

Notice of Meeting and Agenda



Local Review Body

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

Date: Monday, 05 February 2024

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@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 11 December 2023 submitted for approval | 3 - 10 |
|------------|--|--------|

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- | | | |
|------------|---|---------|
| 5.1 | 23.00620.DPP - 27 Eskview Grove, Dalkeith | 11 - 30 |
| 5.2 | 23.00308.S42 - Rosebery Farm, Gorebridge | 31 - 58 |
| 5.3 | 23.00621.DPP - Land at Glencorse Mains Steading, Penicuik | 59 - 86 |

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday 25 March 2024 at 1pm.

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
Monday 5 February 2024
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 11 December 2023	1.00pm	Council Chambers/Hybrid

Present:

Councillor Imrie (Chair)	Councillor Smail
Councillor Bowen	Councillor Cassidy
Councillor McEwan	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer
Lucy Roddie	Democratic Services Officer

1 Welcome, Introductions and Apologies

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

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

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

4 Minute of Previous Meeting

The Minute of the Meeting of 13 November 2023 was submitted and approved as a correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.00485.DPP - 31 Newton Village, Dalkeith LRB Report and Appendices	Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager, presented the report. The purpose of the report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith.</p> <p>Planning application 23/00485/DPP for the erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith was refused planning permission on 1 September 2023.</p> <p>Peter Arnsdorf noted that members of the LRB had attended a site visit on the morning of 11 December 2023.</p> <p>Councillor Imrie, the Chair, thanked Peter Arnsdorf for the report and opened it up to questions.</p> <p>In discussing the proposed development and the reasons for its refusal, the Local Review Body did not agree that the proposed extension would have a detrimental impact upon the neighbouring properties and noted that no objections had been received.</p>		
Decision		

Councillor Smaill, seconded by Councillor McEwan, moved to uphold the review request and to grant planning permission for extension to flatted dwelling and erection of porch at 31 Newton Village, Dalkeith, EH22 1SN, subject to the conditions as set out in the report. This was unanimously agreed by the committee.

Action

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

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 5 February 2024 at 13:00.

The meeting terminated at 13:07.

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997 as amended

Local Review Body: Review of Planning Application Reg. No. 23/00485/DPP

F.E.M Building Design
8 Plantain Grove
Lenzie
Glasgow
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Ross McPhee, 31 Newton Village, Danderhall, EH22 1SN, which was registered on 6 November 2023 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of rear extension and front porch to flatted dwelling at 31 Newton Village, Dalkeith, EH22 1SN, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location plan and existing floor plans and elevations	23/McPhee/PP/001(-) 1:1250 1:200 1:50	25.07.2023
Location plan and proposed floor plans and elevations	23/McPhee/PP/002(-) 1:1250 1:50	25.07.2023

Subject to the following conditions:

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

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

2. The use of concrete roof tiles on the roof of the porch is not approved: the roof of the porch shall be covered in natural slate to match the colour, size, texture and profile of the slate on the roof of the existing building.

Reason: To safeguard the character of the building as extended and the visual amenity of the surrounding area.

3. Within 3 months of the rear extension being completed or brought into use whichever is the earlier date the existing garage in the back garden as indicated on the approved 1:200 existing block plan on drawing no. 23/McPhee/PP/001(-) shall be removed in its entirety.

Reason: To ensure adequate private amenity space associated with the application property.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 11 December 2023.

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

National Planning Framework 4

1. Policy 1 Tackling the climate and nature crisis;
2. Policy 14 Design, quality and place; and
3. Policy 16 Quality homes.

Midlothian Local Development Plan Policies:

1. DEV2 - Protecting amenity within the built-up area.

Material Considerations:

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

In determining the review the LRB concluded:

The proposed rear extension and front porch (and the demolition of the garage to the rear) do not undermine the amenity of neighbouring residents, nor are they detrimental to the character of the existing area or host building and as such the proposed development accords with the presumption in favour of development in Midlothian Local Development Plan 2017 and National Planning Framework 4.

Dated: 11/12/2023

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
Advisor to the Local Review Body
Place Directorate
Midlothian Council

On behalf of:
Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

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

Notice of Review: 27 Eskview Grove, Dalkeith

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 change of use from dwellinghouse (ground floor flat) to short-term let (retrospective) at 27 Eskview Grove, Dalkeith.

2 Background

- 2.1 Planning application 23/00620/DPP for the change of use from dwellinghouse (ground floor flat) to short-term let (retrospective) at 27 Eskview Grove, Dalkeith was refused planning permission on 24 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). 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 24 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 no consultations required and no representations received.
- 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/Enforcement

- 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 unauthorised use will be required to cease. In this case the applicant will be asked to comply with this requirement within two months of the LRB decision. However, the failure to cease the unauthorised use will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

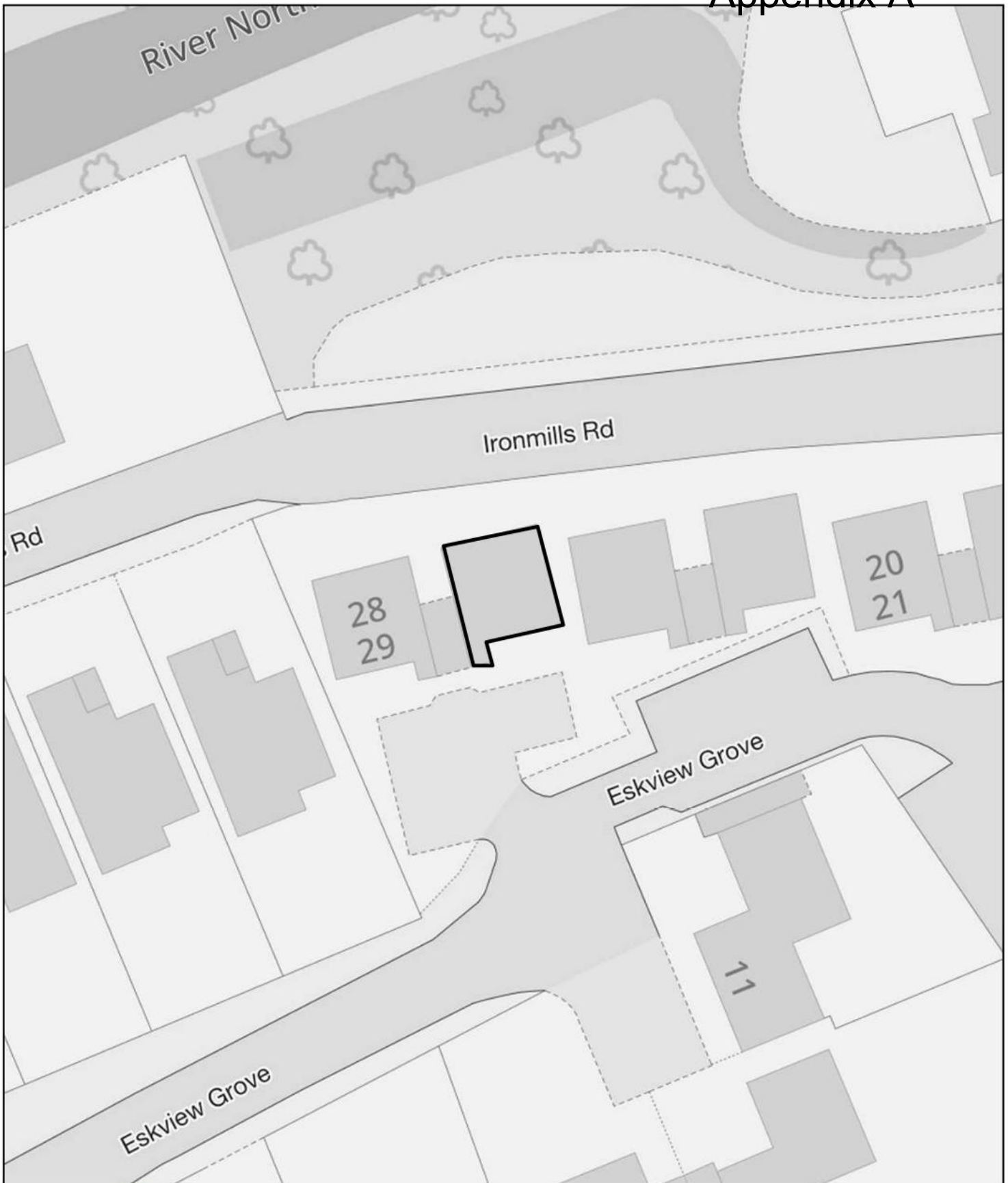
6 Recommendations

- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) 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: Whitney Lindsay, Planning Officer
Whitney.Lindsay@midlothian.gov.uk

Background Papers: Planning application 23/00620/DPP available for inspection online.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Change of use from dwellinghouse to short-term let
(retrospective) at 27 Eskview Grove, Dalkeith, EH22 1JW

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File No: 23/00620/DPP

Scale: 1:400

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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 100653625-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Colin"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Peckham"/>	Address 1 (Street): *	<input type="text" value="Eskview Grove"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 1JW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

27 ESKVIEW GROVE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DALKEITH

Post Code:

EH22 1JW

Please identify/describe the location of the site or sites

Northing

667494

Easting

332875

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)

The application was for home letting, short term letting of our own home when we are not using it. Details of Home Letting Application provided previously below: Further to home letting licensing application which is completed, planning consent is required. Primary Contact: Colin Peckham Date Started: 21/09/2023 Proposal Reference 100644613

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *	
<div style="display: flex; align-items: flex-start;"> <div style="width: 20px; text-align: center; margin-right: 10px;"> <input checked="" type="radio"/> </div> <div>Refusal Notice.</div> </div> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 20px; text-align: center; margin-right: 10px;"> <input type="radio"/> </div> <div>Grant of permission with Conditions imposed.</div> </div> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <div style="width: 20px; text-align: center; margin-right: 10px;"> <input type="radio"/> </div> <div>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</div> </div>	
<h3>Statement of reasons for seeking review</h3> <p>You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)</p> <p>Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.</p> <p>You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px; padding: 5px;"> See supporting documents. </div>	
<div style="display: flex; justify-content: space-between;"> <div> Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * </div> <div> <input type="radio"/> Yes <input checked="" type="radio"/> No </div> </div>	
<p>If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
<p>Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Single PDF supplied, including arguments and statements from neighbours and local residents, as the denial of planning permission does not appear to be based on the evidence specific to this application, or perhaps that evidence was missed in the original decision. Please note that the neighbour and local residents support statements were not previously supplied, the fact that they supported the application was clearly stated. These documents then augment that original statement. </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 2px 10px;">100644613</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 2px 10px;">22/09/2023</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 2px 10px;">29/11/2023</div>

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

T Yes ≤ No

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

Can the site be clearly seen from a road or public land? *

T Yes ≤ No

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

T Yes ≤ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

T Yes ≤ No

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

T Yes ≤ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

≤ Yes ≤ No T N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

T Yes ≤ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

T Yes ≤ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Colin Peckham

Declaration Date: 10/12/2023

Colin & Norma Peckham
27 Eskview Grove
Dalkeith
EH22 1JW

Dear Sir/Madam,

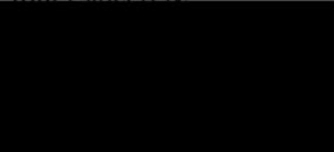
Please find the relevant documents relating to the home letting licencing application to Midlothian council, planning department.

Notes relating to this application:

- This is our **primary home** in the UK though we travel extensively for work. For the last five years we have allowed short term lets during the periods we are away for work (typically 4 - 8 weeks at a time).
- The property is a **main door property** with both **assigned and guest parking**, and we do not use our space when we are away.
- There have been **no physical changes** made to the structure of any part of the property, nor are any planned.
- We have **excellent relations with all our neighbours**, and always connect with them when we are home, and we have long since exchanged contact details with them (two of the other three homes in the cluster are owner-occupied and one is long term let). Several of our immediate neighbours have actually let our property while we've been away for their visiting friends and relatives, and in one case while their own property across the street was having building work done.
- We **do not permit one night lets** at any time.
- We allow a **maximum of two adults and two children** in the property.
- We have **strict noise/nuisance terms** in place for any guests.
- We have **never had a complaint** or objection from a neighbour (or anyone else).
- We have **never had an enforcement order**, or a law enforcement visit.
- We have agreements in place to manage all **refuse and recycling collections** when we are not home.
- We engage private **maintenance** to maintain the garden, and engage a local cleaning company to clean while we are away.
- We have appointed **keyholders** for when we're not home who live in the area for emergencies, and we have an exterior security camera for added safety.
- We have **excellent reviews** from guests who have used the property.

