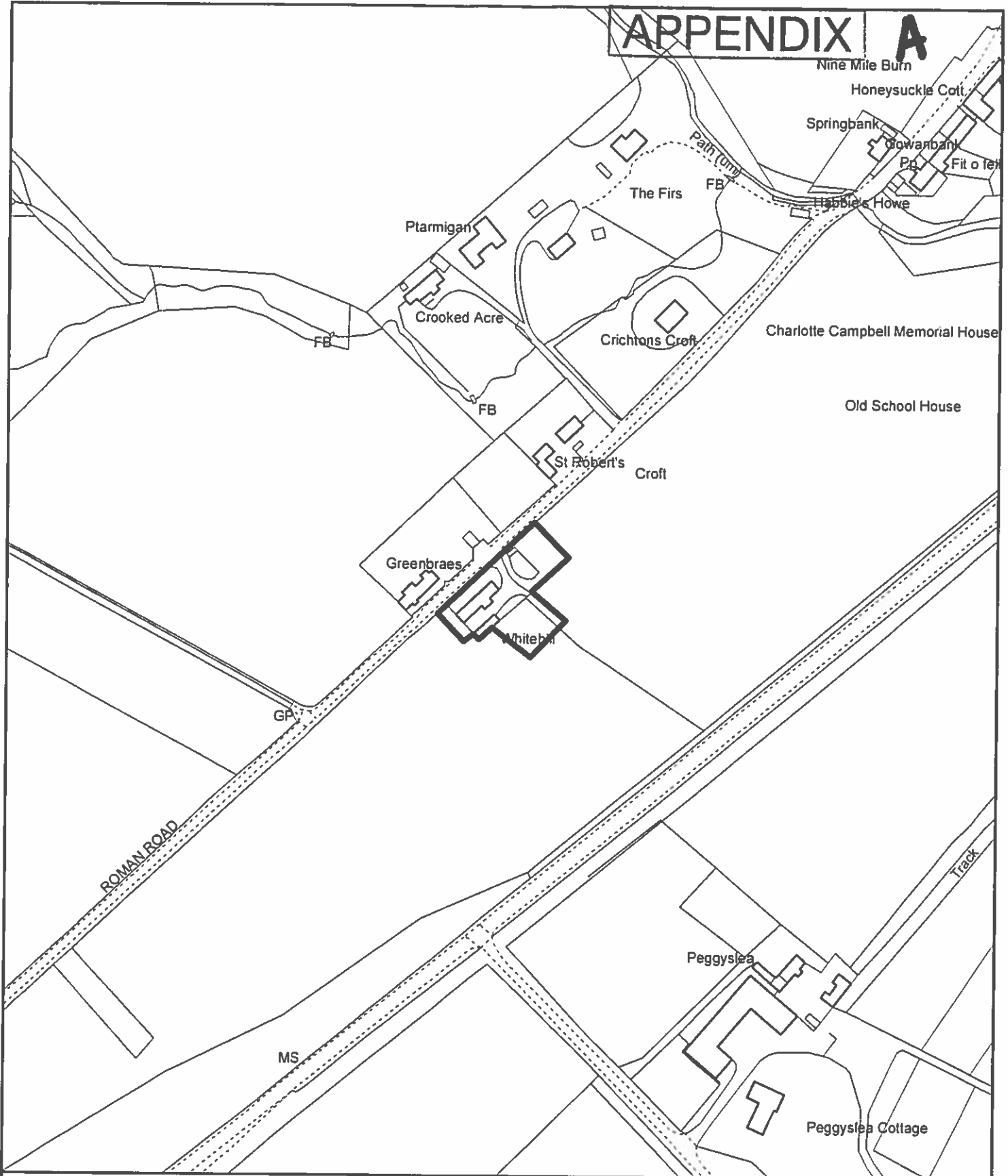


APPENDIX

A



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

**Erection of dwellinghouse and formation of access at
Whitehill, Nine Mile Burn, Penicuik**

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Midlothian Council Licence No. 100023416 (2015)

File No. 15/00592/DPP

Scale: 1:2,500



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	EP460
Forename		Forename	Scott
Surname		Surname	Derek
Company Name	Newhall Farm Partnership	Company Name	Derek Scott Planning
Building No./Name		Building No./Name	
Address Line 1	Newhall	Address Line 1	21 Lansdowne Crescent
Address Line 2	Carlops	Address Line 2	
Town/City	Midlothian	Town/City	Edinburgh
Postcode	EH10 4ED	Postcode	EH12 5EH
Telephone		Telephone	0131 535 1103
Mobile		Mobile	07802 431970
Fax		Fax	0131 535 1104
Email		Email	scott.planning@btconnect.com
3. Application Details			
Planning authority		Midlothian Council	
Planning authority's application reference number		15/00592/DPP	
Site address			
Whitehill Nine Mile Burn Penicuik Midlothian EH26 9LZ			
Description of proposed development			
Sub-Division of Existing House and Erection of New Dwelling House			

Date of application

09/07/15

Date of decision (if any)

27/08/15

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application) ☒
- Application for planning permission in principle ☐
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. Review procedure

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

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

- Further written submissions ☒
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

We reserve the right to respond to any additional comments provided by the Planning Officer who determined the application or by Third Parties.

7. Site Inspection

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

- Can the site be viewed entirely from public land? ☒
- Is it possible for the site to be accessed safely, and without barriers to entry? ☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

None.

8. Statement

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

If the Local Review Body Issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to attached statement.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to attached statement.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

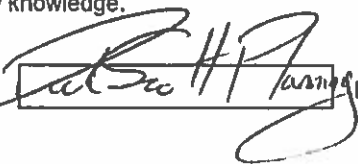
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

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

Signature:



Name:

Derek Scott Planning

Date:

17/09/15

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

REVIEW REQUEST

Sub-division of existing plot and erection of new dwelling house at 'Whitehill,' Nine Mile Burn, Penicuik, Midlothian

1. This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of a request to review the decision of the Appointed Officer in relation to a Planning Application for the proposed sub-division of an existing housing plot and the erection of a new dwelling house at 'Whitehill,' Nine Mile Burn, Penicuik, Midlothian. The application was refused permission under delegated powers on 27th August 2015 (Planning Application Reference Number 15/00592/PPP). The Review Request has been prepared on behalf of the Newhall Farm Partnership, who own the application site.
2. A copy of the application as submitted to and which formed the basis for its determination is attached as **Appendix 1**. The application was refused for a total of six reasons. Copies of the decision notice and the Planning Officer's Report of Handling are attached as **Appendices 2 and 3** respectively. The reasons for refusal and our responses to them are outlined below:
 1. *As a result of the siting and design of the proposed dwelling house and the removal of the existing trees the proposal will have a significant adverse impact on the character and appearance of this Area of Great Landscape Value.*
3. We disagree with the Planning Officer's assertions that the proposed siting and design of the dwelling house combined with the removal of the existing trees would have an adverse impact on the appearance of the area, citing the following points in support of our position:

Siting

The dwelling house is proposed within the clearly defined boundaries of the curtilage of an existing dwelling house on a presently unused area of garden ground, the unkempt condition of which detracts from the appearance of the area. The proposed position of the house respects the building line and the established position of the existing house on the site. When viewed in conjunction with the existing dwelling on the opposite side of the road the proposed development will result in the formation of an attractive group or cluster of houses. Whilst the plot size is smaller than some in the wider group it is of sufficient size to accommodate the dwelling house proposed and to provide it with associated amenity space.

Design

The Planning Officer, whilst acknowledging in her Report of Handling that the '*proposed form and materials of the house are generally traditional*,' has also claimed that the overall design is unusual in regards its scale, proportions and architectural detail. In support of these claims she draws attention to the front elevation of the proposed house and considering it to be unsympathetic to the character of the area. She has drawn specific

attention to the distance between the lintels of the windows at ground floor level and the eaves of the house being far in excess of that expected of a cottage in this area and claiming that it results in an unattractive, bulky and disproportionate detail.

Whilst it is acknowledged that the measurement referred to between windows and the eaves of the proposed house are greater than they are in the existing house we do not share the Planning Officer's views on the merits of this particular design feature and most certainly disagree with her assertions that it would result in a dwelling house which would be out of character and inappropriate to the surrounding area.

In our opinion the dwelling house has been carefully and sympathetically sited and designed so that it respects the existing dwelling house in terms of scale, proportions and materials. The design does not replicate the existing dwelling house, nor should it, but it is inspired by it and will, by adding architectural diversity, and creating visual interest make a positive contribution to the appearance of a housing group already characterised by single and two storey houses in a variety of styles; a number of which, with the exception of the house immediately opposite (Greenbraes) are a lot less complementary to the area than that proposed in the application.



Existing houses to north east are not of a traditional design as claimed by Planning Officer

Removal of the existing trees

The Planning Officer notes in her Report of Handling that the proposal will lead to the loss of all but five of the existing trees on the site which she claims will open up views into the site from the Pentland Hills and surrounding area making the proposed house highly visible.

The Planning Officer's comments should be reviewed in the context of the following points:

- (a) There are a total of 36 trees within red lined planning application site which incorporates both the existing and the proposed dwelling house.
- (b) 25 of the 36 existing trees are contained within the proposed housing plot.
- (c) 20 of the 25 trees within the proposed housing plot are proposed for removal.

- (d) 14 of the 25 trees have been classified by a professional arboriculturalist as Category U; namely trees that are in such a condition that they cannot realistically be retained as living trees in the context of the current land for longer than 10 years. In the best interests of the area's appearance all of these trees are recommended for removal.
- (e) 9 of the 25 trees have been classified by a professional arboriculturalist as Category C; namely trees of low quality and value with an estimated life expectancy of at least 10 years, or young trees with a diameter <150 mm. Whilst 5 of the Category C Trees are proposed for removal it should be noted that only one is required to be removed to facilitate the construction of the house. The others are proposed for removal so that they can be substituted with better and more appropriate species to improve the appearance of the area.
- (f) Only 2 of the 25 trees have been classified by a professional arboriculturalist as Category B; namely trees of moderate quality and value with an estimated life expectancy of at least 20 years. Only one of these trees is proposed for removal to facilitate the construction of the house.

The Planning Officer has painted an unnecessarily dark picture of the proposal insofar as the loss of trees is concerned. She has failed to give due cognisance to the poor quality of the majority trees proposed for removal and furthermore the benefits arising from the replacement hedge and tree planting proposed. Donald Rodger, one of Scotland's most prominent and respected arboriculturalists has described the condition of the tree cover overall as extremely poor citing issues with dead trees, self-seeded scrubby growth, heavily suppressed and contorted trees, windblow risk and multi-stemmed forms leading to a conclusion that the collection of trees 'is not particularly attractive or of high landscape value.'

Whilst it is openly acknowledged that the number of new trees proposed for planting are fewer than the number proposed for removal, little or no cognisance has been given to the quality of the planting proposed which will quickly form a new and sustainable landscaped edge to the plot, in stark contrast to what presently exists. It is also disappointing that the Planning Officer, whilst lamenting the amount of additional planting proposed, fails to give cognisance to the fact that our client owns the land surrounding the application site and could, if required, provide additional planting on that land. As a consequence of the above considerations, we are very firmly of the view that the loss of the existing trees will not have an adverse effect on the appearance of the area but actually has the potential to significantly improve it. Such improvement can be achieved through the imposition of a condition on any consent issued requiring the implementation of the planting scheme as proposed or an alternative planting scheme involving land out with the site but under the ownership of our client.

- 2. *The siting of the proposed dwelling house does not comply with the guidance set out in the adopted Supplementary Guidance on Development in the Countryside as it is not on an acceptable gap site within the housing group.*
- 4. The Planning Officer claims that the siting of the proposed dwelling house does not comply with the Council's Supplementary Guidance on Housing Groups. She states the following in her Report of Handling:

'The application site is not a gap site in the housing group, nor does it adjoin the boundary of two existing properties. The erection of a house at the proposed site would not reflect the character or layout of the existing group of buildings. As such the proposal does not comply with the terms of the policy with regards the siting of new dwellings in housing groups. There are better, more appropriate, sites within the housing group which could accommodate the new dwelling.'

We disagree with the Planning Officer's assessment that the application site is not a gap site within the housing group. Whilst the Supplementary Guidance states that *'typically these are sites with built development on either side'* it does not specifically exclude sites within the curtilages of existing house plots which might not have development on both sides.

As noted previously the existing plot has clearly defined boundaries which can be substantially enhanced through additional landscaping and planting proposals thus establishing a strong element of containment and contributing positively to the long term benefit of the surrounding landscape. The existing and proposed dwelling houses also benefit from a strong visual relationship with the dwelling house on the opposite side of the Roman Road (Greenbraes) and will create a clearly defined cluster of closely knit houses within the overall group.

