

## **Notice of Review: Land at 10 Ashbank, Vogrie Road, 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' for planning permission in principle for the erection of a dwellinghouse at land at 10 Ashbank, Vogrie Road, Gorebridge.

#### **2 Background**

- 2.1 Planning application 20/00375/PPP for planning permission in principle for the erection of a dwellinghouse at land at 10 Ashbank, Vogrie Road, Gorebridge was refused planning permission on 31 August 2020; 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 31 August 2020 (Appendix D); and
  - Key plans/drawings are incorporated into the applicant's supporting statement (Appendix B).
- 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](http://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 written submissions.

4.2 The case officer's report identified that there have been four 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. However two representations have been received from parties which did not comment on the original application – the points raised are as follows:

- The owner of the dog day care business to the north of the site has never had any noise complaints and has operated for 15 years. They are on site 10am to 3pm;
- There have been other dwellings in the local area built closer to the railway line than the application site;
- This sets a precedence for small scale housebuilding in the area;
- It seems like large builders are allowed to build, but locals are not;
- The site is currently used for storage/plant hire and the proposed house would be an improvement;
- A house would provide security for the yard;
- The site has previously been used for fly tipping and it would be a travesty if allowed to fall into disrepair; and
- The proposal would improve the outlook of the site and ensure this is in keeping with the surroundings.

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 to the next LRB for noting.

- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## 5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until an application for approval of matters specified in conditions for a scheme to deal with any contamination of the site has been submitted to and approved by the Planning Authority. The scheme shall contain details of the proposals to deal with any contamination and include:
  - a) The nature, extent and types of contamination on the site;
  - b) Measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
  - c) Measures to deal with contamination encountered during construction work; and
  - d) 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 and a validation report or reports shall be submitted to the and approved in writing by the Planning Authority confirming that the works have been carried out in accordance with the approved scheme.

***Reason:*** *To ensure that any contamination on the site is adequately identified and that appropriate decontamination 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.*

2. Development shall not begin until an application for approval of matters specified in conditions for a scheme of investigation and remediation to deal with previous mineral workings has been submitted to and approved in writing by the Planning Authority. The scheme shall include:
  - a) A scheme of intrusive site investigations;
  - b) A report of findings arising from the intrusive site investigations and the results of any gas monitoring; and
  - c) A scheme of remedial/mitigation works.

Before any work starts onsite on the erection of the dwellinghouse the investigation schemes and remediation/mitigation works shall be fully implemented as approved by the Planning Authority and the Coal Authority and a verification report shall be submitted to and

approved in writing by the Planning Authority and the house hereby approved shall not be occupied until this has been approved in writing by the Planning Authority.

**Reason:** *To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to development commencing.*

3. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
  - a) A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
  - c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
  - f) Details of the provision of high speed fibre broadband connections for the house;
  - g) Details of the provision of electric vehicle charging stations for the house;
  - h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual;
  - i) Details of a scheme of landscaping for the boundaries of the site; and Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

**Reason:** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

4. The house hereby approved in terms of conditions 3 (a), (b) and (c) shall be on a maximum of two levels with the upper floor wholly accommodated in the roofspace.

**Reason:** *To ensure that the dwelling is of an appropriate scale to the surrounding rural area; for the avoidance of doubt; to ensure*



*that adequate room is provided to allow for appropriate landscaping; to help integrate the house in the surrounding rural and sensitive area.*

5. The details of the hardstanding required in terms of condition 3d) shall be porous materials.

***Reason:*** *In the interests of road safety; to prevent water run-off from the site onto Vogrie Road.*

6. The details of the boundary treatments required in terms of condition 3a) shall include close boarded fencing along the north and east boundaries.

***Reason:*** *To protect the amenity of the occupants of the house from noise from the adjacent dog day care business.*

7. The landscape scheme approved in terms of condition 3i) shall include details of planting along the west boundary to Vogrie Road.
8. The scheme of landscaping approved in accordance with condition 3j) shall include details of boundary planting to both integrate the development into the surrounding area and also provide and maintain privacy to existing and future occupants.

***Reason for conditions 7 and 8:*** *To ensure the development is integrated into and in keeping with the surrounding rural and sensitive area.*

9. The scheme of landscaping approved in accordance with condition 3i) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any trees 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.*

10. The tree protection measures approved in terms of condition 3i) shall be in place before any work on the development is begun, including site clearance, and shall be retained until the development is completed, including the protection of trees outwith but adjacent to the site which would be affected by development. Within the area enclosed by fencing there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit. These works shall be carried out in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

***Reason:*** *To ensure that the trees and landscaping to be retained are protected from damage during development; to protect the appearance of the surrounding rural area.*

11. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 3h) above 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.*

## **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:** 2 September 2021  
**Report Contact:** Mhairi-Anne Cowie, Planning Officer  
[Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

**Background Papers:** Planning application 20/00375/PPP available for inspection online.



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

Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2020)

File No: 20/00375/PPP

Scale: 1:3,000



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100265473-002

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="Liston Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Liston"/>	Building Number:	<input type="text" value="1"/>
Telephone Number: *	<input type="text" value="0794 383 0266"/>	Address 1 (Street): *	<input type="text" value="Summerhall"/>
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="UK"/>
		Postcode: *	<input type="text" value="EH9 1PL"/>
Email Address: *	<input type="text" value="david@listonarchitects.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	carlyle lodge
First Name: *	Dougie	Building Number:	
Last Name: *	Givan	Address 1 (Street): *	Carlyle Lodge
Company/Organisation		Address 2:	Gorebridge
Telephone Number: *		Town/City: *	Midlothian
Extension Number:		Country: *	United Kingdom
Mobile Number:	07843380092	Postcode: *	EH23 4QN
Fax Number:			
Email Address: *	gilliangivan@yahoo.com		

## Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	10 ASHBANK
Address 2:	VOGRIE ROAD
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GOREBRIDGE
Post Code:	EH23 4NJ

Please identify/describe the location of the site or sites

--	--

Northing	660804	Easting	335144
----------	--------	---------	--------

## 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)

Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge

## 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 refer to supporting document "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)

10 Ashbank Sawmill LRB appeal Statement

## Application Details

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

20/00375/PPP

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

07/07/2020

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

31/08/2020

## 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)

No MLC visit was made to the site at the application stage due to COVID 19. Full appraisal of the context of the site is required. Specifically the distance from railway and Dog Day Care Centre, which were reasons given for refusal.

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 David Liston

Declaration Date: 22/09/2020



**10 ASHBANK SAWMILL  
VOGRIE ROAD  
SUPPORTING STATEMENT  
PLANNING PERMISSION IN PRINCIPLE FOR NEW HOUSE**

**10/06/2020**

This statement is to support the application for Planning Permission in Principle to build one new house on the site of existing workshops and yard at 10 Ashbank Sawmill on Vogrie Road above Fushiebridge, Gorebridge.

The site is set into the hillside above the road, with a long retaining wall to the back. An existing screen of Beech trees to the road is retained. Immediately to the North are 3 large former brick kilns. About 260m to the North of the site, and also about 400m to the West, across Gore Water, are newbuild housing developments. Craigesk Coach Works occupies a large brick building 100m uphill, to the Northeast of the site.

Two existing vehicular entrances give access to the house. They are currently used frequently by the workshop and therefore the proposed house does not increase the vehicular traffic on the road. Public transport and local shops in Gorebridge are a short cycle or walk away.

