

Notice of Meeting and Agenda



Local Review Body

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

Date: Monday, 17 June 2024

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- 4.1** Minute of the Local Review Body Meeting of 13 May 2024, 3 - 6
submitted for approval

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- 5.1** 23.00808.DPP - Land adjacent to Springfield Moss, Penicuik 7 - 58

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday, 23 September 2024 at 1pm.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

Minute of Meeting

Local Review Body
Monday, 17 May 2024
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 13 May 2024	1.00pm	Council Chambers/Hybrid

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	Councillor Milligan

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Derek Oliver	Chief Officer Place
Janet Ritchie	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

1 Welcome, Introductions and Apologies

The Chair advised that due to an issue with the publication of the documents on the website the following business would be taken as urgent business.

Apologies had been received from Councillor Smail.

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

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

4 Minute of Previous Meeting

The Minute of the Meeting of 25 March 2024 was submitted and approved as a correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.751.DPP – 30 Leighton Crescent, Easthouses	Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the formation of dormer windows at 30 Leighton Crescent, Easthouses.</p> <p>The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00751/DPP was refused planning permission on 19 January 2024.</p> <p>It was noted that elected members had attended a site visit on the morning of 13 May 2024.</p> <p>The Local Review Body noted that no consultations or representations were received.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.</p>		

In discussing the proposed development and the reasons for its refusal, the Local Review Body did not agree that the proposed formation of dormers would detract from, the form of the roof of the building, the character and appearance of the principal elevation of the application property and the visual amenity of the street scene.

Decision

Councillor Cassidy, seconded by Councillor Alexander, moved to uphold the review request and to grant planning permission for the formation of dormer windows at 30 Leighton Crescent, Easthouses, subject to the conditions as set out in the report. This was unanimously agreed by the committee.

Action

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

Agenda No	Report Title	Presented by:
5.2	23.00753.DPP – 17 Neatoune Drive, Danderhall	Planning, Sustainable Growth and Investment Manager

Outline of report and summary of discussion

The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a 1.8m timber fence and consequential demolition of wall and change to landscaping at 17 Neatoune Drive, Danderhall, EH22 1FZ.

The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00753/DPP was refused planning permission on 19 January 2024.

It was noted that elected members had attended a site visit on the morning of 13 May 2024. The Local Review Body noted that no consultations or representations were received.

The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.

The Local Review Body in discussing the proposed erection of a 1.8m timber fence and consequential demolition of wall and change to landscaping considered the reasons for its refusal and raised concerns with regards to the impact on the area and on road safety. The Planning, Sustainable Growth and Investment Manager in responding to a question raised advised that there was no restrictions on the size of hedges.

Councillor Alexander, seconded by Councillor McEwan moved to uphold the review request and grant planning permission subject to the conditional as set out in the report.

As an amendment Councillor McManus, seconded by Councillor Imrie moved to dismiss the review request and uphold the decision to refuse planning permissions for the reasons as stated in the case officer's report.

On a vote being taken, 2 members of the Committee voted for the amendment and 5 members of the Committee voted for the motion. This then became the decision of the Committee.

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission to carry out the following proposed development:

Change of use from communal landscaping to private garden ground and associated erection of fence at 17 Neatoune Drive, Danderhall, EH22 1FZ, subject to the conditions as set out in report.

Action

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

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 17 June 2024 at 13:00pm.

The meeting terminated at 13.20 pm.

Notice of Review: Land adjacent to Springfield Moss, 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' regarding the non-determination of planning application 23/00808/DPP for the erection of two dwellinghouses and garage, formation of access and associated works on land adjacent to Springfield Moss, Penicuik.

2 Background

- 2.1 Planning application 23/00808/DPP for the erection of two dwellinghouses and garage, formation of access and associated works on land adjacent to Springfield Moss, Penicuik has not been determined within the statutory time periods (2 months as extended by agreement) and as such the applicant has exercised their rights to request the LRB to determine the application.
- 2.3 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 - the applicant's hearing statement (Appendix B);
 - A copy of the case officer's report - hearing statement (Appendix C); and
 - A copy of the key plans/drawings (Appendix D).
- 3.2 The full planning application/review case file, including the documents referenced in the applicant's submitted 'document list' and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that eight consultation responses and one representation were received. As part of the review process the interested parties were notified of the review. One additional comment was received objecting to the application - the applicant's agent responded to the comments raised. In addition, consultation responses, not received prior to the notice of review being submitted, have been summarised in the officer's report and uploaded onto the case file. All the comments can be viewed online on the electronic planning application/review 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 The primary matters that the LRB should consider are:
- The principle of development within a low-density housing allocation;
 - The potential for any development to enhance local landscaping and biodiversity;
 - The layout and form of the proposed development, including its landscape fit;
 - The design of the proposed buildings and structures;
 - Boundary treatment and landscaping;
 - Access, parking and road safety matters;
 - Water supply, drainage and flood risk; and
 - The developments relationship to the high-pressure gas pipeline.
- 4.5 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.6 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.7 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

5.1 In accordance with the procedures agreed by the LRB at its meeting of 22 June 2022, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

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

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

2. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. On completion of the decontamination/remediation works required in condition 2 and prior to the unit being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

Reason for conditions 2 and 3: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment; to ensure the remediation works are undertaken.*

4. No development shall be undertaken until details of the proposed water supply have been submitted to and approved in writing by the planning authority. If the houses are to connect to the public water supply, details of the connection shall be submitted. If the houses are to connect to a private water supply details of the proposed supply, including capacity of the water storage tank, confirmation that the source and storage facilities are sufficient and that the supply is adequate both in terms of sufficiency and wholesomeness to service the proposed houses shall be submitted. Before the new houses are occupied the installation of the water supply hereby approved shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the houses are provided with adequate water supply facilities prior to occupation.*

5. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) A proposed topographical plan showing the levels of all houses, buildings, open space and roads in relating to a fixed datum;
 - b) Details and samples of all external finishing materials for the houses and garage;
 - c) Details of the proposed materials of the areas of hardstanding;
 - d) Details of the design, position, dimensions, materials and finish of all proposed walls, fences, gates or other means of enclosure;
 - e) Details of the proposal bin storage and collection arrangements;
 - f) Details of the proposed ground source heat pumps;
 - g) Details of the proposed solar panels;
 - h) Details of the provision of superfast broadband connections for the houses;
 - i) Details of the proposed electric vehicle charging point for each house;
 - j) An updated phasing plan detailing the timescales and order for the development to be carried out;
 - k) Details of the proposed areas of public access; and
 - l) A landscape plan, including details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs proposed, as well as identifying all trees on site which are proposed to be removed and retained.

Thereafter, the development hereby approved shall accord with the details agreed in terms of this condition.

Reason: *These details were not submitted as part of the application: to ensure the houses are finished in high quality materials; to protect the visual amenity of the surrounding area; to ensure the houses are provided with adequate amenity; to help integrate the proposal into the surrounding rural area.*

6. The external materials agreed in writing by the planning authority in terms of condition 5b) shall be natural slate roofs and either det dash or smooth render walls.

Reason: *To ensure the materials are high quality, natural, traditional and appropriate for the surrounding rural area.*

7. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 5c) shall be surfaced in a porous material.

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

8. The scheme of landscaping and landscaping plan required in terms of condition 5l) shall include the following to be prepared by a qualified arboricultural consultant:

- a) A landscape plan including tree protection measures clearly indicating the construction exclusion zone in accordance with BS5837 and the separation distance zone around the high pressure gas pipeline, as well as tree protection and tree protection details to be submitted. This plan shall also indicate the accurate crown spread of the trees;
- b) Tree protection measures in accordance with BS5837;
- c) An Arboricultural Method Statement to ensure the construction works can be carried out while protecting root protection areas during construction;
- d) A tree survey of all existing trees within and adjacent to the site. This shall include all root protection areas;
- e) An Arboricultural Impact Assessment;
- f) A planting plan identifying all tree and hedge planting locations, as well as a planting schedule detailing all plant numbers, species, sizes and root condition and details of flowering lawn mix and sowing rate;
- g) Details of tree planting interspersed with native hedge planting along the boundaries of the house plots;
- h) A planting schedule;
- i) Detailed planting specification notes including ground preparation for all planting types, planting medium quality and quantity (topsoil and mulch source and depth), planting (tree pits, hedge planting) and plant protection against browsing and all landscape maintenance activities including watering;
- j) A maintenance schedule indicating the frequency of visits and activities to take place such as pruning of hedges and watering. This shall include inspection and maintenance where necessary of the existing trees on site;
- k) The landscape plan shall investigate the use of water harvesting measures and rain gardens to allow for infiltration of rainwater, such as from roofs and hard surfaces. If this is not possible, details of why shall be provided for approval; and

- l) A woodland management plan.

Reason: *To ensure that on site contractors are fully aware of the tree protection area and prohibited activities in order to ensure trees are protected fully; to protect the trees and canopy cover in the site and wider area; to protect the rural character of the area and integrate the development into the surrounding rural area; to increase canopy cover at the site; to promote biodiversity.*

9. The tree protection measures required and approved in condition 8b) shall be put in place before any works begin on site and shall be retained as approved until development on site is completed. The protective fencing shall be in accordance with BS5837 and shall include signage indicating prohibited activities within this Construction Exclusion Zone. Evidence of the signage shall also be supplied to the council. Proof of these protection measures and signage being in place shall be submitted to the Planning Authority before works begin.

Reason: *To ensure that any trees affected by the proposal are protected during development; to protect the trees and canopy cover in the site and wider area.*

10. The separation distance zone required in condition 8b) shall be as identified in the objection letter from National Gas Transmission dated 30th May 2024.

Reason: *To ensure that any proposed planting does not have an adverse impact on the high pressure gas pipeline which runs through the site.*

11. Within six months of the first house either being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 5l) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To protect and enhance the landscaping of the area; to ensure that planting on the site is carried out as early as possible and has an adequate opportunity to become established.*

12. No development shall take place on site until the applicants or their successors have undertaken and reported upon a programme of archaeological (Monitored Soil Strip) work in accordance with a written scheme of investigation to be submitted to and approved in writing by the Planning Authority.

Reason: *To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.*

13. Before the new houses are occupied the installation of the means of drainage treatment and disposal hereby approved shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the houses are provided with adequate drainage facilities prior to occupation.*

14. Before the new houses are occupied the biodiversity measures within the house plots in the approved Biodiversity Enhancement Plan shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the houses are provided with adequate drainage facilities prior to occupation.*

15. The works hereby approved shall not be carried out during the months of March to August inclusive, unless approved in writing by the planning authority after a check for nesting birds is completed by a suitably competent person within 48 hours of works commencing and, in the event an active nest is found, an appropriate protection zone to the satisfaction of the planning authority is in place within which there can be no works until the related chicks have fledged.

16. The works hereby approved shall comply with the recommendations in the approved Ecology Survey dated 12 February 2024.

Reason for conditions 1 and 14: *To protect and enhance the local biodiversity of the site; there is potential for the disturbance of breeding birds at the site during bird breeding season; in order to ensure protected species are considered and not adversely affected.*

6 Recommendations

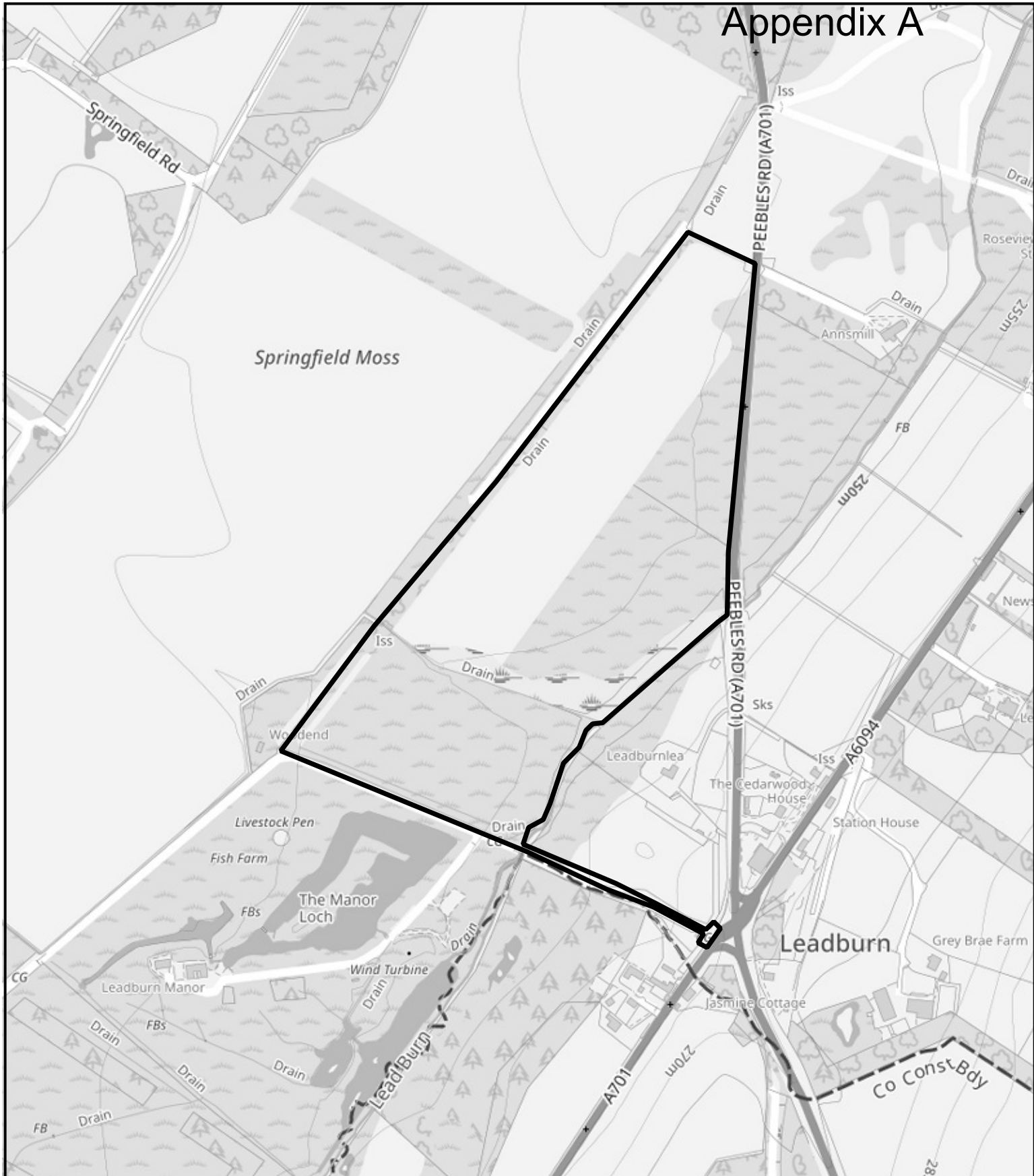
- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 7 June 2024
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 23/00808/DPP available for inspection online.