3. It has not been demonstrated that the development would utilise sustainable building design and no Suds details have been submitted for consideration.

5. It was clearly stated in the supporting statement accompanying the planning application that the location and configuration of the proposed house allows it to benefit from passive solar gains and also allows for the potential installation of photovoltaic panels and ground source heating installations within the site, in support of its long term sustainability. Whilst it has not been demonstrated that the house would meet the 'Excellent' standard set out in the Building Research Establishment Method BREEAM rating system such a requirement could form a condition of any planning permission granted should members of the Local Review Body consider such a requirement to be appropriate.

In a similar vein it is considered that issues relating to the installation of a Sustainable Urban Drainage System (Suds) can also be dealt with through the imposition of a suspensive condition.

A previous approval for the erection of a dwelling house within this housing group granted in 2010 under Planning Application Reference Number 10/00356/DPP dealt with both issues through the imposition of suspensive conditions as evidenced in **Appendix 4**. Please refer to Condition Nos 1(f), 9 and 10 in this regard. We are at a loss to understand, in the circumstances described, as to why our client's application has been refused on such grounds.

4. For the above reasons the proposed development does not comply with the terms of policy DP1 of the adopted Midlothian Local Plan or the adopted Supplementary Planning Guidance on Development in the Countryside.

6. It has been clearly demonstrated through our responses to the first three reasons for refusal that the proposal complies with both the terms of Policy DP1 and the Council's Supplementary Guidance.
5. *It has not been demonstrated that the proposed dwelling house is required in connection with an established countryside activity and it has not been justified in connection with policy DP1, therefore the proposal does not comply with the terms of policies RP1 or DP1 of the adopted Midlothian Local Plan.*
7. As the proposed house is considered to comply with the terms of Policy DP1 in the context of the Council's Supplementary Guidance on Housing Groups there is no need to demonstrate that it is required in connection with an established countryside activity.
6. *The proposed design of the dwelling is unsympathetic to the character and appearance of the area in terms of its design, scale and proportions. The proposed dwelling house appears bulky and out of proportion in the context of the original cottage on site and other nearby buildings which are strongly vernacular in their appearance. The proposed dwelling house would have a significant adverse impact on the character and appearance of this Area of Great Landscape Value and, combined with the loss of trees and inadequate replacement planting, would be contrary to policies RP1, RP5, RP6 and RP7 of the adopted local plan, which seek to protect or enhance the landscape character of Midlothian.*
8. The issues relating to this particular reason of refusal have been addressed previously under our consideration of the first reason for refusal above upon which we would rest our case.
9. In summary and conclusion the following points are put forward in support of our client's request that this Review Request be upheld and that planning permission be granted for the proposal:
 - The erection of an additional house within the curtilage of the existing house will result in an attractive cluster of houses when viewed in conjunction with the existing house on the plot and an existing house on the opposite side of the public road.
 - The boundaries of the existing plot will be substantially strengthened and enhanced through additional planting and landscaping proposed in association with the application which will make a very positive contribution to the character and appearance of the local landscape.
 - The application is supported by the terms of Policy DP1 in the Midlothian Local Plan and by the Council's Supplementary Planning Guidance on 'Housing Groups.' The site lies within the Nine Mile Burn West Housing Group as defined in the Supplementary Guidance which permits the erection of a further three dwelling houses in addition to the fifteen existing in the group at present.
10. We reserve the right to provide additional information in support of this application or to respond to representations made by third parties prior to its determination.



Signed 

Derek Scott

Date 17th September 2015



List of Appendices

- Appendix 1 -** Copy of Planning Application 15/00592/PPP
- Appendix 2 -** Copy of Decision Notice 15/00592/PPP
- Appendix 3 -** Copy of Report of Handling 15/00592/PPP
- Appendix 4 -** Copy of Decision Notice 10/00356/DPP



Our Ref: ep460/let001/DS

17th September 2015

Midlothian Council
Local Review Body
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Dear Sirs

REVIEW REQUEST
SUB-DIVISION OF EXISTING PLOT AND ERECTION OF NEW DWELLING HOUSE AT
'WHITEHILL', NINE MILE BURN, PENICUIK, MIDLOTHIAN EH26 9LZ

We write on behalf of client, Newhall Farm Partnership, to respectfully request that your Council's Planning Review Body undertakes a review of the decision made by the Appointed Officer, to refuse the planning application described above for the sub-division of an existing plot and the erection of a new dwelling house at 'Whitehill', Nine Mile Burn, Penicuik, Midlothian EH26 9LZ

Please acknowledge receipt and registration of this Review Request at your earliest convenience.

Yours faithfully,


Derek Scott

enc.

cc. J Kennedy



APPENDIX 1



Fairfield House 8 Lethian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000125694-001

The online ref number 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.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Sub-Division of Existing Plot and Erection of New Dwelling House

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use) *

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

Other Title:

First Name:

Last Name:

Company/Organisation: *

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

WHITEHILL

Address 5:

Address 2:

NINE MILE BURN

Town/City/Settlement:

MIDLOTHIAN

Address 3:

PENICUIK

Post Code:

EH26 9LZ

Address 4:

Please identify/describe the location of the site or sites.

Northing

657452

Easting

317501

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☒ Meeting ☒ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement (note 1) is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Liz Roxburgh met with Mhairi-Anne Cowie, Planning Officer - Local Team, at Midlothian Council offices on 18th September 2014 and subsequently exchanged e-mails and telephone calls regarding the planning history of the property at Whitehill, Nine Mile Burn and a Planning Application (Ref: 15/00125/DPP) was made on the 4th of February 2015 and later withdrawn in April 2015.

Title:

Ms

Other title:

First Name:

Mhairi-Anne

Last Name:

Cowie

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

2006.50

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Dwelling House and associated Garden.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

6

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

6

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- ☐ Yes – connecting to public drainage network
- ☒ No – proposing to make private drainage arrangements
- ☐ Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- ☒ New/Altered septic tank.
- ☐ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- ☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- ☒ Discharge to land via soakaway.
- ☐ Discharge to watercourse(s) (including partial soakaway).
- ☐ Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Existing septic tank and soak-away adapted to meet the requirements of the new development.

Do your proposals make provision for sustainable drainage of surface water?
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
- ☐ No, using a private water supply
- ☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: (Max 500 characters)

Hardstanding area to rear of car parking provided for refuse collection and recycling.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 ?

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Neil Mochrie

On behalf of: Newhall Farm Partnership

Date: 09/07/2015

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13 (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☒ Landscape plan.

☒ Photographs and/or photomontages.

☒ Other.

If Other, please specify: * (Max 500 characters)

Drawings and reports relating to trees on the application site.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Neil Mochrie

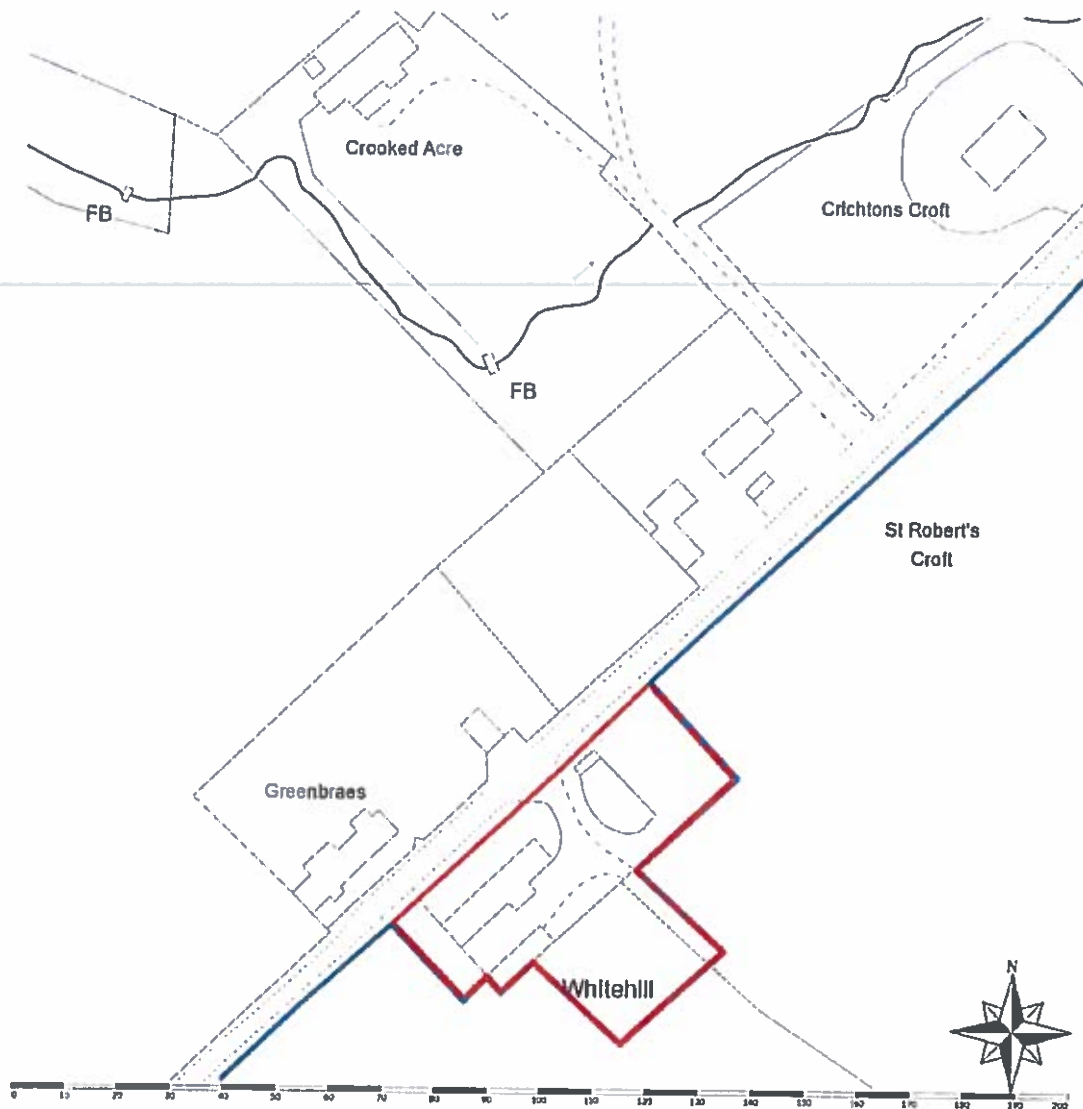
Declaration Date: 09/07/2015

Submission Date: 09/07/2015

14.01.2015

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WHITEHILL, UNNAMED ROAD, PENICUIK, EH26 9LZ



Scale: 1:1250 | Area 4Ha | Grid Reference: 317508,657516 | Paper Size: A4

Revision - Date Description

Whitehill, Nine Mile Burn, Midlothian, EH26 9LZ

Title: Location Plan

Status: PLANNING

Drwg no. 556-P-LOC-01

Scale: 1:1250@A4

Drawn By: NM

1st Issue: 17.01.15

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42 Forbes Road Edinburgh EH10 4ED F: 0131 229 3811 W: www.roxburghmcewan.co.uk



Application Site Boundary

Applicant's Land Ownership



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Ground Floor Plan
Scale 1:200

[illegible]

