

Notice of Meeting and Agenda



Local Review Body

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

Date: Monday, 25 September 2023

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 meeting of 19 June 2023 submitted for approval 3 - 8

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- 5.1** Land South West of 54 Dewartown, Gorebridge (23.00294.DPP) - Chief Officer Place 9 - 34
- 5.2** Land 115m east of Highwood House, Barley Dean, Rosewell (23.00003.DPP) - Chief Officer Place 35 - 112
- 5.3** 50 Dundas Street, Bonnyrigg (23.00117.DPP) - Chief Officer Place 113 - 126
- 5.4** Land north west of 4 Wadington Lane Lasswade (22.00811.DPP) - Chief Officer Place 127 - 350

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday, 13 November 2023 at 13:00.

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 25 September 2023
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 19 June 2023	1.00pm	Council Chambers

Present:

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

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor McEwan, Councillor Smaill and Councillor Virgo

2 Order of Business

The order of business was as amended as detailed below.

3 Declarations of interest

Councillor Milligan declared an interest in 5.3 as he knows the applicant's father and he would leave the meeting at this point.

4 Minute of Previous Meeting

The Minute of the Meeting of 22 May 2023 was submitted and approved as correct record.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	Land Rear 20 Eskview Road, Mayfield(22.00895.DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield.</p> <p>The Planning application 22/00716/DPP for the change of use from public open space to allow siting of container for the use as hot food takeaway on land rear of 20 Eskview Road, Mayfield was refused planning permission on 18 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development gave careful consideration to the reasons for its refusal and raised concerns with regards to sitting this container in the area and also taking into account the possible litter aspect.</p> <p>Councillor Milligan, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report.</p>		

As an amendment Councillor Cassidy, seconded by Councillor Drummond moved to uphold the review request and grant planning permission subject to the conditions as set out in the report.

On a vote being taken 4 Members voted for the Motion and 2 Members voted for the Amendment, the Motion then became the decision of the committee.

Decision

The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for Change of use from public open space to allow sitting of container for use as hot food takeaway at Land to Rear of 20, Eskview Road, Mayfield, Dalkeith

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	131 Main Street, Newtongrange	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of office building at 131 Main Street, Newtongrange.</p> <p>The Planning application 22/00804/DPP for the erection of office building at 131 Main Street, Newtongrange was refused planning permission on 30 January 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the character and appearance to the surrounding area and the detrimental impact this would have on the appearance of the area.</p> <p>Councillor Drummond, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report. This was unanimously agreed by the committee.</p>		
Decision		
<p>The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for the erection of office building at 131 Main Street, Newtongrange, EH22 4 PF.</p>		
Action		
<p>Planning, Sustainable Growth and Investment Manager</p>		

Agenda No	Report Title	Presented by:
5.4	5 Braeside Road South, Gorebridge	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge.</p> <p>The Planning application 23/00033/DPP for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge was granted planning permission subject to conditions on 17 March 2023; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the depth of the driveway.</p> <p>Councillor Drummond, seconded by Councillor Alexander moved to dismiss the review request and uphold the decision to refuse planning permission for the reasons as stated in the case officer's report. This was unanimously agreed by the committee</p>		
Decision		
<p>The Local Review Body agreed to dismiss the review request and uphold the planning decision to refuse planning permission for alterations to garden levels, erection of retaining wall and formation of driveway (retrospective) at 5 Braeside Road South, Gorebridge, EH23 4DN.</p>		
Action		
Planning, Sustainable Growth and Investment Manager		

Councillor Milligan left the meeting at 1.13 pm prior to the discussion of the next item.

Agenda No	Report Title	Presented by:
5.3	13 Glenview Road, Gorebridge	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge.</p> <p>The Planning application 22/00870/DPP for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview</p>		

Road, Gorebridge was refused planning permission on 16 February 2023; a copy of the decision is attached to this report.

The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.

The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to converting this house into two dwellings and did not agree that this would have a detrimental effect on the amenity and privacy of the existing properties.

Councillor Cassidy, seconded by Councillor Imrie moved to grant the review request and uphold the Appeal. This was unanimously agreed by the committee.