We hope you will find this helpful in reaching your decision, and thank you for your time,

Yours sincerely,



Colin Peckham

Application for review of planning Reg No 23/00620/DPP

Mrs Norma Peckham
27 Eskview Grove
Dalkeith
EH22 1JW

We strongly believe that this decision is not supported by the reasons given in the planning refusal.

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

- 1. The proposal is contrary to Policy DEV2 of the Midlothian Local Development Plan and Policy 30 parts b and e of the NPF4, as the use of the flatted dwelling as a short stay let will have a materially detrimental impact on the living conditions and amenity of nearby residents*
- 2. The change of use of the flatted dwelling to a short term let will result in the loss of residential accommodation where there is a high demand for residential accommodation and also results in an unacceptable impact on local amenity and the character of the area.*
- 3. The use of the flatted dwelling as a short term let for 4 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan and Policy 30 parts b and e of NPF4.*

- a) **Our neighbours support our use of the property** in this way, and not once in the 5 years that we have been using it in this way have we had a complaint from anyone. Please see below statements from several of our neighbours.
 - b) the home in question is a main door of a duplex unit. **This is not a block of flats.** The only other property in the same duplex unit also has a separate main door entrance (and supports our application!). There are no shared hallways, doors or intercoms between the properties.
- It is **irrational** to argue that use of the dwelling for short term lets will result in the **loss of residential accommodation**, as the very purpose of a **HOME LETTING** application is for the use of your OWN home when you're not in it. Denying that does not increase available housing stock, since the dwelling is ALREADY somebody's home. Insisting that we do long term lets on this property would have the effect of rendering us homeless! We do not have another home to move to. We travel extensively for work, but are rarely if ever away for more than 60 days. We contend that it is also illogical to argue that it results in an unacceptable impact on local amenities or character. We have been doing this since 2018, and no such effect has been observed or reported in our area.
- First, we limit to 2 adults (effectively one family at most). Second, it is **manifestly and demonstrably untrue that there is not enough parking**, or that this will create more parking pressure on others. **These units have parking bays** associated with them which are simply never used by anyone other than the residents in the cul-de-sac. There is ALWAYS parking available, especially since we do not use our space as we have sold our car (for the time being). For most of the time Norma has owned the property, she has had a car, and since she bought the property in Oct 1995 she has NEVER ONCE not been able to park legally, in her parking space, at the door. Not once in 18 years. Further (although we did not ask them to address it), in their statements, some of our neighbours have also attested to this. There are almost always at least 3 available spaces at the door.

Finally, to argue that pressure is created on local amenities is also unreasonable, since these would be used by whoever was in the property, be they short term or long term residents, or indeed, ourselves, since Colin or Norma live in the property as our primary (indeed, only) residence in the UK for several months each year.

We request that this denial of planning permission be overturned. We believe that the reasons given for denying planning permission in this case can not be rationally applied to the circumstances specific to this application.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00620/DPP

Site Address: 27 Eskview Grove, Dalkeith

Site Description:

The application site is located within a primarily residential area situated within the conservation area. The application site comprises a ground floor flatted dwelling within a two-storey detached building.

The application dwelling is finished in a brick with a slate pitched roof and painted blue timber framed, double glazed windows. There is a slate roof canopy between the application building and neighbouring flatted dwelling building which covers the access footpath and connects to two buildings.

Neighbour dwellinghouses within the local area vary in style and material finish.

Proposed Development: Change of use from dwellinghouse to short-term let (retrospective)

Proposed Development Details:

Retrospective planning permission is sought for the change of use from flatted dwelling to Short Term Let (STL). No internal or external physical changes are proposed as part of the current planning application. The applicant has advised that the property has been used as a STL since 2018.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

No relevant planning history.

Consultations:

No consultations required.

Representations:

No representations received.

Relevant Planning Policies:

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

National Planning Framework 4 (NPF4)

Policy 1 Tackling the climate and nature 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 7 Historic assets and places; sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy 30: Tourism

Part b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Part e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

The relevant policies of the adopted **Midlothian Local Development Plan 2017** are:

Policy DEV2: Development within the Built-up Area states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.

Policy ENV19: Conservation Areas states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.

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 application property has its own main door access which is located on the western elevation; there is a door on the elevation to provide access to the upper

flatted dwelling and two single doors opposite the application door that provides access to the two neighbouring flatted dwellings. The main doors for the application property and three neighbouring flats are all accessed via the same narrow path. There is a low degree of activity in the immediate vicinity of the property at any time.

The use of the flatted property as a short term let would introduce an increased frequency of movement to the flat. The proposed two-bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The additional servicing that operating a property as a short term let requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

The applicant noted within the supporting statement that the property is only advertised to be let out by a maximum of two adults and two children. Whilst the appellant's efforts to minimise instances of disturbance through the reduced of adults is acknowledged, there is no guarantee that any future owner would adhere to the same standard or that the current owner would change standard, currently in operation. Furthermore, it is not considered to be reasonable or enforceable to attach a condition restricting occupancy.

The applicant submitted a supporting statement outlining the number of visitors and days the property was let out; between September 2022 and August 2023 a total of 50 bookings; the number of occupants per booking is not noted and the number of days the property was occupied ranges from 2 to 12. Given the potential for a minimum of 2-night stays for up to 4 visitors at one time there would be greater opportunities for disturbance to surrounding residential properties than one might expect from established residents.

The use of the flatted dwelling as a short term let would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. Therefore, the change of use to a short term let does not comply with policy DEV2 of the Midlothian Local Development Plan and Policy 30 parts b and e of the draft NPF4.

Whilst not wholly relevant in this particular instance, due to the applicant occupying the property on an infrequent basis, it is noted that the demand for Midlothian Council housing waiting list is significant at 4468 housing applications; 906 in Dalkeith alone. The change of use of the flatted dwelling to a short term let results in the loss of residential accommodation for permanent residents within Midlothian which also results in an unacceptable impact on local amenity and the character of the area, which is contrary to Policy 30 part e of the draft NPF4.

The streets surrounding the application property are predominantly residential, the size of the properties mean that the majority of the properties are likely to be family residences. While it is acknowledged that a 2 bedroom flat could potentially be

occupied by 2 parents and 1 adult child, all with their own vehicles and potentially additional work vehicles, this would be an uncommon scenario. The most common scenario would be for a property of this size to be the base for 1 or 2 cars. The current on-street parking would need to accommodate this.

Occupation of the short term let property by 4 visitors not living as a family unit raises the possibility of 4 vehicles being based at the property. This number of vehicles cannot be accommodated within the application site. This number of vehicles puts significant additional pressure on the demand for on-street parking spaces. There is a high demand for on-street which can have a significant detrimental impact on the amenity of local residents, often leading to arguments and inconsiderate parking. Furthermore, it is noted that the property would be occupied on a short-term basis with occupants and vehicle movements frequently changing. Therefore, the proposed change of use would place additional pressure on the current limited on-street parking spaces.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of the adopted Midlothian Local Development Plan 2017 and the draft NPF4 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00620/DPP

Mrs Norma Peckham
27 Eskview Grove
Dalkeith
EH22 1JW

Midlothian Council, as Planning Authority, having considered the application by Mrs Norma Peckham, 27 Eskview Grove, Dalkeith, EH22 1JW, which was registered on 2 October 2023 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 short-term let (retrospective) at 27 Eskview Grove, Dalkeith, EH22 1JW

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

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

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

- The proposal is contrary to Policy DEV2 of the Midlothian Local Development Plan and Policy 30 parts b and e of the NPF4, as the use of the flatted dwelling as a short stay let will have a materially detrimental impact on the living conditions and amenity of nearby residents*
- The change of use of the flatted dwelling to a short term let will result in the loss of residential accommodation where there is a high demand for residential accommodation and also results in an unacceptable impact on local amenity and the character of the area.*
- The use of the flatted dwelling as a short term let for 4 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan and Policy 30 parts b and e of NPF4.*

Dated 24 / 11 / 2023

A handwritten signature in black 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

27 Eskview Grove Ground Floor



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Notice of Review: Land at Rosebery Farm, Gorebridge

Determination Report

Report by Chief Officer Place

1 Purpose of Report

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

2 Background

- 2.1 Planning application 18/00582/DPP for the change of use from farm steading to an events facility incorporating weddings and functions and associated external alterations; formation of hardstanding and car parking (variation of planning permission 17/00554/DPP) was granted permission 5 November 2018 subject to a condition limiting the use of music to the permanent buildings (condition 8) and a condition limiting events to the permanent buildings rather than the use of additional buildings or marquees (condition 15):

8. Amplified music shall only be permitted within the hayloft, pumphouse, and threshing barn as detailed on approved drawing number R35(ph2)L03 E and at no other location within the site.
15. The events use shall hereby be permitted within the buildings shown on the approved drawing number R35(ph2)L03 E: no new or additional buildings or marquees shall be permitted for use in association with the events use hereby approved.

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

- 2.2 Planning application 23/00308/S42 to vary conditions 8 and 15 of planning permission 18/00582/DPP, to allow amplified music and the siting of marquee within courtyard, was refused planning permission on 3 November 2023; a copy of the decision is attached to this report.
- 2.3 A Section 42 application, is in itself, a planning application - a particular kind of planning application for development without complying with or amending the condition/s previously imposed on an earlier grant of planning permission. A grant of planning permission under Section 42 results in an entirely new planning permission which will supersede the

original permission if implemented. Therefore, if planning permission is granted for this application it will supersede planning permission 18/00582/DPP if implemented.

2.4 Although a Section 42 application is a new planning application in law the Act states “on such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted”. The principle, layout and form of development are not subject to assessment. Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should still apply. In this case a number of the conditions attached to the earlier permission have been discharged and are no longer relevant.

2.5 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); and
- A copy of the decision notice, issued on 3 November 2023 (Appendix D).

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 two consultation responses and no representations 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. Unless otherwise approved in writing by the planning authority, the events use hereby approved shall only operate between the hours of 8am 1am. All guests not residing in the related self-catering accommodation on site shall vacate the application site by 1am on the morning following the related event.
3. All staff members shall vacate the site by 2am on the morning following the related event, with the exception of any staff living on site.
4. All music on site shall cease at 00.30am and no music shall be played between 00.30am and 8am.
5. The units shown as farmhouse, dovecot and dairy on drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP shall either be used as accommodation for staff working at the events or self-catering accommodation. In the instances where there are events taking place at the site, this self-catering accommodation shall only be occupied by guests attending the event taking place and by no other person.

6. Guests attending any events shall not access any other area within the site other than that indicated by the red dash line on approved drawing number R35(ph2)L07 A on planning permission reference 18/00582/DPP.
7. Amplified music shall only be permitted within the hayloft, pumphouse, and threshing barn as detailed on approved drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP and the marquee hereby approved: this shall not be played at any other location within the site.
8. There shall be no live acoustic music played within the marquee hereby approved.
9. Prior to the use hereby approved being implemented, the sound insulation improvements and glazing enhancement detailed in the submitted noise impact assessment dated 12 January 2018 on planning permission reference 18/00582/DPP shall be in place.
10. Unless otherwise approved in writing by the planning authority, prior to the use hereby approved being implemented, the external doors to all areas where music is permitted as per condition 7 above shall be fitted with a self-closing device which ensures a controlled closing of the door and it shall not be propped open.
11. Unless otherwise approved in writing by the planning authority, prior to the use hereby approved being implemented, the door system providing access to the hayloft and pumphouse shall include internal lobby doors to the doors on the steading building as shown on the southwest elevation on approved drawing number R35(ph2)D02B on planning permission reference 18/00582/DPP and shall be operated so that the external door and the internal lobby door are not open at the same time and this door system shall not be removed without the prior written approval of the Planning Authority.
12. Prior to any event taking place within the marquee, a suitable sound limiter capable of controlling the overall sound output and bass frequencies shall be installed within the marquee. The limiter shall be installed, calibrated, set and maintained at a level to be agreed in writing by the planning authority. All amplified music shall be channelled through the limiter to ensure that no amplified music or vocals are audible within any neighbouring noise sensitive living apartment.
13. The events use shall hereby be permitted within the buildings shown on the approved drawing number R35(ph2)L03 E on planning permission reference 18/00582/DPP and the marquee hereby approved: no new or additional buildings or more than one marquee are approved for use in association with the use hereby approved.
14. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when

measured within any nearby living apartment and no structure borne vibration is perceptible in any neighbouring living apartment.