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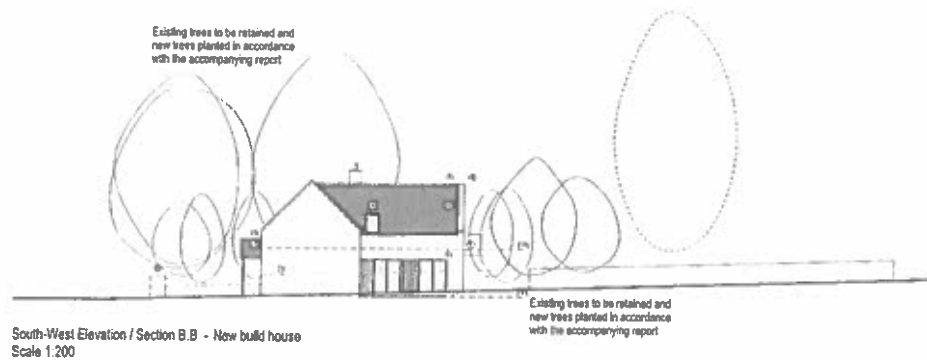
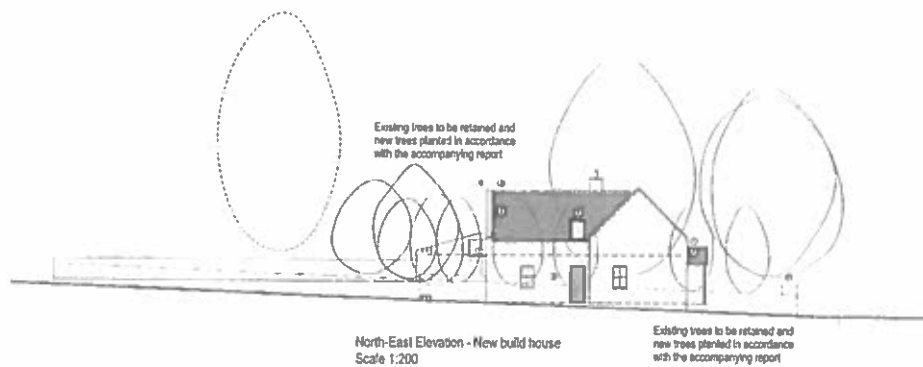
Proposals to form houses, cottages, bays and ranges
Architect: Peter M. Ewan
for Proposed Site & Floor Plans - New-Build Houses
Author: Planning
Dwg No: S80-P-GA-81A **Scale: 1:300(A3)** **Drawn By: M8**
1st Issue: DEC
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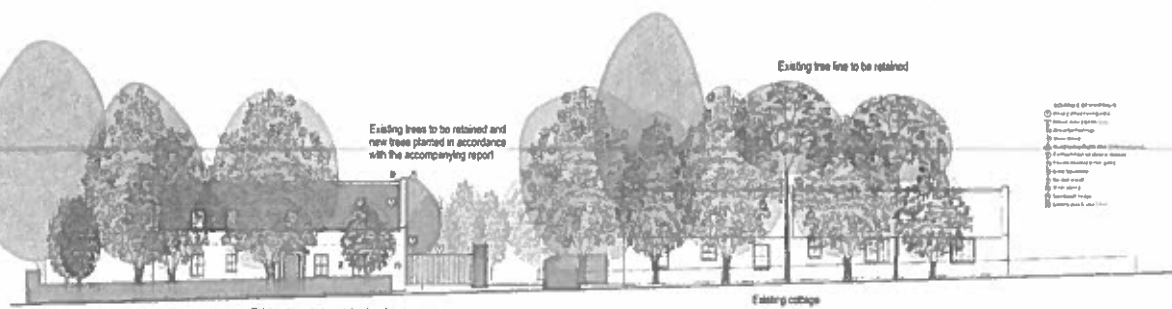
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North-West Elevation - New build house
Scale 1:200

Existing trees to be retained and
new trees planted in accordance
with the accompanying report

Existing cottage

- 1. Existing ground level
- 2. Proposed ground level
- 3. Proposed new garden
- 4. Proposed new driveway
- 5. New fence
- 6. Boundary line (not to be built on)
- 7. Boundary line (not to be built on)
- 8. New garden
- 9. New garden
- 10. New garden
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- 99. New garden
- 100. New garden



South-East Elevation / Section A.A - New build house
Scale 1:200

Existing tree line to be retained

Existing cottage

Existing trees to be retained and
new trees planted in accordance
with the accompanying report

Existing trees to be retained and
new trees planted in accordance
with the accompanying report

4 July 15. Response to new house additional trees and notes

Whitehill, Bona M in Burn

Title: Proposed Elevations - New Build House

Status: Planning

Drawing: 886 P-QA-03A

Scale: 1:200 @ A3

Drawn By: NIA

1st Issue: DEC

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With 1000's, 1000's & 1000's

Estate Planning

ROXBURGH

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SUPPORTING STATEMENT

SUB-DIVISION OF EXISTING PLOT AND ERECTION OF NEW DWELLING
HOUSE

At

'Whitehill'
Nine Mile Burn
Penicuik
Midlothian EH26 9LZ

Prepared by

Derek Scott Planning
Planning and Development Consultants



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Edinburgh
EH12 5EH
Tel No: 0131 535 1103
Fax No: 0131 535 1104
E-Mail: enquiries@derekscottplanning.com

On behalf of

Mr. J Kennedy

Executive Summary

Sub-division of existing plot and erection of new dwelling house at *'Whitehill,'* Nine Mile Burn, Penicuik, Midlothian EH26 9LZ

- The application site comprises an existing single storey dwelling house (cottage) at *'Whitehill'* with associated garden grounds located on the southern side of the Roman Road within the hamlet of Nine Mile Burn which lies approximately 2 km to the north east of the village of Carlops.
- The application submitted to the Council seeks full planning permission for the subdivision of the existing plot and for the erection of a 1½ storey traditionally designed dwelling house within the part of the garden lying to the north east of the existing dwelling house on the opposite side of the access road serving that existing dwelling house.
- The erection of an additional house within the curtilage of the existing house will result in an attractive cluster of houses when viewed in conjunction with the existing house on the plot and an existing house on the opposite side of the public road.
- The boundaries of the existing plot will be substantially strengthened and enhanced through additional planting and landscaping proposed in association with the application which will make a very positive contribution to the character and appearance of the local landscape.
- The application is supported by the terms of Policy DP1 in the Midlothian Local Plan and by the Council's Supplementary Planning Guidance on *'Housing Groups.'* The site lies within the Nine Mile Burn West Housing Group as defined in the Supplementary Guidance which permits the erection of a further three dwelling houses in addition to the fifteen existing in the group at present.

SUPPORTING STATEMENT

Sub-division of existing plot and erection of new dwelling house at
'Whitehill,' Nine Mile Burn, Penicuik, Midlothian EH26 9LZ

TABLE OF CONTENTS

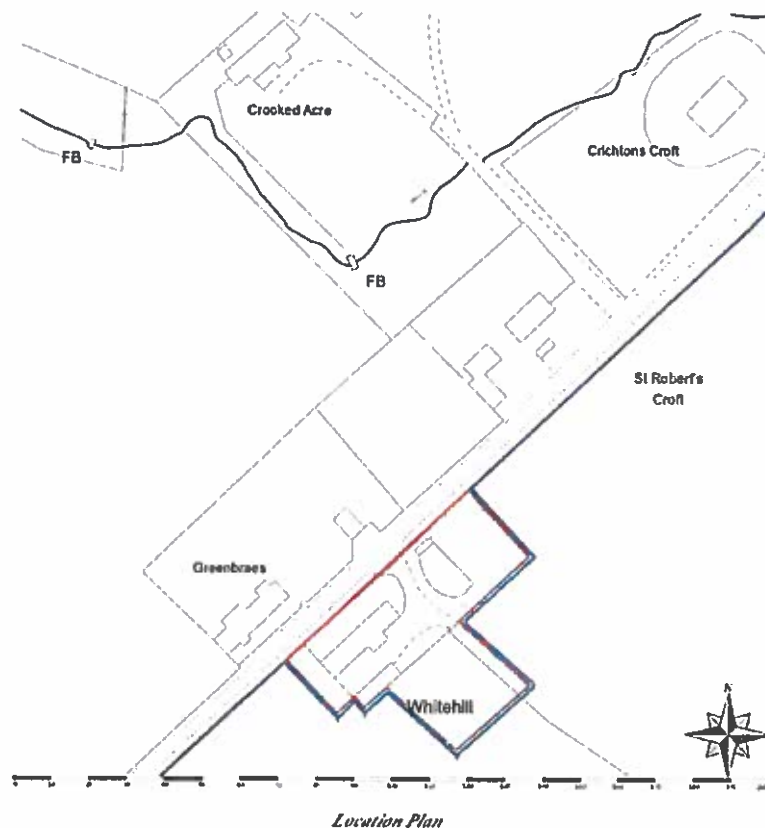
1.	Introduction	1
2.	Location and Description of Site	2
3.	Description of Proposed Development	3
4.	Planning Policy	6
5.	Summary & Conclusions	13

SUPPORTING STATEMENT

Sub-division of existing plot and erection of new dwelling house at
'Whitehill,' Nine Mile Burn, Penicuik, Midlothian

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of an application seeking detailed planning permission for the sub-division of an existing plot and the erection of a new dwelling house at Whitehill, Nine Mile Burn, Penicuik, Midlothian.



2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site comprises an existing single storey dwelling house (cottage) at 'Whitehill' and associated garden grounds within the hamlet of Nine Mile Burn located on the southern side of the Roman Road approximately 2 km to the north east of the village of Carlops. The existing cottage occupies the north western part of the plot with the associated garden ground, which is in somewhat of an unkempt condition, occupying the areas to the north east and south east of the dwelling. The cottage has a traditional narrow plan with walls finished in natural stone (majority white washed/painted); walls finished in slate; timber sash and case windows and timber doors.
- 2.2 The plot is accessed from a single point off the Roman Road to the north west of the existing dwelling. There are lines of trees bordering the frontage of the site with the Roman Road and along its north eastern boundary. There are a number of existing outbuildings occupying the garden grounds to the south east and north east of the dwelling. A further single storey dwelling house (Greenbraes) is located to the north west of the application site on the opposite side of the Roman Road.



View of existing house looking north east



View of existing house looking south west



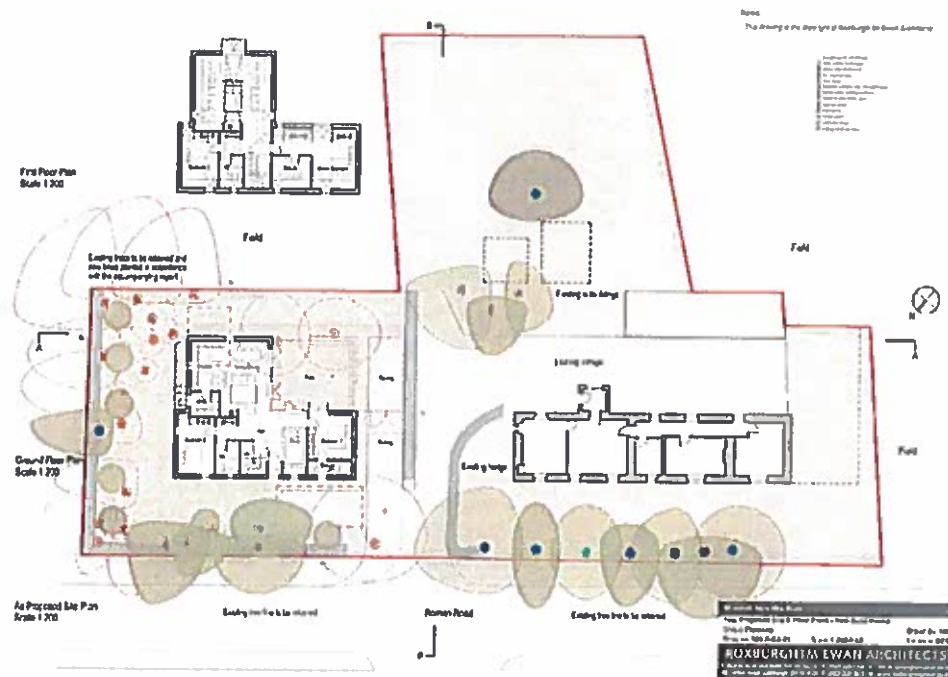
View of existing house with development plot beyond



Existing access arrangements

3. DESCRIPTION OF PROPOSED DEVELOPMENT

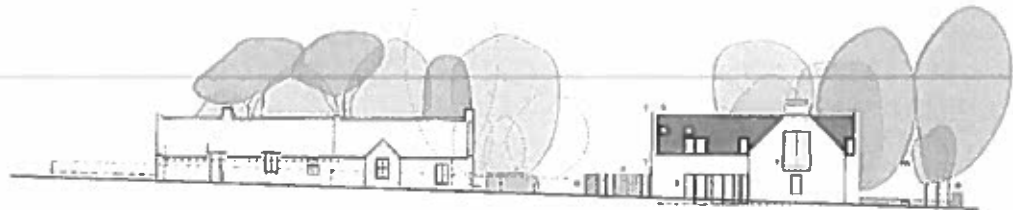
- 3.1 The application submitted seeks full planning permission for the subdivision of the existing plot and for the erection of a 1½ storey traditionally designed dwelling house within the part of the garden lying to the north east of the existing dwelling house on the opposite side of the access road serving that existing dwelling house. The proposed dwelling house has a footprint of 133.7 sq metres on a plot of 615 sq metres resulting in a plot ratio of 1:4.6.
- 3.2 Accommodation proposed within the dwelling house includes; on the ground floor; a kitchen, family dining room, utility room, study, WC and two bedrooms (one en-suite); and on the first floor a further two bedrooms (one en-suite), living room and WC.
- 3.3 The dwelling house has been carefully and sympathetically located and designed to be in keeping with the existing dwelling house in terms of scale, proportions and materials. Running parallel to and on the same building line as the existing house it has a dual pitched roof, gabled at each end and with a dual pitched roof rear addition, facing south-east. The roofs shall be finished in natural slate; the walls white painted harling; windows and doors painted timber; and rooflights from aluminium. It's a restrained palate of quality materials and one that is in keeping with the rural landscape.
- 3.4 An accompanying tree report has identified a range of landscaping and planting proposals along the boundaries of the site which would be implemented as part of the overall development resulting in a significant improvement to the landscape character of the area.



