

Notice of Review: Land Adjoining Meyerling, Off The A6094, 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 a dwellinghouse and associated works at land adjoining Meyerling, off the A6094, Penicuik.

2 Background

- 2.1 Planning application 21/00775/DPP for the erection of a dwellinghouse and associated works at land adjoining Meyerling, off the A6094, Penicuik was refused planning permission on 19 November 2021; 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 19 November 2021 (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 procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were two consultation responses and five 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 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and samples of all proposed external materials;
 - b) Details of the materials of the window frames;
 - c) Details of the colour of the window frames;
 - d) Details of the materials of all doors;

- e) Details of the colour of all doors;
- f) Details of the proposed solar panels;
- g) Details of the materials of all areas of hardstanding;
- h) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure;
- i) Proposals for the treatment and disposal of foul and surface water drainage from the proposed houses;
- j) 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;
- k) 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 any fence; and
- l) Existing and finished ground levels for all buildings and open space in relation to a fixed datum.

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.*

2. The external finishes of the house and garage hereby approved shall be natural stone and natural slate.

Reason: *To ensure the proposal is finished in materials appropriate to the rural area.*

3. Unless otherwise agreed in writing by the planning authority, the rooflights on the garage hereby approved shall either be obscurely glazed or located with the bottom of the glazing a minimum of 1.6 metres, as measured vertically, above the first floor level.

Reason: *To protect the privacy of neighbouring properties.*

4. The areas of hardstanding agreed in terms of condition 1g) shall be surfaced in a porous material.

Reason: *To ensure that the site is adequately drained; in the interests of the amenity of the area.*

5. The proposed drainage treatment and disposal required in condition 1i) shall consider the creation of a biodiverse Sustainable Urban Drainage System (SUDS) such as a pond and planted bioswales.

6. Before the house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 1i) shall be completed to the satisfaction of the planning authority.

Reason for conditions 5 and 6: *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

7. The buildings permitted shall not be occupied or brought into use until vehicular access has been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

Reason: *To ensure the future users of the buildings have safe and convenient access to and from the site.*

8. The scheme of landscaping required in terms of condition 1j) shall include a tree survey and arboricultural constraints plan to BS5837 for all existing trees on and immediately adjacent to the site which shall identify and eliminate any impacts on existing trees.
9. No trees on site shall be lopped, topped or felled without the prior written approval of the planning authority.
10. The landscaping plan required in terms of conditions 1j) shall include a tree retention and protection plan which clearly indicates the tree number location, crown spread and root protection areas and tree protection fencing. Any trees proposed for removal or pruning should be clearly identified and any tree removals shall be restricted to those necessary on health and safety grounds following the submission of recommendations as part of the Tree Survey by a qualified Arboricultural Consultant.

Reason for conditions 8 to 10: *To ensure existing trees are retained where possible and canopy cover is protected; to protect the landscape character of the area.*

11. The landscaping plan required in terms of condition 1j) shall include details of replacement planting incorporating tree and hedgerow planting. The tree planting shall be broadleaf native species and the hedging shall be mixed native hedgerow.
12. The landscaping plan required in terms of conditions 1j) shall include a minimum ten metre woodland edge shelterbelt buffer strip along the south and east boundary of the site.
13. The landscaping plan required in terms of conditions 1j) shall include a landscape plan, specification, planting schedule and maintenance specification including tree and woodland management.

Reason for conditions 11 to 13: *To protect the rural character of the area and integrate the development into the surrounding rural area; to increase canopy cover at the site; to promote biodiversity.*

14. The scheme of landscaping approved in terms of condition 1j) shall include details of tree protection measures during development which shall be approved in writing by the planning authority and be retained until development is completed.

Reason: *To ensure that any trees affected by the proposal are protected during development.*

15. The scheme of landscaping approved in accordance with condition 1j) 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.*

16. 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 adopted Midlothian Local Development Plan.*

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

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

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: 10 February 2022
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 21/00775/DPP available for inspection online.



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

Erection of dwellinghouse; formation of access road and associated works at Land Adjoining Meyerling, Penicuik,

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File No: 21/00775/DPP

Scale: 1:2,500





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 100513834-001

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="Format Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Shona"/>	Building Name:	<input type="text" value="Holyrood Business Park"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="146"/>
Telephone Number: *	<input type="text" value="01316617666"/>	Address 1 (Street): *	<input type="text" value="Duddingston Road West"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH16 4AP"/>
Email Address: *	<input type="text" value="formatdesign@aol.com"/>		

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="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Format Design"/>
First Name: *	<input type="text" value="T"/>	Building Number: <input type="text" value="146"/>
Last Name: *	<input type="text" value="Pia"/>	Address 1 (Street): * <input type="text" value="Holyrood Business Park"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Duddingston Road West"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH16 4AP"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="formatdesign@aol.com"/>	

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

Land Adjoining Meyerling, Penicuik

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse; formation of access road and associated works at Land Adjoining Meyerling, Penicuik

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see 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)

Appeal statement

Application Details

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

21/00775/DPP

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

20/09/2021

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

19/11/2021

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

To allow the members of the Local Review Body to view the application site and surrounding area

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: Mrs Shona Mackay

Declaration Date: 08/12/2021

APPEAL TO LOCAL REVIEW BOARD REGARDING THE REFUSAL OF
PLANNING PERMISSION 21/00775/DPP
FOR
ERECTION OF DWELLINGHOUSE; FORMATION OF ACCESS ROAD AND
ASSOCIATED WORKS
AT
LAND ADJOINING MEYERLING PENICUIK



13 DECEMBER 2021

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1 Introduction

The proposal is for a single dwellinghouse, with outbuilding. They are linked by a glazed walkway. The site will be set amidst a common wildflower meadow with walkway and with indigenous hedge and tree planting to the south, east and west boundaries. An existing access also exists to the north side leading towards Milkhall Pond.

The following plan is to help identify neighbouring properties. The site is identified by an S in a blue circle.



A plan of all neighbouring properties, with key

2 The refusal

The proposal was refused on 24 November 2021 for the six following reasons:

3 Case in support of approval

A. Response to the reasons for refusal

The refusal notice provided 6 reasons in total that the authority considered that this application failed to comply with the local development plan. These are listed in full below and responded to in order.

