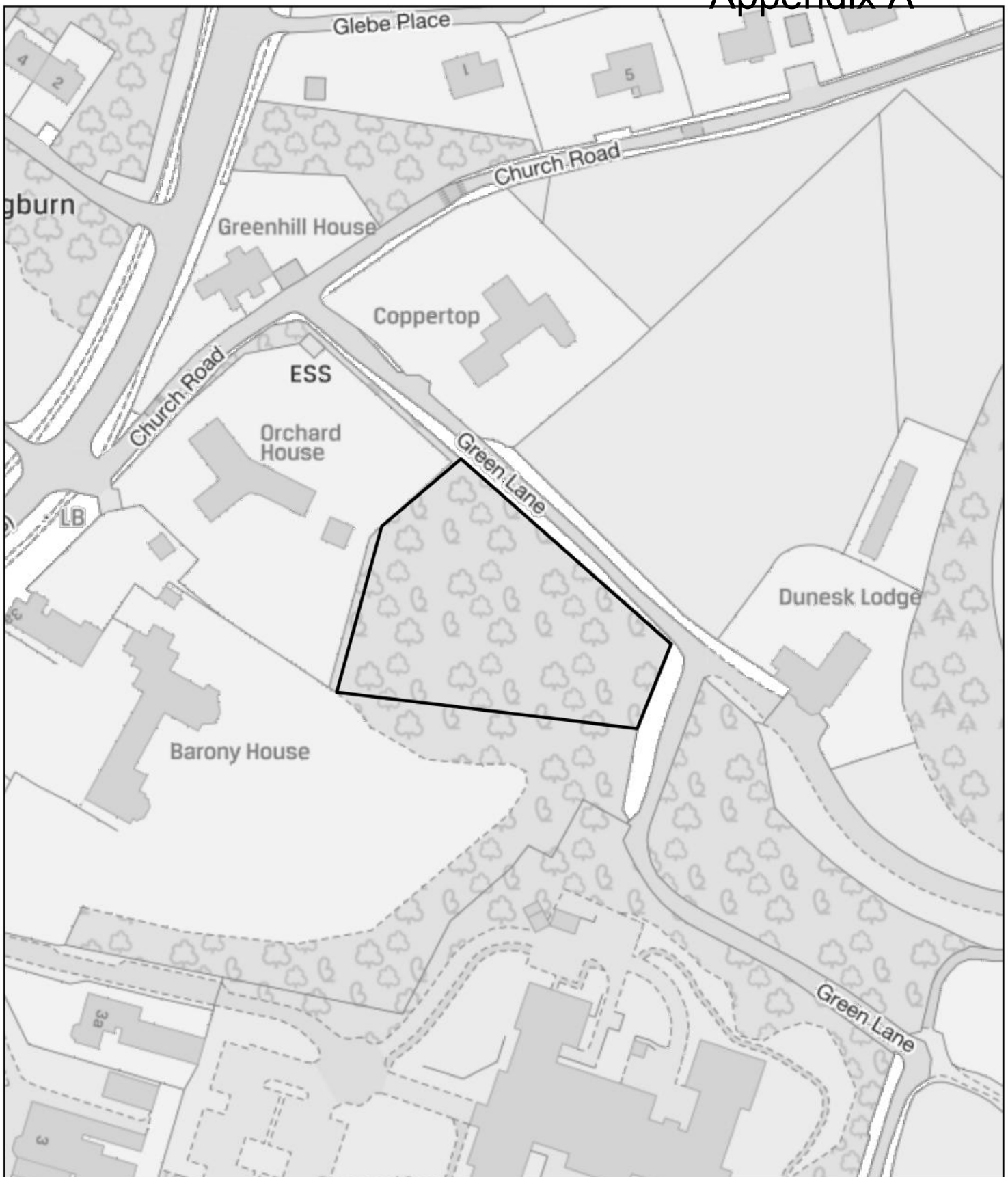
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

Date: 7 February 2020

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

Tel No: 0131 271 3310

Background Papers: Planning application 19/00610/DPP available for inspection online.



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

Erection of dwellinghouse and associated works at
Land South East of Orchard House, Green Lane, Lasswade

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File No. 19/00610/DPP

Scale: 1:1,250
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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 100159782-003

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

Agent Details

Please enter Agent details

Company/Organisation:	APT PLANNING & DEVELOPMENT		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	TONY	Building Name:	
Last Name: *	THOMAS	Building Number:	6
Telephone Number: *	01620870371	Address 1 (Street): *	HIGH STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	EAST LINTON
Fax Number:		Country: *	UK
		Postcode: *	EH40 3AB
Email Address: *	tony@apt-plandevlop.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	NEVILLE	Building Number:	6
Last Name: *	BROWN	Address 1 (Street): *	High Street
Company/Organisation	c/o apt planning & development ltd.	Address 2:	
Telephone Number: *	07747780852	Town/City: *	East Linton
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH40 3AB
Fax Number:			
Email Address: *	tony@apt-plandevelop.co.uk		

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

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Northings	665935	Easting	329792
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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)

ERECTION OF DWELLINGHOUSE AND ASSOCIATED WORKS AT LAND SOUTH EAST OF ORCHARD HOUSE, GREEN LANE, LASSWADE

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? *

- ☒ Refusal Notice.
☐ Grant of permission with Conditions imposed.
☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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)

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.

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.

PLEASE SEE ACCOMPANYING REVIEW STATEMENT

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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)

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)

REVIEW STATEMENT; LETTER FROM TRANSPORT CONSULTANT (TRANSPORT PLANNING); PLANNING SUPPORT STATEMENT; ALL DRAWINGS ASSOCIATED WITH THE ORIGINAL APPLICATION FOR PLANNING PERMISSION (19/00610/DPP); DECISION NOTICE FOR 19/00610/DPP; DELEGATED REPORT FOR 19/00610/DPP;

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00610/DPP

What date was the application submitted to the planning authority? *

17/07/2019

What date was the decision issued by the planning authority? *

13/09/2019

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. *

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

WE RESPECTFULLY REQUEST THAT THAT A HEARING IS HELD TO BEST EXAMINE THE FACTS OF THIS LOCAL REVIEW APPEAL.

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? *

☒ Yes ☐ No

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

☒ Yes ☐ No

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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? *

☒ Yes ☐ No

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

☒ 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? *

☒ 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? *

☒ 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 *

☒ 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 TONY THOMAS

Declaration Date: 09/12/2019



Review Statement

On behalf of

Mr & Mrs Neville Brown

Application Reference: 19/00610/DPP

Erection of dwellinghouse;

Green Lane, Lasswade

December 2019

apt planning &
development

6 High Street

East Linton

East Lothian

EH40 3AB

Tel: 01620 870 371

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Midlothian Local Review Body - Review Statement
Application 19/00610/DPP
Proposed Residential Development - Land at Green Lane, Lasswade

Executive Summary

- a. This appeal to the Local Review Body is lodged following the refusal of application 19/00610/DPP on 12th September 2019. Disappointingly, there was **no engagement** from the case officer during the determination of this application (despite requests). There was no opportunity to discuss the key elements of the application, whether policy, design, access, layout or landscape related.
 - b. The Local Review Panel has the **advantage of looking at the application afresh** and not necessarily hamstrung by policies which may have led the case officer to the conclusion that there was no other possible outcome (due mainly to Green Belt policies).
 - c. The Local Review Panel may consider that the design, layout and location of the proposed development are such that they will not conflict with the objectives of the Green Belt, and despite not adhering to the strict criteria of Policy ENV1, **warrant an exception being made**.
 - d. **The Panel is able to take a more holistic view**, and determine that in-the-round, the application represents an **excellent and innovative sustainable design solution** for the site and should be granted planning permission. This would not suggest that the case office and planning team got it wrong, more that the LRB is in a position to adopt a slightly different approach.
 - e. The Local Review Body, in determining another nearby application at School Brae, concluded in February 2018 that ***"The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt"***. We drew a similar conclusion when preparing the application at Green Lane in seeking to justify the proposals as an exception to planning policy.
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- f. The committee report accepts that the application represents an excellent, site specific design and that **the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House**. Surely by association, this assessment also clarifies that the proposal cannot have a detrimental impact on the setting, character or objective of the Edinburgh Green Belt and that the reason for refusal is planted solely in the implementation of an intransigent planning policy.

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- g. The three reasons for refusal cite concerns around green belt, privacy/amenity and access/road safety issues.
- a. As the planning support statement outlines, we do not believe that the site contributes to the green belt and that should the new home be built it would have **no detrimental impact on the character or objectives of the Edinburgh Green Belt.**
 - b. The site benefits from an established mature boundary to Barony House. We do not believe that the completed development would have any detrimental impact on the privacy or amenity of Barony House, but if it was felt greater protection was required, this could easily be achieved through additional planting or the introduction of a more substantial fence. **Engagement during the determination period would have clarified this.**
 - c. **As the submission by consultants 'Transport Planning' clarifies,** the site already has a right of access and the addition of a new home here would not have any detrimental impact on the capacity or safety of Green Lane or Church Road. Given the existing access rights, (the applicant owns Green Lane in addition to the application site) there would be no net detriment. If it was deemed beneficial, the applicant is able to introduce a passing place(s) along Green Lane (though unnecessary in our professional opinion).

Given the existing access ownership and hence rights, the third reason for refusal is **not competent. Engagement during the determination period would have clarified this.**

Introduction

1. **apt planning & development** has prepared this Review Statement on behalf of **Mr & Mrs Neville and Maggie Brown** with regards to application 19/00610/DPP seeking planning permission for the erection of a new home at Green Lane, Lasswade. The application was refused via delegated powers on 12th September 2019.
2. The appeal site was previously part of the grounds of the adjacent Barony House, a property that the appellants used to own. They retained the appeal site when they sold the main house and gardens. Mr & Mrs Brown still live locally in Kevock (in rented accommodation) and are seeking to build this home so that they can remain in the area for many years to come.
3. The proposed home has been designed to the highest standards both in terms of the quality of the design and finishes, but also with regards to making the property as sustainable and environmentally friendly as possible.



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The site at Green Lane already benefits from an existing access bringing vehicles in from the south end of the site. The grounds of Barony House are to the left of the photograph, and although already well screened, the appellant would be willing to supplement this boundary with further planting if additional boundary treatment was deemed necessary. This could have been clarified during the determination period but the case officer would not engage with either the applicant or APT Planning & Development.

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4. The appeal site is generally flat, rising from south-west to north-east enabling this innovative design to promote a building that sits into the natural contours of the site. It is **essentially invisible from outwith the site** and nestles within an existing clearing in the site. It is and will be an attractive and appropriate plot on which to site a new house of an appropriate size and design. The site is only visible from a short stretch of Green Lane. This glimpsed view can easily be mitigated with the planting of a hedgerow comprising indigenous species to match local planting. Again this could have been addressed during the determination period had it been raised as a genuine and credible concern.
5. Mr & Mrs Brown feel strongly that the reasons for refusal (and Officers Report) takes a very inflexible and overly restrictive approach to this application and specifically the implications of development in the Green Belt and that when put in its correct context, the application should have been granted planning permission.
6. Indeed the officer report agrees that the design is acceptable and that the development would not have a detrimental impact on the Conservation Area or Listed Barony House. It must surely follow that the proposal will not have any detrimental impact on the character or objectives of the Edinburgh Green Belt other than by its mere existence, a somewhat draconian and binary approach to the implementation of planning policy.
7. For further clarification, page 1 of the Officer Report also states that *"the side and front elevations will be fully visible"*. It is worth noting that they would only be visible from within the site. The comment is made in the context of the rear elevation being invisible because it is built into the slope of the site.
8. Similarly on page 1, the report refers to *"two parking spaces are proposed by the new vehicular access"*. The access will be an upgrading of the existing site access and **will not be a new access**. This is an important clarification in the context of the third reason for refusal.
9. **Unusually for an application of this type, there were a number of letters supporting the proposal.** Mr & Mrs Brown are long-term residents of the Kevock area and many neighbours and other locals were aware and supportive of the plans for a modest, attractive and innovatively designed new home at this location. The letters of support reflected this stance, noting the lack of visibility, the limited impact on the road network as well as the imaginative and attractive design characteristics.
10. Those letters objecting to the development cited green belt policy (dealt with later in this statement), loss of trees (not relevant to this proposal – no additional trees will be lost) and traffic concerns (also dealt with later and in the submission by Transport Planning). Beyond these three key topics and as acknowledged in the Officer Report, there were no credible planning reasons submitted.
11. Consequently, we are lodging this Notice of Review and supporting statement seeking a Local Review of the merits of the application and initial decision reached.

Midlothian Local Review Body - Review Statement
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Proposed Residential Development - Land at Green Lane, Lasswade

12. The remainder of this Review Statement does not seek to repeat what was written in support of the application for planning permission (all the documents are submitted as part of this LRB process) but will seek to address the three reasons for refusal.

Site History & Context

13. Other than the previous tree removal permissions (the appellant is not seeking to remove any additional trees as part of this proposal) there is no immediate relevant planning history.
14. However, and as the supporting information states, there is nearby precedent of new homes in similar green belt locations being permitted (Orchard House and School Brae whilst other attempts at building new homes in the area have been refused).
15. The officer quite correctly states that good design cannot, in itself be the sole exceptional reason why development could be deemed acceptable in an otherwise unacceptable location, and we agree.
16. In this instance it is a very particular design, aided by the site characteristics, the sloping site, existing mature boundary planting and sustainable design principles that, aligned to the fact that the site does not fulfil a role in meeting green belt objectives, allowed us to view the site in a different context. This was not a spurious, speculative application; we fully understand the context and believe it to be a justifiable exception.

Proposed Development

17. As the application documents submitted alongside this appeal illustrate, the application was for the development of a single-storey dwelling house on a vacant area of land immediately to the east of Barony House, Lasswade.
18. The house is to be positioned roughly in the middle of the site, built into the rising landform to the north-east, with all principle rooms facing south-west across the site and essentially away from Barony House. The sloping site, married to the proposed design, enables the delivery of an attractive, innovative and sustainable single-storey building, not seen from outwith the site. As stated the officer report accepts that the design is acceptable.
19. It is somewhat of an anomaly that the site lies in the Edinburgh Green Belt (it does not demonstrate or perform any of the characteristics or objectives of a greenbelt site). The proposals represent a well-designed site-specific solution and again, there is no dispute over the proposed layout and design of these proposals.

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20. Scottish Planning Policy (SPP) supports sustainable development and encourages a design-led approach. We have no doubt that the proposal at Green Lane will also meet the six qualities of a successful place (though clearly on a small scale).
- The modern, innovative design will be **distinctive**;
 - It will create a **safe and pleasant environment**, having a southerly aspect and set within a safe and secure neighbourhood containing a number of nearby homes;
 - The design will be **visually welcoming**, providing an interesting and attractive focus, especially as it reveals itself, being well-integrated into the site and surrounding area;
 - The new home would be **adaptable**, enabling a number of layout options whilst also adapting to modern sustainable and energy efficient technologies;
 - The new home will be **resource efficient** and is designed specifically with this in mind, and with every intention of being off-grid with the potential to offload surplus energy back to the grid; and
 - Given its location, in close proximity to the centre of Lasswade, it will **encourage walking, cycling and efficient use of transport**.

Application 19/00610/DPP

21. Application 19/00610/DPP was validated on 12th July 2019. The application was subsequently refused through delegated powers on 12th September 2019, the last day of the two month statutory determination period **and disappointingly with no engagement from the case officer in the intervening period and despite numerous requests**. There were three reasons for refusal and we address these in turn below;

Reason 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.

22. At no stage in the process have we tried to justify the proposals in line with Policy ENV1 – we acknowledged from the outset that the proposal cannot fit into the criteria of the policy.
23. Our stance has been two-fold;
- i. that the site does not perform the role as defined for the Green Belt, but it's allocation is more a result of a wider, blanket designation that does not take account of a site's specific location and characteristics; and

- ii. that the site and proposed design is worthy of encouraging an exception to the apparent policy restrictions.
24. Planning policy is a framework and guide to how development management should respond to applications. It does not present hard and fast rules for how applications must be considered. As has been seen elsewhere in Midlothian and in close proximity to the appeal site, exceptions can be made where the specific circumstances dictate.
25. We therefore contend that this is such a site and such a set of circumstances where the proposed development is appropriate and warrants an exception being made.
26. The proposals must respond to its green belt location. Planning policy at all levels seeks to protect the integrity and role of the Edinburgh Green Belt, a role that is defined at Policy ENV2 of the South East Scotland Strategic Plan as follows:
- *To maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;*
 - *To provide countryside for recreation;*
 - *To maintain the landscape setting of the city; and*
 - *To protect the setting of neighbouring towns.*
27. The proposals at Green Lane will not compromise the aims and objectives of the Edinburgh Green Belt.
- the site does not help define Edinburgh (or Lasswade);
 - nor does it help maintain the landscape setting of Edinburgh or any other settlement;
 - the development of the site would not increase the risk of coalescence; and
 - the site plays no role in providing for countryside recreation nor does it have the potential to do so. Whatever role it may play will not be altered by the proposal.
28. The specific circumstances of these proposals warrant an exception. The site does not exhibit any characteristics of a countryside/greenbelt location, being far more compatible with the suburban character of the neighbourhood. The development of a new home at this location would not be out of place and would be in-keeping with its immediate and wider context.
29. Housing per se is not a non-conforming use in the greenbelt. Homes exist throughout greenbelts and across the countryside. It is the development of new homes that, in normal circumstances, tends to be resisted. However, in this instance and given the site-specific characteristics, and bearing in mind that each planning application should be judged on its own merits, we consider that a new high-quality and appropriate residential development can be accommodated on the appeal site.

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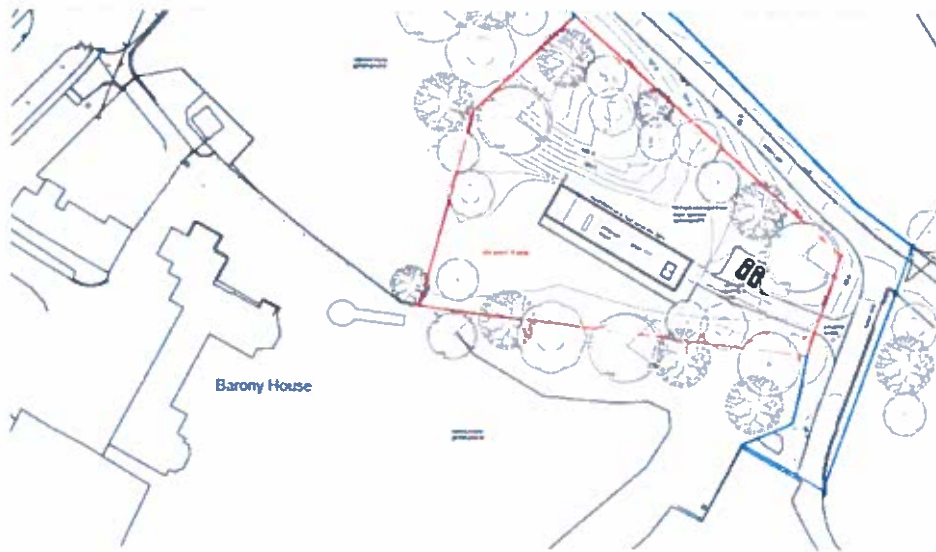
30. Furthermore, policy states that *'housing will normally only be permitted....'* And has a description of acceptable circumstances. **What we are proposing is not a 'normal' situation.** The site presents a unique opportunity for Mr & Mrs Brown to develop a new home at an appropriate location, incorporating contemporary, high quality and environmentally sustainable design into every aspect of the proposed development and on a site that does not exhibit the key characteristics of the Edinburgh Greenbelt nor contribute to its objectives.
31. Finally, SES Plan Policy 7 provides for greenfield housing development in order to maintain a five year housing land supply. In truth this is written with larger, potentially more controversial sites in mind, but even for sites much larger than the single house we are proposing, **development can be permitted in the green belt if the green belt objectives are not undermined. The proposals at Green Lane will not, in any way, shape or form, undermine the objectives of the Edinburgh Green Belt.**
32. As we have continually stated therefore, the proposal at Green Lane do not comply with the strict interpretation of Local Development policies. However, the quality of the proposals, coupled with the site-specific characteristics, provide **ample justification for a departure** from this relatively inflexible and arbitrary policy stance.
33. We trust that the Local Review Panel is able to see beyond this strict interpretation, and should you feel that the merits of the application warrants the granting of planning permission, this can be granted with appropriate conditions.

Reason 2

The proposed development has potential for overlooking between the proposed house and the garden ground Barony House, to the 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.

34. The proposals meet many of the relevant criteria of Policy DEV6 including the requirement for a high quality of architecture and good design; good quality materials; and passive energy gain;
35. Part 'I' requires adequate spacing between houses to ensure privacy and amenity. Barony House sits in substantial grounds of around 3 acres. The proposed new home sits in a site of .75 acres and would face the southern section of the garden ground and furthest away from the main house. It would not have a significant impact on the privacy or amenity of Barony House.

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36. Furthermore if this was a genuine concern, a suggestion could have been made prior to the determination of the application to request a stronger boundary treatment between the two properties (something that could easily be delivered by the applicant); for example, a continuation of the existing laurel hedging would further contain the site while mirroring similar planting within the Barony House Gardens. A continuation of the existing 1.8m double sided fencing could also be an option.
37. It is disappointing that despite requests for engagement and feedback, reasons that have been included in the refusal of this application should have been raised and easily mitigated against (or debated/negotiated further).
38. As it was, there was no engagement from the case officer whatsoever. The application was refused without any discussion or negotiation about the details of the application, no attempt to agree mitigation where it was deemed necessary.
39. The proposals will therefore comply with Policy DEV6 of the LDP and can easily implement an appropriate scheme of landscaping to supplement an attractive location and allay any concerns about overlooking and loss of privacy and amenity.

Reason 3

Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application.

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40. We have provided a short report by consultants *Transport Planning* to specifically address this reason for refusal. In essence, Green Lane is a very quiet lane. **The continued use of an existing access into the appeal site will have no impact on road safety or capacity. This is an established right of access and there will be no net-detriment to the existing situation.**
41. The applicant owns Green Lane along the entire length from the Nursing Home boundary to Church Road. Indeed, the application site and Green lane have been owned together for over 250 years and all rights of access very well established.
42. The site already has an existing access to it to allow access to this area of the garden for maintenance or as an additional access to the rear of the property. Given that the proposal is for a single dwelling, there will be no net-increase in usage.
43. The *Transport Planning* report highlights that the road encourages and demands cautious driving behaviour and that visibility at the junction with Church Road is such that drivers entering Church Road from Green Lane will be aware of when it is safe to do so, whilst those driving along Church Road, a designated 20 mph road, (in either direction) will be aware of the junction.
44. A review of recorded road accident statistics on the Crashmap website shows no reportable accidents have occurred in and around this junction over the entire 20-year period that the data is available for.
45. In addition and again something that could have been explored during the determination of the application is that fact that the appellant has the ability to create a formal passing place along Green Lane (whereas at present these passing places are provided either by existing driveways or areas of verge that allow vehicles to pull to the side).
46. Our professional advice is that, given that the road only serves 6 properties beyond the proposed access to the appeal site, formal passing places are not necessary, but it could be provided therefore improving the existing situation as well as responding to a concern (perceived in our professional opinion) relating to the application. **Pre-determination engagement would have clarified this point.**
47. The applicant and agent were more than willing to enter into discussions to address any areas of concern. As we have noted above, they can all be mitigated if necessary. However, the fundamental issue with regards to access is that **Reason for Refusal 3 is not competent.** The site not only has an existing access but is in the same ownership as Green Lane and has enjoyed unfettered access for over 250 years. Nothing will change (other than it will be formalised and made safer/more obvious) whilst infrequent personal use could conceivably be less than at present.

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Precedent

48. We contend that development at Green Lane would present a positive precedent, and represent an example of how high-quality, appropriate development can be achieved on a site that does not fulfil the role of or contribute to wider green belt objectives. It does not create an 'open season' mentality as each site will have its own set of characteristics. Some may warrant further opportunities for small-scale high quality development, most will not.

Summary

49. This appeal follows the refusal of application for planning permission (19/00610/DPP) for the erection of a new house on land at Green lane, Lasswade. The proposals are for a small-scale, sustainable, appropriate, high-quality residential development. The development of the appeal site would create a highly attractive and sustainable new home for Mr and Mrs Brown.
50. The development will be limited to one single-storey dwelling, built into and influenced by the natural topography of the land, with the building being readily integrated into the site rendering the proposed house almost invisible from outwith the site. It is also proposed to incorporate up-to-date best practice sustainable construction characteristics such as passive solar heat, exceeding statutory thermal performance targets (aiming for an optional upper level of Silver standard ((as a minimum)) as defined in clauses 7.1.4 - 7.1.6 of The Building (Scotland) Regulations 2019), and therefore going beyond the requirements of current building regulations.
51. The planning officer's report states that the layout and design of the proposed house are all appropriate and that the development would have no detrimental impact on the Conservation Area or neighbouring listed property (Barony House).
52. The key determining factor is the strict implementation of planning policy, chiefly the implications of the site's location within the Edinburgh Green belt as well as unwarranted concerns over overlooking and access/road safety.
53. We have never tried to argue that the site complies with the stipulations of relevant planning policy but that the development of this site presents a location-specific and unique opportunity.
54. Whilst not conforming to the principles of Policy ENV1, the proposals do present an appropriate response to the site's characteristics, is of an appropriate size and scale and bring into question the appropriateness of a green belt designation in relation to the appeal site.
55. The site will not have any impact on the wider objectives of the Edinburgh Greenbelt, will see the development of a high-quality environmentally friendly and attractive new home on this existing anomalous site in the greenbelt.

Midlothian Local Review Body - Review Statement
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56. The appeal site does not display the key characteristics of a site covered by a green belt and countryside designation.
57. Concerns over the privacy and amenity with regards to the neighbouring Barony House have also been cited as a reason for refusal. We believe that the orientation of the proposed new building coupled with the existing boundary treatments more than alleviate these concerns, but regardless, additional planting could have been considered if this concern had been raised during the determination period. This is not a credible reason for refusal as there was an easy solution to mitigate the concern.
58. The third reason for refusal confirmed concerns over the safe access to the site. The site benefits from an existing established right of access and there will be no change in terms of the potential use of the access (although it will be made safer by creating improved sight lines). Again, this is not a credible reason for refusal, and this could have been clarified had there been an element of post-submission engagement. Transport consultants have confirmed that there would be no unacceptable impact on the safety or capacity of Green Lane or Church Road.
59. No reportable accidents have occurred in and around this junction over the entire 20-year period that the data is available for.
60. The site represents an **effective development site** (in the terms set out in PAN 2/2010) with a single owner promoting development for their own use. There are no insurmountable constraints and the development would be entirely appropriate to its setting.
61. We contend throughout this submission that, given the circumstances of the site, this proposal represents the **justification for a wholly acceptable departure from local development plan policy** with regards to development in the green belt. It is important to remember that housing per se is not a non-conforming use in the Green Belt – **there are homes all over the green belt** and that this site does not help to achieve the objectives of the Edinburgh Green belt. Its development would have no impact on the Green Belt.
62. When determining a recent and nearby appeal at School Brae (February 2018), the LRB Panel concluded that ***"The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt"***.
63. We drew a similar conclusion when preparing the application at Green Lane in seeking to justify the proposals as an exception to planning policy. In lodging this appeal before you, we ask that in reviewing the facts of the application, you reach the same conclusion and grant planning permission for this new home at Green Lane.



Neville & Maggie Brown

PLANNING & DESIGN STATEMENT

PLANNING APPLICATION FOR NEW HOME



**Land at
GREEN LANE, KEVOCK
LASSWADE**

June 2019

apt planning &
development

**6 High Street
East Linton
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EH40 3AB**

**01620 870 371
tony@apt-plandevelop.co.uk**



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1. Introduction

- 1.1. On behalf of our clients, Neville & Maggie Brown, the application site owners, **APT Planning & Development Ltd** is delighted to submit this application for planning permission to build a single home on land at Green Lane, Kevoek, Lasswade.
- 1.2. This proposal is thoughtfully designed in a contemporary style. Both client and architect are passionate about sustainable architecture with the project committed to innovative design, renewable technologies and a high construction quality.
- 1.3. Having previously occupied and fully restored the then partially derelict nearby Barony House, Mr. and Mrs. Brown intend to occupy the new house themselves, returning to the area and hoping to further contribute to the local community and economy.
- 1.4. The restoration of Barony House was a significant project restoring what was a rapidly deteriorating Grade 'A' listed building, missing approximately one third of its roof. Mr and Mrs Brown rethatched the roof in 'Tay Reed' and adopted conservation best practice in the restoration (and overseen by specialist heritage consultants, Simpson & Brown). They also fully restored the B Listed Lodge House which had been the subject of a Closing Order.
- 1.5. In short, this is a very personal project for them as they seek to retire to Kevoek.

2. Planning Policy Background

- 2.1. The relevant development plan for the site at Green Lane consists of the South East Edinburgh Strategic Development Plan (2013) and the 2017 Midlothian Local Development Plan. The LDP represents the up-to-date thinking and settled view of the Council and forms the basis of our policy assessment.
- 2.2. A number of designations cover the application site. The site is in the Lasswade and Kevoek Conservation Area (Policy ENV19), is a Special Landscape Area (Policy ENV6) and is identified as being part of the Edinburgh Green Belt (Policy ENV1).
- 2.3. The site at Green Lane does not perform the role as defined for the Edinburgh Green Belt and in the context of the site and the surrounding area, it is a nuanced designation. However due to the small scale of this proposal, it can be assessed locally through the development management process. Every application must be determined on its individual merits and in this instance the green belt designation need not, in itself, preclude development.
- 2.4. The LDP introduces a **Vision** for Midlothian alongside a set of **Strategic Objectives**. These encourage high quality and integrated development at appropriate locations whilst protecting Midlothian's natural and built heritage. In many ways this commentary aptly summarises the gist of the relevant planning policies.

