

## **Notice of Review: Land 170m East of Newrigg, Nine Mile Burn, Penicuik**

### **Determination Report**

Report by Chief Officer Place

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the approval of condition submissions associated with the grant of planning permission in principle for the erection of two holiday lodges at land 170m east of Newrigg, Nine Mile Burn, Penicuik.

#### **2 Background**

- 2.1 Planning application 21/00330/PPP for planning permission in principle for the erection of two holiday lodges at land 170m east of Newrigg, Nine Mile Burn, Penicuik was approved planning permission on 24 June 2021 subject to conditions. Conditions 1a, 1c, 1d, 1e, 1i and 2 are as follows:

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
  - a) A detailed layout plan of the site, showing the siting of the holiday lodges, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - c) Detailed plans, sections and elevations of the holiday lodges, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts; and
  - i) Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

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

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

2. The scheme of landscaping approved in accordance with condition 1i) shall include details of boundary planting to integrate the development into the surrounding area which shall be native species.

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

- 2.2 Two matters specified in conditions (MSC) applications were submitted to discharge the above said conditions, the applications were:
  1. 22/00040/MSC Erection of 2 holiday lodges (approval of matters specified in condition 2 of planning permission 21/00330/PPP); and
  2. 22/00054/MSC Erection of 2 holiday lodges (approval of matters specified in condition 1a, 1c, 1d, 1e and 1i of planning permission 21/00330/PPP).

Copies of the decision notices are attached to this report. As the two applications (22/00040/MSC and 22/00054/MSC) relate to the same site and the same host proposal it is considered appropriate to consider the two reviews (two reviews were submitted as there was two applications submitted) under one review/report.

- 2.3 Matters Specified in Conditions is the formal application process to discharge information/submissions made to comply with conditions attached to a grant of planning permission in principle (this process does not apply to detailed planning permissions). It is important to note that the grant of planning permission is the planning permission in principle (in this case application 21/00330/PPP referenced in paragraph 2.1) and submissions made under the Matters Specified in Conditions process is not a 'grant of planning permission' but the approval of details to comply with condition/s.

- 2.4 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.

### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached and extracted from the applicants submission (the full version can viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk) in the L – Local Review Body section of the online case file;

- A copy of the case officer's report (Appendix C);
  - A copy of the two decision notices, excluding the standard advisory notes, issued on 18 July 2022 (Appendix D); and
  - A copy of the key plans/drawings (Appendix E).
- 3.2 Note - the applicant's notice of review submission includes a landscape appraisal, landscape plans and landscape notes. Because of the electronic size of these files it is not possible to circulate them as part of this report and associated appendices. A copy of these documents can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk) in the L – Local Review Body section of the online case file.
- 3.3 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **4 Procedures**

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

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

## **5 Conditions**

- 5.1 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to approve the applications, which are to discharge conditions attached to a grant of planning permission in principle (21/00330/PPP).

## **6 Recommendations**

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

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 17 October 2022  
**Report Contact:** Mhairi-Anne Cowie, Planning Officer  
[Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

**Background Papers:** Applications 22/00040/MSC and 22/00054/MSC are available for inspection online.

# Appendix A



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

Erection of 2 holiday lodges (approval of matters specified in condition 2 of planning permission 21/00330/PPP)

Erection of 2 holiday lodges (approval of matters specified in condition 1a, 1c, 1d, 1e and 1i of planning permission)

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File Nos.: 22/00040/MSC & 22/00054/MSC

Scale: 1:1,000





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100595335-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Andrew McCafferty Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Andrew"/>	Building Name:	<input type="text" value="Burn House"/>
Last Name: *	<input type="text" value="McCafferty"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01337810440"/>	Address 1 (Street): *	<input type="text" value="Collessie"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Cupar"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KY15 7RQ"/>
Email Address: *	<input type="text" value="andrewmccafferty@btconnect.com"/>		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Peggyslea Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Nine Mile Burn"/>
Company/Organisation	<input type="text" value="Peggyslea Farm"/>	Address 2:	<input type="text" value="Burn House"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Penicuik"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 9LX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="PEGGYSLEA FARM"/>
Address 2:	<input type="text" value="PEGGYSLEA ROAD"/>
Address 3:	<input type="text" value="NINE MILE BURN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PENICUIK"/>
Post Code:	<input type="text" value="EH26 9LX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="657259"/>	Easting	<input type="text" value="317638"/>
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## Description of Proposal

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

Notice of review against refusal of application 22/00040/MSC for approval of matters specified in condition 2 of planning permission 21/00330/PPP.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see Planning Statement submitted with this appeal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)



Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please see page 3 of attached Planning Statement

## Application Details

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

22/00040/MSC

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

19/01/2022

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

18/07/2022

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

## Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Andrew McCafferty

Declaration Date: 18/08/2022

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

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Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 9LX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PENICUIK"/>
Post Code:	<input type="text" value="EH26 9LX"/>

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## Description of Proposal

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

Approval of matters specified by condition 1 a), c), d), e) and i) of planning permission 21/00330/PPP.

## Type of Application

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

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

What does your review relate to? \*

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

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

Please see Planning Statement attached with this Notice of review.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please see page 3 of Planning Statement accompanying this Notice of review.

## Application Details

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

22/00054/MSC

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

19/01/2022

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

18/07/2022

## Review Procedure

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

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

☐ Yes ☒ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

## Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Andrew McCafferty

Declaration Date: 17/08/2022

**Town and Country Planning (Scotland) Act 1997  
As amended by the Planning etc (Scotland) Act 2006**

**Notices of review against:**

- **Refusal of application 22/00054/MSC for approval of matters specified in condition 1a, 1c, 1d, 1e and 1i of planning permission 21/00330/PPP**
- **Refusal of application 22/00040/MSC for approval of matters specified in condition 2 of planning permission 21/00330/PPP**

**at land 170m East of “Newrigg”, Nine Mile Burn, Penicuik**

**Planning statement on behalf of the owners of Peggyslea Farm**

**August 2022**



## **Contents**

### **Executive Summary**

- 1.0 Introduction and purpose of planning statement
- 2.0 The appeal site and proposed development
- 3.0 High Level Landscape and Visual Appraisal (LVIA) of the site prepared by Brindleys Landscape Architects
- 4.0 Consultation responses received in respect of applications 22/00054/MSC and 22/00040/MSC
- 5.0 The development plan covering the appeal site
- 6.0 Material considerations
  - a) Scottish Planning Policy June 2014
  - b) Planning Advice Note 72: Housing in the Countryside, 7 February 2005
- 7.0 Planning appraisal
- 8.0 Rebuttal of refusal reasons – 22/00040/MSC and 22/00054/MSC

## Documents

1. Planning permission in principle decision notice 21/00330/PPP and approved site plan, 24<sup>th</sup> June 2021 for two holiday lodges on the site subject of the appeals
2. Drawings of the proposed lodges (called “Soina”) and colour photographs of a lodge as submitted with the applications
  - Elevation
  - Floorplan
  - Cross section
  - Photographs of “Soina” holiday lodge as erected and at Bizzyberry Lodge, near Biggar
3. Refusal decision notices for applications 22/00054/MSC and 22/00040/MSC both dated 18<sup>th</sup> July 2022.
4. Landscape Layout 1773-01 and Planting Plan 1773-02 as originally submitted December 2021
5. Version of Planting Plan 1773-02 forwarded by case officer March 2022 showing a blue line across the site parallel with the track restricting development
6. Extracts from amended LVIA including visualisations and Landscape Layout 1773-01A and Planting Plan 1773-02A June 2022 showing the lodges parallel with the tree belt
7. Consultation response 28 February 2022 from the Council’s consultant – Policy & Road Safety confirming that conditions 1(a) and 1(d) on 21/00330/PPP have been met
8. Comments in an email 20<sup>th</sup> April 2022 from the Council’s Landscape Officer stating that the proposed planting is generally acceptable
9. Relevant extract from Scottish Planning Policy regarding tourism
10. Extracts from PAN 72 covering “quotations” in delegated report, 7 February 2005
11. Delegated Worksheet
12. Photograph of a “Soina” lodge at Bizzyberry Lodge near Biggar, South Lanarkshire

## Executive Summary

These two appeals against refusal of 22/00054/MSC (condition 1a, 1c, 1d, 1e and 1i of 21/00330/PPP) and 22/00040/MSC (condition 2 on planning permission in principle 21/00330/PPP) are about a difference of opinion between the appellant and the Council's planning officers concerning the siting, design and materials for 2 holiday lodges on a site at Peggyslea Farm which already has planning permission in principle for 2 lodges.

The appellant's proposal to site the 2 lodges behind an existing shelter belt of mature trees is sensible and appropriate rather than setting them back only 1 m behind an existing vehicular track within the farm as required by the planning officers. The officers suggest that siting the lodges parallel with the track would reflect the general pattern of buildings in the area. The appellant disagrees. None of the buildings at Peggyslea Farm or the nearest dwelling "Newrigg" are aligned to roads in the way suggested by officers. The officers' insistence upon siting the lodges parallel with the track on the farm is unnecessary and unreasonable.