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North-West Elevation - New build house
Scale 1:200

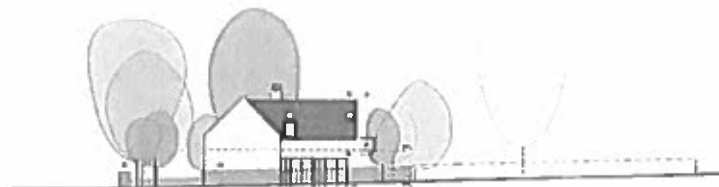


South East Devon / Section AA - New build house
Scale 1:200

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North-East Elevation - New build house
Scale 1:200



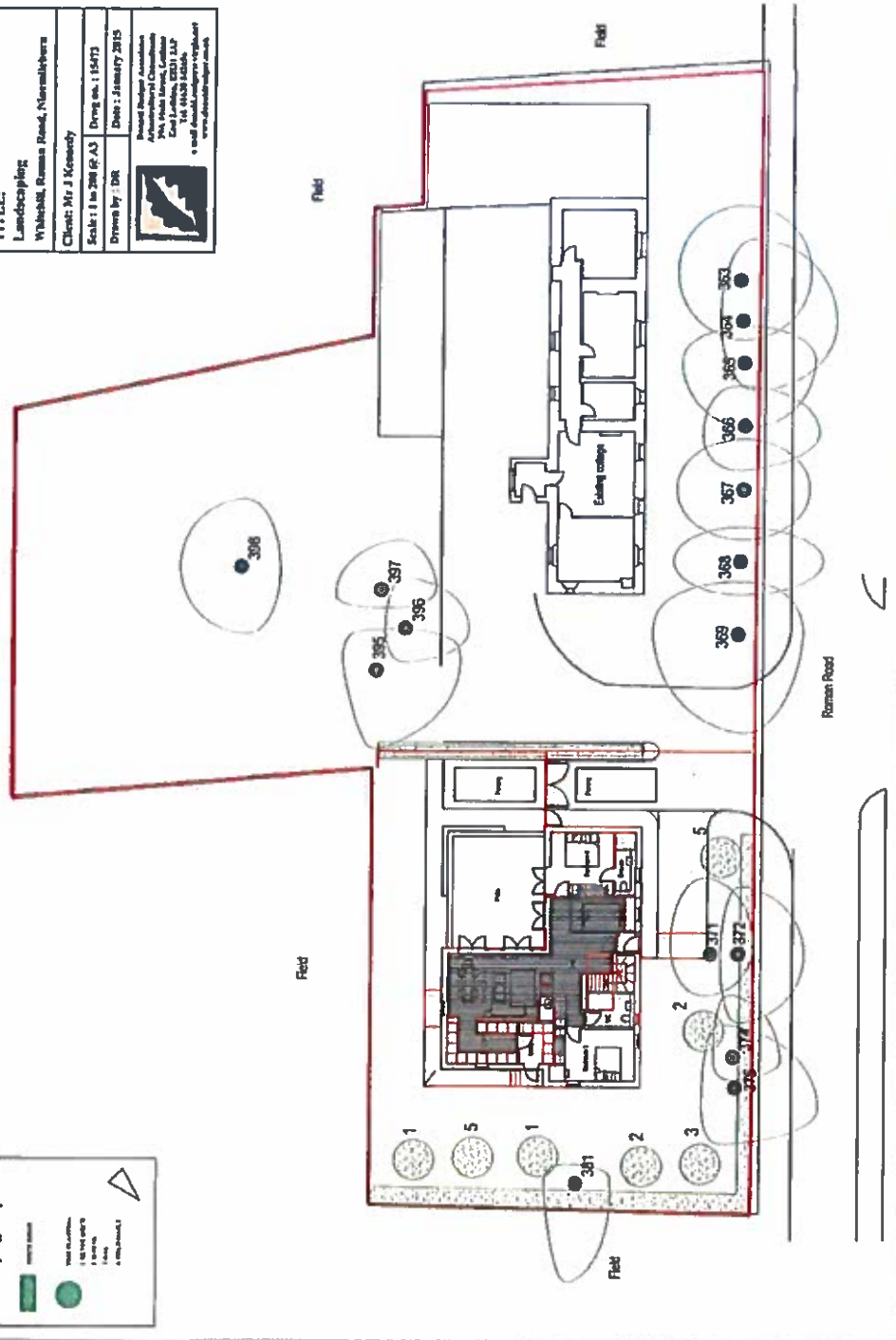
South-West Elevation / Section B-B - New build house
Scale: 1:200

Proposed Elevations

TITLE:	
Landscaping	
Walspit, Roman Road, Northwold	
Client: Mr J Kennedy	
Scale: 1 in 200 (p A3)	Drawn on: 1/15/77
Drawn by: DB	Date: January 2015
	
David Butler Associates Landscape Architects 200, Northwold Road East London, E20 1LP Tel: 0203 825555 e mail: david@dba.co.uk www.davidbutler.co.uk	

Landscaping Proposals

 NEW PLANTING
 EXISTING PLANTING
 EXISTING PLANTING
 EXISTING PLANTING



Landscaping Proposals

4. PLANNING POLICY

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

- 4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- 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; and
- assess whether these considerations warrant a departure from the development plan.

- 4.3 The relevant development plan for the area comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the Midlothian Local Plan 2008. We are aware of no other material considerations that would outweigh the terms of the development plan in this instance.

Strategic Development Plan for Edinburgh and South East Scotland

- 4.4 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However, it contains no specific policies or proposals of direct relevance to either the site or the proposed development.

Midlothian Local Plan 2008

- 4.5 Midlothian Council adopted the Midlothian Local Plan on 23rd December 2008. The application site lies outside the boundaries of any settlement envelope and within an area identified as Countryside where policies RPI on '*Protection of the Countryside*' and Policy RP6 on '*Areas of Great Landscape Value*' apply.

- 4.6 Policy RPI on '*Protection of the Countryside*' states the following:

'Development in the countryside will only be permitted if:

- A. it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or*

- B. it is within a designated non-conforming use in the Green Belt; or*
- C. it accords with policy DPI.*

All such development will need to:

- A. demonstrate a requirement for a countryside location;*
- B. be of a scale and character appropriate to the rural area;*
- C. be well integrated into the rural landscape;*
- D. avoid a significant permanent loss of prime quality agricultural land; and*
- E. take account of accessibility to public transport and services (where appropriate).*

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).'

- 4.7 Policy DPI of the Local Plan as referred to in Point C of Policy RP1 on 'Development in the Countryside' sets out the circumstances under which housing development may be appropriate in countryside locations within the Midlothian Council Area. Section 1.2 of that Policy on 'Housing Groups' states the following:

'Where there are clearly identifiable groupings of 5 or more houses in close proximity, already located in the countryside and outwith village envelopes, it may be possible to supplement these with a limited number of additional dwellings subject to the following criteria:

- a) the location is outwith the Green Belt;*
- b) the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period;*
- c) the location is close to local services (school, shops) and/or has access to a regular public transport service giving access to such facilities;*
- d) the new units fit in the landscape and are of a character and scale appropriate to the existing units;*
- e) the new units are capable of being served by an adequate and appropriate access;*
- f) the new units are capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoid unacceptable discharge to watercourses;*
- g) the new units incorporate sustainable building design;*

- h) *the new units enhance the landscape and appearance of the existing group of buildings; and*
- i) *the new units will not result in ribbon development and the plot size/width should be similar to other units within the group.'*

Housing groups to which this policy may apply must form a cohesive entity. The new unit should generally be located within gaps in the group.

Supplementary planning guidance will be prepared identifying house groups to which this section of DPI should apply. The success or otherwise of the new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.

4.8 We are very firmly of the opinion that the proposal complies with the terms of the criteria outlined above for the following reasons:

- a) The site is not located within the Green Belt.
- b) There are fifteen houses contained within the existing group at Nine Mile Burn which under the terms of Policy DPI allows for the development of up to three new dwelling houses within the group.
- c) The site lies within easy walking distance of bus stops servicing routes along the A702.
- d) The proposed dwelling house sits comfortably within the existing house plot and has been designed in a style which is in keeping with the character and appearance of the existing dwelling.
- e) The proposed house will be serviced via the access arrangements serving the existing dwelling house where good visibility in both directions exist. No additional openings are proposed onto the Roman Road in association with the proposal.



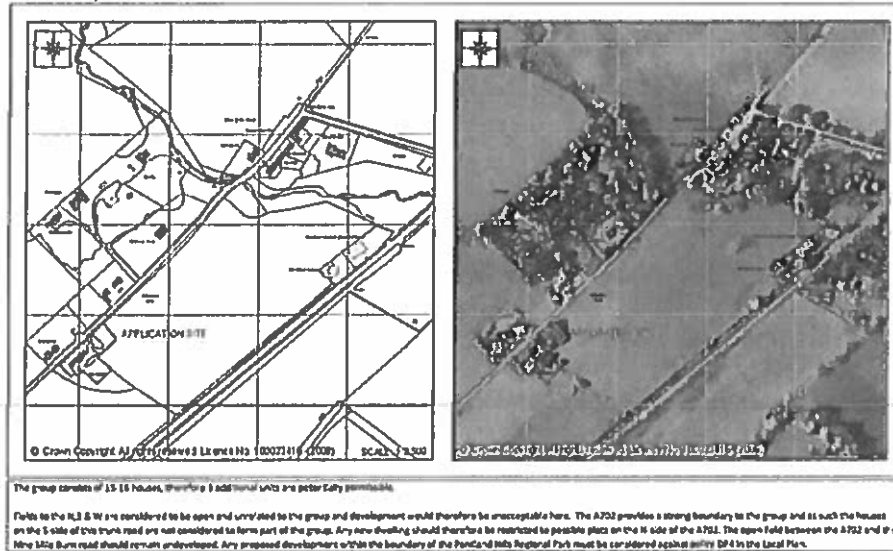
Existing Access Arrangements

- f) The proposed house will be serviced by a public water supply. Drainage arrangements will be provided in the form of a septic tank and appropriate soakaway system. The submission of details of foul and surface drainage from the site, which accord with sustainable urban drainage principles, can in any event be secured by condition.
- g) The maintenance and enhancement of the existing residential use of the site and the mature landscape context in which it sits is the first stage of sustainable design. The proposed house makes use of the existing road access, services and utilities on the site without adverse impact on the surrounding agricultural land. The location and configuration of the proposed house allows it to benefit from passive solar gains and also allows for the potential installation of photovoltaic panels and ground source heating installations within the site, in support of its long term sustainability.
- h) The proposed dwelling house and the planting proposed in association with the overall proposal will result in a significant enhancement to the surrounding landscape.
- i) The proposed dwelling house will not result in an appearance of ribbon development for a number of reasons amongst which include the facts that:
 - the proposed dwelling house will create a cluster of three dwelling houses as a result of the relationship between the application site and the dwelling on the opposite side of the public road; and
 - both the existing and new houses on the plot will have shared access arrangements.

- 4.9 Supplementary Planning Guidance on 'Housing Groups' as referred to in Policy DPI was adopted by the Council on 06th October 2009 with the purpose of identifying housing groups that were considered suitable, in principle, for consideration in the context of Section 1.2 referred to in Paragraph 4.7 above. One such group identified in the Supplementary Guidance is 'Nine Mile Burn West' within which the application site lies. The supporting text in the Guidance states the following:

'The group consists of 15-16 houses, therefore 3 additional units are potentially permissible. Fields to the N,S & W are considered to be open and unrelated to the group and development would therefore be unacceptable here. The A702 provides a strong boundary to the group and as such the houses on the S-side of this trunk road are not considered to form part of the group. Any new dwelling should therefore be restricted to possible plots on the N-side of the A702. The open field between the A702 and the Nine Mile Burn road should remain undeveloped. Any proposed development within the boundary of the Pentland Hills Regional Park must be considered against policy DP4 in the Local Plan.'

Nine Mile Burn West
 Location: South-west of Penicuik
 Ordnance Survey Grid reference: NT1757



Nine Mile Burn West Housing Group

It is significant to note that the text quoted does not prohibit or exclude against the development of new housing on the application site and allows for the provision of up to three additional units within the overall group. Based on an on-line planning history search undertaken it would appear that planning permission has only been granted for one dwelling house within the Nine Mile Burn West Housing Group since the Supplementary Guidance was adopted by the Council in 2009. That permission issued under Planning Application Reference Number 10/00356/DPP granted permission for the erection of a dwelling on land to the east of Spittal House. To the best of our knowledge works have commenced on that house so the permission remains live. Notwithstanding this the guidance still allows for the erection of a further two houses within the group.