15. The soundproofing of the buildings detailed in conditions 11, 13 and 14 and 15 and control of amplified sound detailed in condition 7 shall ensure that no amplified music or sound reproduction equipment used in association with the use hereby permitted shall be audible within any noise sensitive property.

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

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

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

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

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

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

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

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

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

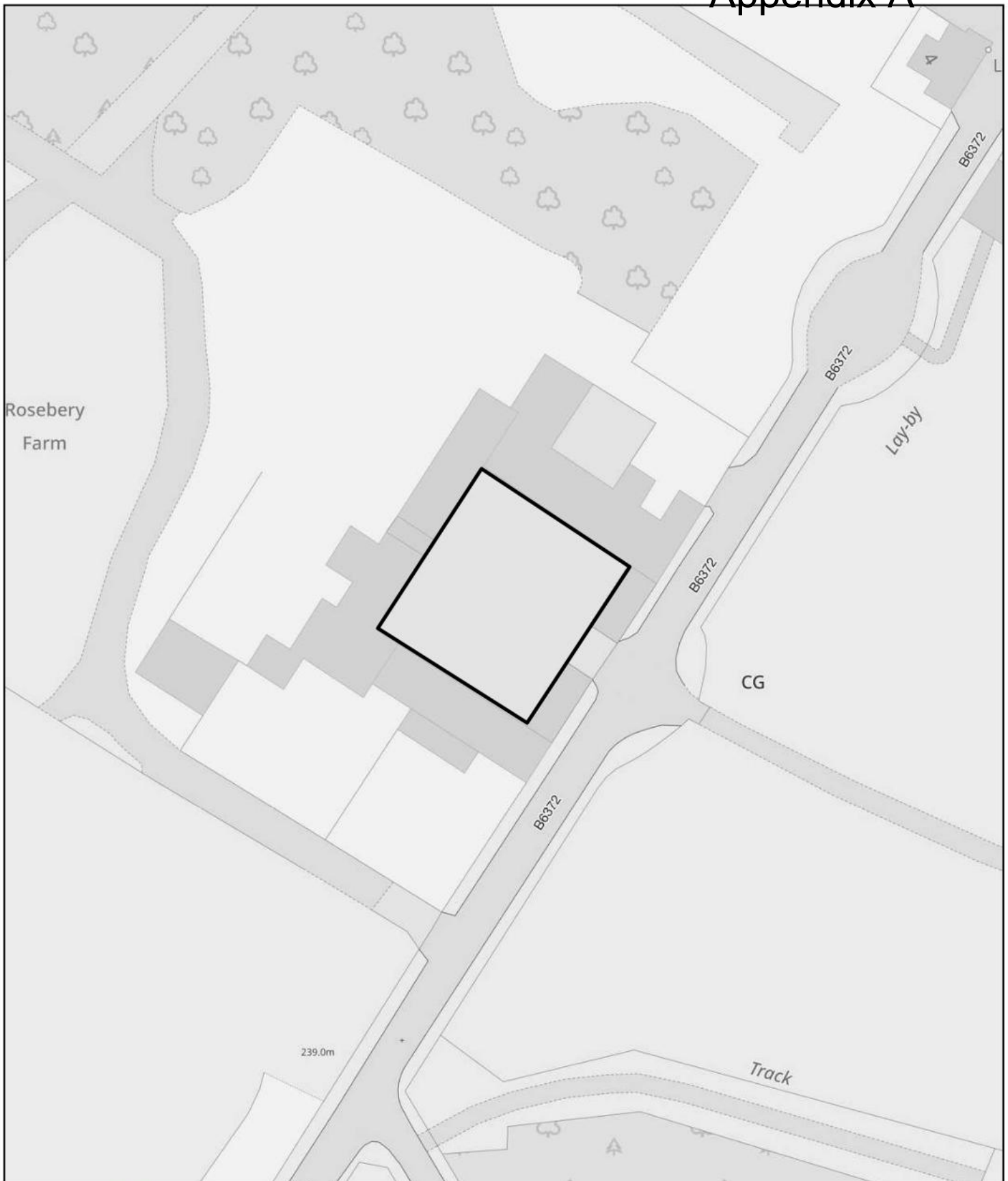
6 Recommendations

- 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 23/00308/S42 available for inspection online.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

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

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File No: 23/00308/S42

Scale: 1:750

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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 100653359-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Wright Planning & Development Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="John"/>	Building Name:	<input type="text" value="Norma Villa"/>
Last Name: *	<input type="text" value="Wright"/>	Building Number:	<input type="text" value="26"/>
Telephone Number: *	<input type="text" value="07980992740"/>	Address 1 (Street): *	<input type="text" value="Wilson Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Lower Flat"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="PH2 0EX"/>
Email Address: *	<input type="text" value="john@wrightpdl.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Norma Villa"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="26"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Wilson Street"/>
Company/Organisation	<input type="text" value="The Rosebery Estates Partnership"/>	Address 2:	<input type="text" value="Lower Flat"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="PH2 0EX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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" value="ROSEBERY FARM"/>
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" value="GOREBRIDGE"/>
Post Code:	<input type="text" value="EH23 4SP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="657457"/>	Easting	<input type="text" value="330280"/>
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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)

Section 42 application to amend condition 8 and 15 of planning permission 18/00582/DPP (to allow amplified music and siting of marquee within courtyard)

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.

See attached Appeal 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)

Grounds of Appeal Application as submitted (with updated plans subsequently submitted). Decision Notice and Report. Research Article "Assessing the impact of festival music on bat activity"

Application Details

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

23/00308/S42

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

15/05/2023

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

03/11/2023

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Operating commercial enterprise, advance notice would avoid a clash with an event.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

T Yes ≤ No

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

T Yes ≤ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

T Yes ≤ No ≤ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

T Yes ≤ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

T Yes ≤ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Wright

Declaration Date: 21/12/2023

**Appeal under s43A(8) of the Town and Country Planning (Scotland) Act 1997
against a decision of Midlothian Council.**

**S42 Application to amend condition 8 and 15 of planning permission
18/00582/DPP (to allow amplified music and siting of marquee within courtyard) at
Rosebery Farm, Gorebridge, EH23 4SP**

Application Reference: 23/00308/S42

Grounds of Appeal on behalf of:

Rosebery Estates Partnership

Prepared by:

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21 December 2023

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1.0 INTRODUCTION

Wright Planning & Development Ltd (WPDL) are instructed by Rosebery Estates Partnership, owner of the appeal site, to prepare and submit this appeal.

This appeal is against the refusal, under delegated powers, by Midlothian Council of an application (Appendix 1) for variation of planning permission to enable amplified music and siting of a marquee within the courtyard. The application was validated on 15th May 2023 (Ref: 23/00308/S42) and refused by Decision Notice (Appendix 3) issued on 3rd November 2023. The delegated report is submitted for context (Appendix 2).

The Decision Notice received confirms the sole reason for refusal as being;

“It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would not have an adverse impact on protected species at the site and so the proposal is contrary to policy ENV15 of the adopted Midlothian Local Development Plan 2017 and policy 4 of the National Planning Framework 4.”

This appeal statement comprises our grounds for appeal.

2.0 Grounds of Appeal

The Reason for Refusal references two policies that the proposal was considered contrary to being MLDP Policy ENV15 - Species and Habitat Protection and Enhancement, and NPF4 Policy 4 - Natural Places.

As stated in the Transitional Arrangements published by the Scottish Government in February 2023, where there is an incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); section 24(3)). It is our view that as NPF4 Policy 4 applies different tests, and is the more up to date Policy expression by Ministers reflecting their positive aspirations for rural areas, it would be applicable in place of ENV15 as the more up to date.

Policy ENV15 - Species and Habitat Protection and Enhancement

Development that would affect a species protected by European or UK law will not be permitted unless:

- A. there is an overriding public need and there is no satisfactory alternative;
- B. a species protection plan has been submitted, which is based on survey results and includes detail of the status of protected species on site and possible adverse impacts of development;
- C. appropriate and effective mitigation is proposed and agreed;

and if European protected species are present:

- D. the development is not detrimental to the maintenance of European protected species at a favourable conservation status.

In the assessment of planning applications for development that would affect habitats of conservation value (although insufficient to justify a formal natural heritage designation), effects

on the habitat, including the expected results of mitigation measures, will also be taken into account.

Development proposals will be expected to demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/ or the creation of new ones, and provide for the effective management of these habitats.

Whilst we have not been able to undertake a survey to confirm the presence or otherwise of bats, we have sought to demonstrate through the research article provided that the proposal will not affect bats should they be present, nor will it be detrimental to the maintenance of European protected species at a favourable conservation status. Therefore, we do not feel that the proposal is in conflict with Policy ENV15.

NPF4 must be read as a whole, and it is important to bear in mind that the spatial principles for future places which include Rural Revitalisation to support the planning and delivery of productive places. Other policies encourage development (such as this) that will contribute to rural economies and communities and support development proposals that contribute to the viability sustainability and diversity of rural businesses.

NPF4 Policy 4 – Natural Places

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- ~~b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.~~
- ~~c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.~~
- ~~d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.~~
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning

and design of development, and potential impacts must be fully considered prior to the determination of any application.

~~g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:~~

- ~~i. will support meeting renewable energy targets; or,~~
- ~~ii. is for small scale development directly linked to a rural business orcroft, or is required to support a fragile community in a rural area.~~

~~All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.~~

Whilst we acknowledge that we have been unable to undertake a Bat Survey as requested to confirm the presence, number and species of bats, this was in part due to the timing of the request coming close to the end of the survey season and the potential complexity of the evidence requested. It is now not possible to undertake the required survey until the start of the survey season in the spring 2024.

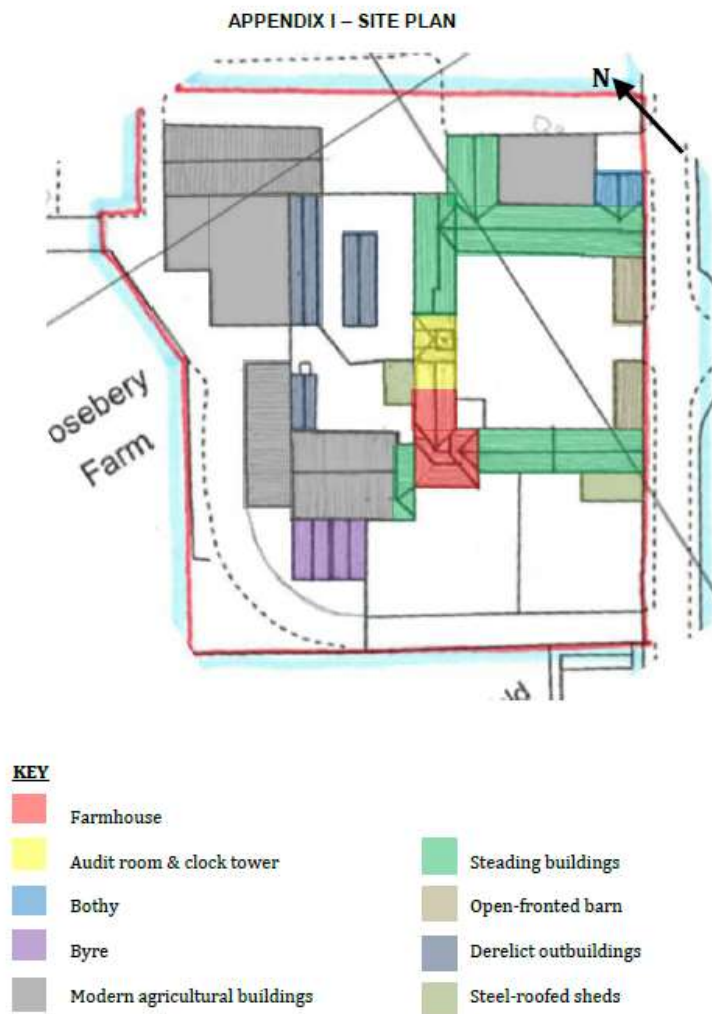
In the interests of expediency and practicality, we had sought to progress matters on the basis of the previous findings, accepting that bats were present but seeking to demonstrate the impact of the proposed level of music would not be unacceptable. We feel that in accordance with the findings of the Research Paper provided there would be no unacceptable impact, and therefore the precautionary principle need not apply here.

Whilst we have been unable to find the 2017 report on the portal, the Officer provided the above and below extracts of the report showing the findings. It is interesting to note that these findings are reflected in a previous 2012 assessment of the property with the same type of bats, and lower number of bats, found.