Appendix A



Planning Service Place Directorate

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith, EH22 3AA

Erection of 2 dwellinghouse and garage; formation of access; and associated works

Land adjacent to Springfield Moss Penicuik

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File No. 23/00808/DPP

Page 14 of 58
Scale 1:6000

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100667901-001

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 **T** Agent

Agent Details

Please enter Agent details

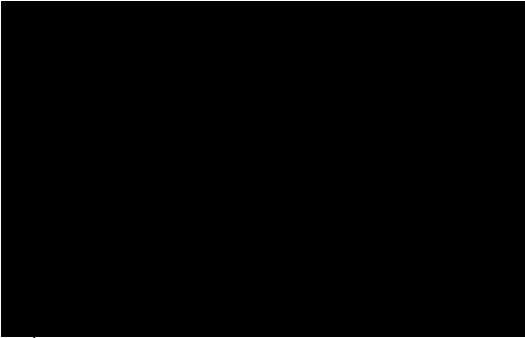
Company/Organisation:	<input type="text" value="Andrew McCafferty Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Andrew"/>	Building Name:	<input type="text" value="Burn House"/>
Last Name: *	<input type="text" 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 **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Messrs"/>	Building Name:	<input type="text" value="Burn House"/>
First Name: *	<input type="text" value="TJ and KF"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Stodart"/>	Address 1 (Street): *	<input type="text" value="Burn House"/>
Company/Organisation	<input type="text" value="TJ and KF Stodart"/>	Address 2:	<input type="text" value="Burn House"/>
Telephone Number: *		City: *	<input type="text" value="Cupar"/>
Extension Number:		Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:		Postcode: *	<input type="text" value="KY15 7RQ"/>
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land at The Beeches, Leadburn adjacent to Springfield Moss, Penicuik, EH46 7BE"/>

Northing	<input type="text" value="655640"/>	Easting	<input type="text" value="323085"/>
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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)

Erection of 2 dwellinghouses and garage; formation of accesses and associated works

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See submitted Statement

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

Yes No

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

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

See attached document

Application Details

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

23/00808/DPP

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

13/12/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

A proposed planting plan for the wider application does not appear on the Planning Portal, integral to the proposals for planning permission. there are also fundamental differences of opinion about the principles of the proposals which need open discussion.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Andrew McCafferty

Declaration Date: 10/04/2024

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

**Notice of review against the failure of Midlothian Council to
determine application 23/00808/DPP**

**Erection of 2 dwellinghouses and garage; formation of accesses and
associated works**

**Land adjacent to Springfield Moss, Penicuik
Mr TJ and Mr KF Stodart**

April 2024



Andrew McCafferty Associates
PLANNING AND DEVELOPMENT CONSULTANTS

Contents

Executive Summary

- 1. Introduction and purpose of this statement**
- 2. The appeal site and proposed development**
- 3. Consultation responses received in relation to the application**
- 4. The development plan covering the appeal site**
 - a) National Planning Framework 4, February 2023**
 - b) Midlothian Local Development Plan, November 2017**
- 5. Material considerations**
 - a) Low Density Rural Housing Supplementary Guidance (Adopted) Aug 2022**
 - b) Planning Advice Note 72: Housing in the Countryside, 7 February 2005**
- 6. Planning appraisal addressing matters of concern raised by the case officer**
- 7. Proposed conditions**

Documents

1. All documents and other material submitted and forming the planning application 23/00808/DPP
2. Extracts from the adopted Midlothian LDP, Proposals Map and Low Density Rural Housing Supplementary Guidance August 2022
3. Planting plans by Brindley Associates chartered landscape architects for the two plots and wider area forming the allocation for Low Density Rural Housing at Leadburn
4. Letter of objection from neighbour 10th January 2024 and response by the appellants 2nd April 2024
5. Email from case officer sent on 26 March 2024 and a letter dated 2nd April 2024 from Andrew McCafferty Associates to the case officer addressing those concerns/issues
6. Extracts from Planning Advice Note 72: Housing in the Countryside, 7 February 2005
7. Consultation response from the Environmental Health officer dated 22nd January 2024 setting out recommended conditions to be imposed on a planning permission

Executive Summary

This appeal against non-determination of application 23/00808/DPP is essentially about a difference of opinion between the appellants and the case officer concerning siting, size, and design of two proposed houses on the site at Leadburn allocated for low density rural housing in the adopted Midlothian Local Development Plan.

The application site covers the same area as allocated in the LDP and the Council's Supplementary Guidance on low density rural housing. Chartered landscape architects Brindley Associates have produced planting plans for the two house plots and the wider allocated area showing 28 trees to be planted on the plots and 1797 trees in the wider allocated area. The plots have little ecological value in their current state. The new tree planting together with marginal planting around the SUDS basins, bird, bat and bee/insect boxes and hedgehog boxes will significantly enhance the environment of the site.

The two dwellings are of comparable size to houses granted in Leadburn and its environs. Each house would have its own access off Rosemary Farm Road compared to the preference in the Council's guidance for a shared access. The appellants are willing to ensure through the building warrant process that the dwellings achieve a "very good" BREEAM (Building Research Establishment's Environmental Assessment Method) rating or equivalent standard.

A public water supply exists at the northeast corner of the wider allocated area next to the A701. A connection could be made at this point to serve the units, subject to feasibility and viability or a borehole made within the plots. We suggest that this matter be made subject of a condition for subsequent approval as recommended by the Council's Environmental Health officer.

The proposals comply with NPF4, the adopted Midlothian LDP and Supplementary Guidance covering low density rural housing. They also comply with Planning Advice Note 72: Housing in the Countryside (February 2005) which states:

"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."

1. Introduction and purpose of this statement

The application site is allocated for up to two residential units under Policy RD2: Low Density Rural Housing in the adopted Midlothian Local Development Plan 2017 (“LDP”).

The application (23/00808/DPP) was validated on **19 December 2023** and has not been determined despite the applicant having agreed to extensions of time until 8th March and 5th April 2024.

The case officer was emailed on 4th, 7th and 14th March and asked whether there were any technical matters remaining outstanding which needed to be addressed by the applicant. It was not until 26th March 2024 that an email response was received setting out 10-12 “issues and concerns”. These matters were addressed in a letter from the applicant’s agent on 2nd April 2024 to the case officer (**Document 5**) and are discussed and set out in section 6 of this statement.

Given the officer’s concerns about some matters of principle such as the proposed siting, size and design of the proposed houses, the applicants decided to appeal against non-determination of their application rather than wait for an indeterminate length of time for a decision to be made.

2. The appeal site and proposed development

The appeal site (18.7935 ha) covers and corresponds with, the area allocated on the Proposals Map of the LDP under Policy RD2 Low Density Rural Housing. **Document 1** contains all documents, drawings and other material submitted. Extracts from the LDP and accompanying Proposals Map are included as **Document 2**.

The curtilages for the two houses are 0.439 ha (Dwelling B) and 0.441 ha (Dwelling A) and are shown on the Planting Plans produced by Brindley Associates Chartered Landscape Architects (**Document 3**). These are low density rural houses each plot being approximately 1 acre, and each with an access onto the adjacent Rosemary Farm Road which joins the A701 at Leadburn.

Dwelling B is a story and a half with accommodation in the roof and Dwelling A is two storeys. The dwellings are designed with a contemporary feel and use traditional materials including natural slate, rendered off-white walls with Scottish Larch and grey facing brick.

Dwelling A has a floorspace of 250 sq. m and dwelling B is 258 sq. m. these proposed floor areas are similar in size to other new houses granted permission at the Roseview steading site (approximately 230 sq. m each) and at “Leadburnlea” (353 sq. m and 234 sq. m).

3. Consultation responses received in relation to the application

The following responses are available to view on the Planning Portal:

- Scottish Water 16 January 2024 **No objection**

These two houses would be located within 20 minutes' walk or cycle from facilities at the crossroads and also bus stops thereby complying with **Policy 15**.

The site's location for two houses is set out in the adopted local development plan and reflects the Council's policy objective of encouraging rural housing in defined circumstances. The proposal accords with **Policies 16 and 17** of NPF4.

The proposed houses will incorporate appropriate heating and cooling systems thereby complying with **Policy 19**. The proposed drainage arrangements as set out in the report by Gondolin Ltd are sustainable and comply with **Policy 20**.

The Flood Risk assessment concludes that the area proposed for the built development is not subject to flood risk and the development proposals respect these findings thereby complying with **Policy 22**.

The proposals include generous garden areas and easy pedestrian/cycling access to adjacent countryside for leisure pursuits. These benefits will enhance peoples' health and wellbeing and thereby comply with **Policy 23**.

It is intended that the houses will be served by digital infrastructure and therefore will comply with **Policy 24**.

(b) Midlothian Local Development Plan, November 2017

The adopted LDP contains policies relevant to the proposals and these are addressed below. Extracts from the LDP are included as **Document 2**.

The site is within 1 mile of a bus route with a frequency of 1 bus per hour as required by **Policy RD1 Development in the Countryside**. Policy RD1 applies to all development in the countryside and the criteria in the policy are also referred to in **Policy RD2 Low Density Rural Housing** which specifically refers to the application site.

Policy RD2 states that the suitability of low-density rural housing proposals in areas identified for this type of development, one of which is the application site at Leadburn, will be assessed against the following criteria:

- "A proposals should demonstrate that the landscape and biodiversity of the site is enhanced by the development.
- B the design and layout of the development should be appropriate to the rural setting; and
- C proposals should demonstrate that they can be served by safe access arrangements and a public sewerage and water supply (or acceptable private arrangements if public provision is not available)."

The information and drawings submitted with the application demonstrate how the landscape and biodiversity value of the site will be enhanced by the development and comply with **Policies ENV6, ENV7, ENV11 and RD2** in the LDP. The design and layout of each dwelling is appropriate to the rural setting and the proposed vehicular accesses to each dwelling are safe. The flood risk assessment concludes that the site for the two proposed dwellings is not subject to flood risk and therefore the proposals comply with **Policy ENV9 Flooding**. It is considered there is no impediment to the development proposals being granted planning permission on the grounds of flood risk and drainage provision. Accordingly, the proposals comply with **Policy ENV10 Water Environment**.

The proposals comply with **Policy DEV5 Sustainability in New Development, DEV6 Layout and Design of New Development and DEV7 Landscaping in New Development**.

The proposals include provision of electric vehicle charging points at each of the two dwellings to comply with **Policy TRAN5 Electric Vehicle Charging** and will achieve high-speed broadband connections in order to comply with **Policy IT1 Digital Infrastructure**.

The proposed development would not harm any species protected by European or UK law and therefore complies with **Policy ENV15 Species and Habitat Protection and Enhancement**.

5. Material considerations

a) Low Density Rural Housing Supplementary Guidance (Adopted) Aug 2022

This supplementary guidance is a material consideration and applies to the Leadburn and Wellington areas in the vicinity of the A701. Extracts are included as **Document 2**. The guidance covers four sites allocated under Policy RD2 in the LDP for low density rural housing including the application site. The aim of the allocations is to assist in promoting rural diversification and rural development appropriate to the area while protecting and enhancing the environment (para. 1.3).

The guidance sets out principles at paragraphs 3.2–3.14 underpinning selection of the sites for low density rural housing including the site at Leadburn. A preference is stated for locating units in close proximity to the A701;

“...for the purpose of reducing the walking distance to public transport and minimising the visual impact of ancillary driveways or access roads;” (para. 3.2)

The location of the proposed plots accords with this preference and avoids the creation of a lengthy/extensive new access road within the allocated site.

The proposed location for the dwellings and their associated curtilages avoids “...existing areas of biodiversity or landscape importance or areas with potential for enhancement and restoration, or areas in proximity to these which may compromise their essential characteristics.” (para.3.2).

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 6**. 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 two dwellings would not harm the landscape context of The Beeches and would be seen against a backdrop of existing trees in accordance with advice in PAN 72. The houses are of contemporary design and use traditional materials. They would fit into the landscape by reason of their natural slate, rendered off white walls, Scottish Larch and grey facing brick (see **Document 1** containing the submitted designs.)

6. Planning appraisal addressing matters of concern raised by the case officer

The two proposed dwellings together with associated landscape and biodiversity enhancements comply with policies in NPF4 2023, the adopted Midlothian LDP 2017 and Supplementary Guidance on Low Density Rural Housing 2022.

The Brindley planting plan (drawing 1335/og Rev B) shows the detailed planting proposed within the two low density plots ie 28 trees, a native wildlife hedge with underplanting, marginal planting to the SUDS basins, protective fencing around existing trees, bird and bat boxes, swift bricks, bee/insect boxes and hedgehog boxes.

The Brindley planting plan (drawing 1335/o8 Rev A) for the wider site **which is not shown on the Planning Portal** shows how 154 trees would be planted to reinforce the existing woodland and 1643 new trees added as structure planting. Gaps in the woodland belts along the northern, western and southern boundaries would be filled and existing cover enhanced as a result of approving this planning application.

Document 5 is an email from the case officer sent on 26 March 2024 listing issues and concerns about the proposals and a letter from ourselves on behalf of the applicants (now appellants) responding to these matters. Ten matters are identified and these are set out below.

1 Siting of the proposed houses

The applicants set out their reasons for siting the two houses next to Rosemay Farm Road rather than next to the A701 in the Planning Statement. The proposed siting makes use of an existing road and avoids the creation of a lengthy/extensive new access road with long visibility splays along the A701 frontage. The proposed siting has easy access to bus stops along the A701. The houses are set against a backdrop of existing trees which accords with Scottish Government Planning Advice Note guidance.

Also, the proposed siting avoids locating houses within the gas pipeline corridor. In the applicants' preferred siting, the houses would be viewed against a backdrop of trees rather than appear visually prominent alongside/close to the A701.

2 Size, scale and design of the proposed houses

Dwelling A has a floorspace of **250 sq m** and dwelling B has a floorspace of **258 sq m**. Several new houses with floorplans larger than 150 square metres have been granted planning permission at Leadburn and its vicinity;

- a matters specified by condition approval (ref. 20/00498/MSC) was granted on 11 November 2022 for a two storeys house of approximately **353 sq m** floor area on land to the south of "Leadburnlea".
- a two storeys house on the northeast side of "Leadburnlea" of approximately **224 sq m** floorplan (ref.23/00090/MSC) was approved on 19 January 2024.
- five new dwellings built at Roseview steading on the west side of the A701 to the northeast of the application site. All houses in this development except one at **290 sq m** have floorspaces **in excess of 300 sq m**.
- Roseview Farm steading as extended and converted has a floorspace of **950 sq m**.
- Leadburn Manor to the south of the appeal site is a house with a floorspace of approximately **900 sq m**.

These examples show that larger dwellings ie more than the "cap" in the guidance can be developed on the application site which reflect the scale of surrounding development within the locality. The two dwellings proposed have similar floorspace to the examples set out above. There is no explanation or justification in the guidance for the 150 square metres "cap" on the floorplan of new dwellings on this allocated site and there is no reference to the 150 square metres restriction in Policy RD2: Low Density Rural Housing in the adopted LDP.

PAN72: Housing in the Countryside (February 2005) encourages designs which are distinctive. The design of the units has sought to interpret traditional shapes and sizes into a modern context as recommended in the guidance. Natural materials are proposed and the designs are single storey (dwelling A) and single storey with a further storey of inhabited roofspace (dwelling B) to accord with paragraph 3.5 of the guidance.

We submit that the size, scale and design of the dwellings accords with the guidance and policies in NPF4 and the LDP.

3 BREEAM rating or equivalent rating

As set out in the Planning Statement accompanying the submission, the two dwellings have been carefully designed to meet planning policy requirements. The applicants will undertake a BREEAM rating assessment at building warrant submission stage to ensure that the two dwellings are constructed to at least a "Very Good" BREEAM (Building Research Establishment's Environmental Assessment Method) rating or equivalent standard.

4 Two separate accesses rather than one access

The applicant prefers separate access points to enable independent identity to each dwelling. The curtilages of each dwelling will adjoin the metalled surface track of Rosemay Farm Road and creating two access points rather than one does not take any additional land compared with one access point. It is not *impossible* to have only one access serving both dwellings but there is no planning reason to restrict to one access and therefore this restriction is unnecessary.