4.10 In addition to identifying 'Housing Groups' the Supplementary Guidance also sets out guidance and standards for plots that would be considered acceptable for the development of new housing. The various Standards/Guidelines to be met are outlined below:

- *Gap sites within the group will generally take precedence over other locations (typically these are sites with built development on either side).*
- *Where no gap sites are present, sites adjoining the group are preferable. Normally, a site will be preferred if at least two sides adjoin the boundaries of existing properties though, in some cases, a site which adjoins the boundary of only one property may be preferable if it relates better visually to the group.*
- *All proposals which adjoin a group (rather than being a gap site) should meet the following requirements:*
 - *there is an existing physical or visual feature which provides containment for*

the group and therefore reduces pressure for ribbon development or rural sprawl;

- where such a feature does not exist, there should be potential for such a feature to be provided so long as it is in character with the scale and appearance of the group.*

- Proposals located in open fields adjoining a group, which have no physical features to provide containment will not be acceptable.*
- Proposals located on the opposite side of physical features which form strong boundaries for a group (e.g. main roads, burns, substantial tree belts, etc.) will not be acceptable. These are specified in the group specific notes.*

4.11 As noted previously, insofar as we are aware, permission exists for only one new dwelling house within the Nine Mile Burn West Housing Group as defined in the Supplementary Guidance. Our client's dwelling house is proposed on a site which forms part of the garden ground to an existing plot. That existing plot has clearly defined boundaries which will be substantially enhanced through the landscaping and planting proposals outlined in the accompanying tree report submitted with the application thus establishing a strong element of containment and contributing positively to the long term benefit of the surrounding landscape. The existing and proposed dwelling houses also benefit from a strong visual relationship with the dwelling house on the opposite side of the Roman Road (Greenbraes) and will create a clearly and cohesively defined cluster of houses within the overall group. It is evidently clear, in light of the above, that the standards/guidelines as set out in the Supplementary Planning Guidance are complied with.

4.12 Policy DPI also contains general design guidance for the erection of new housing in the countryside. It states the following:

'New houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and will in most instances be traditional in nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of high quality external finishing materials will be required. On open sites, or within areas of established sensitivity, such as Conservation Areas, Areas of Great Landscape Value or along the main tourist routes, new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes.'

4.13 The dwelling house as proposed is considered to be traditional in appearance and entirely in keeping within its immediate neighbours.

4.14 Policy RP6 on 'Areas of Great Landscape Value' states the following:

'Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).

The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These

considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.'

- 4.15 As noted previously the proposed dwelling house is appropriately sited within the curtilage of an existing dwelling house and forms a cohesive self contained cluster of development in the countryside. It, in association with the landscaping proposals outlined in the accompanying tree report, will ensure that the overall development will contribute to rather than detract from the character and appearance of the Area of Great Landscape Value within which the site is located.
 - 4.16 Based on the analysis undertaken above we are firmly of the opinion that the dwelling house proposed complies, in its entirety, with the terms of the development plan and that there are no other material considerations which would justify the refusal of the application.
-

5. SUMMARY AND CONCLUSIONS

5.1 Having considered the proposed development against the terms of both the development plan and other material considerations we are firmly of the opinion that the application should be granted planning permission. We would wish summarise our client's case in the following terms:

- The application site comprises an existing single storey dwelling house (cottage) at '*Whitehill*' with associated garden grounds located on the southern side of the Roman Road within the hamlet of Nine Mile Burn which lies approximately 2 km to the north east of the village of Carlops.
- The application submitted to the Council seeks full planning permission for the subdivision of the existing plot and for the erection of a 1½ storey traditionally designed dwelling house within the part of the garden lying to the north east of the existing dwelling house on the opposite side of the access road serving that existing dwelling house.
- The erection of an additional house within the curtilage of the existing house will result in an attractive cluster of houses when viewed in conjunction with the existing house on the plot and an existing house on the opposite side of the public road.
- The boundaries of the existing plot will be substantially strengthened and enhanced through additional planting and landscaping proposed in association with the application which will make a very positive contribution to the character and appearance of the local landscape.
- The application is supported by the terms of Policy DP1 in the Midlothian Local Plan and by the Council's Supplementary Planning Guidance on '*Housing Groups*.' The site lies within the Nine Mile Burn West Housing Group as defined in the Supplementary Guidance which permits the erection of a further three dwelling houses in addition to the fifteen existing in the group at present.

5.2 In light of the considerations outlined above it is respectfully requested that the application be approved. We reserve the right to provide additional information in support of this application or to respond to representations made by third parties prior to its determination.

Signed

A black rectangular box redacting the signature.

Derek Scott

Date

28th January 2015

**Tree Survey
and
Arboricultural Implication Assessment**

for

**Whitehill
Roman Road
Ninemileburn**

by

**Donald Rodger Associates
Arboricultural Consultants**

for and on behalf of

Mr J Kennedy

January 2015

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Plans

Tree Survey and Constraints
Tree Proposals
Landscaping

1 INTRODUCTION

This survey and arboricultural implication assessment relates to trees growing within the curtilage of the property known as Whitehill, on Roman Road, Ninemileburn. It was commissioned by Roxburgh McEwan Architects on behalf of the owner, Mr J Kennedy. The report has been prepared in connection with proposals for the construction of a single new dwelling house within part of the grounds. The area of survey is illustrated on the accompanying Tree Survey Plan.

The Tree Survey records in detail the nature, extent and condition of the existing tree cover within the property, and provides interpretation and analysis on the results of the survey. It provides a comprehensive and detailed pre-development inventory carried out in line with British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*'. All trees within the area of survey are accurately plotted, and root protection areas calculated and shown.

The Arboricultural Implication Assessment addresses the suitability of the extant tree cover for retention. It sets out recommendations regarding tree removal, retention and protection, consistent with the recommendations contained within BS 5837:2012. Tree planting proposals are also provided by way of mitigation. Fundamental in this process is the desire to achieve a realistic and sustainable outcome, given the nature of the current tree cover.

The survey is based on a comprehensive visual inspection carried out from the ground by Donald Rodger on 19 November 2014. The weather conditions at the time were dry, dull and calm.

Author's qualifications: Donald Rodger holds an Honours Degree in Forestry. He is a Chartered Forester, a Chartered Biologist, a Chartered Environmentalist and a Fellow and Registered Consultant of the Arboricultural Association. He has thirty years experience of arboriculture and amenity tree management at a professional level.

Limitations:

- ❑ The findings and recommendations contained within this report are valid for a period of twelve months from the date of survey (i.e. until 19 November 2015). Trees are living organisms subject to change – it is strongly recommended that they are inspected on an annual basis for reasons of safety.
- ❑ The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
- ❑ The report relates only to those trees growing within the area of survey as shown on the accompanying plan. Trees outwith the survey area were not inspected.
- ❑ Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to even apparently healthy trees.
- ❑ This report has been prepared for the sole use of Mr J Kennedy and his appointed agents. Any third party referring to this report or relying on the information contained herein does so entirely at their own risk.

2 TREE SURVEY METHODOLOGY

The trees within the scope of survey were visually inspected from the ground by Donald Rodger on 19 November 2014. The inspection was carried out from within the curtilage of the site and public highway. Neighbouring private property was not entered.

The survey encompasses all the significant trees within the entire site with a trunk diameter measured at 1.5m from ground level of 75mm and greater. These are accurately plotted on the enclosed **Tree Survey Plan** and recorded in detail in the **Tree Survey Schedule** (Section 6).

The trees within the survey have been tagged with a uniquely numbered aluminium identity disc approximately 2m from ground level. A total of 36 individual trees were surveyed in detail, with tag numbers running sequentially from 0363 to 0398 (only the last three digits are used for ease of reference).

Tree locations were plotted as part of the tree survey. The actual measured canopy spread of each individual tree within the survey is indicated on the **Tree Survey Plan**. This provides an accurate representation of the extent and configuration of the canopy cover as it affects the site.

Information on each numbered tree is provided in the **Tree Survey Schedule** (Section 6). Consistent with the approach recommended in **British Standard 5837:2102**, this records pertinent details, including:

- Tree number;
- Tree species;
- Trunk diameter;
- Tree height;
- Crown spread;

- Height in metres of crown clearance above adjacent ground level;
 - Age;
 - Condition category, Good, Fair, Poor or Dead as per BS 5837;
 - Comments and observations on the overall form, health and condition of the tree, highlighting any problems or defects;
 - Life expectancy;
 - Retention category, A, B, C and U, as per BS 5837;
 - Recommended arboricultural works;
 - Priority for action.
-

All trees within the survey have been ascribed a **Retention Category**. In line with the recommendations contained within BS 5837:2012, this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value and suitability for retention within any proposed development. The retention category for each tree is shown in the Tree Survey Schedule and the central discs colour coded on the plan accordingly.

A – High category; trees whose retention is most desirable (green on plan).

B – Moderate category; trees where retention is desirable (blue on plan).

C – Low category; trees which could be retained (grey on plan).

U – Unsuitable for retention; trees which should be removed (red on plan).

3 SURVEY RESULTS

3.1 General Description

The site comprises the property known as Whitehill, an old, traditional cottage which stands on the south side of Roman Road in the settlement of Ninemileburn. The property is located in a rural environment and enjoys a large area of garden ground which extends to the south and east.



Photo 1. View of site from Roman Road, looking east.

A total of 36 obvious and established trees were recorded. Seven of these (trees 363 to 369) stand in a line between the cottage and Roman Road (see photos 1 and 2). The majority of the tree cover is concentrated within an area of overgrown garden ground to the east of the cottage. This supports a total of 25 trees (370 to 394) which form an intermittent and irregular line around the periphery. A further group of three trees (395 to 397) stand on raised ground to the rear of the cottage. A single Scots pine (398) stands as prominent tree on the area of ground to the south of the cottage.



Photo 2. View of site from Roman Road, looking west, with trees 363 to 369.



Photo 3. View of site from Roman Road, looking east, with trees 370 to 398.

The area of survey, site features and spatial distribution of the tree over is graphically illustrated on the accompanying Tree Survey Plan.

3.2 Tree Description and Assessment

The trees within the site fall into three main types and categories. These are described and assessed below.

- **Trees 363 to 369**

These comprise four silver birch and three ash trees which form a single line between the main road and the cottage (see photos 1 and 2). The trees are all roughly the same age and in satisfactory health and condition overall. They all have a reasonable future life expectancy and collectively form an attractive and appropriate landscape feature.

- **Trees 370 to 397**

This encompasses the bulk of the trees on site which stand within the area of overgrown garden ground to the east of the cottage (see photos 3 to 6).



Photo 4. Trees 370 to 394 viewed from Roman Road.

These trees comprise a broad mixture of species, including plum, larch, silver birch, sitka spruce, horse chestnut and goat willow. The trees appear to be mostly of planted origin and of similar age, at around 30 to 40 years.



Photo 5. Trees 370 to 394 viewed from site.



Photo 6. Trees 370 to 394 viewed from site.

The trees form a more or less continuous narrow band along the north and east boundaries.

The condition of the tree cover overall is extremely poor. The following issues were recorded.

Dead trees - Three trees are completely dead (373, 383 and 384).

Self-seeded scrubby growth - The two goat willow (387 and 388) and the single elder (392) are of self-seeded origin. These are multi-stemmed and scrubby in character, and have partially collapsed.

Heavily suppressed and contorted - Most of the trees have been heavily suppressed throughout their lives and display very small crowns, often with a pronounced lean or bias. As such they tend to be one-sided and imbalanced. Some trees, such as the two horse chestnuts (385 and 386), have very misshapen and contorted crowns.

Windblow risk - The small cluster of tall conifers (trees 376 to 380) are at high and increasing risk of windblow. These are very tall and exposed (see photo 5). One tree (380) leans strongly to the east and is showing early signs of uprooting.

Multi-stemmed form - The three myrobalan plum (370, 395 and 396) are typically bushy and multistemmed from the base. Tree 370 displays very acute and weak forking between the main established stems.

The trees within this area are generally in very poor condition. There are very few trees of any arboricultural merit or quality. As a result, the extant tree cover has a very limited future life expectancy. The taller trees are at high risk of windblow and the majority of the remaining trees will continue to deteriorate in condition. This group of trees has a very limited future.

Whilst something of a subjective assessment, this collection of trees is not particularly attractive or of high landscape value.

- **Tree 398**

This is a single Scots pine which stands prominently within the ground to the south of the cottage. It is in satisfactory condition overall.

