

Notice of Review: Land at Glencorse Mains Steading, Penicuik Determination Report

Report by Chief Officer Place

1 Purpose of Report

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

2 Background

- 2.1 Planning application 23/00621/DPP for the erection of dwellinghouse and associated works at land at Glencorse Mains Steading, Penicuik was refused planning permission on 28 November 2023; 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) – excluding the applicants appendix 4 which is a ground source heat pump brochure. Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 28 November 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were five consultation responses and one representation received. As part of the review process the interested parties were notified of the review – no additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

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

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

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

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

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

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

4. The scheme of landscaping approved in accordance with condition 2g) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the earlier date. Any trees or hedgerow removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

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

the dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Midlothian Local Development Plan.*

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

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

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

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

8. On completion of the decontamination/ remediation works required in condition 7 and prior to any dwellinghouse being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

Reasons for conditions 7 and 8: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped*

areas, and the wider environment; to ensure the remediation works are undertaken.

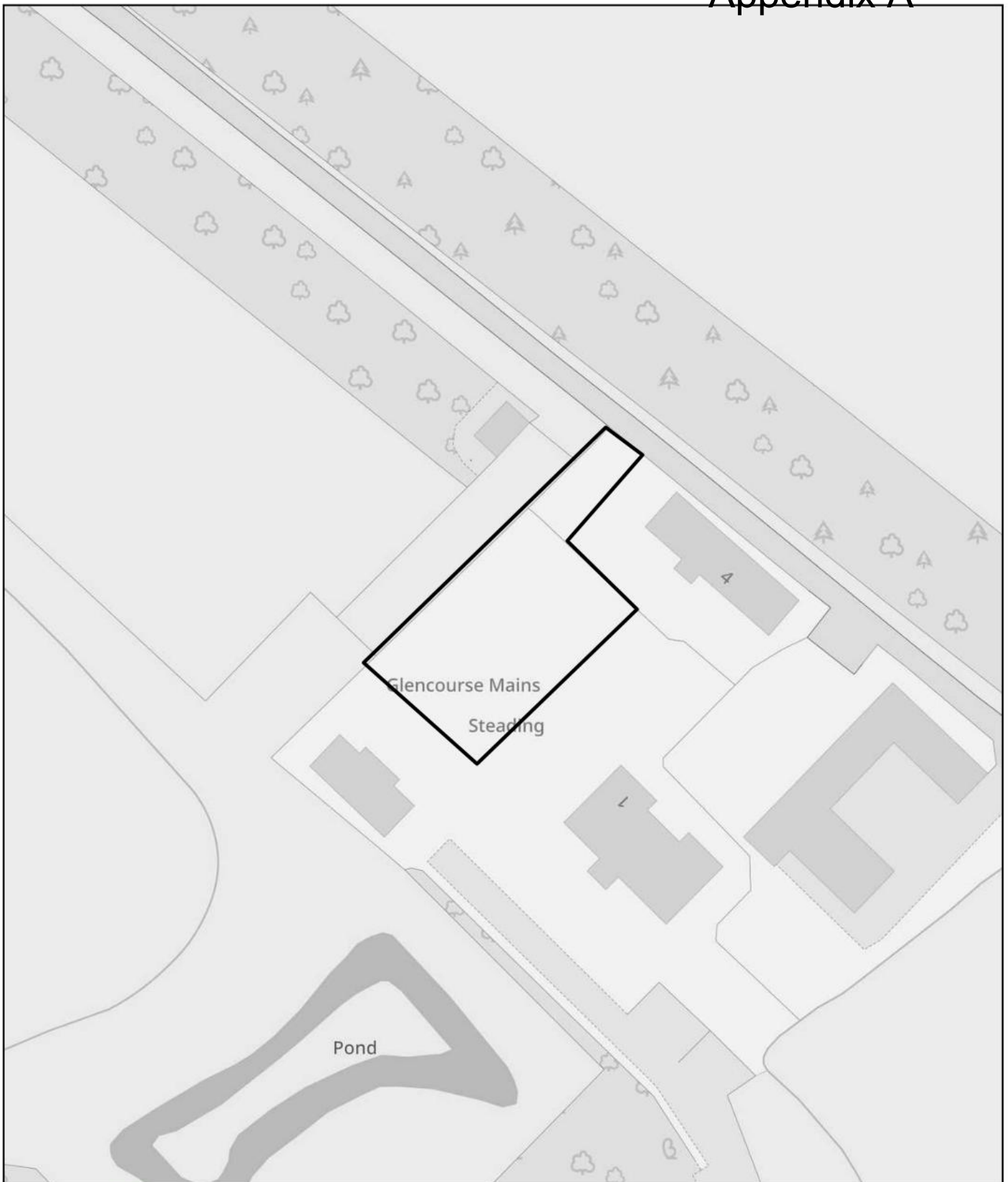
6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 26 January 2024
Report Contact: Mhairi-Anne Cowie – Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 23/00621/DPP available for inspection online.



**Planning Service
Place Directorate**
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: 23/00621/DPP

Scale:1:750





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 100645197-003

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"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Scott"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text" value="36"/>
Telephone Number: *	<input type="text" value="07790 846 990"/>	Address 1 (Street): *	<input type="text" value="Wallace Avenue"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Wallyford"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="East Lothian"/>
		Postcode: *	<input type="text" value="EH21 8BZ"/>
Email Address: *	<input type="text" value="scott@ego3d.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text" value="Glencorse Mains Steading"/>
First Name: *	<input type="text" value="Stuart and Wendy"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="McHarg"/>	Address 1 (Street): *	<input type="text" value="Belwood Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Penicuik"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 0NN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik, EH26 0NN"/>
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Northing	<input type="text" value="662622"/>	Easting	<input type="text" value="323720"/>
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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)

Proposed Dwelling House

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.

Covering letter uploaded as part of the supporting documents.

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)

Covering Letter/Statement, Application Drawings, NPF4 Policy Statement, Phase 1 Geo-Environmental Desk Study, location plan, Bat Box, Conservation Velux and Planning Photos

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00621/DPP

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

27/09/2023

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

28/11/2023

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

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

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 Scott Allan

Declaration Date: 21/12/2023

Scott Francis Allan

Architectural Design

21 December 2023

Midlothian Council
Strategic Services
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

Proposed Dwelling House
Glencourse Mains Steading, Belwood Road, Milton Bridge, Penicuik, EH26 0NN
Application for Local Review of Planning Application Ref 23/00621/DPP

Dear Sirs,

Uploaded for consideration is an application for **Local Review** in respect of the **Proposed Dwelling House** at **Glencourse Mains Steading, Belwood Road, Milton Bridge, Penicuik, EH26 0NN**. The application **23/00621/DPP** submitted to Midlothian Planning had been refused on the follow and we seek a review of the decision and associated reasons for refusal.

- 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. Therefore, there is no justification for the development of a residential unit in this Green Belt location as it would be contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2018, the related supplementary planning guidance and Policy 8 of the National Planning Framework 4.*

This condition remains that same as the originally approved scheme approved at Local Review.

- 2. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development has been sited in a sustainable location. The proposed development fails to address the global climate crisis in this respect. Therefore the proposed development does not comply with the overarching aims of NPF4 and policy 1 of NPF4 specifically.*

Not comment/feedback received from Planning on the NPF4 Policy Statement issued in support of the application.

- 3. The proposed development has potential for overlooking between the proposed house and the existing houses and garden grounds 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.*

This condition remains that same as the originally approved scheme approved at Local Review.

Application 23/00621/DPP was submitted due to the original approved application 19/00611/DPP having not commenced on site for both the reasons of Covid and Discharge of Conditions. The new application is for a similar property as the original approval with the additional of a basement storey. As material removal from site will be required due to the Brown Field natural of the site any additional excavation would be minimised.

Scott Francis Allan

Architectural Design

With the Planning report several conditions highlighted with the report and comment on these.

- *The proposed house is of traditional design and materials which is reflective of the other houses in the immediate area. The house would 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 application as submitted clearly indicated all landscaping as requested within the previous Planning approval conditions as submitted to Midlothian Council and therefore should have been assessed as part of the submission and not to be conditioned as a follow on requirement should consent be obtained.

- *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.*

The Phase I Geo-Environmental Desk Study submitted in support of the application highlighted no Phase II intrusive investigation is considered necessary however also advised that during the process of the redevelopment works, should any contamination be identified then it is recommended that a suitably qualified environmental engineer is contacted for advice.