5 Requirement for a high proportion of the area of each identified site to be allocated to planting and maintenance of native woodlands and the creation of areas of nature conservation interest

The planting plan for the plots (drawing ref.1335/o9/Rev B) shows an appropriate amount of planting for each plot and includes 17 new trees on the western plot and 11 trees on the eastern plot. There are also extensive areas of wet meadow grass on each plot and new native wildlife hedge with native underplanting. There will also be marginal planting around each SUDS basin and bird boxes, bat boxes, bee/insect boxes and hedgehog boxes. There will also be 154 trees planted as woodland reinforcement and 1643 trees planted as structure planting within the wider area of the site (as shown on drawing ref. 1335/o8 Rev A).

6 Arboricultural information

The planting plans for the two plots and the wider area including along the edges of the wider application site have been prepared professionally by Brindley Associates who are a well-respected company of landscape architects. They have put forward appropriate planting proposals which will enhance the appearance and habitat quality in the area and thereby meet the requirement in planning policy to demonstrate environmental improvements.

7 Impacts on the local landscape character and views

The applicants consider that the planting of 28 new trees and lengths of native wildlife hedge with native underplanting within the plots is sufficient and appropriate. The two dwellings will be seen against a backdrop of trees which will be reinforced by the additional planting proposed in the plots and in the wider area. We do not consider that the dwellings would have any harmful impact on the local landscape character or views.

8 Impact of the proposed biodiversity enhancement measures

The support given by the case officer to the proposed new landscape features and enhancements is welcomed by the applicants. We remain convinced that the amount of tree planting within the house plots is appropriate and will ensure the visual and physical integration of the new dwellings within the existing landscape.

9 Links to green networks

There is current informal use by walkers along Rosemay Farm Road who appear to do a “loop” along a route through the trees along the western boundary of the site and then along the northern boundary towards the A701. Walkers can then turn south along the western bank of the Lead Burn to form a circular route (and of course the reverse route). The existing belts of trees along the southern, western and northern boundaries form an important green network which will be enhanced by the planting proposals included in this submission.

10 Water supply

Attached (see **Document 5**) is a Scottish Water plan identifying a section of water mains at the northeast corner of the site on the A701. A connection could be made here to serve the two plots. The applicants’ preference is to create a borehole within the site to source a water supply or, as an alternative, to connect to the mains provided this is feasible and viable. We note that the Environmental Health officer’s consultation response of 22nd January has no objections to the application subject to conditions one of which requires further approval of details relating to provision of a private water supply. The applicants would be content with a condition to cover this point.

We welcome the officer’s support for the proposed new landscape features and enhancements put forward. We are convinced that the amount of tree planting within the two plots is appropriate and almost 1800 new trees in the wider area represents a significant environmental enhancement which accords with Policy RD2 and the supplementary guidance applying to the site.

Accordingly, we request that planning permission is granted for the proposals.

11 Proposed conditions

The appellants are willing to accept standard conditions and additional ones covering the following aspects:

- (a) details of paths work, planting and maintenance
- (b) fencing off existing trees and areas of woodland prior to development works commencing
- (c) the four conditions set out in the consultation response from the Environmental Health Officer date 22 January 2024 (copy attached for convenience as **Document 7**)

Andrew McCafferty Associates

April 2024



The Chief Planning Officer Place
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

13th December 2023

Dear Sir,

Town and Country Planning (Scotland) Act 1997 as amended
Application for the erection of two detached dwellings and garage with accesses from
Rosemay Farm Road, parking, drainage, biodiversity and landscape enhancement measures
Land at The Beeches, Leadburn, Midlothian, EH46 7BE

I am instructed by Mr TJ Stodart and Mr RF Stodart, owners of land at the Beeches, Leadburn, to apply on their behalf for planning permission for the erection of two detached dwellings, a garage and associated works as described in full on the planning application forms.

Preliminary matter

In assessing the appropriate application fee for these proposals I have had regard to Schedule 1, Part 3 TABLE 1 “New dwellings” of the Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022. The fee is £600 per new dwelling and so the application fee in this case is £1200.

Paragraphs 14 and 22 of Circular 5/2009 – “Hierarchy of Developments” are relevant in assessing the category of application in the context of the Hierarchy of Developments. Paragraph 22 explains that:

“When considering whether a housing proposal is a major development under the terms of the second threshold (*the area of the site is or exceeds 2 hectares*) only the area subject to the construction of buildings, structures or erections should be taken into account.”

I interpret the above advice to mean that the appropriate category is based on the combined curtilages of the two plots for the dwellings and this is 0.88 ha. On this basis, the application is not a *major* one within the meaning set out in the “Hierarchy of Developments” and consequently pre-application consultation is not necessary.

The application submission

The application consists of the following documents and drawings:

1. Planning Statement December 2023 by Andrew McCafferty Associates
2. Application site plan ref. 1335/07 Rev C scale 1:1250 @ A1 November 2023 by Brindley Associates identifying the planning application site boundary, adjoining land owned by the applicant, the sites for the two proposed dwellings and access route to join the A701.
3. Drawing ref. 1335/08 Rev A scale 1:1250 @ A1 November 2023 by Brindley Associates showing proposed landscaping and biodiversity enhancement measures across the application site.
4. Drawing ref. 1335/09 Rev B scale 1:250 @ A1 November 2023 showing the footprints of the two dwellings, garage and proposed landscaping and drainage within their curtilages, Brindley Associates
5. Planting Notes & Landscape Maintenance and Management Proposals November 2023 by Brindley Associates
6. Biodiversity Enhancement Plan Revision B 8 December 2023 by Brindley Associates
7. Preliminary Ecological Appraisal Revision A 30 November 2023 by Brindley Associates
8. Drawing ref. PLNG 01 Block Plan scale 1: 500 @ A2 by G Mees Architectural Technology
9. Drawing ref. PLNG 02 Plans and Elevations of dwelling A by G Mees Architectural Technology
10. Drawing ref. PLNG 03 Plans and Elevations of dwelling B by G Mees Architectural Technology
11. Drawing ref. PLNG 04 Garage Plan and Elevations for dwelling A by G Mees Architectural Technology
12. Flood Risk and Drainage Assessment Report by Gondolin Ltd, 6 December 2023
13. Draft Indicative Phasing Programme for the proposed development by Andrew McCafferty Associates
14. Design Statement, December 2023 by Gary Mees Architectural Technology

The proposed development

The proposal is to erect two detached dwellings and one double garage. Each dwellinghouse has the following floorspace:

Dwelling A – 250 sq m and 37.8 sq m detached double garage

Dwelling B – 258 sq m integral garage

The Design Statement prepared by Gary Mees Architectural Technology explains the approach that has been taken to the proposals and the palette of materials to be used.

The floorplan of each dwellinghouse differs from the 150 sq m referred to in the Supplementary Guidance at paragraph 3.5 on page 6. There are examples of dwellings and other buildings in the vicinity of the site which have larger built (or approved and yet to be built) floorplans. This point is addressed in Section 3 “Layout and Design” in the Planning Statement.

Planning Policy

The planning policy context of the application site is addressed in the Planning Statement. The proposals comply with NPF4, the adopted Midlothian Local Development Plan and Low Density Rural Housing Supplementary Guidance, August 2022.

Technical reports

The application is accompanied by a Preliminary Ecological Appraisal (“PEA”) and Biodiversity Enhancement Plan (“BEP”) and also a Flood Risk and Drainage Assessment Report which concludes that the development site is not at risk of flooding and can be satisfactorily drained in accordance with current practice standards.

Draft Indicative Phasing Programme

A draft indicative phasing programme has been prepared as requested by the supplementary guidance illustrating the main stages of developing the two units and the inclusion of landscaping and biodiversity enhancements across the site. This is in draft and shows indicative timings because of the uncertainties inherent in the planning and development process.

Summary

There are no material considerations which outweigh the proposals’ compliance with the development plan and we request that planning permission is granted.

Should you have any queries please contact me.

Yours faithfully



Andrew McCafferty

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00808/DPP

Site Address: Land adjacent to Springfield Moss, Penicuik.

Site Description: The application site comprises a large area of countryside to the west of the A701, however the actual proposed development area is a smaller part to the southwest of the larger site. The A701 runs along the eastern boundary of the wider site, with countryside to the south, north and west. There is an access road along the southern boundary. There are trees within the site, including a tree belt to the west which is protected by a Tree Preservation Order (1 of 2014). The Lead Burn runs within the site from south to northeast. There is a high pressure gas pipeline through the northern part of the site, which is outwith the area of proposed development works.

Proposed Development: Erection of 2 dwellinghouse and garage; formation of access; and associated works.

Proposed Development Details: Two detached houses are proposed towards the southwest of the application site. One has a U-shaped footprint and is 26.7 metres wide and a maximum of 17.6 metres deep. This is single storey with a hipped roof 4.6 metres high. The two projecting sections to the front have gable roofs. This is set back 38 metres from the road. There is a double garage adjacent, measuring 6.7 metres by 6.7 metres with a hipped roof measuring 4.9 metres high to the apex.

The other proposed house is 23.6 metres wide and a maximum of 10.8 meters deep. This is two storey with a hipped roof, measuring 7.3 metres high to apex, with front and rear projecting gables. This house has an integral double garage. The house is set back 42 metres from the road.

The houses and garage are proposed to have slate roofs, off white smooth render walls, grey brick base courses and aluminium timber composite window frames and doors anthracite grey. The houses have areas of larch clad walls, roof lights and solar panels.

The houses have long driveways surfaced in permeable materials accessed by two new vehicular accesses from the road to the south. There are four parking spaces in the plots. New private drainage is proposed with a SUDs pond in each plot.

The application form states that the houses will connect to the public water supply. The Planning Statement confirms this but also states the houses will likely be served by a private water supply. The applicants' agent has confirmed that the nearest public connection is at Rosemay Farm and that the applicant proposes a private water supply via a borehole.

New planting is proposed to north and west boundaries to reinforce the existing woodland strip. There will be new structure planting to southwest corner and part of the north boundary. Planting is also proposed around the plot boundaries and within the plots. A number of biodiversity features are proposed, including bird and bat boxes and wildlife planting.

The application submissions include: Planning Statement; Design Statement; Flood Risk and Drainage Assessment; Biodiversity Enhancement Plan; Ecology Report; and landscape details. These set out the applicant's rationale as to why the application should be supported and the assessment of the development plan and technical details.

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

Non-Determination

The review has been submitted against the non-determination of the planning application. Through the assessment period, there were discussions between the case officer and the applicants' agent, largely requesting additional information over the proposed water supply and ecology details. The agent agreed to two extensions of time to determine the application and asked for regular updates. The requested water supply details have not yet been submitted and so this matter remains outstanding, see below.

Sites at Leadburn to the east of the wider site

Land north east Leadburnlea

23/00090/MSC Erection of dwellinghouse (approval of matters specified in conditions 1-11 of planning permission 19/01032/PPP). Consent with conditions.

19/01032/PPP Application for Planning Permission in Principle for erection of a dwellinghouse. Consent with conditions.

Land south Leadburnlea

20/00580/MSC Erection of dwellinghouse (approval of matters specified in conditions 1(f) of 17/00678/PPP). Consent with conditions.

20/00498/MSC Land south Leadburnlea Erection of dwellinghouse (approval of matters specified in conditions 1(a)(b)(c)(d)(e), 3,4,5 and 7 of 17/00678/PPP). Consent with conditions.

17/00678/PPP Erection of dwellinghouse (extension to duration of planning permission in principle 14/00346/PPP). Consent with conditions.

14/00346/PPP Application for Planning Permission in Principle for erection of dwellinghouse. Consent with conditions.

The Leadburn

20/00612/DPP Change of use from restaurant, pub and associated managers accommodation to self catering accommodation with associated managers accommodation and associated external alterations. Consent with conditions.

Land to northeast of the wider site

17/00422/PPP Application for planning permission in principle for erection of dwellinghouse. Withdrawn.

Land to west and northwest of the wider site

24/00102/S42 Section 42 application to amend conditions 3, 5, 6, 7, 14, 16, 17, 18, 26, 27, 29 and 30 of planning permission 208/78 with conditions reviewed by 14/00926/ROMP. Pending consideration.

14/00926/ROMP Review of old minerals permission for continued extraction of peat subject to revised schedule of conditions (this application is accompanied by an environmental statement submitted under the terms of the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2011)). Consent with conditions.

13/00677/ROMP Review of Old Minerals Permission for continued extraction of peat subject to revised schedule of conditions. Withdrawn.

Land to west of the wider site

06/00008/FUL Change of use of derelict cottage with alterations and extension to form new dwellinghouse. Consent with conditions.

Land to south and west of the wider site

09/00337/FUL Change of use of disused former railway line and adjacent agricultural land to cycle path. Consent with conditions.

Land to south of the wider site

12/00254/DPP building; amendment to condition 6 of planning permission 07/00493/RES; and formation of hardstanding, installation of solar panels and water wheel (retrospective). Consent with conditions.

07/00493/RES Reserved matters application for the erection of dwellinghouse, formation of private fishery including formation of ponds, erection of cafe, retail area, workshop and members area and formation of access road, footpaths and associated works. Consent with conditions.

06/00131/OUT Change of use from agricultural land to private fishery with the formation of ponds and outline planning permission for the erection of a house, shop and store. Consent with conditions.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** states that the houses will access a private road not adopted by Midlothian Council. The ongoing traffic and road safety impacts of the proposed development will be minimal.

The Council's **Senior Manager Neighbourhood Services (Flood)** states that given the contents of the submitted Flood Risk Assessment (FRA) and the SEPA flood risk map that the development site is at a 'low risk' of flooding.

The Council's **Senior Manager Protective Services** has no objection provided conditions are attached to any permission relating to ground contamination mitigation works and private drainage arrangements. They request more details if a private

water supply is proposed and recommend SEPA be consulted over the proposed private drainage.

The Council's **Biodiversity consultant** has considered the submitted ecology report and is satisfied that protected species have been given due consideration. The recommendations in the survey should be carried out as part of the development.

The Council's **Archaeological consultant** recommends a condition be attached to any permission requiring a programme of archaeological works be submitted for approval before any works begin on site.

Scottish Water has no objection and highlights that there is no public waste water infrastructure in the area so private treatment options should be investigated.

The **Health and Safety Executive** did not advise against granting planning permission but did advise contacting National Gas Transmission.

National Gas Transmission (NGT) has objected to the application as the planting of trees within the vicinity of the high pressure gas pipeline is restricted and a 10 metre separation distance must be maintained between the edge of the pipeline and any new planting. This relates to the northern part of the site where there is to be reinforcement planting of existing tree belts. They have no objection to the proposed houses as these are outwith the building proximity distance to high pressure gas pipelines.

Representations: One letter of objection has been submitted on the following grounds:

- The proposal does not comply with policy RD2 or the Supplementary Guidance (SG):
- The proposed siting of the houses is not where policy states is most suitable;
- The SG refers to the possibility of an access point to the north east of the allocated site to avoid areas of biodiversity value. This also states a shared access driveway should serve two houses. While this acknowledges that alternative access options will be considered should this option be impossible, the proposal does not include any details that the preferred option is not deliverable. That it may be more convenient is not a justifiable reason;
- The two separate accesses are in positions not supported by the SG and will lead to an increased number of vehicular movements along the access road and turning movements at the Leadburn junction resulting in a detrimental impact to public safety;
- The application should be refused unless the capacity of the access road can be increased through road widening and/or the introduction of appropriately located passing places to facilitate the free movement of traffic;
- It has not been demonstrated that the landscape and biodiversity value of the site will be enhanced by the development. The biodiversity credentials of the existing site through ecological and soil assessments or otherwise to quantify any benefits arising from the proposals have not been submitted. It is impossible to establish if the proposals will result in a net biodiversity gain. As the proposed houses are in a location identified as an 'Area of Biodiversity

Value' it is difficult, if not impossible, to comprehend how a biodiversity gain could be achieved in the proposal;

- The position of the houses will result in sporadic development set out in a ribbon like manner and in the inappropriate suburbanisation of the countryside;
- The house plots are disproportionately large compared to the pattern of development in the general locale;
- It has not been demonstrated that the houses can be provided with a water supply and satisfactory drainage arrangements. It would be inappropriate to impose a suspensive condition for these details in light of ground conditions on site;
- It has not been demonstrated the houses will be of the highest sustainability standard. The SG requires certification that this standard has been achieved through the planning application;
- No Tree Survey or Arboricultural Impact Assessment have been submitted;
- No ecology survey has been submitted and so an effective ecological baseline has not been established to assess the impacts and/or merits of the planning application against;
- The applicant's right of access over the access road is for agricultural purposes only; and,
- Should permission be approved, a legal agreement should be entered into requiring the applicants to enter into a management agreement over the future maintenance and upkeep of the access road, including any passing places required.