Reason 1: *“The proposal for a dwellinghouse does not comply with the housing group policy where only one house per five units may be supported. Planning permission has already been granted for the erection of one house on an adjacent site within this established housing group of Meyerling/Mosshouses and there is no policy support for a further house to be sited in this group.”*

The applicant has been trying to obtain consent for a house in this area, on the adjacent site, for a considerable period of time, since 2008. The granting of consent for the house to the north side of Meyerling in 2013 was therefore seen as a particular unfair step which could potentially undermine a further dwelling here. However, that house was granted prior to the 2016 Development Plan, and we are now in a new development plan period and a further appropriately located dwellinghouse can now be considered. To quote SPG DP1, section 1.2 Housing Groups part b) *“the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period”*

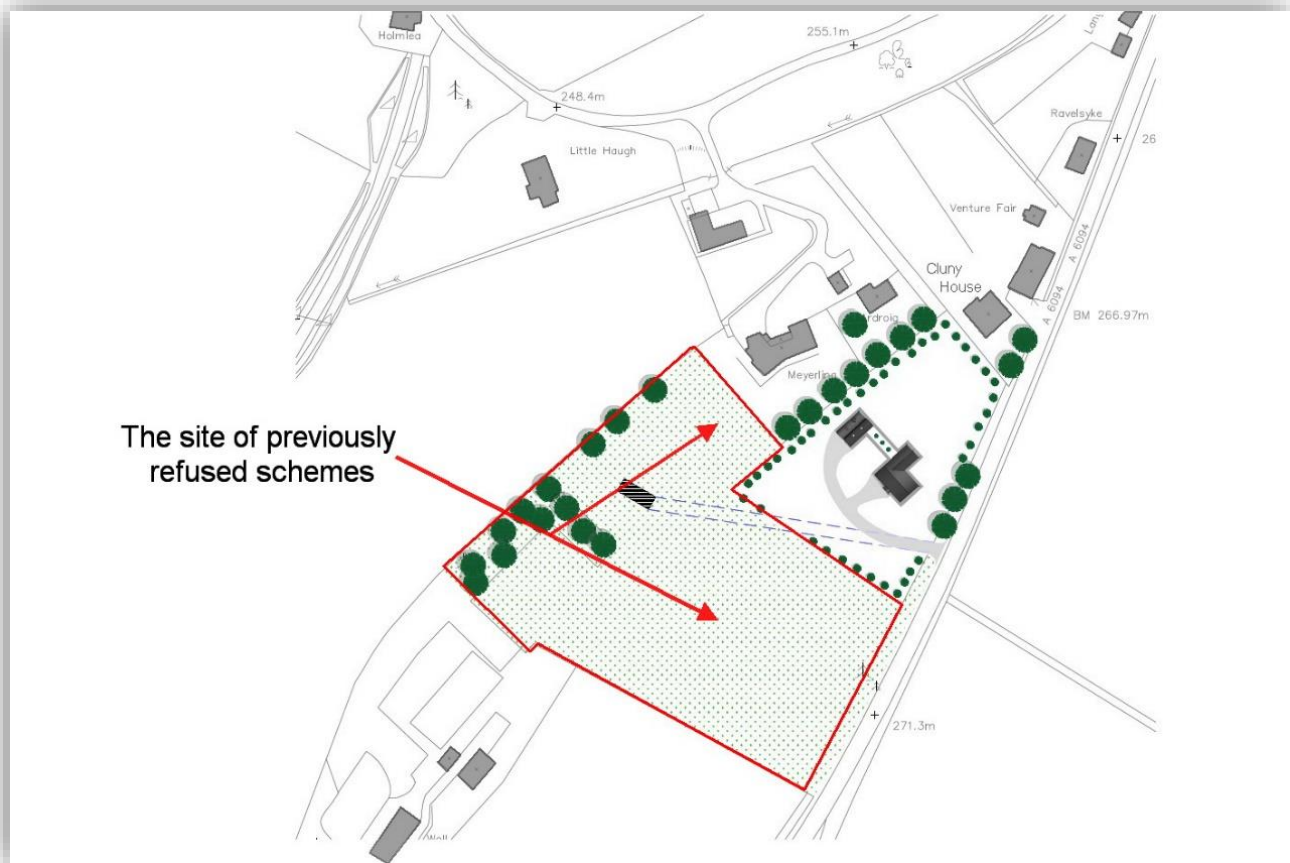
In fact, there is now a more significant group, and the location of the proposed dwelling sits within what would be a logical extension to that group.

Furthermore, this did not appear to prevent the approval of five new dwellinghouses at the Howgate Restaurant site nearby, in addition to the two conversion units. This further adds to the strength of the grouping.

Reason 2: *“The proposal does not comply with the establish principles and criteria for accommodating a new house in a housing group it does not respect the character and cohesiveness of the group.”*

Now that the applicant has obtained the land adjacent to Cluny House (see figures on pages 2 and 5), it has been possible to propose a dwelling in a far more appropriate position, integral to the housing group, and forming a cohesive and logical extension to it. The applicant completely disagrees with the view that the proposal *“does not comply with the establish principles and criteria for accommodating a new house in a housing group it does not respect the character and cohesiveness of the group”*.

As the plan on page 4 clearly demonstrates, the currently proposed position is acceptable. If required, the house could be moved nearer to Cluny House, however it was felt that the greater separation would be better in terms of amenity.



Plan to show adjoining properties, settlement layout, and site of previous refusals

Reason 3: *"It has not been demonstrated that the proposed dwellinghouse is required in connection with an established countryside activity and it has not been justified in connection with policy RD1."*

The applicant owns the surrounding fields mainly to the west and whilst it is not related to a recognised and established countryside activity, the applicant has used the fields for keeping horses and stabling/riding. It would be of significant benefit to live on site in terms of security and welfare of the animals, feeding and also reducing the need to travel to and from the site.

However, the fact that this is a house that creates a natural extension to the existing settlement is of paramount importance in the consideration of this proposal. It has taken a very long time for the correct set of circumstances to come together, and the applicant has spent a lot of time and money in pursuing this objective.

Reason 4: This reason relates to 1 to 3 above and does not require a separate response.

Reason 5: *"The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals."*

The access to the site is via the existing access to the field and stables. The site now extends to the mutual boundary with Cluny House, and it is possible to position the access anywhere along this front boundary, however the present position benefits from being clear of trees and being an existing field access. This access is regularly used by the applicant. If they were living on the site then those trips generated by travelling to the site would be removed. Clearly the applicant would require to use the access for other trips (shopping, school etc) however this is a single house and it is felt that the difference would not be significant.

The current access has loose surface and barely allows for a vehicle to pull off the main road before accessing the gate, and this will be upgraded. The geometry, materials for surfacing and drainage can be controlled by condition, and the ability to control this will ensure that a better and safer access than the existing field access can be agreed.

Whilst not felt to be critical to the acceptance of the current proposal, it would seem to be entirely appropriate to extend the lower speed limit to a point closer to Mosshouses or even Roseview given the changing nature of this area, particularly when another 7 houses appear at Howgate Restaurant. It is unclear as to why such a move would be resisted. This is said as a comment only and is not given as a reason for upholding the appeal.

Reason 6: The last reason advises “*It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies.*”

Finally, the Council considers that it has not been demonstrated that the access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area. It is of course an existing access and there will be no need to remove further trees. It is an access for a single house, and so we are just considering a private driveway. Materials will be appropriate to the location.

B. Responses to significant statements within the Report of Handling:

[The quotes are in italics and the responses have been indented.]