- *They also recommend a condition to control noise from the proposed heat pumps. Should permission be approved, details of these would be required by condition.*

Heat Pump is only one option for sustainable heating/hot water for this type of development as advised with the NPF4 Policy Statement 230918 submitted as part of the application.

- *Should permission be approved, details of the proposed drainage system would be required by condition.*

Drainage design shown on the application drawings, both foul and surface water, connecting to the existing septic tank and discharge to the burn as previously approved by Scottish Water

With the uploaded documents being to your satisfaction we look forward to confirmation that the application has been registered. Should you require any further information please contact the undersigned in the first instance at the address or telephone number provided below.

Kind Regards,

Scott Francis Allan
Architectural Design

<https://www.facebook.com/scottfrancisallan/>

Enclosures

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00621/DPP

Site Address: Land at Glencorse Mains Steading, Penicuik.

Site Description: The application site comprises an area of grassed land within a collection of houses at Glencorse Mains Steading. There are houses to the northeast, east and southwest. The houses in the area have stone walls with slate roofs and white window units and range between single storey, single storey with accommodation in the roofspace and two storey.

Glencorse Mains Steading comprises the 5 houses in the steading, with the former farmhouse to the east. There are houses to the southwest, southeast and northeast of the site. The land to the northwest houses a water treatment works, with adjacent area having the appearance of being a field. There are fields to the northeast. The site is at a higher level than those to the northeast and southeast.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to erect a house measuring 20 metres long by a total of 13.5 metres wide and 8.1 metres high. The house is single storey with accommodation within the roofspace served by rooflights and dormer windows rising from the wallhead. The walls are stone, the roof slate, the window frames and doors white timber and the rooflights conservation style. There is a basement level of accommodation and associated ground removal and engineering works to the rear of the house. No details showing the areas of excavation or the proposed ground levels in this area have been submitted.

Four proposed parking spaces are accessed from the northeast, adjacent to an existing access serving the house to the northeast. The driveway is to be chipped and the patio area paving. The timber boundary fence and gates are 1.8 metres high. An electric vehicle charging point is proposed. A beech hedge will be around the boundaries with some tree planting within the site. The house will connect to the public water supply. There will be private drainage arrangements, with the house connecting to an existing septic tank in the area.

The application includes an NPF4 statement and coal mining risk assessment.

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

19/00611/DPP Erection of dwellinghouse. Refused – the house was not required for the furtherance of an established Green Belt activity; overlooking between the proposed and existing houses and garden ground at neighbouring dwellings, to the significant detriment of the amenity and privacy of the occupants; contrary to policies ENV1 and DEV6 of the MDLP. Approved by LRB – the proposed dwelling fits into the landscape, complements the neighbouring cluster of dwellinghouses and is not

detrimental to the green belt and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt. This was not implemented and so expired in February 2023.

Wider steading area including application site

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

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

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

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

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/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 (this application is accompanied by an environmental statement). Consent with conditions.

Consultations:

The Council's **Policy and Road Safety Manager** was consulted but no response was received. In the previous application for a house at the site (19/00611DPP),

they had no objection and stated the access track to the site is not currently adopted by the Council and will be privately maintained. There has been no significant change in circumstances in the area since the previous comments were received.

The Council's **Senior Manager Protective Services** recommends conditions to ensure ground contamination remediation works are undertaken. While some information was submitted relating to this, this related to an adjacent site. It is likely that some of the information could be reused. Concerns were raised over the proposed heat pumps. These should be conditioned to particular noise levels.

The **Midlothian Health and Social Care Partnership** was consulted but did not comment on the application.

Scottish Water has no objection and states that there is public drainage in the area. They will not accept any surface water connections to the combined sewer.

The Council's **Biodiversity consultant** provides some guidance on suitable bee, bird and bat boxes.

Representations: One representation was submitted neither objecting to nor supporting the application:

- Could the applicant provide details on how the wastewater (sewage) will be dealt with; and
- Concern over the condition of the unadopted, privately maintained shared access road and its maintenance given the increase in use of this.

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

National Planning Framework 4 (NPF4)

- **Policy 1 Tackling the climate and nature crises**; sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis
- **Policy 2 Climate mitigation and adaptation**; sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change
- **Policy 3 Biodiversity**; sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks
- **Policy 5 Soils** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land
- **Policy 8 Green belts**; sets out to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably
- **Policy 13 Sustainable Transport**; sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably

- Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle
- Policy **15 Local Living and 20 minute neighbourhoods**; sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options
- Policy **17 Rural Homes**; supports development proposals or new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, and meets set conditions including where the site is allocated for housing within the local development plan. Development proposals for new homes in rural areas shall consider how the development will contribute towards local living
- Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding
- Policy **24 Digital Infrastructure**; sets out to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

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 are 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 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; 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.

Supplementary Guidance for Housing Development in the Countryside and Green Belt has been adopted which expands policies RD1 and ENV1 and the criteria to be met in such proposals. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour. This provides some support the development of one house where there is a group of 5 or more existing dwellinghouses. However this only applies to sites covered by RD1. Sites within the Green Belt are covered by ENV1 which does not make provision for development at housing groups, therefore proposals in such location will not be considered in accordance with the plan.

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. The consultations received and planning history of the site are material considerations.

In this instance the planning history, namely the Local Review Body decision in February 2020, is a significant material consideration. This is because it was a formal decision of this Council to support the development of a house on the site. However this permission was not implemented and expired in February 2023. Therefore this is not extant. The application needs to be considered in line with the current relevant development plan policies.

The previous application was considered by the adopted Midlothian Local Development Plan 2017, which remains part of the development plan. This now includes National Planning Framework 4 (2023) which was introduced in February

2023 and is a material consideration in the assessment of applications. The primary focus of the NPF4 planning policies seek for developments to be sustainable and give consideration to the global climate and nature crises.

In response to the NPF4, the applicant's agent states the following:

- The proposal will meet or exceed the latest technical standards which are aligned with the Scottish Government's Climate Change policy commitments seeking Net Zero Carbon by 2045. These are supportive of NPF4's targets for reducing emissions and greenhouse gases.
- The design and materials of the house are in keeping with the area;
- Either air or ground source heat pumps or LPG will provide heating to the house, as well as a wood burning stove;
- The applicant will project manage construction and use local trade services, as well as source local materials;
- Where possible the materials will be reclaimed;
- It is planned to adopt a reuse policy of a reduction on waste and need for landfill will be reduced, as well as reducing CO2 emissions by reducing labour and material transportation; and
- The existing landscaping is to remain, with bee, bird and bat boxes installed.

The site is within a rural area and is therefore not a sustainable location. The majority of trips are likely to be done by private car which is not in line with NPF4's focus on sustainability. The use of zero and low carbon technology, landscaping, compliance with Building Standards and ecology recommendations would all be expected as standard in proposals. These are not extra measures which help address the climate and nature crises. The comments about the materials and construction are welcomed but it is difficult to ensure these are carried out.

The site lies within the Green Belt where there is a restrictive planning policy limiting housing unless the proposal complies with 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.

The proposal would result in a new house within the Green Belt. It has not been submitted that the house is necessary to agriculture, horticulture or forestry. Equally, it is not required to provide opportunities for access to the open countryside, nor is it related to other uses appropriate to the rural character of the area, for essential infrastructure or part of a development that meets a national requirement. The house is not residential accommodation required for a key worker in a primary industry within the immediate vicinity of their place of employment where the presence of a worker is essential to the operation of the enterprise, or retired workers where there is no suitable alternative accommodation available. This does not relate to horticulture, outdoor recreation, play and sport or leisure and tourism uses and does not provide opportunities for access to the open countryside. The

proposal is not related to flood risk management, for new cemetery provision, minerals operations or renewable energy developments, or the intensification of established uses. This is not for the reuse, rehabilitation and conversion of historic environment assets and not a replacement home. 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.

While the related SG provides some support for the addition of houses within established groups, where certain criteria are met, it is clearly stated that this only applies to sites within the countryside. Sites within the Green Belt are not included in this section of the SG and so there is no provision for development at housing groups here. Therefore the site does not benefit from the housing groups policy.

Given the above, the proposal does not comply with related NPF4 and MLDP policies.

Notwithstanding the lack of support in principle for a house here, the details of the proposal need to be considered.