A 1.5 or 2 storey house is proposed, similar in scale to nearby houses. The application includes a design, which is indicative only, showing a high-quality contemporary house built from materials sympathetic to its surroundings.

**10 ASHBANK SAWMILL  
VOGRIE ROAD  
LOCAL REVIEW BODY APPEAL  
PLANNING PERMISSION IN PRINCIPLE FOR NEW HOUSE REF: 20/00375/PPP**

The documents submitted with the application were as follows:

2001\_C\_001\_Location Plan  
2001\_B\_002\_Existing Site Plan  
2001\_B\_003\_Proposed Site Plan  
2001\_B\_100\_Proposed Plans and Elevations INDICATIVE ONLY  
2001\_B\_Vogrie Road Supporting Statement

The documents noted in the decision notice were:

2001\_C\_001 Location Plan  
2001\_B\_002 Site Plan  
2001\_B\_003 Site Plan

**-Current Developments**

Planning permission in principle for a house was granted in the nearby site at 6 Ashbank (Ref: 14/00773/PPP). (**Fig 1.** in appended aerial photo)

Proposal of Application Notice for a major housing development by Hallam Land Management and CEG has been accepted (Ref: 20/00128/PAC) (**Fig 2.**). The boundary for this borders Ashbank and is about 140m North of the site of this application at 10 Ashbank.

Developing a house, sensitive to its surroundings, at 10 Ashbank Sawmill would greatly improve the land. An enduring quality of the area, of houses well-integrated into the landscape, would be enhanced by the new house.

**-Status of Non-residential Buildings**

Please note that the existing non-residential buildings on the site are now redundant. The site was used previously as a workshop but is now too large for the requirements of the applicant. The applicant, despite local advertising, has been unable to let the site and now intends to use it as a combined dwelling and workshop. Break-ins at the yard have previously been a problem and a dwelling on the site would benefit security.

### **-Road Safety**

The road is the same that runs past the various houses around Fushiebridge (**Fig 3.**), the house at 1 Ashbank just to the North of the site, Craigesk Coachworks and also the site with planning permission in principle for a new house at 6 Ashbank.

Two existing vehicular entrances give access to the proposed house at 10 Ashbank. Though the existing buildings on site are redundant, they had been used frequently by the workshop. Furthermore, when the sawmill was operational, the vehicular entrances were used by lorries. If a commercial tenant for the site were to be found, vehicular traffic and footfall would inevitably increase. The traffic for a proposed new house and workshop would be less and vehicles would be smaller. The new house alongside a workshop would allow the occupants to live and work in the same location.

### **-Noise**

Vibrations and noise from the railway are not significant on the site. The site is 150m away from the railway line, which is much further than many houses in Gorebridge. For example, the row of 25 recently built houses on Louis Braille Way (**Fig 4.**) is between 30 and 50 metres away from the railway line.

The noise of the dog day care centre is also not significant, since the site is about 240m away and trees help to further attenuate any noise. The site at 6 Ashbank, with Planning Permission in Principle for a new house, is much closer to the Dog Day Care Centre (**Fig 5.**), as is the site proposed for a major housing development (Ref: 20/00128/PAC). The existing House at 1 Ashbank is about 250m from the Dog Day Care Centre.

Fig 4. Houses at Louis Braille Way

Fig 2.  
Ref: 20/00128/PAC

Fig 5.  
Dog Day Care Centre

Fig 1.  
6 Ashbank Ref: 14/00773/PPP

Application Site

Fig 3.  
Houses around Fushiebridge



Aerial Photo 10 Ashbank Sawmill, Vogrie road NTS Liston Architects 18.09.20

FAO Duncan Robertson  
Local Development  
Fairfield House  
8 Lothian Road  
Dalkeith, EH22 3ZN

01/10/20

Dear Sirs

CORPORATE RESOURCES	
FILE:	
RECEIVED	05 OCT 2020

Mike Radford  
Granary Cottage  
Fushiebridge  
Gorebridge  
Midlothian  
EH23 4QF

Re Planning application for new house at 10 Ashbank,  
Vogrie Road, Gorebridge, Midlothian no. 20/00375

I write in support of Planning Application no 20/00375  
for a new dwelling house at 10 Ashbank, Vogrie Rd, Gorebridge.

The ground designated within the application is a storage /  
plant hire facility, formally a timber yard which would now be  
considerably improved by the development proposed by the owner,  
Mr D. Givan, namely a private dwelling house as applied for in  
the above application. The security of the yard and the plant  
equipment stored there would benefit from the owner being resident  
on site.

This piece of ground had a long history of attracting flytipping and  
other misuse prior to Mr Givan's ownership and it would be a  
travesty if the land in question was allowed to fall into a state of  
disrepair and other abuse again.

There has been a considerable amount of residential building works  
on the opposite side of the Gore Water Valley (at Harvieston) and  
so, in my view considerable precedent for allowing this  
(by comparison) small development to proceed.

:- Cont.

This would not only improve the outlook for local residents, but would ensure that the area in question was developed sympathetically in keeping with the immediate locality.

yours sincerely,

Michael. A. Radford

## Mhairi-Anne Cowie

---

**From:** Mhairi-Anne Cowie  
**Sent:** 29 October 2020 08:55  
**To:** 'smedlam@icloud.com'  
**Subject:** RE: Planning Application 20/00375/ppp

Good morning Sarah,

Local Review Body: 20/00375/PPP Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge

I refer to your email below and apologise for the delay in responding to this.

I can confirm that your comments have been received and I have passed these onto the planning advisor for the Local Review Body, who advises the elected members in these meetings.

Please note that your representation will be placed on the application case file and will be published on the Council's website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) for members of the public and/or the applicant, to view. If this is a problem, please let me know as soon as possible. However please note that it is only publicly available comments that can be taken into account by the Council in reaching a decision on a Local Review.

Please note the following important information.

### IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

#### Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

#### Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. The representations will then be destroyed from the back office systems 6 months after the date of determination or 6 months after an appeal decision date and 6 months after a Local Review Decision date. General Data Protection (GDPR) privacy statement can be found at [www.midlothian.gov.uk/privacy](http://www.midlothian.gov.uk/privacy) (Communities and Economy). Planning Redaction Policy can be found at [www.midlothian.gov.uk/downloads/file/1378/redaction\\_policy](http://www.midlothian.gov.uk/downloads/file/1378/redaction_policy)

#### Local Review Body (LRB)

Please note that any additional comments submitted will only be considered by the LRB if made by an interested party. An interested party is an individual or organisation which made comment on the original application.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie  
Planning Officer: Local Developments  
Planning  
Place  
Midlothian Council

Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Tel: 0131 271 3308  
Fax: 0131 271 3537  
Web: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)  
Email: [Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

(please note that due to the Coronavirus outbreak I am currently working remotely and unable to access telephone messages or paper submissions to the office)

-----Original Message-----

From: Sarah Medlam <[smedlam@icloud.com](mailto:smedlam@icloud.com)>  
Sent: 13 September 2020 00:56  
To: Duncan Robertson <[Duncan.Robertson@midlothian.gov.uk](mailto:Duncan.Robertson@midlothian.gov.uk)>  
Subject: Planning Application 20/00375/ppp

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Duncan

I have been approached by Mr Girvan regarding the above planning application.

I have run The Dog Day Care Centre for 15 years from 8 Ashbank in Gorebridge. In that time I have never had any complaints regarding noise from any neighbours. We are onsite from 10am until 3pm and any noise produced from our centre travels East uphill towards the top road as our prevailing winds are Westerly.