Page 5 para 3 “*The planning authority has consistently considered the development of the site for housing is contrary to planning policy and cannot be supported.....*”

First of all, and most significantly, this is now a different application site. Secondly, the 2008 application that was appealed to the LRB was actually supported in principle by the LRB, and they only chose to refuse it on the grounds of potential noise from vehicles using the proposed access road to the Milkhall Pond Road.

Page 5 para 4 “*The planning authority has restrictive policies for proposals for new housing developments within the countryside. These aim to prevent the*

creeping suburbanisation of the countryside which are under significant pressure due to the convenient commuting distance to Edinburgh.”

This proposal is not creeping suburbanisation but a carefully considered layout of a dwellinghouse within an enclosed site within a small rural settlement. There would be no coalescence, it would not be linking settlements, and it is not suburban in character. It is a logical extension to the existing group/settlement.

Page 6 para 2*As part of the planning permission granted for housing at the former Howgate restaurant to the north, one house was approved through the housing groups policy...”*

This seems an unusual interpretation as five new houses were proposed (plus two conversions), and therefore the entire proposal seems to be outwith the scope of the policy and the whole proposal should be excluded from the calculation.

Page 6 para 6*“ The character of the existing houses in this group is small scale, rural houses....”*.

There was no dialogue entered into whereby the applicant was given any opportunity to lower the roof height, and perhaps change the design to one with wall-head dormers, akin to the house at Cluny House adjacent and to the north (see image below, for location see page 2).



Cluny House (left) and Venture Fair

Also, it should be noted the nearby property at Walltower Farm is a large Georgian two storey house.



Walltower Farm House

Page 7 para 1 *"The proposed house sits centrally in this part of the site, the siting of the house does not respect the cohesiveness of the group..."*

Again, no discussion took place regarding this possibility, and the applicant was aware of likely objections and decided that maintaining separation would be preferable. The house can easily be repositioned tighter to the northwest or northeast boundary if it is considered that this would make the new house acceptable.

Page 7 para 7" *...the planning authority is concerned that if permission is approved for this house, the protected trees would come under pressure to be removed to help with visibility"*

It is regrettable that the trees to the south were lost. The geometry of the road meant that these hindered visibility in that direction. The trees do not have this effect on visibility to the north, as visibility is affected by topography rather than geometry. The applicant is aware that these trees are now protected.

The following image shows the visibility to the north and that only low-level foliage need be affected (arrowed).



Visibility northwards

Page 8 para 5 “*The strip of land to the rear of the existing properties to the northwest to access onto Milkhall Road is to be used as a pedestrian and cycle access.*”

This is not necessarily the case but it does appear to make sense and improves accessibility.

Page 9 para 2 “*...the argument presented along with this proposal is the latest attempt in a long line for housing at this site, where residential development of the site has been consistently resisted by the Council for almost 20 years... The Local Review Body has also dismissed requests for reviews on three occasions.*”

The current application is now on a new site. This is a significantly different scheme in that it proposes the house on the north east paddock, never previously part of the development site. It has been very difficult for the applicant to see other schemes being approved in the intervening period, to an extent that it has felt very personal.

The Local Review Body were in fact supportive of an earlier proposal, 08/00383/OUT, but concluded that the access around the houses to the north west was not appropriate, and refused it on that basis. The sole reason for refusal was “*The proposed access route, by reason of its close proximity to the boundaries of the properties at Meyerling and Ardraig, coupled with the steep nature of the access is likely to lead to*

an unacceptable loss of amenity for the occupants of these dwellings during the construction and occupation of the dwellinghouse.”

This is a very different proposal to those submitted before, and the site boundary is new.

The following figure shows two previous schemes.

On the left is the original proposed scheme for a detached house on the site to the south west, with the long access towards Milkhall Pond, refused in October 2010, referred to above.

On the right is the four-house proposal on the site to the south west with access at the point of the existing field access.



Previous applications 2008 (left) and 2018

The present proposal cannot be directly compared to the previously refused schemes. It is substantially different in form and scale and is on an entirely different, albeit adjoining, plot of land.

C. Response to public comment on other issues:

This is a summary of the objections followed by a brief response in bold text. Many of these issues have already been dealt with above.

- *The proposal is contrary to the Edinburgh and Lothian Structure Plan, policies RD1, ENV3, ENV7 and ENV11 of the Midlothian Local Development Plan and the Supplementary Guidance;* - **The structure plan is no longer relevant. The development plan has already been covered.**
- *There has been little change at the site since the previous applications for housing have been refused and the previous reasons for refusal remain valid;* **As stated already, the site boundary is very different.**
- *The proposed house does not match existing properties and would appear out of place in this rural area;* **It is similar to Cluny House and can easily be adjusted.**
- *The proposal would be ribbon development and result in coalescence;* **This is an inaccurate description.**
- *Loss of privacy to nearby properties from both the proposed pedestrian and cycle way and a two-storey house;* **The pedestrian route is not an issue and the house is sufficiently distant.**
- *Overshadowing nearby properties;* **This is not an issue.**
- *Poor vehicular access due to insufficient visibility splays;* **Discussed above.**
- *The proposed access would create road safety hazards and has not changed since the previous refusals;* **Discussed above.**
- *It is not fair for motorists using the A6094 to have speed restrictions to accommodate development;* **Safety is paramount to enjoying higher speeds!**
- *Road safety concerns from queuing traffic entering the site from the north as this will not be readily visible to other road users due to the levels of the road;* **Discussed above.**
- **There is no provision for bin collections or service vehicles;** *It is only a single house and refuse would be collected in the same manner as neighbouring houses.*
- *The distance to public transport is very marginal and on a dangerous route;* **Covered in planning statement.**
- *There is already poor water pressure in the area which would be exacerbated by the proposal;* **Covered in planning statement.**
- *The porosity of the site is poor and there are concerns over existing water run off to neighbouring properties as well as the proposed soakaway;* **SUDS proposals would be incorporated - Covered in planning statement.**
- *The land is unsuitable for septic tank and soakaway use;* **Covered in planning statement. It would be handled as per other local dwellings.**
- *Future connection to public sewer is unlikely to be achievable;* **Covered in planning statement.**
- *The applicant has removed trees without permission to the southwest, destroying the character of the rural roadside and works began to remove trees to the north before these were protected by a TPO;* **Not a matter for this procedure.**
- *The site was never earmarked for building;* **It would not be expected of a rural windfall site.**
- *Increase in noise and traffic;* **Not likely for a single dwelling.**
- *There will be no countryside left if houses are built on every open space;* **the relative size of the site is minimal in this respect, and forms a logical extension**
- *Impact on wildlife.* **No impact as this is an open field. In fact the proposed wildflower meadow and other planting is more likely to have a positive impact.**

4 Summary

The proposed house is in a different location to previous applications and has been positioned to remain within the envelope of existing house layout within the group.

The applicant owns the adjoining fields within which he has horses stabled here and used for riding, and which he regularly visits.

The house can all be readily serviced in terms of power, communications drainage and water supply.