4 ARBORICULTURAL IMPACT ASSESSMENT

4.1 Development Proposal

It is proposed to construct a single dwelling house within the area of garden ground to the east of the cottage. Detailed plans have been prepared by Roxburgh McEwen Architects. The proposed building footprint is illustrated on the **Tree Proposals Plan**, which should be read in conjunction with this section.

4.2 Tree Retention Categories

A retention category (A, B, C or U), based on the grading system as set out within British Standard 5837:2012, has been ascribed to each tree. This is explained at the tree survey schedule.

The line of seven trees between the cottage and the road (trees 363 to 369) and the single pine (tree 398) have been assessed as being of medium (B) retention value. They are generally in satisfactory health and condition, have a reasonable future life expectancy and make a positive contribution to the landscape and amenity of the locality. These fall outwith the area of the proposed development.

A large portion of the remaining trees to the east of the site within the development plot is deemed unsuitable for retention (U) or of low (C) retention value by virtue of their poor condition and limited life expectancy, or limited landscape value.

4.3 Root Protection Area

Definition of the root protection area (RPA) for trees is provided within British Standard 5837:2012. This is a minimum area which should be left undisturbed around each tree and is calculated as an area equivalent to a circle with a radius of 12 times the stem diameter. The RPA may change its shape depending on local site and tree factors, as assessed by an arboriculturalist. The RPA of the surveyed trees has been graphically plotted as a grey circle on the Tree Survey Plan.

4.4 Tree Removal and Retention

It is proposed to retain the seven trees to the front of the cottage (363 to 369), the single pine to the rear (398) and trees 395 to 397. These all fall outwith the area of the proposed development and will not be affected by the proposals.

It is proposed to remove the majority of the trees within the development plot. As noted previously, these are in very poor and declining condition and have a very limited future life expectancy. They are likely to require early removal in any event on the grounds of safety and sound management, irrespective of the proposed development. It would not be desirable to retain such trees.

Where possible, however, and where tree quality and longevity is slightly better, a small number of trees could be retained around the periphery to provide some continuity of tree cover, at least in the short terms and until such times as new planting becomes established (see section 5).

Trees proposed for retention are outlined in green on the tree proposals plan. Trees recommended for removal are outlined in red.

4.5 Tree Protection

The trees to be retained must be protected prior to and throughout the construction phase. This should be achieved by creating a fenced tree protection area within which no development takes place and the root systems remain undisturbed. Clear guidelines on this matter are contained within British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' and this document is referred to as a baseline on which recommendations are made.

Based on the trees concerned, their size, RPA, root morphology and existing site conditions, the recommended tree protection areas are shown hatched in magenta on the tree plan. This will protect the trees to be retained *en masse* and prevent root damage and disturbance. The line of the temporary tree protection fence which defines the tree protection areas is indicated by a bold magenta line.

The tree protection recommendations essentially respect the root protection areas of the trees and is consistent with the recommendations contained within BS 5837:2012. There is slight encroachment into the RPA of a few trees on one side only, however this is not considered significant.

Providing the tree protection areas are established prior to works commencing on site and maintained sacrosanct until completion, the tree cover to be retained will not be significantly affected. With the protective fencing in place as specified above, there exists a clear and defined area for development, with adequate working space around the footprint of the building.

Robust fencing must be used to define the tree protection areas. This must be, as a minimum, as specified in section 6.2.2 of BS 5837:2012 and consist of a fixed scaffolding framework 2.3m in height set into the ground and well-braced to withstand impacts. Onto this, weldmesh panels (Heras fencing) will be securely

5 TREE AND HEDGE PLANTING

5.1 General Proposal

By way of mitigation, it is proposed to undertake new tree and hedge planting. This will compensate for the poor trees to be removed and introduce high quality landscaping suited to the site and setting. This will have a good long term future and could be sustainably managed. This will enhance the landscape of the locality and assist in defining the plots.

It is proposed to concentrate the planting adjacent to the main road and along the east boundary for maximum effect. These are the boundaries visible from public vantage points. The northern boundary will be left open to maximise views in this direction.

Planting proposals are illustrated on the appended **Landscaping Plan**.

5.2 Tree and Hedge Planting

Hedging - It is proposed to establish new beech hedging along the north and east boundaries. This could be maintained at a height of 1.2 to 1.5m and will provide a well-defined 'green' edge, as well as providing screening and privacy for the new property. Beech hedging is also suggested along the new internal boundary between the existing cottage and the new build.

Tree Planting - Indicative locations and species are shown for a total of **7 trees**. These comprise a range of mostly native species which are suited to the rural setting. These should be planted as 'standard' sized stock. These will quickly form a new and sustainable landscaped edge.

6 TREE SURVEY SCHEDULE

Explanation of Terms

Tag no.	- Identification number of tree as shown on plan.
Species	- Common name of species.
Dia	- Trunk diameter in cm measured at 1.5m. MS = multi-stemmed.
Hgt	- Height of tree in metres.
Crown spread	- Radial crown spread in metres measured to the four cardinal compass points N, E, S and W.
Crown height	- Height in m of crown clearance above ground.
Age Class	- Age class category. Young Semi-Mature Early Mature Mature
Cond Cat	- Condition category (Good, Fair, Poor, or Dead).
Notes	- General comments on tree health, condition and form, highlighting any defects or areas of concern.
Life Expet	- Life expectancy, estimated in years.
BS 5837 Cat	- BS 5837:2012 Retention category (A, B, C or U - see explanation overleaf.
Rec Management	- Recommended remedial action/arboricultural work.
Priority	- Priority for action.

TREE CONDITION CATEGORIES

- Good**
- (1) Healthy trees with no major defects
 - (2) Trees with a considerable life expectancy
 - (3) Trees of good shape and form
- Fair**
- (1) Healthy trees with small or easily remedied defects
 - (2) Trees with a shorter life expectancy
 - (3) Trees of reasonable shape and form
- Poor**
- (1) Trees with significant structural defects and/or decay
 - (2) Trees of low vigour and under stress
 - (3) Trees with a limited life expectancy
 - (4) Trees of inferior shape and form
- Dead**
- (1) Dead, dying and dangerous trees
 - (2) Trees of very low vigour and with a severely limited life expectancy
 - (2) Trees with serious structural defects and/or decay
 - (4) Trees of exceptionally poor shape and form

BS 5837:2012 Tree Survey and Arboricultural Implication Assessment
Whitehill, Roman Road, Ninemileburn

BS 5837:2012 Category Grading

Categories for tree quality assessment, based on guidance given in British Standard BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

Trees unsuitable for retention

Category and definition	Criteria – Subcategories
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<p>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning).</p> <p>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</p> <p><i>NOTE Category U trees can have existing or potential conservation value which it might be desirable to preserve.</i></p>

Trees to be considered for retention

Category and definition	Criteria – Subcategories		
Category A High quality and value with an estimated life expectancy of at least 40 years.	Particularly good example of their species, especially if rare or unusual; or those that are essential components of formal or semi-formal arboricultural feature.	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value.
Category B Moderate quality and value with an estimated life expectancy of at least 20 years.	Trees that might be in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management or storm damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to merit the category A designation.	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality.	Trees with material conservation or other cultural value.
Category C Low quality and value with an estimated life expectancy of at least 10 years, or young trees with a diameter <150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater landscape value, and/or trees offering low landscape benefit.	Trees with no material conservation or other cultural value.

Tag no	Species	Dia	Hgt	N	E	S	W	Cr	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
363	Silver birch	23	13	4	4	4	4	8	Mature	Fair	Single trunk with small, sparse crown. Low vigour. Dead branch stubs. Branch of tree 364 rubbing on limb.	20-40	B		
364	Ash	31	12	5	4	2	5	4	Semi-mature	Fair	Suppressed crown development. Poor form and structure. One sided and imbalanced crown development over road.	20-40	B		
365	Silver birch	27	13	4	4	4	2	9	Mature	Fair	Fair condition overall. Low vigour.	20-40	B		
366	Ash	23	12	5	2	2	3	4	Semi-mature	Fair	Suppressed crown development with bias over road. Fair condition overall.	20-40	B		
367	Ash	37	13	4	3	4	3	5	Semi-mature	Fair	Reasonable specimen in satisfactory condition.	+40	A		
368	Silver birch	24	12	4	2	5	2	4	Mature	Fair	Suppressed crown development. Numerous small 'witches brooms'.	20-40	B		
369	Silver birch	40	14	3	6	6	3	6	Mature	Fair	Reasonable specimen in satisfactory condition. Large, spreading crown. Slight lean and bias to east.	20-40	B		
370	Myrobalan plum	MS 50	11	4	5	5	5	2	Early-mature	Poor	Large, multi stemmed clump. Many stems arise at ground level to form a large, single bushy crown. The well-established shoots at poorly formed and growing from a decayed stump. These are poorly attached and present potential stability problems. Poor, scrubby specimen with limited future potential.	10-20	U		
371	Silver birch	26	13	3	3	2	4	8	Early-mature	Fair	Forks into two codominant stems at 2m - union sound. Crown biased to west. Low vigour and vitality. Limited future life expectancy.	10-20	C		
372	Rowan	MS 40	8	4	4	1	4	2	Early-mature	Poor	Multi stemmed from base. Poor form and structure. Pronounced bias and one sided crown development over road. Low vigour.	10-20	C		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr Cl	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
373	Larch	24	7	1	1	1	1	0	Early-mature	Dead	Top snapped out at 7m. Dead stump.	<10	U		
374	Sitka spruce	22	13	3	1	1	4	5	Semi-mature	Poor	Single trunk with small and heavily suppressed crown. Lower trunk bare. Poor specimen with limited future potential.	10-20	C		
375	Sycamore	32	13	6	2	1	5	3	Early-mature	Poor	Heavily suppressed. Small crown with one sided development over road. Face of tree adjacent to site bare.	20-40	C		
376	Sitka spruce	38	21	4	3	2	2	5	Early-mature	Fair	Tall, single trunk with small crown. Prominent and rather spindly tree. Exposed and vulnerable to windblow.	10-20	C		
377	Larch	24	14	2	1	1	1	2	Early-mature	Poor	Single trunk with small and heavily suppressed crown. Poor specimen with limited future potential.	10-20	C		
378	Larch	25	14	3	2	1	1	2	Early-mature	Poor	Single trunk with small and heavily suppressed crown. Poor specimen with limited future potential.	10-20	C		
379	Larch	33	21	3	4	2	2	5	Early-mature	Poor	Trunk bifurcates at 11m. Tall, slender trunk with small, suppressed crown. Tall, isolated and vulnerable to windblow.	10-20	C		
380	Larch	28	19	1	6	3	1	6	Early-mature	Poor	Trunk bifurcates at 8m. Tall, slender trunk with small suppressed crown. Pronounced lean to east. Very exposed and vulnerable to windblow.	<10	U		
381	Sycamore	33	16	3	6	1	1	2	Early-mature	Fair	Trunk forks into two codominant stems at 1m. One sided crown development to east over field. Bare and suppressed where adjacent to site. Fair condition overall.	20-40	B		
382	Larch	16	8	1	7	2	1	4	Early-mature	Poor	Small tree with heavily contorted and poorly formed crown. Stunted, with pronounced lean and bias to east over field. Poor specimen with limited future potential.	10-20	U		
383	Larch	19	7	1	1	1	1	0	Early-mature	Dead	Dead. Leans to east.	<10	U		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
384	Larch	13	7	1	1	1	1	0	Early-mature	Dead	Dead. Leans to east.	<10	U		
385	Horse chestnut	22	7	3	7	3	1	1	Semi-mature	Poor	Small tree. Heavily suppressed with one sided and imbalanced crown development over field. Stunted development and very poor form. Poor specimen with limited future potential.	10-20	U		
386	Horse chestnut	30	10	3	6	3	2	1	Semi-mature	Poor	Heavily suppressed crown biased to east over field. Poorly formed and contorted crown. Large section of crown snapped out due to storm damage. Longitudinal strips of dead bark on trunk. Risk of further storm damage and branch breakage. Poor specimen with limited life expectancy.	10-20	U		
387	Goat willow	MS 45	8	2	8	8	1	1	Early-mature	Poor	Multi stemmed from base. Self-seeded origin. Heavily suppressed and collapsing. One large section dead. Pronounced lean over field. Very poor and scrubby.	<10	U		
388	Goat willow	34+ 30	10	1	7	8	3	2	Early-mature	Poor	Forks into two codominant stems at 1m. Union very acute with included bark. This creates a significant structural defect. Wounding and decay at base of trunk. One sided and imbalanced crown development over field. Poor, scrubby specimen.	10-20	U		
389	Rowan	MS 23	8	2	2	2	2	4	Semi-mature	Poor	Multi stemmed from base. Heavily suppressed with small spindly stems.	10-20	U		
390	Oak	13	10	1	3	1	1	7	Semi-mature	Poor	Heavily suppressed. Spindly trunk with very small crown. Large strip of decay along trunk. Poor specimen with limited future potential.	10-20	U		
391	Lawson cypress	MS 24	7	1	2	1	1	3	Semi-mature	Poor	Small, scrappy tree. Lower trunk bare.	10-20	U		
392	Elder	MS 45	7	1	7	7	2	1	Mature	Poor	Multi stemmed from base. Self-seeded. Collapsed and leaning into field. Poor and scrubby.	10-20	U		