I personally would add that many large building companies have obtained planning permission for hundreds of houses far closer to the railway line than Mr Girvan's proposal. In fact the newly built houses on Louis Braille Way back directly onto the railway.

It often feels to local people and local businesses that these large builders are allowed to build whatever they want where ever they care to, whilst we are unable to even erect one house. Sadly it seems that it is all about Corporate greed, with no thought for the ordinary man or woman.

Sarah Medlam  
The Dog Day Care Centre  
07930432590



From: Mhairi-Anne Cowie  
Sent: 29 October 2020 08:55  
To: 'smedlam@icloud.com' <[smedlam@icloud.com](mailto:smedlam@icloud.com)>  
Subject: RE: Planning Application 20/00375/ppp

Good morning Sarah,

Local Review Body: 20/00375/PPP Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge

I refer to your email below and apologise for the delay in responding to this.

I can confirm that your comments have been received and I have passed these onto the planning advisor for the Local Review Body, who advises the elected members in these meetings.

Please note that your representation will be placed on the application case file and will be published on the Council's website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) for members of the public and/or the applicant, to view. If this is a problem, please let me know as soon as possible. However please note that it is only publicly available comments that can be taken into account by the Council in reaching a decision on a Local Review.

Please note the following important information.

#### IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

##### Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

##### Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. The representations will then be destroyed from the back office systems 6 months after the date of determination or 6 months after an appeal decision date and 6 months after a Local Review Decision date. General Data Protection (GDPR) privacy statement can be found at [www.midlothian.gov.uk/privacy](http://www.midlothian.gov.uk/privacy) (Communities and Economy). Planning Redaction Policy can be found at [www.midlothian.gov.uk/downloads/file/1378/redaction\\_policy](http://www.midlothian.gov.uk/downloads/file/1378/redaction_policy)

##### Local Review Body (LRB)

Please note that any additional comments submitted will only be considered by the LRB if made by an interested party. An interested party is an individual or organisation which made comment on the original application.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie  
Planning Officer: Local Developments  
Planning  
Place  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Tel: 0131 271 3308  
Fax: 0131 271 3537  
Web: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)  
Email: [Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

(please note that due to the Coronavirus outbreak I am currently working remotely and unable to access telephone messages or paper submissions to the office)

-----Original Message-----

From: Sarah Medlam <[smedlam@icloud.com](mailto:smedlam@icloud.com)>  
Sent: 13 September 2020 00:56  
To: Duncan Robertson <[Duncan.Robertson@midlothian.gov.uk](mailto:Duncan.Robertson@midlothian.gov.uk)>  
Subject: Planning Application 20/00375/ppp

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Duncan

I have been approached by Mr Girvan regarding the above planning application.

I have run The Dog Day Care Centre for 15 years from 8 Ashbank in Gorebridge. In that time I have never had any complaints regarding noise from any neighbours. We are onsite from 10am until 3pm and any noise produced from our centre travels East uphill towards the top road as our prevailing winds are Westerly.

I personally would add that many large building companies have obtained planning permission for hundreds of houses far closer to the railway line than Mr Girvan's proposal. In fact the newly built houses on Louis Braille Way back directly onto the railway.

It often feels to local people and local businesses that these large builders are allowed to build whatever they want where ever they care to, whilst we are unable to even erect one house. Sadly it seems that it is all about Corporate greed, with no thought for the ordinary man or woman.

Sarah Medlam  
The Dog Day Care Centre  
07930432590

30 October 2020

Mike Radford  
Granary Cottage  
Fushiebridge  
Gorebridge  
EH23 4QF

Dear Sir

**Local Review Body: 20/00375/PPP Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge**

I refer to your letter supporting the above review dated 1 October 2020.

The letter you were sent dated 14 October 2020 acknowledging your comments was sent in error. This stated that your comments would be taken into account in the assessment of the planning application. As you are aware, the planning application has already been determined and your comments relate to the review of the decision submitted by the applicant's agent.

I can confirm that your comments have been received and I have passed these onto the planning advisor for the Local Review Body, who advises the elected members in these meetings.

Please note that your representation will be placed on the application case file and will be published on the Council's website [www.midlothian.gov.uk](http://www.midlothian.gov.uk) for members of the public and/or the applicant, to view. If this is a problem, please let me know as soon as possible. However please note that it is only publicly available comments that can be taken into account by the Council in reaching a decision on a Local Review.

Please note important information overleaf.

I apologise for any confusion caused about the contents of these letters.

Yours faithfully



Mhairi-Anne Cowie  
Planning Officer: Local Developments

## **IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION**

### **Making an application**

*Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.*

### **Making comment on an application**

*Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.*

*The planning authority will redact personal information in accordance with its redaction policy and use*

*its discretion to redact any comments or information it considers to be derogatory or offensive.*

*The*

*representations will then be destroyed from the back office systems 6 months after the date of determination or 6 months after an appeal decision date and 6 months after a Local Review Decision*

*date. **General Data Protection (GDPR)** privacy statement can be found at*

*[www.midlothian.gov.uk/privacy](http://www.midlothian.gov.uk/privacy) (Communities and Economy). **Planning Redaction Policy** can be found at [www.midlothian.gov.uk/downloads/file/1378/redaction\\_policy](http://www.midlothian.gov.uk/downloads/file/1378/redaction_policy)*

### **Local Review Body (LRB)**

*Please note that any additional comments submitted will only be considered by the LRB if made by an interested party. An interested party is an individual or organisation which made comment on the original application.*

## Mhairi-Anne Cowie

---

**From:** Mhairi-Anne Cowie  
**Sent:** 11 November 2020 11:59  
**To:** 'david@listonarchitects.co.uk'  
**Subject:** RE: Review for 20/00375/PPP land at 10 Ashbank, Gorebridge

Hello David,

Thank you for your email confirming that you wish for the LRB to visit the site. I will pass this onto the Planning Manager so that he is aware of this and to take this off the agenda for the meeting on 14<sup>th</sup> December. He will be in touch once the LRB are able to visit the site and consider this review depending on the restrictions on movement and meeting, which may be some time away.

Regards,

Mhairi-Anne

---

**From:** david@listonarchitects.co.uk <david@listonarchitects.co.uk>  
**Sent:** 09 November 2020 14:17  
**To:** Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>  
**Subject:** RE: Review for 20/00375/PPP land at 10 Ashbank, Gorebridge

**CAUTION:** This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello Mhairi-Anne

Thanks for the email. The client would still like to the LRB to visit the site.

Regards,

David

---

**From:** Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>  
**Sent:** 06 November 2020 17:42  
**To:** 'david@listonarchitects.co.uk' <david@listonarchitects.co.uk>  
**Subject:** Review for 20/00375/PPP land at 10 Ashbank, Gorebridge

Good afternoon David,

I refer to the review for this planning application.

In the submitted application forms, you have requested that the LRB visit the site as part of the review process. At present the LRB are not able to carry out site visits and so if you wish for them to visit the site, consideration of the review will need to wait until the current restrictions on movement and meeting people are relaxed. As you will appreciate, this may result in a significant delay in the consideration of the review.

Could you please confirm if you still wish for the LRB to visit the site and therefore the delay in considering this review? The agendas and timescales for the reviews waiting to be considered was arranged yesterday by the Planning Manager and there are an additional two LRB meetings taking place in addition to the scheduled meeting in order to deal with the current backlog. The review for 20/00375/PPP with no site visit is due to be considered at

the LRB meeting on 14 December, however if you wish for the LRB to visit the site then this will be taken off the agenda for this meeting and held until a visit can be made. If you wish for the review to be considered in this December meeting, you are welcome to submit additional photos for the body to consider.