The proposed house is of traditional design and materials which is reflective of the other houses in the immediate area. The house would 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 to the northeast, southeast and west. The side of the proposed house will be 13 metres from the rear elevation of the house to the northeast. 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. The house to the northeast is at a lower ground level than the application site. The combination of reduced distances, windows on both elevations and ground levels will result in a loss of privacy to the occupants of the house to the northeast to the significant detriment of their amenity. This is not only to the house but also the associated garden ground which would be directly overlooked by the proposed house.

The proposed house is positioned 16 metres from the side elevation of the house to the southeast. This existing house and associated garden ground is on lower ground than the proposed house, which sits higher at the top of a slope. There are a number of window openings on the existing house which will be directly overlooked by the proposed house. The garden ground will also be significantly overlooked by the proposed house. Although beech hedging is proposed along this shared boundary, this would not prevent overlooking from the proposed house and the associated garden ground to the existing house.

The submitted plans indicate that there is to be a significant amount of ground removal to provide access to the basement level at the rear of the proposed house. It appears that an area to the rear of the house is to be excavated to provide this access. The existing slope to the house to the southeast remains in place. However no details of proposed ground levels have been submitted so this is not clear. If this is the case, the excavated area would be enclosed by significantly higher

land on two sides and the house on two sides. The relationship to the house to the southeast would remain largely as existing.

The proposed house is 18 metres from the house to the west, which is in line with the Council standards of distances between properties.

Sufficient garden ground is provided for the proposed house.

The vehicular access is to the access track to the northeast, beside the vehicular access to the adjacent house. The access is from an unadopted track which serves the surrounding houses. There are no road safety objections to the proposal. The condition and maintenance of the unadopted, privately maintained access road is a private legal matter between the landowners and not a material planning consideration.

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 Senior Manager Protective Services 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.

They also recommend a condition to control noise from the proposed heat pumps. Should permission be approved, details of these would be required by condition.

Should permission be approved, details of the proposed drainage system would be required by condition.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00621/DPP

Scott Allan
36 Wallace Avenue
Wallyford
East Lothian
EH21 8BZ

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Stuart and Wendy McHarg, Glencorse Mains Steading, Belwood Road, Penicuik, EH26 0NN, which was registered on 27 September 2023 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	2022-54-000 1:2500 1:1250	27.09.2023
Site Plan, Location Plan, Elevations	2023-66-001 1:1250 1:500 1:100	27.09.2023
Proposed Floor Plan	2023-66-002 1:50	27.09.2023
Proposed Elevations	2023-66-003 1:50	16.11.2023

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. Therefore, there is no justification for the development of a residential unit in this Green Belt location as it would be contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2018, the related supplementary planning guidance and Policy 8 of the National Planning Framework 4.*
- 2. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development has been sited in a sustainable location. The proposed development fails to address the global climate crisis in this respect. Therefore the proposed development does not comply with the overarching aims of NPF4 and policy 1 of NPF4 specifically.*
- 3. The proposed development has potential for overlooking between the proposed house and the existing houses and garden grounds 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 28 / 11 / 2023

A handwritten signature in dark ink, appearing to be 'DR' with a stylized flourish.

.....
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/coalauthority

Development Low Risk Area- STANDING ADVICE

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

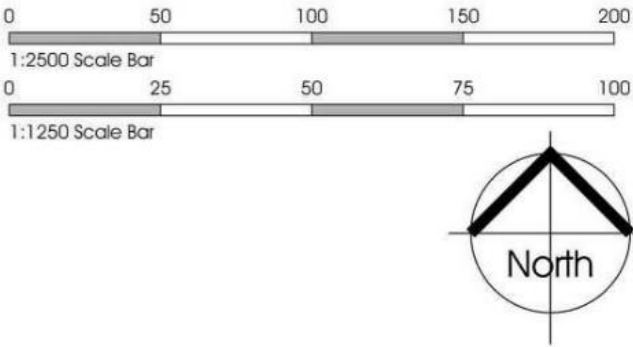
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

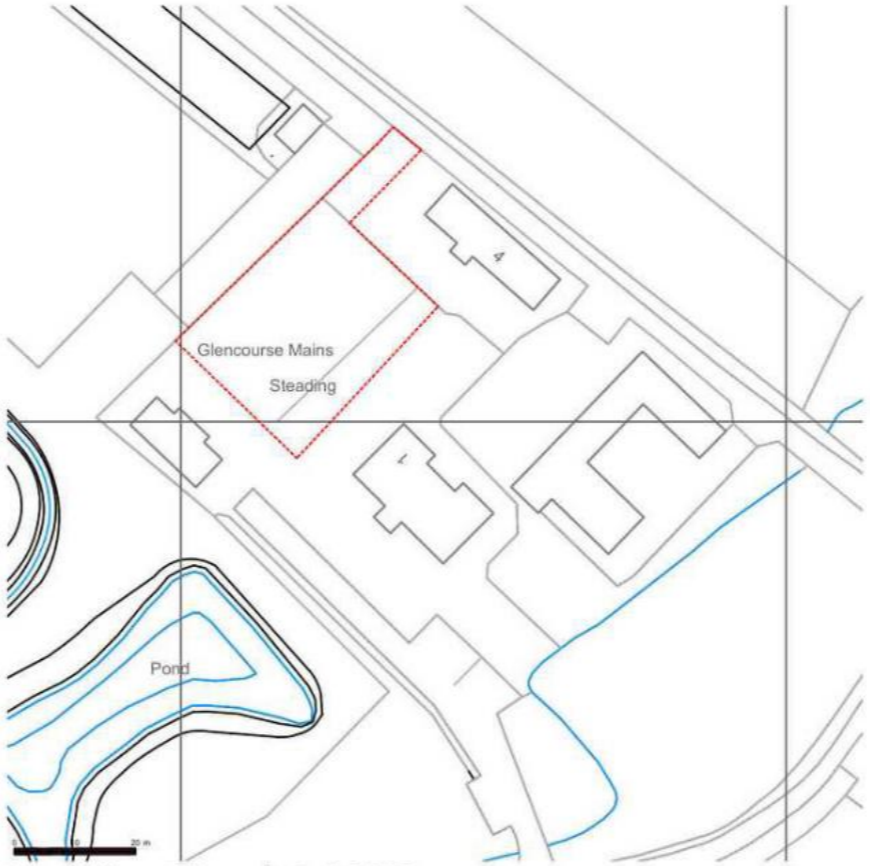


Location Plan - Road Junction | 1:2500

REFUSED
28/11/2023
23/00621/DPP



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Location Plan | 1:1250

Revision: Description: Date:

Scott Francis Allan
Architectural Design

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Planning and Building Warrant

Project:
House 4
Glencorse Mains Steading
Belwood Road, Milton Bridge, Penicuik, EH26 0NG

Client:
Stuart McHarg

Drawing:
Location Plan and Road Junction Plan

Drawing No.	Scale:	Date:	Name:	Sheet Size:
2022-54-000	As Noted	Oct 2022	SFAllan	A3

D:\Job

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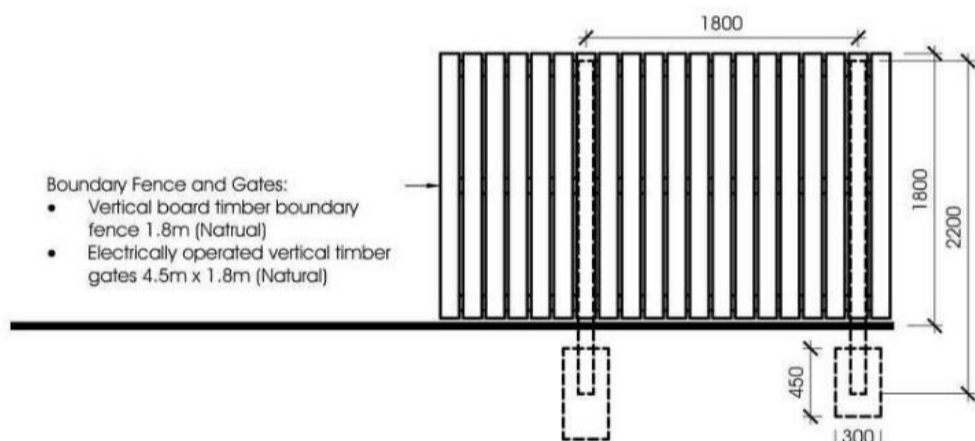