The applicants' agent submitted a response to these objections.

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

National Planning Framework 4 (NPF4)

- **Policy 1 Tackling the climate and nature crises;** sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- **Policy 2 Climate mitigation and adaptation;** sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- **Policy 3 Biodiversity;** sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- **Policy 4 Natural Places;** sets out to protect, restore and enhance natural assets making best use of nature-based solutions.
- **Policy 5 Soils;** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land.
- **Policy 6 Forestry, woodland and trees;** sets out to protect and expand forests, woodland and trees.

- Policy **7 Historic assets and places**; sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- Policy **13 Sustainable Transport**; sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
- Policy **15 Local Living and 20 minute neighbourhoods**; sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- Policy **16 Quality homes**; sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.
- Policy **17 Rural Homes**; supports development proposals or new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, and meets set conditions including where the site is allocated for housing within the local development plan. Development proposals for new homes in rural areas shall consider how the development will contribute towards local living.
- Policy **20 Blue and green infrastructure**; sets out to protect and enhance blue and green infrastructure and their networks.
- Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- Policy **24 Digital Infrastructure**; sets out to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

The 2017 Midlothian Local Development Plan (MLDP)

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

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

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

TRAN5: Electric Vehicle Charging seeks to support and promote the development of a network of electric vehicle charging stations by requiring

provision to be considered as an integral part of any new development or redevelopment proposals.

IT1: Digital Infrastructure supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.

RD2: Low Density Rural Housing provides support for new low density housing linked to landscape enhancements. The MLDP identifies 4 sites in Midlothian where this policy applies; the application site is one such location. The suitability of low density rural housing proposals in the identified areas will be assessed against the following criteria:

A. Proposals should demonstrate that the landscape and biodiversity value of the site is enhanced by the development;

B. The design and layout of the development should be appropriate to the rural setting; and

C. Proposals should demonstrate that they can be served by safe access arrangements, and a public sewerage and water supply (or acceptable private arrangements if public provision is not available).

ENV2: Midlothian Green Networks supports development proposals brought forward in line with the provisions of the Plan that help to deliver the green network opportunities identified in the Supplementary Guidance on the Midlothian Green Network.

ENV6: Special Landscape Areas states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.

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

ENV9: Flooding presumes against development which would be at unacceptable risk of flooding or would increase the risk of flooding elsewhere. It states that Flood Risk Assessments will be required for most forms of development in areas of medium to high risk, but may also be required at other locations depending on the circumstances of the proposed development. Furthermore it states that sustainable urban drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition, and to avoid any deterioration of water quality.

ENV10: Water Environment requires that new development pass surface water through a sustainable urban drainage system (SUDS) to mitigate against local flooding and to enhance biodiversity and the environment.

ENV11: Woodland, Trees and Hedges states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

ENV15: Species and Habitat Protection and Enhancement presumes against development that would affect a species protected by European or UK law.

ENV25: Site Assessment, Evaluation and Recording requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.

Supplementary Guidance

Low Density Rural Housing Supplementary Guidance seeks to promote rural diversification, promote a pattern of rural development appropriate to rural areas and encourage rural development while protecting and enhancing the environment. This identifies four plots as being suitable for low density rural housing, as well as criteria that must be met.

Green Network Supplementary Guidance provides more details of green networks in the Council area, including existing and aspirational networks.

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 main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

Principle of development

This site has been identified as suitable for low density housing for two houses in the adopted development plan. There have been no previous applications for housing here, therefore in principle two houses are acceptable. However, in order for a development to be supported it must meet the specific criteria set out in policy RD2 and the Supplementary Guidance.

NPF4

The primary focus of the NPF4 planning policies seek for developments to be sustainable and give consideration to the global climate and nature crises. In response to NPF4 the applicants' agent has stated:

- The houses are designed to be sustainable and to meet the current technical standards on a fabric first principle;
- Locally sourced larch for the elevations of the houses;
- There will be ground source heat pumps, solar panels and electric vehicle charging points;
- There will be extensive new planting in the existing shelter belt;
- A number of biodiversity enhancement works are proposed, including planting and wildlife features;
- The houses are designed to maximise the use of renewable energy technology;
- There is public transport in the area with a regular bus service;
- The houses have been designed to reflect the rural context and incorporate natural and sustainable materials;
- The houses are within 20 minutes walk or cycle from the facilities at Leadburn;
- The proposal complies with MLDP and reflects the objective of encouraging rural housing in defined circumstances;
- The houses will incorporate appropriate heating and cooling systems and the proposed drainage arrangements are sustainable;
- The FRA demonstrates the area proposed for built development is not subject to flood risk;
- The proposals include generous garden areas and easy pedestrian/cycling access to adjacent countryside for leisure pursuits which will enhance health and wellbeing;
- It is intended that the houses will be served by digital infrastructure;

With regards to sustainability, the site has been allocated as suitable for low density rural housing in the adopted MLDP. Part of this allocation included screening for sustainability. The site would not have been allocated for housing had this not been considered sustainable. The site is relatively close to public transport. Also, there is only policy support for housing where there are significant landscape and biodiversity benefits which will create an overall improvement to this site in these terms. Given this, the proposal is considered to be in compliance with the principles of NPF4.

Layout and design

The SG states that a high proportion of the sites identified in policy RD2 are required to be given over to the retention and creation of areas of nature conservation interest and landscape enhancement, through the planting of native woodlands or the formation of other features such as ponds. Proposals shall avoid existing areas of biodiversity or landscape importance or areas with potential for enhancement and restoration, or areas in proximity to these which may compromise their essential characteristics. The eastern area is more suitable for biodiversity enhancement,

particularly wetland habitat, while the western part consists of a raised terrace which is on firmer ground. Therefore the western part is more suitable for built development. There is a preference for units in close proximity to the A701 to reduce the walking distance to public transport and minimise the visual impact of ancillary driveways or access roads.

The layout in terms of landscaping is considered in the Landscape section below. This section considers the proposed built development only.

The application site covers the whole area identified in the SG. However the proposed houses are to be located at the southwest part of the site, accessed by the existing road that runs along the southern boundary and not directly from the A701.

The applicant's submissions state that this layout avoids the high pressure gas pipeline and buffer area which runs through the northern part of the site. The proposed access is not from the A701, as this avoids the need for significant landscape removal to accommodate the necessary sightlines.

The preference for units to be located in close proximity to the A701 is to reduce the walking distance to public transport and minimise the visual impact of ancillary driveways or access roads. The SG also states that the western part of this allocated site is more suitable for built development due to the land conditions. Siting the houses close to the A701 would appear more appropriate for the other three sites allocated under RD2, where there are other houses in similar plots facing the A701 which any new properties would relate to. At this allocated site, there are no houses close to the A701 which the new houses would relate to and siting new houses here would have a significant detrimental visual impact on the surrounding area, bringing new development in an area of open countryside. Also, the presence of the gas pipeline limits the area where houses could be built facing onto the A701. Creation of a vehicular access from the A701 to the site of the proposed houses would create long driveways across open countryside which would have detrimental impact on the landscape character of the area. Planting could go some way to address these concerns, however the visual impact of such driveways would still be significant. Given the above, the positioning of houses which do not face onto the A701 could be acceptable, provided the other policy requirements are met.

Development plan policy recommends that the design of houses interpret traditional shapes and sizes in a modern context. The use of natural materials is welcomed but not required. New houses should not have a floorplan larger than 150 square metres, nor should they be higher than one storey with a further storey of inhabited roofspace unless it can be demonstrated that larger dwellings can be developed which reflect the scale of surrounding development within the locality. (In the interests of clarity, the floorplan is the area created by one storey of a building.)

One of the houses has a floorplan of 283 square metres and is single storey with a hipped roof. This has a detached garage. The other house has a floorplan of 197 square metres and is two storey with a hipped roof with an integral double garage. The applicants' agent states there are other houses in the wider Leadburn area which have larger floorplans and so the proposed houses reflect the scale of development in the surrounding area. However, the wording of the policy is not that

the new houses must take on the characteristics of the very largest houses in the area.

Two houses have been approved in the Leadburn housing group since 2004, supported by the housing groups policy. One has a floorplan of 132 square metres, the other 186 square metres. These are of traditional design and proportions and sit alongside and form part of the existing, well established group of houses. There are a variety of other houses in this group, but these are largely traditional in scale, design, form and proportions with floorplans of up to 170 square metres. The former Leadburn Inn is an exception with a floorplan of approximately 540 square metres. However that this was built as a restaurant and hotel with an associated manager's flat and is not representative of the buildings in the group.

The proposed houses are separated some 170 metres from this group. The landscape character of the area and topography means that the proposed houses would be visually very separate from this group. While there are houses in the locality which have larger floorplans than that required in the related policy, the visual and physical separation between the existing and proposed houses means that an increase in the floorplan of the proposed houses is not justified by this nearby development. The development plan policies seek to ensure that new houses are respectful of the character of the area and are not unduly large and incongruous in their design and setting.

The layout of the proposed single storey house is U-shaped which gives the impression of a large house and is not a layout generally found in Midlothian, with the exception of converted steading buildings. The proportions are unusual, with 0.7 metres between the top of the window and door openings and the eaves and a roofpitch of 31 degrees. These proportions give an unusual appearance which is not traditional or reflective of the vernacular of the area.

The layout of the two storey house is more traditional, however again the proportions are unusual. There is 1.7 metres between the top of the window and door openings and the eaves which is not traditional and creates an out-of-proportion and unattractive design. This approach is usually done to accommodate as much floorspace as possible at first floor level. It is clear that a high quality design has been sacrificed for floorspace.

The design, scale and proportions of the proposed houses are not traditional or in keeping with the local vernacular. They are poorly designed with no interest in responding to their context or the Midlothian vernacular.

The houses have been positioned to avoid the existing trees and therefore overshadowing to the south elevation. The houses have been orientated to take advantage of passive and active solar gain. The applicant's agent has stated that they will undertake a BREEAM rating assessment at building warrant submission stage to ensure that the two dwellings are constructed to at least a "Very Good" BREEAM (Building Research Establishment's Environmental Assessment Method) rating or equivalent standard. However this has not been demonstrated in the current application despite being a requirement in the related policy.

Landscape Proposals and Impact

The SG states that a high proportion of the allocated RD2 sites are required to be given over to the retention and creation of areas of nature conservation interest and landscape enhancement, through the planting of native woodlands or the formation of other features such as ponds. Proposals shall avoid existing areas of biodiversity or landscape importance or areas with potential for enhancement and restoration, or areas in proximity to these which may compromise their essential characteristics. The eastern area of the wider site is more suitable for biodiversity enhancement, particularly wetland habitat, while the western part consists of a raised terrace which is on firmer ground. Proposals shall demonstrate that the landscape and biodiversity value of the site is enhanced by the development, that the design and layout of the development should be appropriate to the rural setting. Proposals will be considered in compliance with the policy requirements where at least 50% of the site is established for landscape enhancement and nature conservation, which can include the retention and management of existing habitats. Proposals must be supported by a Tree Survey and Arboricultural Impact Assessment where existing vegetation is present on or adjacent to the site is likely to be affected by the proposed development.

The applicant's submissions state that there will be woodland reinforcement and structure planting to the existing tree belts along the northern, western, and southern boundaries. 154 trees are proposed as woodland reinforcement planting and 1643 trees proposed as structure planting. This is a significant contribution to restoring the landscape and habitat of the overall site. There is planting at the proposed house plots which is stated to be appropriate for each plot and includes 17 new trees on the western plot and 11 trees on the eastern plot. There are extensive areas of wet meadow grass on each plot and new native wildlife hedge with native underplanting. There will be marginal planting around each SUDS basin and bird boxes, bat boxes, bee/insect boxes and hedgehog boxes. The planting at the house plots is sufficient and appropriate. The houses will be seen against a backdrop of trees which will be reinforced by the additional planting proposed in the plots and in the wider area. A Tree Survey and Arboricultural Assessment have not been submitted. The applicant states that there are no plans to fell any trees on or around the site and so no need for a tree survey or AIA.

The absence of a Tree Survey and AIA means it is not possible to fully assess the impact of the proposed works on existing trees at the site, including the trees within and adjacent to the house plots and the trees protected by a Tree Preservation Order. The submitted landscape plans indicate the approximate location of existing trees and indicative locations for tree protective fencing. However this needs to be verified based on accurate tree survey information and the layout may need to be amended to avoid potential adverse effects on existing mature trees. Additional detail is required in terms of safeguarding Root Protection Areas where these have the potential to be affected by any proposed works, such as driveways and drainage. Had a Tree Survey and AIA been submitted, this could have been assessed.

The site is relatively open, extensive in character and visible in long and panoramic views from the A701. The beech avenue and mature trees to the west, south west and north boundary make a significant contribution to the local landscape character

and are habitats for wildlife. These are also an important feature in terms of the wider landscape structure, and visually in containing and framing views across the site. Therefore these are protected. The biodiversity assessment carried out for the previous SPG for housing here identified the tree corridor as a feature of value which should not be damaged or interfered with, but instead retained. Details of any large-scale planting in the vicinity of them is required to ensure these will not become dried out. This information has not been submitted despite the proposals for reinforcement and structure planting to the existing tree belts along the northern, western, and southern boundaries. This is particularly important to assess as the trees along the west and northern boundaries are protected by a Tree Preservation Order.

The SG states that a high proportion of the sites identified in policy RD2 are required to be given over to the retention and creation of areas of nature conservation interest and landscape enhancement, through the planting of native woodlands or the formation of other features such as ponds. The submitted plans only show new planting along the existing tree belts to the western, southwestern and northern boundaries with very little nature conservation interest or landscape enhancement around the housing plots. The remainder, and majority, of the site has no proposals for the creation of areas of nature conservation interest or landscape enhancement. While the SG states the eastern area is more suitable for biodiversity enhancement, particularly wetland habitat, there are no proposed works here, or details of the retention and management of this existing habitat.

The objection from NGT and the required 10 metres of separation distance between the high pressure gas pipeline and any planting means that the already limited proposed planting at the wider site cannot be carried out as proposed, means even less landscape enhancement can be secured than what has been proposed, which is already insufficient.

The proposed housing plots are relatively large with the houses positioned some 7 to 8 metres from the rear boundary. While this aims to avoid direct impacts on the existing trees at the front along the southern boundary, this results in potentially significant impacts on the local landscape character and view. The proposed plans show native hedging along the plot boundaries. While this is welcomed to aim to help the houses integrate into the surroundings, there should be native trees interspersed within the hedging. This leaves limited space for the necessary landscaping along the plot boundaries to become established and integrate the site into the surrounding area. There is also a risk that trees would be removed in the future due to fall distances and potential impact on light to the house, given the proximity of the houses to the rear boundary.

As detailed above, the houses are relatively large. These will create a new focus in views across the site and detract from its characteristic linear landscape features and the sparsely settled nature of the landscape away from the A701.