- 2.5. Mr & Mrs Brown are local residents (of over 20 years standing) and are proposing a home that they will occupy. They would never propose something that could be considered detrimental to the area that would detract from the built or natural environment. Their sensitive restoration of Barony House and Lodge House demonstrate this commitment.
- 2.6. As assessed elsewhere in this Planning & Design Statement, the proposed building is designed specifically to take into account the unique characteristics of the site, introducing a modern building into the neighbourhood whilst utilising high quality and appropriate materials and colours.
- 2.7. The applicant sees the proposal as being an asset to the area in terms of showcasing appropriate and attractive design within the constraints of a green belt location, conservation area and special landscape area designations.
- 2.8. Furthermore, Mr & Mrs Brown are proposing to build a home that is as energy efficient as possible, again meeting many of the Council's aspirations for new build homes. It is intended that the house will not require any additional heating other than that from the combination of solar panels and high levels of insulation. They will employ rigorous standards of energy efficiency reducing the building's ecological footprint and resulting in an ultra-low energy building that requires little energy for space heating or cooling.
- 2.9. It is intended to be a self-build project utilising local suppliers and trades, benefiting the local economy and minimising travel distances for workers.
- 2.10. **Policy ENV1 – Protection of the Green Belt** – as mentioned above, we contend that the site does not represent a credible Green Belt location. It is important to stress that this designation does not preclude development, but does increase scrutiny when considering the appropriateness of development at Green Belt locations.
- 2.11. The site plays no role in the wider setting of Edinburgh, the overriding purpose of the Green Belt. The site is a privately owned area of former garden ground offering no public access to the countryside.
- 2.12. The site is in a predominantly residential area with a mix of modern and traditional homes in the immediate area. The application site used to form part of the more extensive grounds of Barony House situated to the west but along with other parcel of associated land, is now under separate ownership.
- 2.13. The site forms part of the north-western edge of Lasswade, within Kevock and sits in a residential area displaying a varied pattern of development of mainly detached and in many circumstances, substantial villa properties. There is also the large Barchester Nursing Home which sits in the heart of Kevock.

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2.14. The site does not provide any sort of link to the open countryside, nor does it in any way help define the settlement of Lasswade (or Kevoek). It is close to the north-western edge of the settlement which takes on a more dispersed character along Church Road but properties to the north, north-west and west provide the physical and visual edge to the settlement as well as the A768.

2.15. There is no risk of coalescence should this site be developed.

Policy ENV 1

Protection of the Green Belt

Development will not be permitted in the Green Belt except for proposals that:

- A. are necessary to agriculture, horticulture or forestry; or
- B. provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. provide for essential infrastructure; or
- E. 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 objectives of the Green Belt which are to:

- Direct development to the most appropriate locations and support regeneration.
- Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and
- Protect and provide access to open space.

Housing

Housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity (see criterion A 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. A planning condition limiting the occupancy of the house is likely to be attached in the event of approval.

2.16. In terms of the specifics of Policy ENV1, these proposals cannot accord. However, under the sub heading '*Housing*' the text states that '*Housing will only normally be permissible...*'. This therefore clearly does not represent a blanket ban on housing development that does not meet the criteria set out in ENV1 and we would ask that Midlothian Council assesses the site specific nature of the proposals against the character of the green belt in this location and the appropriateness of the high-quality development of a single home at this location.

2.17. Our argument is that at this specific location, the development of a high-quality new home, designed appropriately, would be a wholly justifiable and acceptable.

2.18. Planning is not supposed to set precedent, but even if this were the case, we would accept that a positive precedent would be set and that a site with a set of identical (or very similar) circumstance, would also be a reasonable development site for the right proposal at the right location.

2.19. **Policy ENV6 – Special Landscape Areas** - we are confident that the proposals accord with the provisions of policy ENV6 in that the building would be of a high standard of siting and design and that there will be no adverse impact on the special landscape qualities of the area (which are limited at this location).

Policy ENV 6

Special Landscape Areas

Development proposals affecting Special Landscape Areas will only be permitted where they incorporate high standards of siting and design and where they will not have an unacceptable impact on the special landscape qualities of the area

- 2.20. The site of the proposed new home has minimal visual impact with extremely limited visibility from outwith the site.
- 2.21. **Policy ENV19 – Conservation Areas** – we are confident that the location, scale and design of the proposed new home will not have any detrimental impact on the character or appearance of the conservation area (either in the immediate area or as whole). The new home would be sited in a residential area complementing surrounding uses (of mixed vintage, style and scale) whilst having no long-ranging impact on the Lasswade and Kevoch Conservation Area.

Policy ENV 19

Conservation Areas

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance. In assessing proposals, regard will be had to any relevant Conservation Area Character Appraisal.

New buildings, extensions and alterations

In the selection of site, scale, choice of materials and design, new buildings, and extensions and alterations to existing buildings, must preserve or enhance the character and appearance of the Conservation Area. Materials appropriate to the locality or structure affected, will be used in new building, extensions or alterations. Care in the design of replacement windows and doors will be required on the public frontage of buildings

- 2.22. We believe that we have designed a wholly appropriate new home for the site but would be willing to discuss specific elements with Council officials as appropriate (colours, materials, design features etc.).
- 2.23. The house will be virtually invisible from outwith the site both because of the single-storey site-specific design but also due to the existing site levels, our response to this and the boundary treatment/tree cover. We have no wish to hide the development, but in promoting a site-specific design response to the site characteristics, the solution also ensures limited visual impact beyond the site boundary.
- 2.24. Other policies throughout the LDP including **Policy STRAT2** *Windsor Housing Sites* have been considered. The application site is not within the Lasswade Settlement boundary although it is arguable that the site is clearly part of the wider settlement of Lasswade.
- 2.25. The proposals accord with each the five criteria of Policy STRAT2.
- 2.26. Moreover, in the eighteenth century, Barony House was known as Lasswade Cottage and was one of the first known houses in Lasswade. The Kevoch area represents the earliest known area of Lasswade.

Policy STRAT 2

Windfall Housing Sites

Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that:

- A. it does not lead to the loss or damage of valuable public or private open space;
- B. it does not conflict with the established land use of the area;
- C. it has regard to the character of the area in terms of scale, form, design and materials;
- D. It meets traffic and parking requirements; and
- E. it accords with other relevant policies and proposals, including policies IMP1, IMP2, DEV3, DEV5 - DEV10.

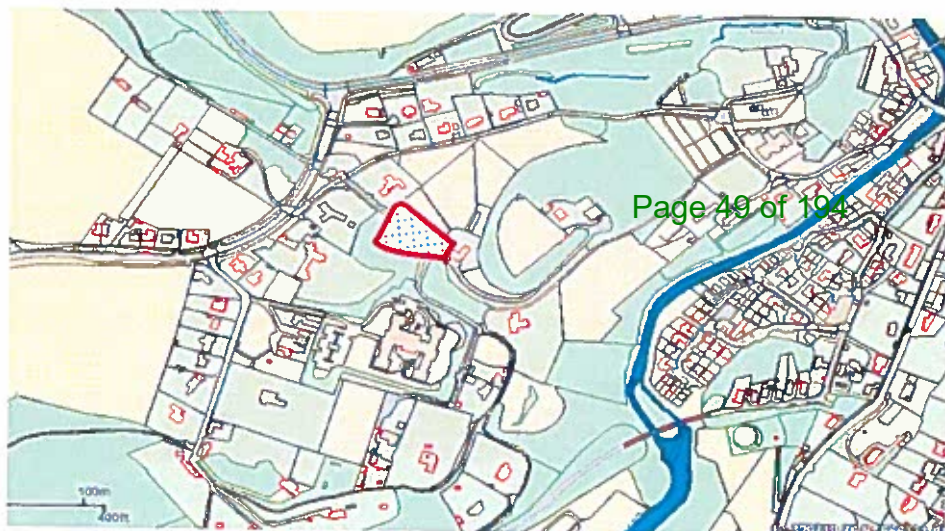
- 2.27. Policy DEV5 and DEV6 look at sustainability and design/layout. As covered above, the intention is to make the proposed house as energy efficient as possible and in response to the criteria of DEV5 and DEV6.
- 2.28. Similarly, the key characteristics of layout and design (aspect, slope, passive energy gain, materials etc.) have been integral to the design process. This process can evolve further, but we believe that the proposed design and layout is an appropriate, attractive and high-quality response to the characteristics of the application site.
- 2.29. We are not trying to justify proposals to build at Green Lane as being in accordance with Green Belt Policy. However we are of the opinion that the site does not fulfil the role of a green belt site, that the proposals represent an appropriate development at this location and that whilst this type of development is not normally permitted at Green Belt locations, this represents an instance where development can be permitted without undermining the ethos of the Green Belt policy. The proposals would represent a credible exception.
- 2.30. Therefore the application of the green belt policy, which by its very nature must try and capture a wide range of scenarios, is not as relevant to the determination of this application as might first appear and that the site specific characteristics of the proposal reflect a different context to that covered by Policy ENV1.

3. The Site

- 3.1. As previously outlined, the proposed site is outwith the Lasswade settlement boundary but within what is the north-western edge of the town. It is within the Lasswade and Kevoch Conservation Area. The site is not in open countryside but rather part of a distinguishable settlement and wider residential area. There are many nearby homes, of varying ages and styles – from Georgian to contemporary, all outwith the settlement boundary. The site is surrounded by residential properties and their grounds including Barony House to the north-west and Dunesk House to the south-east.
- 3.2. It is also worth highlighting the presence of Barchester and Drummond Nursing Home, a large modern building in the heart of the Conservation Area and the most visually prominent building in the vicinity. It is clear that new development, even of that scale can be accommodated in this conservation area/green belt/SPA location.



- 3.3. Appropriate development of this site will have no detrimental impact on any surrounding properties and safe and appropriate access can be achieved from the south-east. The proposed new home will be a positive and interesting addition to the site and surrounding area.
- 3.4. The broader area is an eclectic mix of housing: modern, traditional, substantial and modest. More locally the area is low density occupied in large part by relatively substantial properties within extensive landscaped settings.
- 3.5. The proposed house is very much in keeping with the characteristics of the area as there is ample ground for a new house on the site, the footprint occupying only 5% of the three-quarter acre plot. The scale of the house comfortable fits into the site and the wider context.



- 3.6. The proposal accords with general advice and policy on conservation areas and special landscape areas and accords with relevant design related policies.

4. Site Access

- 4.1. Safe vehicular access to the proposed site via Green Lane will be achieved along the south-east boundary to the site. This is a private road, serving six other properties beyond the application site (and only Coppertop, Dunesk Lodge and Dunesk House on the stretch from Church Road) with predictably very low traffic volumes. Green Lane remains in the ownership of the applicant, from Church Road to beyond the application site.

5. Design Proposal

- 5.1. The proposal is for a bespoke, innovative and energy efficient two-bedroom new home in a contemporary and sensitive style. The choice of materials; primarily green sedum roof, timber cladding coupled with the single storey height reduce the physical impact the house, rendering it almost invisible from outwith the site.
- 5.2. The project architects, Brown + Brown Architects, are an award winning design-led architecture practice, based in Aberdeen and Inverness, with a passion for materials, detail and craftsmanship.
- 5.3. They have a proven track record of expertise in the design and delivery of contemporary buildings. This includes sensitive locations, such as within the curtilage of listed buildings, in conservation areas designated as outstanding, and in areas of exceptional rural beauty.
- 5.4. Brown + Brown's expertise was recognised by The Cairngorms National Park in 2016 when they were awarded both Best New House, and Best Building Overall accolade. Their work has been published internationally, appearing in magazines as far afield as South Africa, Italy, Germany and the U.K., and we are consistently ranked among the top architecture practices in Scotland.
- 5.5. The building's low profile is designed to sit into the natural characteristics of the site in particular nestling into the rising landform with only a very limited north/north-east elevation visible. Primarily, the house responds to its immediate site-specific context.



View from the south-west corner



View from the north-east corner

- 5.6. Design features such as the sedum roof will blend into the surrounding garden ground (especially to the north), are driven as much by site characteristics as sustainable good sense whereby the building will be low impact on both landscape and resources. Similarly the flat roof maintains a low building profile.

- 5.7. The new house at Green Lane has been designed to sit quietly within the landscape. Nestling against the slope (drawn from the existing topography of the site), the house has a shallow linear form, which enables it to retain a significant area of garden ground, in addition to maximising the distance to the boundary with the gardens of Barony House.
- 5.8. The massing of the proposed house has been designed in such a way as to render passing motorists, pedestrians, or indeed occupants of surrounding dwellings, unaware of its existence. The inspiration for the concept behind the house is one of a quiet pavilion sitting within a secret garden setting.
- 5.9. The proposed materials palette is drawn from the natural surroundings, with the primary materials being a green roof, and large area of sustainably sourced untreated timber cladding, which will weather to a silvery grey. Large areas of glazing are proposed, in order to allow the house to be heated primarily by passive means, and the position of these have been carefully considered so as to maintain the existing privacy and amenity of the garden ground of Barony House (with which the site shared a mature planted boundary).
- 5.10. Scottish Planning Policy (SPP) supports sustainable development and encourages a design-led approach. We have no doubt that the proposal at Green Lane can also meet the six qualities of a successful place (though clearly on a small scale).
 1. The modern, innovative design will be distinctive;
 2. It will create a safe and pleasant environment, having a south-south-westerly aspect and sitting comfortably and subserviently within the site (with a site coverage of around 5%);
 3. The design will be visually welcoming, providing an interesting and attractive focus;
 4. The new home is simply designed to be adaptable, enabling a number of layout options;
 5. The new home will be resource efficient; and
 6. Given its location, in close proximity to the centre of Lasswade, it will encourage walking, cycling and efficient use of transport.

6. Positive Local Impact

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- 6.1. Lasswade village has, in recent years struggled, to compete with its bigger immediate neighbours; Bonnyrigg and Loanhead, for shops, restaurants, schools and other attractions. Without local support, businesses like these will continue move away from the village.
- 6.2. The recently renovated building The Papermill Bar & Brasserie for example sat empty for around 4 years prior to re-development. The last shop in the village closed about 6 years ago. Residential development within walking distance of the village centre, however limited in scale, will cumulatively strengthen the demand for the local services and encourage sustainable economic growth.

- 6.3. The site benefits from easy access by road as well as pedestrian routes to the centre of Lasswade (Lasswade to Polton footpath) whilst bus services are available on Lasswade Road and Wadingburn Road connecting the site to the wider area.
- 6.4. This proposed small scale development with its focus on localness aims to employ local tradesmen, hire equipment from local companies and source from local suppliers. Larger national contractors will not be attracted to, nor utilized on, this small site. Private investment in this site will boost local spending and job creation when compared to a large commercial site which sources labour and materials on a national scale with profits and spending leaking back out of the local area.

7. Precedent

- 7.1. Within the immediate neighbourhood precedent exists for allowing new build construction within the existing designated green belt area. Kevock already accommodates a range of building ages and styles which contribute to its character in a positive way (and by default, the conservation area, green belt and special landscape area).
- 7.2. This part of Lasswade has not been rigidly preserved but has been allowed to evolve in an organic manner producing the current attractive residential mix ranging from large detached houses to more modest cottages.
- 7.3. Barony House, immediately to the north-west (and to which this site was historically attached) illustrates how buildings in this area have changed and grown over time. The original building dates back to the 18th Century, extended in the 1790's, again in 1860 and a further large extension in 1914. A conservatory was later added in the early 2000's by the applicants. By dint of the changes the listing of Barony House (Grade B) could be deemed historic rather than architectural.
- 7.4. Moreover as the commentary below highlights, a much more modern development has been permitted in the grounds of Barony House, immediately to the east of the main house, again clearly demonstrating the evolution of Kevock and this specific part of the settlement.
- 7.5. A recent example of the planning history of the area is provided by the granting of planning permission for the development of a new house, on green belt land at School Brae (17/00672/DPP). This permission was granted following a Local Review Body hearing where it was clear during the debate that the appetite for simple, attractive and contemporary design was critical in setting aside the somewhat contradictory green belt (and other) designation.
- 7.6. The site specific nature of the proposals was at the forefront of the decision taken by the LRB panel and specifically that the design ensured that the proposal was acceptable in the context of the green belt, conservation area and special landscape area.
- 7.7. This application site at Green Lane shares many of the same characteristics in terms of its insignificant contribution to the Edinburgh Green Belt, the site-specific appropriateness of the designation in this particular instance, the ability to preserve and enhance the Conservation Area and the negligible impact on the special landscape area.

- 7.8. We would also contend that this proposal constitutes a far lesser impact on all of these designations, given that it is almost completely hidden from public view, being within a mature and closed setting along a private road. We must stress that with a design of such interest and quality, that we do not in any way want to hide the development, simply that the setting gives it a strong sense of privacy and enclosure.
- 7.9. A further relevant example is Planning Consent 04/00497/FUL which was awarded for the erection of a dwelling house with garage in a contemporary style on the land adjacent to Barony House, Wadingburn Road, Lasswade. This site sits immediately to the north of the application site.
- 7.10. The justifications for giving consent in that case are very much echoed in this current application where a similar level of care and consideration has been applied to create a building which will be a positive addition to both the site and the community. Awarding consent in this case would therefore be consistent with the earlier decision.
- 7.11. A key aspect of this permission was the modern, attractive and sustainable design for what is a far larger and more visually prominent building.
- 7.12. A number of other applications have been granted permission in the vicinity, including a range of substantial extensions, garages and other ancillary buildings, again illustrating the evolving nature of development in the immediate area, and many of not all of which are more visible and therefore impactful on the green belt, conservation area and special landscape area.

8. Summary

- 8.1. This application for planning permission is made seeking to secure consent for a single dwelling house, intended for the applicants' own use.
- 8.2. The applicants Mr. and Mrs. Brown have a long history with the area, having previously painstakingly restored Barony House and its associated lodge house. They would very much like to return to Kevock to create a visually interesting and appropriate new home. They are keen to construct their own home making best use of modern energy efficiency technologies to ensure that the new home is energy efficient and appropriate to its immediate and wider setting.
- 8.3. Normally, given the green belt location, planning policy would not support this application, but we contend that the site-specific and development-specific characteristics of this proposal warrant a more flexible approach with regards to specific Green Belt related policy (ENV1).
- 8.4. The proposal would be an appropriate, attractive and high-quality response to this south/south-east facing site. It would enhance the character of the immediate area, whilst not having any wider impacts on the conservation area or special landscape area.
- 8.5. The site does not display the characteristics of a green belt site, namely to help define Edinburgh's landscape setting, allow greater public access to the countryside, preventing coalescence whilst helping define the individual settlements of the area. The site does not achieve or contribute to any of these objectives.



- 8.6. Recent planning history (most notably at School Brae) has illustrated Midlothian's appetite for contemporary and appropriate architecture, unique and specific to the individual characteristics of the site.
- 8.7. We are in no doubt that these proposals provide an excellent example of a new home built to fit seamlessly into its surroundings, respecting the site characteristics and those of the wider Kervock and Lasswade area.

Tony Thomas
APT Planning and Development
6 High Street
East Linton
East Lothian
EH40 3AB

Our Ref: TP661-001
Your Ref:
Date: 25 October 2019

Dear Tony

Potential Residential Development, Green Lane, Kevoek, Lasswade
Planning Reference: 19/00610/DPP

We are writing in respect of the above application and set out below our review of the traffic and transport related aspects of the proposed single house development. This review was commissioned in response to the refusal notice issued in respect of the development and specifically reason for refusal number 3 which states:

"Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application."

In preparing this review we have undertaken a review of the proposed site plans, submitted information, decision notice and undertaken a site visit and set out our findings below.

Development Proposals

It is our understanding from the information provided that that the proposal is for the potential development of a single dwelling within what was formerly the garden ground of Barony House.

The application site and Green Lane are in the same ownership and have been owned together for over 250 years

Vehicular access to the existing garden ground has therefore been available from Green Lane and Church Road throughout that time. The main access to Barony House is via Wadingburn Road to the west, however Green Lane and Church Road have historically provided unfettered access to the Gardeners Cottage and Stables (now demolished) as well as for garden maintenance etc. It clear therefore that the proposed development site and the proposed construction of the single dwelling house would result in no additional access to Green Lane nor additional traffic on Church Road as there is a long established right of access. For clarity, neither Barony House nor Orchard House have access rights onto Green Lane as all verges thereto are in the ownership of the applicants.

It is proposed that the access, serving the new property would be constructed onto Green Lane some 15m away from the existing access to the lodge house north of the site, where the road currently turns south

past the east end of the development site. A new segregated pedestrian gate would also be provided most likely to the east of the vehicle access point.

Layout and Parking

In line with the requirements of the Midlothian Council Parking Standards, the proposed layout includes parking for at least 2 vehicles with provision for a visitor space also able to be accommodate within the site. The architect's layouts clearly show that there is adequate space provided within the curtilage of the site to accommodate this level of provision. Vehicles are able to enter and exit the site in a forward gear.

Access

As indicated the access is to be provided via a single 3.5m width gated access some 15m to the south of the existing bend in Green Lane. The access is 3.5m wide and so is able to accommodate access for cars, and other light goods vehicles.

The new access will be created by forming a new connection to the existing road carriageway. The access will be formed such that there is a clear distance of at least 5.5m before reaching any gates and the gates will open inwards.

Church Road is within a 20 mph zone and Green Lane extends from this is as a cul-de sac serving only 9 dwellings accessed from Green Lane (with only 6 dwellings beyond the application site). As such the road in effect operates as a shared surface with pedestrians and traffic all using the road carriageway. The geometry and environment around the site mean that observed traffic speeds are very low. As such, adopting the Designing Streets Stopping Site Distance Guidance that availability of visibility to the right from the proposed access of some 15m, would be appropriate for traffic speeds of 15mph, with sufficient land within the applicants control to shift this farther south, to achieve a visibility of 20m, considered appropriate for 19mph speed environment.

In order to achieve a clear splay, it will be necessary to regrade the existing embankment, located adjacent to the carriageway of Green Lane to ensure a clear line of sight for traffic exiting from the site.

The level of traffic movements associated with a single residential dwelling will be very light, with peak traffic movements of 1 or at most 2 vehicles per hour typical and a handful of movements across the day. As such the access arrangements are considered appropriate for the level of anticipated traffic movements.

Wider Road Network

Beyond the site we are aware of the comments within the reasons for refusal which suggest that the existing geometry of Green Lane is not suitable to accommodate two-way traffic and the junction formed with Church Lane is also not appropriate.

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As noted above, the applicant owns Green Lane and the application site has benefited from unfettered and unrestricted access both onto Green Lane and from Green Lane onto Church Road for in excess of 250 years, the current proposals do not change this right of access.

Our clients therefore consider that any objections re the access onto to Church Road are not competent as necessary rights are long established.

The above notwithstanding, we provide additional comment as follows.

Green Lane is indeed typically 3.5m in width, suitable for single lane traffic but also presents with regular passing opportunities, at intervals, mostly at existing driveways, with examples shown below.



Existing passing points between site and Church Road

In addition to the driveway passing points there are locations where there are naturally wider, level verges which are available to allow two vehicles to safely pass. The applicant owns the entire road including verges between Church Road and the proposed dwellings so is able to provide an additional passing place if required, with a logical position for this being illustrated overleaf.



Existing wide verges where passing could be accommodated

It is also acknowledged that there is restricted visibility at the junction of Green Lane with Church Road which, would not satisfy traditional road design standards but being located within a 20 mph zone where low vehicle speeds are already observed, in the spirit of Designing Streets this would actually contribute to reinforcing the low speed traffic environment. Vehicle drivers are able to see along Church Road a sufficient distance when at the end of Green Lane to allow them to safely exit onto Church Road. A review of recorded road accident statistics on the Crashmap website shows no reportable accidents have occurred in and around this junction over the entire 20 year period that the data is available for. The only accident on the immediate area in the last 5 years has been a slight accident at the junction of Church Road with Wadingburn Road, which does not suggest any specific road safety issue in the area, with the Crashmap extract shown below.



Again, all of the above needs to be considered in the context that the proposed dwelling has an established access and that the development would be unlikely to result in a discernible change in traffic on the adjacent network.

The lack of pedestrian provision on the road network is reflective of the semi-rural nature of the area around the site. The roads in effect function as a shared surface with the 20 mph reinforcing this. There is little specific guidance in relation to the traffic flows which are appropriate for 'shared surface' function with 'Designing Streets' focussing on managing the speed environment and making a sense of place, whilst being pedestrian friendly. Similarly, the National Roads Development Guide also comments on the design and layout of 'shared spaces' indicating they are suitable for low traffic volume, low speed environments but stopping short of providing capacities. Interestingly the 'Manual for Streets' (guidance covering England and Wales) identifies that shared surface areas share most successfully in areas with a peak hourly flow of less than 100 vehicles per hour (vph). The development is expected to add at most 1-2 movements per hour to Green Lane which coupled with the existing traffic is unlikely to result in flows anywhere close to the suggested limit.

Conclusion

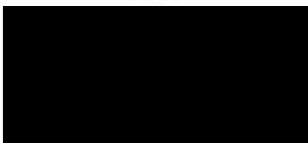
Having reviewed the proposed site layout and available information we are satisfied that the parking and access arrangements for the proposed development are appropriate. The proposed access arrangements are considered appropriate for the anticipated level of traffic and suitable visibility is available for vehicles exiting the site with appropriate turning facilities provided to allow vehicles to enter and exit the site in a forward gear.

The potential impacts of traffic associated with the development are minimal, being no more than 1 or 2 vehicles per hour, and critically the development has an existing right of access onto Green Lane and Church Road and therefore no discernable change in traffic is expected to occur.

As a result we would contend that the identified reason for refusal number 3 relating to the development is not correct as there are no traffic or road safety issues that arise from the proposals.

We trust that you find the above and attached to be self explanatory. Should you have any queries or require any further information or clarification on any aspect of our review then please do not hesitate to contact the undersigned.

Yours sincerely



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Kenny Fearnside
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for Transport Planning Ltd

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January 24th 2020

Dear Mr Arnsdorf,

LRB Appeal - Application 19/00610/DPP – Erection of dwellinghouse, Green Lane, Lasswade

With regards to the forthcoming LRB appeal hearing, your email of 8th January 2020 and a number of letters and emails received by Midlothian Council with regards to this appeal, please find below some further comment in support of this appeal.

- None of the letters raise any new issues with regards to the application;
- Many letters make unsubstantiated and subjective comments that have not been verified and therefore should properly be disregarded;
- We must also dispel any comments regarding the origin of letters of support – this is irrelevant, the local authority only considers planning matters, and also throws up the important counter point that those people closest to the site have a ***'not in my back yard'*** agenda undermining the credibility of their own comments;.
- We have kept our analysis strictly to the merits of the proposal with regards to the layout, design and location and continue to contend that this is an appropriate site for the proposed development.

It is important therefore to retain a clear focus on the facts of the application;

1. The application is for a modest, single storey, 2-bedroom home carefully design to fit into the specific landscape and topography of the site. It is designed to be eco-friendly in the widest sense and is highly respectful of its surroundings;
2. As the report of handling unambiguously states, the Council accepts that the application represents ***an excellent, site specific design and that the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House;***

3. Some concern has been raised over minor overlooking of parts of the garden of Barony House. As the photograph below shows, the boundary treatment is more than sufficient though we acknowledge that this is different in the winter months, although by its very nature, it is less likely that either party will be utilising the garden areas in these colder and darker times of the year. This can easily be mitigated by further boundary planting which can be controlled by a condition of planning if deemed necessary;



4. The immediate area around the application site and Kevoek has evolved and experienced change over the years with a number of infill developments (new homes or garages/ancillary buildings) as well as more substantial developments such as The Drummond Grange Care Home. This proposal has been designed specifically to minimise any impact on the surrounding area and will be virtually unseen from the wider area.
5. Critical comments have been made about other developments in the area. This is not relevant to the consideration of this appeal and each of these developments has been approved in some shape or form by Midlothian Council. Over the years, the Council has permitted a pattern of infill development in the Kevoek area.
6. In responding to some of the points raised, we must consider the application in the context of the site as it is now, not how it might have been;
 - i. the application does not propose the removal of even a single tree or any hedgerows
 - ii. there is nothing in the application which would have a significant adverse impact on flora and fauna of the area.