It is not a location that could be deemed to be remote, and it is within a definable cluster of buildings with a public transport service available within a reasonable distance from the site.

The house would supplement a growing housing group in a logical and well considered manner. It will enhance the rural housing supply and enhance the opportunities for living and working in the countryside.

The development will contribute towards a sustainable, economically active rural area, which is more likely to attract investment and which will encourage vibrant, growing communities. It achieves this whilst maintaining local landscape character.

5 Conclusion

The proposed development may be seen to conflict with certain local development plan policies, however there are other material considerations to take into account, as presented here, and it is generally in keeping with national planning policy objectives of ensuring that Scotland is a successful sustainable place; a low carbon place; a natural resilient place; and a connected place.

This is a different proposal and a different site to previous submissions.

The benefits of the development are not outweighed by its impacts. It is a well contained site, and subject to landscaping and upgrading of the existing access, the site can make a very useful contribution to community and local housing.

It is therefore presented to the Local Review Body that the development be supported in principle.

If there is a need to reposition the house or the point of access within the site boundary then the applicant would welcome the opportunity to enter into constructive dialogue to achieve a more positive outcome, beneficial to all parties.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00775/DPP

Site Address: Land Adjoining Meyerling, Penicuik.

Site Description: The application site comprises a field used for grazing horses and a narrow, overgrown strip of land running between the garden grounds of two houses. Part of the site sits on a ridge making it highly visible from views from the west and northwest. There are some trees along this boundary, as well as along the eastern boundary that runs along the A6094 which forms the eastern boundary of the site. These are covered by a Tree Protection Order. There is a stable at the west of the site which is accessed by a field access from the A6094. There are open fields to the west, houses to the north, the A6094 along the east between the site and open fields to the south. The site lies to the south of Howgate.

Proposed Development: Erection of dwellinghouse; formation of access road and associated works.

Proposed Development Details: A house and garage are positioned at the northern part of the site. The house is two storey with an L shaped footprint measuring a maximum of 15 metres by 17 metres with a pitched roof 9.8 metres high. This is connected to the garage by a 13.8 metre glazed link. The garage is single storey with accommodation in the roofspace served by two dormer windows and rooflights and is 12.2 metres by 7.9 metres with a pitched roof 6.3 metres high. The walls are natural stone with granite coping, quoins and window surrounds and the roofs natural slate. The supporting statement states the window frames are timber. The application form states solar panels are proposed on the south elevation but these are not on the plans. The land around the house is to be a garden, with the remainder of the site wild flower meadow. The existing field access will be widened to a permeable access for the house and stables which are retained. A rain water harvesting tank, sewerage system and surface water soakaway are proposed. The application form states the houses will connect to the public water supply but the supporting statement states this will be served by a private water supply.

The agent has submitted a supporting statement stating the following. The area is characterised by low density housing and the proposed house will add to the mix and availability of housing the countryside. The siting of the house will supplement the cluster of housing in the area and fit into the landscape. The house is of traditional design and materials with contemporary detailing. There will be no impact on nearby properties. The strip of land to the north will be used for pedestrian and cycle access. The speed limit on the A60894 should be dropped from 60mph to either 30 or 40mph to allow for suitable visibility splays. The site is served by public transport.

Background (Previous Applications, Supporting Documents, Development Briefs): Part of application site (excludes the area where the house is sited)

18/00218/DPP Erection of 4 dwellinghouses; formation of access road and associated works. Refused – no justification for houses; layout has adverse impact on surrounding area; prominent views from west having adverse impact on the surrounding area; road safety concerns over access; contrary RD1 and ENV7. Subsequent review dismissed by LRB – for the same reasons.

15/00291/DPP Erection of dwellinghouse and formation of access road. Refused – no justification for house; not form part of group; prominent views from west having adverse impact on the surrounding area; access result in loss of amenity for existing houses; no SUDs or sustainable building design; contrary RP1, DP1 and RP7.

15/00286/DPP Alterations to existing access and formation of hardstanding. Refused – significant adverse impact on road safety for A6094; not demonstrated can be done without adverse landscape impact; contrary RP1 and RP7.

11/00203/DPP Planning permission in principle for the erection of dwellinghouse and formation of access road. Refused – access safety concerns; impact of loss of trees and landscaping to form visibility splays. Subsequent review dismissed by LRB – for the same reasons.

08/00383/OUT Outline application for erection of dwellinghouse including new access road. Refused - prominent views from west having adverse impact on the surrounding area; does not fit with group; access issues having impact on residential amenity; no potable water. Subsequent review dismissed by LRB - access issues having impact on residential amenity.

07/00417/OUT Outline application for the erection of dwellinghouse, offices, seven stables, tack room and creation of two paddocks. Withdrawn.

04/00890/OUT Outline application for the construction of an equestrian centre/riding school and associated dwellinghouse. Refused – inadequate justification; sporadic residential development in rural area; access issues; prominent views from west having adverse impact on the surrounding area; and potential impact on residential amenity.

03/00188/OUT Outline application for the erection of one dwellinghouse. Refused – contrary to Local Plan and National policies; sporadic residential development in rural area; access issues having impact on residential amenity; prominent views from west having adverse impact on the surrounding area.

02/00395/OUT Outline application for the erection of one dwellinghouse. Refused – contrary to Local Plan and National policies; sporadic residential development in rural area; access issues; prominent views from west having adverse impact on the surrounding area.

Howgate restaurant

18/00148/DPP Conversion and associated extensions and alterations of former restaurant to form two dwellinghouses; erection of 5 new dwellinghouses; alterations to existing access; formation of culvert and associated works. Consent with conditions.

Consultations:

The **Policy and Road Safety Manager** recommends refusal as the applicant is unable to meet the minimum level of visibility required for a new junction onto a 60mph road. The proposal is reliant on the existing speed limit of the A6094 being reduced to 30 or 40mph to meet the achievable level of visibility. This section of the A6094 is an unlit 60mph rural road with a narrow footpath along one side. The road

has sections of limited forward visibility with overtaking manoeuvres restricted by solid centre lines. The road operates as a rural 60mph road with very little urban frontage to indicate to drivers that they should be driving at a lower, more urban speed. This section of road would not be a suitable candidate for a reduction in the current 60mph speed limit and it is highly unlikely that the erection of warning or speed limit signs would result in any meaningful change in driver behaviour.

Scottish Water has no objection. They state that there is no waste water infrastructure in the area and that they will not accept any surface water connections to the combined sewer.