Also I am sure you will appreciate these are slightly uncertain times and so this may be subject to change if necessary, however this is the current schedule for this review to be considered.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie  
Planning Officer: Local Developments  
Planning  
Place  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Tel: 0131 271 3308

Fax: 0131 271 3537

Web: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

Email: [Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

(please note that due to the Coronavirus outbreak I am currently working remotely and unable to access telephone messages or paper submissions to the office)

---

The information contained in this message may be confidential or legally privileged and is intended for the addressee only.

If you have received this message in error or there are any problems please notify the originator immediately.

If you are not the intended recipient you should not use, disclose, distribute, copy, print, or rely on this e-mail.

All communication sent to or from Midlothian Council may be subject to recording and/or monitoring in accordance with relevant legislation.

---



Vogrie Road, Gorebridge



Metres



2004\_C\_001  
 Proposed Location Plan  
 10 Ashbank Sawmill, Vogrie road  
 Scale 1:1000@ A4  
 Liston Architects  
 29.04.20

Do not scale from drawings.  
 Request from architect any dimensions not provided.  
 All dimensions to be checked on site prior to starting work.  
 Any discrepancies to be reported to architect.  
 Drawings to be read in conjunction with structural engineer's  
 drawings specifications and schedules.  
 Locations of studs in partitions are indicative only.

**PLANNING**





Existing  
vehicular  
access

Existing  
soakaway  
location within  
neighbouring  
field

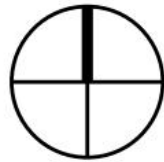
Existing  
Trees

Existing  
vehicular  
access

Existing  
corrugated metal  
workshop to be  
removed. ca. 4m  
high at ridge

Existing  
gravelled  
yard

Neighbouring  
outbuildings  
(former brick  
kilns)



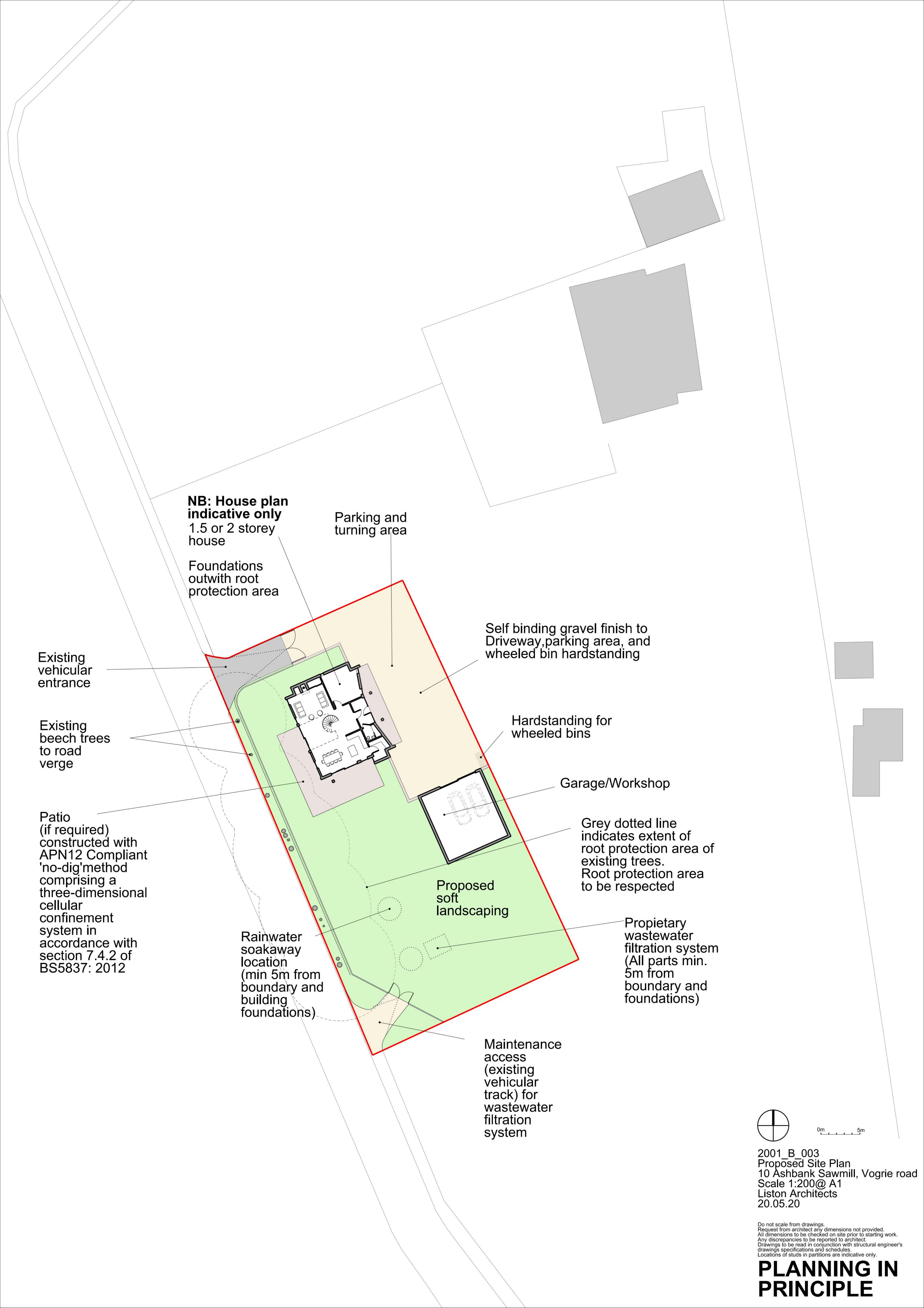
0m 5m

2001\_B\_002  
Existing Site Plan  
10 Ashbank Sawmill, Vogrie road  
Scale 1:200@ A1  
Liston Architects  
20.05.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING IN  
PRINCIPLE**





**NB: House plan  
indicative only  
1.5 or 2 storey  
house**

Parking and  
turning area

Foundations  
outwith root  
protection area

Self binding gravel finish to  
Driveway, parking area, and  
wheeled bin hardstanding

Existing  
vehicular  
entrance

Existing  
beech trees  
to road  
verge

Hardstanding for  
wheeled bins

Garage/Workshop

Patio  
(if required)  
constructed with  
APN12 Compliant  
'no-dig' method  
comprising a  
three-dimensional  
cellular  
confinement  
system in  
accordance with  
section 7.4.2 of  
BS5837: 2012

Grey dotted line  
indicates extent of  
root protection area of  
existing trees.  
Root protection area  
to be respected

Proposed  
soft  
landscaping

Rainwater  
soakaway  
location  
(min 5m from  
boundary and  
building  
foundations)

Proprietary  
wastewater  
filtration system  
(All parts min.  
5m from  
boundary and  
foundations)

Maintenance  
access  
(existing  
vehicular  
track) for  
wastewater  
filtration  
system