Proposed South East Elevation | 1:50



Proposed South East Elevation | 1:50

REFUSED
28/11/2023
23/00621/DPP



Proposed Fencing Details | 1:50



Proposed North West Elevation | 1:50



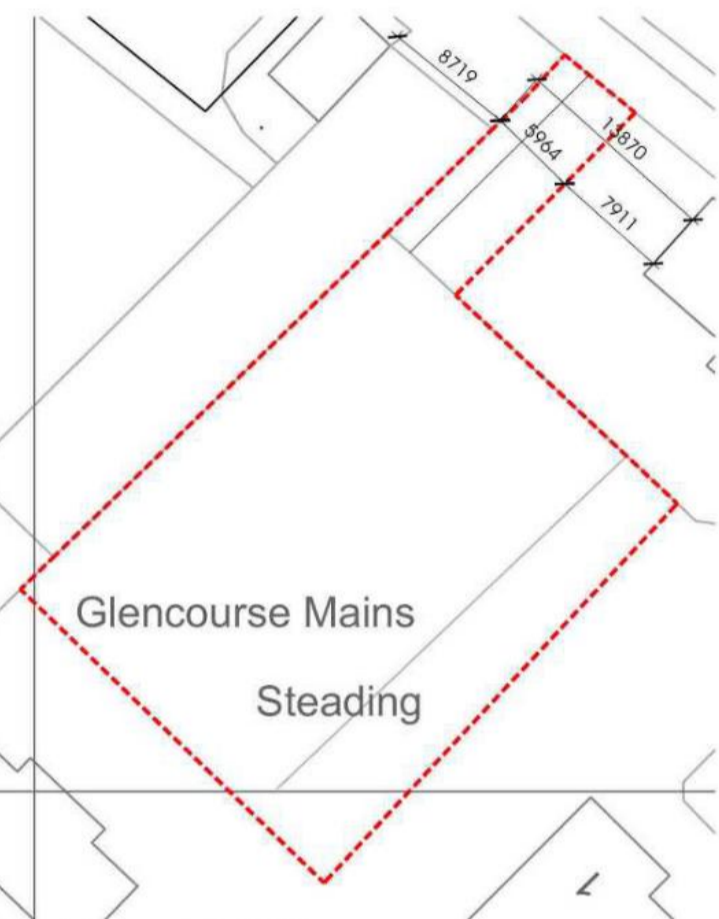
Proposed South West Elevation | 1:50



Proposed North East Elevation | 1:50



Location Plan | 1:1250



Block Plan | 1:500

Material Specification:

External Walls:

- Reclaimed Sandstone (Buff, Red and Grey)
- Dressed copes (Whitetail/Peak-moor)

Pitched Roof:

- Spanish Slate 16" x 10" (Grey/Blue)
- Code 4 or 5 Lead flashings and valleys
- Zinc ridge and hips

Windows and Doors:

- Redwood Window/Doors (White)
- Slitline double glazing (8mm glass/4mm argon or gas/8mm glass)
- Conservation style roof windows
- Solid Timber Storm Doors

Gutters and Down Pipes:

- Cast Iron Gutters (Black)
- Cast Iron Down pipes (Black)

Boundary Fence and Gates:

- Vertical board timber boundary fence 1.8m (Natural)
- Electrically operated vertical timber gates 4.5m x 1.8m (Natural)

Driveway and Patio:

- Marshall chip driveway and turning head (Buff)
- Marshall regular paving (Buff/Red)

Landscaping:

- Single species Beech hedgerow: 60-80cm height, planted at min. 6 plants per meter, and
- Hedgerow trees min. Light Standard nursery size (6-8cm girth)
- 2No Locally appropriate tree planting of smaller size (cherry) proposed at near north east and south western boundaries
- Proposals for tree and hedgerow planting should include stakes, ties, and guards where appropriate, to protect from grazing/ browsing
- Biodiverse lawn proposed

Total Site Area:

Area: 892.0sqm

Proposed House Footprint:

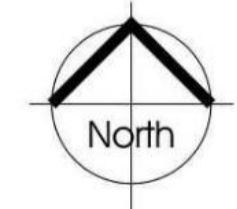
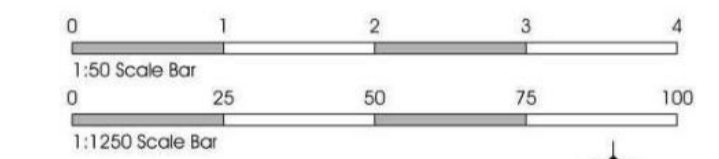
Area: 184.50sqm

Proposed Patio/Hard Standing:

Area: 166.50sqm

Proposed Driveway:

Area: 151.0sqm



Revision: Description: Date:

Scott Francis Allan
Architectural Design

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Planning and Building Warrant

Project:
House 4
Glencourse Mains Steading
Belwood Road, Milton Bridge, Penicuik, EH26 0NG

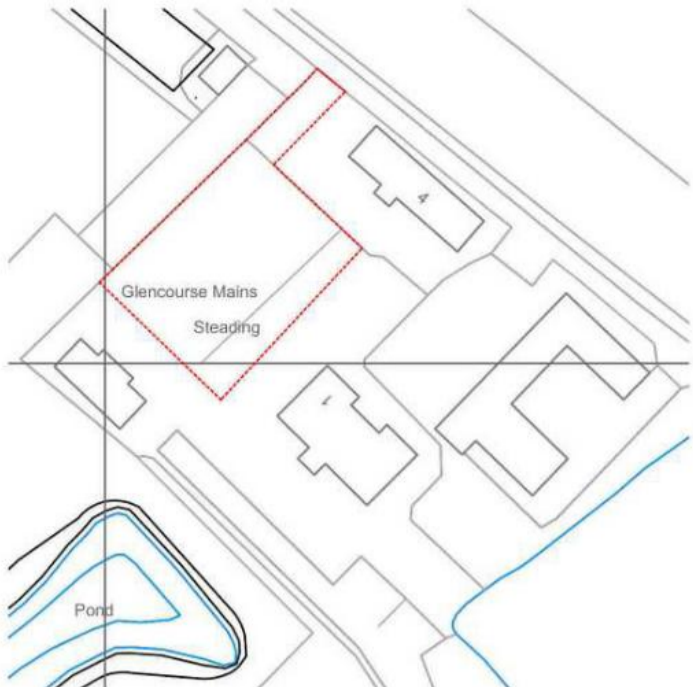
Client:
Stuart McHarg

Drawing:
Proposed Elevations and Fence Details

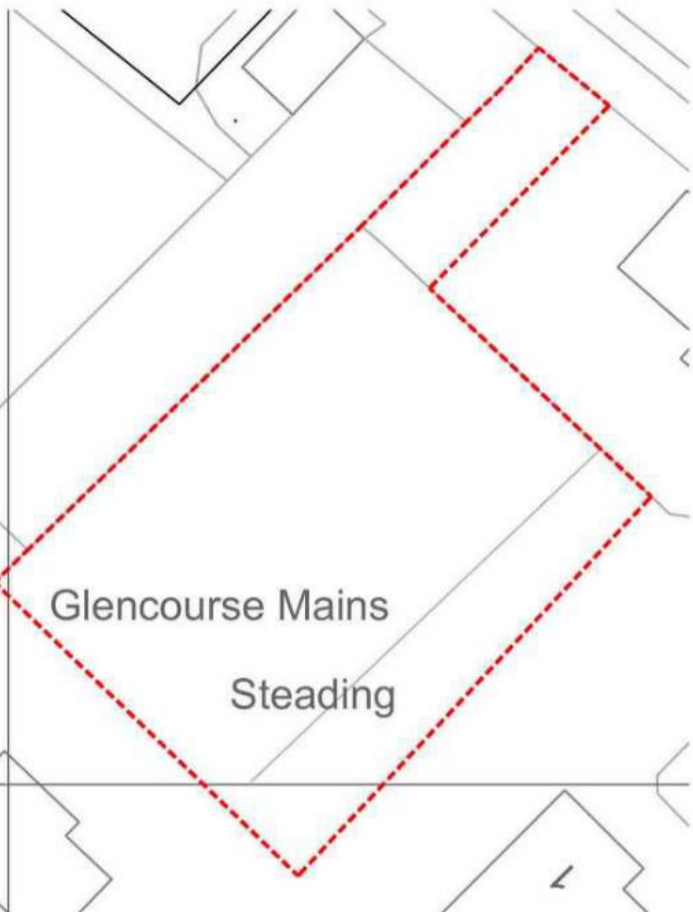
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REFUSED
28/11/2023
23/00621/DPP