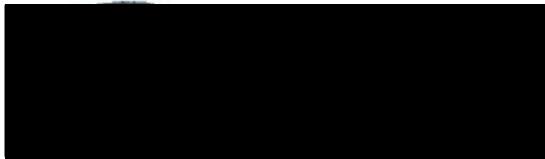
7. There is no road safety or capacity issues as a result of the very modest development proposed.
8. Much is made of the character of Green Lane and its ability to accommodate the traffic generated by this one house. We have provided a report from an independent traffic specialist that strongly disputes this from a capacity and safety perspective.
9. The addition of one additional house on Green Lane will have a negligible impact on traffic flow and comfortably within the average daily variation of use of the lane.
10. The appellant owns Green Lane and is happy to make changes as deemed necessary (provision of passing places etc.), although given the low usage of the lane, this is not necessarily required;
11. No additional rights of way or access are being sought
12. There is no record of any traffic accidents on Green Lane or in the vicinity of the Green Lane/Church Road Junction
13. An independent traffic consultant concludes '*... the identified reason for refusal number 3 relating to the development is not correct as there are no traffic or road safety issues that arise from the proposals*'
14. The Planning Authority accepts that *...Although the road network in the area does not at present meet current road safety standards, it appears to be operating satisfactorily at present....'*
15. In numerous applications in close vicinity to the appeal site, Midlothian Council have accepted that in the circumstances of a single dwelling house with access via a technically sub-optimal junction or substandard roads, the increased traffic levels would be minor and have no material impact on the road safety and capacity issue and hence no objections have been raised;

We therefore maintain our position with regards to the three reasons for refusal given when the application was refused via delegated powers in December. We believe that this represents a credible and high-quality approach to the development of this site at Green Lane to the extent that it warrants a flexible approach to the implementation of green belt policy in this specific circumstance. We strongly dispute the reasons for refusal with regards to Policy DEV6 and road safety.

I look forward to hearing from you in due course and seeing you at the Local Review Body hearing on February 18th 2020.

With kindest regards

Yours sincerely



Tony Thomas
Director



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00610/DPP

Site Address: Land South East of Orchard House, Green Lane, Lasswade.

Site Description: The application site comprises a cleared area of woodland within the Lasswade and Kevoch Conservation Area. The ground levels are higher along the northeastern part of the site, lowering to the south. There are trees within and outwith the site to the southwest. There is a recently constructed house to the northwest (Orchard House), a house to the north (Coppertop) and the garden for Barony House to the south. There is woodland to the south and east and grassed land to the northeast. There is a nursing home further south. There are a variety of housetypes in the area, traditional and contemporary, single storey and two storeys.

Proposed Development: Erection of dwellinghouse and associated works.

Proposed Development Details: It is proposed to change the ground levels within the site and erect a house. This is to be constructed partially within the altered ground levels, with the majority of the rear elevation built into the newly formed ground projecting 0.8 metres from the ground level. The side and front elevations will be fully visible. The house is 28 metres long and 6.7 metres deep, dug into the higher ground. The main house is 3.4 metres high, with the porch 2.7 metres high. There is a covered external terrace to the side of the house.

The house is single storey contemporary design with a flat sedum roof. The walls are glazed and timber clad, with the porch metal standing seam clad. The window and door frames are to be aluminium clad. The rear elevation incorporates small windows. The retaining wall is to be concrete.

Two parking spaces are proposed by the new vehicular access, though it is not clear the ground levels these sit at. The house will connect to the public water supply and drainage network.

A design and access statement has been submitted providing the rationale for the proposal.

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

Application site
18/00335/WTT

Felling and pruning of trees within the Lasswade and Kevoch conservation area. Permitted. The trees to be felled either have structural issues or posed a threat to property or the road, showing signs of die-back or being self-seeded suppressed specimens due to their location under canopy trees.

Application site and land to the north and east

17/00171/WTT Felling and pruning of trees within the Lasswade and Kevoch conservation area. Consent with conditions - the felling and replanting works are necessary to ensure the safety of site users and the users of Green Lane and the restoration of this area of woodland to promote its long term health.

17/00137/WTT Felling of trees within the Lasswade and Kevoch conservation area. Consent with conditions - trees felled due to health and safety risks. This was a programme of woodland management works supported by a woodland management schedule.

Part application site and land to west

16/00273/WTT Felling of trees within the Lasswade and Kevoch conservation area. Consent with conditions.

Land south of site

15/00858/WTT Pruning of trees within the Lasswade and Kevoch Conservation Area. Permitted – the pruning removed two limbs overhanging Green Lane removed, which had potential to damage by passing vehicles and removing them will help safeguard the tree.

Orchard House (to the northwest)

17/00557/DPP Erection of shed. Consent with conditions.

17/00274/DPP Erection of dwellinghouse (amendment to design approved by planning permission 07/00236/FUL and 04/00497/FUL). Consent with conditions.

07/00236/FUL Erection of dwellinghouse (amendment to planning consent 04/00497/FUL). Consent with conditions.

04/00497/FUL Erection of one dwellinghouse with garage and driveway. Consent with conditions.

The original 2004 application was recommended for refusal. The grounds for refusal were as follows:

1. The proposed development is outwith the built-up area, in a location where residential development is resisted unless essential for the furtherance of a recognised rural activity. No justification accompanies the proposal. It consequently does not accord with Policy RP1 – Protection of the Countryside of the Midlothian Local Plan and Policy ENV3 – Development in the Countryside, of the Edinburgh and the Lothians Structure Plan 2015.
2. The proposed house is to be erected within a short distance of Barony Cottage and Barony House. The design, form and materials of the new house combined with its location will adversely detract from the setting of the listed building which is presently framed by trees to the north and south. Its contrasting design will distract attention from the listed buildings within their setting, contrary to the recommendation of the Memorandum of Guidance on Listed Buildings and Conservation Areas. For this reason the proposal would also not accord with Policies ENV1 C of the Edinburgh and Lothians Structure Plan 2015 and RP21 of the Midlothian Local Plan which protect the settings to listed buildings.
3. The felling of trees and the erection of a building in this location would introduce a noticeable change in the character of this boundary to the conservation area, materially increasing the apparent density of development in this location. If approved the proposal would be likely to encourage further

sub-division of large feus within the Kevoek area, the cumulative effect of which would be to harm the character of the Conservation Area.

The application was called in for consideration by the Planning Committee, where the members considered that the innovative design and sympathetic siting of the development were grounds to support the proposal. The Committee was mindful of the decision creating a precedent for development in the area but considered that the design and siting were important mitigating circumstances in respect of the particular application. The proposal was granted consent. The subsequent applications have amended the design while retaining the contemporary character and finish materials and retaining the approved siting.

Barony House (to south)

06/00428/LBC Erection of double garage, extension to Barony House, erection of free standing garage and external and internal alterations. Consent with conditions.
06/00427/FUL Extension to Barony House to form double garage and erection of free standing garage. Consent with conditions.

Coppertop (to the north)

17/00782/DPP Erection of dwellinghouse and detached garage; formation of access and associated works. Refused – It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity and so the proposal is contrary to policy ENV1 of the MLDP 2017; and Church Road is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. The additional traffic associated with the proposed development will impact on the safety of the road.

Dunesk Lodge

13/00886/WTT Felling and pruning of trees in Lasswade and Kevoek Conservation Area. Permitted – one trees felled in the interest of safety; one suppressed by adjacent mature trees and growing at an angle towards the house. This had no long-term future and felling it will allow more room for the adjacent trees to develop; the other two trees were to be pruned. Replacement planting was requested.

Green Lane (to the north and east of the site)

18/00691/WTT Pruning of trees within Lasswade and Kevoek conservation area. Consent with conditions - works would allow the trees to be retained whilst allowing clearance for emergency services access. A further tree may require removal owing to a pronounced lean into the carriageway should a crown lift not prove sufficient.

Land to the east

18/00317/WTT Felling of trees within the Lasswade and Kevoek conservation area. Permitted – re-coppicing of trees.

16/00198/WTT Felling of trees within Lasswade and Kevoek conservation area. Consent with conditions – re-coppicing two trees. One tree is to be felled which will allow light into the ground and afford more room for the adjacent trees to develop.

15/00211/WTT Felling and pruning of trees within the Lasswade and Kevoek Conservation area. Permitted – re-coppicing three trees; felling five trees; and pruning – one is a poor form which is liable to splitting and felling this tree will allow the adjacent tree room. One is a self-seeded tree growing out of a low stone

retaining wall and its removal will prevent further damage to the wall. Felling other trees will allow light into the ground. The trees to be pruned currently overhang the public path as well as the adjacent garden wall.

Consultations:

The **Policy and Road Safety Manager** has concerns regarding another proposed dwelling accessed from Church Road. This road is narrow and has sections which are unable to accommodate two-way traffic flow, there are no separate pedestrian facilities and it is not a route suitable to accommodate additional traffic. Also the un-adopted private Green Lane, which serves a number of properties, is narrow and unable to accommodate two-way traffic flow. There are restricted sightlines for drivers emerging onto Church Road. It would not be in the interests of improving road safety to allow developments which would increase traffic levels on these roads.

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.

Representations: Thirty-seven representations have been submitted, fourteen supporting, twenty-two objecting and one neutral.

The supporting comments are on the following grounds:

- The house is sympathetic to and will contribute significantly to the architectural interest and diversity of the area and would not adversely impact the landscape;
- The materials mean the house will sit well in the landscape;
- The house will scarcely be visible from the road;
- The house would not adversely affect the conservation area;
- Whilst it is important to maintain the character of areas, it is important for these to have new input;
- The house would sit well into the topography of the site;
- The design is environmentally friendly;
- The erection of a single house would not impact on traffic on Green Lane;
- Any visual impact from the house by the site entrance and to Barony House can be mitigated by planting;
- The loss of trees within the site may be a shock but this will be planted up and effectively hide the house;
- The mature trees separating the site from Barony House will limit visual impact between the two;
- Although in the Green Belt, the area is already developed with a nursing home in the area;
- Green Lane may not be to an adoptable standard but is far from being dangerous;
- The road access concerns raised have been issues for many years, however this is a private road and users are aware of the issues. Introducing highway standards would not be appropriate. A compromise would be to install a passing place between Coppertop and Dunesk Lodge and widen the bend to increase visibility;

- Reconstruction of the road surface after construction would be a standard condition;
- There is policy support from policy RD1 for new dwellinghouses within housing groups and the site forms part of the previous grounds for Barony House which comprises five existing houses;
- If approved, the house should not act as a precedent for future development in the area, but be is a 'one off' design with minimal wider impact;
- Additional signage and mirror provision at Church Road during construction would make sense;
- Barony House was restored as a result of the applicant;
- The site has little significance in the area; and
- The site has easy access to public transport, local schools, shops and GPs.

One supporter has stated that the access splay could be moved further from the corner and made wider, for ease of use.

The objections are on the following grounds:

- The site is within the Green Belt;
- The proposal is contrary to policies ENV1, ENV6, ENV19 and ENV22;
- The justification for the house in the supporting statement is irrelevant in regards provision of public access to the countryside; ignores that the function of the Green Belt is to maintain the balance between the built and natural environment; does not accurately reflect the wording of policy ENV1; and no evidence of compliance has been submitted;
- Swathes of greenbelt are being lost in Midlothian for commercial exploitation and some pockets of unspoilt greenbelt should be left;
- The site is in a conservation zone and protected from development;
- The design of the house is not offensive but does not fit with the area;
- The loss of trees within the site has decimated the area and means the development will have a detrimental visual impact on the lane;
- The loss of woodland appears contrary to protecting the environment;
- There is no clear plan for restoring the trees which have been removed;
- Road safety concerns due to the proposed access is from an opening created on a blind corner which has already resulted in near misses;
- Additional vehicles will exacerbate existing road safety issues;
- Concern at the lack of infrastructure improvements in the area, namely the private single lane road leading onto a public single lane road at a blind junction. The road needs to be improved to cope with weather and excess traffic;
- There are no improvements proposed at the junction of Green Lane and Church Lane, a blind corner;
- The proposal will be detrimental to the many walkers, horse riders and other users of footpaths accessed from Green Lane;
- There was no access into the site until recently with this gradually widening close to the bend;
- The construction works will do significant damage to the lane;
- Concern over road safety during construction;
- Is the access gate at the site allowed?
- If approved, there should be a condition requiring that the road be made good;

- The applicants for the current application were the applicants for the house at Orchard House, refused by planning and approved by Councillors;
- A recent application for a traditional house at Coppertop was refused as the site was in the Green Belt – this plot had direct access onto Church Road and required no tree removal. Approving this application would be at odds with the previous refusal;
- The proposal would be worse than that refused at Coppertop as the access is onto Green Lane which is narrower than Church Lane with additional road safety issues;
- The site is within the grounds of Barony House and comments from Historic Environment Scotland should be sought before any decision is made as the siting of the house is detrimental to the A listed building;
- There is a concern that Barony House be surrounded by ultra modern designs;
- The proposed is an overdevelopment of the historic area, Barony House;
- The site is visible from Barony House and the landscaping mentioned by supporters does not screen the plot;
- Concern that the another application may be submitted for driveway access along the perimeter of Barony House;
- This is the fourth property that the applicant intends to develop on what was the grounds of Barony House;
- The approval of Orchard House detracts from the historic nature of the area, which remained undeveloped for over a decade with conditions which have not been followed through which is a concern for this site;
- The agent for the application is the same as for an application elsewhere on Church Road which was approved for a house in the Green Belt;
- There is a concern that any refusal will be overruled by local Councillors;
- The examples of similar housing in the area the applicant's agent has highlighted were approved against the advice of planning officials and the arguments for these do not apply to the current application;
- Approving the scheme would open up an additional six or seven nearby plots for modern housing, which fundamentally change the vernacular of the area;
- If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted the Green Belt will be filled in one development at a time;
- Approving the house as a one off is perplexing and would bring suspicion of favouritism;
- There is no reason why this application should be approved;
- The site is a haven for wildlife, including deer, owls and birds;
- A neighbour has a letter from the Council stating that no development at the site would be permitted in the future as this would be overdevelopment;
- There is a lack of local facilities, including poor broadband;
- A planning obligation should be entered into to increase local infrastructure should permission be granted;
- Concern that a former Council employee has submitted a letter of support stating another house can be built within the old Barony House estate through a loophole in policy. This is a conflict of interest;
- A number of supporters of the application are friends with the applicants. It is not appropriate for people who do not live in Green Lane to have views as the proposal will not affect or disturb them. Consideration should be given to the

opinion of people who live in Green Lane; The majority of comments of support have come from people outwith the area – non-residents will be minimally impacted;

- The suggestion that the house would bring employment to the area is risible;
- The applicants have owned half of Green Lane for many years but not contributed to maintenance; and
- Green Lane is an outstanding example of a Scottish Country lane and the area derives largely from its heavily wooded settings which should not be lost.

One comment which neither object to nor support the application was received. This states that a recent application for a house in the area was refused as this did not comply with policy ENV1 and for road safety issues. This was for a traditional dwelling in a field with an existing access and no tree removal. The letter states that developments in the area have made a nonsense of the Green Belt policy in the area. If the previous application did not comply with policy ENV1 then the current proposal is worse, requiring the loss of trees, poor access with not details to demonstrate that it is in furtherance of an established Green Belt activity. They do not oppose the proposal but state that if this is approved the previous refusal be re-opened and approved.

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;

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;

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;

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;

ENV15 Species and Habitat Protection and Enhancement states development that would affect a species protected by European or UK law will not be permitted unless: there is an overriding public need and there is no satisfactory alternative; a species protection plan has been submitted, which is based on survey results and includes details of the status of protected species on site and possible adverse impact of development; suitable mitigation is proposed and agreed; and the development is not detrimental to the maintenance of European protected species at a favourable conservation status; and

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings.

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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. Any representations and consultation responses received are material considerations.

Principle of Development

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.

The proposed development would result in a new house within the Green Belt. The applicant's agent has not suggested or demonstrated that the proposed house is necessary to agriculture, horticulture or forestry, nor is it required to provide opportunities for access to the open countryside, is 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.

Indeed, the applicant's agent has stated they are not trying to justify that the proposed house is in accordance with Green Belt Policy. However they are of the opinion that the site does not fulfil the role of a Green Belt site, that the proposals represent an appropriate development at this location and that whilst this type of development is not normally permitted at Green Belt locations, this represents an instance where development can be permitted without undermining the ethos of the Green Belt policy. They state the proposals would represent a credible exception.

The Planning Authority acknowledge there is a history of development within the Green Belt in this area of Lasswade, however a significant portion of this predates the adoption of modern Green Belt policies. The sporadic infill ribbon developments of the 1960's and 1970's, such as those on the North side of Church Road, have diminished the sense of separation in this area of Midlothian. However the generous plot sizes and extensive areas of woodland mean that the area retains a distinctly non-urban character that warrants inclusion within the Green Belt.

The decisions of the past should not be used to justify further infill development today. It is clear that the previous applications for houses at Orchard House and School Green, referred to by the applicant's agent, were approved as exceptions to planning policy given the design of the houses, not to be seen as a precedent for other houses contrary to policy in the area. Whilst these were approved at Planning Committee and Local Review Body, these were ultimately the decisions of the Council. A more recent application for a house adjacent to Coppertop was refused as this did not comply with Green Belt policy.

The surrounding Green Belt is a sporadic, well-spaced area which helps create a balance between the built and natural environment. The MLDP states that the Green Belt plays an important role in protecting the landscape setting, character and identity of both the City and the settlements in Midlothian. The proposal for a further infill in the area would undermine the characteristics of this area of the Green Belt.

A number of supporters have stated that if approved, the house should not act as a precedent for further houses in the area but be considered as a one-off design. If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted the Green Belt will be filled in one development at a time. This is why the Green Belt policy is so restrictive to development, approving the development which meets with the relevant criteria.

Therefore there is no support for the proposal in terms of policy RD1 of the adopted Local Development Plan, nor are there material planning considerations to support the proposed house.

There is policy support in the MLDP for additional houses within housing groups where these meet particular criteria, this relates to sites within the countryside. The MLDP and related Supplementary Guidance are explicit that this does not apply within the Green Belt. This policy is therefore not relevant to this proposal.

Design

The Lasswade and Kevoek Conservation Area appraisal states, where acceptable in principle, a high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials and that these relate to the character of the conservation area. There are a number of design approaches possible for developments in this area and in general terms high quality traditional or modern forms of development could be acceptable. A contemporary development, clearly of its time yet respectful of its context, could be an appropriate development solution. Such an approach may use traditional materials in contemporary manner, or modern materials with a historical form of building. The conservation area policy ENV19 advises that innovative, well-designed contemporary buildings may be acceptable provided that the character, appearance and materials used complement, and do not have an adverse impact on, the location.

The proposed house is contemporary in design and treatment of materials, clearly designed to fit into the site, set partially into the existing ground levels. The design and integration into the ground would minimise the visual impact on the area, through low scale development, lightweight large areas of glazing and materials sympathetic to this location within a conservation area and special landscape area.

Whilst this architectural approach is distinctly different to the design of some of the neighbouring houses, this solution was clearly arrived at in order to respect the scale of buildings in the surrounding area, to accommodate the change in ground levels and ensure that the resultant building would not be overly dominant to the surroundings. The applicant has carefully considered the site's context and arrived at a design solution which ensures that the impact on the character and appearance of the area is minimal whilst creating an interesting and innovative building. The Planning Authority consider that the proposed development, in terms of its design, will preserve the character and appearance of the conservation area.

Landscaping

A number of trees have been felled within the site and the surrounding area which have opened up views into the site. This felling was allowed through various Works to Trees applications. Although the loss of trees has had a relatively stark impact on the previously wooded area, this was considered acceptable. Should planning permission for a house at the site be approved, this would allow the opportunity for planting to help integrate the house into the area appropriate to this sensitive area.

The Council's Biodiversity Consultant stated that if trees are proposed to be removed for this development, consideration should be given to the need for a bat survey of affected trees by a suitable qualified ecologist. The applicant's agent has confirmed that no further trees are to be felled in relation to this development.

Amenity for occupants and neighbours

Sufficient garden ground will be provided for the proposed and existing houses.

The distances between the proposed and existing surrounding properties meets the required standards.

No details of the boundary treatment to the shared boundary with the garden at Barony House have been submitted. There is potential for overlooking from the proposed house and garden to the garden ground of Barony House as well as overlooking from Barony House's to the proposed house and garden ground. This would impact on the amenity and privacy of the existing and proposed occupants.

Road Safety

The proposed vehicular access is close to a bend on Green Lane, which is a single track private road and unable to accommodate two-way traffic flow. The Policy and Road Safety Manager and a number of objectors have raised road safety concerns over the proposal.

The proposed access being close to a bend in the road means that there will be little visibility for vehicles using Green Lane of vehicles using the site access. Green Lane itself is accessed from Church Road, which is narrow and has sections which are unable to accommodate two-way traffic flow with no separate pedestrian facilities. There are restricted sightlines for drivers emerging onto Church Road from Green Lane.

Although the road network in the area does not at present meet current road safety standards, it appears to be operating satisfactorily at present. However this is not a route suitable to accommodate additional traffic, albeit from one additional house. It would not be in the interests of improving road safety to allow further developments which would increase traffic levels on these roads.

Other matters

The supporting statement makes reference to solar panels but these are not shown on the submitted plans.

A number of representors have commented on the impact of the proposed house on Barony House. Whilst the proposed house is within the garden ground of the category A listed building, the position of the site and house within the site is such that it will not have a significant adverse impact on the setting of Barony House. Any future applications for the area, including a driveway along the perimeter of Barony House, would be considered on its own merits and in line with the MLDP.

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.

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.

If permission were granted, a condition would be attached requiring the house to be connected to broadband. As the proposal is only for one house, there would be no planning obligation required to improve the local infrastructure.

All letters of representation are considered in the assessment of the application, regardless of the nature of the relationship with the applicant and the address of the representors. Only material planning considerations are taken into account in the assessment of the proposal.

The case officer for the application is unaware of any letter stating that there would be no development at this site. Any application is considered on its own merits in line with the adopted MLDP.

The following comments are not material planning considerations in the assessment of the application:

- any damage to the surrounding roads;
- the current maintenance of the Green Lane; Page 74 of 194
- the history of the applicants and the applicant's agent; and
- any employment generated by approving the house.

Overall, there is no policy support for a dwellinghouse at this site within the Green Belt, nor are there any material planning considerations which would otherwise justify approval.

Recommendation: Refuse planning permission.

Reg. No. 19/00610/DPP

APT Planning And Development Ltd
6 High Street
East Linton
EH40 3AB

Midlothian Council, as Planning Authority, having considered the application by c/o APT Planning And Development Ltd, Mr Neville Brown, 6 High Street, East Linton, EH40 3AB, which was registered on 12 July 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse and associated works at Land South East of Orchard House, Green Lane, Lasswade,

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan/Inc neighbours notified	211/p001 1:1250	12.07.2019
Topographical Survey	Garden Ground01/19 1:15500	12.07.2019
Site plan	211/p002 1:200	12.07.2019
Proposed floor plan	211/p101 1:50	12.07.2019
Roof plan (proposed)	211/p102 1:50	12.07.2019
Proposed elevations	211/p111a 1:50	12.07.2019
Proposed elevations	211/p112a 1:50	12.07.2019
Illustration/Photograph	211/p131	12.07.2019
Illustration/Photograph	211/p132	12.07.2019

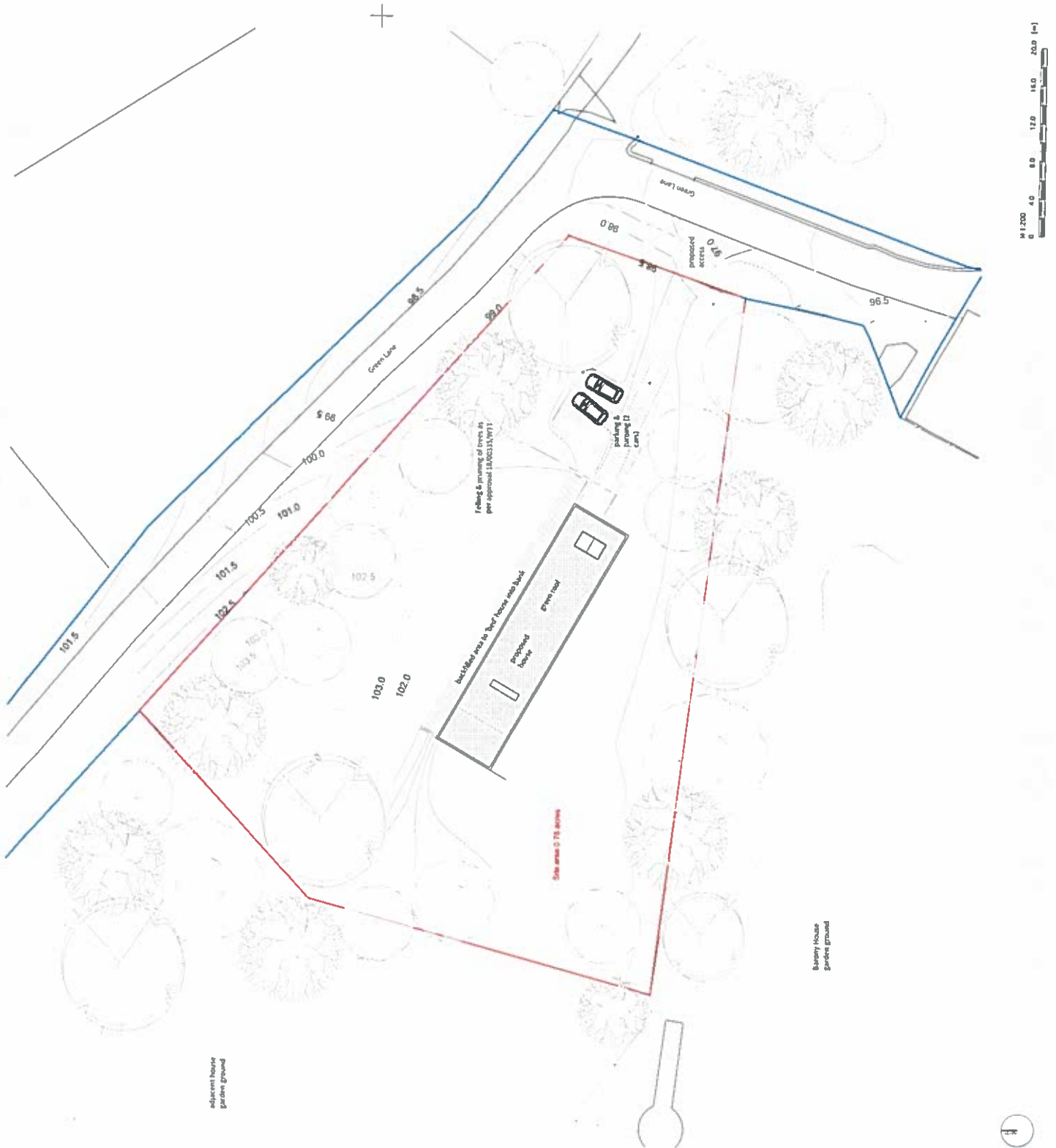
The reason(s) for the Council's decision are set out below:

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 garden ground Barony House, to the 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.
3. Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application.