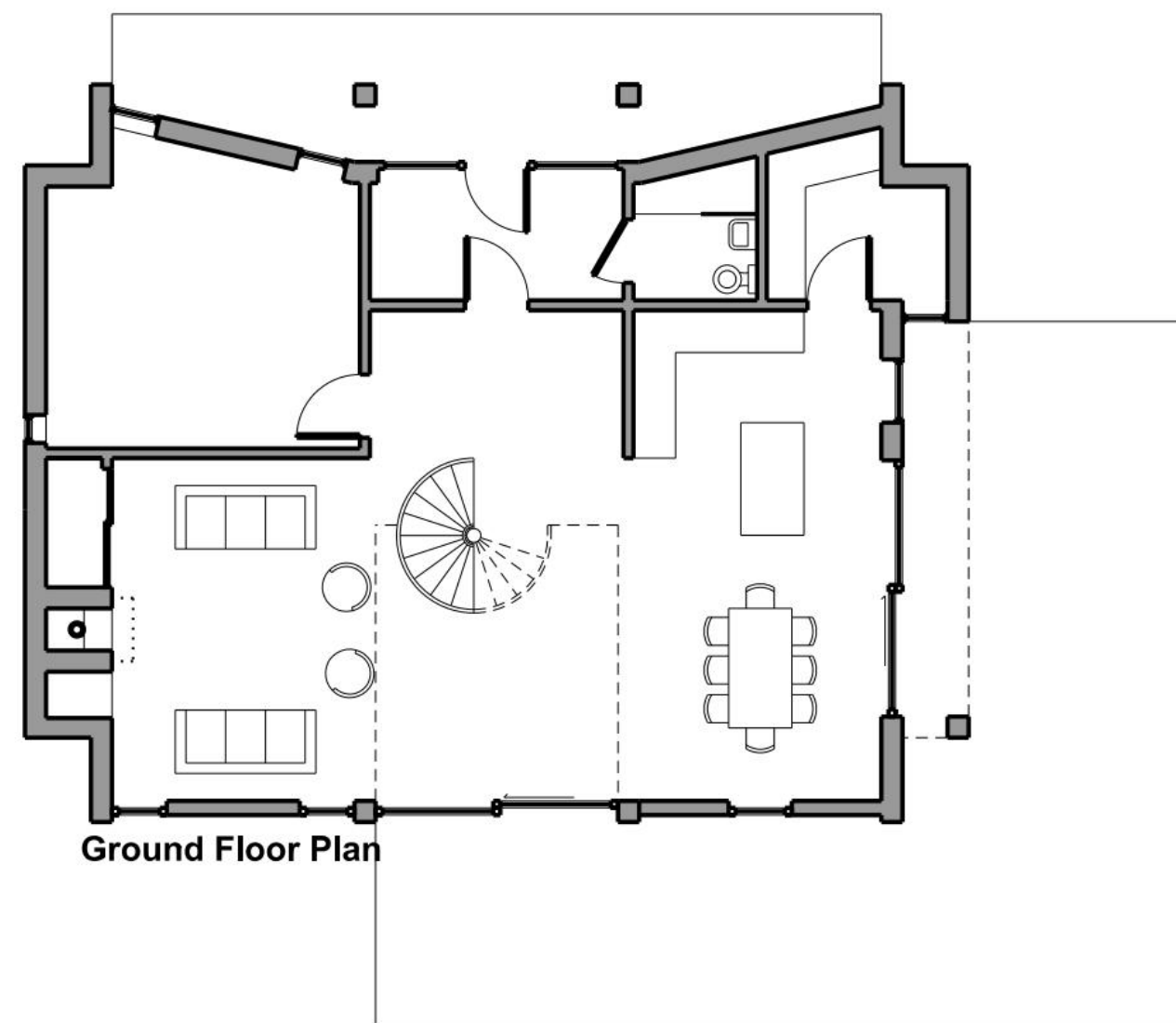
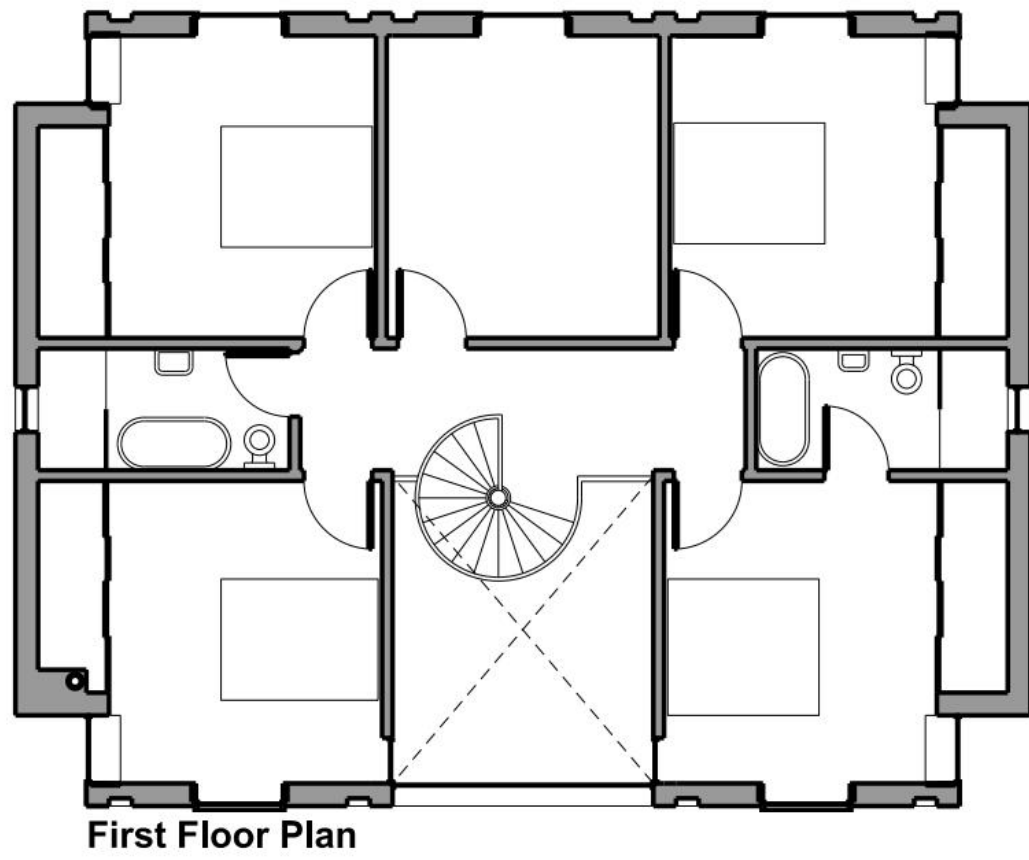
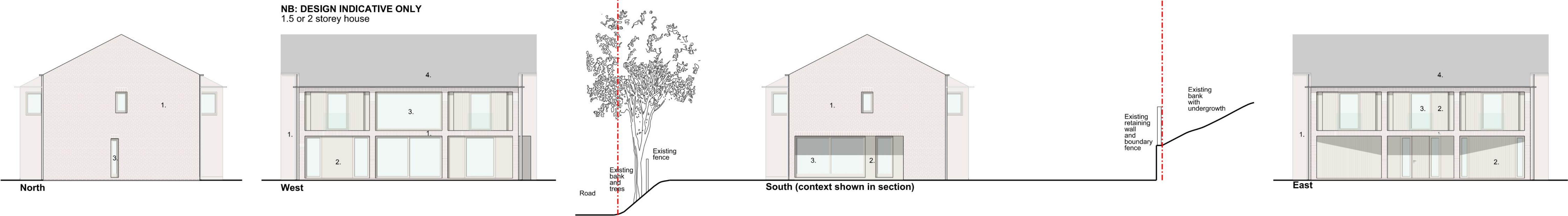
0m 5m