People who would wish to stay in the holiday lodges are visiting the area to enjoy the amenities of this part of Midlothian and do not want to have to look out on to a farm track within 1 metre of their front windows. The best siting within the consented site is parallel with the mature tree belt as proposed by the appellant and this siting would screen the lodges and not cause any loss of visual amenity. It would be difficult to see the lodges behind the existing tree belt.

The design of the lodges is attractive and will encourage visitors and tourists to use this luxury accommodation. The lodges are to be built from timber which is a natural material and all external elevations will be dark stained akin to the nearest dwelling "Newrigg" so that the lodges blend into the local context. Lodges of the same design have been granted planning permission at a site called Bizzyberry Lodges near Biggar see (photograph in **Document 12**) which lies within a Special Landscape Area, as does the site at Peggyslea.

The owner has employed chartered landscape architects Brindley Associates to prepare a full landscape layout and planting plan for the lodges and these plans show that the new buildings will fit successfully into the context at Peggyslea Farm.

The appellants consider that the siting and design of the two lodges and the proposed timber materials are appropriate. The proposals comply with policies in the adopted Midlothian Local Development Plan, guidance in Scottish Planning Policy and also Planning Advice Note 73 covering Housing in the Countryside even though these are holiday lodges not dwellings.

For all of the above reasons we request that these appeals against refusal of 22/00040/MSC and 22/00054/MSC are allowed.

## 1.0 Introduction and purpose of statement

***This statement covers both appeals ie against the refusals of applications 22/00054/MSC and 22/00040/MSC. A copy of this statement is included with the submission for each appeal to the Local Review Board.***

Peggyslea Farm is a successful bed and breakfast business established in 2009 comprising 5 en-suite self-contained bedrooms which can accommodate up to 16 people. The business has gradually expanded and is operating at full capacity post COVID. Annette and Colin Noble own and run the business and are experiencing high demand for their visitor/tourism accommodation and wish to expand their “offer” by creating luxury holiday lodges.

The applicants have chosen a lodge design of high quality aimed at visitor comfort and have selected a site for the lodges which is a hardstanding (not greenfield) adjacent to a mature tree shelter belt.

The site subject of these appeals has planning permission in principle (PPiP) for two holiday lodges, ref. 21/00330/PPP. Copies of the approved site plan and decision notice are included as **Document 1**.

Drawings of the proposed lodges and a colour photograph of a completed lodge submitted with the applications are included as **Document 2**.

The purpose of this statement is to address the reasons for refusal (**Document 3**) of the two applications for approval of the following matters specified in conditions on the PPP.

### **Application 22/00054/MSC**

- Condition 1 a), 1c), 1d), 1e), and 1i)

“Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:

- a) A detailed layout plan of the site, showing the siting of the holiday lodges, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
- c) Detailed plans, sections and elevations of the holiday lodges, indicating the colour and type of materials to be used on the external walls, roof and windows;
- d) Details of all hard surfacing and kerbing;
- e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;

- i) Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

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

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

### **Application 22/00040/MSC**

- **Condition 2**

"The scheme of landscaping approved in accordance with condition 1i) shall include details of boundary planting to integrate the development into the surrounding area which shall be native species.

**Reason:** *To ensure the development is integrated into and in keeping with the surrounding rural and sensitive area."*

## **2.0 The appeal site and proposed development**

The site is 0.16ha of level hardstanding defined and bordered on all sides by timber post and wire fencing. There is a mature shelter belt immediately adjoining the northwest of the site and in addition a linear mature woodland belt to the south. Other than in close proximity to the site, from views to the southwest (no further than one field distance), the site cannot be seen.

The site is accessed by a track from the A702 which serves Peggyslea B&B and "Newrigg", a house on the other side of the track near to Peggyslea.

## **3.0 High Level Landscape and Visual Appraisal (LVIA) of the site prepared by Brindley Associates Landscape Architects**

The LVIA as originally submitted showed the two lodges sited diagonally across the site (**Document 4**). The case officer forwarded a copy of the Planting Plan showing a blue line across the site parallel with the track (**Document 5**) requiring that the two lodges be sited facing on to the track and enclosed within the blue line.

The applicant decided to reposition the two lodges to be parallel with the mature shelter belt adjoining the northwest side of the site (**Document 6**). In this position, the lodges are

screened by the line of trees and can take advantage of views to the southeast. They are also in a less conspicuous position than fronting onto the track as suggested by the officers.

The applicant also decided to apply a dark stain to the external wooden elevations of the lodges to assist in blending their appearance into the landscape. This dark staining is evident in the elevations of “Newrigg”, the dwelling a short distance from the appeal site and near to Peggyslea (see photograph of “Newrigg” on the amended Landscape Layout 1713/O1A (**Document 6**)).

The amended LVIA concludes:

“Visually, it is considered that the site is currently well contained by the existing mature landscape resource, not only within its vicinity but also found within the 1km study area and landform. The existing landscape resource coupled with the proposed landscaping provide not only mitigating screening but also enhanced ecological habitats for increased biodiversity. Locally vernacular materials will be used on the proposed holiday lodges including the dark staining of the timber elevations to reflect the colour of the existing Newrigg property close by. All the measures combined will ensure that the proposed holidays lodges successfully and harmoniously integrate with their surrounding context.

Visibility of the development is considered to be generally limited to receptors within close proximity of the site boundaries, as evidenced by Site Appraisal Panoramas (see Figures 05– 08). From the remaining potential receptors, both primary and transitory, visibility is predicted to be limited or screened entirely by intervening woodland and mature tree cover, within the 1km study area and beyond.

In summary therefore, it is considered that the site at Peggyslea Farm does not lead to unacceptable levels of potential adverse landscape and visual effect.”

Figures 05-08 as mentioned above are included in **Document 6**.

The matters at issue between the applicant and the planning officers acting under delegated authority are set out below in Section 7.0 Planning Appraisal.

#### **4.0 Consultation responses received in respect of applications 22/00054/MSC and 22/00040/MSC**

**Document 7** is a copy of the response of 28 February 2022 from the council’s consultant – Policy & Road Safety confirming that conditions 1(a) and 1(d) have been met.

**Document 8** is an email 20<sup>th</sup> April 2022 from the Council’s Landscape officer which states that the proposed planting to be generally acceptable. The submitted Planting Notes and Landscape Maintenance and Management proposals are also found to be acceptable. There are two points raised:

“- spacings/distribution of 3 no. proposed beech trees (*Fagus sylvatica*) at the northern boundary should be improved to min. 8-10 m distance between trees, to allow for their substantial mature size.

- It is requested that an additional number of native trees is included within the proposals for boundary planting, notably along the southern boundary interface with the existing track.”

These comments are discussed in section 7.0 below. The appellant does not agree with the above suggestions.

There were no representations from third parties objecting to the proposals.

## 5.0 The development plan covering the appeal site

Relevant policies are contained in the adopted Midlothian Local Development Plan 2017.

The planning permission in principle for the two lodges (**Document 1**) was granted because it complied with policies VIS2 and RD1 of the adopted LDP.

The site is brownfield in character and the lodges are required to be served with electric vehicle charging stations. Development on the site would be sustainable and comply with policy **DEV5 Sustainability in New Development**.

Policy **DEV6 Layout and Design of New Development** requires good design and a high quality of architecture in both overall layout and their constituent parts. There is a difference of opinion to whether the proposals comply with this policy, and this is discussed in Section 7.0.

Policy **DEV7 Landscaping in New Development** requires proposals to be accompanied by a comprehensive scheme of landscaping. The appellant considers that the submitted landscaping scheme meets this condition, but this is disputed by the Council and therefore is discussed in Section 7.0.

The two MSC applications subject of these appeals comply with the principal Policy **VIS2 Tourist Accommodation**. There is a difference of opinion about whether the proposal complies with the detailed criteria of the policy, and this also discussed in Section 7.0.

The proposal complies with the principle of Policy RD1 Development in the Countryside. It is the detail included in the two MSC applications which is disputed with the Council, and this is discussed in Section 7.0.

Policy **ENV6 Special Landscape Areas** requires proposals to incorporate high standards of siting and design and not have a significant adverse effect on the special landscape qualities of the area. The appellant considers that the proposals are of a high standard in terms of siting and design, and this is discussed in Section 7.0.

**Policy ENV7 Landscape Character** requires development not to affect local landscape character significantly or adversely. The appellant does not accept that the proposals would have a significant or adverse harmful impact on the local landscape character and this is discussed in Section 7.0.

## 6.0 Material considerations

### a) Scottish Planning Policy, June 2014

An extract from Scottish Planning Policy is included as **Document 9**. Paragraph 75 states that the planning system should:

“in all rural.....areas promote a pattern of development that is appropriate to the character of the particular rural area....

encourage rural development that supports prosperous and sustainable communities and businesses while protecting and enhancing environmental quality;”

These MSC applications (now appeals are made by an existing successful rural business that merit support. Aligning the two lodges with the mature belt adjoining the site makes sense and there is no pattern of aligning new lodges/dwellings with tracks or roads in and around Peggyslea.

### b) Planning Advice Note 72: Housing in the Countryside, 7 February 2005

Advice in this PAN is that new housing should achieve “proper fit” in the landscape. Relevant extracts are contained in **Document 10**. There is specific reference to the importance of using trees to frame sites for new housing which is relevant to the proposal:

“Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained.”