Location Plan | 1:1250



Block Plan | 1:500

Material Specification:

- External Walls:
- Reclaimed Sandstone (Buff, Red and Grey)
 - Dressed copes (Whiteness/Peak-moor)

- Pitched Roof:
- Spanish Slate 16" x 10" (Grey/Blue)
 - Cable 4 or 5 lead flashings and valleys
 - Zinc ridge and hips

- Windows and Doors:
- Redwood Window/Doors (White)
 - Slitline double glazing (8mm glass/11mm argon or gap/8mm glass)
 - Conservation style roof windows
 - Solid Timber Storm Doors

- Gutters and Down Pipes:
- Cast Iron Gutters (Black)
 - Cast Iron Down pipes (Black)

- Boundary Fence and Gates:
- Vertical board timber boundary fence 1.8m (Natural)
 - Electrically operated vertical timber gates 4.5m x 1.8m (Natural)

- Driveway and Paving:
- Marshall chip driveway and turning head (Buff)
 - Marshall regular paving (Buff/Red)

- Landscaping:
- Single species Beech hedgerow: 60-80cm height, planted at min. 6 plants per meter, and
 - Hedgerow trees min. Light Standard nursery size (6-8cm girth)
 - 2No Locally appropriate tree planting of smaller size (cherry) proposed at near north east and south western boundaries
 - Proposals for tree and hedgerow planting should include stakes, ties, and guards where appropriate, to protect from grazing/ browsing
 - Biodiverse lawn proposed

Total Site Area:

Area: 892.0sqm

Proposed House Footprint:

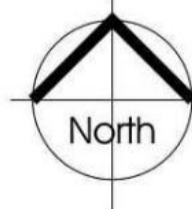
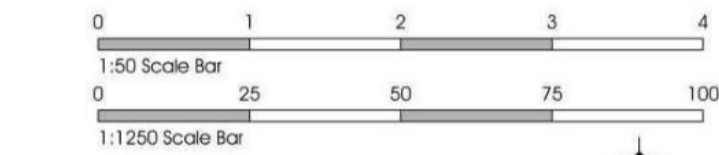
Area: 184.5sqm

Proposed Patio/Hard Standing:

Area: 166.5sqm

Proposed Driveway:

Area: 151.0sqm



Revision: Description: Date:

Scott Francis Allan
Architectural Design

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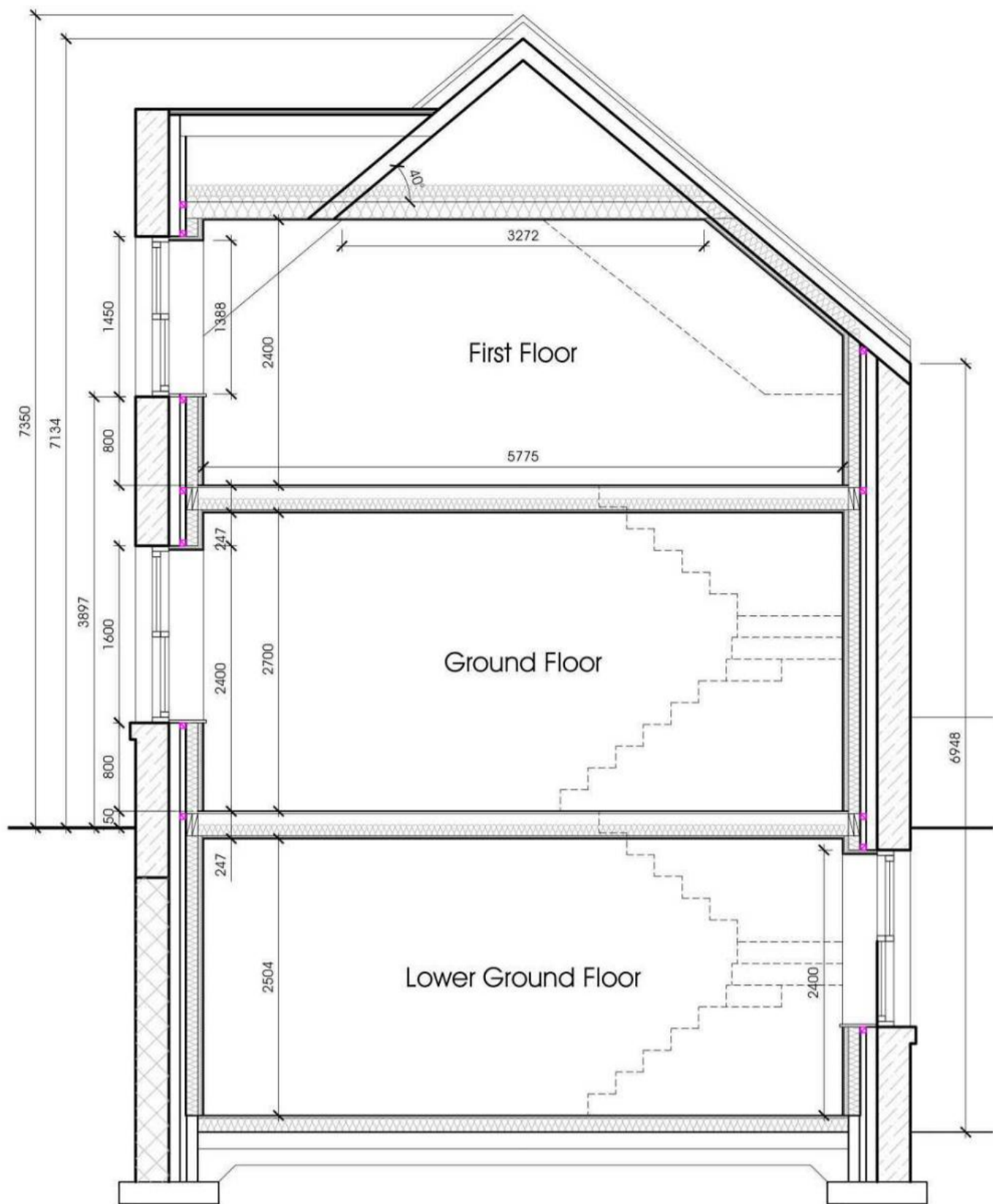
Planning and Building Warrant

Project:
House 4
Glencorse Mains Steading
Belwood Road, Milton Bridge, Penicuik, EH26 0NG