2001\_B\_003  
Proposed Site Plan  
10 Ashbank Sawmill, Vogrie road  
Scale 1:200@ A1  
Liston Architects  
20.05.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

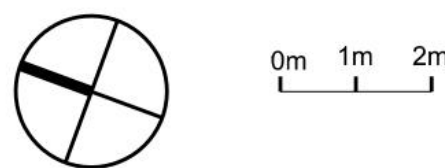
**PLANNING IN  
PRINCIPLE**





**External Materials Key**

1. Brick cladding, grey red colour
2. Untreated Western red Cedar cladding
3. Timber framed windows/doors. Frames painted grey
4. Natural slate roof with galvanised steel flashings, gutters and downpipes



2001\_B\_100  
Proposed Plans and Elevations  
**NB: DESIGN INDICATIVE ONLY**  
10 Ashbank Sawmill, Vogrie road  
Scale 1:100@ A1  
Liston Architects  
20.05.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING IN  
PRINCIPLE**

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3ZN

**Place**  
Planning  
Director: Derek Oliver

Midlothian

5 October 2020

David Liston  
Liston Architects  
3F2  
33 London Street  
Edinburgh  
EH3 6LY

Dear Sir/Madam

**Local Review Body: Planning Application Ref 20/00375/PPP - Application for planning permission in principle for erection of dwellinghouse at Land at 10 Ashbank Vogrie Road, Gorebridge**

I am writing in regard to the above and to acknowledge your *Notice of Review* dated 23 September 2020.

The Council's Local Review Body (LRB) will consider in due course. However, because of the current Coronavirus public health emergency the Council has suspended its public meetings including the LRB. Once the LRB has been reconvened or an alternative determination process has been agreed, your notice of review will be determined.

I hope this letter is of assistance.

Yours faithfully



Peter Arnsdorf  
Planning Manager

Email: [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)  
Template Code:LRBACK  
Your Ref:  
Our Ref: 20/00375/PPP

Tel 0131 271 3310  
Fax 0131 271 3537

Legal Post LP4 - Dalkeith  
[www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## Local Review Body – Hearing Procedures

When the LRB has decided to determine the review by way of a Hearing, written notice will be given to the applicant, any interested party who has made representations and any other body the LRB wishes to receive further representations from. A person or body who intends to appear at the Hearing session must within 14 days of the date of such notice inform the LRB in writing of their intention to attend.

Persons who attend the Hearing without giving prior notice cannot participate in the proceedings or give oral representations. All those intending to attend the Hearing shall be given reasonable notification of the date, time and place of the Hearing.

### Statements and Documents

A person or body intending to appear at the Hearing must submit the following by a specified date:

- a Hearing statement, outlining the case relating to the specified matters which a person proposes to put forward at a Hearing session;
- a list of all documents referred to in the statement; and
- a copy of every document (or the relevant part of) on the list which is not already available for inspection

All the Hearing statements and documents will be made available for inspection online.

### Hearing Procedures

At the commencement of the Hearing the LRB will outline the procedures to be followed. The procedures may vary depending upon the complexity of the case, but in general terms, the procedures shall be as follows:

1. The assessor will outline an overview of the procedures and the case.
2. Oral representations by the applicant.
3. Oral representations by any consultees.
4. Oral representations by interested third parties.
5. Oral representations by the appointed local authority planning officer. (*The appointed local authority planning officer cannot fulfil the role of “planning adviser”*).
6. The Chair of the LRB will lead a discussion on the merits of the case, which can include the LRB asking questions of those who have made oral representations.
7. Cross-examination between those parties giving oral representation will be permitted only if the LRB considers it appropriate to ensure a thorough examination of the issues. (*It is expected that cross-examination will only be allowed on very rare occasions*).

### Assessment of the Review

Legislation requires decisions on planning applications to be made in accordance with the development plan unless material considerations indicate otherwise.

Therefore, regardless of the format adopted by the LRB for determining the Review, the following approach shall be taken in undertaking the Review:

- 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.





Existing  
vehicular  
access

Existing  
soakaway  
location within  
neighbouring  
field

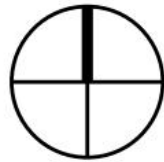
Existing  
Trees

Existing  
vehicular  
access

Existing  
corrugated metal  
workshop to be  
removed. ca. 4m  
high at ridge

Existing  
gravelled  
yard

Neighbouring  
outbuildings  
(former brick  
kilns)



0m 5m

2001\_B\_002  
Existing Site Plan  
10 Ashbank Sawmill, Vogrie road  
Scale 1:200@ A1  
Liston Architects  
20.05.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING IN  
PRINCIPLE**