The LVIA demonstrates that the two lodges do not harm the landscape context and because of the topography of the site would not be easily seen. The design of the lodges is contemporary and application of dark stain to the external timber surfaces would blend the structures into the surrounding area (see **Document 2** containing the submitted drawings and **Document 6** showing the visualisations).

There are no established building lines near the site for the lodges and no pattern of buildings fronting onto a road at Peggyslea or, for example, “Newrigg” which is close to Peggyslea.



## 7.0 Planning appraisal

These two appeals are the result of a difference of opinion between the applicant (now appellant) and the Council's officers about the details of siting, design and materials proposed for two holiday lodges granted planning permission in principle on an area of hardstanding at Peggyslea Farm, Nine Mile Burn.

The two appeals relate to different matters of detail referred to on the same planning permission in principle 21/00330/PPP. (**Document 1** includes a red-line site plan).

- **Impact on the landscape**

The "before" and "after" LVIA (**Document 6**) demonstrates clearly that the proposed lodges would not have a harmful visual impact either in relation to the area immediately around Peggyslea or the wider context designated as a Special Landscape Area. The siting of the lodges, in line with an existing mature tree shelter belt, works well and this screens the new buildings from views from the north. The Planting Plan drawing 1773/02 A (**Document 6**) shows detailed proposals for new trees, hedgerows, bulbs and grass across the site which will enhance biodiversity and make this an attractive site for visitors and tourists to Midlothian.

The Council's own Landscape Officer did not object to the siting, design or materials put forward (**Document 8**) and there were no objections from members of the public to either of the applications now subject of appeal.

- **Siting of the two holiday lodges**

The officers insisted that the two lodges be sited parallel with the track running along the southwestern site set back only 1m from the track edge. This is based on their view that there is a "general pattern" in the area of buildings being parallel with roads. There are the following objections to this requirement:

1. There is no "general pattern" in the area of all buildings being parallel with roads/tracks.
2. A 1m set-back from the road is an unreasonably small distance and would mean a loss of amenity and privacy for visitors staying in the lodges.
3. The lodges are for use by visitors/tourists who wish to gain the most of views south/southeast from the accommodation and maximise exposure to sunshine. The proposed siting, parallel with the tree belt, offers both of these advantages without impinging on anyone's privacy or harming the landscape.

The case officer wishes to impose a theoretical siting which does not reflect a general pattern of building lines in or around Peggyslea. Not only is this unnecessary and unreasonable, but a set-back of only 1m would create an unattractive character which would put off potential visitors/tourists. This insistence on the part of the case officer reveals an absence of commercial and practical realism which is staggering.

The lodges are luxury accommodation and aimed at attracting visitors/tourists who will spend money in the Midlothian economy. Each lodge represents a significant investment on the appellant's part. The requested siting parallel with the tree shelter belt represents the best location within the site to attract visitors/tourists.

- **Design and materials**

The appellant has carefully selected a lodge design of high quality and visitor comfort which will complement and add to the attraction of their existing business. The proposed lodges would provide self-catering accommodation and respond to enquiries about providing this type of accommodation from customers using the existing B&B facilities.

The lodges are of timber construction with wooden shingle roof tiles and have two bedrooms within the roof and dormers. The front of each lodge features a full height glazed feature with pitched roof. There are areas of decking at front and rear to enable access from rooms on the ground floor (see drawings and photograph of an existing lodge in **Document 2** and in **Document 12**).

All external elevations would have a dark stain applied to assist in blending the new lodges into their context. The staining would be similar to that used at "Newrigg" which is the nearest residential property (photograph of gable and elevation of "Newrigg" shown on Landscape Layout drawing 1773/01 A in **Document 6**.)

## **8.0 Rebuttal of refusal reasons – 22/00040/MSC and 22/00054/MSC**

The Delegated Worksheet (**Document 11**) for the two applications contains points which need to be addressed and the appellant's responses are set out below.

**Request for an updated condition matrix.** The report states that an updated condition matrix has not been submitted to reflect the submission of the revised Landscape and Visual Appraisal i.e., **Document 6**. This was unnecessary and is not a statutory requirement or Council policy requirement. The officers are fully aware of the conditions which are subject of the MSC applications and indeed acknowledge submission of the amended LVIA. No additional conditions on the PPP are affected and the comment about the condition matrix is pedantic.

**"..... the lodges should be positioned to face the road as this would better reflect development in the wider area."** The appellant disagrees with this request for the reasons stated above. The presence of the mature tree belt adjacent to the northwest boundary of the site is a significant feature and should dictate the siting of the lodges **not** the access track.

**"Site plan 1773/02A makes reference to bin stores but no details have been submitted. Also, it is not clear if new means of enclosure are proposed at the site".** The drawing referred to (see **Document 6**) shows the location of a "Timber Bin Enclosure for 2 no. 140 litre wheelie bins located at entrance" of the site. Details of the timber bin enclosure can be

submitted to the Council for approval assuming this appeal against refusal of 22/00054/MSC is allowed. This is a minor aspect of the overall proposals and no request was made for submission of these details by the case officer either before or after the amended Planting Plan 1773/02 A was submitted in July.

The report states that it is not clear if new means of enclosure are proposed at the site. There is already fencing around the site's boundaries; no changes are proposed.

**“The proposed lodges are not in keeping with and would detract from the character and appearance of the surrounding rural area.”**

The design criticisms are addressed above. The appellant has stated clearly that a dark wood stain would be applied to all external timber elevations. What “further details” does the case officer require? If it is a manufacturer's name and specification of the proposed staining then this can be controlled in a condition imposed in allowing this appeal.

There is also an allegation that “no details of the materials or colour of the roof, the window frames, doors or area of decking and stairs” has been provided. The appellant clearly stated in the Planning Statement accompanying the submissions for both applications that the lodges were to be made from timber. The amended LVIA stated clearly that the external elevations would be painted with a dark wood stain. It is misleading and unreasonable to suggest that the applicant has provided inadequate detail when the case officer has had ample opportunity (since January 2022) to request such information. This criticism of the case officer also applies to the comment about the colour of the gravel surface.

**“...inadequate details of the type of bat and swift boxes proposed and their exact location on the lodges have been submitted”.**

Details of the integrated bat and swift boxes are set out on pages 5 and 6 (Section 3.2 Possible Further Mitigation and Enhancement Measures) of the amended LVIA, June 2022. See **Document 6**. It is untrue to suggest that inadequate details of these measures have been submitted. The location of the boxes on the two lodges are shown on drawing 1773/02A in **Document 6**.

**“Improved spacing and distribution of the 3 proposed beech trees at the northern boundary to be improved to a minimum of 8-10 metres distance between trees, to allow for their substantial mature size.”**

Brindley Associates, who prepared the amended LVIA, maintain that their Planting Plan (drawing 1773/02A, **Document 6**) is appropriate for the site and do not agree with the above comment.

There is also reference to the need for a tree survey of land outside the appeal site to be undertaken and potentially additional/replacement planting to be carried out within the tree belt. This request relates to land outside the appeal site and is a matter for the appellants to

carry out if they wish to. These appeals should be determined on the basis of the information that has been submitted. The Council's request for works outside the appeal site does not relate to the proposals subject of this appeal.

The Council refers to an absence of details of protective fencing around trees in the submission. There are no trees on the appeal site and so this request/requirement is unnecessary and does not relate to the appeal site. It therefore fails the tests in Circular 4/1998.

**"...the Landscaping Officer requires an additional number of native trees to be included within the proposals for boundary planting, notably along the southern boundary interface with the existing access track."**

Brindley Associates who prepared the amended Planting Plan (**drawing 1773/02A, Document 6**) maintain that their proposals for new trees near the access and a native species – based hedge along the southern boundary are appropriate for the site and do not agree with the above comment. The proposals will make a significant contribution to enhancement of biodiversity and are appropriate for the site.

For all of the above reasons, we request that these appeals against refusal of 22/00040/MSC and 22/00054/MSC are allowed.

**Andrew McCafferty Associates**

**August 2022**

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## MEMORANDUM

**To:** Ms Mhairi-Anne Cowie, Planning Officer, Planning & Development

**From:** Mr Jim Gilfillan, Consultant - Policy & Road Safety, Corporate Resources

**Your Ref:** Planning Application Number : 22/00054/MSC

**Date:** 28 February 2022

**Subject:** **ERECTION OF 2 HOLIDAY LODGES (APPROVAL OF MATTERS SPECIFIED IN CONDITION 1A, 1C, 1D, 1E AND 1I OF PLANNING PERMISSION 21/00330/PPP  
LAND 170M EAST OF NEWRIGG, NINE MILE BURN, A702**

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Following consideration of drawing no. 1773 / 02 I consider that the following conditions have been met:

- 1(a)
- 1(d)

## Andrew McCafferty

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**From:** Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>  
**Sent:** 20 April 2022 16:27  
**To:** Andrew McCafferty  
**Subject:** Applications 22/00040/MSC and 22/00054/MSC Land 170m East of Newrigg, Nine Mile Burn, Penicuik

Good afternoon Andrew,

I refer to the above applications to address conditions 1a, 1c, 1d, 1e, 1i and 2 of planning permission 21/00330/PPP.