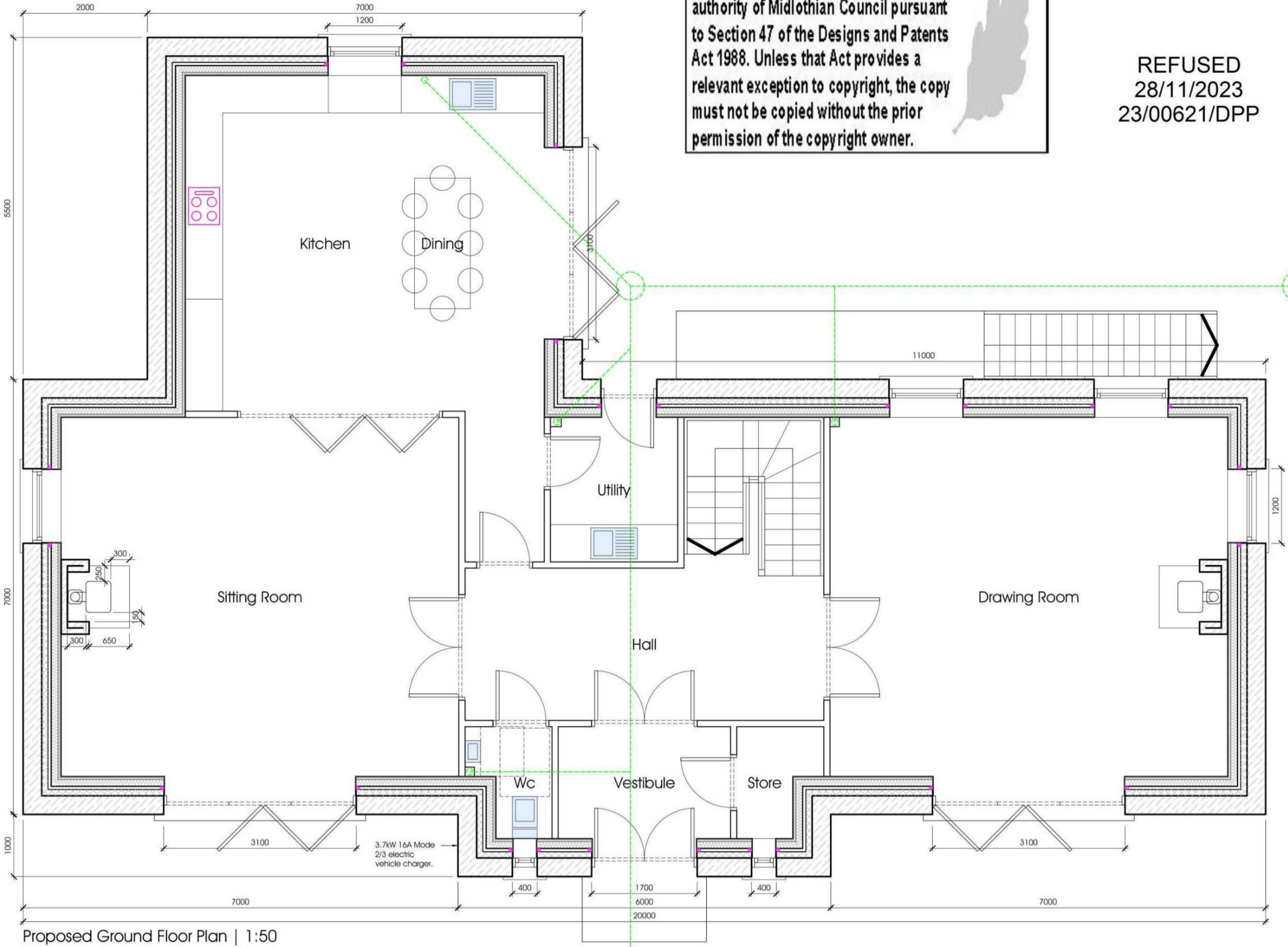
Client:
Stuart McHarg

Drawing:
Proposed Floor Plans, and Cross Section

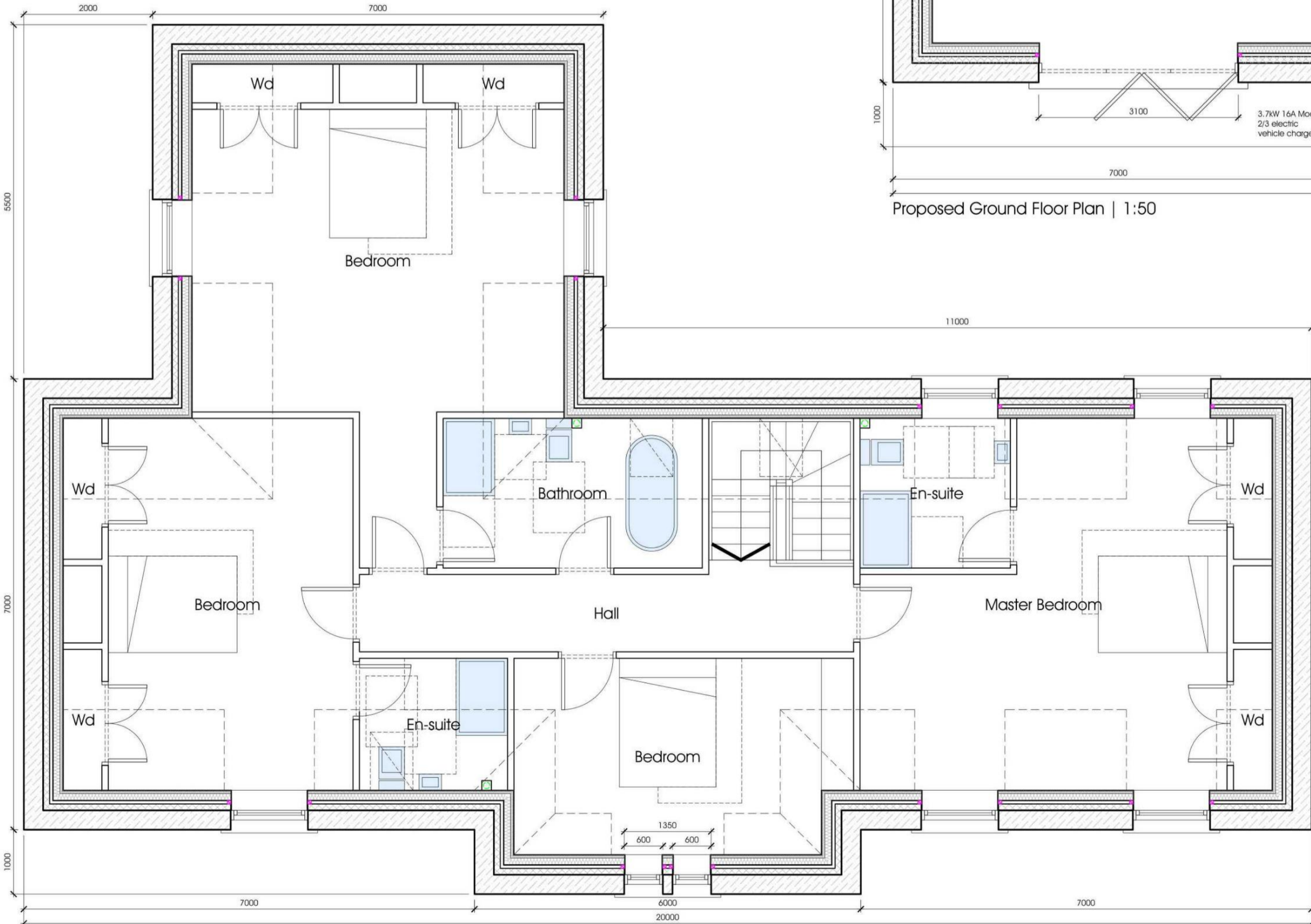
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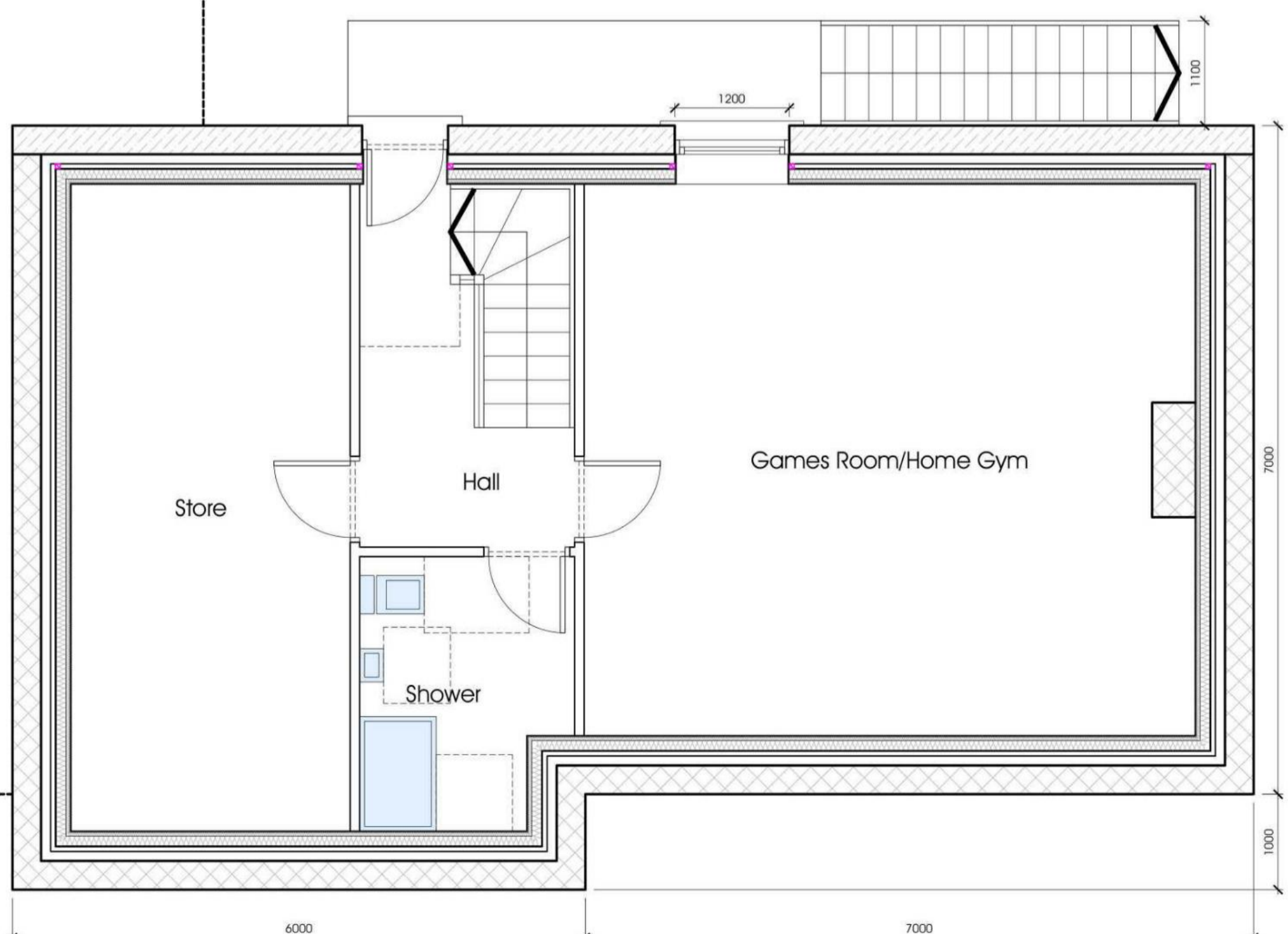
Proposed Cross Section | 1:50