Representations: Five letters of objection have been received on the following grounds:

- The proposal is contrary to the Edinburgh and Lothian Structure Plan, policies RD1, ENV3, ENV7 and ENV11 of the Midlothian Local Development Plan and the Supplementary Guidance;
- There has been little change at the site since the previous applications for housing have been refused and the previous reasons for refusal remain valid;
- The proposed house does not match existing properties and would appear out of place in this rural area;
- The proposal would be ribbon development and result in coalescence;
- Loss of privacy to nearby properties from both the proposed pedestrian and cycle way and a two storey house;
- Overshadowing nearby properties;
- Poor vehicular access due to insufficient visibility splays;
- The proposed access would create road safety hazards and has not changed since the previous refusals;
- It is not fair for motorists using the A6094 to have speed restrictions to accommodate development;
- Road safety concerns from queuing traffic entering the site from the north as this will not be readily visible to other road users due to the levels of the road;
- There is no provision for bin collections or service vehicles;
- The distance to public transport is very marginal and on a dangerous route;
- There is already poor water pressure in the area which would be exacerbated by the proposal;
- The porosity of the site is poor and there are concerns over existing water run off to neighbouring properties as well as the proposed soakaway;
- The land is unsuitable for septic tank and soakaway use;
- Future connection to public sewer is unlikely to be achievable;
- The applicant has removed trees without permission to the southwest, destroying the character of the rural roadside and works began to remove trees to the north before these were protected by a TPO;
- The site was never earmarked for building;
- Increase in noise and traffic;
- There will be no countryside left if houses are built on every open space; and
- Impact on wildlife.

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

DEV5 Sustainability in New Development states it will be expected that development proposals will 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 MLDP policy;

DEV6 Layout and Design of New Development states good design and high quality architecture are required in the overall layout of development proposals. This provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking;

DEV7 Landscaping in New Development states development proposals will be required to be accompanied by a comprehensive scheme of landscaping. This should: complement the existing landscape within and in the vicinity of the site; create landmarks in the development layout and use the landscape to emphasise these;

TRAN5 Electric Vehicle Charging states that the Council will support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

IT1 Digital Infrastructure supports the incorporation of high speed broadband connections and other digital technologies into new homes;

RD1 Development in the Countryside states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services to a prescribed level.

In the case of businesses, these should not be primarily of a retail nature and not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

ENV7 Landscape Character states development will not be permitted where it may significantly and adversely affect local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design; and

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

Supplementary Guidance for Housing Development in the Countryside and Green Belt has been adopted which expands policy RD1 and the criteria to be met in such proposals. This provides some support the development of one house where there is a group of 5 or more existing dwellinghouses. A house may be permitted where there is small-scale infill within such groups. Houses should generally be located within any gaps in the group. Where there are no gaps, consideration will be given to locations adjoining the existing group, particularly where there is a site that adjoins the group on two sides. Where there are existing physical or visual barriers separating the site or where distance results in the site being remote from the host group, development will not be acceptable. Proposals in open fields adjoining a group, which have not physical features to provide containment will not be acceptable. Proposals which impact adversely on trees, hedgerow and boundary features, or are located on the opposite side of physical features which form strong boundaries for a group will not be acceptable. The design of any proposed dwelling is an important consideration. Development must be small-scale in relation to the existing group and respect the character, cohesiveness and amenity of the group being extended.

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.

As detailed in the Background section, numerous planning applications for housing for part of this site have been refused since 2002. The planning authority has consistently considered the development of the site for housing is contrary to planning policy and cannot be supported. Recent applications have been submitted with the agent stating these comply with the housing group section of the related policy. However the planning authority did not consider that this site meets the criteria of this policy or forms an acceptable plot for development within this housing group. This has been supported by LRB where previous reviews have been dismissed. However the current application site includes an area which was not previously included in other applications, where the house is now proposed. This adjoins houses on two boundaries.

The planning authority has restrictive policies for proposals for new housing developments within the countryside. These aim to prevent the creeping suburbanisation of the countryside which are under significant pressure due to the convenient commuting distance to Edinburgh. However, there are enabling policies, within the adopted Midlothian Local Plan, which support residential developments within the countryside. Policy RD1 of the local plan contains several sections where houses could be acceptable in the countryside.

The proposed house is not required for the furtherance of an established countryside activity. It is not a replacement house or the conversion or redevelopment of existing redundant farm buildings or other non-residential buildings. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future.

Policy RD1 provides some support for houses in groups where 1 new dwelling is permitted during the plan period where there are 5 existing units. The applicant states houses to the south are within the group and so the number of houses within the group is 17. However the planning authority considers the group of Meyerling/Mosshouses extends to the houses to the north and northwest of the site only. The houses to the south are visually separate from the houses to the north and northwest and so do not form part of a larger group. Therefore at present there are six houses within the existing group meaning there may be policy support for one house, provided this complies with the related criteria.

As part of the planning permission granted for housing at the former Howgate restaurant to the north, one house was approved through the housing groups policy. This means that the one house in this group that could be supported by this section of the policy has already been approved. There is no policy support for a further house in this group during this current Local Development Plan period.

There is no policy support for housing at this site. However, the agent states the proposal will diversify and provide accommodation for people who wish to live in these areas without a link to proposed businesses or conversions of non-residential buildings. As detailed above, the policies aim to protect the character of rural areas from sporadic developments which result in suburbanisation of the countryside, but there are a number of criteria which can be met where housing in the countryside is appropriate and acceptable. These criteria do not dictate that these houses have to be large or unaffordable, thereby providing opportunities for a range of houstypes provided they meet policy requirements. This justification for a house here on these grounds is not materially significant to result in a decision which would depart from the adopted policy.

Notwithstanding the lack of policy support in principle, the details of the proposed scheme must also be considered.

The Supplementary Guidance provides details on how to identify appropriate plots for development. Any new unit within a group must be of a location, scale and character in keeping with that of the existing group. A house may be permitted where there is small-scale infill within groups and should generally be located within any gaps in the group. Where there are no gaps, consideration will be given to locations adjoining the existing group, particularly where there is a site that adjoins the group on two sides. Where there are existing physical or visual barriers separating the site or where distance results in the site being remote from the host group, development will not be acceptable. There shall be an existing physical or visual feature which provides containment for the group or potential for this.

The area the proposed house is sited is within an area of the site that adjoins the group to the north and northwest. The remainder of the site does not. The character of the existing houses in this group is small scale, rural houses which either address the A6094 or cluster together to the northwest. These are either single storey, single storey with accommodation wholly within the roofspace or single storey with wallhead dormers providing accommodation in the roofspace.

The proposed house sits centrally in this part of the site, neither close to the houses facing the A6094 or forming a cluster with the houses to the northwest. Although this part of the site adjoins houses on two sides, the siting of the house does not respect the cohesiveness of the group. It should be noted that if the house were repositioned to front onto the A6094, this would impact the protected trees along this boundary and so is unlikely to be supported. The proposed house is traditional in scale and form but is large at two storey. This would be the largest house in the group and not respect the smaller scale character of this group. The proposed garage almost appears comparable in size and scale to another house in the group. There are protected trees to the east of this area which would provide some containment, but no other physical features to provide containment to the south. Due to the position of the house, this could appear to be ribbon development and, if approved, lead to future applications for houses in the remainder of the site.

It is clear that had the principle of supporting a house at this site through the housing groups policy been established, the position and design of the proposed house does not comply with the guidance for acceptable plots and so would not be supported.

Adequate garden ground and parking is provided for the house.