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the subdivision of existing dwellinghouse to form two flatted dwellings and associated external alterations at 13 Glenview Road, Gorebridge subject to the conditions as stated in the report.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 25 September 2023 at 1 pm

The meeting terminated at 1.19 pm.

Notice of Review: Land South West of 54 Dewartown, Gorebridge

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge.

2 Background

- 2.1 Planning application 23/00294/DPP for the erection of two dwellinghouses and associated works at land south west of 54 Dewartown, Gorebridge was granted planning permission subject to conditions on 10 July 2023; a copy of the decision is attached to this report. Condition 3 on planning permission 23/00294/DPP subject to review is as follows:

3. The use of render on the dormer cheeks and face is not approved: these elevations shall be clad in slate or another material to be agreed in writing by the planning authority.

Reason: *The use of render on the dormer cheeks and face would not integrate the dormers into the roofspace; in the interest of the visual amenity of the houses hereby approved.*

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence the dormer cheeks will be a render finish rather than slate.

- 2.2 The review has progressed through the following stages:

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

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);

- A copy of the decision notice, excluding the standard advisory notes, issued on 10 July 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

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

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 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. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) Details and samples of the proposed stone dressing and zinc seam materials;
 - b) Details of any related structures at the bin storage areas;
 - c) Details of the proposed hardstanding materials;
 - d) Details of the proposed air source heat pumps;
 - e) Details of the proposed electric vehicle charging points;
 - f) Proposals for the treatment and disposal of foul and water surface drainage, including the location of any new equipment;
 - g) 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;
 - h) An amended site plan showing a 2 metre wide public footway across the whole site frontage at the east of the site; and
 - i) Details of proposed streetlighting to the east of the houses hereby approved.

Reason: *These details were not submitted as part of the application: to protect the visual amenity of the surrounding rural area; to integrate the development into the area; in the interests of road safety.*

3. Before any house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 2f) 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.*

4. Before any house is occupied, the approved boundary treatment between the rear gardens of the houses shall be in place.

Reason: *To ensure the privacy of the future occupants.*

5. Within six months of the first house being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 2g) 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.*

6. The amended site plan approved in terms of condition 2h) above shall include a road kerb at the new footway edge, any additional drainage required and a pedestrian drop kerb crossing point at the termination of the footway to allow pedestrians to cross the main road. These works shall be in place before the houses are occupied.

Reason: *In the interest of road safety; in order to ensure these works are in place before the houses are occupied.*

7. Within one month of the date of this permission, the existing redundant outbuildings on the land under the control of the applicant as shown on approved plan DPP100 A shall be demolished and all material removed from the site within four weeks of the buildings being demolished.

Reason: *The houses are only supported as these will result in the removal of the existing redundant outbuildings; in order to ensure the existing, unattractive, buildings are removed in the interest of the visual amenity of the area.*

8. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of superfast broadband prior to the occupation of each dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Midlothian Local Development Plan.*

9. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog gaps shown on the fencing throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan.*

10. Notwithstanding the details on approved drawing number DPP104, the house hereby approved at Plot 2 shall not include any areas of facing brick (blue engineering brick).

Reason: *For the avoidance of doubt; these materials are not appropriate on this traditional house and appear to be a typo on the submitted plans.*

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: 15 September 2023
Report Contact: Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 23/00294/DPP available for inspection online.



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

Erection of 2 dwellinghouses Land South West of 54 Dewarton, Gorebridge

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File No.23/00294/DPP

Scale: 1:1,250





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 100638783-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Rose cottage"/>
First Name: *	<input type="text" value="William"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Sives"/>	Address 1 (Street): *	<input type="text" value="Rose Cottage"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Tynehead"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Pathhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH37 5XS"/>
Fax Number:	<input type="text" value="REDACTED"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Plot next to 54 Dewartown eh23 nx

Northing

664048

Easting

337802

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)

Appeal against the planning conditions that the dormer cheeks are to be clad instead of rendered as in the previous application they were accepted as rendered and have no impact on the village as they face open fields and no other properties.