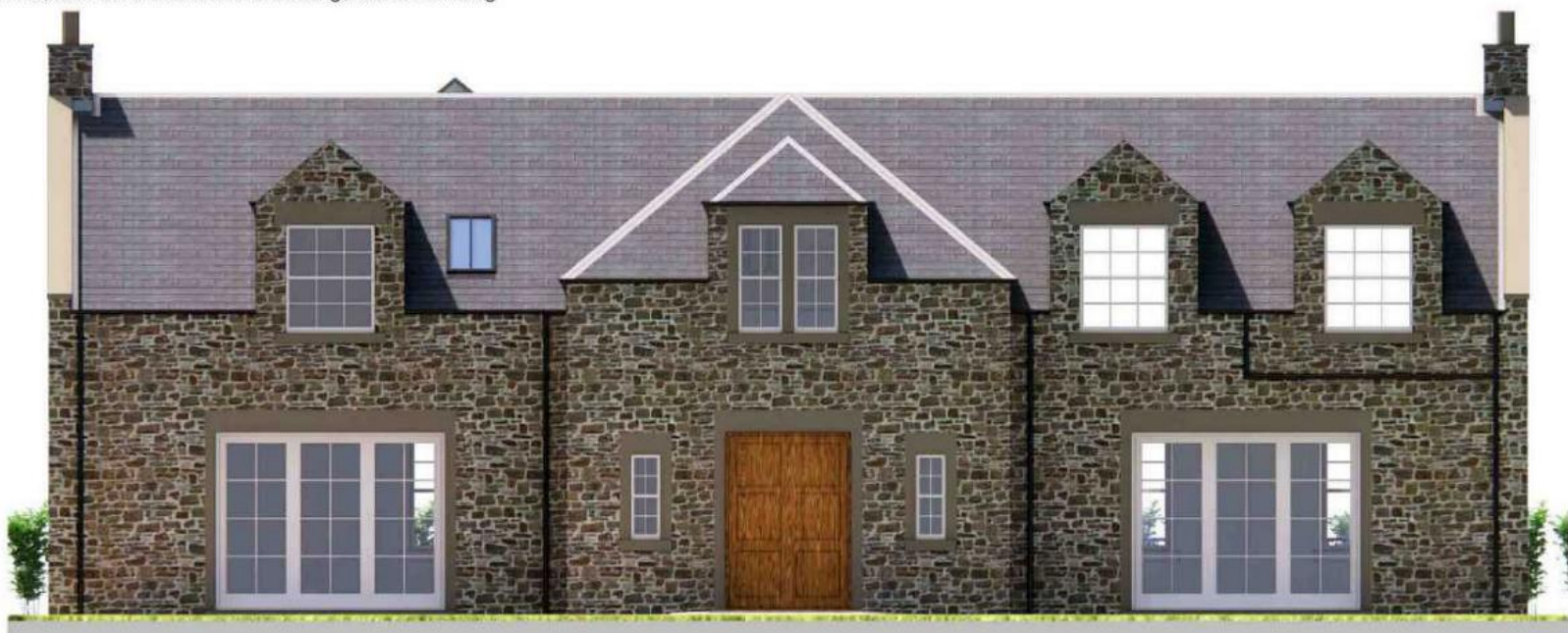


Proposed Ground Floor Plan | 1:50



Proposed First Floor Plan | 1:50





Proposed North West Elevation | 1:100



Proposed South East Elevation | 1:100



Proposed North East Elevation | 1:100



Proposed South West Elevation | 1:100



Architectural Illustration 01 | NTS



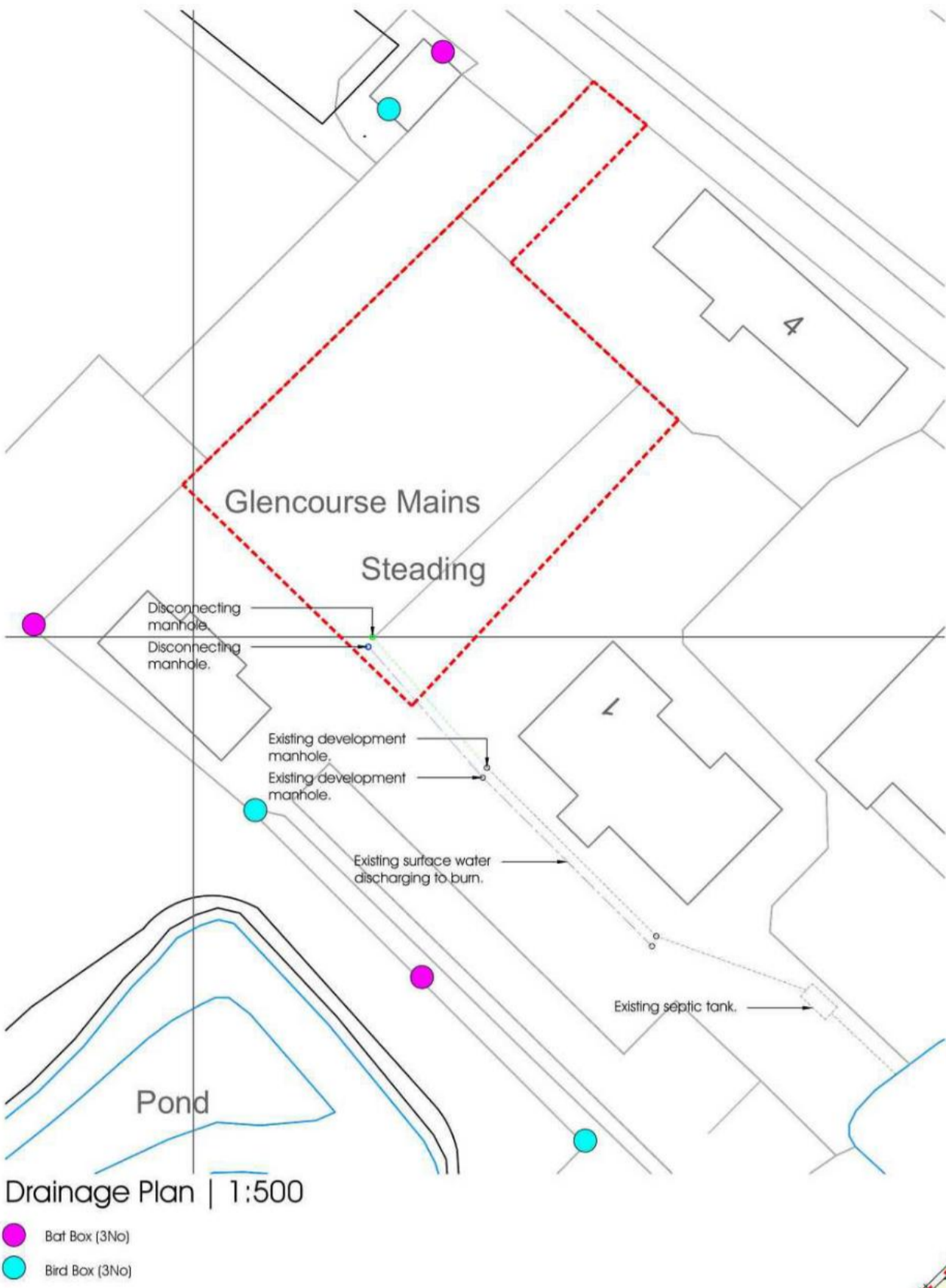
Architectural Illustration 03 | NTS



Architectural Render 01 | NTS



Architectural Render 02 | NTS

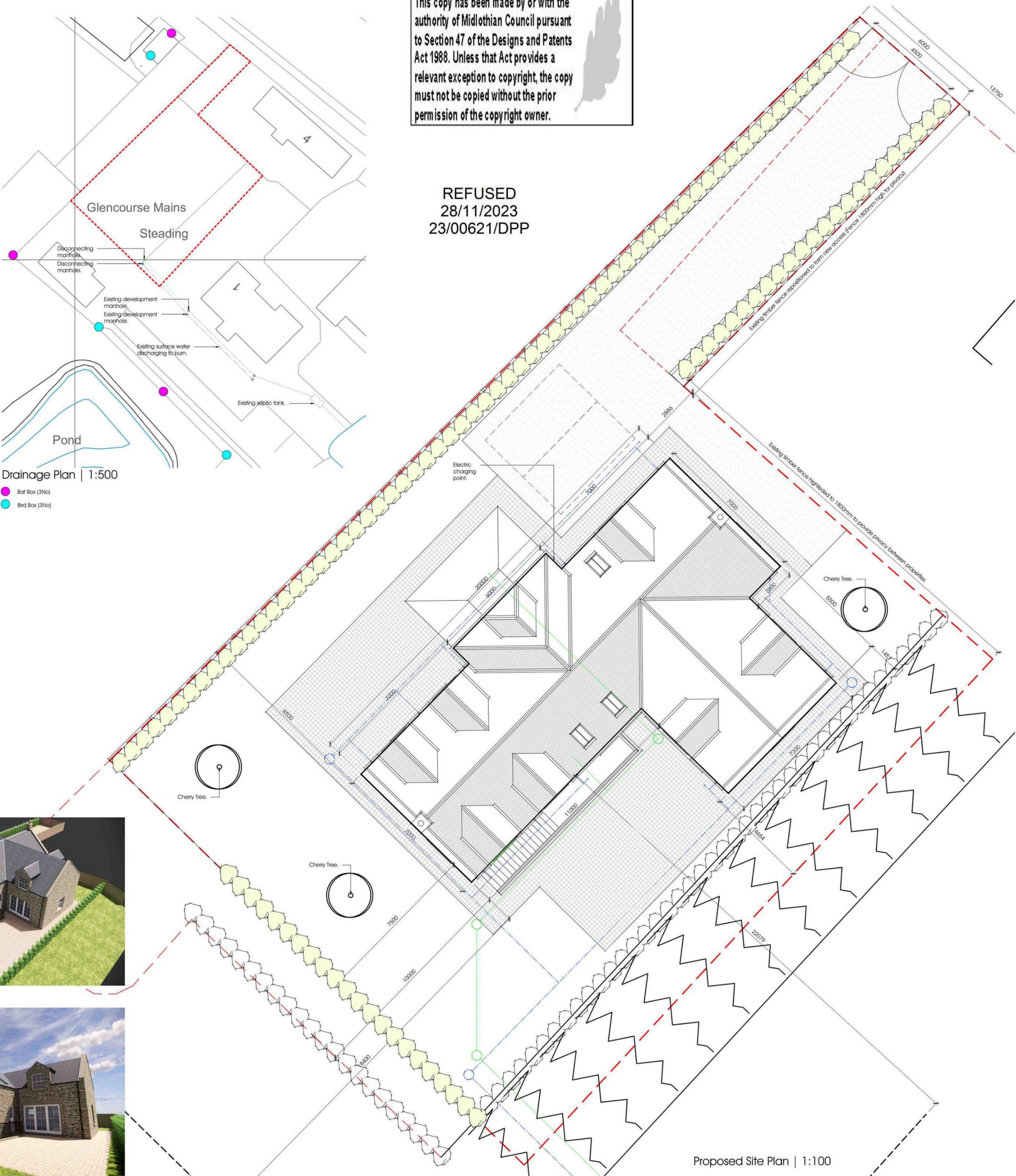


Drainage Plan | 1:500

- Bar Box (3No)
- Bird Box (3No)

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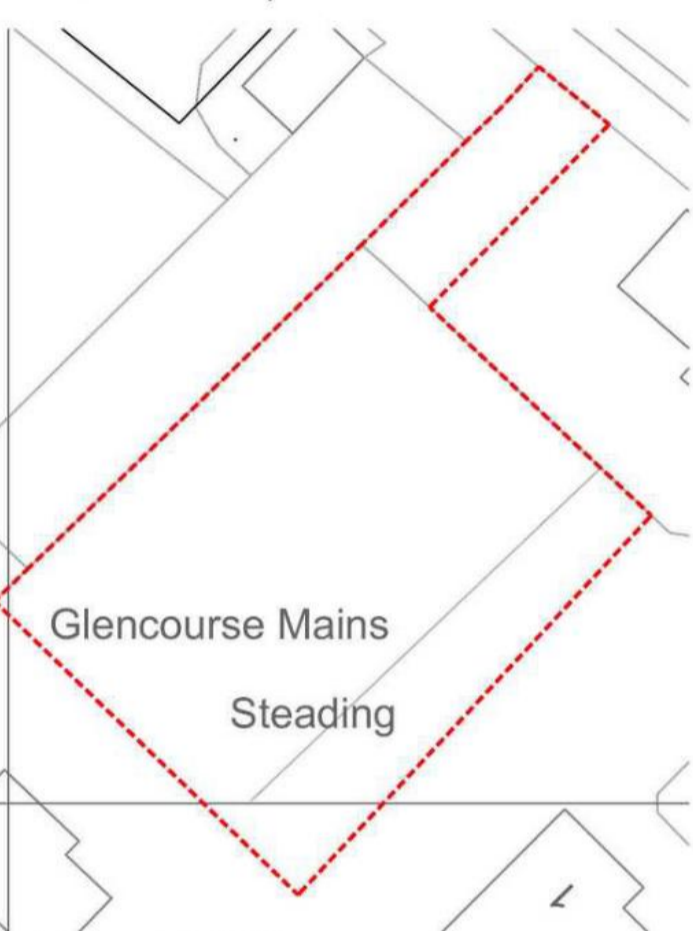
REFUSED
28/11/2023
23/00621/DPP



Proposed Site Plan | 1:100