The position of the house within the plot means this would be screened from views from the east and west by existing, now protected, trees. This limits the visual impact of the house in the surrounding rural landscape. The trees within the site positively contribute to the landscape character and setting in the area, as well as nearby biodiversity sites and green networks. Should permission be approved, a tree survey and constraints plan are required to ensure all existing trees are protected where identified as necessary and tree removal should be restricted to where necessary on health and safety grounds as identified in the tree survey by a qualified arboricultural consultant. Also additional native planting would be required including a 10 metre woodland edge shelterbelt along the south and east boundaries.

The site is within 1 mile of services and public transport

The existing access is recessed slightly from the A6094 with a gate. Although there are some trees to the north, a number to the south have been removed. This removal did not require planning permission, but this loss has had a detrimental impact on the landscape character of the area. This appears to be connected to providing adequate visibility and accommodation for the required visibility splays for the vehicular access. It is regrettable that these have been removed as these enhanced the landscape of the area, however as these were not protected the planning authority had no control over these works. The trees to the north of the access have recently been covered by a Tree Preservation Order and are now protected from works unless a works to trees application is approved.

Although the ground levels in the area and curve of the A6094 are major issues in achieving the required visibility splays, the planning authority is concerned that if permission is approved for this house, the protected trees would come under pressure to be removed to help with visibility. This would have a significant

detrimental impact on the landscape character of the area, as can be seen to the south of the access where trees have already been lost.

The required minimum splays to meet the minimum level of visibility required for a new junction onto a 60mph road have not been met. The applicant's agent suggests that the existing speed limit of the A6094 being reduced to 30 or 40mph to meet the required visibility splays.

This section of the A6094 is an unlit 60mph rural road with a narrow footpath along one side and the road has sections of limited forward visibility with overtaking manoeuvres restricted by solid centre lines. The road operates as a rural 60mph road with very little urban frontage to indicate to drivers that they should be driving at a lower, more urban speed. This section of road would not be suitable for a reduction in the current 60mph speed limit and it is highly unlikely that the erection of warning or speed limit signs would result in any meaningful change in driver behaviour.

Although the agent has suggested a speed reduction in an attempt to provide the access to the site, this does not address the significant road safety concerns to a standard where this could be considered acceptable. Road safety issues have been included in the reasons for refusing previous applications here and are applicable in this application.

The proposed layout means the garage would be approximately 8 metres from the boundary to the northwest and the house would be 45 metres from the house to the north. There are no windows on the ground floor elevation of the garage facing the northwest and two rooflights in the roof. No cross section of the garage has been provided so it is not clear how high there are from floor level and if these would result in significant overlooking to the garden ground to the nearby house. If planning permission were approved, these could either be conditioned out or require to be obscure glazing. There is a large amount of glazing on the elevation of the house facing north, however there is approximately 45 metres between this and the shared boundary and so it is considered that there will not be a significant adverse impact on the privacy on the occupants of the existing property. Also, due to the distance between properties, there is unlikely to be any significant impact on overshadowing to properties.

The strip of land to the rear of the existing properties to the northwest to access onto Milkhall Road is to be used as a pedestrian and cycle access. Should planning permission be granted, adequate boundary treatments could be in place along this area to protect the amenity of the existing and proposed residents.

No details of the private sewage treatment system and site drainage have been submitted as yet but if permission is granted these would be required. The objectors' comments about potential impact on their amenity and flooding would be addressed at this stage. Scottish Water have no objection to the proposal or any concerns over water pressure in the area.

The Council's Biodiversity consultant has not raised any concern in regards impact on wildlife. Should planning permission be approved, details of a scheme to enhance biodiversity here would be required.

The proposal is for one house and so any increase in noise in the area is not considered to be significant.

In summary it appears that the argument presented along with this proposal is the latest attempt in a long line for housing at this site, where residential development of the site has been consistently resisted by the Council for almost 20 years. If refused permission this will be the eighth time that planning permission has been refused for housing on this site since 2002. The Local Review Body has also dismissed requests for reviews on three occasions. The proposal to develop housing here is not supported by current planning policy; the site does not have an adequate access which could serve dwellings; and the design and scale of the proposed houses is not appropriate in this location. The applicant is strongly advised to give serious consideration to these points before submitting any further application.

The LRB detailed, in its determination of the Review of application 08/00383/OUT, that should the principle of a house at the proposed site be established, it would require to be of a particularly high quality design and be accompanied with a substantial landscaping scheme to soften its impact on the surrounding landscape. It is considered that this proposal does not meet these points, related policies or provide sufficient justification to depart from policy.

Recommendation: Refuse planning permission.

Reg. No. 21/00775/DPP

Format Design
146 Duddingston Road West
Edinburgh
Scotland
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Mr Tony Pia, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 20 September 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse; formation of access road and associated works at Land Adjoining Meyerling, 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	10141-03-03 1:2500	20.09.2021
Site Plan	10041-03-02 1:1000	20.09.2021
Floor plans, elevations, cross sections	10141 03 01 1:100	11.11.2021

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

- 1. The proposal for a dwellinghouse does not comply with the housing group policy where only one house per five units may be supported. Planning permission has already been granted for the erection of one house on an adjacent site within this established housing group of Meyerling/Mosshouses and there is no policy support for a further house to be sited in this group.*
- 2. The proposal does not comply with the establish principles and criteria for accommodating a new house in a housing group it does not respect the character and cohesiveness of the group.*
- 3. It has not been demonstrated that the proposed dwellinghouse is required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*
- 4. For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 5. The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the*

southbound carriageway. These concerns have not been sufficiently allayed by the proposals.

6. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

Dated 19 / 11 / 2021

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:

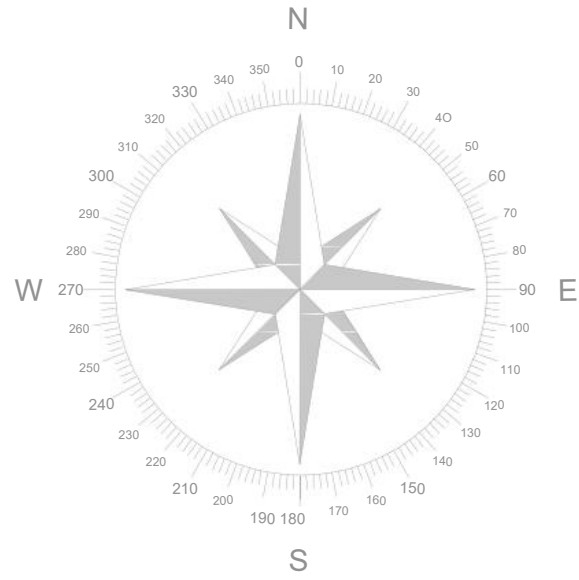
Planning and Local Authority Liaison
Direct Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

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.