Dated 12 / 9 / 2019

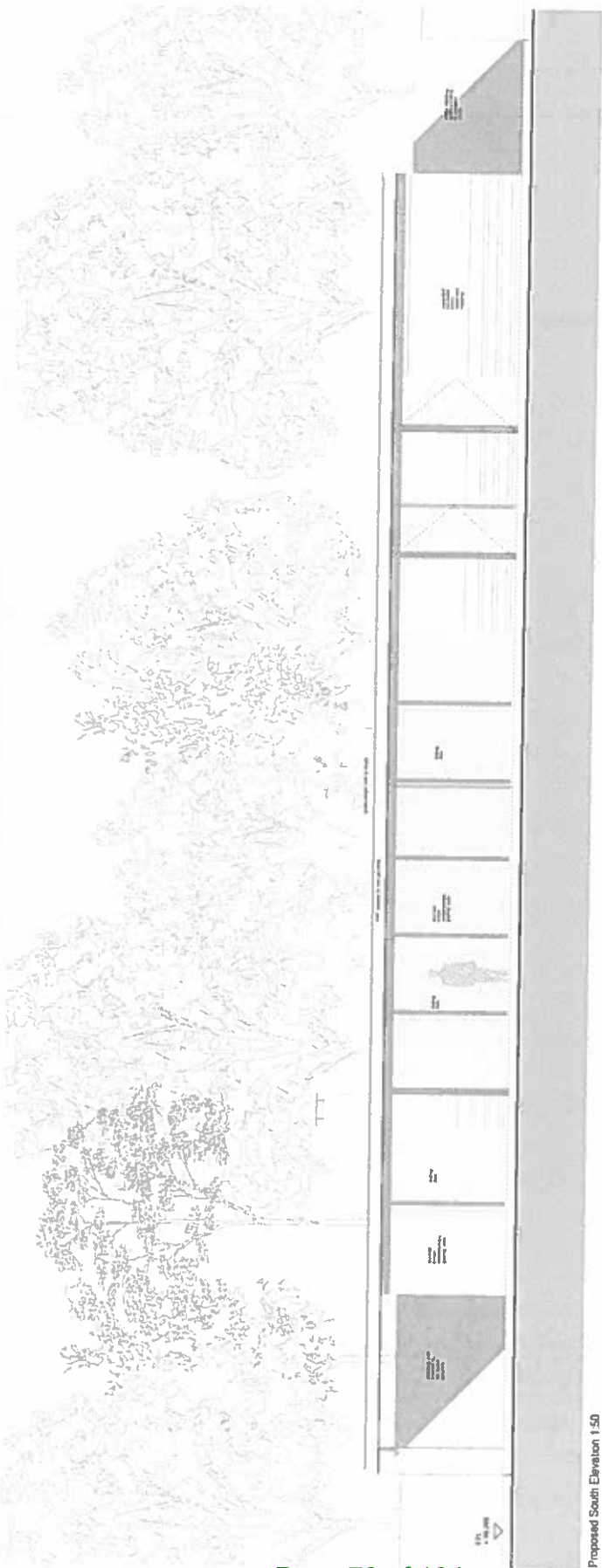


.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

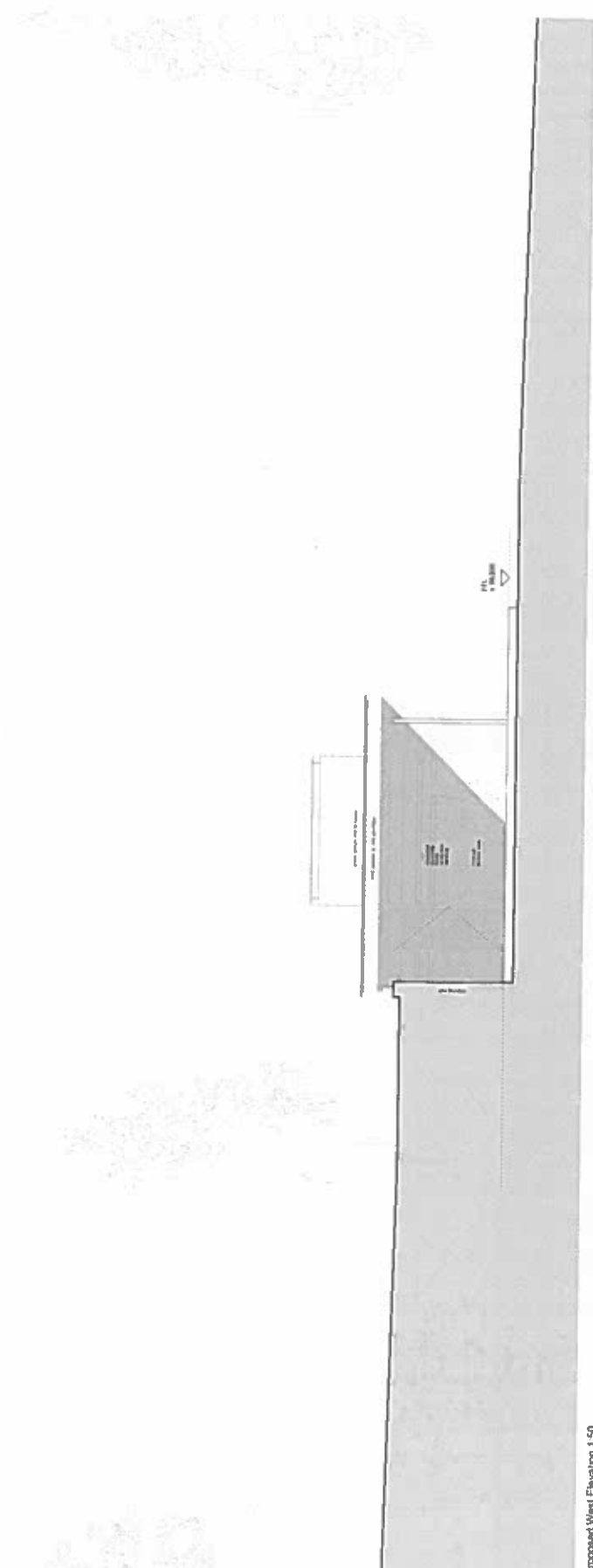


© Nest Horizons, 2019. All rights reserved. All dimensions are in millimetres unless otherwise stated.

© Brown & Brown Architects	Nest Horizons
12a Garden Place	Kirkcaldy House
Abertree	Beechwood Park
AB10 1UR	Inverness
01224 518300	01463 630640
www.brownsandbrownarchitects.com	
Client	Neville & Maggie Brown
Project	The Secret Garden, Lasswade
File	Proposed Site Plan
Scale	1:200
Date	06.02.19
Author	AB
Checker	KB
Project	211/p002
Planning	



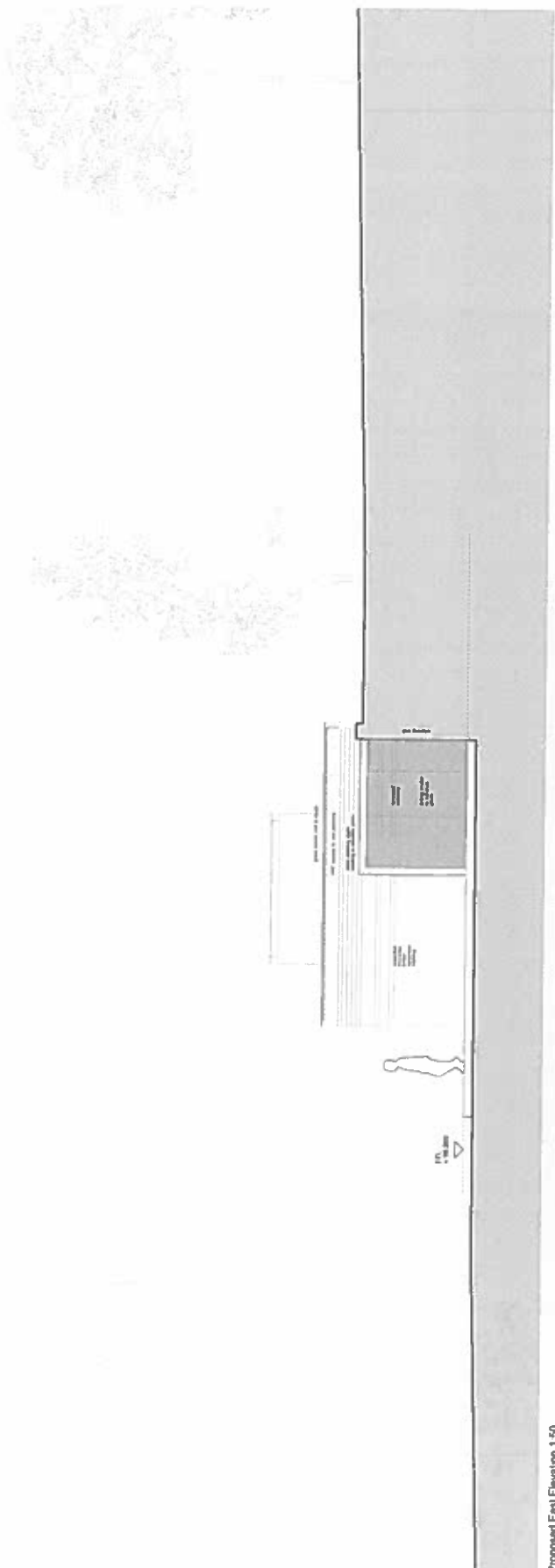
Proposed South Elevation 1:50



Proposed West Elevation 1:50



Proposed North Elevation 1:50



Proposed East Elevation 1:50

102.0



GIA = 145m²

0 05 10 15 20 25 30 35 40 45 50

1

1

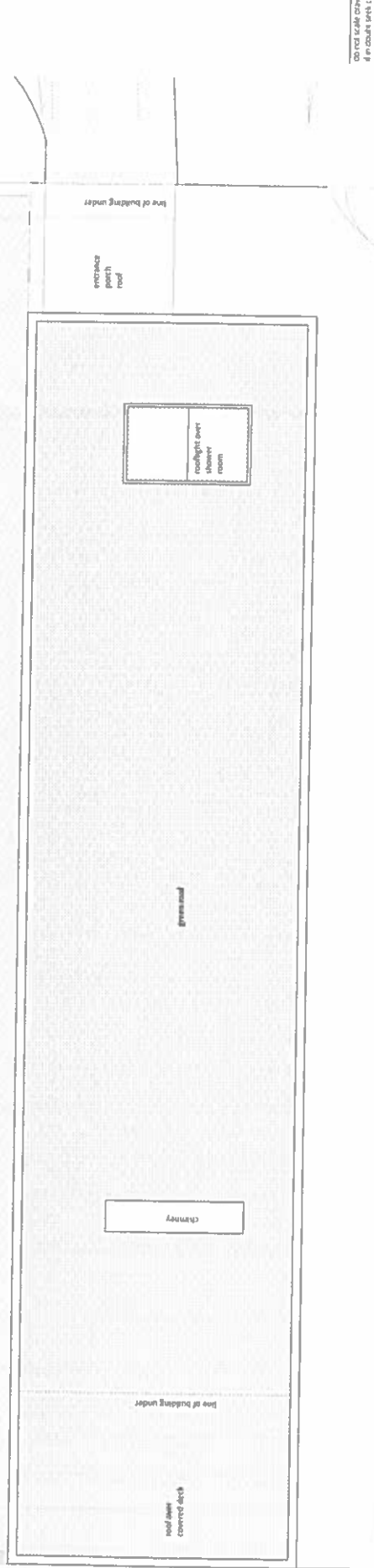
2

100.0

102.0

bed lifting area to "bed" house into bank

parking



Proposed Roof Plan 1:50



DO NOT SCALE DRAWING & REFER DIMENSIONS ONLY.
4 IN. SCALE PER 1 IN. INDICATION

© Brown + Brown Architects
123 Carden Place
Aberdeen
AB10 1UR
Inverness
IV2 3BW
01224 518300
01463 630640
www.brownbrownarchitects.com

Neville & Maggie Brown

The Secret Garden, Lasswade

Proposed Roof Plan

Scale	Date	Drawn	Checked
1:50	06.02.19	AB	MB

211/p102
planning



Good Evening,

It has come to my attention that my supporting submission below was sent to the incorrect email address. I do hope this isn't too late as my original email was sent within the correct time frame.

Thank you,
Caroline Daw

From: Caroline Daw
Sent: 26 December 2019 15:21
To: Peter.Arsndorf@midlothian.gov.uk <Peter.Arsndorf@midlothian.gov.uk>
Subject: Planning Application Ref : - 19/00610/DPP

Planning Application Ref : - 19/00610/DPP

Dear Sir

I refer to your letter dated 12th December and write to confirm my continued support for the proposed 'Dwelling House'.
Having carefully considered the reasons for refusal; the applicants LRB submissions and their supporting traffic safety assessment I comment as follows;

Reason For Refusal 1

The committee report accepts that the application represents an excellent, site specific design
and that the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House. The Local Review Body, in determining another nearby application at School Brae, concluded in February 2018 that;
"The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt".

The School Green site while covered by the same planning policies as the applicant site is in a considerably more prominent location which is visible across the North Esk Valley.

In light of that recent School Green LRB decision, it would be incongruous if while accepting that the new home is an excellent, site specific design it was somehow considered to have a detrimental impact on the Green Belt

Reason For Refusal 2

The site benefits from an established mature boundary to Barony House which includes a substantial avenue of Lime Trees. I do not believe that the completed development would have any detrimental impact on the privacy or amenity of Barony House, but if it was felt greater protection was required, this could easily be achieved through additional planting or the introduction of a more substantial fence.

As noted above the planners state - the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House, The proposals will therefore comply with Policy DEV6 of the LDP and can easily implement an appropriate scheme of landscaping to supplement an attractive location and allay any perceived concerns about overlooking and loss of privacy and amenity

Reason For Refusal 3

The application site not only has an existing access but is in the same ownership as Green Lane and has enjoyed unfettered access for over 250 years.

There have been no reportable traffic incidents at the Green Lane/Church Road junction during the 20 year period that statistics have been available.

Recent access points have been permitted onto School Green where it was accepted that a single dwelling would not cause safety concerns despite not necessarily complying with strict interpretation of 'roads' requirements.

Development behind the Laird & Dog (former School site) was approved despite 8 new house taking access and egress on to a busy main road, with non-complying sight lines

Consent was given at LRB for new houses to access from Braeside Road, Loanhead onto Lasswade/Wadingburn Road, a despite inadequate sight lines. Loanhead/Lasswade Road is a very busy main road into Loanhead, with a 30mph limit reducing from a 40 mph limit.

The current application is certainly no worse, and arguably better, than those give approval on School Green and significantly better than the former School site and Braeside Road.

We note that the traffic expert concludes

The identified reason for refusal number 3 relating to the development is not correct as there are no traffic or road safety that arise from the proposals

Conclusion

Having regard to the above we consider that there are no valid planning reasons for not granting planning permission.

Regards

Caroline Daw

From: [REDACTED]
To: Peter Amsdorf
Subject: Planning Application Ref : - 19/00610/DPP
Date: 26 December 2019 13:48:43

Dear Sir

Planning Application Ref : - 19/00610/DPP

We refer to your letter dated 12th December and write to confirm our continued support for the proposed 'Dwelling House'.

Having carefully considered the reasons for refusal; the applicants LRB submissions and their supporting traffic safety assessment we comment as follows;

Reason For Refusal 1

The committee report accepts that the application represents an excellent, site specific design and that **the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House.**

The Local Review Body, in determining another nearby application at School Brae, concluded in February 2018 that;

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

The School Green site while covered by the same planning policies as the applicant site is in a considerably more prominent location which is visible across the North Esk Valley.

In light of that recent School Green LRB decision, it would be incongruous if while accepting that the new home is an excellent, site specific design it was somehow considered to have a detrimental impact on the Green Belt

Reason For Refusal 2

The site benefits from an established mature boundary to Barony House which includes a substantial avenue of Lime Trees. We do not believe that the completed development would have any detrimental impact on the privacy or amenity of Barony House, but if it was felt greater protection was required, this could easily be achieved through additional planting or the introduction of a more substantial fence.

As noted above the planners state - **the proposed new home would not have a detrimental impact on the character or setting on the Conservation Area or the listed Barony House**

The proposals will therefore comply with **Policy DEV6** of the LDP and can easily implement an appropriate scheme of landscaping to supplement an attractive location and allay any perceived concerns about overlooking and loss of privacy and amenity

Reason For Refusal 3

The application site not only has an existing access but is in the same ownership as Green Lane and has enjoyed unfettered access for over 250 years.

There have been no reportable traffic incidents at the Green Lane/Church Road junction during the 20 year period that statistics have been available.

Recent access points have been permitted onto School Green where it was accepted that a single dwelling would not cause safety concerns despite not necessarily complying with strict interpretation of 'roads' requirements.

Development behind the Laird & Dog (former School site) was approved despite 8 new house taking access and egress on to a busy main road, with non-complying sight lines

Consent was given at LRB for new houses to access from Braeside Road, Loanhead onto Lasswade/Wadingburn Road, despite inadequate sight lines. Loanhead/Lasswade Road is a very busy main road into Loanhead, with a 30mph limit reducing from a 40 mph limit.

The current application is certainly no worse, and arguably better, than those given approval on School Green and significantly better than the former School site and Braeside Road.

We note that the traffic expert concludes **The identified reason for refusal number 3 relating to the development is not correct as there are no traffic or road safety issues that arise from the proposals**

Conclusion

Having regard to the above we consider that there are no valid planning reasons for not granting planning permission .

**Holly and Chris Brown
Now at 19 Keirin Road, London, E20 1GU**

From: [REDACTED]
To: MR ARNSDORF
Subject: Local Review Body: Planning Application 19/00610/DPP
Date: 24 December 2019 15:08:43

Dear Mr Arnsdorf

I refer to your letter of 12 December 2019 and write to provide further comment for the Local Review Body.

I have carefully considered the Delegated Short Report including the three reasons for refusal and my further comments are as follows:

1 Green Belt

I consider the approval of this application will in no way be to the detriment of the principles of the green belt designation in the area.

2. Barony House

The delegated short report states, as I believe, that the introduction of the new house will not impact on the setting of the listed Barony House. The reason given for refusal is that it 'has the potential for overlooking'.

There is no visibility of the application house from Barony House or vice versa. The only potential overlooking is garden to garden. Further tree and hedge line landscaping along the border will easily ensure there is no overlooking and it is perfectly normal for further landscaping details to be covered by a condition.

3. Traffic concerns

First reason for refusal.

Concern re lack of width for 2 way traffic and separate pedestrian facilities.

For this rural road with limited traffic this line of reasoning is spurious. I walk this Green Lane almost every day and I have never seen two cars requiring to pass each other. Indeed I rarely see a car travelling along the road.

Passing places are effectively available at the entrance to Coppertops and at the bend in the roadway some 20 metres before the entrance to the applicant house. This is in my view more than adequate for a problem which in my view will rarely exist. To suggest that separate pedestrian facilities are not available is frankly laughable for this rural road.

2nd reason for refusal.

Restricted sightlines Green Lane to Church Road and the additional traffic will impact on the safety of the road.

In my experience traffic on Green Lane is very aware of the sightline issue at Church Road and takes great care when turning out of Green Lane. The addition of vehicles serving the applicant house will in my view not 'impact on the safety of the road'.

I would draw the LRB's attention to the development approved behind the Laird and Dog whereby the addition of some 8 new houses accessing/egressing at a dangerous corner on the busy main road, with difficult sightlines, was agreed by Highways and planning approval granted. The situation at Church Road/ Green Lane is deminimis by comparison

and is in my view no reason whatsoever for refusal.

Yours sincerely
Iain Eason

Sent from Mail for Windows 10

Esk Tower
Green Lane, Lasswade
Midlothian EH18 1HE

Mr Peter Arnsdorf
Planning Manager
Midlothian council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZN

04 January 2020

CORPORATE RESOURCES		
FILE:	19	00610 DPP
RECEIVED	08 JAN 2020	
MAC		

Dear Mr Arnsdorf

Local Review Body: Planning Application Ref 19/00610/DPP - Erection of dwellinghouse and associated works at Land South East of Orchard House Green Lane, Lasswade

Thank you for your letter of 12 December 2019.

With reference to the above Planning Application, I would like to confirm I stand by all my previous objections to this development in Green Lane, as stated in my original response.

Further, I have also signed the joint, detailed letter of objection from the Residents of Green Lane.

I am aware that there is a comparison being made between this proposed development on a heavily wooded site in a Conservation Area and the allowed development on the site near Pinocchio's Nursery in the village of Lasswade. This latter site was covered in Japanese knot weed and other scrub and weeds and generally a bit of an eyesore in the village and my observation would be that an appropriate house and garden there would only enhance the village and its surroundings. In contrast, this proposed development in Green Lane has already seen the removal of many mature trees (both here and on the previous development site of Orchard House by the same applicants) and the opening up of a wooded area. This has caused the destruction of wildlife habitat and a huge change of view for both residents of Barony House and Dunesk Lodge. I can only think that, if this development is allowed to go ahead, further trees would need to be felled and habitat destructed to make the currently very dangerous access and exit to the site truly viable. Also I am not aware of there ever having been vehicular access to any part of Barony House (of which this site is part of the original garden and grounds) off Green Lane. A small gate was made in the perimeter fencing a couple of years ago and now an access has been put in place which would be wide enough for

vehicular traffic but in a most dangerous location. This opening does not give historical justification for access to the Secret Garden off Green Lane.

This little enclave, in what is becoming an encroaching suburbia, is surely worth keeping intact. To allow this development would open the door to several other applications in the Lane which, in my opinion, would be unsustainable from a traffic point of view not only in Green Lane but the already dangerous Church Road junction. Also the current fairly abundant wildlife would suffer greatly.

Please would the LRB uphold the original Planning Decision of 12 December 2019.

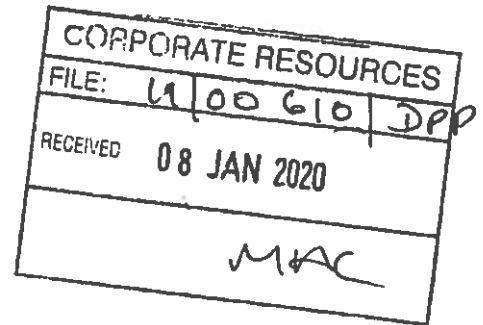
Yours sincerely

A large black rectangular redaction box covering the signature area.

Wendy J Macmillan (Mrs)

Mr. James Marshall
Mr. Vincent Quercio
Greenlees
Green Lane
Lasswade
EH18 1HE

Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Planning Department
Fairfield House
Lothian Road
Dalkieth
EH22 3ZN



5 January 2020

Dear Peter,

Review Body: Planning Application Ref 19/00610/DPP. Erection of dwellinghouse and associated works at Land South East of Orchard House, Green Lane Lasswade.

We are in receipt of your letter dated December 12, 2019 regarding the rejection of the above referenced application by Duncan Robertson on September 12, 2019. We support the rejection of this application.

1. ENV1 is very specific regarding the furtherance of an established Green Belt activity in order to gain approval. This development is obviously not eligible for approval based on ENV1.

2. Green Lane is unable to support additional traffic and the traffic study substantiates this. Both Green Lane and Church Lane are unable to accommodate two-way traffic and there are no pedestrian facilities whatsoever. Any additional development, will certainly impact safety. Construction traffic should also be considered.
3. After examining the applicants Review Statement we fail to understand why the rejection would be overturned. The Review Statement makes reference that this application should be exempt from Green Belt policies. Green Belt policies are in place for a reason. The Review Statement also makes reference regarding case officer engagement or lack thereof. Having utilized a professional planning firm, I find it astounding that the firm or applicant did not engage the planner as needed. Trying to discredit the planner is ridiculous. The planners that Midlothian employs are professional and their decision should be adhered to.
4. DEV9, ENV6, ENV11, ENV16, ENV19 and ENV23 all support the rejection of this application one way or another.
5. The tree felling on this plot was supposedly intended to preserve the woodland and not to decimate it. It is now a grassy barren building plot. The approval for the tree removal on this plot needs to be looked into by the Council. The photos provided with the Review Statement perhaps should have been taken prior to the decimation of the woodlands.

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6. The report issued by TPL was funded by the applicant and should be struck. The Traffic Study provided by the Council is impartial and to weigh any decision on anything else is absurd. Why did TPL not provide not provide photos of the Church Lane/Green Lane corner with their Review Statement? TPL also states that Green Lane is unable to support construction traffic without alterations. This alone would further impact and help to destroy this amazing place.

7. This plot never had access. The applicants simply cut a hole in the fence, installed a gate and eliminated a piece of the embankment.
8. The impact this development will have on Barony House will be significant. Barony House is of such historical significance, development should not be allowed. Orchard House was allowed years ago and need I say more.
9. There is not one resident of Green Lane that supports this application. Letters of support are coming from individuals as far away as Inverness but none have been generated from Green Lane residents.

If this development is allowed, it will open the floodgates for even more development on Green Lane and will destroy what Green Belt and Conservation policies are intended to protect. This area is unique! We urge the Midlothian LRB to reject this appeal as an approval would simply be making a mockery.

Regards

Vincent Quercio

James Marshall

From: [REDACTED]
To: Peter Arnsdorf
Subject: LRB Ref: 19/00610/DPP
Date: 04 January 2020 11:44:42

Dear Peter

Local Review Body: Planning Application Ref 19/00610/DPP - Erection of dwellinghouse and associated works at Land South East of Orchard House, Green Lane, Lasswade.

Thank you for your letter of 12 December 2019. This is to restate our objection and to support the decision made by Duncan Robertson on 12 September 2019 to reject the application. We agree with the reasons set out in that rejection notice:

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.

The proposed development has potential for overlooking between the proposed house and the garden ground Barony House, to the 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.

Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application

This is consistent with the previous decision made to refuse Coppertop (17/00782/DPP). It is appropriate that the reasons for that refusal should further apply here, namely;

It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017.

Church Road is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application.

Were the Local Review Body (the "LRB") to overturn the decision they would also be going against the decision to refuse Coppertop and that would be re-submitted as would

other new plans for development in this area.

We have read the applicants Review Statement and note that there is nothing new raised in that document that would merit the rejection to be overturned. The applicant contends that this application should be exempt from Green Belt policy, we disagree and can find no reason for this to be reconsidered. The plot is right at the heart of the area's Green Belt. It is not erroneously caught in Green Belt due to a "blanket designation" - this is not how Green Belt works.

The Review Statement makes several references to there being no engagement from the case officer during the application process. There is no requirement for such engagement and this is not a valid reason to reconsider the application. Midlothian Council offers a Pre Application Advice Service which the applicant was at liberty to utilise but to the best of our knowledge did not.

The Review Statement acknowledges that the application does not adhere to policy ENV1 which was one of the reasons why the application was rejected.

We request that the LRB concur with this and further consider the following policies in its determination: DEV9, ENV6, ENV11, ENV16, ENV19, ENV23. Application of these policies support the decision to reject the application.

Given that the plot forms part of the original grounds of Barony House we request that the LRB also consult with Historic Environment Scotland on the appeal.

It is not sufficient to say that the design is low key or "fits into the landscape"; this is a subjective statement. The fact remains this is a modern new development in a well preserved conservation area of predominantly historic character houses and green spaces.

Approving the application would result in coalescence of modern design (it is right next to Orchard House) which is inconsistent with the vernacular. It would open the door to transforming this conservation area with its historic and famous buildings into a modern suburb.

It is likely to detract materially from the existing character and appearance of the Lasswade and Kevock Conservation Area, of which the scheme area is a part. Therefore the proposal also fails policies DEV2 and DEV6 part A (which means it must also fail policy ENV16).

The Review Statement asks the LRB to look at the application afresh and "not be hamstrung by policies". We trust that policies will be appropriately applied.

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The photos in the Review Statement are misleading. They show images of a plot that appears contemporary, flat and ready for development. This scheme plot was until very recently a beautiful woodland area with thousands of daffodils in Spring as it was originally part of the market garden of Barony House. A recent tree removal that was approved appears to have been liberally applied to fell a large amount of native woodland from this area. It has then been levelled and grassed. This area should be restored with native trees. The tree felling approval was misapplied and was never meant to permit a levelling of the space. This needs to be reviewed by the Council.

We live in Barony House, a precious Grade 1 listed property carefully looked after with oversight from the Planning Department. To quote another objector from the original application, the scheme "is located within the historic curtilage of the building's policies

and is visible from the garden ground, it will therefore will have an adverse visual effect on the immediate locality. The proposed building's scale, design and materials are not in keeping with nor do they reflect the architectural design of other properties in the area."

We further support the planning department's rejection of the application due to its overlooking Grade 1 listed Barony House. As we noted in our original comments:

The plot and the principal elevation of the proposed development are and will be visible from within Category A listed Barony House and from the gardens.

The plot can be seen from the rooms used by Sir Walter Scott in the original thatched part of Barony House built in the 1780s, for example. Furthermore, the Lime Tree avenue mentioned does not provide a screen to the plot, particularly in winter.

Barony House will be exposed to the new house as the plot forms a part of the historic garden of Barony House. A large amount of healthy trees have sadly been destroyed on this plot, adding to the exposure.

We are unable to submit photographs on this forum but send an open invitation to the Planning Department and Historic Environment Scotland to visit Barony House at their convenience to confirm the above.

Some of the letters of support to the original scheme appear to have been written by the applicant for others to submit, the LRB should carefully review these and put them into context against the 22 objection letters most of whom are from people who live here.

Turning to the report from Transport Planning Ltd (TPL) written by Mr Kenny Fearnside; this has been paid for by the applicant and is not an independent analysis. It should not overturn the original points made by the Policy and Road Safety dept about Green Lane in this application and Church Rd in 17/00782/DPP.

Green Lane was originally built for horse-drawn access to the rear of Barony House for the Gardner for his cottage and to the stables. This is acknowledged by the applicants and the TPL report. It was not designed for multi-vehicular access. It is not suitable for construction traffic. TPL agree that the lane would need to be heavily altered to permit this. The LRB must therefore consider that the applicant is seeking to build a house on greenfield land *and* also construct a new road in a conservation area.

Once this has been done this will open up the surrounding area to further development. Applicants will site this application as precedent. There are up to 7-10 plots of similar size within a short area that could turn this historic conservation area into a new development suburb.

TPL's analysis confirms that Green Lane forms a part of the historic story of Grade 1 listed Barony House and we once more request that the LRB consult with Historic Environment Scotland about the development and the construction of a new road.

Rather astonishingly, TPL argue that the lack of accidents on the road in the last five years is a justification to widen it, allow access to heavy duty construction traffic, set a precedent for increased vehicular access, and provide a road for further development of Green Lane and Church Road.

TPL does not address the issue of safety and access concerns caused by construction

traffic.

Mr Kenny has subsequently left TPL. He is a member of Living Streets which is a charity that promotes walking. It is hard to think that Living Streets would condone converting Green Lane into a road that provides for construction access, multi-vehicle access, using arguments like a lack of accidents to open up roads to cars and construction equipment, and opening up the Conservation area generally to more traffic and more development.

The photos that TPL have used are also misleading. The access areas shown are in fact private driveways for local residents. They have also not provided photographs of the very tight corner from Church Rd which is already dangerous and next to an electricity sub-station unit.

TPL's report is questionable and should be set aside - it provides no new planning considerations.

In summary, the applicant has presented no new material planning considerations to suggest that the refusal should be overturned.

We have always got on well with Mr and Mrs Brown and appreciate their desire to stay in the local area. However, there are homes that regularly come up for sale here and there is no reason that the applicants should have a special exemption to the Green Belt policy which is very clearly applicable as agreed by all parties.

We, like other residents in this historic area, recognise that we have a duty of trust to hand this area on to the next generation and leave it in at least as good condition as we found it. Living here has its costs - we have poor broadband, poorly maintained roads and we spend our own money taking care of the buildings and precious green space. We are pleased that the planning department recognised the importance of this special area and urge the LRB to do the same.

There are almost a thousand new homes being built within a two mile radius of this small precious green space. With so much new housing within a very short distance, the LRB should reflect on whether there really is any need to contravene Green Belt policy, the advice of the Policy & Road Safety dept, a significant majority of nearby residents, the Lasswade District Civic Society and its own Planning Department.