The roost locations are as follows:

1. Approximately seven Soprano Pipistrelles found roosting under slates on both sides of the farmhouse roof. These were identified during the first emergence survey. Given the low number and dispersed locations it is highly likely that these are individual males.
2. Approximately four Common Pipistrelles found roosting under slates on the steading building at the South-East corner of the site. Again, the numbers suggest that this roost is used by male bats.
3. Two Soprano Pipistrelles found roosting under slates at the west side of the cattle byre. Again, the numbers suggest that this roost is used by male bats. This roost was found to contain a solitary Pipistrelle species in 2017.
4. A roost site under lead flashing on the farmhouse roof, probably used by a single Myotis bat, most probably a Natterer's Bat. Again, this was most likely a male. Although the bat was not seen to enter the roost, its swarming behaviour at dawn was clearly focussed on this location indicating a roost site.
5. A solitary Soprano Pipistrelle was found roosting at the wall-head of the South elevation of the Farmhouse.

Due to the low numbers of bats found, and the time of year, it can be concluded that these roosts are non-breeding bat summer roosts.



As a result of previous consents granted, only the green (steading), blue (bothy), purple (byre), yellow (clock tower) and red (farmhouse) buildings remain, and the mitigation consented at the time (likely bat boxes in nearby trees) implemented as required. As part of the conversion of the remaining units to their current use, further work was carried out to the roofs of these buildings, and the identified mitigation at the time (likely bat boxes in nearby trees) implemented as required.

Whilst we believe that the mitigation implemented previously, and the works undertaken to the steading over the years, would have resulted in the activity moving away from the steading building, but accept that may not be the case. Accepting that there are bats using the buildings, we have sought instead to demonstrate that the proposed development will not adversely affect them.

The Research Article published by the British Ecological Society “Assessing the impact of festival music on bat activity” (Appendix 4) that we highlighted to the Officer, we feel, confirms (at Section 3 – Results) that the impact of the proposal would be minor reduction in activity limited to the duration of the event returning to normal shortly thereafter.

3.0 Material Considerations

The timing of the request for a survey was unfortunate and finding a suitably qualified ecologist with time available towards the end of the season resulted in us missing the opportunity to get a survey done. In an attempt to secure consent to enable this additional provision to feature in marketing for the 2024 wedding season we had attempted to address these points in other ways.

We feel that the requested information is overly onerous given the limited scale and decibel level proposed compared to, for example, the Vogrie Country Park "Woodland Dance Project" with far more lighting, louder music and larger crowd (1,500 capacity) for longer duration, in a location which will almost certainly have bat (and other) habitat present which is, as the Council indicate in the Delegated Report under "Impact on Protected Species" potentially an offence. The Dance Project is undertaken without planning permission thereby avoiding the need for survey work or assessment of impact, despite the impact being far more significant.

4.0 Proposed Conditions

The Delegated Report, under the heading Noise Impact on Neighbouring Properties, suggests a Condition requiring a limiter which is accepted, however, the reason for the condition is not.

The Report indicates that this could be subject to further Control. The Noise Assessment submitted considered not only the impact of this venue playing amplified music (at the restricted 98db) but also the walled garden at Rosebery House (with no requirement for a limiter) across the road at the same time, and concluded no adverse impact at that level. The purpose of the condition is to secure compliance with that limit (which has been justified and shown to be acceptable), not to enable a reduction of it in the future.

5.0 Proposed Appeal Procedure

We are happy for this appeal to be considered on the basis of written submissions, if a site visit is required, we are happy for that to proceed unaccompanied.

6.0 Conclusion

We believe that in this case, the impact on bats (accepting that they are present) is a minor reduction in activity during the event, returning to normal following the event and that the proposal complies with Policy. We feel that there are material considerations which support a grant of consent.

We would therefore respectfully request the Local Review Body overturns the Officers refusal of planning permission and grants consent in this instance.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00308/S42.

Site Address: Rosebery Farm, Gorebridge.

Site Description: The site comprises a former farm complex which has been converted to an events venue and associated accommodation. There is a steading located centrally within the site which has stone walls, slate roof and timber windows. There are also some rooflights on these buildings. The steading buildings form a courtyard, with the central building being a clocktower and dovecot. The buildings in this courtyard range from single, to single storey and accommodation within the roofspace to two storeys high. The buildings are category A listed.

Proposed Development: Section 42 application to amend condition 8 and 15 of planning permission 18/00582/DPP (to allow amplified music and siting of marquee within courtyard).

Proposed Development Details: It is proposed to vary conditions 8 and 15 of planning permission 18/00582/DPP (Change of use from farm steading to an events facility incorporating weddings and functions and associated external alterations; formation of hardstanding and car parking (variation of planning permission reg no. 17/00554/DPP) which read as follows:

8. Amplified music shall only be permitted within the hayloft, pumphouse, and threshing barn as detailed on approved drawing number R35(ph2)L03 E and at no other location within the site.
15. The events use shall hereby be permitted within the buildings shown on the approved drawing number R35(ph2)L03 E: no new or additional buildings or marquees shall be permitted for use in association with the events use hereby approved.

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

The application includes a Noise Impact Assessment (NIA), planning statement and reference to NPF4, as well as documents related to protected species. The planning statement considers there would not be a significant impact on the amenity of nearby residents as a result of the proposed marquee or the details included in the NIA. The marquee would be sited within the steading courtyard. There is no one marquee type proposed as this would depend on the event organiser, however these would be relatively standard in appearance. These would be freestanding with no attachment

to the listed buildings. The marquee would be erected for the event only and then removed, meaning this would not be a permanent feature.

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

20/00348/DPP Extension to building. Permitted.

20/00346/LBC Extension to building. Permitted

18/00583/LBC Extension to building and alterations to roof. Consent with conditions.

18/00582/DPP Change of use from farm steading to an events facility incorporating weddings and functions and associated external alterations; formation of hardstanding and car parking (variation of planning permission ref no.

17/00554/DPP). Consent with conditions.

17/00554/DPP Change of use from farm steading to an events facility incorporating weddings and functions and associated external alterations; formation of hardstanding and car parking. Consent with conditions.

17/00552/LBC External and internal alterations and erection of canopy. Consent with conditions.

16/00666/LBC Installation of window to existing window opening and internal alterations. Consent with conditions.

16/00110/DPP Erection of and alterations to roof and external alterations to roof and external alterations to building. Consent with conditions.

16/00109/LBC Erection of and alterations to roof, formation of patio doors and window opening and rendering of wall. Consent with conditions.

15/00541/LBC Removal of pitched roof. Permitted.

13/00821/LBC Demolition of outbuildings. Consent with conditions.

12/00152/LBC Demolition of outbuildings, internal and external works to existing farmhouse and internal and external works to farm steading buildings associated with conversion to residential use. Consent with conditions.

12/00151/DPP Conversion of and alterations to farm steading buildings to form an additional 5 dwellinghouses, change of use of agricultural outbuildings to provide ancillary buildings and associated works. Consent with conditions.

07/00017/LBC Internal and external alterations to farmhouse. Consent with conditions.

Consultations:

The Council's **Senior Manager Protective Services** has some concerns over the proposed marquee and music noise affecting nearby residential properties. They have considered the submitted NIA and state if permission is approved this should be subject to conditions relating to: amplified music and vocal be controlled to their satisfaction; the installation of a suitable noise limiter to be used for all events featuring amplified music within the courtyard; no acoustic music within the courtyard; and marquees may only be situated within the courtyard. The Planning Issues section assesses these comments in more detail.

The Council's **Biodiversity consultant** states due to the nature of the application to allow amplified music in the courtyard, there may be an impact on bats. Two species of bat roosts have been recorded in the building immediately adjacent to the courtyard and a third bat species has been recorded roosting within 50 metres of the site. Amplified music, lighting etc. may cause disturbance to the roosts which would

potentially constitute an offence. They therefore advised that the applicant seek advice from a suitably qualified Bat Ecologist regarding the proposals and prepares an ecology statement/ report/ mitigation plan as relevant. Further to this, there was some discussion with the case officer and applicant's agent about this requirement that is detailed in the Planning Issues section below. In summary, the requested ecological works have not been submitted for consideration.

Representations: No representations have been received.

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

National Planning Framework 4 (NPF4)

- Policy **1 Tackling the climate and nature 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 **4 Natural Places**; sets out to protect, restore and enhance natural assets making best use of nature-based solutions;
- Policy **7 Historic assets and places**; sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places;
- 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 **23 Health and Safety**; sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing; and
- Policy **29 Rural development**; sets out to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

The relevant policies of the **2017 Midlothian Local Development Plan** are;

RD1 Development in the Countryside states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with other Local Development Plan policies; or forthcoming Supplementary Guidance related to Development in the Countryside and Green Belt.

In addition, all such development will need to: be of a scale and character appropriate to the rural area and be well integrated into the rural landscape; be capable of being serviced with an adequate and appropriate access; be capable of being provided with drainage and water supply; and be accessible by public transport.

Business opportunities that will enhance rural economic development opportunities will be permitted provided that they accord with the abovementioned criteria.

Proposals will not be permissible if they are of a primarily retail nature or harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

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 an unacceptable impact on the special landscape qualities of the area;

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened;

ENV15 Species and Habitat Protection and Enhancement states that 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;

ENV18 Noise states that the Council will seek to prevent noisy developments from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or required to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately. Where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of the established operation is not adversely affected; and

ENV22 Listed Buildings states development will not be permitted which would adversely affect the character or appearance of a listed building, its setting or any feature of special or architectural or historic interest that it possess. Proposals for alterations to listed buildings will only be permitted where their siting, design, materials and detailing do not detract from and, wherever appropriate, enhance the original character of the building.

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.

Principle of development

It is proposed to use a marquee at the site for some events and allow amplified music at more areas in the site than previously permitted. The principle of the events use at the site has been established in the previously approved permission and so it is only the proposed changes which are assessed in this current application.

The previous permission only proposed for events to take place within the steading, in no other areas. The application was only assessed on this basis. The inclusion of marquees or other temporary structures were not assessed by the Planning Authority or Environmental Health. As holding events in marquees or other temporary structures and allowing amplified music here may result in noise emissions and impact on nearby residential properties, these were conditioned out of this permission. This would allow a detailed assessment of such structures and the impact these might have on the surroundings.

With regard to NPF4, the proposal is purely for the use of a marquee and to allow amplified music in association with an established events venue use. This fully relates to the established use, would expand the range of facilities already offered and would not result in a new or more intensive use of the site than already approved and established. Given the nature and scale of the proposal, it is not considered that the application would contradict with the sustainability and climate aims of NPF4 compared to the established use as approved.

While the principle is established, the details of the proposal need to be considered. Due to the nature of the proposed variations, a number of issues may arise from this. Issues arising from these. These relate to noise impact on neighbouring properties, the impact on the A listed steading and the impact on protected species.

Noise impact on neighbouring properties

While the site is within a remote area, there are residential properties in the surrounding area which could be affected by noise from amplified music played on site and the siting of a marquee as proposed. Given the music on site would stop at 12.30am, the low background noise levels and the weekly frequency of events could cause noise disturbance to nearby residents.

The application submission includes a NIA to provide limits for amplified music in the courtyard area. This states that if the volume of the music is suitably restricted within the courtyard, noise is unlikely to cause noise disturbance to nearby residents. However the authors of the NIA state the assessment is only an indication that music noise will not be an issue and that this is not a guarantee.

In order to limit ensure there is no noise disturbance to nearby residential properties from amplified music, should permission be approved it should be conditioned that a suitable noise limiter be installed and used for events featuring amplified music within the courtyard. If the limiter is initially set up using the levels used in the NIA modelling, this could be adjusted if noise causes problems in future, which would

give control over the music noise levels. However noise limiters do not work for live acoustic instruments such as drums. Therefore live music shall not be allowed within the courtyard.

The positioning of the marquee within the courtyard is crucial to containing the noise. If the marquee was positioned outwith the courtyard this could create more noise in the wider area and disturbance to nearby properties. Therefore the marquee should only be sited within the courtyard and no other position within the site.

It is important to note that the NIA only assesses amplified music within the courtyard and no other part of the application site. Should condition 8 be amended, it would be important to continue to restrict the use of amplified music here to the courtyard, as assessed in this application, and the hayloft, pumphouse, and threshing barn approved in 18/00582/DPP. The site includes a wider area of land around the steading buildings which have not been assessed in terms of noise impact to nearby properties and is likely to cause disturbance to these.