It is acknowledged that there are to be planting and ponds within the housing plots, along with a number of biodiversity enhancement proposals, a large area of the wider site appears to be left as existing with no proposed landscape enhancement or nature conservation works. While the proposed landscaping would have a positive

impact in terms of creating diverse habitat for wildlife, see section below, it is considered that these works are not sufficiently robust to allow the proposed houses to be suitably integrated within the landscape setting. Significantly more tree planting is required to create an appropriate landscape framework for the house plots so these relate positively to existing linear landscape features within the site and achieve an acceptable level of visual integration. The landscaping proposals are poor, would result in an unacceptable development and do not comply with the development plan policies.

Biodiversity

A number of biodiversity enhancement measures are proposed, including: a Biodiversity Enhancement Plan; native planting; and boggy areas to be left undeveloped. It is submitted that the planting will create a wildlife corridor that connects the proposed development site with the wider site allowing for a more extensive and connected green network. There are to be a number of features within the house plots including; bird boxes; bat boxes; swift bricks; bee/insect boxes; hedgehog boxes and highways; and log and leaf piles; wildflower areas; SUDs ponds; and wildlife friendly lighting.

These proposals are generally welcomed and would introduce diverse habitat as well as reinforce existing features over time.

Access, Parking and Road Safety

The SG states that units should be close to the A701 to reduce the walking distance to public transport and minimise the visual impact of ancillary driveways or access roads. A possible access point is to the northeast, as this would avoid areas of biodiversity value. Alternative access options will be considered should this option prove impossible. Where possible, a shared driveway is preferred for both units to minimise the visual impact.

As previously considered, the creation of a vehicular access from the A701 to the proposed houses would result in long driveways across open countryside which would have detrimental impact on the landscape character of the area. Also the presence of the gas pipeline limits the area where such development could take place at the northeast of the site. While it is not impossible for an access to be taken from the A701, this would have a significant adverse impact on the landscape character of the area.

The proposed access is from an existing road onto the A701 and allows pedestrian access to public transport. There is limited impact on the landscape character of the surrounding area due to the position of the houses close to this existing road.

The houses are served by separate accesses. The applicants' agent states this would enable an independent identity to each dwelling. Given the limited impact on the landscape character of the area and the relatively short accesses from the existing track, in this instance separate accesses are acceptable.

The Senior Manager Neighbourhood Services (Roads) does not raise any road safety concerns.

The Council encourages the provision of public access, particularly in situations where a connection with core paths or the green network can be made. There are no core paths in the area and the nearest Strategic Green Network Strategic Connection is to the other side of Leadburn and is aspirational at present.

The submissions state that there is public access in the area forming an informal circular route around the site, using the existing road to the south, the tree corridor to the west, along the northern boundary and south along the western bank of the Lead Burn. The existing treebelt along the southern, western and northern boundaries form an important green network and some are protected. Should the proposal be supported, details of the proposed green network connections and public access are required to ensure there are appropriate connections but also to ensure these do not adversely affect protected trees.

Water Supply

Proposals need to demonstrate that they can be served by a public water supply or acceptable private arrangements if public provision is not available. Scottish Water has no objection to the proposal.

The applicant states that there are water mains to the northeast, by the A701 and a connection could be made here to serve the houses. However the preference is to create a borehole within the site to source a water supply. Alternatively a connection to the mains could be done provided this is feasible and viable.

The applicant was requested to provide details of the proposed supply to allow the Council's Protective Services team to consider if the supply is adequate. This included details on the capacity of the water storage tank and confirmation the source and storage facilities are sufficient. This information has not been submitted.

As no information has been submitted for the proposed houses to connect to the public water supply or that an acceptable private arrangement is possible, it has not been demonstrated that the houses can be served by a safe water supply. This requirement is part of planning policy and cannot be covered by condition.

Drainage and Flooding

There is no public sewerage connection in the area and so private drainage arrangements are proposed. There will be a SUDs pond in each plot to deal with surface water. The existing field drainage will be retained. This approach is acceptable.

The SG stated a flood risk assessment was prepared at the time of the 2006 Public Local Inquiry which demonstrated that the site could be developed without unacceptable risk of flooding. An updated flood risk assessment has been submitted which states there are no flooding issues arising from the proposal. The Council's Flood Officer states Investigation of the Flood Risk Assessment (FRA) and reference

to the SEPA flood risk map on the system, indicates the parcel of land identified on the location is at a 'low risk' of flooding at this site. Flooding concerns have therefore been addressed.

Other Matters

NGT objected as the planting of trees within the vicinity of the high pressure gas pipeline to the north of the site is restricted and there needs to be a 10 metre separation distance between the edge of the pipeline and any new planting. The proposed reinforcement planting cannot take place and so these works cannot be carried out due to the presence of and impact on a high pressure gas pipeline.

With regards to the construction at the site, mitigation measures regarding ground conditions and contamination and/or previous mineral workings must be considered. The Council's Protective Services Manager has no objection to the proposal but recommends that conditions be attached to address any contamination issues. A scheme mitigating any contamination of the site and/or previous mineral workings, and the submission of a validation report(s) confirming the approved works have been carried out shall be required by planning condition if permission is approved.

An ecology report was submitted with the application but kept sensitive due to the nature of the contents. The Council's Biodiversity consultant considers that this report adequately addresses protected species and there is no impact on protected species as a result of the proposals.

Land ownership notification has been carried out as per the relevant regulations. Right of access is not a material planning consideration but a private legal matter between the relevant parties, as is the maintenance of a private road.

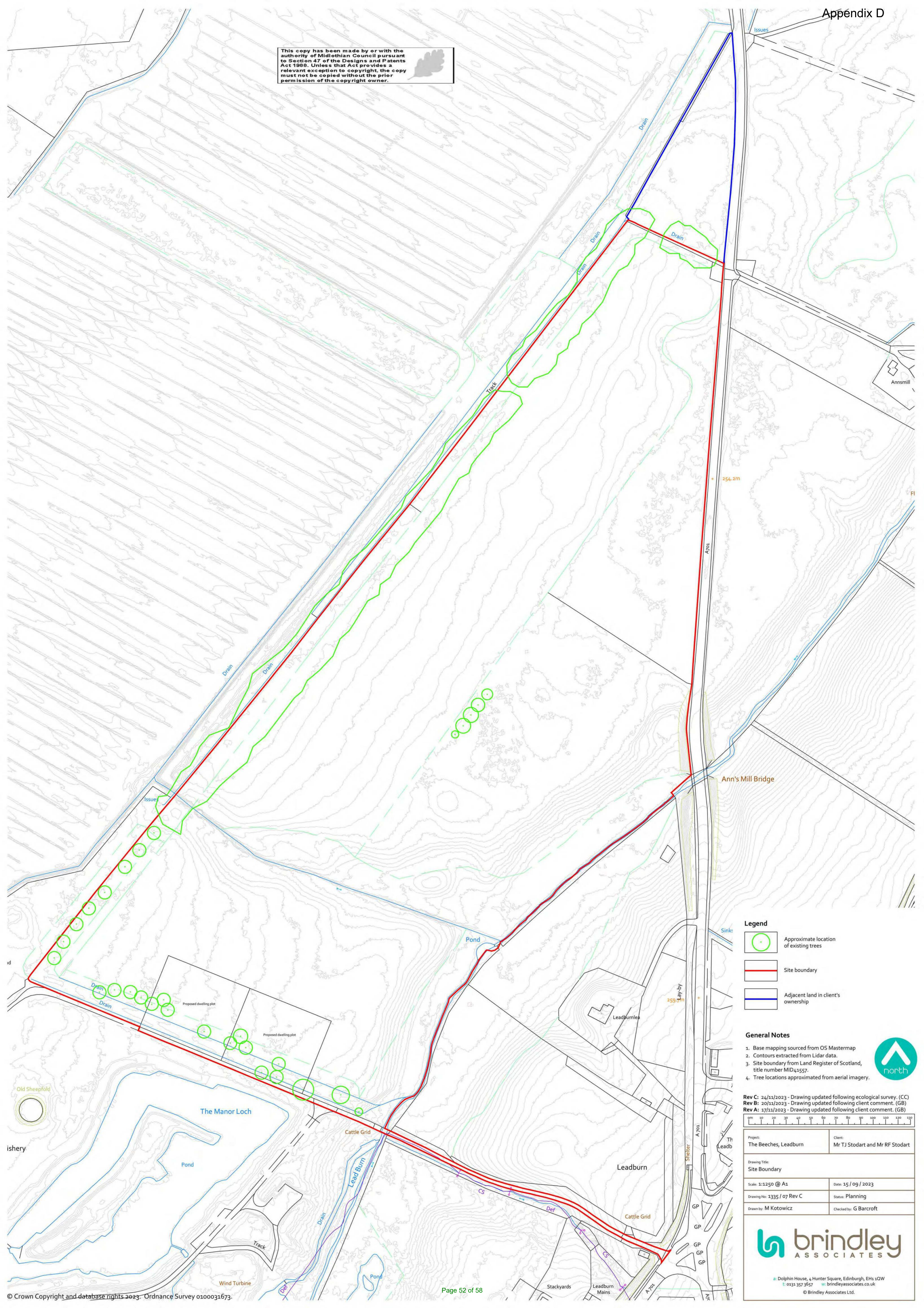
Recommendation: Refuse planning permission.

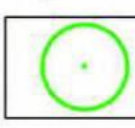


Reasons If Refused

1. The proposal for two dwellinghouses does not comply with the established principles and criteria for accommodating low density rural housing as detailed under Policy RD2 and the adopted supplementary guidance; insufficient land has been given over to accommodate the necessary landscape improvements required in order to justify the development of two dwellings.
2. The proposed development will not result in an enhancement to the landscape and biodiversity value of the area, as is required in terms of the adopted planning policy.
3. The design and layout of the proposed development will not be appropriate to the rural setting and will lead to a significant adverse impact on the character and appearance of the surrounding rural and special landscape area.

4. For the above reasons, the proposal is contrary to policy RD2 of the adopted Midlothian Local Development Plan 2017, Supplementary Guidance for Low Density Housing and policy 17 of National Planning Framework 4.
5. As a result of an unacceptable landscape scheme the proposed development will not be successfully integrated into the surrounding rural area and special landscape area. The proposal is therefore contrary to policies RD2, ENV6, ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017 and Supplementary Guidance for Low Density Housing.
6. It has not been demonstrated to the satisfaction of the planning authority that the proposal would not have an adverse impact on trees covered by a Tree Preservation Order. Therefore the proposal is contrary to policy ENV11 of the adopted Midlothian Local Development Plan 2017, Supplementary Guidance for Low Density Housing and policy 6 of National Planning Framework 4.
7. Part of the application site is located above a high pressure gas pipeline which runs through the north of site and planting of trees within 10 metres of this is restricted. The proposal cannot take place, as submitted, without having a significant and unacceptable impact on a high pressure gas pipeline.
8. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development can be provided with an acceptable water supply. The proposal is therefore contrary to policy RD2 of the adopted Midlothian Local Development Plan 2017 and the Supplementary Guidance for Low Density Rural Housing.

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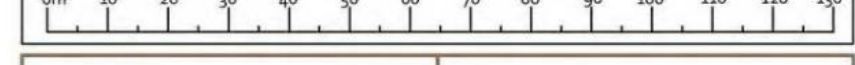


- Legend**
-  Approximate location of existing trees
 -  Site boundary
 -  Adjacent land in client's ownership

- General Notes**
1. Base mapping sourced from OS Mastermap
 2. Contours extracted from Lidar data.
 3. Site boundary from Land Register of Scotland, title number MID43557.
 4. Tree locations approximated from aerial imagery.



Rev C: 24/11/2023 - Drawing updated following ecological survey. (CC)
 Rev B: 20/11/2023 - Drawing updated following client comment. (GB)
 Rev A: 17/11/2023 - Drawing updated following client comment. (GB)



Project: The Beeches, Leadburn	Client: Mr TJ Stodart and Mr RF Stodart
Drawing Title: Site Boundary	
Scale: 1:1250 @ A1	Date: 15 / 09 / 2023
Drawing No: 1335 / 07 Rev C	Status: Planning
Drawn by: M Kotowicz	Checked by: G Barcroft



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Grass seed Mixes

ALL PURPOSE LANDSCAPING (A3) FROM GERMINAL OR SIMILAR APPROVED

SPECIES	MIX
Lolium perenne (Corall strong creeping red fescue)	25.0%
Festuca rubra rubra	35.0%
Agrostis castellana	5.0%
Festuca rubra litoralis	10.0%
Lolium perenne (Calico perennial ryegrass)	25.0%

Sowing rate 50 g/m²

WET MEADOW MIX (SCM2) FROM SCOTIA SEEDS OR SIMILAR APPROVED

SPECIES	MIX
30% WILDFLOWERS	
Achillea ptarmica	1.5%
Centaurea nigra	1.0%
Cirsium palustre	0.1%
Filipendula ulmaria	1.5%
Geranium pratense	2.0%
Geum rivale	1.0%
Hypericum tetrapetrum	0.2%
Hypochaeris radicata	1.0%
Iris pseudacorus	2.5%
Leucanthemum vulgare	1.0%
Lotus uliginosus	1.0%
Plantago lanceolata	1.2%
Prunella vulgaris	0.5%
Ranunculus acris	1.0%
Rhinanthus minor	1.0%
Rumex acetosa	1.0%
Scorzonoides autumnalis	1.0%
Silene flos-cuculi	1.0%
Succisa pratensis	0.5%
80% GRASSES, SEDGES & RUSHES	
Agrostis capillaris	10.0%
Alopecurus pratensis	5.0%
Carex ovalis	0.2%
Deschampsia caespitosa	7.4%
Festuca rubra	36.5%
Phalaris arundinacea	0.3%
Poa pratensis	20.6%

Sowing rate 3 g/m²

Planting Schedule - Dwelling Plots

CODE	SPECIES	SPECIFICATION	GIRTH	HEIGHT	DENSITY	NUMBER
Ag1	Alnus glutinosa	Heavy Standard: 5 brks: 3x: RB: 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	7 No.
Fs	Fagus sylvatica	Heavy Standard: 5 brks: 3x: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	4 No.
MJD	Malus 'John Downie'	Heavy Standard: 5 brks: 3x: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	1 No.
Psyl	Pinus sylvestris	Leader with Laterals: Feathered to base: 5x: RB	-	300-350cm	Counted	4 No.
Pav	Prunus avium	Heavy Standard: 5 brks: 3x: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	4 No.
Or	Quercus robur	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: RB: Clear Stem 175-200cm	12-14cm	350-425cm	Counted	3 No.

CODE	SPECIES	SPECIFICATION	MIX	HEIGHT	DENSITY	NUMBER
Ag1	Alnus glutinosa	1+1: Transplant - seed raised: B	10%	60-80cm	7/m	221 No.
Cav	Corylus avellana	1+2: Transplant - seed raised: Branched: 3 brks: B	15%	60-80cm	7/m	330 No.
Cmo	Crataegus monogyna	1+1: Transplant - seed raised: B	25%	60-80cm	7/m	550 No.
Msy	Malus sylvestris	1+1: Transplant - seed raised: B	15%	60-80cm	7/m	330 No.
Pav	Prunus avium	1+1: Transplant - seed raised: B	10%	60-80cm	7/m	221 No.
Psp	Prunus spinosa	1+1: Transplant - seed raised: Branched: 2 brks: B	10%	60-80cm	7/m	221 No.
Rca	Rosa canina	1+1: Transplant - seed raised: Provenance UK Area 304: B	15%	60-80cm	7/m	330 No.