Could you please provide me with an update on when you expect to submit the amended plans we have previously discussed?

I have received the following comments from the Landscape Officer which require some changes and additional information that should be included as part of the revised plans.

*In terms of condition 1i, the Landscape and Visual Appraisal (LVA) allows the proposals to be considered within the immediate and surrounding local context. With regard to the proposed landscape plans (Landscape Layout dwg. 1773/01 and Planting Plan dwg. 1773/02) it is noted that:*

- *Proposed layout, plant species/mixes and sizes are generally acceptable.*
- *Spacings/distribution of 3no. proposed beech trees (*Fagus sylvatica*) at northern boundary should be improved to min. 8 - 10m distance between trees, to allow for their substantial mature size.*
- *The submitted Planting Notes and Landscape Maintenance and Management proposals are acceptable.*

*In terms of condition 2, this requires that the proposed landscape scheme for the development includes details of boundary planting comprising native species to allow it to be suitably integrated within its surroundings.*

- *The proposed native hedgerow mix, plant sizes and planting density for hedgerows is generally acceptable.*
- *Proposed tree species and sizes are acceptable. However, it is requested that an additional number of native trees is included within the proposals for boundary planting, notably along the southern boundary interface with the existing access track.*
- *See note regarding spacings of 3no. beech trees under Condition 1i.*

*It is advised that a Tree Survey is carried out of mature trees within the tree belt adjoining the site (if this has not been completed within the past two years) in order to monitor tree condition. It is expedient, in the interest of safety, to complete any recommended tree works ahead of the proposed holiday lodges being brought into use.*

I look forward to hearing when you expect to submit these amended plans within seven days of the date of this email.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie  
Planning Officer: Local Developments  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
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(please note that due to the Coronavirus outbreak I am currently working remotely and unable to access telephone messages or paper submissions to the office)

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# Scottish Planning Policy



- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

## Promoting Rural Development

### NPF Context

**74.** NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

### Policy Principles

**75.** The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

### Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)<sup>40</sup>
- National Marine Plan

### Delivery

**76.** In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

**77.** In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

**78.** In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

<sup>40</sup> [www.scotland.gov.uk/Publications/2011/03/17091927/0](http://www.scotland.gov.uk/Publications/2011/03/17091927/0)



rural

location

design

sustainability



Planning Advice Note

# housing

in the countryside



**housing in the countryside** the intention is to create more widespread good quality rural housing which respects the Scottish landscape



## Some landscape considerations

**Location within the landscape** – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.



**Woodlands** – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.



**New planting** – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.



**Boundary treatments** – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 22/00040/MSC & 22/00054/MSC

**Site Address:** Land 170M East of Newrigg, Nine Mile Burn, Penicuik.

**Site Description:** The application site comprises an area of hardstanding next to fields and surrounded by countryside. There are some trees to the north and southeast, with open fields around the remainder of the site. The site is flat, as is the land to the north and west and undulating to the east and south. A large amount of the land surrounding the site is under the control of the applicant, alongside a B&B to the northwest. The site is accessed from the A702 by a track that serves the B&B, another house to the northwest and one house to the southeast.

**Proposed Development:**

22/00040/MSC Erection of 2 holiday lodges (approval of matters specified in condition 2 of planning permission 21/00330/PPP).

22/00054/MSC Erection of 2 holiday lodges (approval of matters specified in condition 1a, 1c, 1d, 1e and 1i of planning permission 21/00330/PPP).

**Proposed Development Details:** These current applications are to approve conditions attached to planning permission in principle 21/00330/PPP, which approved planning permission in principle for the erection of two holiday lodges. These conditions are as follows:

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
  - a) A detailed layout plan of the site, showing the siting of the holiday lodges, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - c) Detailed plans, sections and elevations of the holiday lodges, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts; and
  - i) Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

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

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

2. The scheme of landscaping approved in accordance with condition 1i) shall include details of boundary planting to integrate the development into the surrounding area which shall be native species.

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

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

21/00330/PPP Application for planning permission in principle for the erection of 2 holiday lodges. Consent with conditions – standard PPP ones; landscaping; archaeology; limit on length of stay; restriction on area of development.

**Consultations:** 22/00054/MS – The Council's **Policy and Road Safety Manager** states conditions 1a and 1d have been met by the information submitted.

**Representations:** No representations have been received (05/07).

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

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

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

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

**VIS2 Tourist Accommodation** states proposals for the development of hotels or self-catering tourist accommodation will be supported, provided the proposal: is in a scale and in keeping with the character or the local area; is sited and designed to respect its setting and is located in an unobstructed manner within the rural landscape; is well located in terms of the strategic road network and maximises public transport access; and is in accordance with the following.

Proposals for self-catering tourist accommodation will be permitted where: the proposal is not within the Green Belt unless linked to some related existing development; the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business;



**RD1 Development in the Countryside** states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour. In the case of businesses, these should not be primarily of a retail nature and shall not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

**ENV6 Special Landscape Areas** states development proposals in such areas will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the special landscape qualities of the area; and

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

**Scottish Planning Policy** states that all rural and island areas should promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. The siting and design of development should take account of local landscape character.

**Planning Advice Note 72: Housing in the Countryside** sets out design principles that should be considered in such applications, including siting, design and materials. This states individual houses shall be planned, with location carefully selected and design appropriate to locality. It is crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings. If a proper fit in the landscape is not achieved, then even a well-designed building can fail. It must be informed by and respond to the landscape, rather than being a house which is designed without regard to the context and placed within a site. Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. Attention should be paid to established building lines and orientation of any buildings in the area. Views to and from the site should be maximised, but not at the expense of good design. Rural architecture in Scotland is derived largely from the simplicity of the form and proportion and in the arrangement of doors and windows. Traditional Scottish style has sometimes been diluted by modern designs which do not always reflect the historic scale and proportions. There is a need for sensitive designers to tackle this. The main objective should be to adapt

the best from the local elements and to interpret traditional shapes and sizes into a modern context.

**Planning Issues:** The grant of planning permission in principle 21/00330/PPP established the principle of two holiday lodges at this site. The current applications being assessed relate to the details required to discharge conditions 1a, 1c, 1d, 1e, 1i and 2. Conditions 3, 6 and 7 cannot be addressed by an MSC application but are to be complied with through the submitted design and when the development proceeds. Since the original application was submitted, a revised High Level Landscape and Visual Appraisal including plans 1773/01 A and 1773/02 A has been submitted. An updated condition matrix has not been submitted to reflect this.

**Matter 1a - considered in application 22/00054/MS:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: A detailed layout plan of the site, showing the siting of the holiday lodges, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A.

**Decision:** Refused.

**Reason for decision:** Policy and guidance states the siting and design of development should take account of local landscape character and individual houses shall be planned, with location carefully selected and design appropriate to locality. It is crucial the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings. Attention should be paid to established building lines and orientation of any buildings in the area.

Taking this into consideration, the lodges should be positioned to face the road as this would better reflect development in the wider area. The general character of houses in the surrounding area and Ninemileburn are for these to largely address the road they are accessed from. These are either with front elevations or gables, with most relatively close to the road. The case officer raised concerns over the position of the lodges at an early stage, having previously raised these with the agent for 21/00330/PPP. The applicant's agent agreed to amend the position of the lodges to address these concerns. However the revised plans show the lodges positioned parallel to the west boundary, perpendicular to the road. This repositioning does not reflect the general character of houses in the surrounding area and is not supported.

The details of the vehicular access and parking within the site is acceptable in terms of road safety.

Site plan 1773/02A makes reference to bin stores but no details have been submitted. Also it is not clear if new means of enclosure are proposed at the site.

The position of the lodges does not respect or reflect the general character of houses in the area and so is contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning

Advice Note 72: Housing in the Countryside. Also inadequate details of any means of enclosure or bin stores have been submitted.

**Matter 1c - considered in application 22/00054/MSC:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Detailed plans, sections and elevations of the holiday lodges, indicating the colour and type of materials to be used on the external walls, roof and windows.

**Submission:** Elevations; floor plan; cross section; photo of proposed lodge; document 10 – no details submitted for this but agent confirmed this was a typo and relates to the details of a similar lodge in Biggar. High Level Landscape and Visual Appraisal makes reference to colour stain of walls.

**Decision:** Refuse.

**Reason for decision:** Policy and guidance states the siting and design of development should take account of local landscape character, with individual houses planned with design appropriate to locality. It is crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings. It must be informed by and respond to the landscape, rather than being a house which is designed without regard to the context and placed within a site. Scottish rural architecture is derived largely from the simplicity of the form and proportion and in the arrangement of doors and windows. Traditional Scottish style can be diluted by modern designs which do not reflect the historic scale and proportions. New houses adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context.

The proposed lodges are relatively large and bulky, of an unusual scale and proportions with projecting areas and dormer features. These appear to be standard kit lodge, rather than designed for the specific site or local vernacular. The case officer raised concerns at an early stage over the design of the lodges for these reasons, with large projecting sections and dormer features more alpine in style. They recommended the lodges be either traditional in design to reflect the rural area or to be contemporary but still of a scale, design and materials to reflect the area. Either of these design approaches could be more suitable in this sensitive rural area than that proposed. The applicant's agent agreed to amend the design of the lodges to address these concerns and suggested a farm worker cottage style. However amended plans were not submitted and the revised plans and photomontages show the lodges as originally proposed. The proposed lodges are not in keeping with and would detract from the character and appearance of the surrounding rural area.