Impact on listed building, rural area and special landscape area

The supporting statement confirms there is no one marquee type proposed as this would depend on the event organiser, however these would be relatively standard in appearance. The applicant's agent also confirms the marquee would be free-standing, no larger than 18 metres by 20 metres within the courtyard, which measures 23 metres by 27 metres. There would be no attachment to the listed structure or hardstanding. The marquee would be erected for the event only and removed once this is over, meaning this would not be a permanent feature. Given the siting within the enclosed courtyard and that this would only be erected for the specific event, the marquee would not have a detrimental impact on the setting of the A listed steading.

In order to ensure there is no detrimental impact on the fabric of the A listed steading, it would be prudent to attach a condition to any permission stating there shall be no fixings to the courtyard buildings or hardstanding.

As previously stated, given the siting within the enclosed courtyard and that this would only be erected for the specific event, the marquee would not have a detrimental impact on character or appearance of the surrounding rural area, special landscape area or landscape character of the area.

Impact on protected species

The previously approved application for the change of use of the site to an events venue considered the impact on protected species, namely bats. The submitted and approved ecology report found two bat roosts within the steading buildings, as well as another within 50 metres of the site. Given the proposal is for the erection of a marquee and amplified music within the courtyard adjacent to where the bat roosts were previously found, this application needs to assess the impact of the proposal on bats. Amplified music, lighting and associated works may cause disturbance to roosts which would potentially constitute an offence. The most recent records of bats at the site date from 2017 and, as bats move between roost sites, the situation at the site may have changed. Therefore the applicant's agent was asked to seek

advice from a suitably qualified Bat Ecologist regarding the proposals and prepare an ecology statement/ report/ mitigation plan as relevant.

The applicant's agent was not forthcoming with this information despite repeated requests and explanations why this was required. They submitted an article about the impact of festival music on bat activity and stated that this does not seem to be a concern for outdoor festivals and events such as the Edinburgh Military Tattoo, Hogmanay events and outdoor events in Vogrie. The agent also states that this requirement is not proportionate to the amount of times there would be amplified music as proposed. They state this could end up being a reasonably significant piece of work and the cost is unlikely to be justified by the benefit.

There is evidence that the site has been used for bat roosting within the last 6 years. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. While it is acknowledged that bats move between sites, it remains to be demonstrated that these are not on site at present and therefore that protected species would not be adversely affected by the proposal. The Council has to be entirely satisfied that the proposal would not have an adverse impact on protected species or habitat. It has not been demonstrated that this is the case and so the application cannot be supported.

Recommendation: Refuse planning permission.

Reg. No. 23/00308/S42

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

Midlothian Council, as Planning Authority, having considered the application by The Rosebery Estates Partnership, Norma Villa, 26 Wilson Street, Perth, PH2 0EX, which was registered on 15 May 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

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

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

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

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

It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would not have an adverse impact on protected species at the site and so the proposal is contrary to policy ENV15 of the adopted Midlothian Local Development Plan 2017 and policy 4 of the National Planning Framework 4.

Dated 3 / 11 / 2023



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

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

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.

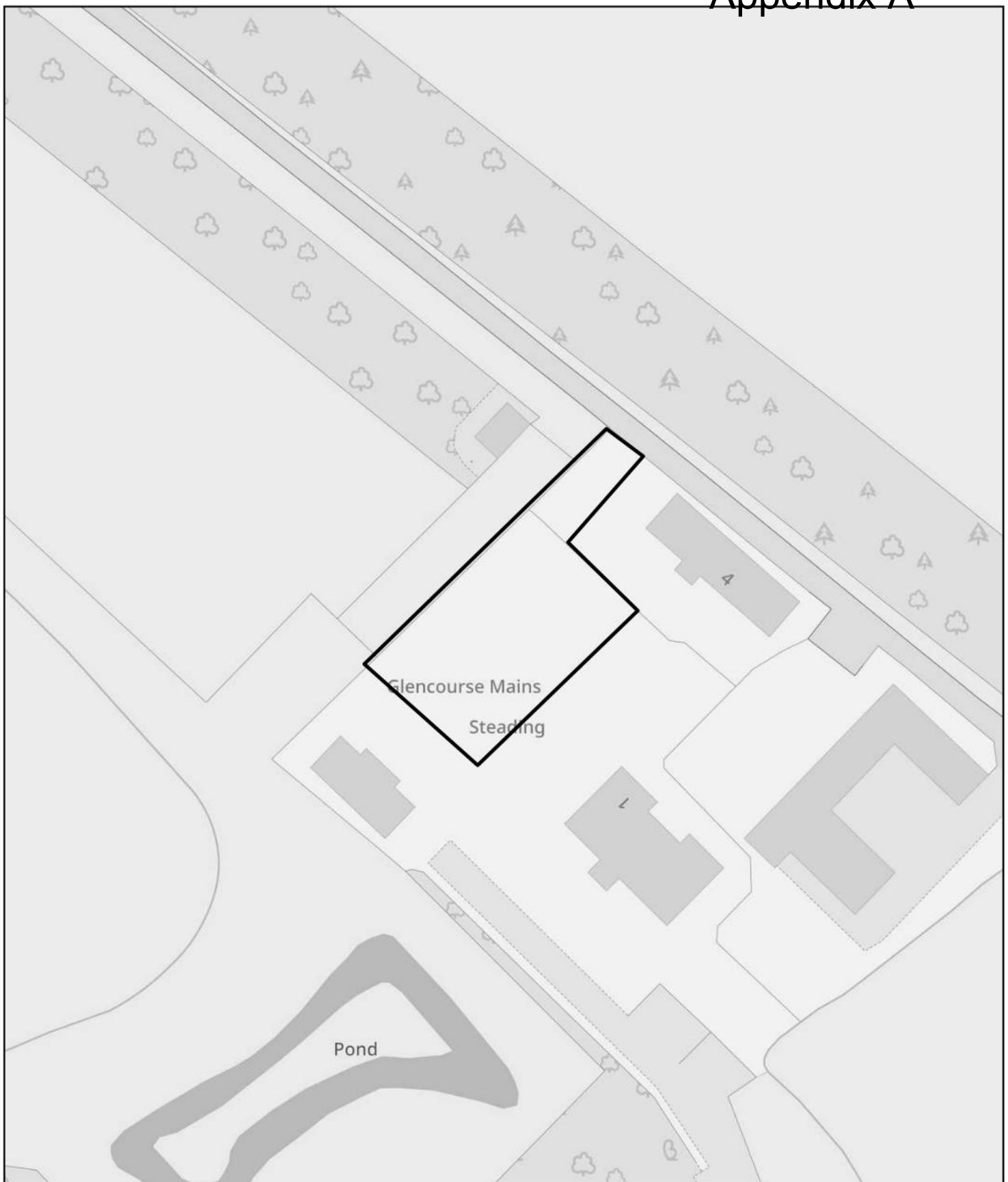
6 Recommendations

- 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

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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 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:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Glencorse Mains Steading, Belwood Road, Milton Bridge, Penicuik, EH26 0NN

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

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 nature 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 purple ink, consisting of a stylized 'D' and 'R'.

.....
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

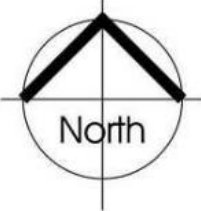
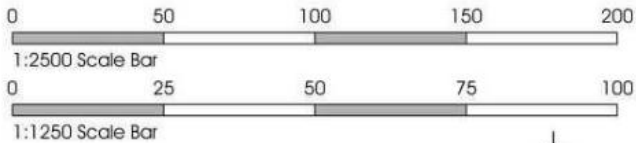
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

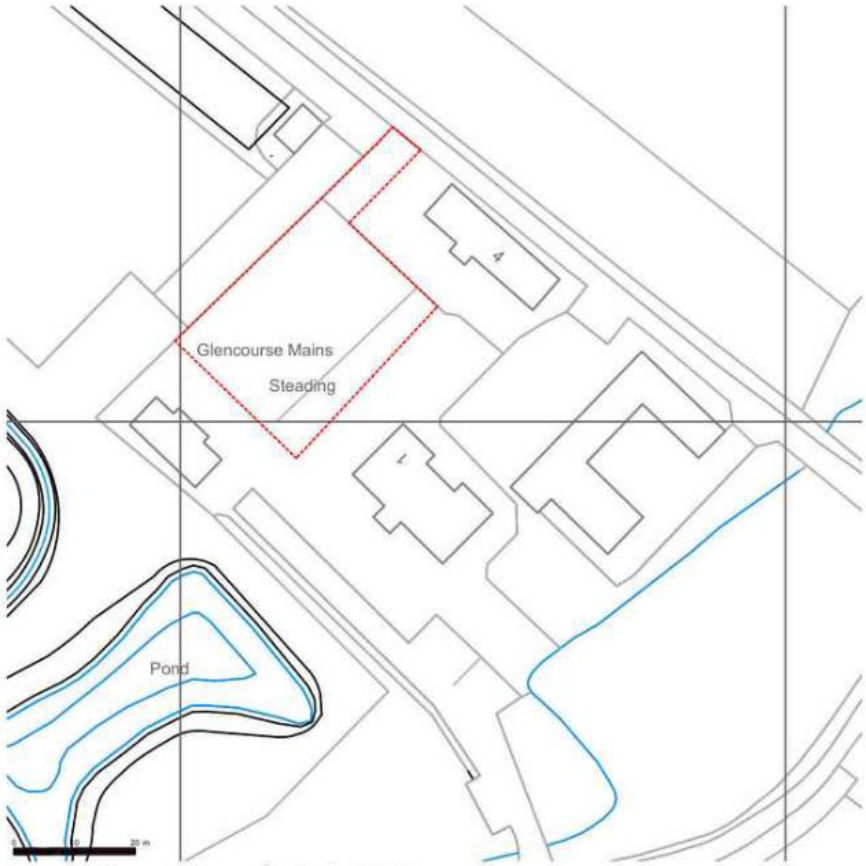
Standing Advice valid from 1st January 2023 until 31st December 2024



REFUSED
28/11/2023
23/00621/DPP



Location Plan - Road Junction | 1:2500



Location Plan | 1:1250

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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. 2022-54-000	Scale: As Noted	Date: Oct 2022	Name: SFAllan	Sheet Size: A3
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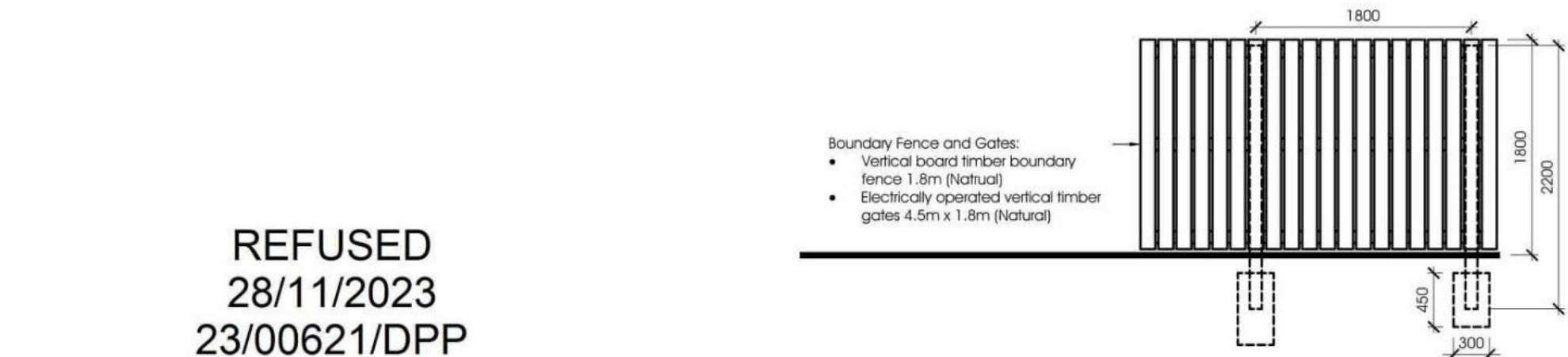
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Proposed South East Elevation | 1:50