CODE	SPECIES	SPECIFICATION	MIX	DENSITY	NUMBER
Apet	Alliaria petiolata	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Aur	Allium ursinum	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Asy	Anthriscus sylvestris	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Cn	Centaurea nigra	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Fv	Ficaria verna	Plug: Established Root 2-3 Months min.: British Native-origin: C	10%	3/m ²	95 No.
Gro	Geranium robertianum	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Pvu	Primula vulgaris	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Sdi	Silene dioica	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Ssy	Stachys sylvatica	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.
Vri	Viola riviniana	Plug: Established Root min. 2-3 months: Sept to April planting: British Native-origin: C	10%	3/m ²	95 No.

CODE	SPECIES	SPECIFICATION	MIX	DENSITY	NUMBER
Ao	Anthoxanthum odoratum	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Cacu	Carex acutiformis	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Fu	Filipendula ulmaria	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Ips	Iris pseudacorus	Root Trainer: Well Rooted: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Lsal	Lythrum salicaria	Full Pot: C	12.5%	3/m ²	80 No.
Maq	Mentha aquatica	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Par	Phalaris arundinacea	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.
Sper	Sparganium erectum	Full Pot: Sept to April planting: British Native-origin: C	12.5%	3/m ²	80 No.

Legend

- Approximate location of existing trees
- Proposed tree planting in 1m diameter weed free circles (see planting schedule)
- Proposed native wildlife hedge with native underplanting (see planting schedule)
- Proposed close mown grass (see planting schedule)
- Proposed wet meadow grass (see planting schedule)
- Proposed interface between different mowing regimes
- Proposed marginal planting (see planting schedule)
- Proposed hard landscape (e.g. gravel) to building curtilage
- Proposed protective fencing around existing trees to be retained
- Proposed bird box location (see biodiversity enhancement plan)
- Proposed swift brick location (see biodiversity enhancement plan)
- Proposed bat box location (see biodiversity enhancement plan)
- Proposed bee / insect box location (see biodiversity enhancement plan)
- Proposed hedgehog box location (see biodiversity enhancement plan)
- Site boundary

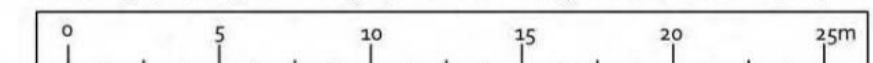
General Notes

- 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).
- 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.
- Some tree positions may have to be amended to accommodate any amendments to locations of services.
- For information regarding dwelling house design refer to architect's drawings.
- For information on levels & drainage refer to engineer's drawings.
- For information on ecological features refer to Biodiversity Enhancement Plan.
- For Planting Notes and Maintenance & Management Proposals refer to separate A4 document.



Rev B: 08/12/2023 - Dwelling layout updated. (GB)

Rev A: 30/11/2023 - Drawing updated following client comment. (GB)

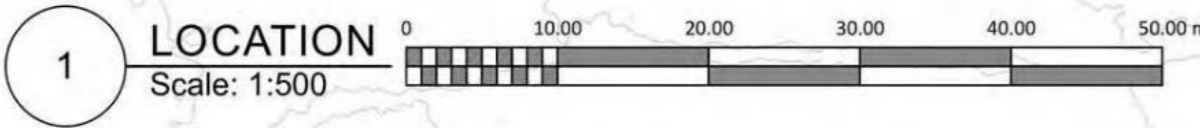
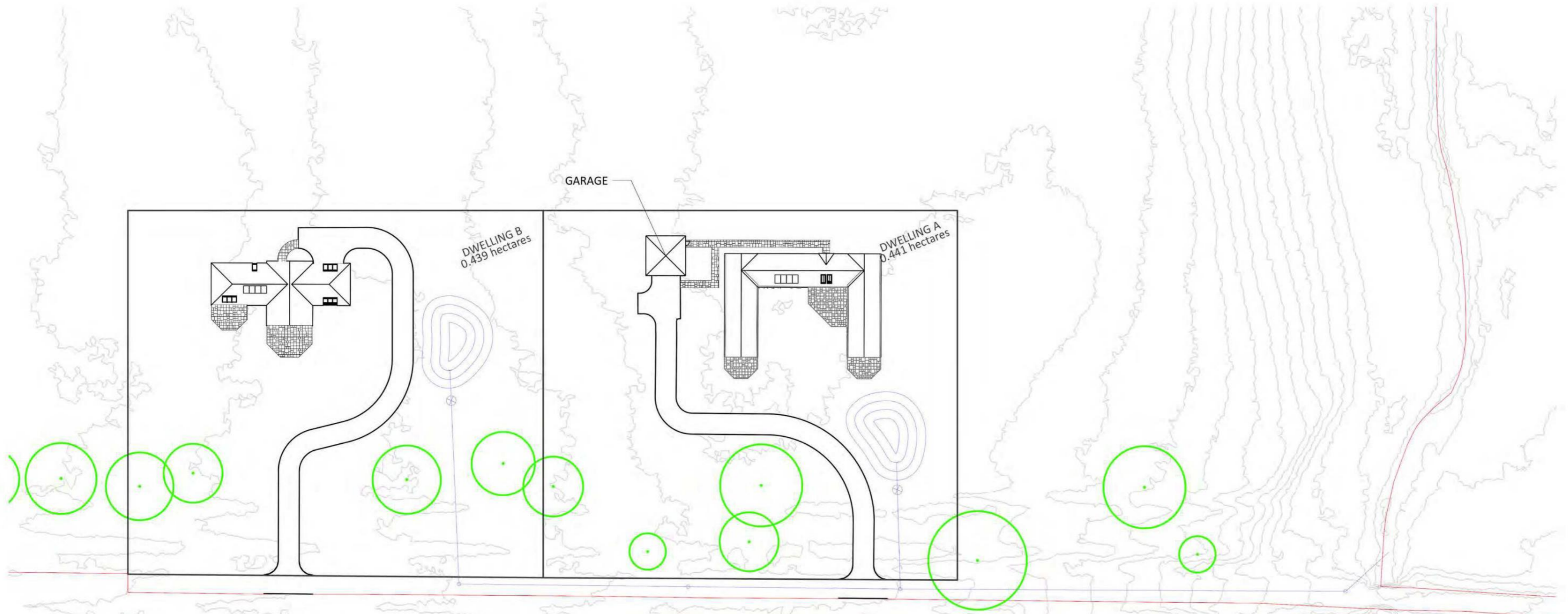


Project: The Beeches, Leadburn	Client: Mr TJ Stodart and Mr RF Stodart
Drawing Title: Proposed Dwelling Plots - Planting Plan	
Scale: 1:250 @ A1	Date: 24 / 11 / 2023
Drawing No: 1335 / 09 Rev B	Status: Planning
Drawn by: M Kotowicz	Checked by: G Barcroft



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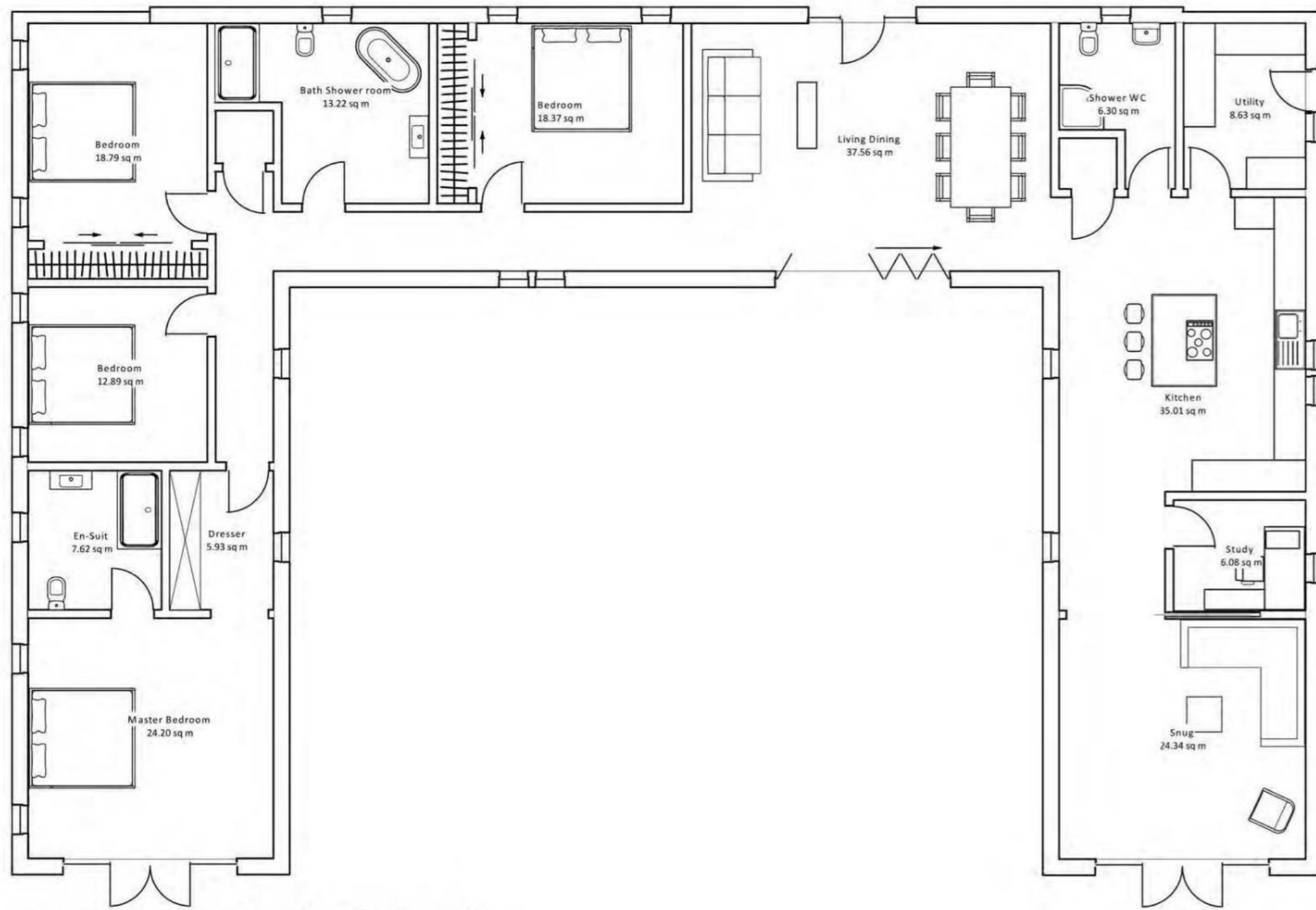
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 e-mail gamees@gmat-technology.co.uk

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- Sub-contractors should verify all dimensions on site before making shop drawings or commencing with manufacture

Revision	Date	Details	By

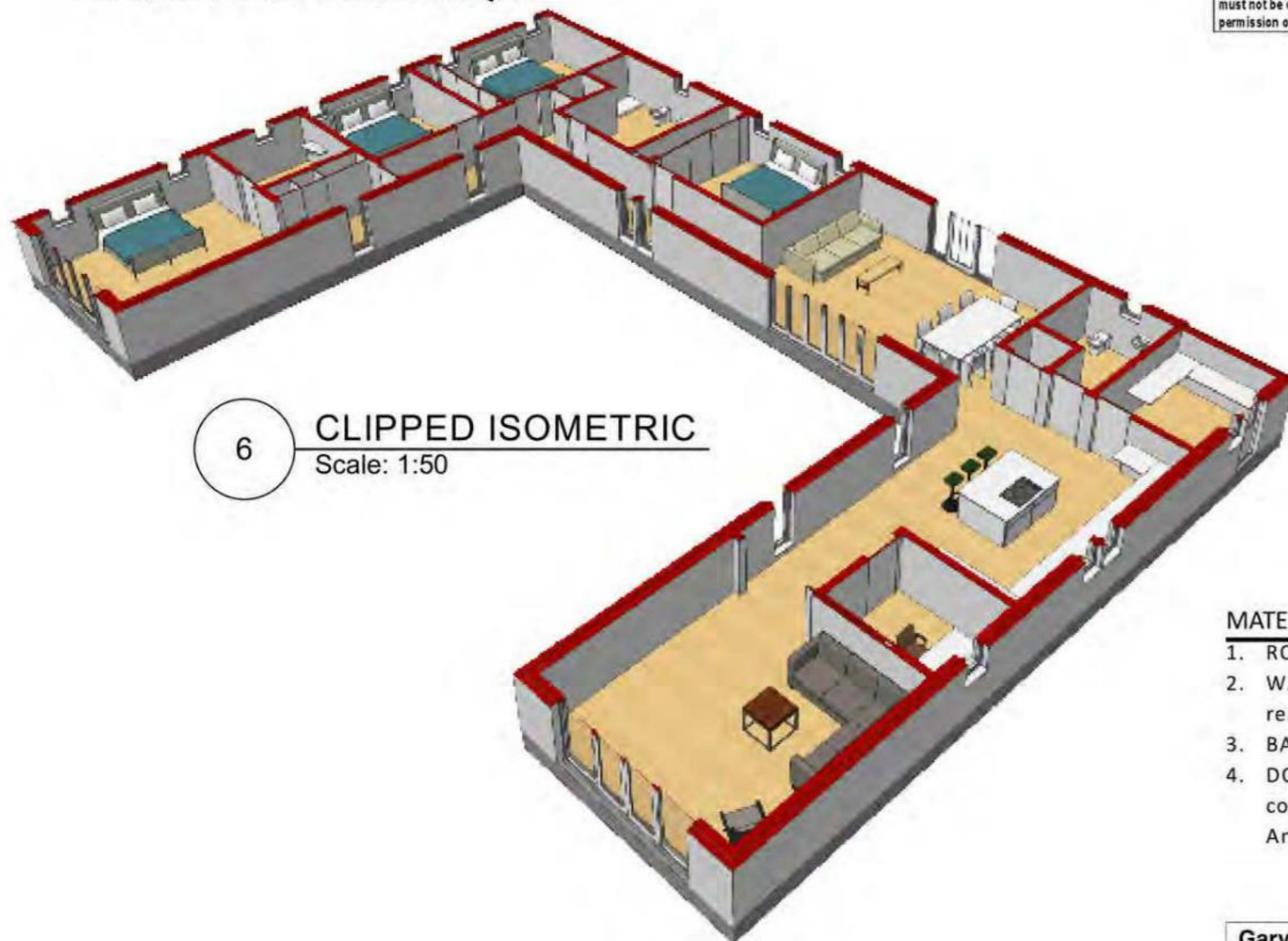
CLIENT
 Mr John Stodart, Positus Capital
 DRAWING TITLE
 Rosemay Farm Road Leadburn
 BLOCK PLAN

Date	Project No.	Scale	Status
02/11/2023	585	NOTED @A2	PLNG
CAD Code	585_SITEMODEL.vwx	Drawn	Checked
		GAM	
Dwg. No.	PLNG-01		Rev.