The plans state that the elevations of the lodges are to be timber with a dark wood stain. No further details have been provided. There are no details of the materials or colour or the roof, the window frames, doors or area of decking and stairs.

The design of the proposed lodges are out of character with the vernacular of the area and have not been designed to reflect the area. These would detract from the surrounding rural area and so are contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the proposed materials have been submitted.



**Matter 1d - considered in application 22/00054/MSC:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of all hard surfacing and kerbing.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A.

**Decision:** Refuse.

**Reason for decision:** The plans state a gravel surface to access and car parking spaces of a colour to match the architectural finish of the lodges. The gravel is to be edged with timer on both sides.

The details of the vehicular access and parking within the site is acceptable in terms of road safety.

As considered in Matter 1c, the materials and colours of the lodges are not clear. It is therefore not clear what the gravel surface would match.

Inadequate information has been submitted to fully consider this condition. Therefore this matter is not approved.

**Matter 1e - considered in application 22/00054/MSC:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A. Planting Notes and Landscape Maintenance and Management Proposals makes reference to bat and swift boxes.

**Decision:** Refuse.

**Reason for decision:** The Landscape and Visual Appraisal and detailed landscape proposals set out measures to enhance biodiversity and include native tree and hedgerow planting, along with the use of pollinator and species rich grass mixes. The submissions make reference to bat and swift boxes. It is not clear what is being proposed or their position on the lodges.

Whilst the majority of information addresses this condition, inadequate details of the type of bat and swift boxes proposed and their exact location on the lodges have been submitted. Therefore this matter is not approved.

**Matter 1i - considered in application 22/00054/MSC:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

**Submission:** 1773/01 A; 1773/02 A; Planting Notes and Landscape Maintenance and Management Proposals.

**Decision:** Refuse.

**Reason for decision:** Policy and guidance state it is crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings. Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised.

A comprehensive Landscape and Visual Appraisal allows the proposals to be considered within the immediate and surrounding local context. The proposed layout of planting, plant species/mixes and sizes are generally acceptable. The submitted Planting Notes and Landscape Maintenance and Management proposals are generally acceptable.

The Landscape Officer requested alterations to improve the landscaping prior to the amended site plan being submitted, to allow these to be accommodated in the revised plans. This included improved spacing and distribution of the 3 proposed beech trees at northern boundary to be improved to a minimum of 8 – 10 metres distance between trees, to allow for their substantial mature size. A Tree Survey of mature trees within the tree belt adjoining the site to monitor tree condition was also requested, if one has not been completed within the past two years. In the interest of safety, any recommended tree works should be carried out before the proposed holiday lodges being brought into use. While this is outwith the application site, these are on land under the control of the applicant. The condition of these trees is of importance given their proximity to the lodges and potential for these to damage them. This would also allow an opportunity for additional or replacement planting to be carried out here to help maintain the rural character of the area, or at the very least ensure that the proposed works do not result in the loss of mature, established trees, which would be of significant concern in this climate emergency where mature trees should be retained, protected and enhanced where possible.

These comments were passed to the applicant's agent before the amended plans were submitted but have not been taken into consideration in the revised plans.

The submissions make reference to protective fencing around trees but no details of this, including design or position, have been submitted.

The submitted landscaping details and information does not demonstrate to the satisfaction of the planning authority that the proposals sufficiently contribute to the local landscape character or allow the development to be suitably integrated within its setting. This is contrary to policies RD1, ENV6 and ENV11 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the required protective fencing have been submitted.

**Matter 2 - considered in application 22/00040/MSC:** The scheme of landscaping approved in accordance with condition 1i) shall include details of boundary planting to integrate the development into the surrounding area which shall be native species.

**Submission:** Planning Statement; High Level Landscape and Visual Appraisal; Planting Notes and Landscaping Maintenance and Management Proposals;

elevations; floor plans; cross sections; photos of proposed lodge; photos of house in area; details of lodge in Biggar.

**Decision:** Refuse.

**Reason for decision:** Policy and guidance state it is crucial that the proposed location and siting of new housing considers the impact on the landscape, in terms of both immediate and wider surroundings.

The proposed native hedgerow mix, plant sizes and planting density for hedgerows is generally acceptable, as is the proposed tree species and sizes. However the Landscape Officer requires an additional number of native trees be included within the proposals for boundary planting, notably along the southern boundary interface with the existing access track. This is to allow the development to make a greater contribution to the local landscape setting.

These comments were forwarded to the applicant's agent before the amended plans were submitted but have not been taken into consideration in the revised plans.

The submitted landscaping details and information does not demonstrate to the satisfaction of the planning authority that the proposals sufficiently contribute to the local landscape character or allow the development to be suitably integrated within its setting. This is contrary to policies RD1, ENV6 and ENV11 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the required protective fencing have been submitted.

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Appendix D 

**Reg. No. 22/00040/MS**

Andrew McCaffery Associates  
Burn House  
Collessie  
Fife  
KY15 7TQ

Midlothian Council, as Planning Authority, having considered the application by Peggyslea Farm, Nine Mile Burn, Penicuik, EH26 9LX, which was registered on 24 January 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of 2 holiday lodges (approval of matters specified in condition 2 of planning permission 21/00330/PPP) at Land 170M East of Newrigg, Nine Mile Burn, Penicuik**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
High Level Landscape And Visual Appraisal		16.06.2022
Proposed Elevations	1:100	24.01.2022
Proposed Floor Plan	1:100	24.01.2022
Proposed Cross Section	1:50	24.01.2022
Illustration/Photograph	Doc 8	24.01.2022
Planting Notes And Landscape		24.01.2022
Maintenance And Management Proposals		
Planning Statement		24.01.2022

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

**Matter 2:** These scheme of landscaping approved in accordance with condition 1i) shall include details of boundary planting to integrate the development into the surrounding area which shall be native species.

**Submission:** Planning Statement; High Level Landscape and Visual Appraisal; Planting Notes and Landscaping Maintenance and Management Proposals; elevations; floor plans; cross sections; photos of proposed lodge; photos of house in area; details of lodge in Biggar.

**Decision:** Refused.

**Reason for decision:** *The submitted landscaping details and information does not demonstrate to the satisfaction of the planning authority that the proposals sufficiently contribute to the local landscape character or allow the development to be suitably integrated within its setting. This is contrary to policies RD1, ENV6 and ENV11 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the required protective fencing have been submitted.*

Dated 18/ 07/2022

A handwritten signature in black ink, appearing to read 'MZA', is positioned above a dotted line.

.....  
Matthew Atkins  
Lead Officer – Planning Obligations  
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](mailto:planningconsultation@coal.gov.uk)  
Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**STANDING ADVICE**

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

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

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

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



**Reg. No. 22/00054/MSC**

Andrew McCafferty Associates  
Burn House  
Collessie  
Fife  
KY15 7RQ

Midlothian Council, as Planning Authority, having considered the application by Peggyslea Farm, Nine Mile Burn, Penicuik, EH269LX, which was registered on 21 January 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of 2 holiday lodges (approval of matters specified in condition 1a, 1c, 1d, 1e and 1i of planning permission 21/00330/PPP) at Land 170M East of Newrigg, Nine Mile Burn, Penicuik**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
High Level Landscape And Visual Appraisal		16.06.2022
Proposed Elevations	1:100	21.01.2022
Proposed Floor Plan	1:100	21.01.2022
Proposed Cross Section	1:50	21.01.2022
Illustration/Photograph	Doc 8	21.01.2022
Planting Notes And Landscape		21.01.2022
Maintenance And Management Proposals		
Planning Statement		21.01.2022

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

**Matter 1a:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: A detailed layout plan of the site, showing the siting of the holiday lodges, details of vehicular access and parking provision within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A.

**Decision:** Refused.

**Reason for decision:** *The position of the lodges does not respect or reflect the general character of houses in the area and so is contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of any means of enclosure or bin stores have been submitted.*

**Matter 1c:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Detailed plans, sections and elevations of the holiday lodges, indicating the colour and type of materials to be used on the external walls, roof and windows.

**Submission:** Elevations; floor plan; cross section; photo of proposed lodge; document 10 – no details submitted for this but agent confirmed this was a typo and relates to the details of a similar lodge in Biggar. High Level Landscape and Visual Appraisal makes reference to colour stain of walls.

**Decision:** Refuse.

**Reason for decision:** *The design of the proposed lodges are out of character with the vernacular of the area and have not been designed to reflect the area. These would detract from the surrounding rural area and so are contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the proposed materials have been submitted.*

**Matter 1d:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of all hard surfacing and kerbing.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A.

**Decision:** Refuse.

**Reason for decision:** *Inadequate information has been submitted to fully consider this condition. Therefore this matter is not approved.*

**Matter 1e:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts.

**Submission:** High Level Landscape and Visual Appraisal including landscape layouts 1773/01 A and 1773/02 A. Planting Notes and Landscape Maintenance and Management Proposals makes reference to bat and swift boxes.