Proposed South East Elevation | 1:50



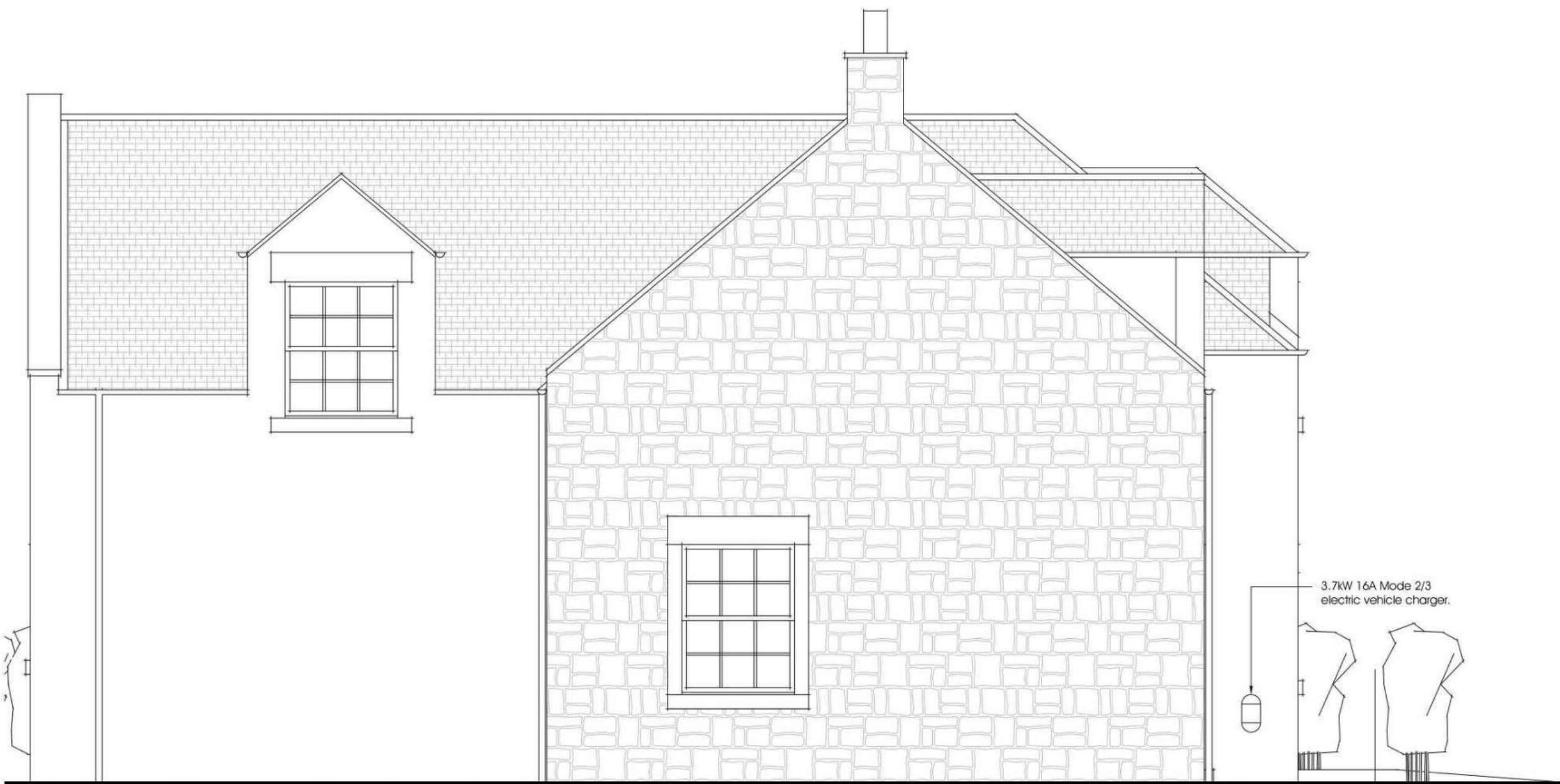
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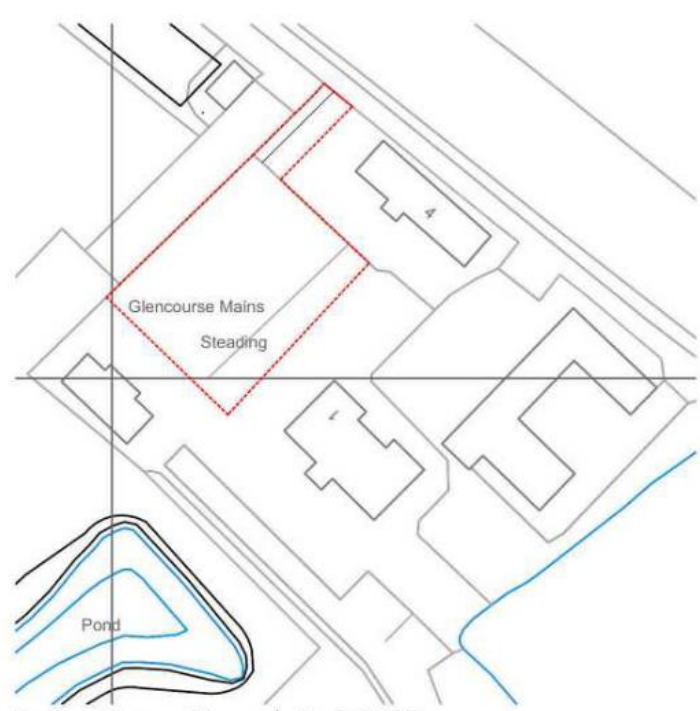
Proposed North West Elevation | 1:50



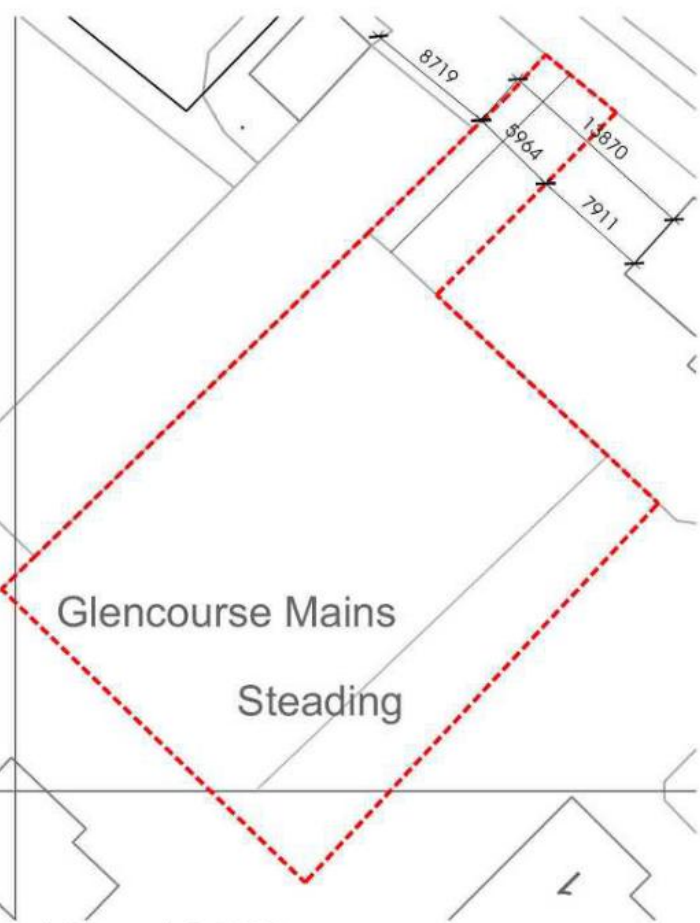
Proposed South West Elevation | 1:50



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 tegular 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:

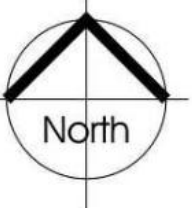
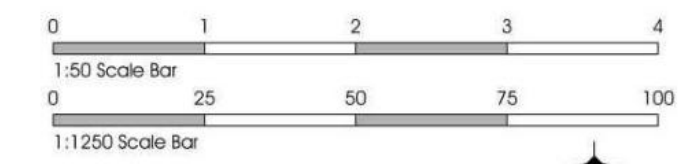
Area: 184.5sqm

Proposed Patio/Hard Standing:

Area: 166.5sqm

Proposed Driveway:

Area: 151.0sqm



Revision: Description: Date:

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Planning and Building Warrant

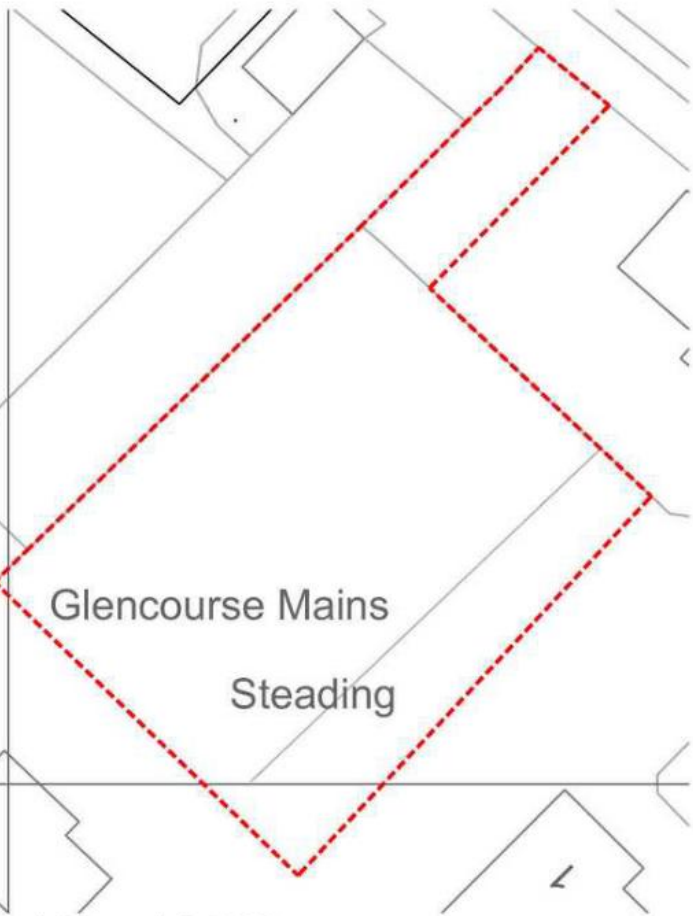
Project:	House 4
Glencourse Mains Steading	
Belwood Road, Milton Bridge, Penicuik, EH26 0NG	
Client:	Stuart McHarg
Drawing:	Proposed Elevations and Fence Details
Drawing No.	2023-06-003
Scale:	As Noted
Date:	Sept 2023
Name:	SFAllan
Sheet Size:	A1

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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)
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 - Biodiverse lawn proposed

Total Site Area:

Area: 892.0sqm

Proposed House Footprint:

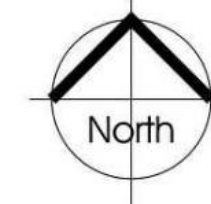
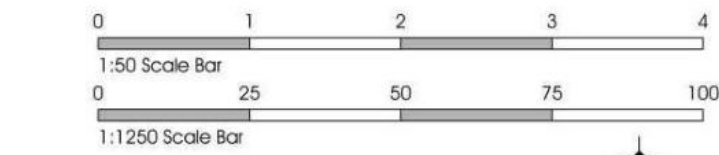
Area: 184.5sqm

Proposed Patio/Hard Standing:

Area: 166.5sqm

Proposed Driveway:

Area: 151.0sqm



Revision: Description: Date:

Scott Francis Allan
Architectural Design

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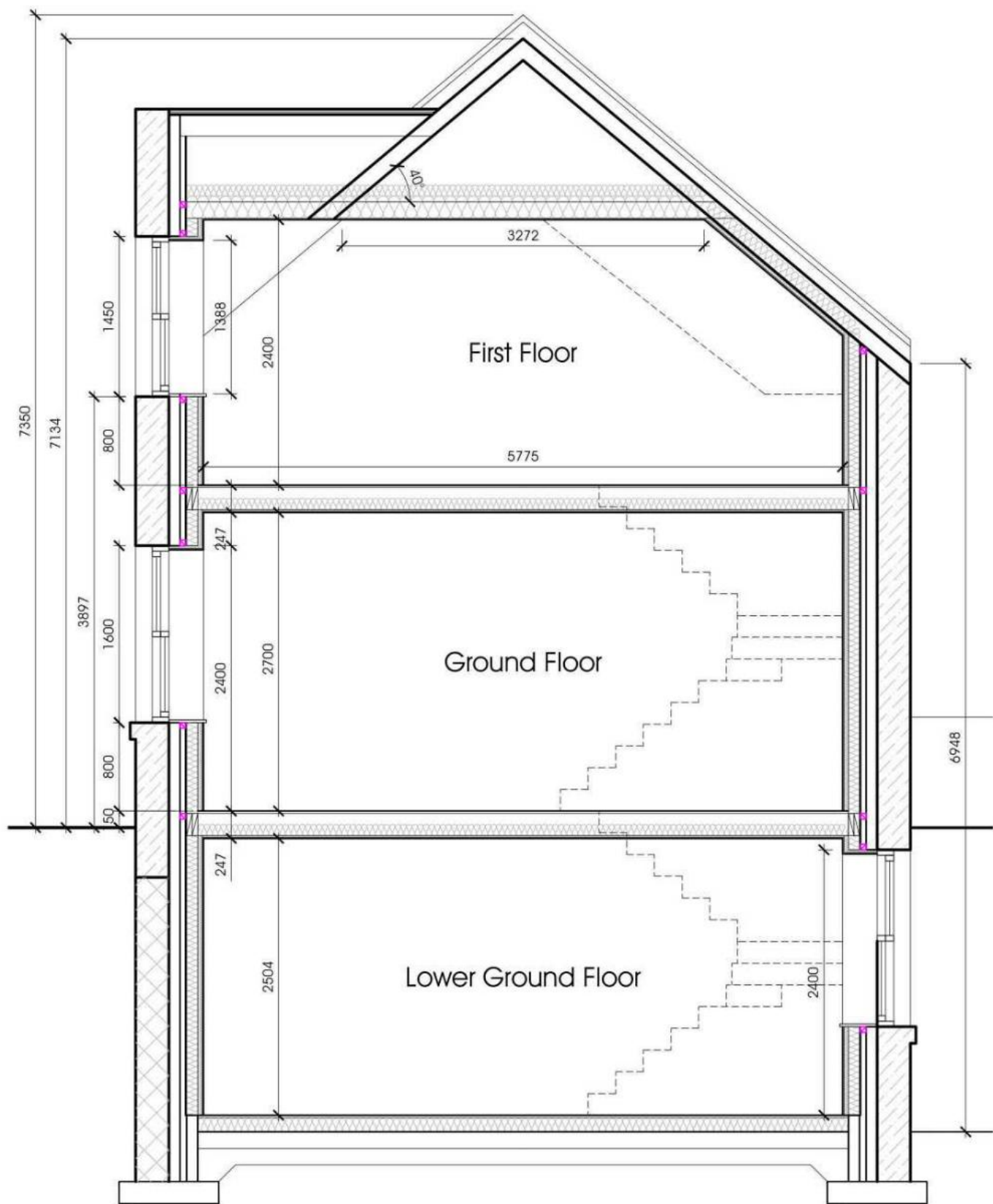
Planning and Building Warrant

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

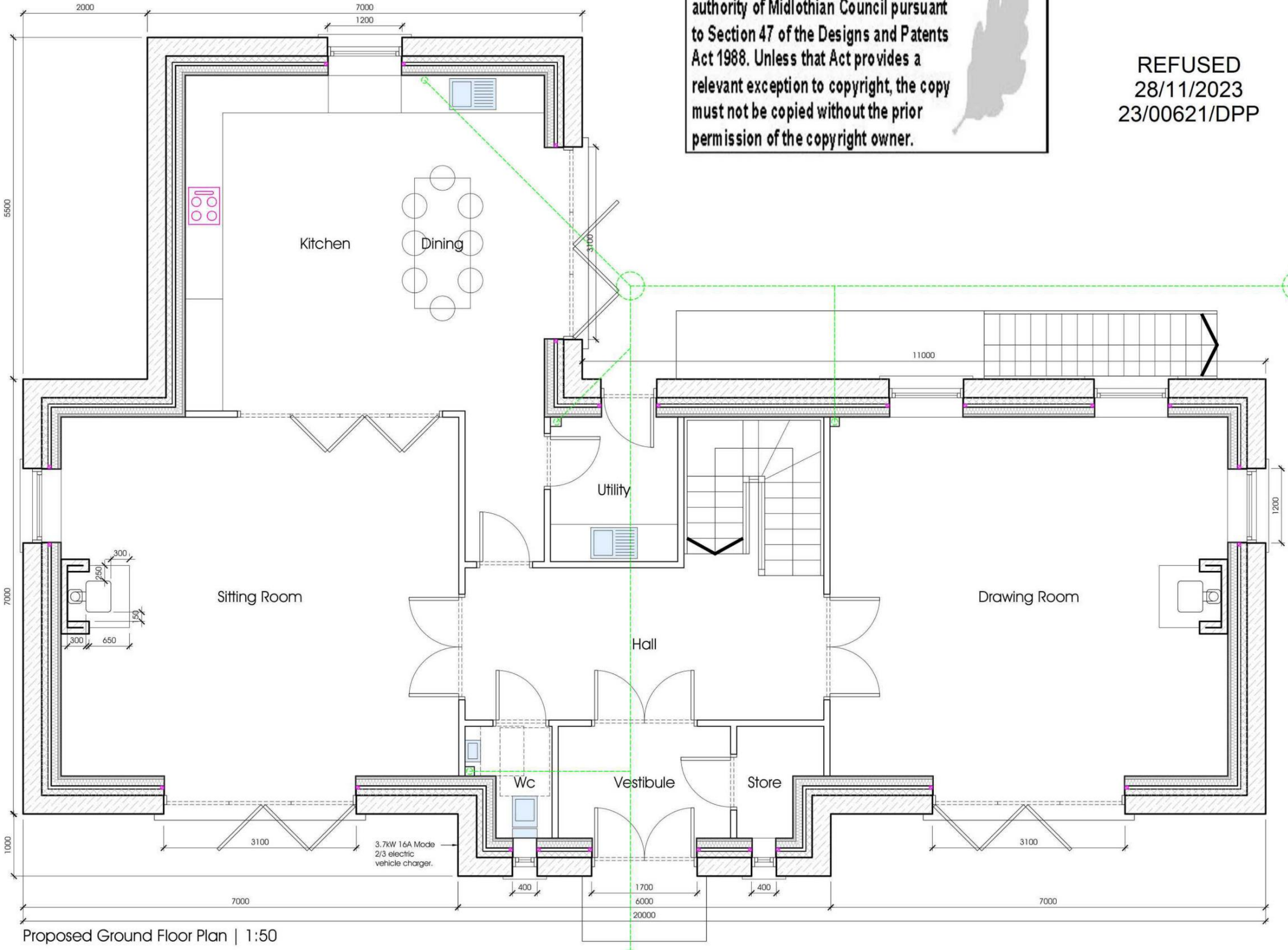
Client:
Stuart McHarg

Drawing:
Proposed Floor Plans, and Cross Section

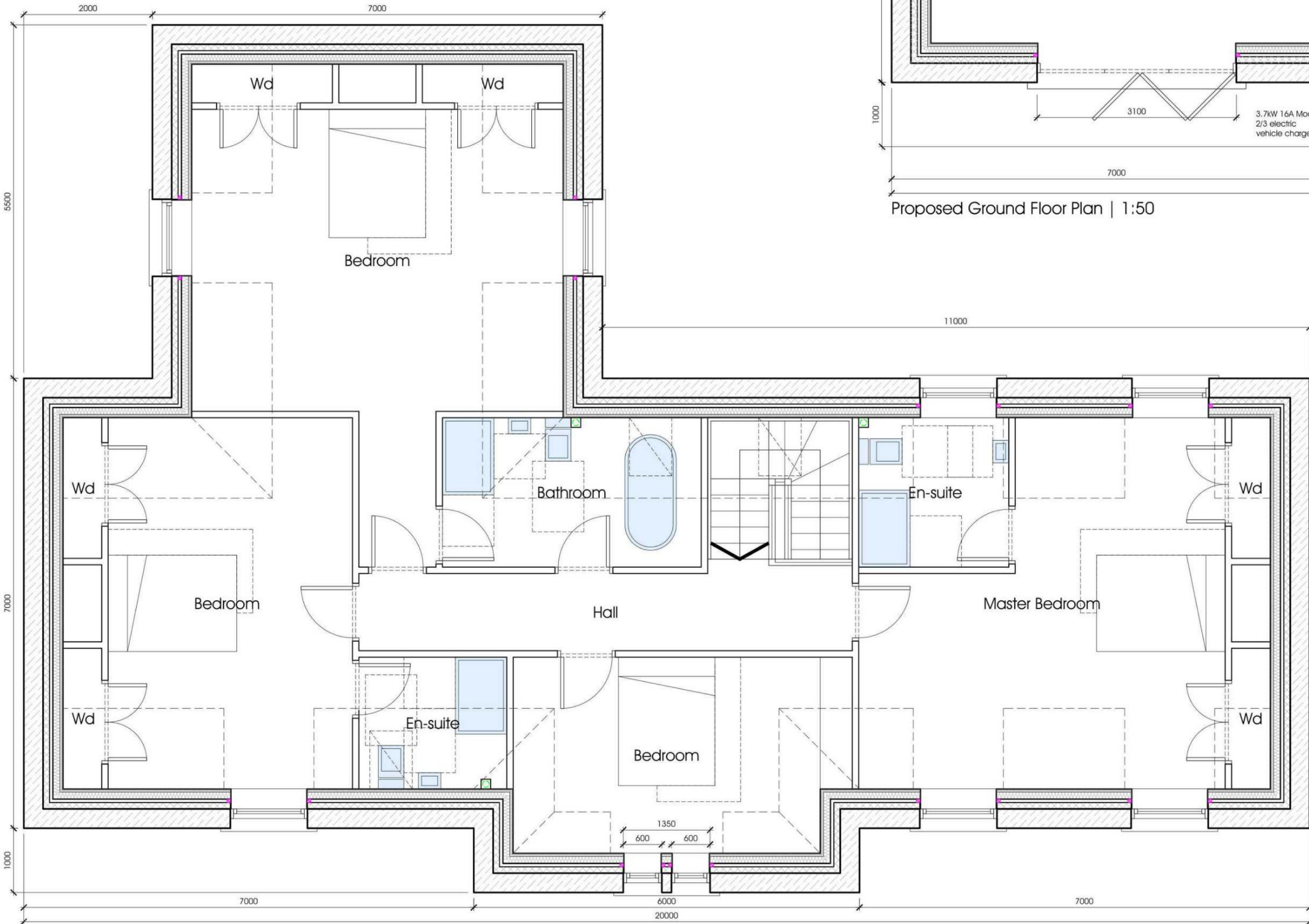
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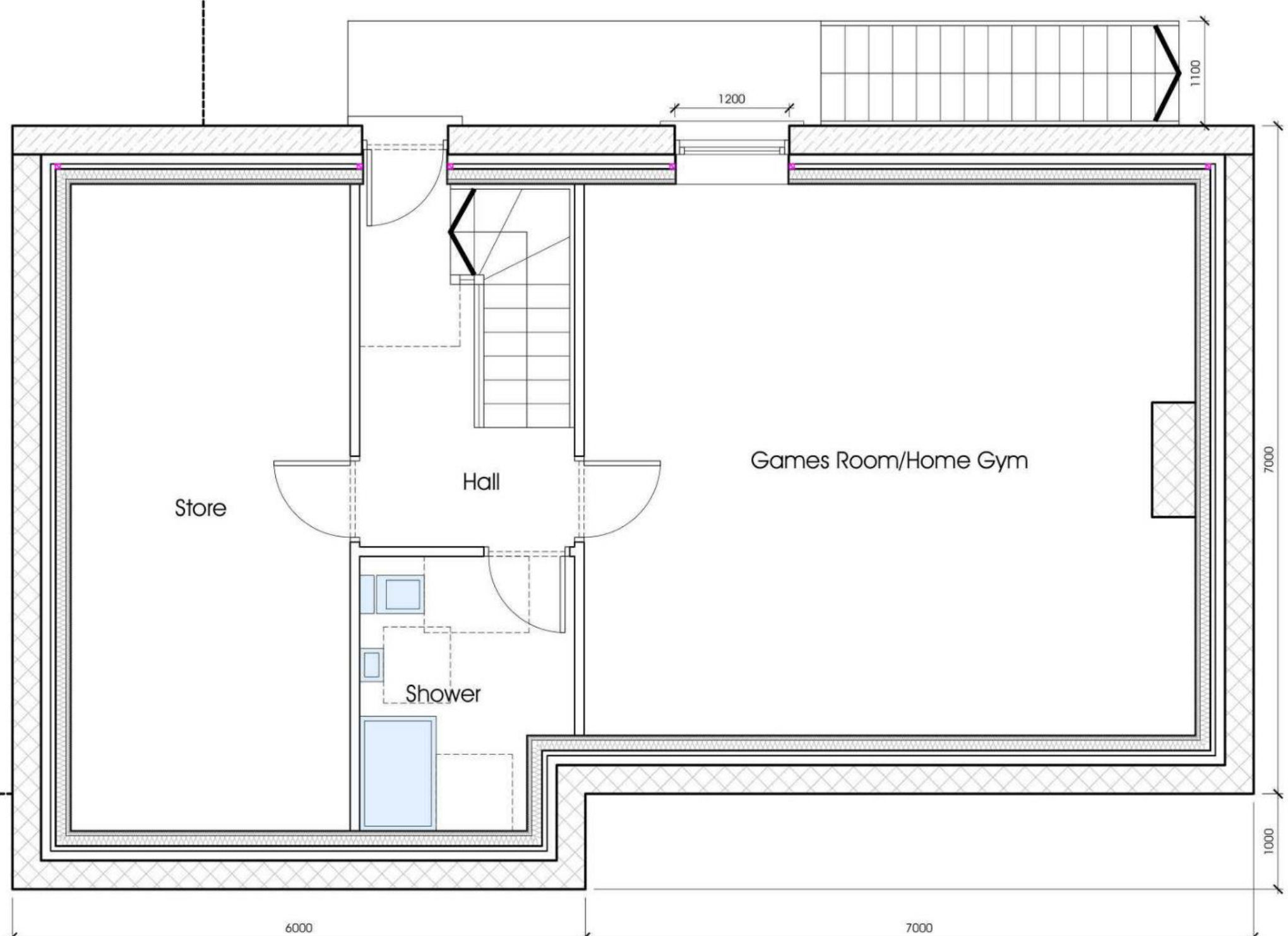
Proposed Cross Section | 1:50