Tag no	Species	Dia	Hgt	N	E	S	W	Cr	Age Class	Cond Cat	Notes	Life Expect	BS5837 Cat	Rec Action	Priority
393	Oak	23	11	3	3	4	3	5	Young	Good	Small, young tree. Reasonable specimen in satisfactory condition.	+40	B		
394	Silver birch	16	9	3	4	3	3	3	Semi-mature	Poor	Small, scrappy crown.	10-20	C		
395	Myrobalan plum	MS 37	9	6	5	1	2	3	Early-mature	Fair	Multi stemmed from base . Dense, bushy crown. One sided crown development towards cottage.	10-20	C		
396	Myrobalan plum	MS 33	9	4	2	1	3	2	Early-mature	Fair	Multi stemmed from base . Dense, bushy crown. One sided crown development towards cottage.	10-20	C		
397	Laburnum	MS 25	5	4	3	2	1	2	Early-mature	Poor	Multi stemmed from base. Poor scrappy crown. Poor specimen with limited future potential.	10-20	C		
398	Scots pine	43	15	2	4	4	4	2	Early-mature	Fair	Single, isolated tree in field. Heavily branched crown. Old bark wounds at base of trunk. Fair condition overall.	20-40	B		

PLANS

- Tree Survey and Constraints
- Tree Proposals
- Landscaping

Roman Road

Tree Proposals

Tree Protection Area, as per BS 5822:2012

Tree to be removed

Tree to be retained

Tree Protection Zone, as per BS 5822:2012

Tree Protection Zone



TITLE:

Tree Proposals

Whitchill, Roman Road, Nisemilburn

Client: Mr J Kennedy

Scale: 1:1 to 200 @ A3

Drawn by: DR

Date: January 2015



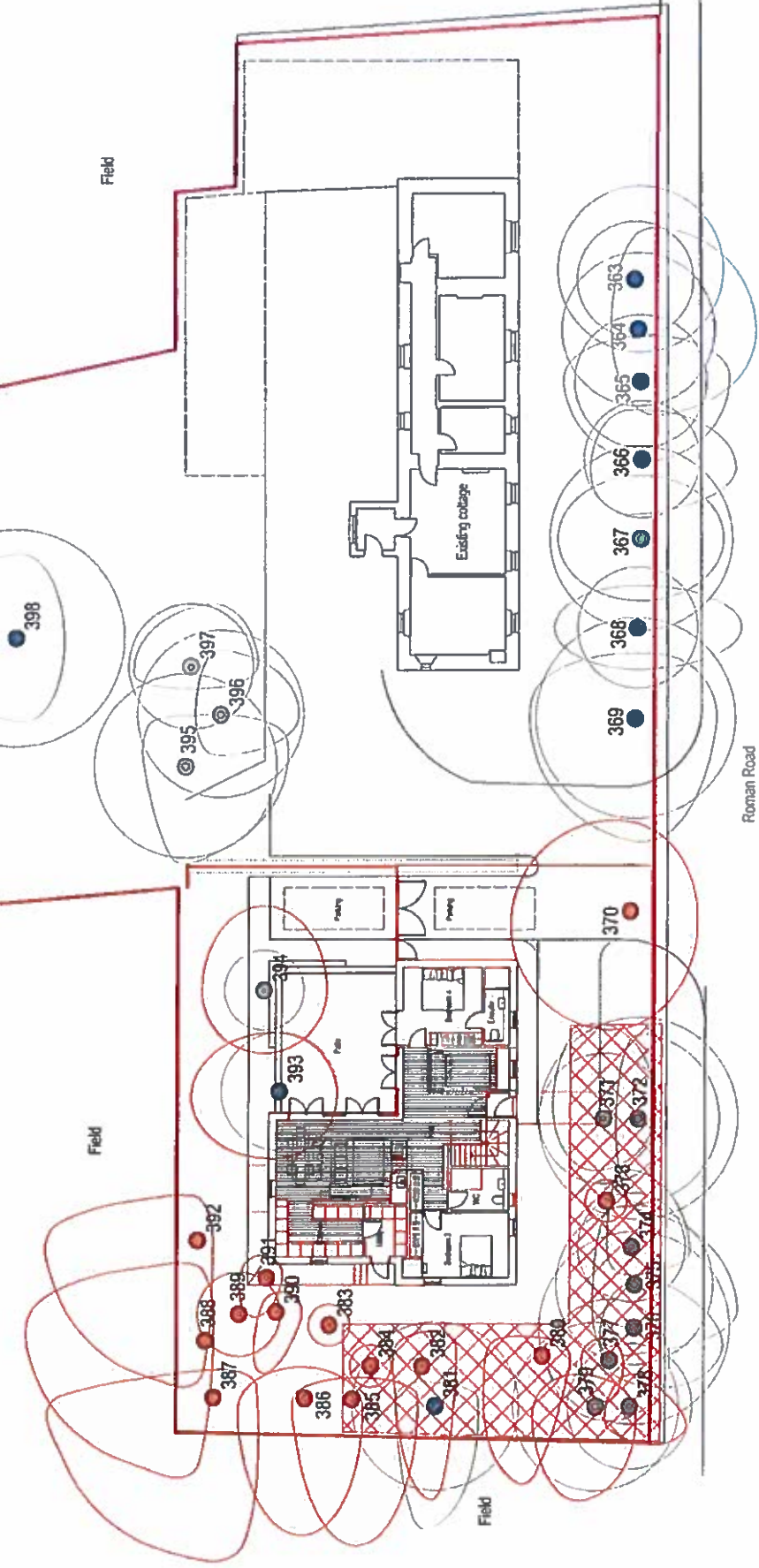
Donald Redger Associates
Arboricultural Consultants
25A The Green, Glasgow
G7 7JF
Tel: 01629 821554
e mail: donald.redger@virgin.net
www.donaldredger.co.uk

Field

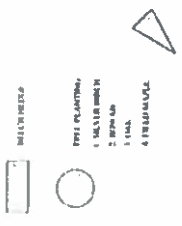
Field

Field

Roman Road



Landscaping Proposals



TITLE:
 Landscaping
 Whitehill, Roman Road, Ninemileburn

Client: Mr J Kennedy

Scale: 1 to 200 @ A3

Drawn by: DR

Date: January 2015

David Rodger Associates
 Agricultural Consultants
 37 Mill Street, Colchester
 Essex, CO1 1JL, UK
 Tel: 01206 834545
 e-mail: david.rodger@virgin.net
 www.davidrodger.co.uk

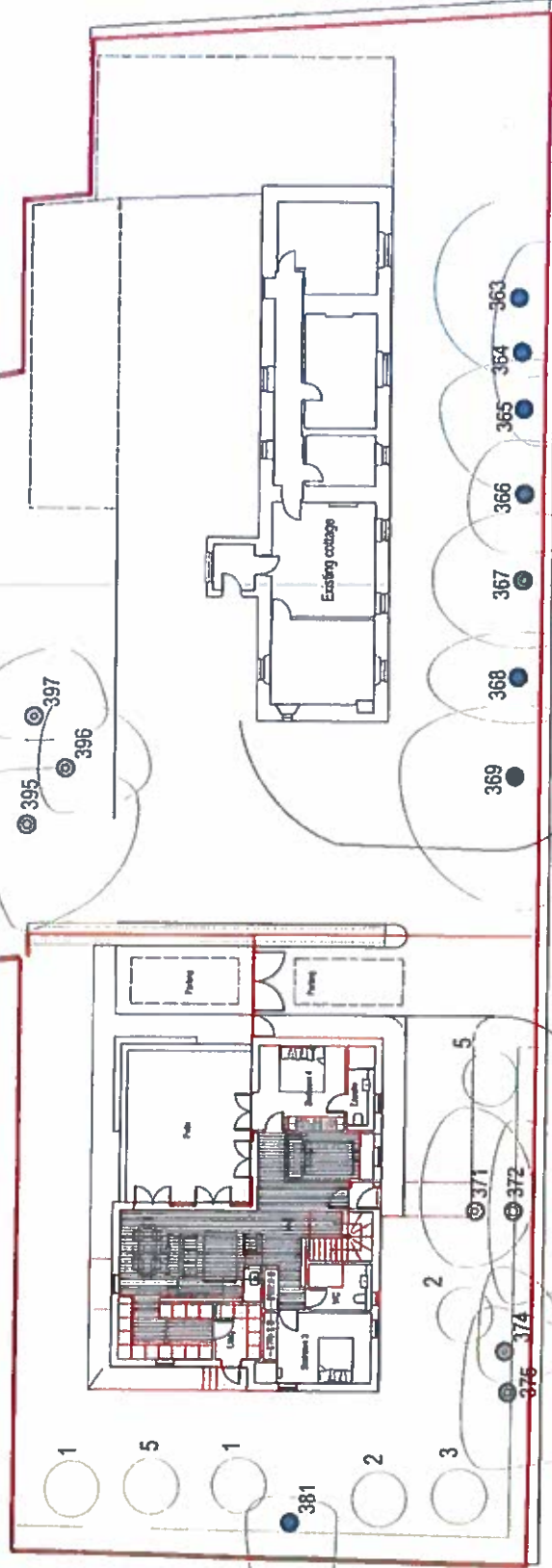
Field

Field

Field

Field

Roman Road





APPENDIX 2

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 15/00592/DPP

Roxburgh McEwan Architects
42 Forbes Road
Edinburgh
EH10 4ED

Midlothian Council, as Planning Authority, having considered the application by Newhall Farm Partnership, Newhall, Carlops, EH26 9LY, which was registered on 16 July 2015 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Erection of dwellinghouse and formation of access at Whitehill, Nine Mile Burn, Penicuik

In accordance with the application and the following plans:

<u>Drawing Description</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	556-P-LOC-01 1:1250	16.07.2015
Site Plan	580-P-EX-01 1:200	16.07.2015
Site Plan	580-P-GA-01A 1:200	16.07.2015
Proposed Elevations	580-P-GA-02A 1:200	16.07.2015
Proposed Elevations	580-P-GA-03A 1:200	16.07.2015
Proposed Elevations	580-P-GA-04 1:200	16.07.2015
Proposed Elevations	580-P-GA-05 1:200	16.07.2015
Other Statements		16.07.2015

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

- As a result of the siting and design of the proposed dwellinghouse and the removal of the existing trees the proposal will have a significant adverse impact on the character and appearance of this Area of Great Landscape Value.*
- The siting of the proposed dwellinghouse does not comply with the guidance set out in the adopted Supplementary Planning Guidance on Development in the Countryside as it is not on an acceptable gap site within the housing group.*
- It has not been demonstrated that the development would utilise sustainable building design and no SUDs details have been submitted for consideration.*
- For the above reasons the proposed development does not comply with the terms of policy DP1 of the adopted Midlothian Local Plan or the adopted Supplementary Planning Guidance on Development in the Countryside.*
- 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 DP1, therefore the proposal does not comply with the terms of policies RP1 or DP1 of the adopted Midlothian Local Plan.*

6. *The proposed design of the dwelling is unsympathetic to the character and appearance of the area in terms of its design, scale and proportions. The proposed dwellinghouse appears bulky and out of proportion in the context of the original cottage on site and other nearby buildings which are strongly vernacular in their appearance. The proposed dwellinghouse would have a significant adverse impact on the character and appearance of this Area of Great Landscape Value and, combined with the loss of trees and inadequate replacement planting, would be contrary to policies RP1, RP5, RP6 and RP7 of the adopted local plan, which seek to protect or enhance the landscape character of Midlothian.*

Dated 27 / 8 / 2015



.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

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

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

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. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.



APPENDIX 3

MIDLOTHIAN COUNCIL

**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 15/00592/DPP

Site Address: Land at Whitehill, Nine Mile Burn, Penicuik.

Site Description: The application site comprises a cottage, associated garden ground, trees and vegetation. The cottage is single storey with stone walls, painted white on three sides, a slate roof and white painted timber sash and case windows. There is an outbuilding to the rear. The site is located within the countryside, an Area of Great Landscape Value and lies just outwith the boundary of Pentland Hills Regional Park.

Proposed Development: Erection of dwellinghouse and formation of access.

Proposed Development Details: It is proposed to subdivide the existing house plot and erect a new house within the garden ground of the existing house. The proposed house is to be single storey with accommodation in the roofspace served by rooflights. The house is to be L-shaped in plan, with the ridge of the house running parallel with the road and a projecting rear section.