**Decision:** Refuse.

**Reason for decision:** *Inadequate information has been submitted to fully consider this condition and address the impact on the bio-diversity in the surrounding area. Therefore this matter is not approved.*

**Matter 1i:** Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority: Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

**Submission:** 1773/01 A; 1773/02 A; Planting Notes and Landscape Maintenance and Management Proposals.

**Decision:** Refuse.

**Reason for decision:** *The submitted landscaping details and information does not demonstrate to the satisfaction of the planning authority that the proposals sufficiently contribute to the local landscape character or allow the development to be suitably integrated within its setting. This is contrary to policies RD1, ENV6 and ENV11 of the*



*adopted Midlothian Local Development Plan 2017, Scottish Planning Policy and Planning Advice Note 72: Housing in the Countryside. Also inadequate details of the required protective fencing have been submitted.*

Dated 18/ 07 /2022

A handwritten signature in black ink, appearing to read 'M. A.', is positioned above a dotted line.

.....  
Matthew Atkins  
Lead Officer – Planning Obligations  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal  
Authority**

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

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Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **STANDING ADVICE**

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

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

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

PLANTING SCHEDULE

TREES						
CODE	SPECIES	SPECIFICATION	GIRTH	HEIGHT	DENSITY	NUMBER
Ag1	Alnus glutinosa	Heavy Standard: 5 brks: 3x: B: Clear Stem min. 200cm	12-14cm	350-425cm	Counted	2 No.
Bpe	Betula pendula	Heavy Standard: 5 brks: 3x: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	2 No.
Fs	Fagus sylvatica	Heavy Standard: 5 brks: 3x: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	3 No.
Sau	Sorbus aucuparia	Heavy Standard: 5 brks: 3x: B: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	2 No.

INDIGENOUS HEDGE						
CODE	SPECIES	SPECIFICATION	% MIX	HEIGHT	DENSITY	NUMBER
Ac	Acer campestre	1+1: Transplant - seed raised: B	25	60-80cm	5/m	123 No.
Cmo	Crataegus monogyna	1+1: Transplant - seed raised: B	25	60-80cm	5/m	123 No.
Fs	Fagus sylvatica	1+1: Transplant - seed raised: B	10	60-80cm	5/m	50 No.
la	Ilex aquifolium	Bushy: 2 brks: C: 2L	5	30-40cm	5/m	25 No.
Psp	Prunus spinosa	1+1: Transplant - seed raised: Branched: 2 brks: B	35	60-80cm	5/m	172 No.

FORMAL HEDGE - Hedgerow separating lodge plots						
CODE	SPECIES	SPECIFICATION	POT SIZE	HEIGHT	DENSITY	NUMBER
Cbe	Carpinus betulus	1+1: Transplant - seed raised: Branched: 3 brks: C	-	60-80cm	7/m	90 No.

BULBS					
CODE	SPECIES	SPECIFICATION		DENSITY	NUMBER
NFG	Narcissus 'February Gold'	Grade 10/12		25/m²	236 No.

WILDFLOWERS - POLLINATOR'S PARADISE (W/Fg) FROM GERMINAL OR SIMILAR APPROVED SPECIES			MIXTURE BREAKDOWN	
SPECIES				
Echinacea			5.0%	
R. adaeckia Hirta			5.0%	
C. oreopsis lanceolata			4.0%	
Cosmos "sensation mix"			2.0%	
R. blanda pinnata			3.0%	
S. monochitum laeve			2.0%	
D. giralis ou purea			2.0%	
L. latris purcata			1.0%	
L. leucanthemum x superbum			10.0%	
Papaver rhoeas			10.0%	
Vicia sativa			7.0%	
Achillea millefolium			5.0%	
Trifolium repens			5.0%	
L. corniculatus			9.0%	
C. calendula art. snodes			7.0%	
N. gella oxford blue			5.0%	
A. ostemma cithrago			11.0%	
Oenothera biennis			2.0%	
H. elopis helianthoides			2.0%	
Trifolium pratense			2.0%	
Phacelia lankefilia			1.0%	


Sowing rate 1-2 g/m²

ECO SPECIES RICH LAWN (W/Fg20) FROM GERMINAL OR SIMILAR APPROVED


SPECIES	MIXTURE BREAKDOWN
Leontodon autumnalis	0.5%
L. corniculatus	0.5%
Medicago lupulina	1.0%
Agrostis capillaris	5.0%
Pimpinella saxifraga	0.2%
Hypochaeris radicata	0.2%
Festuca rubra commutata	10.0%
C. entaurea nigra	2.0%
C. erantum fontanum	0.2%
P. munda veris	0.1%
Agrostis stolonifera	2.5%
Ranunculus repens	2.3%
Taraxacum officinale	0.3%
L. unum usitatissimum	1.2%
Galium verum	1.2%
Lolium perenne	2.5%
Stilene dioica	2.0%
Trifolium pratense	2.0%
Plantago lanceolata	1.0%
Poa trivialis	5.0%
P. urvillei	0.9%
Festuca ovina	20.0%
Festuca rubra italica	12.5%
Scabiosa columbiana	0.2%
Poa pratensis	5.0%
Festuca rubra rubra	15.0%
Phleum bertolonii	2.5%
Trifolium repens	2.0%
Daucus carota	1.0%
Teucrium scordonia	0.5%
Achillea millefolium	0.5%
R. hianthus minor	0.2%

Sowing rate 20 g/m²

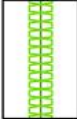
Legend




Proposed tree planting in 1m diameter weed free circles




Proposed tree planting in native species based proposed hedgerow




Proposed native species based hedge planting




Proposed close mown grass (see planting schedule)




Proposed long grass (see planting schedule)




Proposed interface between different mowing regimes




Proposed bulb planting (see planting schedule)




Proposed gravel for access / car parking spaces, edged both sides with a 35mm timber edge



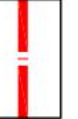
Timber Bin Enclosure for 2 no 140 litre wheelite bins



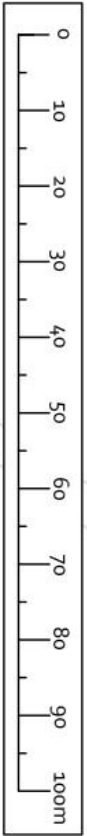
Swift Box



Bat Box



Site boundary



General Notes

1. Prior to commencement of any work on site, protective fencing must be erected around existing trees to be retained in accordance with BS 5837:(2012).
2. Prior to any deep cultivation or excavation of planting pits the landscape contractor must check with the site manager / engineer for exact locations of any underground services.
3. Some tree positions may have to be amended to accommodate any amendments to locations of services.
4. For information on surface materials & details of hard landscape features such as walls & fences refer to architect's drawings.
5. For information on levels & drainage refer to engineer's drawings.
6. Limited information with regard to levels, drainage & underground services was available to us at time of preparation of drawing.
7. Only proposed planting has been shown on drawings 1773-01/02.
8. Refer to separate A4 document for Management and Maintenance.