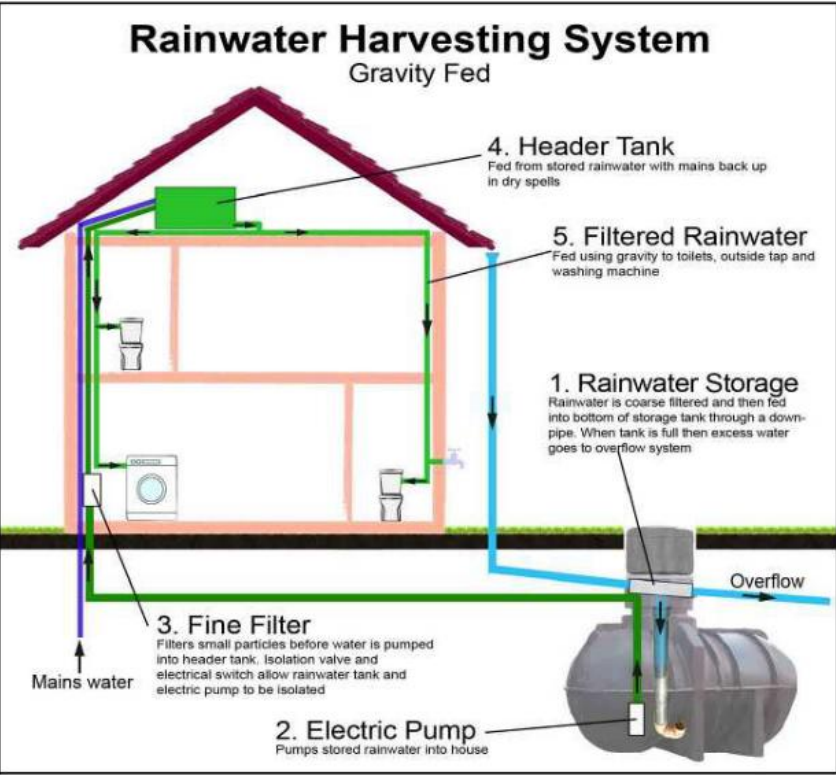
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022



SITE PLAN LEGEND:
BOUNDARY LINE
AREA OF SITE = APPROX 2.2 HECTARES

- 1. Proposed traditional farmhouse style single dwelling & detached garage linked by frameless structural glazed connection. PV Solar panels to be installed on south facing roof elevation
 - 2. Proposed landscaped gardens
 - 3. Proposed wild flower meadows
 - 4. Ex. stables retained
 - 5. Proposed permeable road access from existing gated entrance to stables
 - 6. Proposed subterranean rain water harvesting tank for flushing of toilets and utilities - 2.2m³ capacity
 - 7. Proposed Tricel novo uk 18 with gravity discharge to sample chamber sewerage treatment system
 - 8. Proposed surface water soakaway and percolation area
- Ex. access to stables
- Mains water supply taking from 180mmØ MDPE distribution main to the north of the site, already serving surrounding properties