The proposed materials are: white painted harled walls with stone skews; natural slate roof; painted timber doors and windows (though no colour detail is submitted); with either gravel or paving hardstanding; and 1.8 metre high timber gates with no details of colour.

A number of trees are to be removed from the site to accommodate development with replacement planting proposed. A hedge is to be planted along three of the boundaries, with the existing post and rail fence to be retained along the southeast boundary with a copse of trees in the field to the rear. The existing septic tank on site is to be adapted to meet the requirements of the proposed development. There is no provision for SUDs on site.

The applicant has submitted a tree survey and supporting statement, which states the proposal would form an attractive cluster of houses. It also states the boundary of the plot will be strengthened and enhanced and that the proposed house is supported by Local Plan policy and Supplementary Planning Guidance.

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

Application site

15/00125/DPP Erection of dwellinghouse and formation of access. Withdrawn.

14/00382/DPP Sub-division of and extensions to existing dwellinghouse to form 2 dwellinghouses, and erection of dwellinghouse. Withdrawn.

13/00648/DPP Subdivision of and extensions to existing dwellinghouse to form 2 dwellinghouses, erection of dwellinghouse and detached garages and change of use of agricultural land to private garden ground. Withdrawn.

Consultations: The Policy and Road Safety Manager has no objection.

Representations: No representations have been received.

Relevant Planning Policies:

RP1: Protection of the Countryside states that 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, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

RP5: Woodland Trees and Hedges does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter;

RP6: Areas of Great Landscape Value which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;

RP7: Landscape Character which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;

DP1: Development in the Countryside sets out the circumstances where development in the countryside may be acceptable. This policy is mainly concerned with proposals for new housing in the countryside. Section 1.1 of this policy relates to new housings and states support will only be given where it has been demonstrated it is for the furtherance of an established agricultural activity. Section 1.2 of this policy sets out the circumstances where a new house could be permitted within a group of five or more existing dwellings in the countryside. The Council has prepared Supplementary Planning Guidance (SPG) to support this policy. The SPG allows some flexibility to enable limited growth whilst ensuring that any development, as a result of this, is of an appropriate scale to the locality, causes minimal adverse impact on the landscape and character of the area and has appropriate access to public transport and/or local facilities. This policy states that houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and in most instances be traditional in nature. The use of high quality external finishing materials will be required. On open sites new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes; and

DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

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 proposed development would result in one new house within the countryside. No information has been submitted by the applicant to suggest that the new house is required in connection with the furtherance of an established countryside activity. Therefore there is no support for the proposal in terms of policy RP1 of the local plan.

Policy DP1 of the local plan, and the associated Supplementary Planning Guidance (SPG) on Housing Groups, provides some scope to support new dwellinghouses where there are established groups of houses in the countryside where the proposal satisfies a set of defined criteria.

The housing group at Nine Mile Burn West has been identified in the SPG as consisting of 15-16 houses and, therefore, three additional units are potentially permissible should the proposals comply with the criteria detailed in policy DP1 and the SPG. As the housing group has been identified in the SPG, the proposal has already met some of the criteria of this policy. The SPG provides advice on where the acceptable plots for new houses within groups may be by stating that gap sites within the group will generally take precedence over other locations, such as sites which adjoin the group and have a physical or visual feature which provides containment. Where there are no gap sites at present, sites which adjoin the group are preferable. A site will be preferred if at least two sides adjoin the boundaries of existing properties. In addition, all proposals which adjoin a group should meet the following standards: there is an existing physical or visual feature which provides containment of the group or there is potential for such a feature to be provided so long as it is in character with the scale and appearance of the group. Proposals in open fields adjoining a group, which have no physical features to provide containment will not be acceptable. Ultimately, policy DP1 and the associated SPG are facilitating policies, aimed at providing scope to develop in the countryside where there will be no adverse impact on the landscape character of the area.

The application site is not a gap site in the housing group, nor does it adjoin the boundary of two existing properties. The erection of a house at the proposed site would not reflect the character or layout of the existing group of buildings. As such the proposal does not comply with the terms of the policy with regards the siting of new dwellings in housing groups. There are better, more appropriate, sites within the housing group which could accommodate the new dwelling.

The SPG states that any proposals which adjoin a group (rather than being a gap site) should provide potential for a physical or visual feature to accommodate containment for the group. There are existing trees along the northwest (front) boundary of the site which provide some containment and screen the existing house and garden from views from the wider area, including the Pentland Hills Regional

Park. These trees successfully integrate the house into the Area of Great Landscape Value. To the front of the proposed house all but four trees are to be removed with only two replacement trees proposed. In addition, all but one of the trees along the northeast boundary are to be removed and replaced by a beech hedge and seven trees. It is proposed to plant a copse of trees in the field to the north of the site, which is outwith the application site but under the control of the applicant. It is disputed that the boundaries will be substantially enhanced through the landscaping and planting proposals, as stated by the agent.

The site is within the garden ground of the existing house. The site contains a copse of trees which is an important feature in the landscape, helping soften the impact of the housing group when viewed from distance. The proposal will lead to the loss of all but 5 of the existing trees on site, with no landscaping proposed along the southeast boundary and due to the close proximity of the rear of the house to the boundary there is no scope to plant any trees along this boundary. Notwithstanding the proposed replacement trees and hedging, the removal of the existing trees will open views into the site from the Pentland Hills and surrounding area, making the proposed house highly visible. This will have a negative impact on the AGLV and landscape character of the area by virtue of the visibility of the house which would not enhance the landscape of the existing group of houses or the sensitive surrounding area.

The planning policy seeks to ensure that the new dwellings approved in terms of policy DP1 enhance the landscape and do not diminish it. The significant loss of trees from the site and their replacement with a building, particularly of the design proposed, will result in a loss of the landscape quality in this Area of Great Landscape Value.

The SPG requires that sustainable building design be incorporated in all proposals. This has not been demonstrated in this application. No information regarding SUDs has been submitted.

The proposed development involves the subdivision of an existing house which would therefore reduce the size of the plot. Policy DP1 states that the plot size/with of new houses should be similar to other units within the group. The character of this part of Nine Mile Burn is one of dwellings set within larger plots. The proposed subdivision of the garden ground would not be in keeping with the surrounding houses.

While the assessment of the application concludes that the proposed house is unacceptable in principle it is necessary to give consideration to the detailed design being promoted by the applicant. The original existing building on the site is traditional in design, modest in scale and strongly reflective of the local vernacular, retaining the appearance and character of the nineteenth century cottage. Due to its design, proportion and materials, the existing cottage is sympathetic to, and reflective of, the landscape character of the area and is in keeping with the housing group.

While the proposed form and materials of the proposed house are generally traditional the overall design of the proposed house is unusual in regards its scale,

proportions and architectural detailing. In attempting to secure a second storey of accommodation within the house it has resulted in a building which departs from the low profile appearance of the existing cottage on site. The front elevation (arguably the most important) of the proposed house in particular is unsympathetic to the character of the area. The measurement between the lintols of the windows at ground floor and the eaves of the house are far in excess of that expected of a cottage in this area and result in an unattractive, bulky and disproportionate detail.

The house, as proposed, would detract from the appearance of the existing house within the site and this part of the housing group. The proposed house would be not be of a character appropriate to the surrounding area. As a result of its design and the landscaping works, the proposed house would have a detrimental impact on the special scenic qualities of the AGLV and countryside.

There are no significant transportation or road safety concerns related to this development. Sufficient garden ground is proposed for each house.

A fence has been erected slightly outwith the application site as shown on the submitted plans which enlarges the garden ground of the existing house by encroaching into the surrounding agricultural field. This enlargement requires planning permission for a change of use from agricultural land to private garden ground. This does not form part of the current application and as such this is unauthorised.

In summary, the proposal does not comply with the guidance on acceptable plots within the SPG and therefore cannot be considered to be a suitable site within the group. There is therefore no policy support for an additional house at this site. The proposed development would detract from the landscape and appearance of the existing group of buildings and the character and appearance of the surrounding countryside, AGLV and nearby Pentland Hills Regional Park.

Recommendation: Refuse planning permission.



APPENDIX 4

Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 10/00356/DPP

Kevin McClellan
David Paton Building Consultancy
13 High Street
Loanhead
EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr Steven Owen, Spittal House, Nine Mile Burn, Penicuik, Midlothian, which was registered on 5 July 2010, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

**Erection of dwellinghouse
at Land To East Of Spittal House, Nine Mile Burn, Penicuik, Midlothian,**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	10-40-001 1:1000 1:200 1:100 1:50	05.07.2010

This permission is granted for the following reason(s):

The proposed development complies with Midlothian Local Plan policies RP1, DP1 and Supplementary Planning Guidance. The presumption for development is not outweighed by any other material considerations.

Subject to the following condition(s):

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 the proposed wall render and cladding;
 - b) Details and a sample of the proposed slate;
 - c) Details of the proposed boundary treatments;
 - d) 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 the site which are to be removed and retained; and,

- e) Details of the proposed vehicle access, including the proposed point of access, verge details and visibility splay; and,
- f) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house.

Reason: These details were not submitted as part of the application and are required to ensure that the appearance of the proposed dwellinghouse and the management of the site are acceptable.

2. Development shall not begin until either confirmation is submitted to the Planning Authority that there is no contamination of the site rendering it unsuitable for the approved development, or alternatively that in the event of such contamination the submission and approval of proposals to remedy the contamination. Proposals to deal with contamination shall include:

- a) the nature, extent and type(s) of contamination on the site,
- b) measures to treat/remove contamination to ensure the site is fit for the proposed development,
- c) measures to deal with contamination during construction works,
- d) confirmation of the condition of the site on completion of decontamination measures, and,
- e) gas monitoring and introduction of suitable gas prevention measures, if required.

Before the site comes into use the approved measures to decontaminate the site shall be fully implemented and confirmation that this has been carried out shall be submitted to the Planning Authority.

Reason: To ensure that the site is clear of contamination prior to the occupation of the dwellinghouse.

3. Any gates to the vehicular access shall be so designed and installed as to only open inwards.
4. A minimum of the first 2 metres of the driveway as measured from the heel of the footpath shall be surfaced in non-loose material.

Reason for conditions 3 and 4: To prevent loose material being carried onto the public road/verge; in the interests of traffic safety.

5. Any roof vents on the front elevation shall be flush fitting so as not to project beyond the plane of the roof.

Reason: To safeguard the character of the building.

6. The proposed boundary treatments required in terms of condition 1c) shall include beech hedging along the roadside frontage of the site.

Reason: To ensure that the boundary treatment of the house are in keeping with the surrounding area.

7. Within six months of the new house being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 1(d) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged within five years of planting shall be replaced during the next available planting season with others of a similar size and species.

Reason: To enhance the landscaping of the area by ensuring that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.

8. The footprint of any building should not be located within the canopy spread of any trees to be retained or within a distance of half the height of any trees.

Reason: To protect any development from falling trees; to protect the amenity of the proposed house.

9. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 1(f) 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.

10. The building(s) hereby permitted shall be served by zero and/or low carbon equipment to achieve a reduction of 15% carbon dioxide emission below the 2007 building regulations carbon dioxide emissions standard, in accordance with Policy NRG3 of the adopted Midlothian Local Plan, unless otherwise agreed in writing by the planning authority following submission of appropriate SAP calculations and a written justification of any alternative approach taken. The zero and/or low carbon equipment installed shall accord with the information submitted as part of the application unless otherwise approved in writing by the planning authority. The low and zero carbon equipment and/or other measures approved in terms of this condition shall be implemented at the site in full and an appropriate person approved by the Scottish Government's Building Standards Division regarding Design (Energy) shall certify that the zero and/or low carbon equipment and/ other measures approved in terms of this condition have been installed, prior to the house being occupied.

Reason: To ensure this development complies with the on-site carbon emission reduction targets and BREEAM requirements of Policy NRG3 in the Adopted Midlothian Local Plan.

11. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission

Reason: To accord with the provisions of Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).

Dated 23 / 8 / 2010

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

This permission does not carry with it any necessary consent or approval to the proposed development which may be required under the Building (Scotland) Acts and Regulations or under any other Statutory Enactment.

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

The felling of Trees

Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers should note that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended).

Developers should note that any felling carried out without either a licence or other valid permission is an offence. This can mean, on conviction, a fine of up to £2,500 (level 4 on the standard scale) or twice the value of the trees, whichever is higher with the conviction being recorded.

Contact your local Forestry Commission Scotland Office if you are not certain whether exemptions apply. You can get an application form for a felling licence from the Forestry Commission website www.forestry.gov.uk/forestry/infol-5ygr or any Forestry Commission Scotland Office.