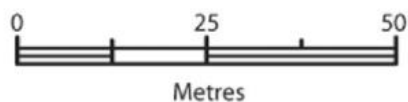








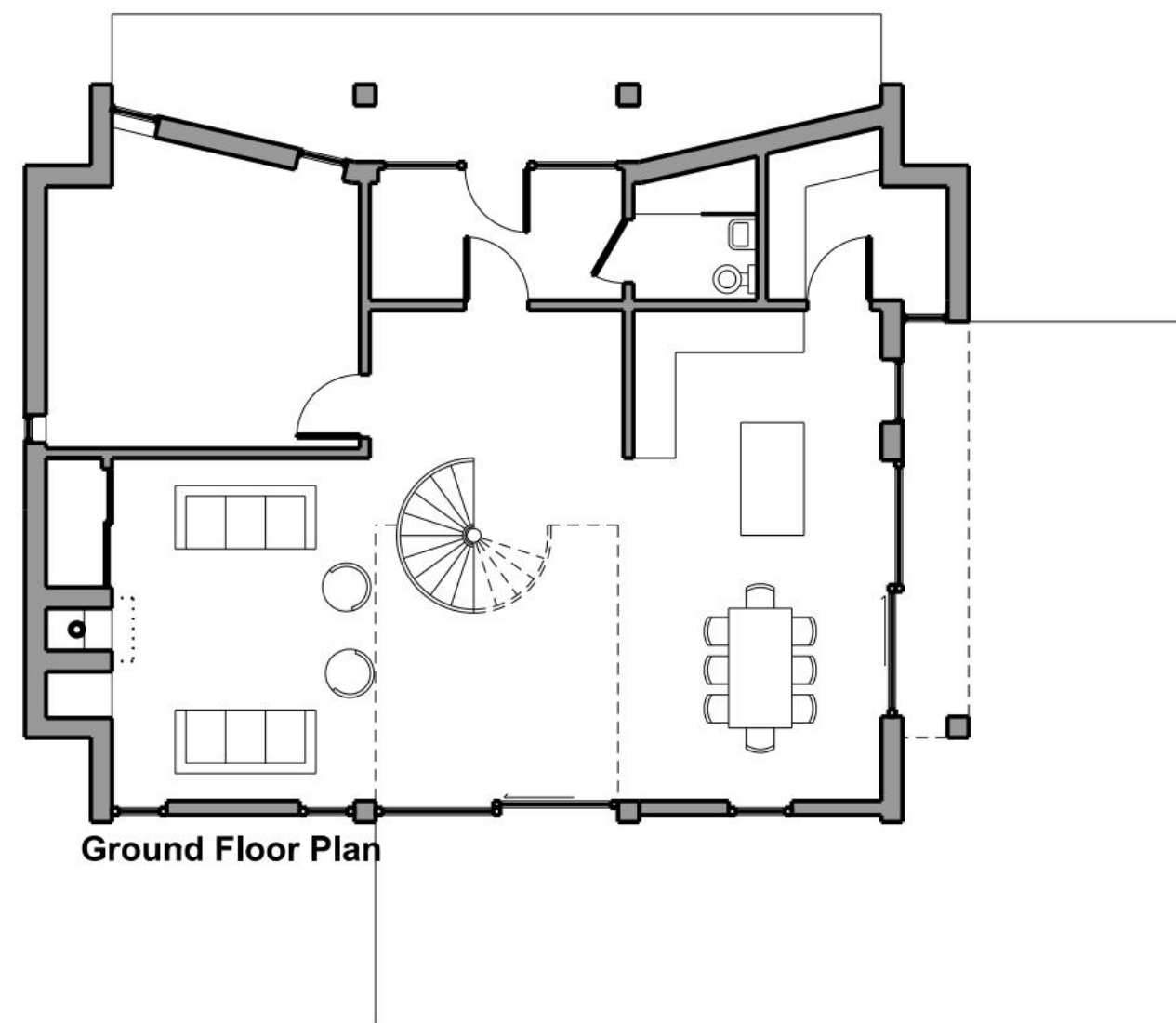
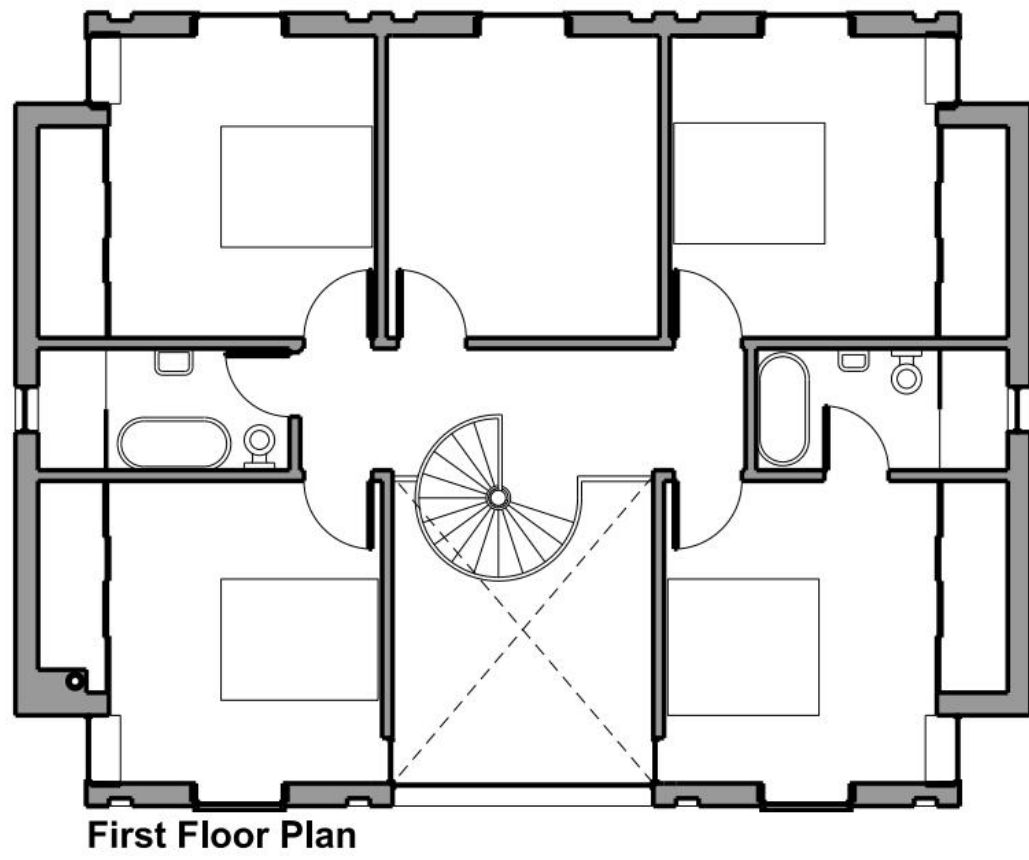
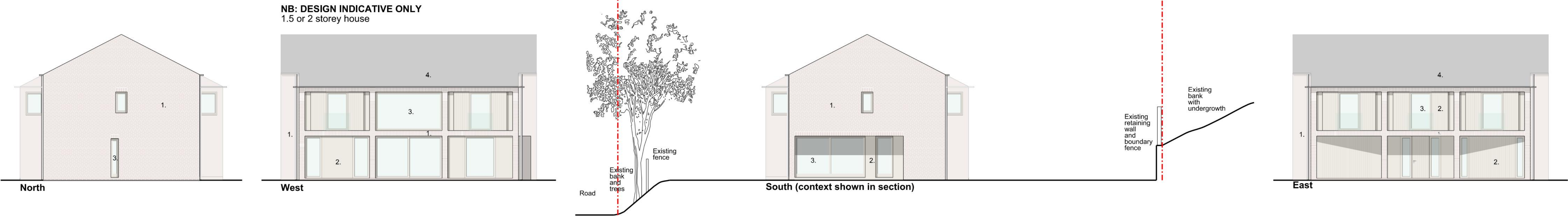
Vogrie Road, Gorebridge



2004\_C\_001  
Proposed Location Plan  
10 Ashbank Sawmill, Vogrie road  
Scale 1:1000@ A4  
Liston Architects  
29.04.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING**



**External Materials Key**

1. Brick cladding, grey red colour
2. Untreated Western red Cedar cladding
3. Timber framed windows/doors. Frames painted grey
4. Natural slate roof with galvanised steel flashings, gutters and downpipes



2001\_B\_100  
Proposed Plans and Elevations  
**NB: DESIGN INDICATIVE ONLY**  
10 Ashbank Sawmill, Vogrie road  
Scale 1:100@ A1  
Liston Architects  
20.05.20

Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's  
drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING IN  
PRINCIPLE**





































































## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 20/00375/PPP

**Site Address:** Land At 10 Ashbank, Vogrie Road, Gorebridge.

**Site Description:** The application site comprises a number of buildings and an area of hardstanding. The application form and supporting statement refers to the site as an existing workshop and yard and there are a number of materials within the site. There are two vehicular accesses into the site, from the north and south. The site is at a higher level than Vogrie Road to the west, with trees and landscaping along the roadside boundary. The site sits on a slope and there are wider views into the site from the west with the backdrop of the surrounding woodland to the north, east and south. There is a dog day care centre operating to the northeast of the site. There is a field to the west, across Vogrie Road with the Borders railway line to the other side of this. There is a retaining wall to the east boundary to accommodate the change in ground levels in the area. The site is within the countryside.

**Proposed Development:** Application for planning permission in principle for erection of dwellinghouse.

**Proposed Development Details:** The application is for planning permission in principle, however the agent has submitted a site plan showing an indicative layout and floor plans, elevations and cross sections of the proposed house. The house would sit to the north of the site, with a detached garage/workshop close to the retaining wall. The house is either 1.5 or 2 storey, with 4 bedrooms, brick and cedar clad walls and a slate roof. The existing landscaping to Vogrie Road is to be retained, with all works either out with the Root Protection Area of the surrounding trees or constructed with a 'no dig' method. Both existing vehicular accesses will be retained. A rainwater soakaway and wastewater filtration system are proposed within the site. The house is to connect to the public water supply.

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

Land to the north, east and south

14/00774/DPP Change of use from vacant land to landscape business. Consent with conditions.

14/00439/DPP Erection of storage building. Consent with conditions.