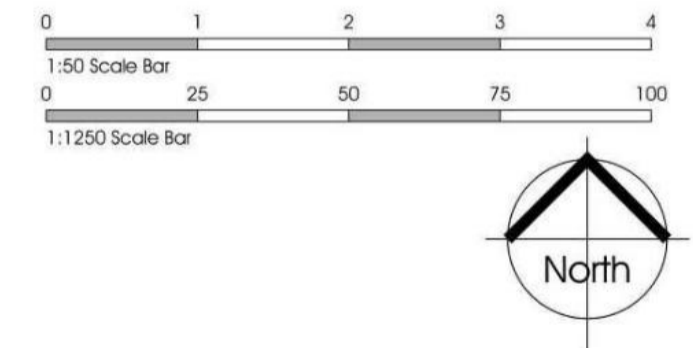


Location Plan | 1:1250



Block Plan | 1:500

- Material Specification:
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- Proposed House Footprint:
Area: 184.5sqm
- Proposed Patio/Hard Standing:
Area: 166.5sqm
- Proposed Driveway:
Area: 151.0sqm



Revision: Description: Date:

Scott Francis Allan
Architectural Design

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Facebook.com/scottfrancisallan

Planning and Building Warrant

Project:
House 4
Glencourse Mains Steading
Belwood Road, Milton Bridge, Penicuik, EH26 0NG

Client:
Stuart McHarg

Drawing:
Site Plan, Elevations and Illustrations

Drawing No.	Scale	Date	Name	Sheet Size
2023-66-001	As Noted	Sept 2022	SFAllan	A1