Page 98 of 194

Kind regards,

Steve and Jill Davies

Barony House, Lasswade

Peter Arnsdorf,
Planning Manager,
Midlothian Council,
Fairfield House,
8 Lothian Road,
Dalkeith.EH22 3ZN

Dear sir,

Having lived in this area for more than 30 years, I would again like to object to this application. Green Lane is not council maintained, and is an unlit, single width road. The junction with Church Road is particularly difficult, and at certain times of day cars are often maneuvering into the head of Green Lane to let others past as it is local 'rat run' from Loanhead. There have been many near misses and accidents between neighbours (and postman) and there are often walkers, dogs, and wheelchair users from the nursing home in Kevock to watch out for too.

The area is in the grounds of the historic Barony House, where it used to be a wood land garden full of spring bulbs and attractive trees. Over the past years there has been constant cutting, resulting in a mature avenue of lime trees disappearing and large lime, beech and maple trees have been systematically cut down, and this in a conservation area! More recently, 'woodland management' has resulted in an area being clear-felled and levelled to create a 'site', in advance of planning being granted! Barony House was originally built for one family, and it has already been carved up to create three properties within the policies.

In the past 32 years there has never been any access into the applicant's plot from Green Lane, it was only through Barony House. A small gate was created last year, on a blind corner, having first removed a huge mature tree from the route and four small cherry trees from the bank on the bend.

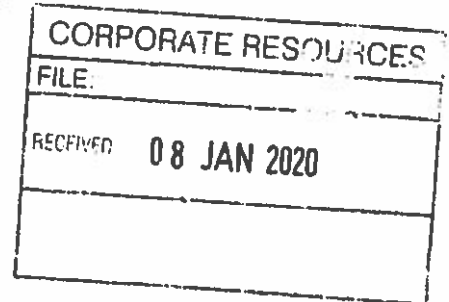
The proposed site is in the green belt (ENV1) and conservation area (ENV19) and as such, should be protected. It is a much used natural wildlife corridor for the Esk river valley. If the green belt is allowed to be eroded in this way, we will lose these incredibly important areas for future generations.

I strongly urge that for these reasons this application is refused.

Yours faithfully

Heather Long

**Dunesk Lodge
Green Lane
LASSWADE
Midlothian
EH18 1HB**



Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Fairfield House
8 Lothian Road
DALKEITH
EH22 3ZN

Dear Sir:

Application Reference Number 19/00610/DPP

I stand by the objections I made in the first instance, the main reason being that this site represents Green Belt and Conservation and I always thought that conservation meant conserve. This is what makes this area unique and bearing in mind the narrowness of the lane, was never intended to be built up.

In the Application there are many reference to the access to this site. I presume that when Mr Brown sold the previous properties he did not retain the original access, and would ask why he did not. I had not understood that one could just cut a hole in a fence, gradually enlarge it and treat this as an access, especially a couple of yards from a 90 degree bend. I live adjacent to this and I can tell you that for a single lane there is a fair amount of traffic and I have seen a few 'near misses'. I therefore think the so-called access is in a dangerous position.

Also the plan for this building is certainly not in keeping with this residential area and I think looks like an extended bus shelter. Because of Mr Brown we have already been left with a building which I think is entirely out of character with the area, and indeed is an eyesore.

I should also like an explanation as to why, when this application has been turned down by qualified Planners and the Highways department, it is even being considered.

Finally, looking at the website I find it unusual that all the supporters for this plan live in Kevock Road and socialise with the Browns. I would not think it appropriate for them

to have views as they do not live in Green Lane, nor do their properties adjoin it and so this proposal will not affect them in any way.



Marjorie M Liston (Mrs)

From: [REDACTED]
To: Peter Arnsdorf
Subject: Planning Application Ref 19/00610/DPP - Appeal to LRB
Date: 07 January 2020 12:53:26

Dear Mr Arnsdorf

Thank you for your notice of appeal to the LRB. I write on behalf of the committee of Lasswade District Civil Society.

We continue to object to this proposal as the essential points raised in our initial objection have not been addressed.

Dealing with traffic first, there is some new information from the applicants about alterations to Green Lane and its intersection with Church Road. It is suggested that this reason for refusal is 'incompetent'. However this new information does not address the issue of traffic on Church Road. The applicant's correspondent has put forward their views on, and interpretation of, some guidance documents relating to traffic on rural roads and noted their lack of specificity. They have interpreted this as being permissive. Our view as local residents is that, given the lack of specificity, members' reports of unsafe situations on Church Road, where traffic and pedestrians share the carriageway, means ANY increase in traffic is unwarranted. The planning committee has previously accepted this as a material issue in application 17/00782/DPP at Coppertop, an application to build a single house, where the increase in traffic on Church Road was deemed relevant in refusing permission, making this reason for refusal, quite clearly, competent. As their document does not address this issue at all, it is unclear how 'engagement' with planning officials would have resolved this.

The issue of precedent arises again in the supporting document from the applicant's agent. They are anxious to use an example of where permission to build on Green Belt has been granted in the past. The planning application at Coppertop also shows it has been refused in the recent past. A particular quote from the Local Review Body's conclusion about School Green is presented -

"The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt"

Herein lies the essential weakness of this aspect of their case. It is the siting of this development that is clearly much different. The refused development at Coppertop is much closer to this development and the Coppertop site is much more like this one, being surrounded by Green Belt land. In contrast the development on School Brae was on the edge of the Green Belt and on agricultural land, which the committee accepts is of less natural heritage value. Again no evidence of a change in situation is given to back up the agent's opinion that this plot should not be classified as Green Belt, it is simply one opinion from a party who has a clear conflict of interest. With the approach of Edinburgh being all too obvious, and the built boundary of Edinburgh soon to be just one kilometre away from this site, this land clearly does serve the function of Green Belt, both

the purpose of clear delineation of communities and preserving a balance between the built and natural heritage environment.

The 'holistic view' by the LRB, sought by the applicant, would be that permitting this development crosses a line with an end result of Green Belt being covered over by individual developments. Therefore, it should be refused.

Yours sincerely, Keith Chapman

Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Planning Department
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

CORPORATE RESOURCES	
FILE:	
RECEIVED	08 JAN 2020

3 January 2020

Dear Mr Arnsdorf

Green Lane residents' response to the developers' appeal

Re: Planning Application Ref 19/00610/DPP – Erection of dwelling house and associated works at Land South East of Orchard House, Green Lane, Lasswade

With reference to our previous objections to the proposed development in Green Lane, Lasswade, we would like to state collectively that we still object to this development and that the appeal has no validity. All the points raised by objectors remain unanswered.

Vehicle Traffic

No solution has been presented to address the issue of increased traffic. As stated previously, Green Lane is a narrow country lane with no street lighting. Cars cannot easily pass each other and there have already been collisions and near misses, though unreported. Refuse collection vehicles and commercial vehicles are also a factor requiring additional care. Egress from Green Lane to Church Road is extremely hazardous and made worse by commuters using Church Road as a 'rat run'. Ingress into Green Lane is also sometimes a challenge, with cars reversing to and fro to allow the exiting car room to access Church Road. To make matters worse, the proposed development's entrance onto Green Lane is also on a blind corner. There has never been a vehicular access to this plot in Green Lane and with good reason.

Access to proposed development from Green Lane.

In a letter from Mr Kenny Fearnside, Transport Planning Ltd, under Notice of Review:

(form & supporting documents 3rd from bottom of list)

Development Proposals

'It is our understanding from the information provided that the proposal is for the potential

The application site and Green Lane are in the same ownership and have been owned together for over 250 years.

Vehicular access to the existing garden ground has therefore been available from Green Lane and Church Road throughout this time. The main access.... However, Green Lane and Church Road have historically provided unfettered access to the Gardeners Cottage and Stables (now demolished) as well as for garden maintenance etc. It is clear therefore that the proposed development site and the proposed construction of the single dwelling house would result in no additional access to Green Lane

nor additional traffic on Church Road as there is a long established right of access. For clarity neither Barony House nor Orchard House have access rights onto Green Lane as all verges thereto are in the ownership of the applicants'.

This is of course, inaccurate. The developers only purchased their part of the lane from Penicuik Estates in 1990s and the available ordinance survey sheets show no access until 1909, where a plan attached, shows a footpath between Barony House and the corner of Green Lane accessing what appears to be a stable block. **This pedestrian access has only recently been re-established and no vehicular access was ever a part of the rear boundary to Barony House.**

Danger to other road users.

The danger to other road users has also been ignored. Dog walkers, children cycling, wheel chair traffic from Drummond Grange, horses with young riders from the local stables and pedestrians using the Braehead Footpath down to Lasswade village are also under threat from increased traffic.

Wildlife.

Nothing has been mentioned in the appeal regarding the impact this development will have on the local wildlife. Roe deer are a common sight in Green Lane and have been for many years. Owls, bats, squirrels, rabbits as well as foxes and buzzards are also seen on a regular basis. This area is a sanctuary for wildlife and this will disappear if more development takes place.

Drainage.

The impact that the proposed development will have on drainage in the Lane has not been addressed. There has been wholesale removal of trees already on the plot and the loss of 'soakaway' ground due to the proposed house and paving will no doubt put further strain on the solitary drain in that part of Green Lane. 'Urban Creep' is a major issue and causing serious problems with drainage throughout Scotland.

ENV1 and RD1

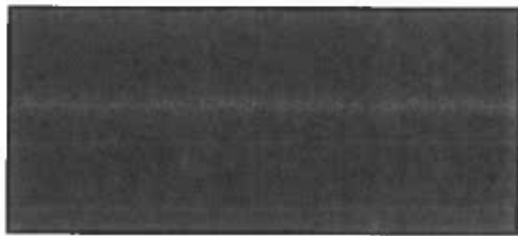
ENV1 and RD1 were created specifically to protect conservation areas and the Green Belt. The developers wish to circumvent both ENV1 and RD1. Both state quite clearly that no new housing may be built unless it is to provide living accommodation to people employed in rural activities. This building is not going to benefit anyone except the developers. This speculative development does not satisfy the criteria of ENV1 or RD1 in any way. This historic garden, once part of the home of Sir Walter Scott, has been divided up into building sites for the developers' financial benefit.

Page 105 of 194

One final point. We wish to draw your attention to the fact that no resident of Green Lane is in support of this development. We agree 100% with the Midlothian Planning Department that this application should be refused. All the letters supporting the application came from friends and family of the developers living as far away as Inverness, Aberdeen and the South of England. Make of this, what you will.

Yours Sincerely,

Signed by Residents of Green Lane, Lasswade, EH18 1HE as follows



P



D

Print



Print



Esk lower

Print



Print



Green Lane Cottage

Print



Print



West

Print



Print



9 Kevoek Road, Lasswade, EH18 1HT with gate on to Green Lane

Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Planning Department
Fairfield House
Lothian Road
Dalkieth
EH22 3ZN

2 January 2020

Dear Midlothian Planning,

We are writing about planning application 19/00610/DPP and the fact that the applicant has requested a review.

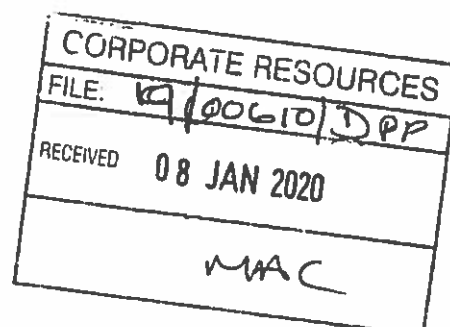
We stand by our objections previously submitted. This is a conservation and Green Belt area. The laws and policies are in place to protect special places like this. My wife Sheila and I have lived here for many years and realize what a treasure this area is.

We have read the application for review and it appears to contain a lot of nonsense intended to create smoke.

Please stand by your decision, enforce policy and the law and reject this review.

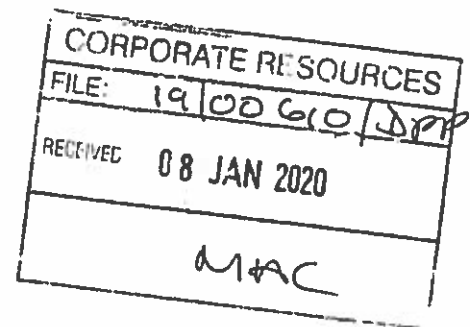
With kind regards,

Coli [REDACTED]
West Riding
Green Lane
Lasswade
EH18 1HE



Netherhouse
Green Lane
Lasswade
EH18 1HE

Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Planning Department
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN



5 January 2020

Dear Mr Arnsdorf

Green Lane residents' response to the developers' appeal

Re: Planning Application Ref 19/00610/DPP – Erection of dwelling house and associated works at Land South East of Orchard House, Green Lane, Lasswade

Further to your letter dated 12 December 2019 in connection with the above, after having read through the applicant's appeal documents, I find that none of my objections were addressed. There is nothing new in the Review Statement and I stand by my original objections to the proposed development.

Below was my original objection comment:

Comment submitted date: Wed 07 Aug 2019

I would like to object to this planning application.

This is a conservation area and it is also in the green belt. Under the guidelines, both ENV1 and ENV 19 prohibit the construction of dwellings unless they meet the exact requirements stated. This dwelling does not meet any of the criteria.

I would also like to mention that the woodland around Green Lane is the home to Roe Deer, Owls and many other species of birds. Building here will endanger their existence.

Caroline Donald.

Yours sincerely

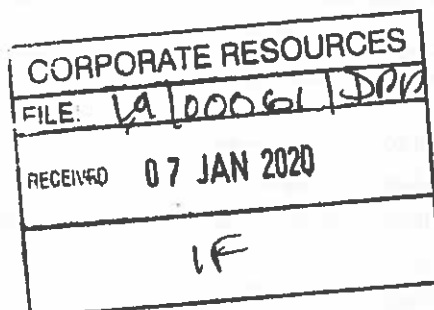
A black rectangular box redacting the signature of Caroline Donald.

Caroline Donald

ACKNOWLEDGED 07.01.2020

Laureldene,
9 Kevoek Road,
Lasswade,
Midlothian,
EH18 1HT

Mr. Peter Arnsdorf
Planning Manager,
Midlothian Council,
Fairfield House,
8 Lothian Road,
Dalkeith, EH22 3 ZN



4th January 2019.

Dear Mr Arnsdorf,

Local Review Body: Planning Application Ref 19/0061/DPP- Erection of dwellinghouse and associated works at Land to South East of Orchard House, Green Lane, Lasswade.

Thank you for your letter of 12th December regarding the above planning application and its referral for reconsideration to the Local Review Body on 18th February 2020.

Although I live in Kevoek Road, I have an access from the rear of my property onto Green Lane and frequently walk the Lane and so I am well acquainted with the site in question. As you stated in your letter, my original representation, which was a material consideration in the determination of the Planning Application, will be taken into account by the Local Review Body. However, I would like to take this opportunity to add some further comments, which I have based upon the various reports and statements submitted as part of the Review. The planning proposals put forward in the Superseded LRB Review Statement, do not appear to be significantly changed or amended from the original proposals and therefore still do not comply with several important Midlothian Council Development Plan Policies and Guidance, namely :

ENV1 Protection of the Green Belt

This policy states that '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.' The applicants have still not shown that the proposed house is required for the furtherance of an established Green Belt activity or that the need for the new dwelling is permanent and cannot be met within an existing settlement and that the occupier will be employed full-time in the associated countryside activity. The applicants live in Kevoek Road and do not work in any field related to a Green Belt activity. Their needs are already being met within 'an existing settlement' and potentially in the many new properties being built in the local area. So it could be argued that in compliance with this policy, there is no need for a further dwelling house in Green Lane.

ENV6 Special Landscape Areas

The proposal lies within the North Esk Special Landscape Area. I would suggest that constant infilling of garden ground within the Green Belt areas of this SLA erodes the very nature and essence of these special areas. The applicant's agent continually markets the proposals as a unique dwelling

house, which belies the fact that the majority of modern homes are now built to very high BREEAM Standards, it is the significant adverse effect on the special landscape qualities of this area, and Green Lane in particular, which are the important factor in this proposal.

The North Esk SLA is characterized by *'the rich cultural interest of this landscape and its popularity for recreation.'* *The wooded setting this landscape provides to the historic settlements of Lasswade, Polton and Dalkeith. There is a continuity of recreational routes through much of the valley, such as the rounded valley shoulders that slope down to the river south-west of Lasswade'.*

Green lane is one such route, which links to other footpaths in the North Esk SLA. Its strong sense of naturalness and seclusion and the local scale of the Lane, will be totally undermined by a new modern glass and timber building. To state that this development will be invisible from Green Lane, and mould with the site contours, when the site ground levels are higher than the surface of the adjacent roadway, is ludicrous.

ENV7 Landscape Character

This policy states that *'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'*. This development does not respect the local landscape character and will have an adverse effect on the natural quality of Green Lane. The applicants have made no attempt to acknowledge or recognize the local landscape character, there is no mention of its importance and it is not recognized in any way, as a vital component of the house and garden design.

There is no indication in any supporting documents of a Landscape Plan covering the development of the site and its perimeter. When dealing with a site as sensitive as this one, landscape setting and design cannot just be left to pre-application discussions or to the imposition of planning conditions.

The new dwelling looks immediately onto Barony House, there is no information given regarding the treatment of this important boundary other than a questionable laurel hedge. There is no mention of a native screen hedge or native species being planted in keeping with the biodiversity and landscape character of the locality. This leads directly onto another important policy.

ENV11 Woodland, Trees and Hedges

Under this policy, *'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'*.

The trees in the Kevock area create a dense cover and form a strong, contained, landscape framework within which individual houses are set. Kevock and Green Lane have a generally rural feeling, this character derives largely from its heavily wooded setting. The trees, are a mixture of mature indigenous and exotic garden species, and everywhere provide a strong sense of enclosure. The Conservation Area Appraisal recognizes that *'High hedges, including some old holly hedges, are dominant in Church Road and Green Lane, where they bound the house plots and are an essential part of the informal "rural feel" of the area'*.

Many local wooded areas are of ancient or semi-natural origin and are a vital component, linking the wildlife corridors which form the North Esk Valley.

One such section of woodland is that which runs along Green Lane. Green Lane can be faintly seen on Roy's Lowland Maps of 1755 and the tree belt which bounds the development site along Green Lane appears as a wide belt of woodland planting on the first Ordinance Survey Map of Edinburghshire in 1854, clearly well established and probably planted in 1781 as the eastern boundary of Barony House. This woodland, which gives its name to Green Lane, has been an essential landscape element and green feature of the Lane for almost 250 years. It is without doubt a vital contributor to the Green Lane's character, amenity, nature conservation, biodiversity, landscape structure and most importantly historical value.

This stretch of woodland has been the subject of no less than 5 Planning Applications, which have since 2016 systematically removed a large percentage of the woodland, leaving it open and exposed to windthrow. No attempt has been made to replant any of the trees lost, which would be good arboricultural practice, particularly in a Conservation Area and with a woodland of such historical provenance. 2 woodland felling applications relate to the development of Orchard House and the 400 trees promised as replacement planting do not appear to have been planted. 3 applications for tree felling relate to the southern part of the woodland within the application site.

The most recent application 18/00335/WTT, which removed 35 trees, has as yet seen none of the promised restocking of the woodland belt. The agent's report in connection with this application stated that *'replacement planting is proposed with species such as Oak, Pine, Lime and Sorbus to reflect the original planting scheme. With the opening up of the canopy, under planting of appropriate woodland shrubs, as well as wild flowers such as Scottish Bluebells, Primula, snowdrops etc will also be undertaken'*. This has yet to take place. The application runs out on 14th June 2020.

As the Conservation Area Appraisal clearly states *..' If the wooded character of the area is to be maintained, the woodlands would benefit from a programme of woodland management and re-stocking.'*

ENV15 Species and Habitat Protection and Enhancement

This MDLP policy states *'development that would affect a species protected by European or UK law will not be permitted unless there is an overriding public need and there is no satisfactory alternative'*. There is a complete disregard in this application of any reference to local wildlife and its protection as a result of the proposed development. There is no mention in any of the applicant's supporting documentation of the importance of the site and adjacent woodland belt, on the local bat population, which is very evident in the area. A number of properties including my own, have colonies of visiting bats.

The applicant has not suggested undertaking a bat survey to assess the distribution of bats within the area or submitting 'A Species Protection Plan' based on survey results which, should also include details of the status of protected species on site and the possible adverse impact of this development. Suitable mitigation could also be proposed and agreed particularly when it comes to special bat lighting, which is so important in this area of low artificial lighting and no street lighting. This information would be helpful in assessing the proposals in more detail prior to any planning decision being taken.

ENV19 Conservation Areas

Lasswade and Kevoek Conservation Area was designated in 1990 and policy states that within or adjacent to conservation areas, *'development will not be permitted which would have any adverse effect on its character and appearance'*.

This proposed modern house could essentially be sited anywhere. It has a complete lack of regard to any materials used in the locality, which is generally stone built in traditional form, lodges, large scale dwellings and cottages. Traditional natural materials appropriate to the locality have not been used in the design. And whilst the design is clearly of its time, it does not respect its context. It could have been designed to use traditional materials in contemporary manner, or modern materials in historical form. Neither of these options has been taken and the 3D elevations of the proposals are very hard to interpret, with the building appearing squashed, elongated and out of scale.

In the selection of the site, the choice of materials and details of design, this proposal has ensured that the new building neither preserves nor enhances the character and appearance of the Conservation Area.

To quote from Midlothian Council's Lasswade and Kevoek Conservation Area Appraisal . *'It is widely accepted that the historic environment is important and that a high priority should be given to its conservation and sensitive management. This includes buildings and townscapes of historic or architectural interest, open spaces, historic gardens and designed landscapes,These contribute to the distinctive character of the urban and rural environment, are a valuable part of our heritage'*

Although Barony House is not on the HES Register of Designed Landscapes, it is a Garden of Historical Significance, and defined by Scotland's Garden and Landscape Heritage (formerly The Garden History Society) as being a garden of local importance. To see this landscape eroded further by yet another inappropriate house development is extremely disappointing.

The Lasswade and Kevoek Conservation Area Appraisal also states that *' Maintenance, repair and re-use of existing buildings is the preferred option to redevelopment, unless this can be demonstrated to bring substantial improvement to the conservation area. For alterations, extensions and new building, it is essential that the existing character of the hamlet is respected'*. I would strongly suggest that this proposal will not bring substantial improvement to the Conservation Area.

Barony House, built in 1781, an A listed historic house, is an important building and a unique example in Midlothian, of a part thatched 'cottage orne' and is famous for its literary associations throughout Scotland. It enjoyed an undisturbed setting for 220 years until in 2005 planning permission was granted for what is now Orchard House. Local residents had to put up with an ugly dark red metal structure for ten years until the house was fully constructed. The curtilage of this listed building has, since 2005 been consistently damaged. It is the cumulative effect of this type of inappropriate development which, although small in scale is leading to the erosion of the character and appearance of the area. This is so clearly demonstrated by the development of Orchard House which bares little resemblance in architectural style to any local building and has now set a dangerous precedent from which it is hard for the Conservation Area to recover. Orchard House has damaged Church Road irrevocably and this new proposal will do the same damage to Green Lane. I am also unclear and bemused as to why there is no accompanying statement from Historic Environment

Scotland, who are a statutory consultee in all matters pertaining to A listed buildings and their associated grounds.

Access to the Site and Road Safety

It should be pointed out that this site was formerly the southern part of the orchard and garden ground of Barony House and not '*a vacant area of land*' as described in the Review Statement. The site was an area of woodland with some shrubs and spring bulbs, much of which has been deliberately cleared and seeded to look like an area ripe for development.

With regard to the access onto Green Lane, there was a footpath noted on the Ordnance Survey maps from 1909 to 1947, thereafter it disappeared. Once Orchard house was constructed a pedestrian access gate appeared in the boundary fence line and just before the application in question was submitted, a field gate and extended access was constructed in preparation for the future development of the site. This is not an established vehicular access, the suggested long established access is only now pedestrian and has never been in constant use.

I note that the statement made in the report submitted by Kenny Fearnside, Transport Planning Ltd, is inaccurate :

....' Green Lane and Church Road have historically provided unfettered access to the Gardeners Cottage and Stables (now demolished) as well as for garden maintenance etc. It is clear therefore that the proposed development site and the proposed construction of the single dwelling house would result in no additional access to Green Lane nor additional traffic on Church Road as there is a long established right of access'.

This proposed development would most certainly add an additional access onto Green Lane and at the same time additional traffic of up to three cars as proposed in the Design and Access Statement. The verges may well be in *the ownership of the applicants*, however, permission to cross over them to form a vehicular access still requires permission from the Highways/Transport Department of Midlothian Council under The Roads Scotland Act 1984.

Green Lane is a single track, private road and unable to accommodate two-way traffic flow. There are real concerns over this proposal and local road safety issues. The proposed vehicular access is close to a blind bend on Green Lane, which means that there will be little visibility for any vehicles using the Lane. The lane is also unlit. The suggestion of creating passing places is simply not feasible without removal of hedges and encroachment onto neighbouring owned land. Some of the passing places suggested in the photographs accompanying the report, are private driveways, which cannot be relied upon as formal passing places.

The access from Green Lane onto Church Road is also hazardous because of restricted sightlines for drivers. Church Road is narrow and has sections which are unable to accommodate two-way traffic flow and has no separate pedestrian facilities. It is not a route capable of increased traffic flow and is already used as a short cut by many drivers travelling into Lasswade. Any further development in Green Lane would simply exacerbate this problem. These road safety issues alone warrant refusal of this application.

Provision of adequate Roadside Drainage

It is unclear from the supporting information how the driveway and parking area will be created and surfaced. Two parking spaces plus a third visitor space are proposed, these will also require a turning circle to facilitate egress from the property in forward gear. There will be the potential to create runoff onto Green Lane, which the applicants have not addressed in their statements. If the house is designed on eco-standards then all surfaces should be porous, this construction detail has not been made clear. The entrance drive way should also have a serviced bell mouth, to allow for passing traffic and for the correct visibility. This cannot be undertaken given the space available at this point in Green Lane.

The present appearance of private roads, lanes and paths in the Kevock/Green Lane area is predominantly rural and in keeping with the surrounding historic buildings and character of the Conservation Area. A new house with associated tarmac surfacing and concrete kerb stones will have an adverse impact on the visual amenity of Green Lane.

Barony House and its historic garden grounds, has over the past 15 years been systematically carved up for development by one property developer. An article in the Scotsman Newspaper in February 2005 reported on the ensuing row over the then owners of Barony House, (Mr. and Mrs. N. Brown) 'who want to build a modern house on part of the five-acre site in Lasswade, Midlothian. They want to construct an L-shaped house on the land in which to "downsize" when their children leave home. The new house will have a roof made of sedum, which will help it blend in with the area. "There are five acres of grounds and we are only looking at using a small corner of that." But the plans are opposed by Lasswade and District Civic Society, which believes it would "adversely affect the unique architectural character" of Barony House. The group also argued that granting planning approval would set a precedent for more houses to be built in the grounds.' Doesn't History always have a way of repeating itself !!

This proposal contributes nothing to the setting and character of Green Lane. It willfully detracts from the essence of the Conservation Area as a whole and from the A-listed Barony House, which is one of Midlothian's most important historic houses. The 'Secret Garden' as the applicants describe it should simply be left as that, a garden, and a use it has enjoyed since 1781 !

There is no justification for yet more development of this nature in Green Lane. The Superseded Review Statement provides no further useful information in support of the grant of consent for this proposal. I would therefore respectfully suggest that the Planning Decision made on 12th December should be upheld.

Yours sincerely

A large black rectangular box redacting the signature of Sarah Barron.

Sarah Barron BSc MPhil, CMLI.

ACKNOWLEDGED 07.01.2020

Laureldene,
9 Kevoek Road,
Lasswade,
Midlothian,
EH18 1HT

Mr. Peter Arnsdorf
Planning Manager,
Midlothian Council,
Fairfield House,
8 Lothian Road,
Dalkeith, EH22 3ZN

CORPORATE RESOURCES	
FILE.	19/00061/DMM
RECEIVED	07 JAN 2020
12	

4th January 2019.

Dear Mr Arnsdorf,

Local Review Body: Planning Application Ref 19/0061/DPP- Erection of dwellinghouse and associated works at Land to South East of Orchard House, Green Lane, Lasswade.

Thank you for your letter of 12th December regarding the above planning application and its referral for reconsideration to the Local Review Body on 18th February 2020.

Our property on Kevoek Road has a rear access onto Green Lane which I use regularly and as such I have legitimate concerns regarding this application. I would strongly request that the review body take recent and past history into account when considering this appeal.

ENV7 Landscape Character The applicants have previously damaged the character of the area initially carving up the grounds of B listed Barony House and subsequently initiating the languid construction of Orchard House an unattractive modern building totally and completely out of character with the area. The replanting of trees has never been carried out on this site despite this being a condition of the permission. It is of notable concern that history may repeat itself.

Access & Road Safety You will be aware that access and road safety is a major issue and contrary to claims the access is not and never has been an established vehicular access on this particular boundary. The suggestion of creating passing places on Green Lane is unrealistic without causing further damage to vegetation & the nature of the lane **ENV11 Woodland, Trees and Hedges**

ENV15 Species and Habitat Protection and Enhancement

There is a complete disregard in this application of any reference to local wildlife and its protection as a result of the proposed development.

The area of the proposed development is recognised as a Conservation area, one of considerable historic interest, and it is of great concern that the approval of this application will set a precedent and act as a catalyst not only for the reopening of the previously declined development at Coppertop but also further development on Green Lane, all of which would undermine **ENV1 Protection of the Green Belt**. Such development would only serve to call for further tree felling all of which is contrary to policy ENV 11.