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

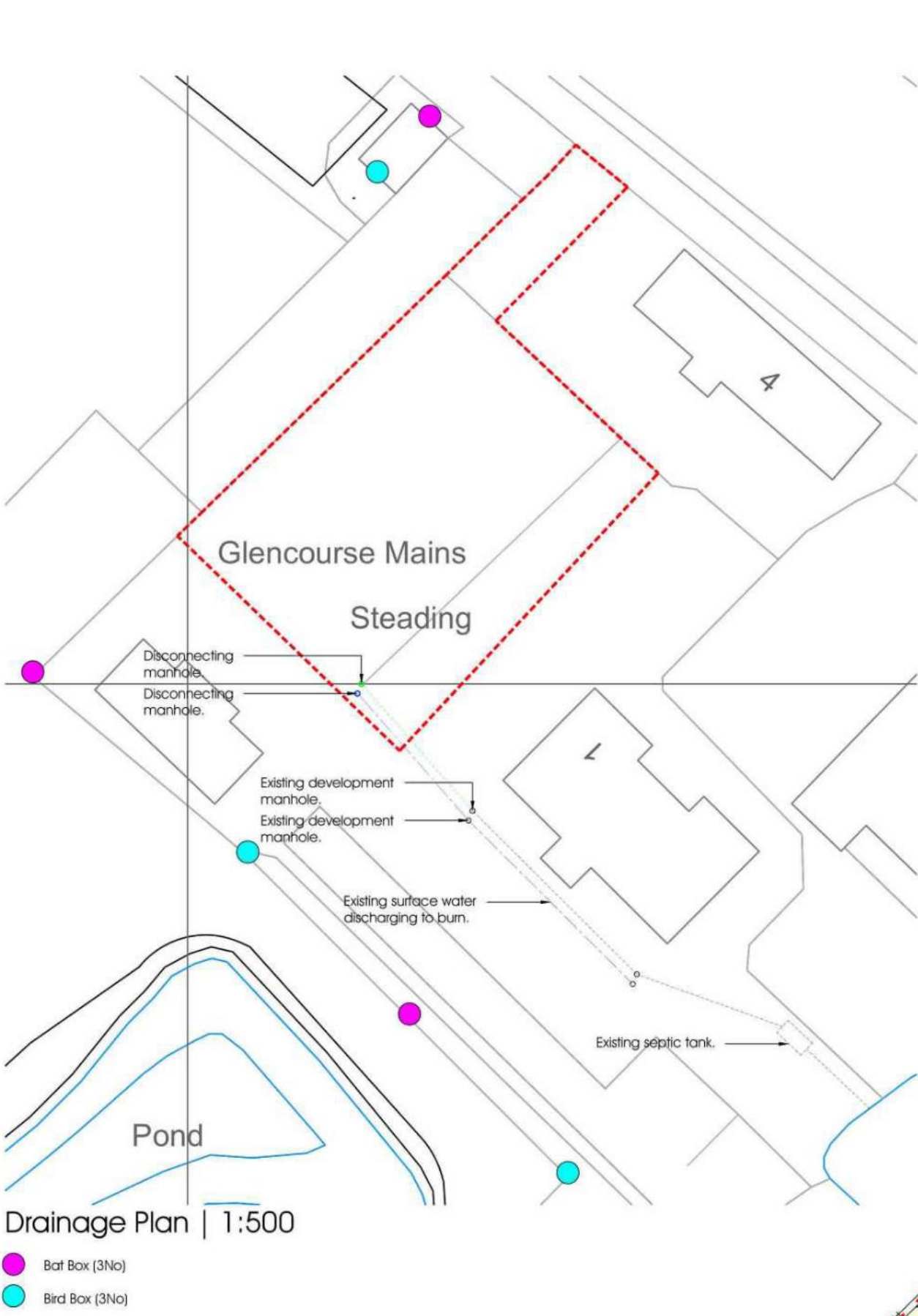


Architectural Render 01 | NTS



Architectural Render 02 | NTS

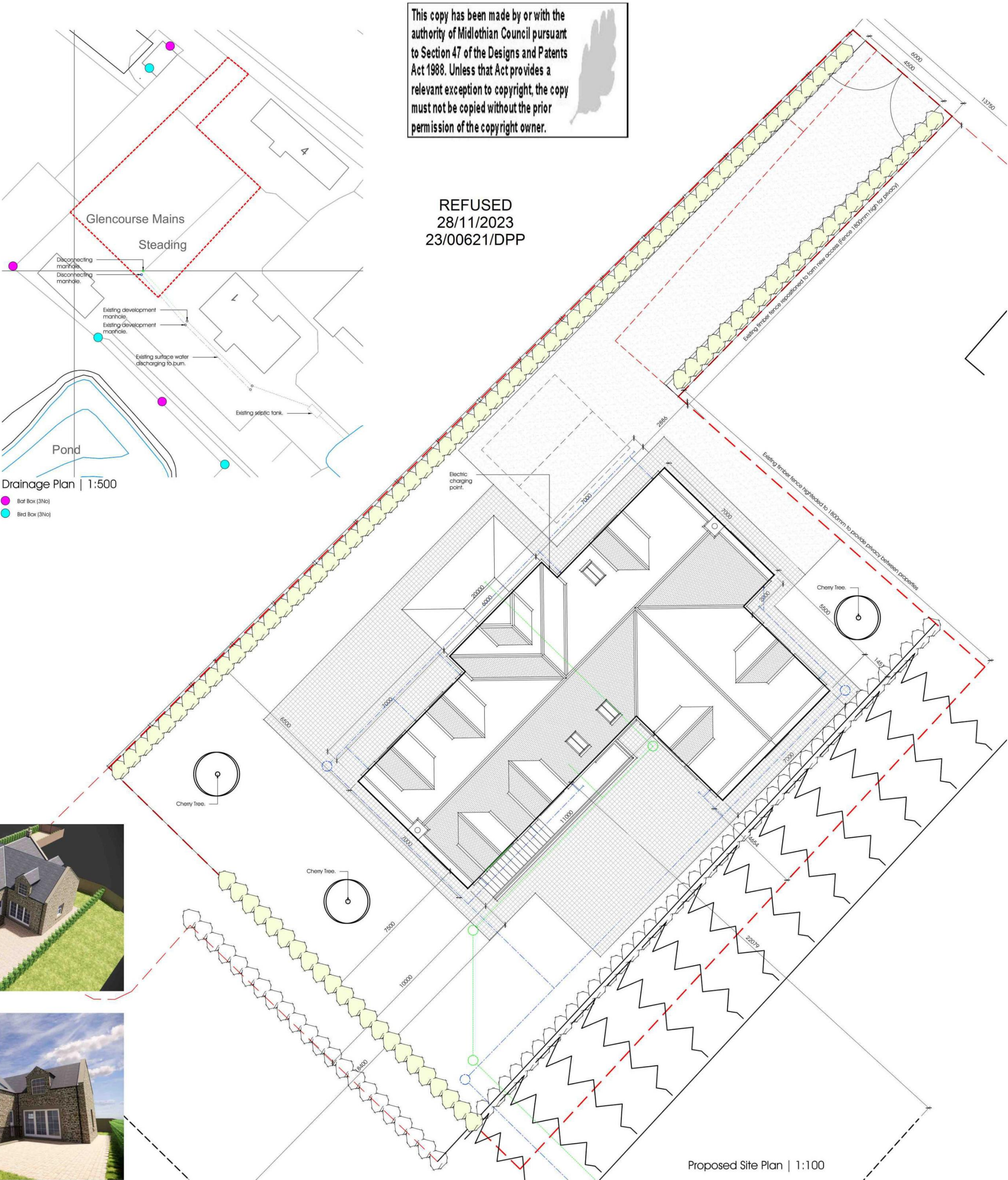
Do not scale from this drawing | Use figured dimensions only | Discrepancies to be reported



Drainage Plan | 1:500

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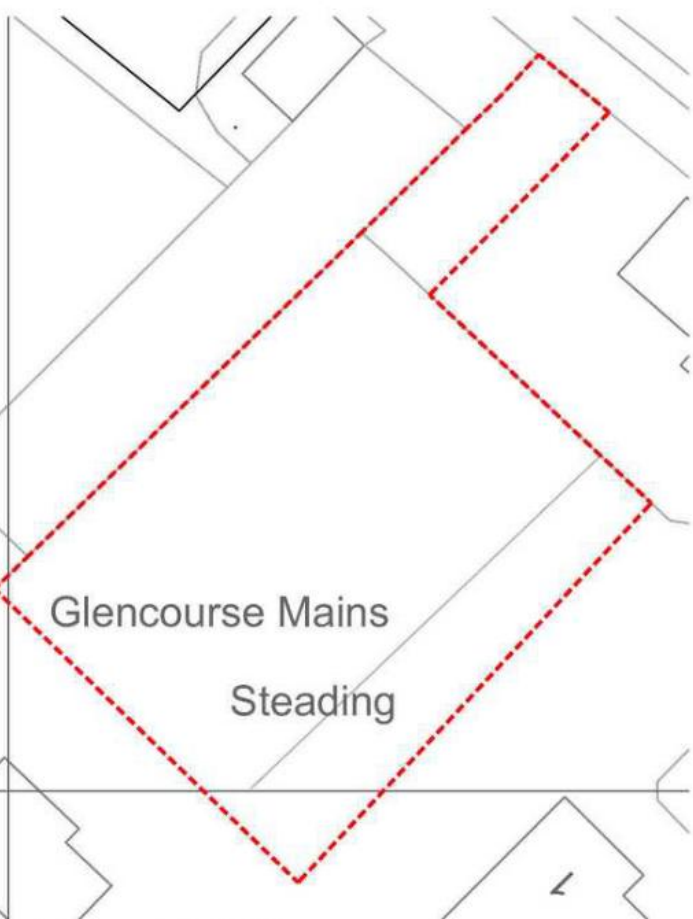
REFUSED
28/11/2023
23/00621/DPP



Proposed Site Plan | 1:100

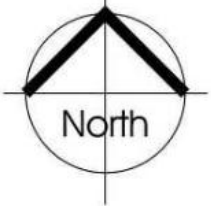
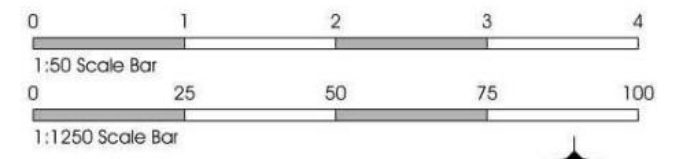


Location Plan | 1:1250



Block Plan | 1:500

- Material Specification:
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- Proposed House Footprint:
Area: 184.50sqm
- Proposed Patio/Hard Standing:
Area: 166.50sqm
- Proposed Driveway:
Area: 151.0sqm



Revision: Description: Date:

Scott Francis Allan
Architectural Design

36 Wallace Avenue | Wallyford | East Lothian | EH21 8BZ
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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. 2023-66-001 Scale: As Noted Date: Sept 2022 Name: SFA/lan Sheet Size: A1