Project: **Peggyslea Farm, Nine Mile Burn**

Drawing Title: **Landscape Layout**

Scale: **1:1000 @ A3**

Drawing No: **1773/01**

Drawn by: **C Rigby**

Client: **Mr and Mrs Noble**

Date: **04 / 11 / 2021**

Status: **Planning**

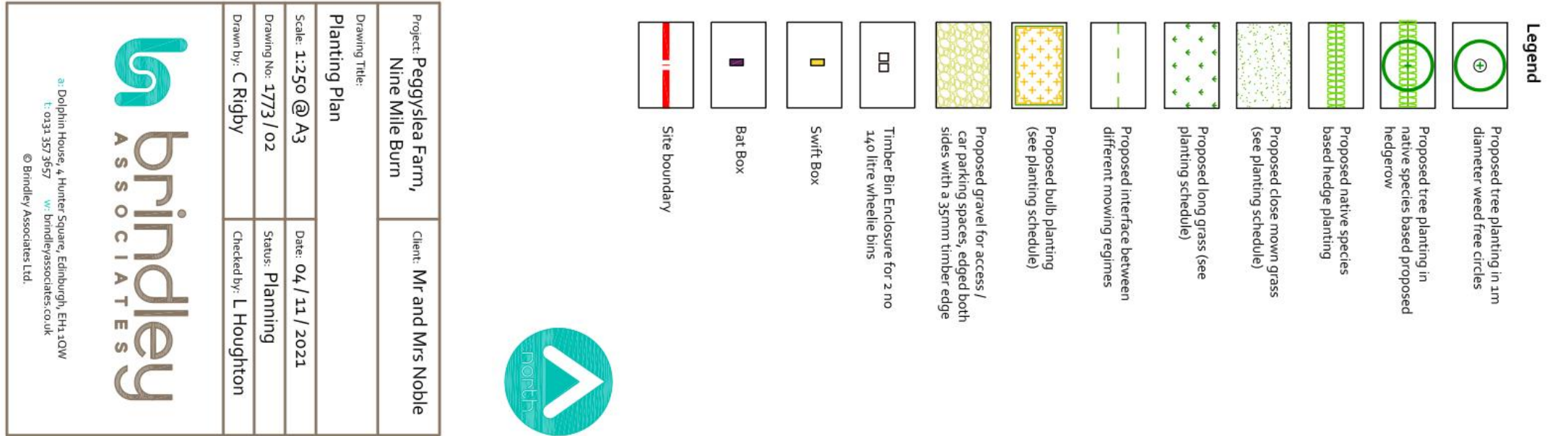
Checked by: **L Houghton**



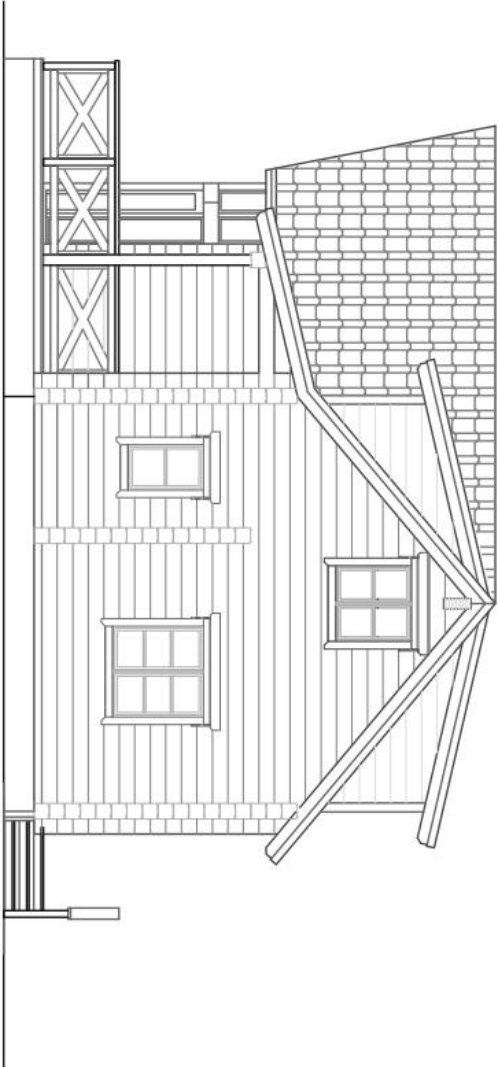
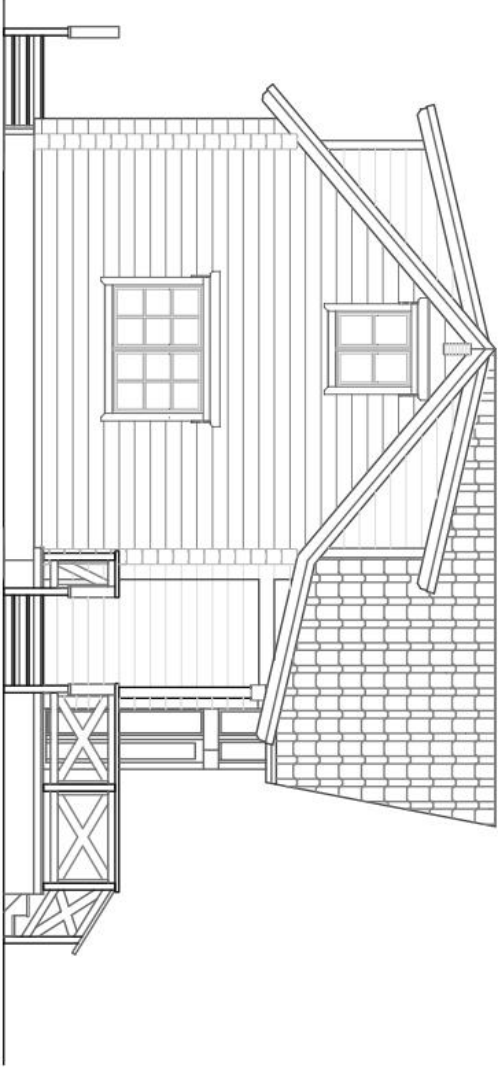
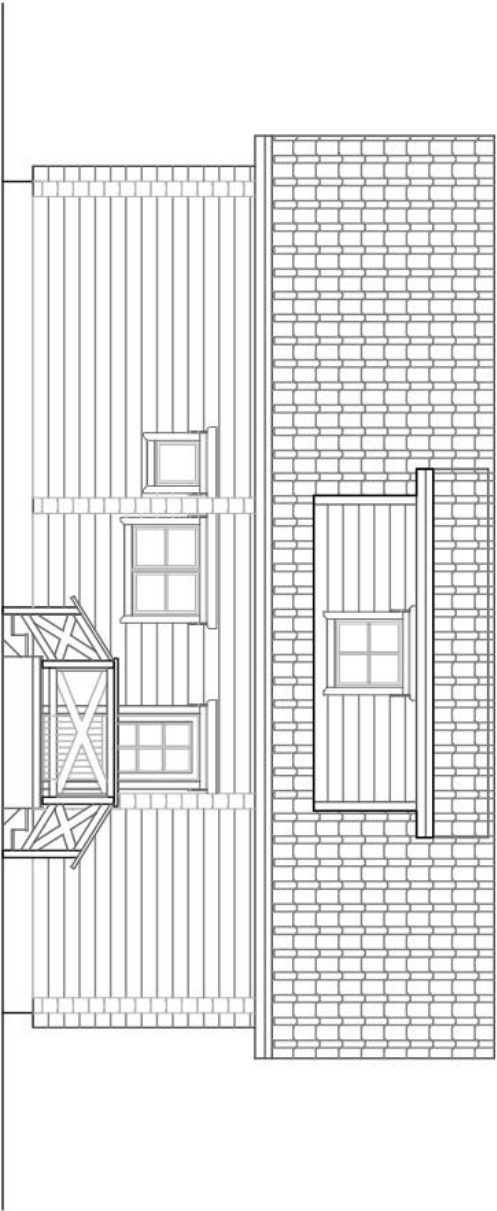
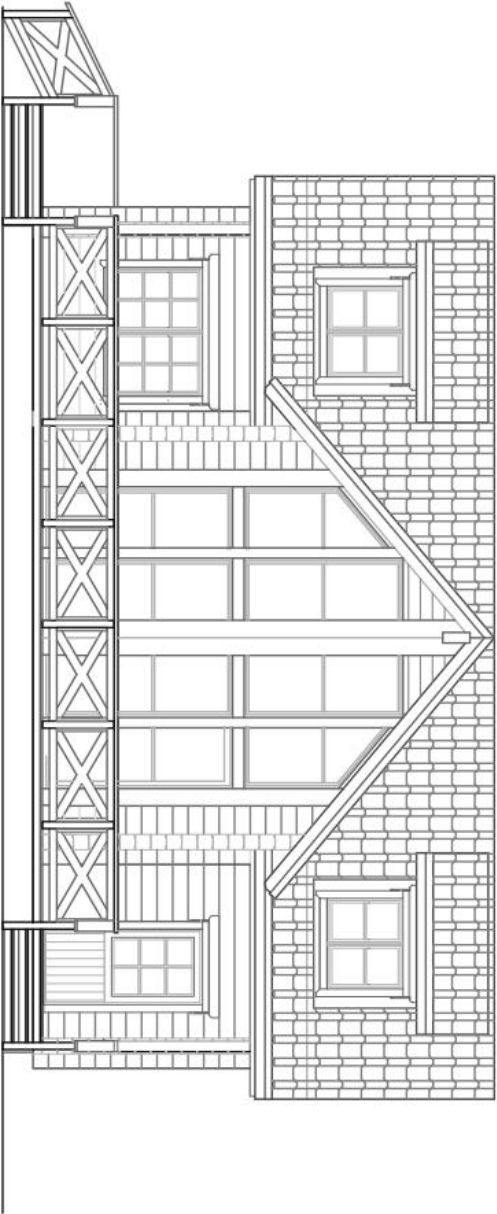
**brindley**  
ASSOCIATES

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House SDI11A

No: 2.