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? *	
<div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">≤</div> <div>Refusal Notice.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">T</div> <div>Grant of permission with Conditions imposed.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px;">≤</div> <div>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.</div> </div>	
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> I am appealing against the condition to have the dormer cheeks clad as this is my second application and the dormer cheeks were always to be rendered which was previously given full permission. They face away from the village to the back of the property which is open fields so have no impact on the village. </div>	
<div style="display: flex; justify-content: space-between;"> <div> Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * </div> <div> ≤ Yes T No </div> </div>	
<p>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)</p> <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>	
<p>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)</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> Previous application approved. Statements to have rendered dormer painted white the same as the house </div>	
<h3>Application Details</h3>	
Please provide the application reference no. given to you by your planning authority for your previous application.	<div style="border: 1px solid black; padding: 5px;">23/00294/DPP</div>
What date was the application submitted to the planning authority? *	<div style="border: 1px solid black; padding: 5px;">11/05/2023</div>
What date was the decision issued by the planning authority? *	<div style="border: 1px solid black; padding: 5px;">10/07/2023</div>

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. *

T Yes ≤ No

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

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

T Yes ≤ No

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

T 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?. *

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: Mr Angela Sives

Declaration Date: 09/08/2023

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00294/DPP

Site Address: Land South West of 54 Dewartown, Gorebridge.

Site Description: The application site comprises a paddock for grazing horses, a hardstanding. The land to the south of the site is under the control of the applicant and there are three outbuildings here. The outbuildings comprise two Nissan style huts finished in brick and metal sheeting and a breezeblock building. These buildings are located to the south of the site, with the existing vehicular access and hardstanding to the north. There is open countryside to the west, a paddock to the south, and houses to the north and east. There is landscaping along the east boundary, between the site and the road. The site is to the south of Dewartown, a linear hamlet of predominantly traditional single storey houses. A partially constructed house has been erected within the site, which is plot 2.

Proposed Development: Erection of two dwellinghouses and associated works.

Proposed Development Details: It is proposed to demolish the existing outbuildings and erect two houses at the north of the application site. The houses are detached, single storey properties with accommodation in the roofspace served by rooflights on the front elevations and dormers on the rear, built slightly set back from the road. The house at plot 1 is to have a single storey 'extension' projecting from the rear. The roofs are slate, the walls white wet dash render with stone surrounds and skews and timber framed windows coloured green. The rooflights are conservation style and the dormer cheeks are render. The 'extension' at plot 1 has a standing seam zinc roof, engineering brick detailing and grey aluminium window and door frames. The elevations for plot 2 show engineering brick and aluminium doors, however it is not clear where these are and appear to be typos on the plans.

A footpath is proposed across the front of the houses. Six parking spaces are proposed to the rear, accessed by the existing track to the north. The parking is porous tarmac and an EVCP is proposed. Hardstanding in the gardens is paving slabs. The houses are served by a private drainage system and by a public water supply. A 1.8 metre high fence between the garden grounds and the sides of the gardens, with a 0.9 metre high fence to the rear of the gardens and around the parking area. This is to have gaps to allow movement of wildlife. The remaining boundaries are the existing post and wire fencing. Some landscaping is proposed along the west boundary, outwith the site boundary but under land controlled by the applicant, along with bat boxes. New beech hedging is proposed along the front boundary. The plans also show air source heat pumps by each plot.

A supporting statement has been submitted, providing the rationale for the application. This states the proposal is largely the same as an application approved in 2019, with the position of the houses altered within the site.

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

22/00703/S42 Section 42 application to amend condition 1(h) and 9; and remove condition 1(i) and 8 of planning permission 19/00449/DPP. Withdrawn.

19/00449/DPP Erection of two dwellinghouses (amendment to design and layout approved in terms of planning permission 18/00595/DPP). Consent with conditions: details of materials, window frames and doors, hardstanding, means of enclosure, bin storage, drainage, landscaping; a footpath along the road frontage; streetlighting; natural materials; conservation style rooflights; remove all buildings on site before works begin; site investigation works; archaeological works; broadband; electric vehicle charging points; and biodiversity.