Land to the south

09/00207/FUL Erection of dwellinghouse. Withdrawn.

### **Consultations:**

The Council's **Policy and Road Safety Manager** recommends refusal of the application. The local roads are narrow, effectively single track unable to accommodate two-way traffic flow with sections of very low forward visibility, with

drivers being unable to see oncoming vehicles at some of the bends. This is a remote, rural area with no pedestrian footways or street lighting. Given the remoteness of this site and the lack of any public transport or dedicated walking / cycling facilities it is likely that the majority of trips, including school journeys, would be made by private car.

The Council's **Environmental Health Manager** has concerns that any house here would be affected by noise and vibration due to the proximity to the Borders railway line and noise from the dog day care centre to the northeast. They require a noise impact assessment to fully consider the proposal and demonstrate that the house would either not be adversely affected by either noise or vibration or that suitable mitigation measures can be achieved to address any impact. Should permission be approved, they recommend conditions be attached requiring close boarded fencing along the north and east boundaries and to ensure that ground contamination remediation works are undertaken.

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

The **Coal Authority** has no objection subject to conditions being attached to any permission.

**Representations:** No representations were received

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

**DEV5 Sustainability in New Development** sets out the requirements for development with regards to sustainability principles;

**DEV6 Layout and Design of New Development** requires good design and a high quality of architecture in the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria;

**DEV7 Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

**TRAN5 Electric Vehicle Charging** seeks to 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, business properties and redevelopment proposals;

**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, within 1 mile of a bus route with a frequency of 1 bus per hour. In the case of businesses, these should not be primarily of a retail nature and do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

**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;

**ENV11 Woodland, Trees and Hedges** states that 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 (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter or historical value or are of other importance; and

**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.

**Supplementary Guidance for Housing Development in the Countryside and Green Belt** is adopted and expands policy RD1 and the criteria to be met in such proposals. This provides some support for the conversion or redevelopment of redundant farm buildings or other non-residential buildings to houses. It must be justified and demonstrated that these buildings are fully redundant. Such developments will not be supported where these are still in use or where their loss may result in the requirement for a replacement building elsewhere.

**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 Planning Authority has restrictive policies with regards to new housing proposals within the countryside. These restrictions aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However, there are enabling policies, within the adopted Midlothian Local Development Plan, which support residential developments within the countryside in some instances, subject to specific criteria.

Policy RD1 and the related supplementary guidance includes several sections where houses in the countryside could be acceptable in planning terms.

The proposal relates to the redevelopment of the existing buildings on site, demolishing the existing buildings and erect a new house and garage within the existing area of hardstanding. The redevelopment of a site could have policy support if it is justified and demonstrated that the buildings in question are fully redundant. The applicant's agent has stated on the application forms and the supporting statement that the site is in use as a workshop and yard. They have also stated that the existing vehicular accesses are used frequently by the workshop and that the proposed house would not result in an increase in traffic generation as compared to the existing situation. The applicant's agent has also submitted photographs of the site which, while not showing the inside of the buildings on site, do show a number of vehicles and materials on site.

Taking the above information into account, the site is not redundant. It has not been demonstrated or justified that the site is fully redundant. Given this, there is no policy support for the redevelopment of the site for housing through the redundant buildings section of policy RD1 or the supplementary guidance.

It has not been demonstrated that the proposed house is required for the furtherance of an established countryside activity. 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.

There is therefore no policy support for the principle of a house at this site.

Notwithstanding the above that the principle of residential development here is not supported, the following comments are relevant.

If the principle of redevelopment were supported, the policy requires a development which respects and enhances the character and appearance of the countryside. The scale of development should not extend significantly beyond the footprint of the original building, unless there are significant design reasons for doing so.

Although indicative only, the submitted details of the proposed house appears large and of a design possibly more sub-urban in design rather than respecting the countryside nature of the site. However as the application is for planning permission in principle, had the principle of a house here been established, the design of any house would be subject to a further application where these concerns would be addressed and assessed.

The application site area is sufficiently large to be able to accommodate a dwellinghouse, garden ground, turning area and parking.

There are road safety concerns as the local roads leading to the site are narrow, effectively single track and unable to accommodate the two-way flow of traffic. There are also sections of very low forward visibility with drivers being unable to see oncoming vehicle at some of the bends. Being a remote, rural area, the roads have no pedestrian footways or street lighting. Given the remoteness of this site and the

lack of any public transport or dedicated walking or cycling facilities, it is likely that the majority of trips, including school journeys, would be made by private car.

There are a number of trees along the roadside boundary of the site as well as surrounding the site. Given the elevated position and wider views of the site, should permission be approved, further details of how these trees would be protected, especially those outwith the site in the surrounding woodland. These provide a landscaped backdrop to the site and contribute to the landscape character of the area and any damage to these by the proposed development would be strongly resisted. As the applicant has no control over this, it would be reasonable to require additional landscaping along these boundaries in order to ensure that in the event of the existing landscaping is removed, any house remains well integrated into the area. It would not be reasonable to rely on landscaping outwith the control of the applicant.

There are concerns that any house here would be affected by noise and vibration due to the proximity to the Borders railway line and noise from the dog day care centre to the northeast. The Council's Environmental Health Manager has asked that a noise impact assessment be submitted to fully consider the proposal and demonstrate that the house would either not be adversely affected by either noise or vibration or that suitable mitigation measures can be achieved to address any impact. The case officer did not request this as this would have added additional cost for the applicant for a scheme that was not supportable for other reasons. This has not been submitted and so it has not been demonstrated that the proposal would not have an adverse impact on the amenity of future occupants through not and vibration from nearby infrastructure and uses.

With regards to the construction at the site, mitigation measures regarding ground conditions and contamination and/or previous mineral workings must be considered. The Council's Environmental Health Manager 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.

Due to the circumstances (specifically restrictions on the movement of people as a result of the Coronavirus pandemic) during the assessment of the proposal, the case officer did not get access into the site. Also the applicant's agent has submitted numerous photographs of the site. Therefore the assessment of the proposal is based on the previous knowledge of the area, as well as the information submitted by the applicant's agent. The case officer is relying on the accuracy of the plans and details submitted by the applicant's agent.

**Recommendation:** Refuse planning permission in principle.

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 20/00375/PPP**

Liston Architects  
3F2  
33 London Street  
Edinburgh  
EH3 6LY

Midlothian Council, as Planning Authority, having considered the application by Mr Dougie Givan, Carlyle Lodge, Gorebridge, Midlothian, EH23 4QN, which was registered on 7 July 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Application for planning permission in principle for erection of dwellinghouse at Land At 10 Ashbank, Vogrie Road, Gorebridge**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2004_C_001 1:1000	07.07.2020
Site Plan	2001_B_002 1:200	07.07.2020
Site Plan	2001_B_003 1:200	07.07.2020

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

1. *The proposal involves the redevelopment of non-residential buildings which are sited in the countryside and are not redundant and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*
2. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access and the remoteness of the site resulting in the majority of trips being made by private car.*
3. *It has not been demonstrated to the satisfaction of the Planning Authority that the amenity of occupants of a house at this site would not be detrimentally impacted by noise and vibration from the nearby railway line or noise from a nearby dog day care use and so the proposal is contrary to policy ENV18 of the adopted Midlothian Local Development Plan 2017.*



Dated 31 / 8 / 2020

A handwritten signature in dark ink, consisting of a stylized 'D' and 'R' joined together, with a small vertical stroke in the center of the 'D'.

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