1 PLAN
Scale: 1:100

TOTAL AREA 250 SQM

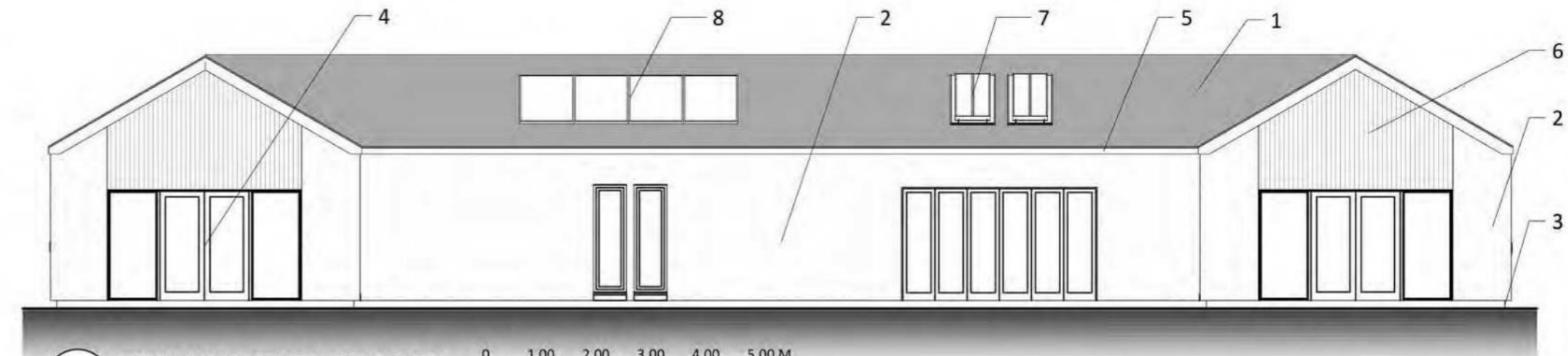


6 CLIPPED ISOMETRIC
Scale: 1:50

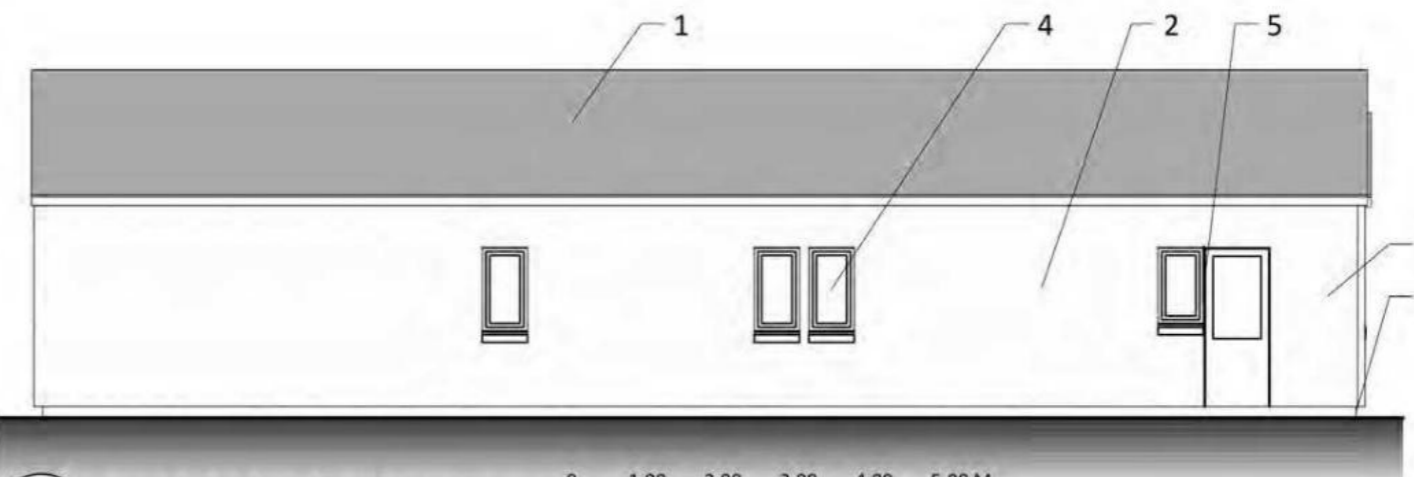
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MATERIAL FINISHES

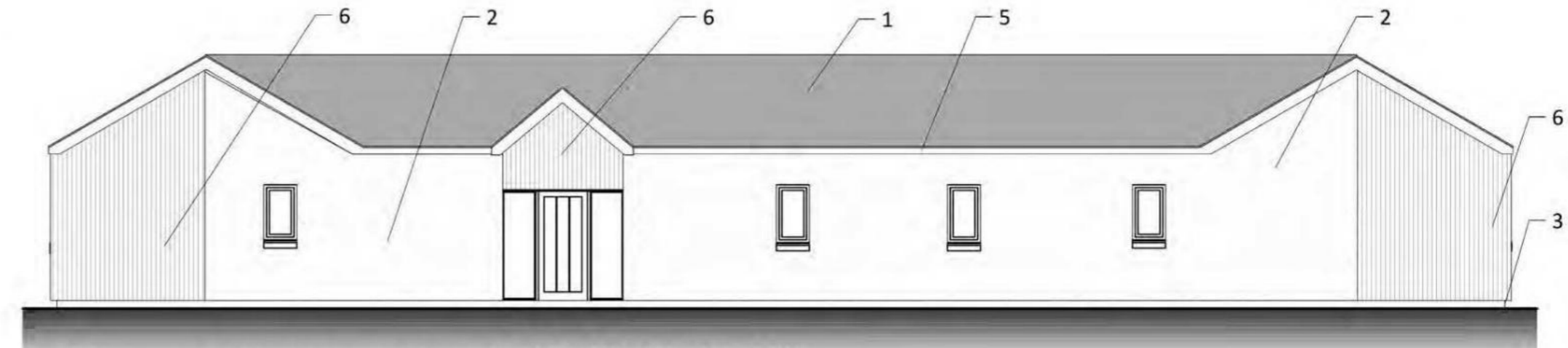
- 1. ROOF: Slate grey caledonian heavy slate
- 2. WALLS: Off white smooth textured render.
- 3. BASE COURSE: Cool grey facing brick
- 4. DOOR & WINDOW: Aluminium timber composite window. Anthracite grey
- 5. GUTTERING & DOWNPIPES: Black PVCu
- 6. TIMBER LINING: Scottish Larch
- 7. ROOFLIGHTS
- 8. PHOTOVOLTAIC PANELS



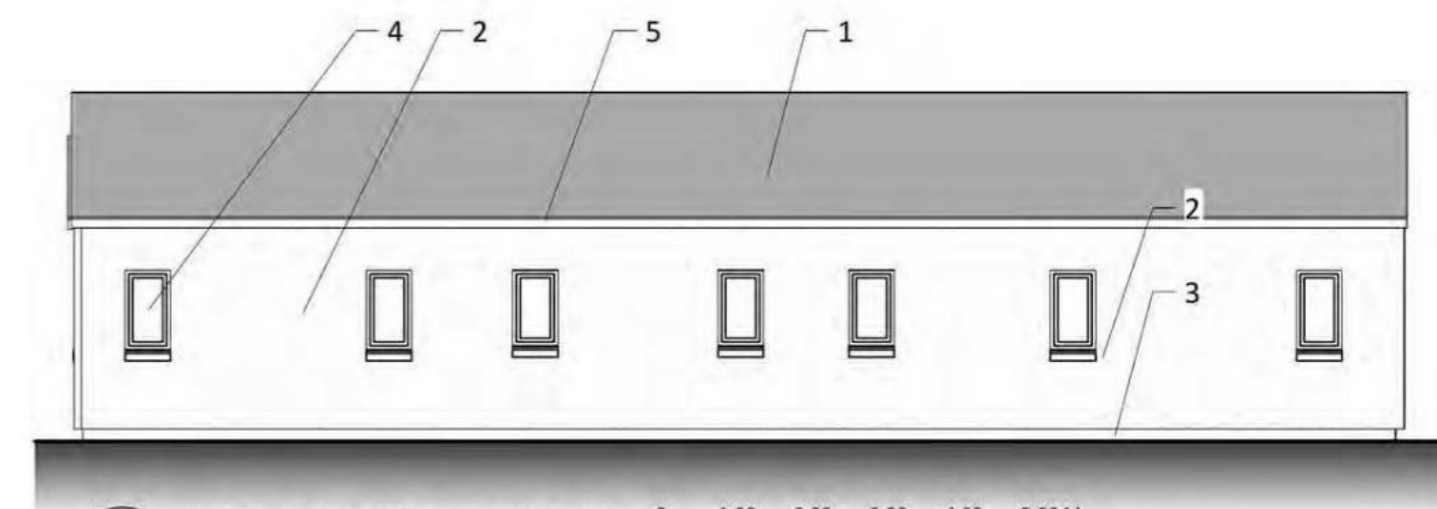
2 SOUTH FACING ELEVATION
Scale: 1:100



3 EAST FACING ELEVATION
Scale: 1:100



4 NORTH FACING ELEVATION
Scale: 1:100



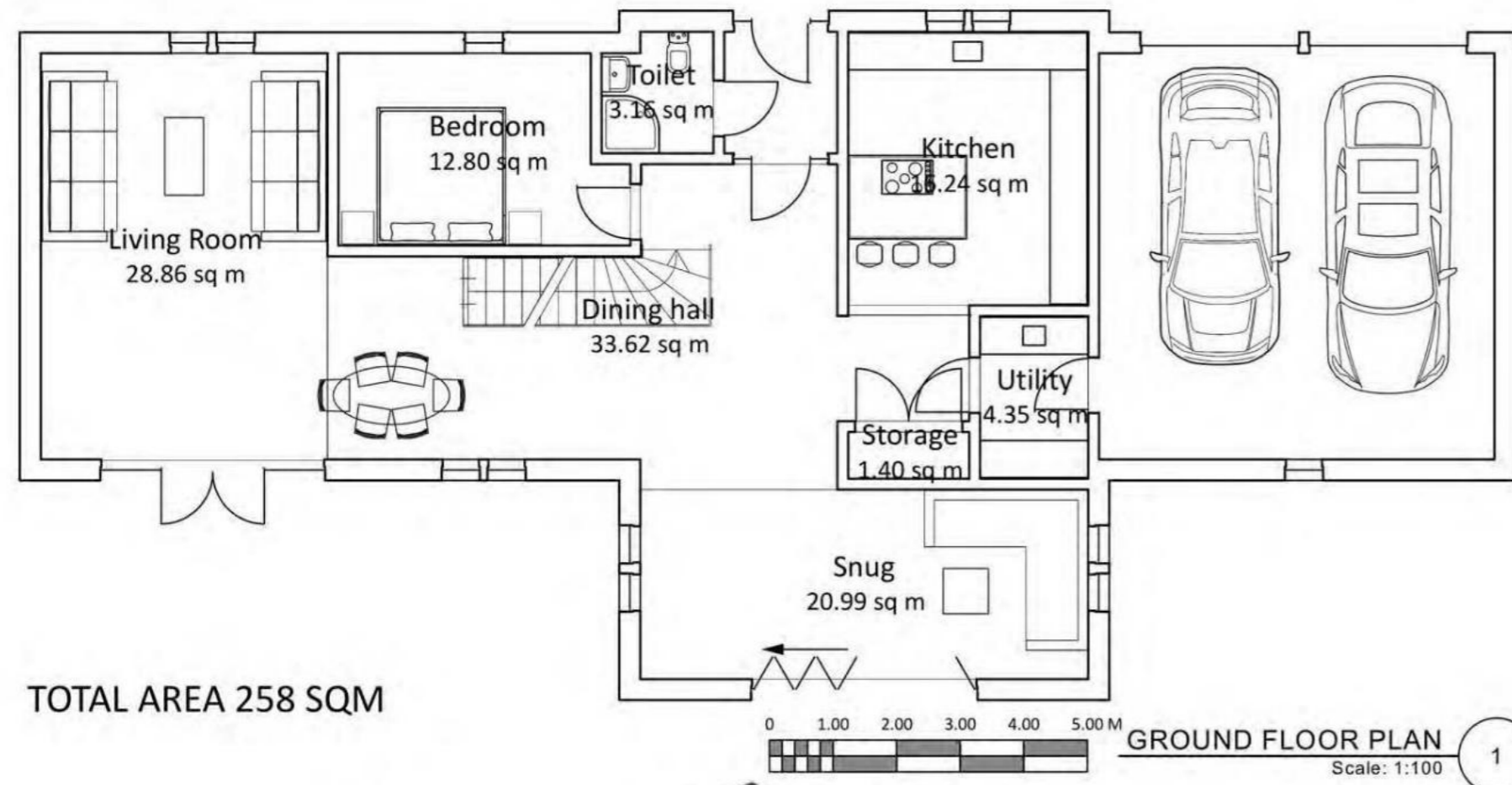
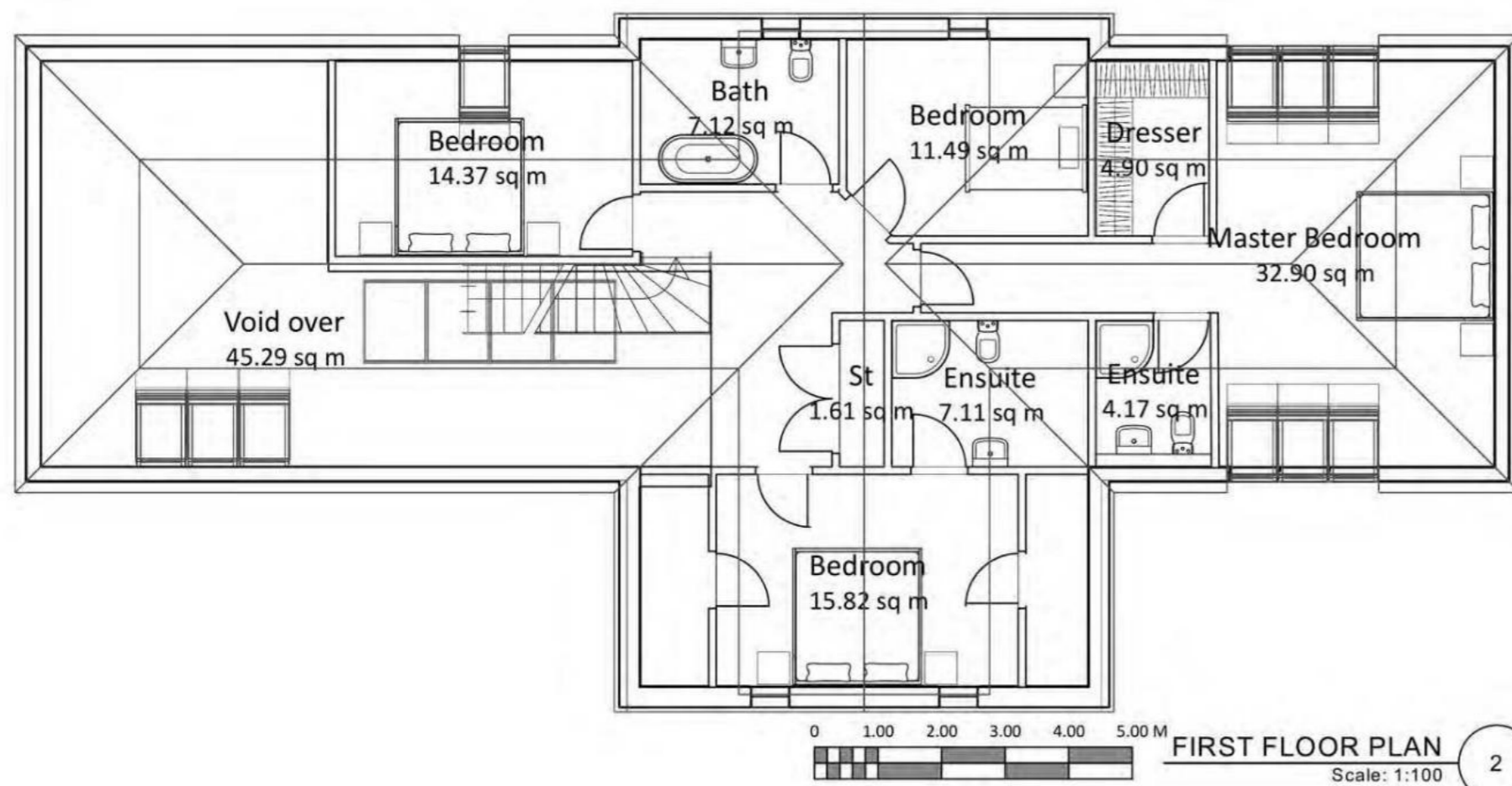
5 WEST FACING ELEVATION
Scale: 1:100