Yours sincerely



[REDACTED]
Sent: 16 December 2019 11:31

To: Peter Arnsdorf <Peter.Arnisdorf@midlothian.gov.uk>

Subject: LRB Ref 19/00610/DPP

Dear Sirs,

Further to the application to erect a dwelling house south east of Orchard House Green Land, Lasswade we still have the same reasons for opposing this application.

Should the applicant or the Council provided the necessary funding to make sure the roads, infrastructure and maintenance of the area and amenity is properly funded then we would reconsider the objection. If planning is granted a specific local order should be made to ensure this work is completed.

In addition to the previous points it is of note that the area is large and the owner is now requesting a second house having sold the first Orchard House presumably for profit. This plot would still leave room as a serial plot at a later date simply compounding the problems a lack of resources causes.

The Scottish Government has only recently confirmed by letter and email that the area will not be provided with a fibre connection so not only will any additional houses reduce the already very poor telephone based broadband but the quality of phone connections using the historic cabling system continue to deteriorate.

The roads are growing more congested with the traffic from existing Green Lane homes and businesses, eg B&B etc, making the likely hood of a serious accident at the blind junction high. More new houses will compound the problem further unless action is taken. Indeed the number of times a reversing manoeuvre is now required due to the greater ingress and egress of the traffic is considerable. In the winter when the roads are not fully illuminated the down hill junction becomes slippery plus it is a blind corner creating yet further risk. Today traffic was unable to pass over Church Road due to ice, Church Road is a AM and PM rat run resulting in the road being closed. The new building or buildings would increasing the traffic and for safety would require suitable gritting and maintenance.

There is no footpath on either road so the road width is reduced by pedestrians, pets, cyclists and horses often in pairs, creating major hazards.

The applicant owns the private road Green Lane that leads to Church Lane so could have put in place or planned suitable processes to alleviate many of these concerns. There has been plenty of opportunity to alleviate the problems the second house will cause but no consideration is made.

A full in depth review by Midlothian will highlight the many numerous reasons why this application should be rejected.

Regards

V Williamson

—

Vernon M Williamson

Mr Peter Arnsdorf
Planning Manager
Midlothian Council
Planning Department
Fairfield House
Lothian Road
Dalkieth
EH22 3ZN

3 January 2020

CORPORATE RESOURCES	
FILE:	✓ 19/00610/DPP
RECEIVED	08 JAN 2020
MAC	

Dear Mr Arnsdorf,

The Planning Application Ref 19/00610/DPP Appeal and Review Statement

I would like to make the following points to address the misleading nature of this appeal.

1. **APT Planning and Development**, who prepared the Review Statement on behalf of Mr and Mrs Brown, state that ENV1 and associated Green Belt policies should just be ignored in this case. They feel that policies which have been carefully introduced by Midlothian Council to protect the Green Belt should not apply to the proposed development. They might like to read Midlothian Local Development Plan 2017, paying special attention to Sections 5.1.1 to 5.1.5, where a full explanation of ENV1 is clearly stated. It is perfectly clear that this development does not conform to ENV1 and certainly does not 'warrant an exception being made'.
2. The appeal site was a beautiful orchard with a large number of mature trees (described as 'vacant' by APT) which has now been 'flattened' to accommodate the proposed development. Please see **enclosed photographs**, the Google Earth image showing the plot prior to the tree felling and clearly, **no access road**. The other photograph was taken while the tree felling was in progress and prior to the 'earth flattening'. Compare with the photograph, taken from a similar angle, in the Review Statement. Wholesale destruction of mature trees and earth moving has already happened in the applicants' assumption of achieving planning permission. The proposed dwelling will be clearly visible from the road and will be detrimental to Green Lane. Any re-planting will take generations to recover the woodland already lost, leaving a geometric, box-shaped structure in plain sight.
3. The criticism by APT, Mr and Mrs Browns' consultants, of the Planning Department is rather strange. A proactive approach, on their part would seem to have been the correct method of communication.
4. In the appeal APT consultants state that:

'the site at Green Lane already benefits from existing access bringing in vehicles from the south end of the site.'

This is incorrect. Historically and through personal experience as a resident of Green Lane for over 30 years, there has never been vehicular access to the proposed site from Green Lane. Vehicular access has only been possible since the trees bordering the plot were cut down a few months ago with pedestrian access via a small gate also a recent addition. The entire report from **Transport Planning Ltd** commissioned by Mr and Mrs Brown is misleading and should be ignored.

This recently added access to the site is on a blind corner and poses a hazard to motor vehicles and pedestrians alike. It will not create **'a safe and pleasant environment.'**

5. The appeal makes mention of Orchard House, situated within the grounds of Barony House, which Mr and Mrs Brown started to build but unfortunately left as a metal structure and an eyesore for a number of years. It cannot in all honesty be described as an improvement to the area around Barony House. In fact, just the opposite, with the general opinion, that it jars with the cottage and main house.

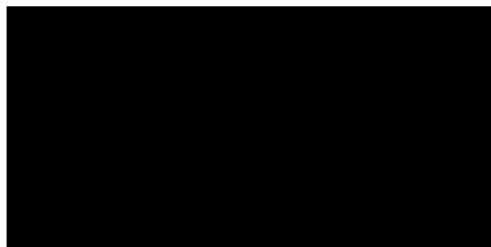
6. APT admits that the developers **'cannot justify the proposals in line with ENV1.'** Describing the position of the proposed development as 'an anomaly' in the Green Belt is quite ridiculous. The site is within the Green Belt and in an area of natural beauty. Green Lane is an oasis of woodland connected to the Esk Valley and a sanctuary for wildlife. This area is under threat from over development and must be protected under the MLDP, adopted by Midlothian Council in November, 2017. Otherwise, what is the point of the MLDP?

7. Mr and Mrs Browns' Review Statement, prepared by their consultants APT, has not addressed any of the large number of objections. In fact, some of the content seems to support the position of the objectors, quoting the **South East Scotland Strategic Plan**, for instance. The Review Statement is full of incorrect information, vague assertions and misleading statements and must be considered as flawed.

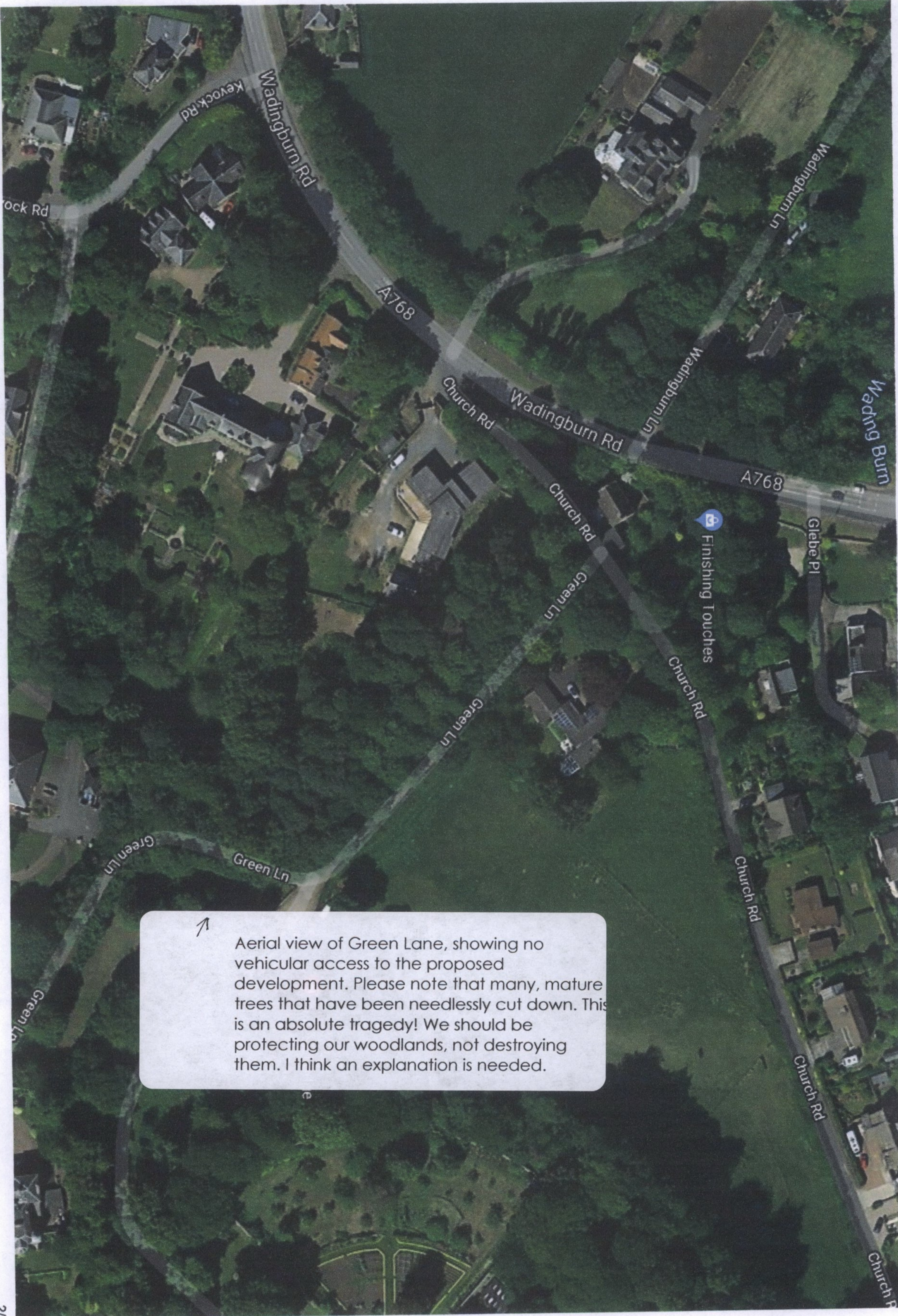
Sadly, I don't have the benefit of professional consultants and therefore I hope that the points raised in my reply to the APT's Review Statement are clear and relevant. If not, please feel free to contact me.

Yours sincerely,

Steven Donald
Nether House
Green Lane
Lasswade
EH18 1HE







Aerial view of Green Lane, showing no vehicular access to the proposed development. Please note that many, mature trees that have been needlessly cut down. This is an absolute tragedy! We should be protecting our woodlands, not destroying them. I think an explanation is needed.

ACKNOWLEDGED

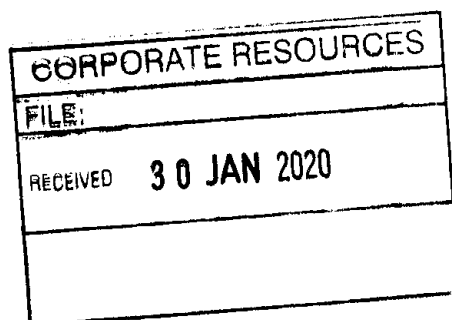
30.01.2020

Professor & Mrs. D.E Sugden

7A Mavisbank Grange, Loanhead, EH20 9SZ

Mr.P Arnsdorf
Planning Manager
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZN

26 January 2020



Dear Mr Arnsdorf,

Application Reference Number 19/00610/DPP.

The above planning application has just come to my attention and having lived in Kevock Road for 26 years I wish to lodge my objection to this application on the following grounds:

The new house contravenes the Midlothian Local Development Plan (2017), Policy ENV1: **Protection of the Green Belt**, which states that 'Housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity. The applicant will be required to show the need for the new dwelling is permanent and cannot be met within an existing settlement.' This policy has already been used by the Council to refuse other recent local development applications. This application is also in contravention of ENV19: **Conservation Area Policy**, which clearly states that 'Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance'. In the selection of site, scale, choice of materials and design, new buildings, must preserve or enhance the character and appearance of the Conservation Area. In my opinion the siting of the new house is **detrimental to the adjacent Grade A Listed building**, (Barony House), as it is located within the historic curtilage of the building's policies and is visible from the garden ground, it will therefore will have an adverse visual effect on the immediate locality. The proposed building's scale, design and materials are not in keeping with nor do they reflect the architectural design of other properties in the area. The applicant has already removed a considerable number of trees in anticipation of development going ahead, which is in direct infringement of policy ENV11 and there is nothing to stop the further **felling of trees** on this site and along its boundary. **Access** and egress from the new house will be in conflict with the existing road pattern in the area which is rural in nature, single track and is close to reaching its vehicular capacity. The local junction with Church Lane is now a matter of concern to local drivers. In my opinion this application is inappropriate for the locality and should be **refused** on the above grounds.

Yours faithfully,



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

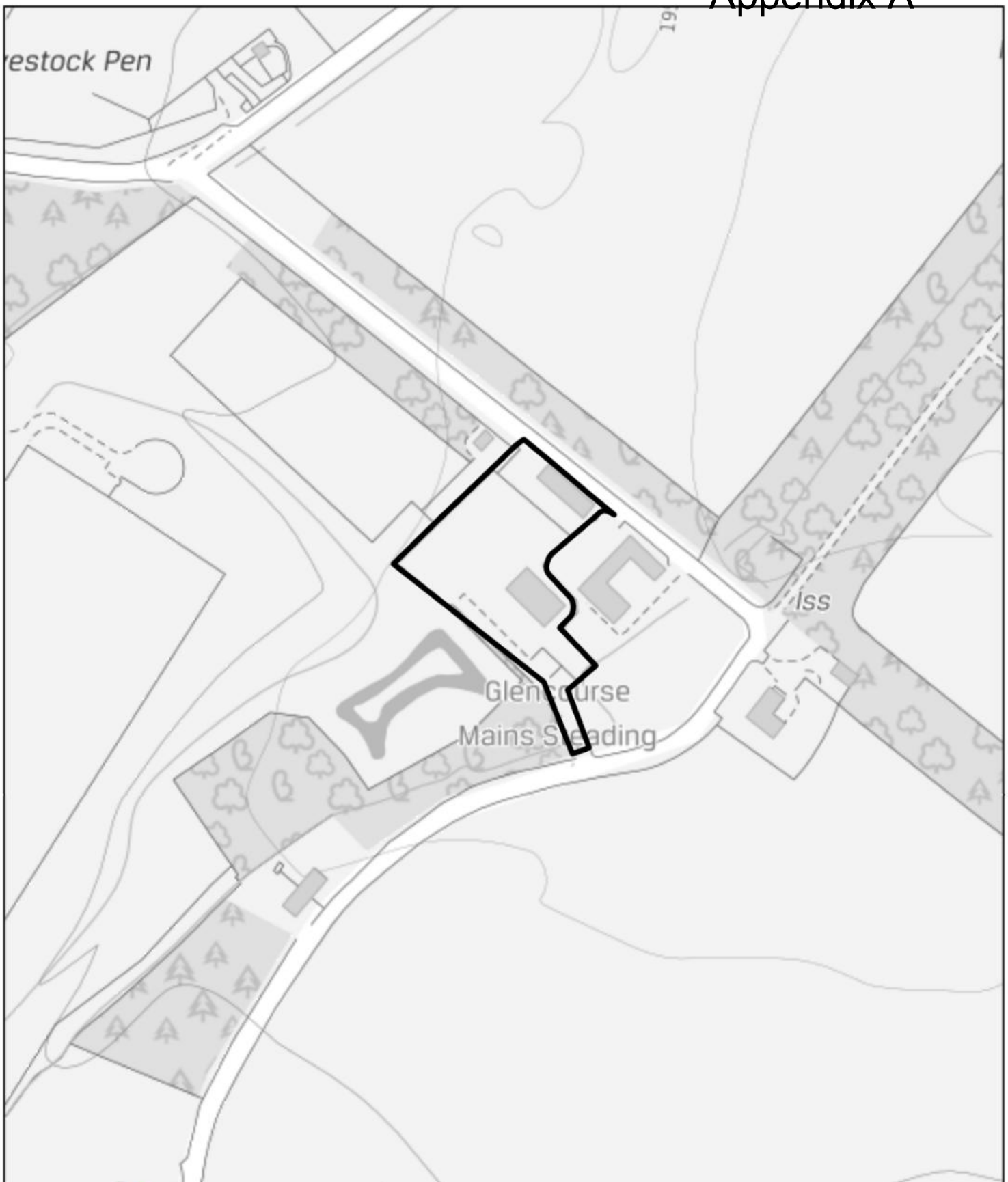
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

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

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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
--	-------------

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



Page 130 of 194

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 to alleviate the perceived privacy issues. Further dimensions have been added to the plan to show how the 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.

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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

.....
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

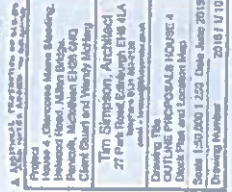
STANDING ADVICE - DEVELOPMENT LOW RISK AREA

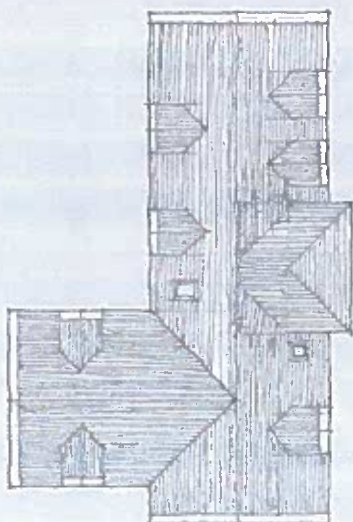
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

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

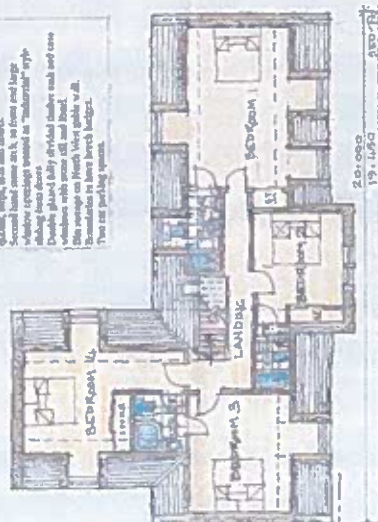
This Standing Advice is valid from 1st January 2019 until 31st December 2020





ROOF PLAN

Door black shut to roof, with lead water galls.
Double glazed, West roof windows.
Some stairs to public roof and some fenced walk-
down between buildings with hanging stone to climb.
Aluminium half round gutters & downpipes.
Voids, exposed cables, between ground floor
garden, steps, walls and fence.
Second hand stone arch, so front and large
wherever (travellers pointed to "industrial" style
during last tour)
Double glazed fully divided timber and metal case
windows with stone sill and board.
East wing on North West gable of all.
Transoms to have brick barge.
Do not see participation.



FIRST FLOOR PLAN



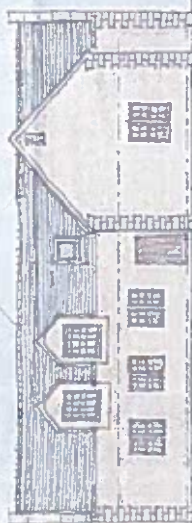
GROUND FLOOR PLAN



NORTH ELEVATION



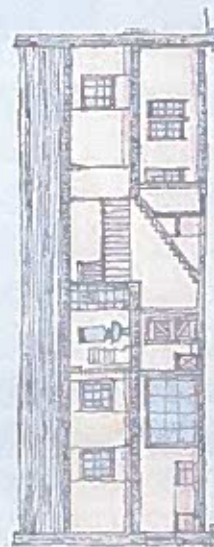
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

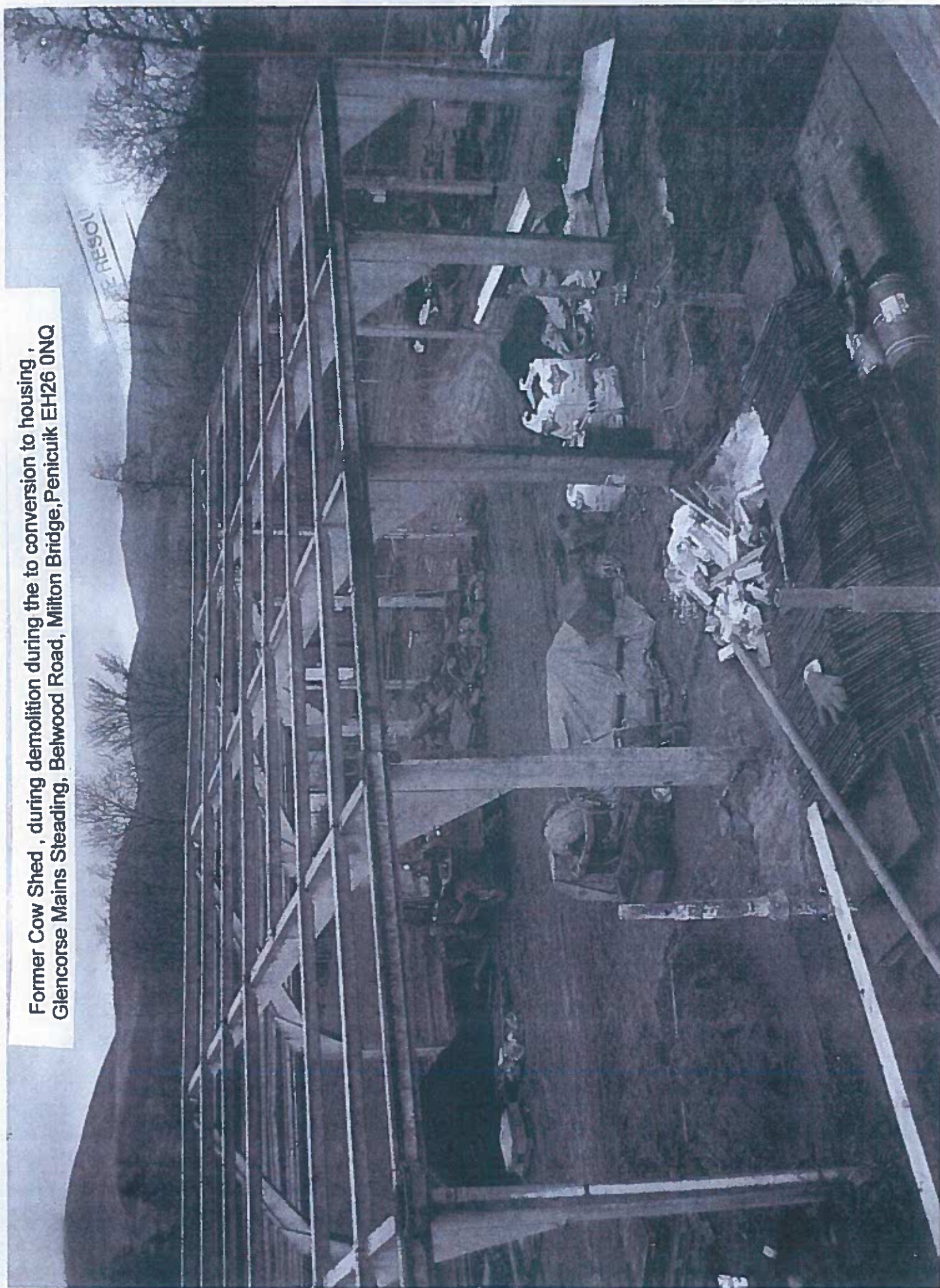


LONG SECTIONS

GLENCORSE
MAINS
STEADING
HOUSE 4.

A JOURNAL OF THE INTERNATIONAL PROJECT MANAGEMENT ASSOCIATION For more information, visit us at www.pmi.org	
Project House 4 (Glossier Media Consulting, Portland, Maine) Portland, Maine Project Manager: W. ERIC (W) CHASE Client: Board and Wendy M. Long	Tim Simpson, Architect 27 Park Road, Edinburgh EH4 6LA Telephone: 0171 665 1234 e-mail: tim@light-architecture.co.uk
Drawing Title OUTLINE PROPOSALS Ground, First and Roof Plan Circulation & Section	Date: June 2018 Scale: 1:100 Drawing Number: 2018 / 1 / 14

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



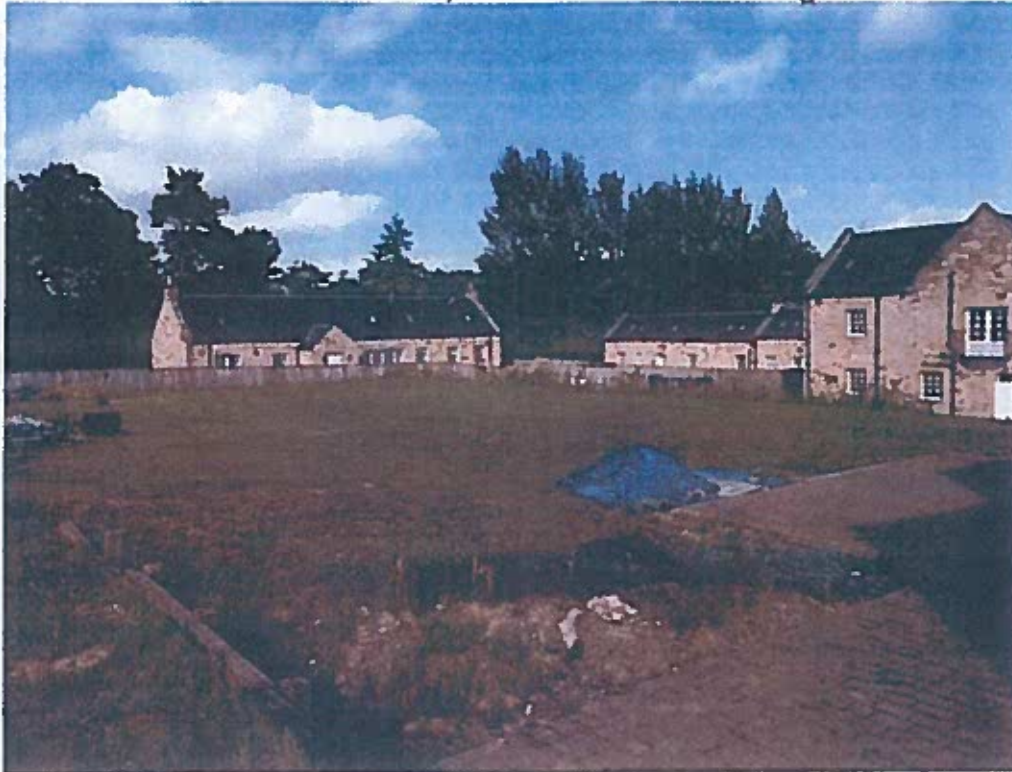
View of House 2 and the stable close by with its gable end stable from the pony field

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 Bridgemn 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

Housing developments South West of Bellwood Road linking Pentriuk to the Scottish Water Treatment Works and Glencorse Steading



Notice of Review: 1 Laurelbank Road, Mayfield

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 garage, sunroom and decking (retrospective) at 1 Laurelbank Road, Mayfield.

2 Background

- 2.1 Planning application 19/00687/DPP for the erection of a garage, sunroom and decking (retrospective) at 1 Laurelbank Road, Mayfield was refused planning permission on 13 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 13 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 no consultations were required and two representations supporting the application have been received. 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 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, the buildings/structures which are sited on the land without planning permission will have to be removed. In this case the applicant will be asked to remove the buildings/structures within one month of the LRB decision. However, the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

6 Recommendations

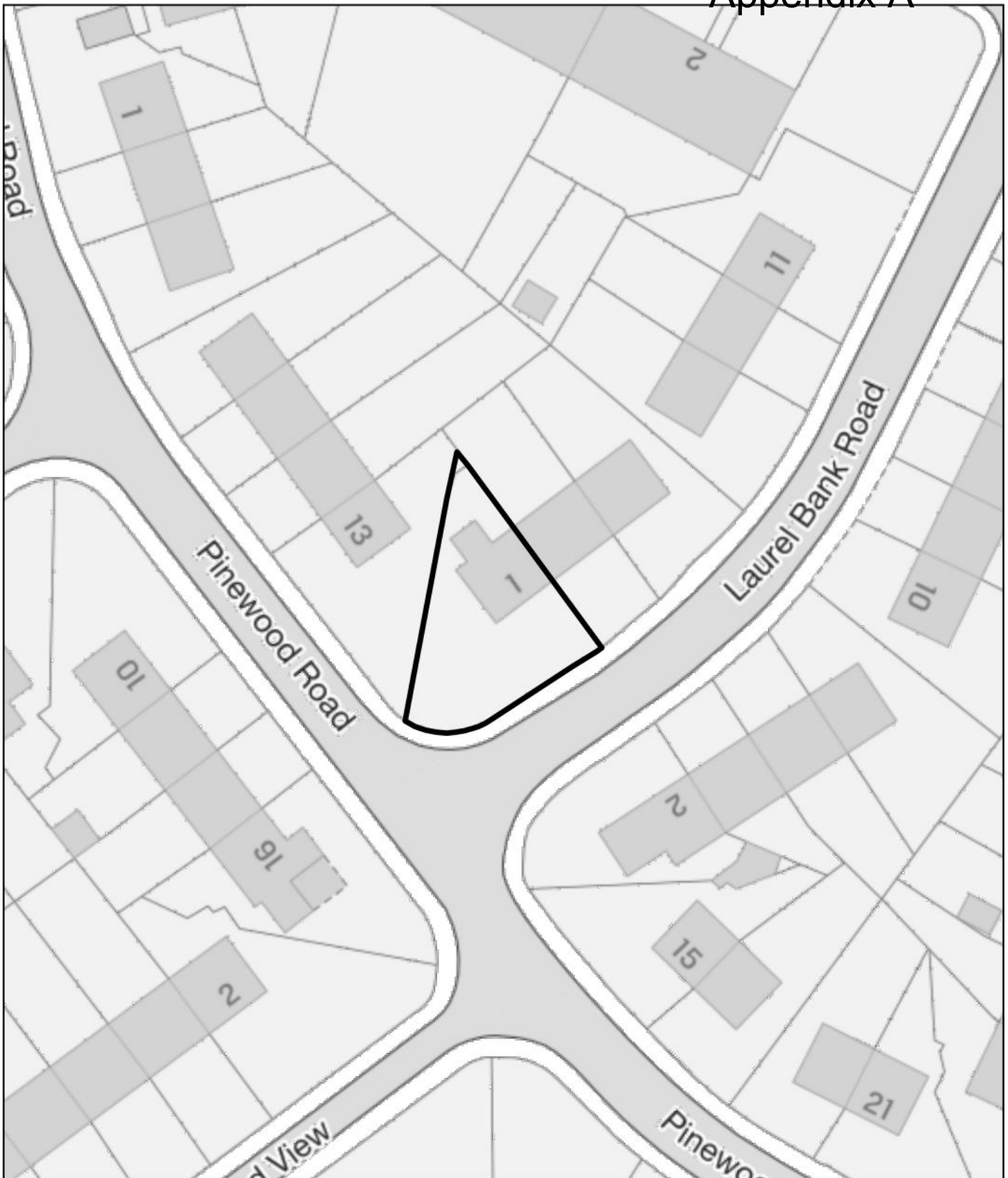
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

Date: 7 February 2020

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

Tel No: 0131 271 3310

Background Papers: Planning application 19/00687/DPP available for inspection online.