Rain Water Harvesting Methodology



Proposed Site Plan
Scale 1/1000

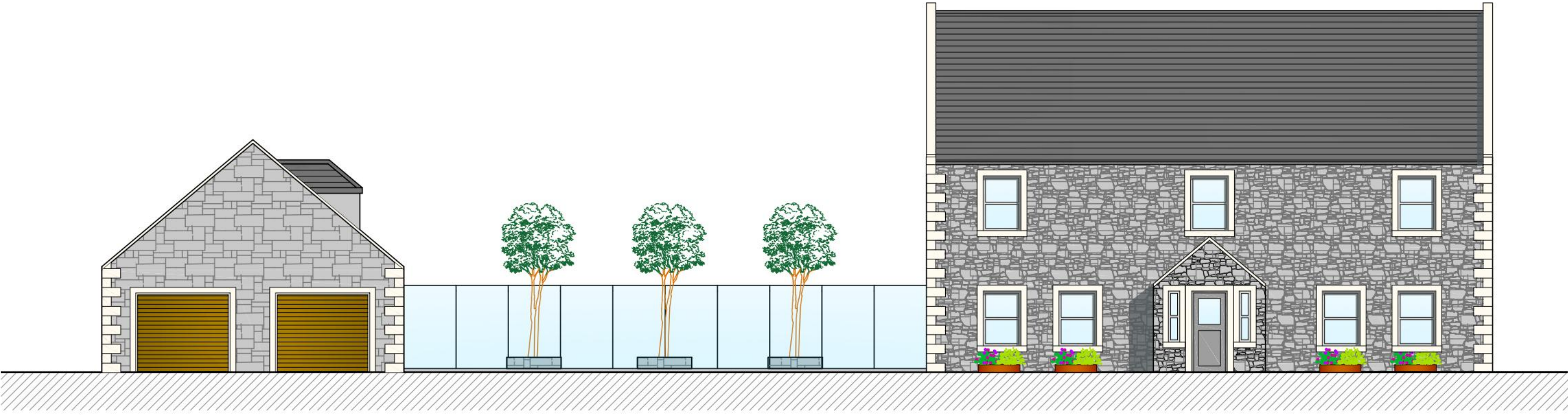
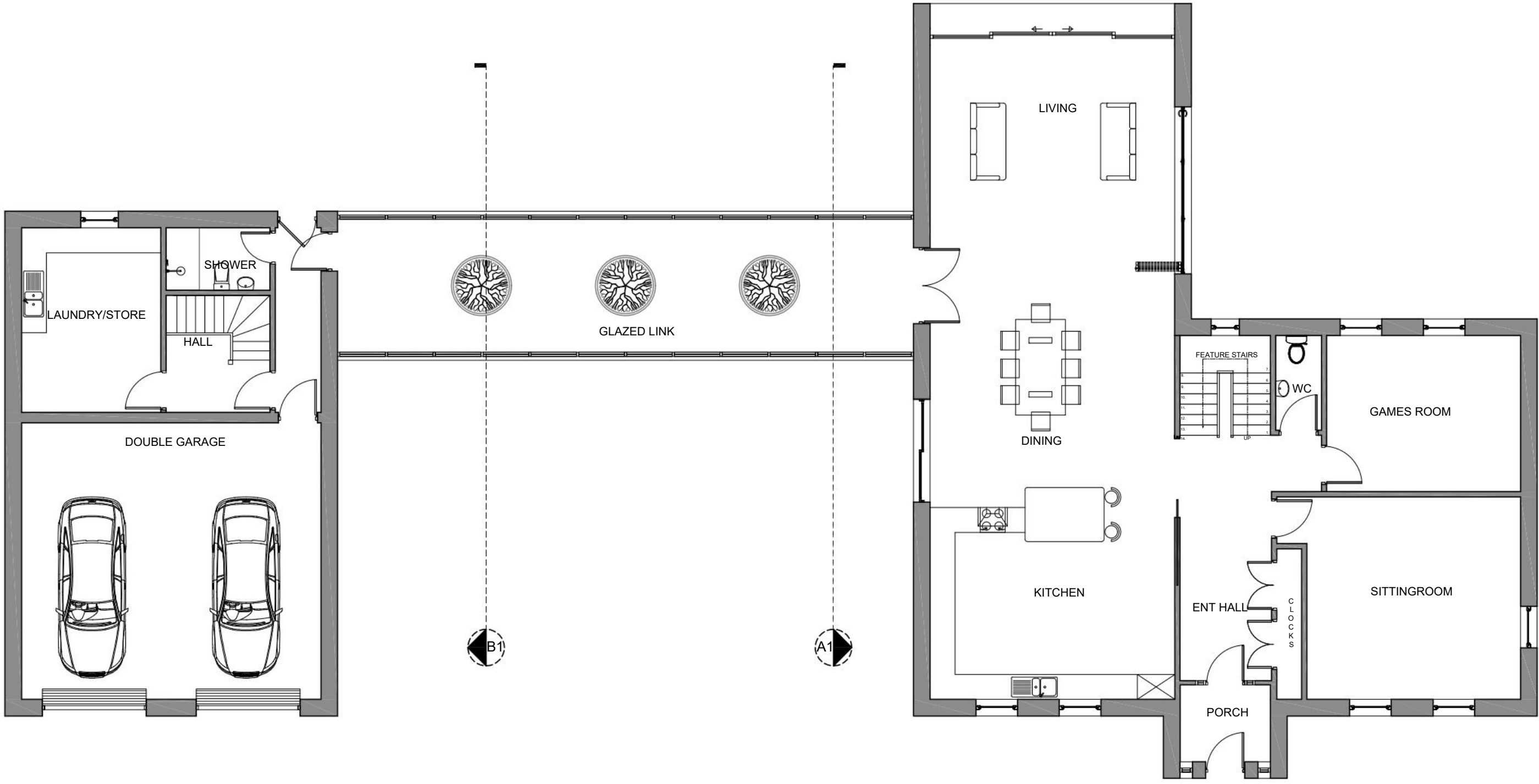
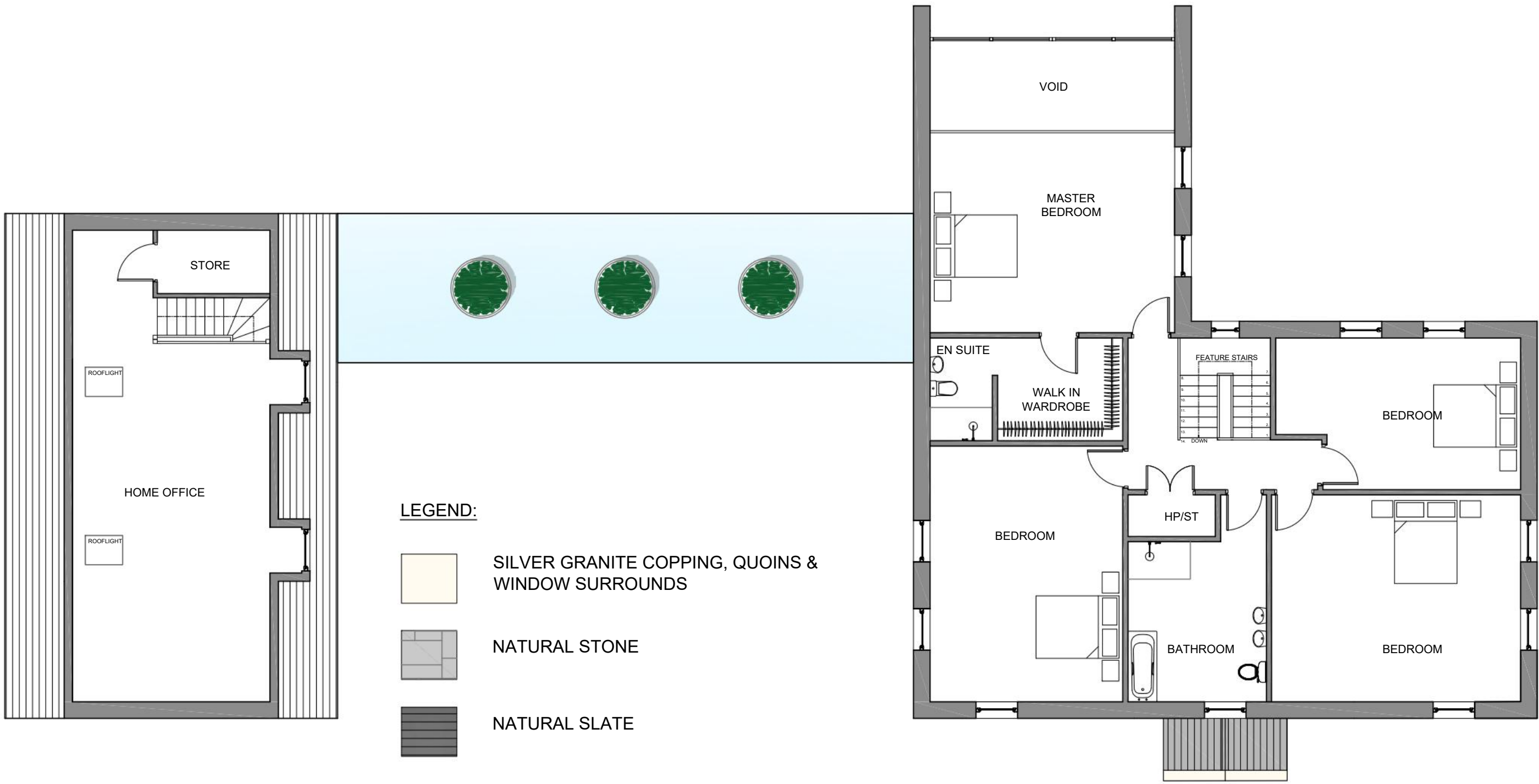


Photo 1
Looking South - Approx 115 Metres To Slight Bend



Photo 2
Looking North From Gate 105M Approx To Brow Of Hill

rev	date	details	by	rev	date	details	by	THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.	SERVICES OFFERED:	drawing title: Prop. Site Plan	scale: @A2
								THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.	MEASURED SURVEYS PLANNING CONSULTANTS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	job title: Howgate, Penicuik Midlothian	drawing no:10041-03-02
								THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.	PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENCING DRAWINGS DEED PLANS	client: Tony Pia	date: 05.08.21
								CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.		status: Planning	drawn: MJ
								ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.		format DESIGN FADADS Limited Holyrood Business Park 146 Duddingston Road West Edinburgh EH16 4AP	Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com



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A	11 11 21	Sectional elevations for planner and correct orientation of plans elevations	MJ							job title: Howgate, Penicuik Midlothian		drawing no:10141 03 01
										client: Tony Pia		date: 13.05.21
										status: Planning		drawn: MJ
										<div><div>format</div><div>DESIGN</div></div> <div>Tel: 0131 661 7666 Fax: 0131 659 6033 Email: formatdesign@aol.com Web: www.formatbuildingdesign.com</div>		
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