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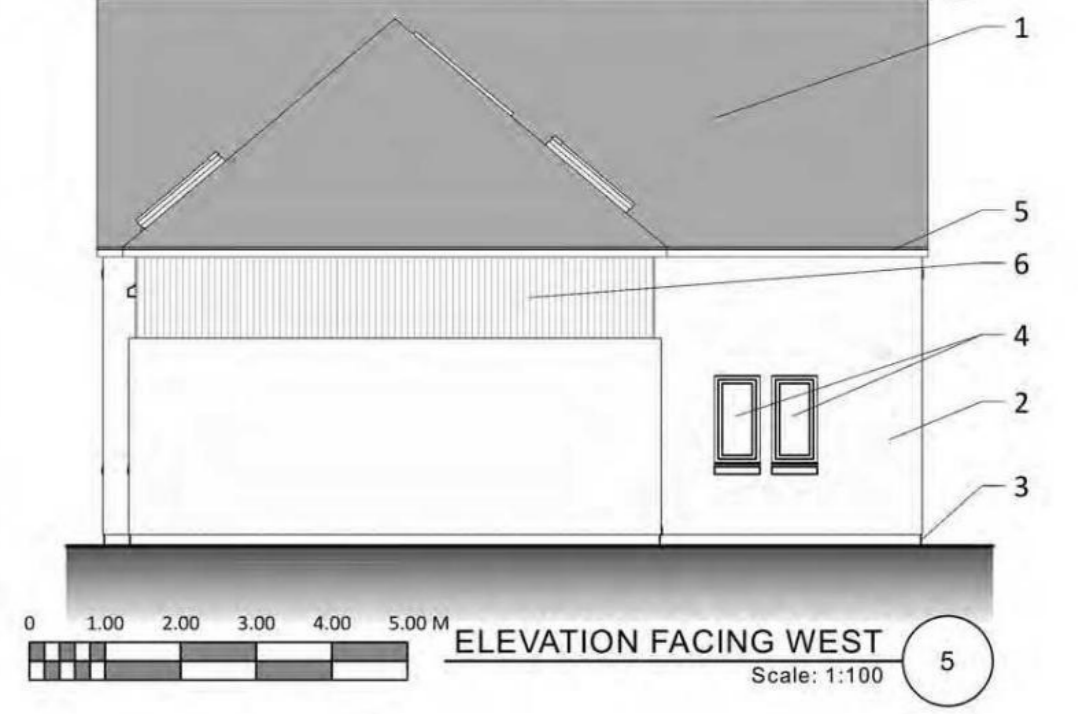
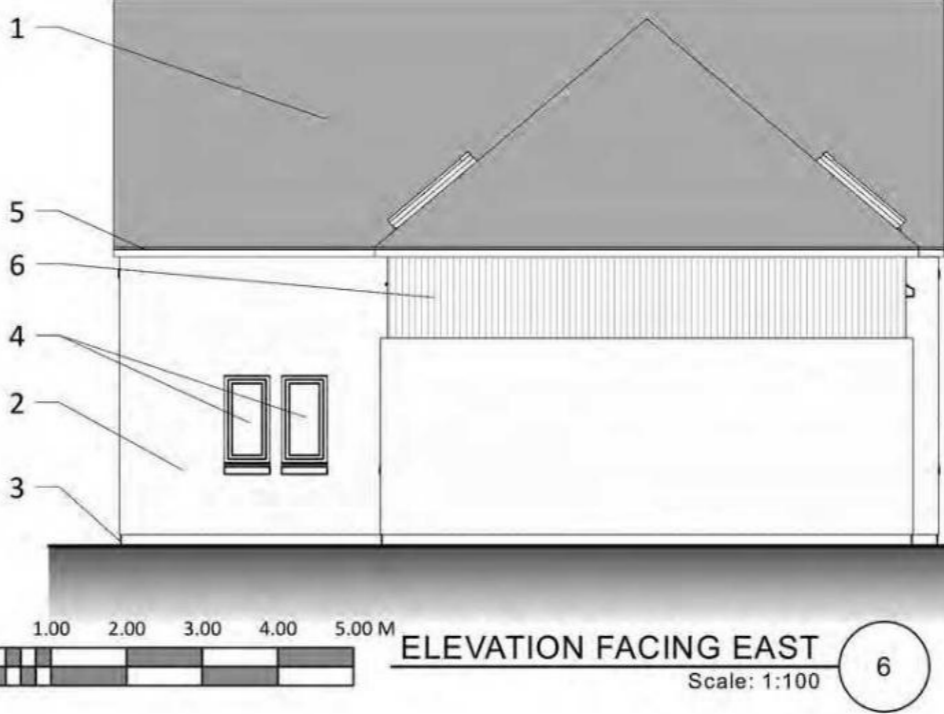
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e-mail gamees@gmat-technology.co.uk

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Revision	Date	Details	By	CLIENT	Date	Project No.	Scale	Status
				Mr John Stodart, Positus Capital	13/10/2023	585	NOTED @A2	PROP
				ROSEMARY FARM ROAD LEADBURN	CAD Code		Drawn	Checked
				DWELLING A PLANS & ELEVATIONS	PROPOSAL 02.vwx		GAM	
					Drg. No.		PLNG-02	Rev.



TOTAL AREA 258 SQM



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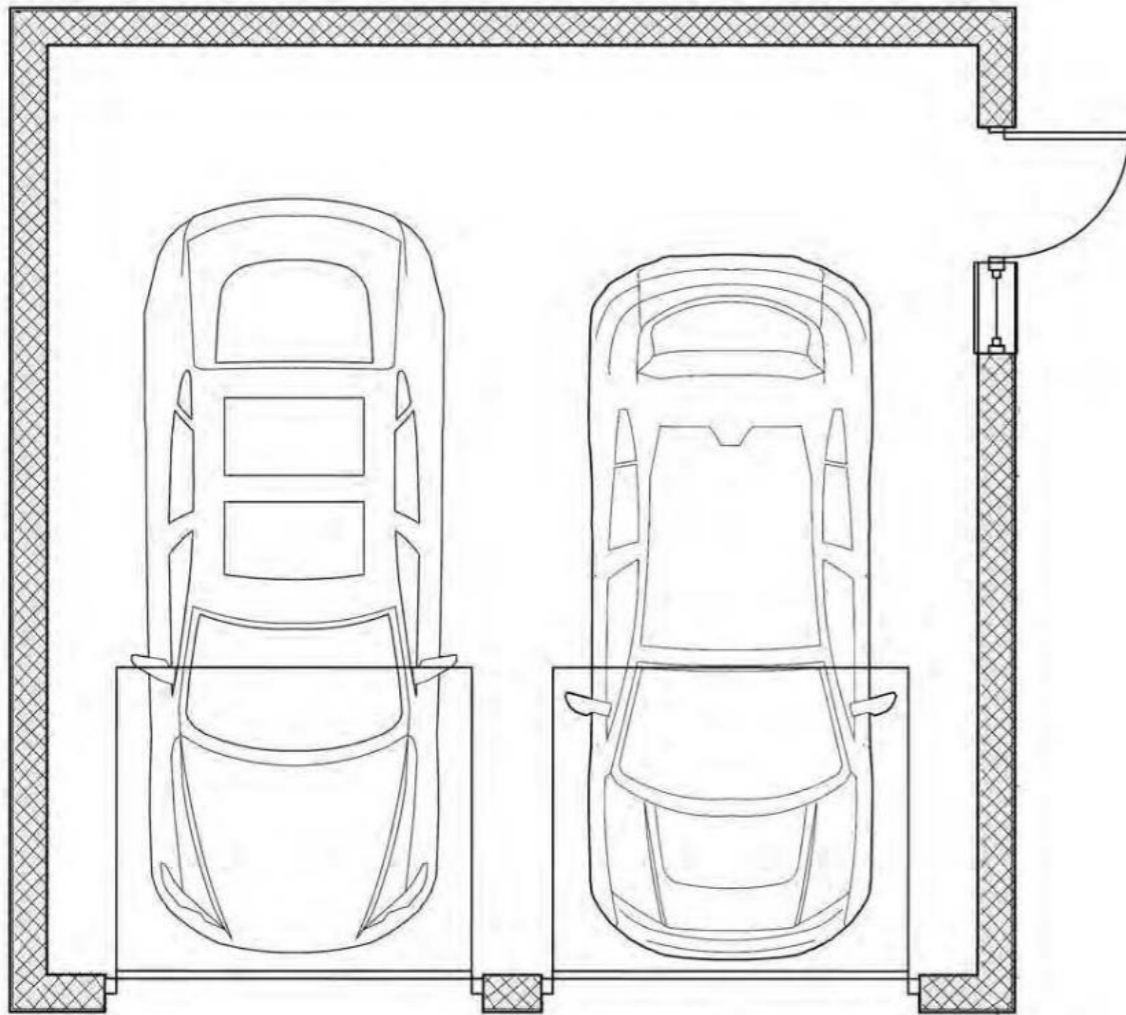
- 1. ROOF: Slate grey caledonian heavy slate
- 2. WALLS: Off white smooth textured render.
- 3. BASE COURSE: Cool grey facing brick
- 4. DOOR & WINDOW: Aluminium timber composite window. Anthracite grey
- 5. GUTTERING & DOWNPIPES: Black PVCu
- 6. TIMBER LINING: Scottish Larch
- 7. ROOFLIGHTS; Roof line window
- 8. PHOTOVOLTAIC PANELS
- 9. GARAGE DOORS: Sectional doors to match doors and windows
- 10. ROOF WINDOWS: Combination vertical and horizontal roof window

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 e-mail gamees@gmat-technology.co.uk

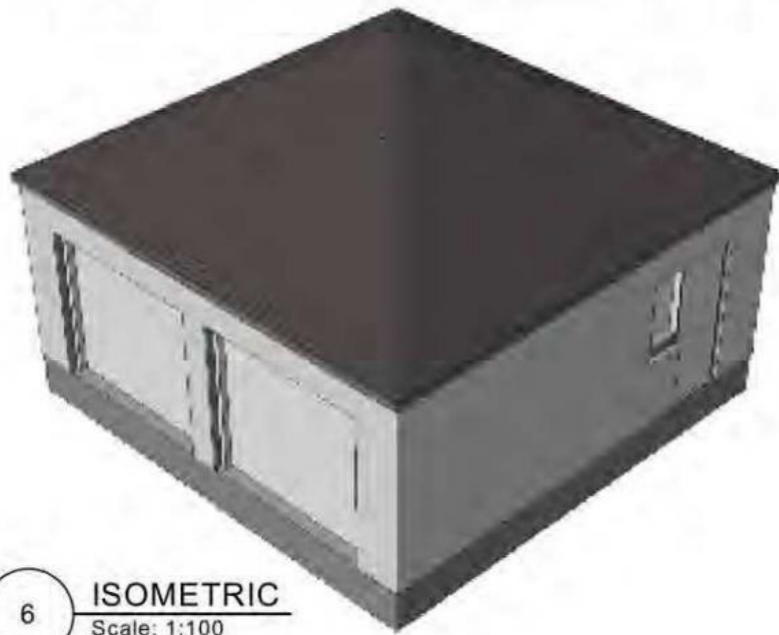
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Revision	Date	Details	By	CLIENT	Date	Project No.	Scale	Status
				Mr John Stodart, Positus Capital	26/10/2023	585	NOTED @A2	PLNG
				DRAWING TITLE	CAD Code	Drawn	Checked	
				Rosemay Farm Road Leadburn	PROPOSAL 03-R.vwx	GAM		
				DWELLING B PLANS AND ELEVATIONS	Dwg. No.	PLNG-03	Rev.	

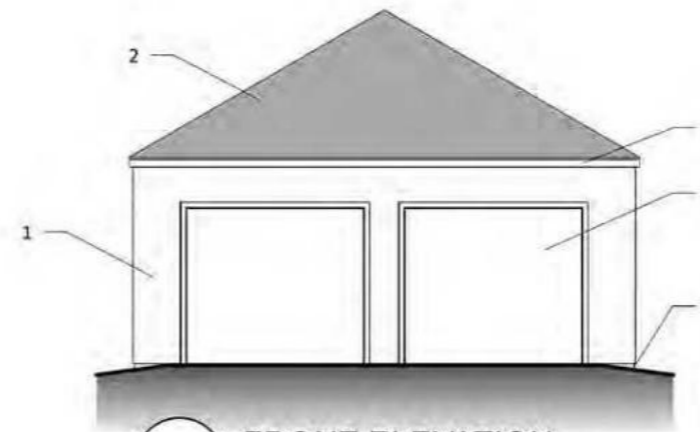
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1 GARAGE PLAN
Scale: 1:50



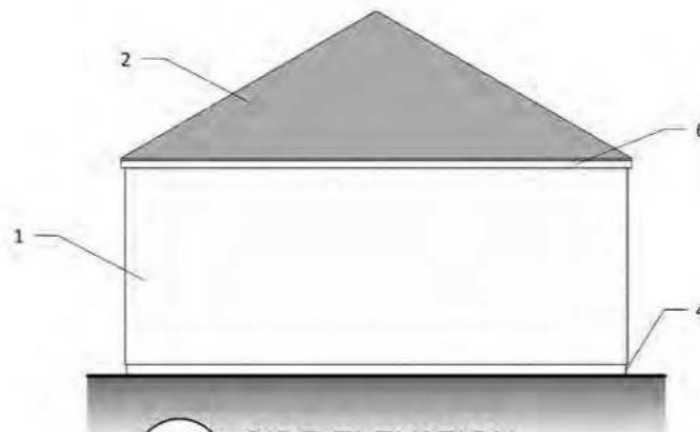
6 ISOMETRIC
Scale: 1:100



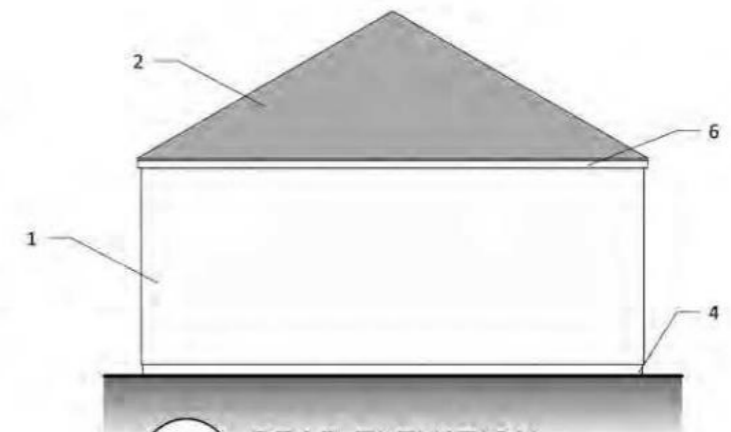
2 FRONT ELEVATION
Scale: 1:100



3 SIDE ELEVATION
Scale: 1:100



4 SIDE ELEVATION
Scale: 1:100



5 REAR ELEVATION
Scale: 1:100

MATERIAL FINISHES

- 1. ROOF: slate grey caledonian heavy slate
- 2. WALLS: Off white smooth textured render.
- 3. GARAGE DOORS: Colour to match dwelling windows and doors.
- 4. BASE COURSE: cool grey facing brick
- 5. DOOR & WINDOW: Color to match dwelling windows and doors
- 6. GUTTERING & DOWNPIPES: Black PVCu

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Revision	Date	Details	By	CLIENT	Date	Project No.	Scale	Status
				Mr John Stodart, Positus Capital	09/11/2023	585	NOTED @A2	PLNG
				DRAWING TITLE	CAD Code	Drawn	Checked	
				Rosemay Farm Road Leadburn	585_GARG_MODEL.vwx	GAM		
				GARAGE PLAN ELEVATIONS AND ISOMETRIC	Drg. No.	PLNG-04		Rev.