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

Erection of garage, sun room and decking (retrospective)
at 1 Laurelbank Road, Mayfield, Dalkeith

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File No. 19/00687/DPP

Scale: 1:500
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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	<div>MR</div>	Ref No.	<div></div>
Forename	<div>JAMES</div>	Forename	<div></div>
Surname	<div>BEVIS</div>	Surname	<div></div>
Company Name	<div></div>	Company Name	<div>CORPORATE RESOURCES</div>
Building No./Name	<div>1</div>	Building No./Name	<div>FILE:</div>
Address Line 1	<div>LAURELBANK ROAD</div>	Address Line 1	<div>RECEIVED 13 DEC 2019</div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div>MAYFIELD</div>	Town/City	<div></div>
Postcode	<div>EH22 5HT</div>	Postcode	<div></div>
Telephone	<div></div>	Telephone	<div></div>
Mobile	<div></div>	Mobile	<div></div>
Fax	<div></div>	Fax	<div></div>
Email	<div></div>	Email	<div></div>
3. Application Details			
Planning authority		<div>MIDLOTHIAN COUNCIL</div>	
Planning authority's application reference number		<div>19/00687/DPP</div>	
Site address			
<div>1 LAURELBANK ROAD MAYFIELD EH22 5HT</div>			
Description of proposed development			
<div>ERECTION OF GARAGE, SUN ROOM AND DECKING</div>			

Date of application

07/08/19

Date of decision (if any)

13/09/19

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



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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.

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:

N/A

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.

I WOULD LIKE THIS APPLICATION TO BE RE-CONSIDERED FOR APPROVAL.
AS ITS FORWARD OF THE BUILDING, I WAS ADVISED TO APPLY FOR PERMISSION, HOWEVER, THIS IS ALSO WHY ITS BEEN REFUSED?? WHY ASK ME TO APPLY THEN, I DONT UNDERSTAND THIS? MY PROPERTY IS ON A GABLE END AND MY GARDEN IS NOT A STANDARD FRONT AND BACK GARDEN, SO WAS PLANNED TO FIT IN THE AREA AVAILABLE ON MY PROPERTY.
THE STRUCTURE(S) ARE VERY PLEASING TO THE EYE AND HAS BEEN PURPOSELY FINISHED TO COMPLIMENT THE BUILDING. THIS DOES NOT IMPEDE ON ANY OF OUR NEIGHBOURS IN ANYWAY. FOLLOWING YOUR NEIGHBOUR NOTIFICATION WRITING TO RESIDENTS, THERE WERE NO COMPLAINTS NOR OBJECTIONS I HAVE RECEIVED NOTHING BUT COMPLIMENTS FROM SURROUNDING RESIDENTS AS WELL AS FROM VISITORS, INCLUDING LOCAL COUNCIL OFFICIALS AND LOCAL POLICE.
FORGIVE ME FOR BEING BLUNT BUT THERE ARE A NUMBER OF RESIDENTS AROUND MY PROPERTY WHO HAVE VERY SIMILAR STRUCTURES ERECTED AND NONE OF WHICH HAVE BEEN QUESTIONED NOR HAVE PLANNING PERMISSION. THE LARGEST PERCENTAGE OF THESE STRUCTURES IN NO WAY ARE IN-KEEPING OF THE ORIGINAL DWELLING AND DO HAVE A DETRIMENTAL IMPACT VISUALLY.
ONCE AGAIN I ASK YOU TO RE-CONSIDER THIS APPLICATION AND WELCOME ALL VISITS TO MY PROPERTY. THANK YOU.

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 your 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.

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

PLANS AND PHOTOGRAPHS AS PER ORIGINAL SUBMISSION

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 -

DECLARATION

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

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Signature:

[Redacted Signature]

Name:

JAMES BEVIS

Date:

02/12/19

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: 19/00687/dpp

Site Address: 1 Laurelbank Road, Mayfield

Site Description:

The application property comprises an end terraced two storey dwellinghouse finished externally in drydash render with a painted brick basecourse, rosemary roof tiles and white upvc framed windows. There is a flat roof single storey extension at the rear of the house finished externally in painted/ rendered timber boards and stone cladding along with a couple of small sheds, with limited private amenity space at the rear of the house. A garage and sunroom have been erected to the south west side of the house and decking erected at the front of the house which are the subject of this planning application. There is a 1.8m high fence along the boundary with no. 3 Laurelbank Road next door and a wall with railings above with 1.7m high piers along the site frontage. There is no record of planning permission having been granted for these works and as such they appear to be unauthorised.

The application property is located at the corner of Laurelbank Road and Pinewood Road.

Proposed Development:

Erection of garage, sun room and decking (retrospective)

Proposed Development Details:

Planning permission is being sought retrospectively for a flat roof garage and sunroom erected to the south west side of the house adjacent to the boundary with 13 Pinewood Road and for an area of raised timber decking erected at the front of the house.

The garage is positioned parallel to the south west gable of the house and measures a maximum of 6.4m long and 3.4m wide. The sun room is attached to the south west wall of the garage and measures a maximum of 5.4m long along the boundary with no. 13 Pinewood Road and 2.8m wide. The garage and sun room measure a maximum of 2.5m high and are finished externally in a mix of stone cladding at the base and corners and painted/rendered timber boards with a metal garage door and white upvc framed windows and doors. The garage projects 1m beyond the front building line of the existing house with the sunroom projecting further forward by 1.85m albeit at an angle.

The decking measures a maximum of 3.2m deep and 6.4m wide and is raised a maximum of 0.45m above ground level with a 1m high timber balustrade which has been infilled with black mesh above the deck platform. The external walls of the underbuilding of the decking and the balustrade have been painted cream.

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

History sheet checked.

Consultations:

None required.

Representations:

Two representations have been received from the occupiers of nos 4 and 6 Laurelbank Road in support of the planning application stating that they have no objection to the works which have been carried out and that the job has been done well and adds to the appearance of the property.

Relevant Planning Policies:

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

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The determining issues in this case concern the position, design and materials of the proposed garage and sunroom building and its impact on the visual amenity of the surrounding area.

The general appearance of the surrounding area is characterised by houses set back behind front gardens/driveways enclosed by low fences and walls or hedges.

It is acknowledged that flat roof garages positioned to the side of houses are not uncommon. However the garage and sunroom project forward of the front building line of the application property with the sunroom only 3m from the pavement. The building is very prominent in the street scene as viewed from both Laurelbank Road and Pinewood Road to the south. As a result of a combination of its forward projection, proximity to the pavement, irregular shape and flat roof design the

building appears as an incongruous feature in the street scene detrimental to the character of the area.

It is acknowledged that the garage and sunroom is screened by an existing hedge along the boundary with no. 13 Pinewood Road when approaching from the north along Pinewood Road. However the hedge appears to be within the curtilage of no. 13 Pinewood Road out with the control of the applicant and could be removed at any time. With the removal of the hedge the building would be even more prominent projecting well beyond the front building line of properties on Pinewood Road.

Also it is the usual practice of the Planning Authority to require matching materials on extensions and garages and outbuildings. The application property and surrounding houses are finished predominantly in drydash render with brick base courses and underbuilding. The finish of the walls of the garage and sunroom does not match the existing house. In particular the stone cladding is uncharacteristic of the original house at the application property and as a result draws even more attention to the garage and sunroom appearing incongruous in the context of the external finishes of the original house at the application property and the street scene exacerbating the detrimental impact of the building on the character of the area. (There is no record of planning permission having been granted for the extension at the rear of the house, which is partly finished externally in stone cladding – it may have been erected as permitted development not requiring planning permission from the Council. Also located at the rear of the house it is not a prominent feature in the street scene.)

The garage and sunroom do not have a significant impact on the amenity of neighbouring properties.

Whilst it is not the norm to have decking at the front of a house and in particular on a terraced property it has been painted to match the house and does not detract from the principal elevation. Also the deck is set back from the road and the 0.85m high wall with 0.5m high railings above, albeit possibly unauthorised, along the site frontage screens the deck and balustrade to some extent and it does not have a significant impact on the visual amenity of the street scene. Along with the 1.8m high fence there is a hedge along the boundary with the front garden of no. 3 next door. The deck does not have a significant impact on the amenity of this property.

Adequate off street parking remains at the site.

Recommendation:

Refuse planning permission



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00687/DPP

Mr James Bevis
1 Laurelbank Road
Mayfield
Dalkeith
EH22 5HT

Midlothian Council, as Planning Authority, having considered the application by Mr James Bevis, 1 Laurelbank Road, Mayfield, Dalkeith, EH22 5HT, which was registered on 7 August 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of garage, sun room and decking (retrospective)
at 1 Laurelbank Road, Mayfield, Dalkeith, EH22 5HT**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Location Plan		07.08.2019
Location Plan		07.08.2019
Location Plan		07.08.2019
Site Plan	1:100	07.08.2019
Other statement		07.08.2019

The reason(s) for the Council's decision are set out below:

1. *As a result of a combination of its forward projection, design and materials the building appears as an incongruous feature out of keeping with the character of the original house at the application property and has a detrimental impact on the visual amenity of the surrounding area.*

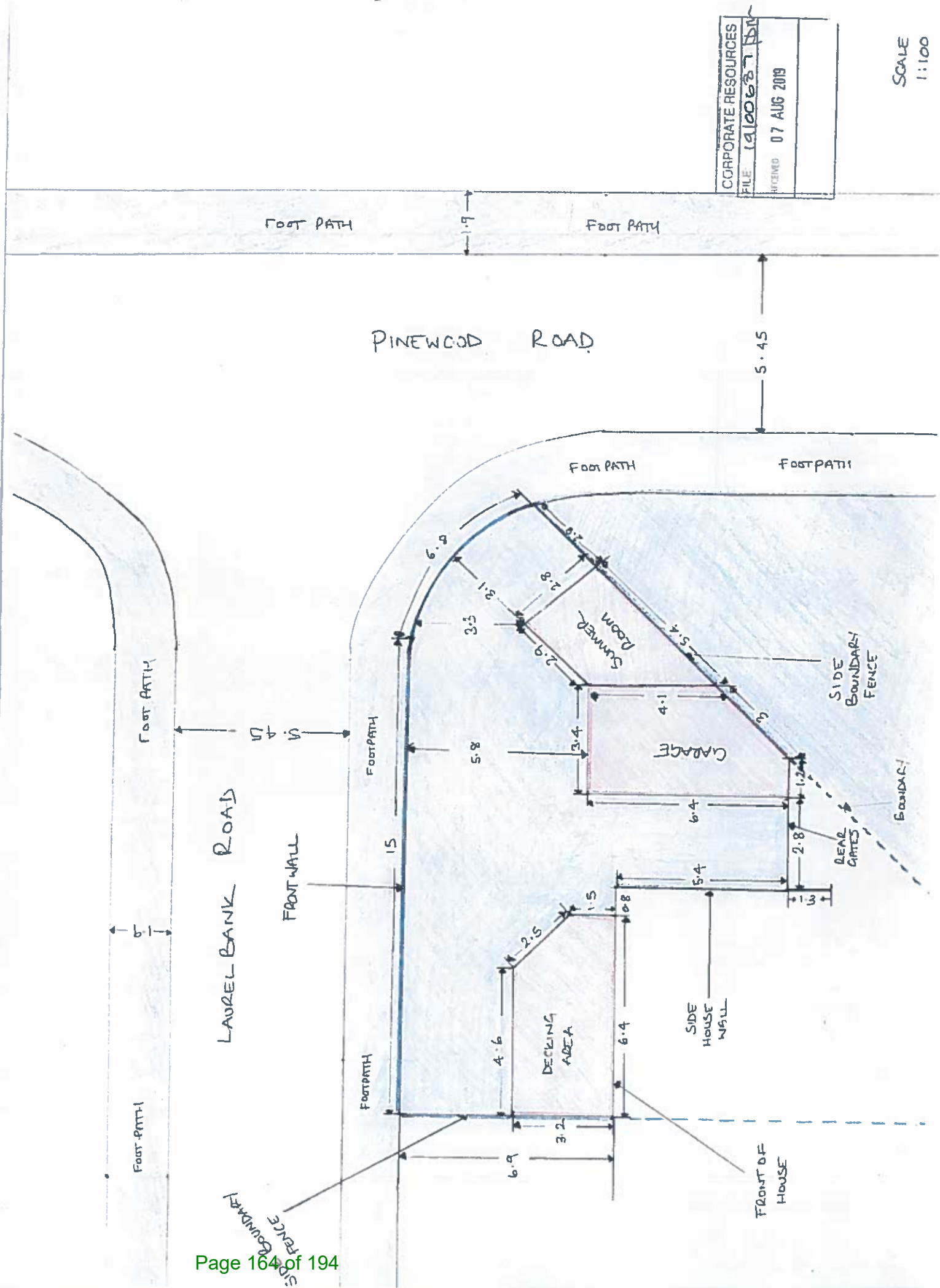
2. *For the above reason the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 13 / 9 / 2019



.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

Appendix E

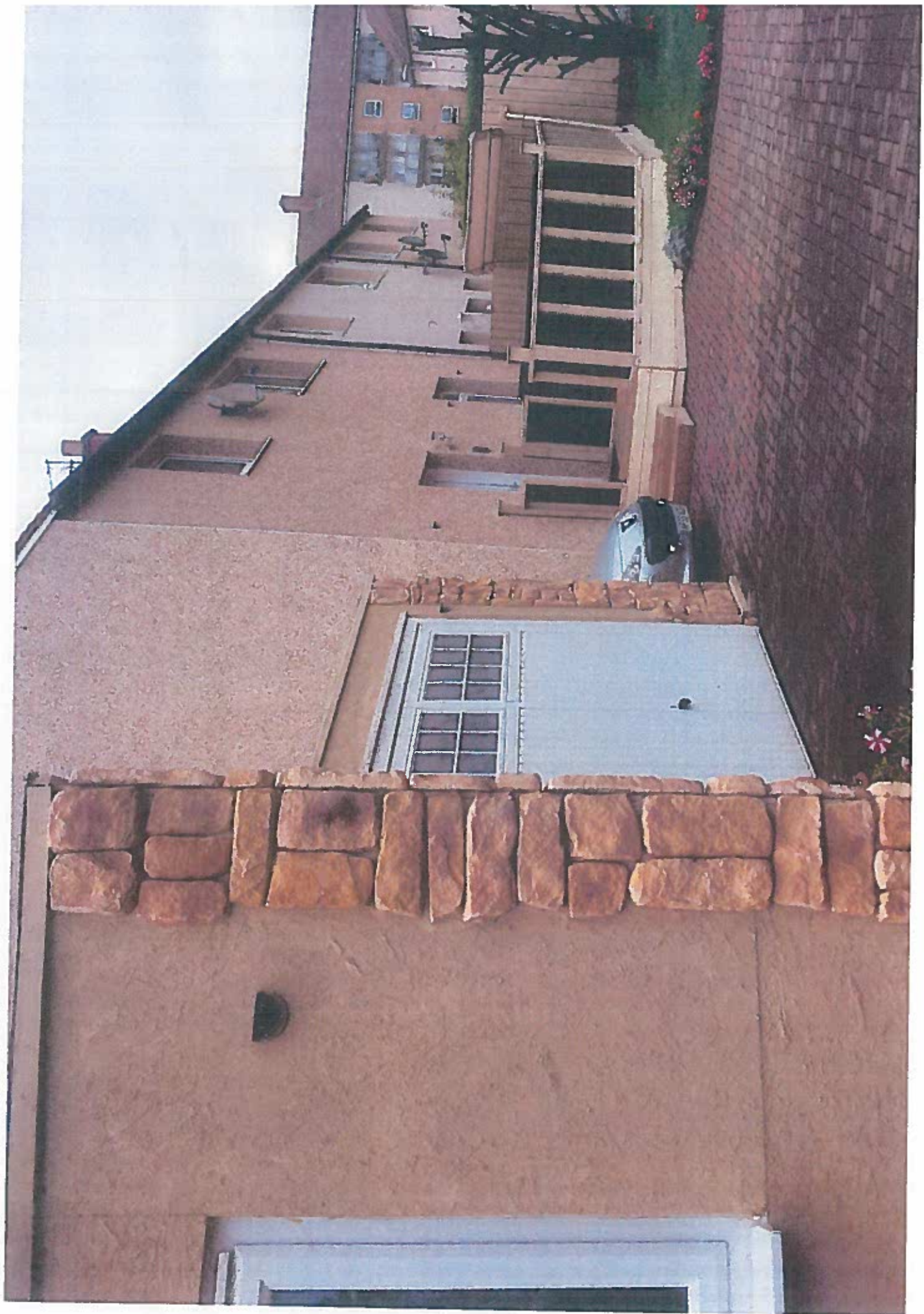


CORPORATE RESOURCES
FILE 19100687
RECEIVED 07 AUG 2019

SCALE
1:100







Notice of Review: The Old Mill House, 40 Newmills Road, Dalkeith

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 change of use from dwellinghouse to a mixed use of dwellinghouse and temporary events venue and associated erection of marquee at the Old Mill House, 40 Newmills Road, Dalkeith.

2 Background

- 2.1 Planning application 19/00884/DPP for the change of use from dwellinghouse to a mixed use of dwellinghouse and temporary events venue and associated erection of marquee at the Old Mill House, 40 Newmills Road, Dalkeith was refused planning permission on 5 December 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 5 December 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 four consultations and one representation objecting to the application have been received. As part of the review process the interested parties were notified of the review. One additional comment has been received from a representor reaffirming their objection to the proposal. 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. Consent is hereby granted for a period of 24 months from the date of this permission.
 2. The number of events to be held at the application site shall be restricted to 12 events in a calendar year.

Reason for conditions 1 and 2: To allow the Planning Authority the opportunity to monitor the proposal's impact on the amenity of local residents.

3. The maximum footprint of any marquee erected shall not exceed 108 square metres. No more than one marquee shall be erected within the application site at any one time.

Reason: To restrict the scale of events that could be accommodated.

6 Recommendations

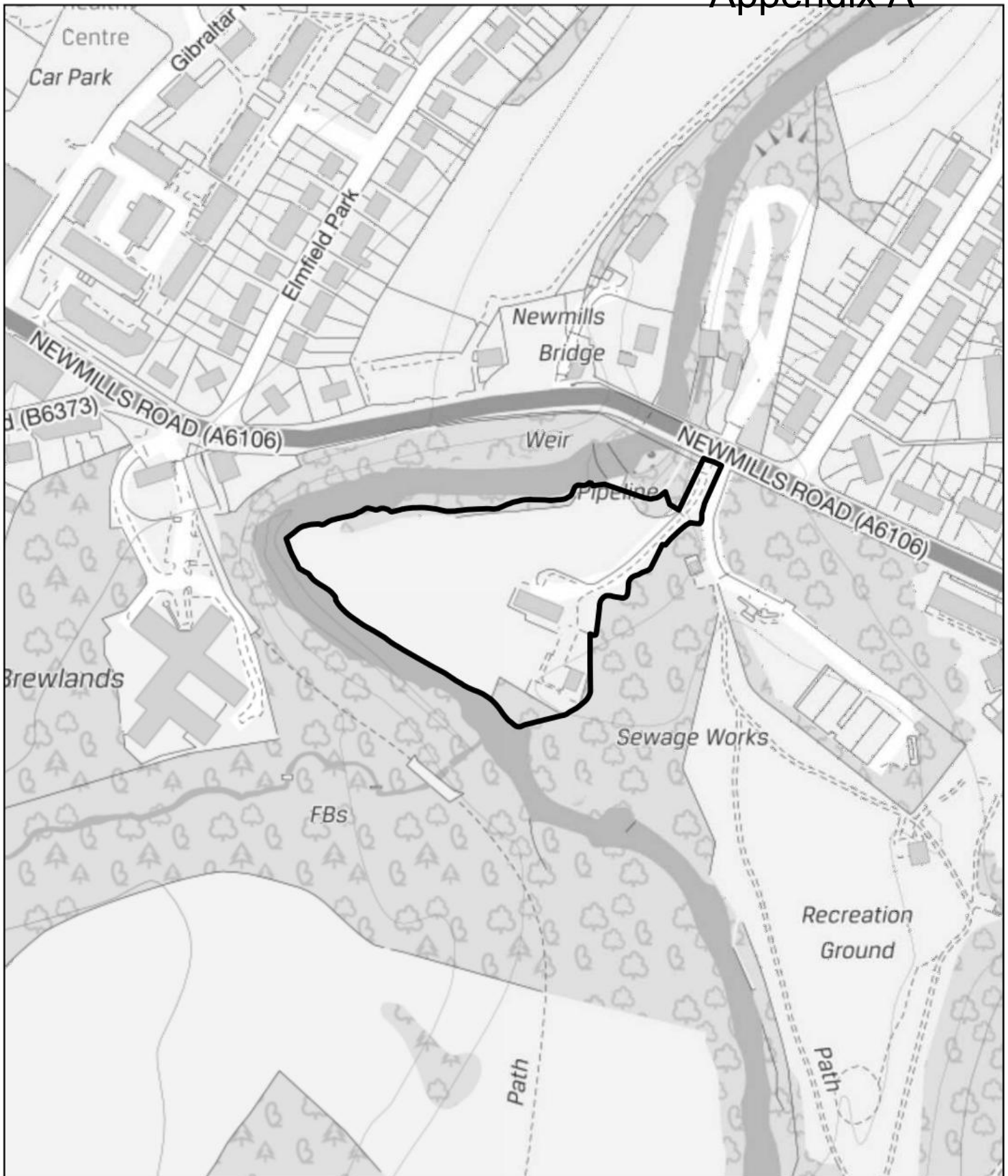
- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

Date: 7 February 2020

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

Tel No: 0131 271 3310

Background Papers: Planning application 19/00884/DPP available for inspection online.



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

Change of use from dwellinghouse to dwellinghouse and temporary events venue and associated erection of marquee at The Old Mill House, 40 Newmills Road, Dalkeith

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File No. 19/00884/DPP

Scale: 1:2,500

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Midlothian



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 100192086-003

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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Douglas Strachan"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Douglas"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Strachan"/>	Building Number:	<input type="text" value="11"/>
Telephone Number: *	<input type="text" value="01316639735"/>	Address 1 (Street): *	<input type="text" value="South Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH22 1AH"/>
Email Address: *	<input type="text" value="douglas@douglasstrachan.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	The Old Millhouse
First Name: *	Sally	Building Number:	40
Last Name: *	DeWaard	Address 1 (Street): *	Newmills Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dalkeith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH22 2AQ
Fax Number:			
Email Address: *	enquiries@oldmillhouse.co.uk		

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	THE OLD MILL HOUSE
Address 2:	40 NEWMILLS ROAD
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 2AQ

Please identify/describe the location of the site or sites

--	--

Northing

666985

Easting

333567

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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)

Change of use from dwellinghouse to dwellinghouse and temporary events venue and associated erection of marquee at The Old Mill House, 40 Newmills Road, Dalkeith, EH22 2AQ.

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? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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)

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.

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.

Concerns raised in a previous application have been addressed, with a full explanation of mitigation provided in the supporting statement. Noise concerns were mitigated by the suggestion of limited operation. Parking concerns were mitigated by means of a management policy whereby only guests sleeping in the accommodation would be permitted to park within the grounds and a shuttle service would run for others. Enhancement of this high quality business will have a net net benefit to the town.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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)

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)

Location Plan, Site Plan, Supporting Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00884/DPP

What date was the application submitted to the planning authority? *

20/10/2019

What date was the decision issued by the planning authority? *

05/12/2019

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. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We would encourage a site visit to gain a better appreciation of the unique characteristics of this property and its contribution to the town.

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? *

☒ Yes ☐ No

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

☒ Yes ☐ No

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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? *

☒ Yes ☐ No

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

☒ 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? *

☒ 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? *

☒ 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 *

☒ 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 Douglas Strachan

Declaration Date: 19/12/2019

Planning Application – Supporting Statement
The Old Mill House, 40 Newmills Road, Dalkeith, EH22 2AQ

Context

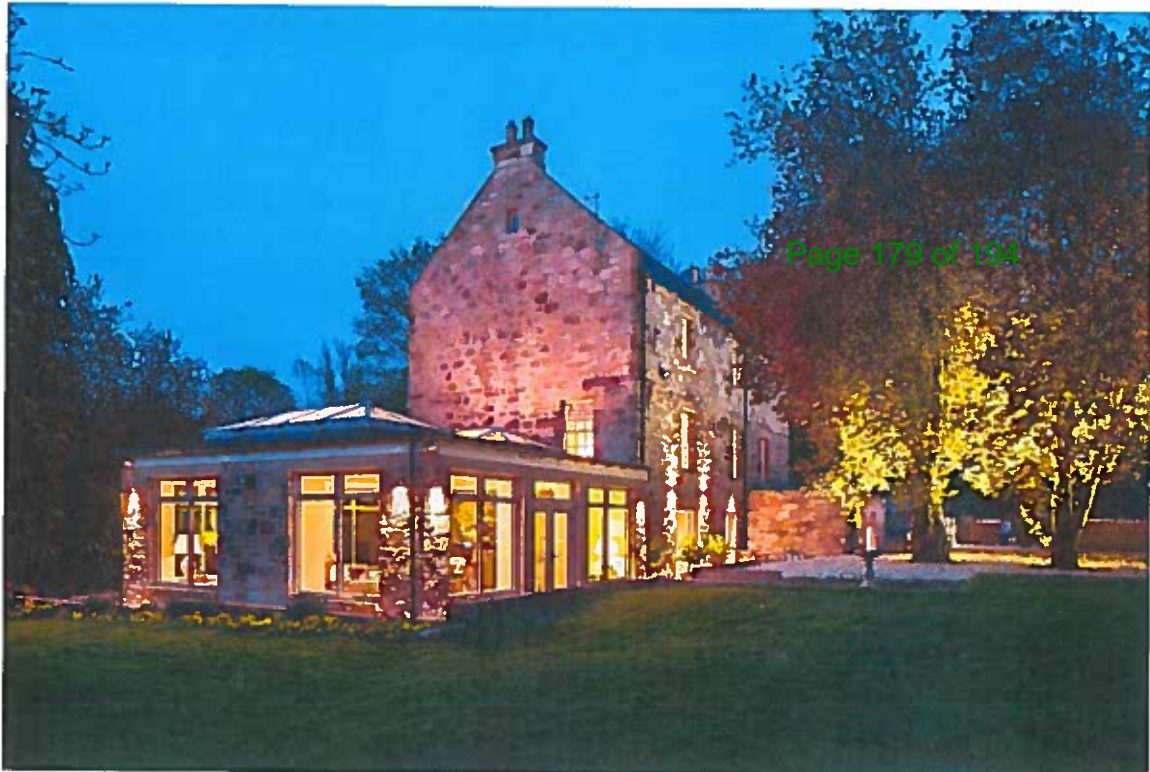
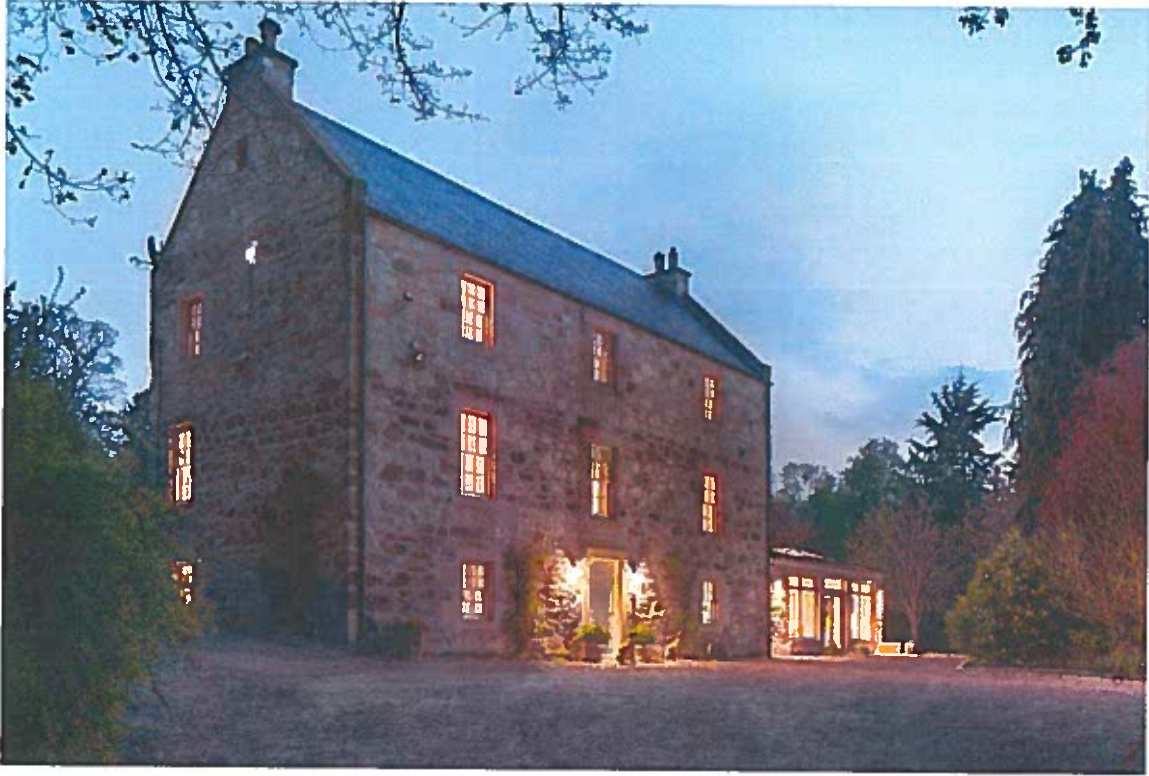
The site and house

The Old Mill House is a 1703 B-listed mill which sits in a large 1.3 hectares plot within a meander of the River South Esk, in Dalkeith. This traditional exposed rubble building has been carefully restored in 2012 after several years of laying empty and being left to decay. The site is located within the Newbattle Conservation Area and Newbattle House Designed Landscape.