Elevation

1:100

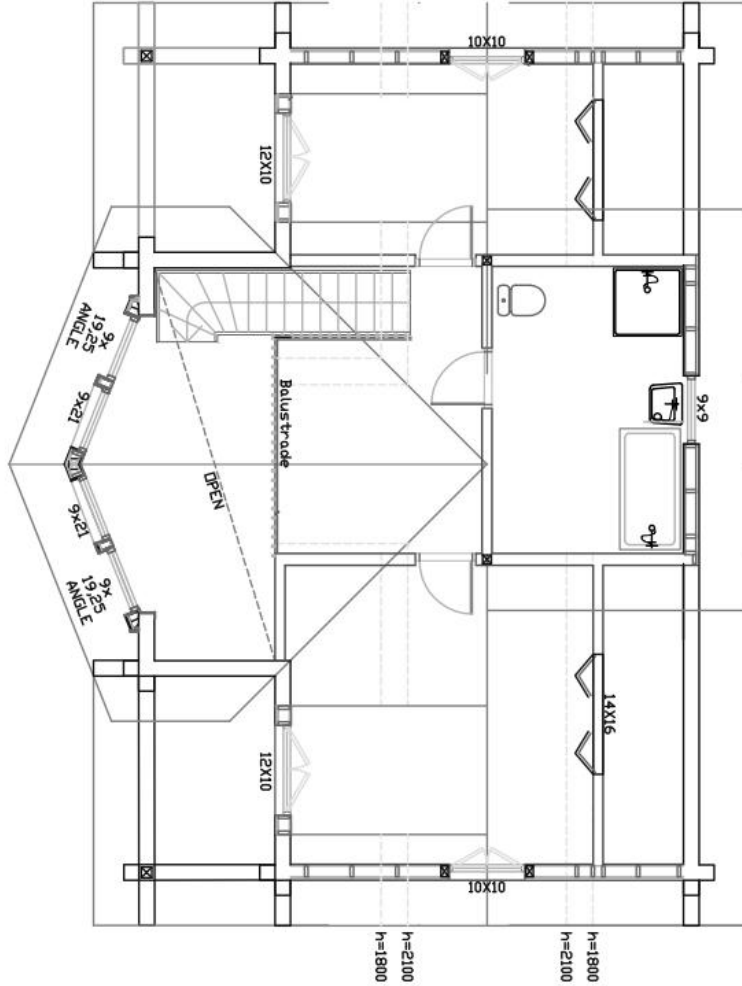
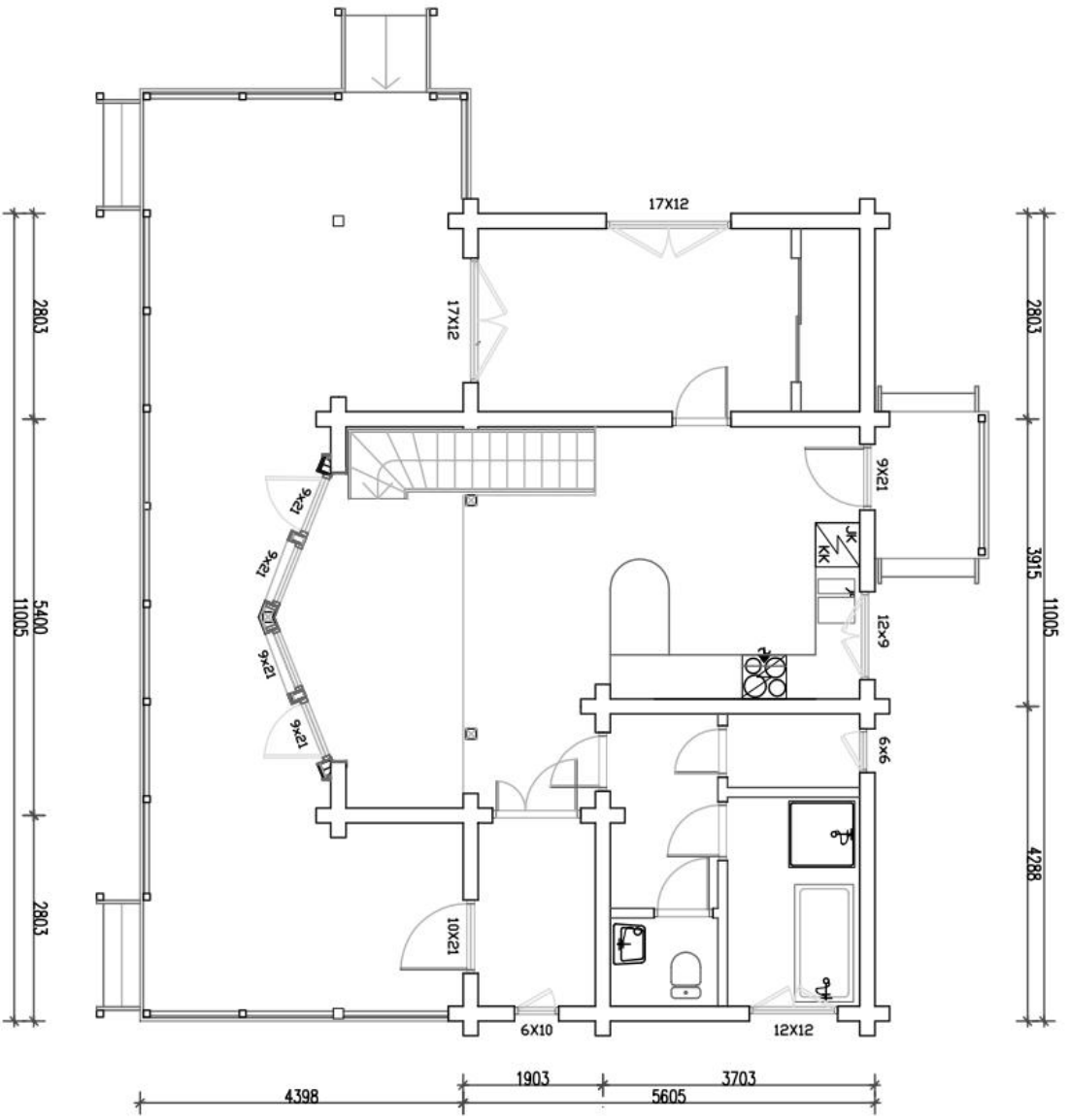
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Date: 15.11.2010

Worknumber

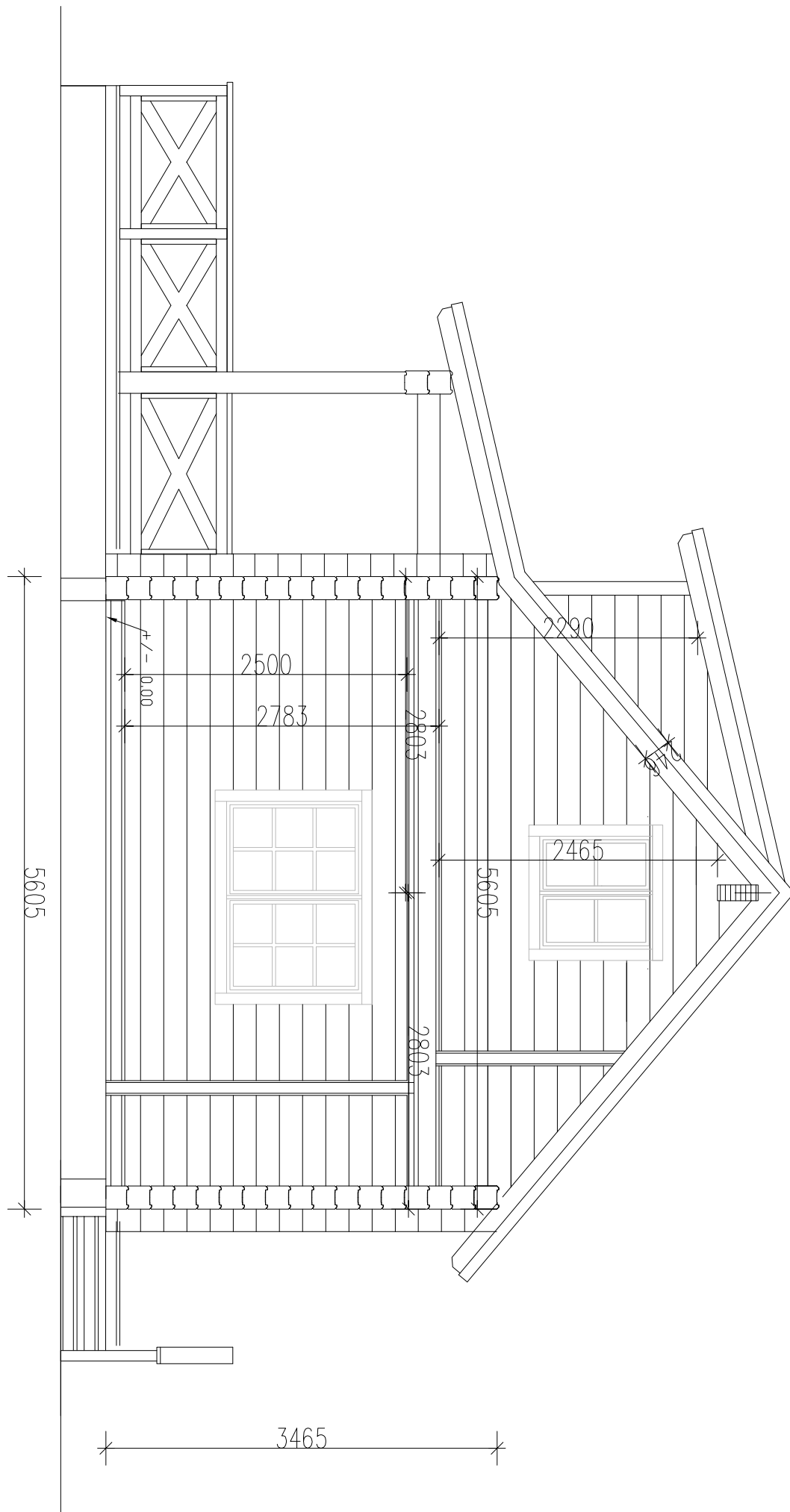
Check



House SDIHA		No:	1.
Floor plan		1:100	
Worknumber		Check	
Designer: hirsiset hirsiset@hirsiset.com Date: 15.11.2010			

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Bizzyberry Lodge, Biggar