The house's current use

The Old Mill House is currently used as a private residence and a self-catering 5-star luxury accommodation, which can accommodate up to 10 people in its 5 sumptuous bedrooms. On average, The Old Mill House is rented out as a holiday accommodation 15 weeks per year. It is worth noting that so far, no revenue weddings have been held at the Old Mill House. More information about this high end country house can be found on the webpage <https://oldmillhouse.co.uk/>



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Thanks to the support of Business Gateway and Midlothian & Borders Tourism Action Group (MBTAG), the applicant has grown a successful and renowned business, which won the Scottish Thistle Awards Best Self Catering Accommodation Experience in 2018 and is nominated again for this year's award. This rural retreat has also just been given a five-star rating by VisitScotland, which is a first for a self-catering property in Midlothian.

Planning history

While The Old Mill House dates back to 1703, it has undergone several alterations over the centuries. The original Mill has been raised to the current three-storey property, probably later in the 18th century. The Listed Building listing also mentions that the Old Mill House (formerly known as "Newmills House") originally formed part of a large complex of buildings, all of which have been removed since. This is supported by several successive OS Maps: the 1854 map shows a laide and a group of other buildings around the Mill House, whilst the 1894 map shows only the Mill House.

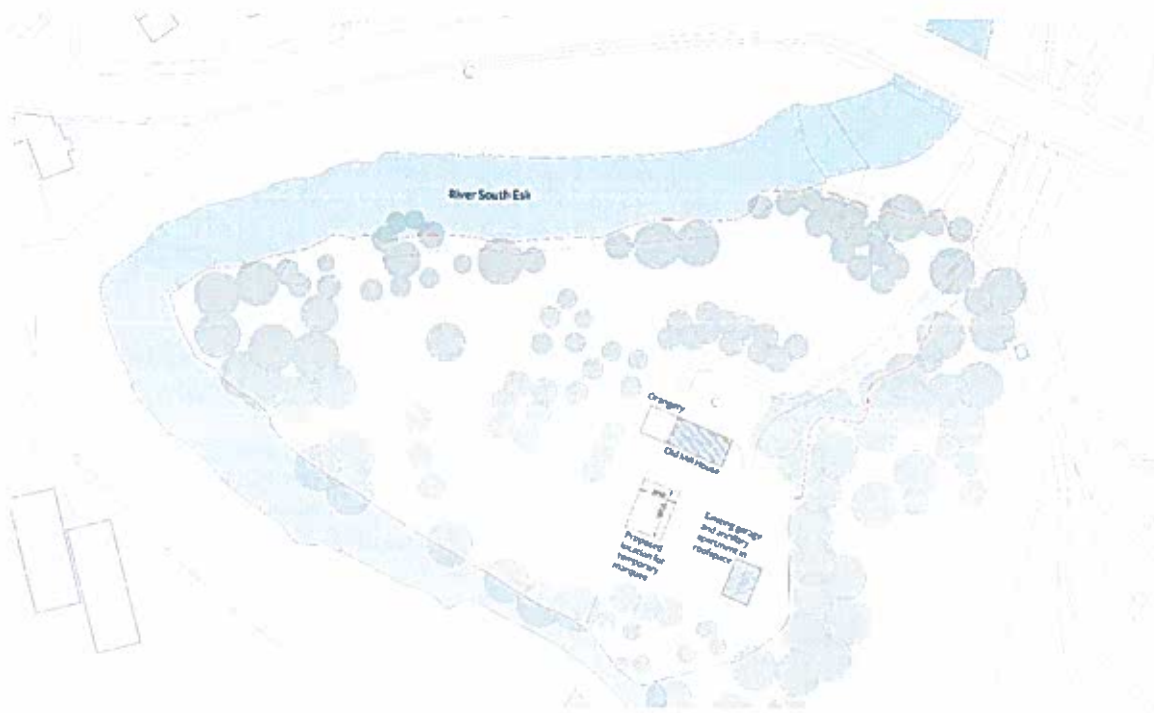
The more recent interventions can be tracked through the planning permissions which have been granted:

- 04/00821/LBC and 04/00809/FUL - Installation of five rooflights
- 07/00010/LBC and 07/00012/FUL - Installation of replacement windows, erection of boiler room and internal alterations
- 08/00592/LBC and 08/00590/FUL - Erection of metal railings on existing boundary wall and repair and replacement of stonework on dwellinghouse
- 11/00346/LBC and 11/00345/DPP - Installation of slate roof on existing dwellinghouse and existing detached garage and installation of rooflights on dwellinghouse
- 12/00513/LBC and 12/00512/DPP - Extension to dwellinghouse; installation of windows and doors; infilling of existing window opening; alterations to window cill to form french doors, installation of flue and erection of outbuilding
- 12/00563/WTT - Pruning of trees
- 12/00749/LBC and 12/00748/DPP - Reinstatement of chimneystacks
- 13/00742/LBC and 13/00741/DDP - Extension to dwellinghouse
- 14/00075/DPP - Erection of studio with residential accommodation, erection of garage with residential accommodation and erection of gates and gate posts
- 16/00576/WTT - Felling and pruning of trees

This planning history is a good track record of the extensive, careful restoration and maintenance works which the applicant proceeded with in order to save this property which is a valued part of the local heritage.

Proposal

In order to complement the existing business, the applicant is seeking to accommodate small occasional events. For instance, small weddings are to be held wholly within the house. Other occasional events would benefit from using the existing grounds as well as the facilities provided by the house. Thus, this application seeks to get permission for the erection of a temporary marquee on the south side of the garden.



The applicant is aware that previous applications for the erection of a marquee on this site have raised concerns relating to noise, access and traffic congestions in Dalkeith. This proposal hopes to remedy those concerns by introducing certain restrictions.

Permission is only sought for the erection of a marquee which will accommodate 40 guests maximum, for a limited number of events during the year. Furthermore, these events are to be limited to a specific time of day (i.e. events to finish by 11pm) in order to reduce the potential impact on neighbouring properties.

Noise

A previous sound report assessed the impact, at bridge level on Newmills Road, of loud music from the lawn in front of The Old Mill House (North side). The test results were as follow:

- a peak of 105dB was observed directly in front of the speakers (1m);
- this reduced to 99dB at a distance of (2m) away from the speakers;
- at the bridge, 75dB were measured, in the absence of traffic. This figure matches the lower range of ambient noise levels which were measured prior to the music being turned on for this test. The report states that *"there is 75dB - 90dB of ambient noise depending on what traffic is passing over the bridge at the time. A large amount of this noise appears to be coming from the waterfall in front of the house"*.

As a point of reference, the following objects have similar noise levels: car at 65 mph at 25 ft (77 dB); living room music (76 dB); dishwasher (75dB); radio or TV-audio, vacuum cleaner (70 dB). It is also worth noting that 70dB is half as loud as 80dB.

The following concerns were raised regarding this noise assessment:

- The noise report assessed the impact at road level but does not refer to noise at the lower (riverside) level. For instance, comments mention a direct line of sight from the proposed marquee on the North side of the lawn to properties on the other side of the bridge.

- The noise report does not consider the impact on Archview Lodge.
- The sound report relies on ambient noise from traffic and an existing water fall. It is however worth noting that the results as stated above mention a 75dB level of noise at bridge level, with the music turned on, at a moment of no traffic.
- In August 2017, an Occasional Licence for a wedding was granted. A marquee was erected on the North side of the lawn (in front of The Old Mill House). This resulted in complaints from nearby residents regarding music from the event.

This application proposes a certain amount of measures which should address these concerns. The main difference to all of the above is that this application is for a marquee on the South side of the lawn, rather than on the North side. The South side of the lawn is naturally more encased in the existing valley and sheltered away through the existing three storey house, the free standing garage to the side and extensive dense vegetation on the river's banks. This will have the following effects:

- The noise measured at bridge level will be reduced even further, thus rendering the discussions around noise created by the existing waterfall and/or traffic (ambient noise) moot.
- There is no direct line of sight from a marquee on the South side of the lawn to properties on the other side of the bridge.
- The only property which might be affected by this new location is Archview Lodge. There is however very dense vegetation on the banks of the River South Esk, as shown on the picture below. This should reduce the effects of the noise considerably. Furthermore, the closest point of Archview Lodge (the building) is roughly 120m away from the proposed location for a marquee.



Further measures are introduced to ensure that the noise is kept to a reasonable level. As previously mentioned, events are not only to be limited to a certain amount of times throughout the year, but also to a specific time of day (i.e. finished by 11pm).

Access and parking

As the current access to the site is a narrow unsurfaced driveway which does not accommodate two-way traffic, it is proposed to install a specific traffic management strategy along with this proposal. The applicant is aware that the existing junction with Newmills Roads has restricted visibility due to the presence of boundary walls on either side of the entrance. It is therefore proposed that only the guests staying in the Old Mill House's five bedrooms will be allowed to bring their cars to the event and park in the existing parking spaces.

It is suggested that for all the other guests, a pre-booked taxi only policy is put in place. Similar strategies are currently being implemented in other great houses which are occasionally used as wedding venues in Scotland. These measures ensure that there won't be any congestion or disruption caused by guests parking their cars in neighbouring streets in Dalkeith. Alternatively, a 16 seater coach can be used to bring people from nearby pick up points such as the Eskbank Train station. Similar vehicles are already occasionally being driven on the existing driveway.

The applicant is aware that concern was raised due to the fact that the existing driveway would not be able to accommodate two way traffic. The measures set out above would ensure that the level of traffic caused by an event housed in a 40 people marquee on the lawn won't be higher than some of the current traffic caused by large group booking the Old Mill House as an exclusive-use holiday accommodation or corporate retreat.

Technical details:

The proposed temporary marquee would typically be erected 2 or 3 days prior to the event and removed 2 or 3 days after. Most vendors estimate that the footprint of the marquee would be 9x12m maximum to cater for dining and dancing for 40 guests plus support staff.

A wide variety of marquee styles and sizes can be found on the market: clear span marquees, pagoda-like marquees, frames on the interior or exterior, white or off-white canvas, PVC windows or opening on the sides and/or on the roof, etc. Most of these marquees are under 3m to the eaves and 6m to the ridge.



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The proposed marquee is to sit on the South side of the lawn. No trees are to be removed for this proposal and the gardens will remain as existing. Some temporary decking boards might be laid on the grass as required.

Should any heating be required, temporary mobile heating will be provided in the marquee, independently of any existing arrangements. It is however most likely that no events will be held during the colder months of the year.

The existing sanitary facilities are sufficient for occasional events held in the existing house and in a marquee for 40 people maximum. There is one toilet on the ground floor of the existing house, as well as 5 ensuite shower or bathrooms on the upper floors. There is one additional toilet in the garage building on the East side of the property.



Example of a 6x6m marquee which can accommodate a sit-down meal for 40 people

Due to the temporary aspect of this proposal, no adverse effects are expected regarding the following policies:

- Policy ENV3: Newbattle Strategic Greenspace Safeguard
- Policy ENV8: Protection of River Valleys
- Policy ENV11: Woodland Trees and Hedges
- Policy ENV14: Regionally and Locally Important Nature Conservation Sites
- Policy ENV19: Conservation Areas
- Policy ENV20: Nationally Important Gardens and Designed Landscapes
- Policy ENV22: Listed Buildings

Conclusion

The Old Mill House in the heart of Dalkeith is a thriving part of Scotland's tourism offer. This proposal seeks to enhance this valued local business by offering the possibility to expand. Holding events for up to 40 people will increase business not only for the applicant but also for local accommodation providers and restaurants. Thus, occasional events such as proportionally small weddings, which are increasingly popular, will allow a more widespread enjoyment of a major asset of the area, while respecting the existing grounds as well as Dalkeith.

Previous concerns have been taken on board and the proposal has been adjusted accordingly: limitation in numbers of events throughout the year, limitation of number of people, new suggestions for traffic management strategies and better size and location of proposed marquee. To sum up, this new proposal won't adversely affect the surrounding residential amenities and is respectful of the natural landscape that is the valley of the River South Esk.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Case Officer: Graeme King **Site Visit Date:** 04/11/2019

Planning Application Reference: 19/00884/DPP

Site Address: The Old Mill House, 40 Newmills Road, Dalkeith

Site Description: Old Mill House is a three-storey 3-bay early 18th Century Category B listed former mill which is now used as a single dwellinghouse. The walls are formed from stone; the doors and windows are timber framed and the roof is finished with slate. There is a modern single storey orangery extension attached to the West elevation of the building. There is an existing modern timber clad 3 car garage, with ancillary residential accommodation in the roofspace, situated to the rear of the house. The applicants own the house and use it as their primary place of residence; the house is available for holiday lets (typically around 15 times per annum) and when the house is occupied the ancillary accommodation is used by the applicants.

The house sits in a large plot of 1.3 hectares; the plot is situated within a meander of the River South Esk and sits below the level of Newmills Road. The surrounding land to the North, West and East is predominantly residential; the land to the South forms part of a countryside corridor that separates Dalkeith, Eskbank and Bonnyrigg from Mayfield, Easthouses and Newtongrange. The site is located within Newbattle Conservation Area and Newbattle House Designed Landscape.

Proposed Development: Change of use from dwellinghouse to dwellinghouse and temporary events venue and associated erection of marquee

Proposed Development Details: The proposal seeks to gain consent for the use of house and garden as a venue for weddings. A marquee with capacity for 40 guests would be erected on the lawn to the South (rear) of the house. The proposed site plan states that the footprint of the marquee would measure 12m by 9m. The wedding party would be accommodated within the house.

Background (Previous Applications, Supporting Documents, Development Briefs): Previous applications at the site:
19/00884/DPP - Change of use from dwellinghouse to dwellinghouse and temporary events venue including erection of marquee and extension to garage to form ancillary accommodation. Refused.

The indicative dimensions of marquee in this application were 12m by 15m and the capacity was 60 guests. The marquee would have been sited on the lawn to the South (rear) of the house. The reasons for refusal were:

1. *It has not been satisfactorily demonstrated that the proposed use as a temporary events venue can operate without damaging residential amenity or disturbing noise sensitive uses. The proposal is therefore contrary to policies RD1, ENV3 and ENV18 of the Midlothian Local Development Plan.*
2. *The site has insufficient parking; a narrow access that does not accommodate two-way traffic flow; a junction with limited visibility; and no separate pedestrian access. The proposed use raises road safety concerns and the proposal is therefore contrary to policies RD1 and ENV3 of the Midlothian Local Development Plan.*
3. *The proposed use cannot be considered as ancillary development relevant to an existing use and therefore the principle of the development is contrary to policies RD1, ENV3 and ENV8 of the Midlothian Local Development Plan.*

17/00281/DPP - Change of use of dwellinghouse to dwellinghouse and temporary events venue including erection of marquee and erection of studio building.
Application withdrawn

The application include 2 possible locations for marquees: a site for a 12m by 30m marquee on the lawn to the North of the house; and a site for a 12m by 15m marquee on the lawn to the South of the house. The total capacity would have been 180 guests. The application was the subject of objections from SEPA and Transportation; Environmental Health advised the case officer of their intention to object, however the application was withdrawn prior to the consultation response being provided.

16/00576/WTT - Felling and pruning of trees within the Newbattle conservation area.
Permitted

15/00865/DPP - Change of use of dwellinghouse to dwellinghouse and temporary events venue including erection of marquee. Application never validated – withdrawn

14/00075/DPP - Erection of studio with residential accommodation, erection of garage with residential accommodation and erection of gates and gate posts.
Consent with conditions

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13/00742/LBC – Extension to building. Consent with conditions

13/00741/DPP – Extension to dwellinghouse. Consent with conditions

12/00834/LBC – Installation of windows and doors. Application withdrawn

12/00833/DPP - Installation of windows and doors (amendment to design approved by Planning Permission 12/00512/DPP). Application withdrawn

12/00749/LBC - Reinstatement of chimney stacks. Consent with conditions

12/00748/DPP - Reinstatement of chimney stacks. Consent with conditions

12/00563/WTT - Pruning of trees in Newbattle Conservation Area. Permitted

12/00513/LBC - Extension to dwellinghouse; erection of detached garage; formation of roof; installation of windows and doors, infilling of existing window opening; alterations to window cill to form french doors; installation of flue and associated internal alterations. Consent with conditions

12/00512/DPP - Extension to dwellinghouse; installation of windows and doors; infilling of existing window opening; alterations to window cill to form french doors; installation of flue and erection of outbuilding. Consent with conditions

11/00346/LBC - Installation of slate roof and rooflights and internal alterations. Consent with applications

11/00345/DPP - Installation of slate roof on existing dwellinghouse and existing detached garage and installation of rooflights on dwellinghouse. Consent with conditions

08/00592/LBC - Erection of metal railings on existing boundary wall and repair and replacement of stonework on dwellinghouse. Consent with conditions

08/00590/FUL - Erection of metal railings on existing boundary wall. Consent with conditions

08/00495/LBC - Erection of conservatory and extension to dwellinghouse to provide ancillary guest accommodation. Application withdrawn

08/00494/FUL - Erection of conservatory and extension to dwellinghouse to provide ancillary guest accommodation. Application withdrawn

07/00012/FUL - Installation of replacement windows and erection of boiler house. Consent with conditions

07/00010/LBC - Installation of replacement windows, erection of boiler room and internal alterations. Consent with conditions

04/00821/LBC - Installation of 5 rooflights. Consent with conditions

04/00809/FUL - Installation of 5 rooflights. Consent with conditions

Consultations: Historic Environment Scotland has no comment to make on the proposal. The response notes that the proposal has the potential to affect the garden and designed landscape associated with Newbattle Abbey.

The Council's **Biodiversity** screening process has identified the biodiversity protections that apply to the site. Due to the nature of the application the proposal will not have any effect on the biodiversity issues highlighted.

The Council's **Environmental Health** manager has concerns regarding the application and recommends refusal of the application. The response notes that the site is in close proximity to residential uses and to Archview Lodge residential care home; it is anticipated that the proposed use would result in disturbance to residents of houses and the nursing home from noise generated by weddings.

With regard to the supporting statement submitted with the application the response states the following:

The applicants supporting statement makes reference to the noise report submitted in April 2018 with a previous similar application. This report omits the information that a report from a competent noise consultant would be expected to contain. Some of this information is essential to validate the results, while the rest is required during interpretation of the results to allow reasonable conclusions to be drawn. The name of the author, the qualifications of the author, the make, model and class of sound meter used, the calibration status of the meter, pre-measurement and post-measurement calibration drift, the date and time that the measurements were taken, wind speed and direction during the measurement period, precipitation and whether or not the road was wet during measurements and the parameters measured are all omitted. Therefore, there is little that can be concluded on the impact of noise on existing and prospective residents from the results reported.

No further noise assessment has been submitted with this application.

The response also notes that an Occasional Licence was granted for a wedding in a marquee on 12 August 2017. The wedding resulted in complaints to Licencing and Environmental Health from local residents complaining about noise from music. There were also complaints regarding congestion caused by guests parking on local streets and noise generated when guests left the wedding and returned to their cars.

The Council's **Policy and Road Safety** manager has road safety concerns over the additional traffic the proposal will generate and recommends refusal of the application. The response notes that the current vehicle/pedestrian access to the site is narrow and cannot accommodate two-way traffic; the access does not have any separate pedestrian route; and the junction onto Newmills Road has limited visibility. The applicant has proposed a traffic management plan which would restrict vehicle access to guests staying in the house and direct the remaining visitors to use taxis or small coaches; it would not be possible to enforce this. Guests who choose not to use the taxi/coach may park in the local area thereby placing additional pressure on the limited number of on-street spaces available. Given the constraints of the site it is not considered as being suitable as an events venue.

Representations: One objection has been received from a local resident. The grounds for objection are:

- The noise test to which the supporting statement refers to caused significant disruption.
- The noise report submitted with previous applications was not prepared by a suitably qualified professional and did not constitute an adequate assessment.

- The noise generated by weddings within marquees means that the proposal is not suitable for a residential area.
- How could the proposed traffic management plan be enforced?
- The wedding in 2017 created excessive noise.
- The wedding in 2017 caused congestion and disruption on surrounding streets.
- A better solution to providing a venue for weddings would be the construction of a purpose designed building.

Relevant Planning Policies: The adopted development plan is the **Midlothian Local Development Plan 2017 (MLDP)**. The following policies are relevant to this application:

Policy ENV3: Newbattle Strategic Greenspace Safeguard states that development will not be permitted within the safeguarded area except for ancillary development relevant to existing uses; and/or other developments for the furtherance of agriculture (including farm-related diversification), horticulture, forestry, countryside recreation or tourism. Any proposals should accord with policy RD1.

Policy ENV8: Protection of River Valleys requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities.

Policy ENV11: Woodland Trees and Hedges does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.

Policy ENV14: Regionally and Locally Important Nature Conservation Sites states that development will not be permitted where it could adversely affect the nature conservation interest of such sites, unless it can be demonstrated that appropriate mitigation measures are in place.

Policy ENV18: Noise states that the Council will seek to prevent noisy development from damaging residential amenity or disturbing noise sensitive uses. Where new development with the potential to create significant noise is proposed, it may be refused or be required to modify so that no unacceptable impact at sensitive receptors is generated.

Policy ENV19: Conservation Areas seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

Policy ENV20: Nationally Important Gardens and Designed Landscapes states that development will not be permitted where it would harm character, appearance or setting of a garden or designed landscape which is included in the Inventory of Gardens and Designed Landscapes.

Policy ENV22: Listed Buildings states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

Policy RD1: Development in the Countryside states that development opportunities that will enhance rural economic development opportunities will be permitted if:

- They are of a scale and character appropriate to the rural area and well integrated into the rural landscape; and
- They are capable of being serviced with an adequate and appropriate access; and
- They are capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, unacceptable discharge to watercourses; and
- They are accessible by public transport and services (where appropriate); and
- They are not primarily of a retail nature; and
- They do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic.

Policy VIS2: Tourist Accommodation states that developments for tourist accommodation will be supported, provided that the proposal:

- A. Is in scale and in keeping with the character of the local area;
- B. Is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
- C. Is well located in terms of the strategic road network and maximises public transport access; and
- D. Is in accordance with one of the sub-sections of policy VIS2.

The sub-section which applies to the application is **Self-catering tourist accommodation** which states that proposals will be permitted where:

- The proposal is not in the Green Belt;
- 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 purpose of a viable long-term business.

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Planning Issues: In dealing with a planning application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Any representations and consultation responses received are material considerations.

Principle of Development

While the site is accessed from the built-up area of Dalkeith the MLDP identifies the application site as being set in a countryside location. The application site is situated at the far Northern extremity of a distinctive corridor of countryside that separates Dalkeith, Eskbank and Bonnyrigg from Mayfield, Easthouses and Newtongrange.

This corridor of open space, woodland and farmland plays a key role in defining the character and extent of the various communities that border it and its importance is recognised by the inclusion within the MLDP of a specific policy that seeks to protect this valuable "green lung". While it is acknowledged that there is currently some commercial use of the site as self-catering tourist accommodation, the proposed use would result in a noticeable increase in commercial use of the site and cannot be considered to be ancillary to the existing use of the site. The principle of this type of development at this location is contrary to policies RD1, ENV3 and ENV8 of the MLDP.

Noise

The previous 2 applications were supported by a 1 page document prepared by a PA hire company. The document detailed how noise was assessed from Newmills Road using a portable dB level meter. The consultation response from the Council's Environmental Health manager for application 18/00227/DPP detailed a number of failings in the methodology used and how the findings were presented. The document submitted fell significantly below the standards expected of a Noise Impact Assessment and no weight could be placed on the findings of the document. The current application does not include the noise assessment, however the supporting statement does make reference to it.

The noise complaints generated by the 2017 wedding and the 2017 noise assessment clearly demonstrates the constraints of the site and the proposal. While the current proposal relates to a different marquee location from the 2017 wedding, which was staged on the lawn to the North of the house; it remains the case that marquees offer limited scope for noise attenuation and any location within the garden will provide clear line of sight to noise sensitive properties. The proposed use would have significant detrimental impact on residential amenity and on the noise sensitive care home use at Archview Lodge. The topography of the surrounding area, the proximity of noise sensitive properties and the inherent failings of marquees in relation to noise attenuation mean that the site is not suitable for a wedding/events business relying on marquees.

Transportation

While the application subjects sits within a large plot it is a single dwellinghouse and its access and parking arrangements reflect the existing established use. The access to the site is via a narrow unsurfaced driveway that does not accommodate two-way traffic. The existing junction with Newmills Road has restricted visibility due to the presence of boundary walls on either side of the entrance. The house has large areas of gravel parking/circulation space to the front and rear; the current layout could potentially accommodate 10-15 cars.

The supporting statement submitted with the application acknowledges the restricted visibility of the junction and proposes that use of the junction is controlled by means of only allowing parking for guests staying within the 5 bedrooms of the house. The remaining wedding guests would be encouraged to use either taxis or coaches to access the wedding. No details have been supplied of how this could be enforced. The likelihood is that some guests would choose to park on surrounding streets; this

would put added pressure on the limited on-street parking within the surrounding residential area and may lead to inconsiderate and unsafe parking.

The Council's Policy and Road Safety Manager has considered the information provided and concluded that the proposed access and parking arrangements raise road safety concerns. The constraints of the site mean that it is not suitable for use as an events venue.

Flood Risk

The application site is a riverside location and portions of the site fall within the high risk areas identified on the SEPA flood risk map. The proposed location for the marquee is outwith the high risk areas. The application fell below SEPA's threshold for consultations and therefore SEPA were not consulted.

Recommendation: Refuse Planning Permission

Reasons for Refusal:

1. It has not been satisfactorily demonstrated that the proposed use as a temporary events venue can operate without damaging residential amenity or disturbing noise sensitive uses. The proposal is therefore contrary to policies RD1, ENV3 and ENV18 of the Midlothian Local Development Plan.
2. The site has insufficient parking; a narrow access that does not accommodate two-way traffic flow; a junction with limited visibility; and no separate pedestrian access. The proposed use raises road safety concerns and the proposal is therefore contrary to policies RD1 and ENV3 of the Midlothian Local Development Plan.
3. The proposed use cannot be considered as ancillary development relevant to an existing use and therefore the principle of the development is contrary to policy ENV3 of the Midlothian Local Development Plan.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00884/DPP

Douglas Strachan
11 South Street
Dalkeith
EH22 1AH

Midlothian Council, as Planning Authority, having considered the application by Ms Sally DeWaard, The Old Millhouse, 40 Newmills Road, Dalkeith, EH22 2AQ, which was registered on 25 October 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from dwellinghouse to dwellinghouse and temporary events venue and associated erection of marquee at The Old Mill House, 40 Newmills Road, Dalkeith, EH22 2AQ

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	3.01 1:1250	25.10.2019
Site Plan	3.02 1:500	25.10.2019
Other Statement		25.10.2019

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

- 1. It has not been satisfactorily demonstrated that the proposed use as a temporary events venue can operate without damaging residential amenity or disturbing noise sensitive uses. The proposal is therefore contrary to policies RD1, ENV3 and ENV18 of the Midlothian Local Development Plan.*
- 2. The site has insufficient parking; a narrow access that does not accommodate two-way traffic flow; a junction with limited visibility; and no separate pedestrian access. The proposed use raises road safety concerns and the proposal is therefore contrary to policies RD1 and ENV3 of the Midlothian Local Development Plan.*
- 3. The proposed use cannot be considered as ancillary development relevant to an existing use and therefore the principle of the development is contrary to policy ENV3 of the Midlothian Local Development Plan.*

Dated 5 / 12 / 2019

.....
Duncan Robertson
Lead Officer – Local Developments, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