18/00595/DPP Erection of two dwellinghouses. Consent with conditions.

Land to the south

16/00240/DPP Application for extension of timeframe in which to implement planning permission 13/00119/DPP (change of use from agricultural land to equestrian use; erection of stable block; formation of hard standing area and formation of access road). Consent with conditions.

13/00119/DPP Change of use from agricultural land to equestrian use; erection of stable block; formation of hardstanding area and formation of access road. Consent with conditions.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection subject to conditions being attached to any consent relating to the formation of a footpath and the continuation of street lighting across the site frontage.

The **Coal Authority** has no objection.

Scottish Water has no objection but states they will not accept any surface water connections to the combined sewer. There is live infrastructure in the proximity of the development that may impact existing Scottish Water assets. The applicant must identify any potential conflicts with these and contact them for an appraisal of the proposals. The applicant is aware of this.

Representations: No representations have been received.

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 crisis** 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 **5 Soils** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development;
- 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. Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.
- Policy **9 Brownfield, vacant and derelict land and empty buildings** sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.
- Policy **11 Energy** sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS);
- Policy **12 Zero waste** sets out to encourage, promote and facilitate development that is consistent with the waste hierarchy;
- 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** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations;
- Policy **18 Infrastructure first** sets out to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking;

- Policy **19 Heating and cooling** To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures;
- 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 **23 Health and safety** sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing; and
- Policy **24 Digital infrastructure** sets out to encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

Midlothian Local Development Plan 2017 (MLDP)

DEV5 Sustainability in New Development states it will be expected that development proposals have regard to the following principles of sustainability: building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with other MLDP policy;

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

DEV7 Landscaping in New Development states development proposals are required to be accompanied by a comprehensive scheme of landscaping;

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

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

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

supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services to a prescribed level.

Normally housing will only be permissible where it is required for the furtherance of an established countryside activity. However this policy identifies circumstances where exceptions to this policy where housing may be supported, which are: housing groups of 5 or more where one further house may be permitted; conversions of redundant farm buildings or other non-residential buildings; redevelopment of redundant farm buildings or other non-residential buildings; or enabling policies where it can be clearly shown to be the only means of preventing the loss of a heritage asset and securing its long-term future;

ENV4 Prime Agricultural Land does not permit development that would lead to the permanent loss of prime agricultural land;

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

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

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

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. In this instance the planning history, namely the previous approvals of applications for two houses at this site, is a significant material consideration

The previous applications were considered by the adopted Midlothian Local Development Plan 2017, which remains part of the development plan. However this also now includes National Planning Framework 4 (2023) which was introduced in February 2023 and is a material consideration in the assessment of applications.

The Planning Authority has restrictive policies with regards to new housing proposals within the countryside. These restrictions aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However, there are enabling policies, within the adopted Midlothian Local Development Plan, which support residential developments within the countryside in some instances, and subject to specific criteria. Policy RD1 and Policy 17 include several sections where houses in the countryside could be acceptable in planning terms.

The proposed houses are not required for the furtherance of an established countryside activity. The proposal is not an enabling development where it is clearly

shown that this is the only means of preventing the loss of a heritage asset and securing its long term future.

The proposal is connected with the redevelopment of outbuildings to the south of the site under the control of the applicant. It has previously been accepted that the proposed two houses could be accepted as replacements for these outbuildings. The previous permissions conditioned that the redundant buildings be removed before development on the houses begins. This is to remove any potential for the approved houses to be built with the redundant buildings remaining on site and for a future application submitted to replace the redundant buildings. This removal has not yet been done but remains necessary. A condition requiring the removal of the outbuildings shall be attached to any permission.

The proposed houses have been designed in a cottage style, with traditional proportions, detailing and materials, albeit with plot 1 having a contemporary designed 'extension' and finishings. The proposed houses are in keeping with the character and design of the houses within Dewarton, adjacent to the Dewarton Conservation Area, the surrounding rural area and are considered acceptable.

The position of the houses is acceptable.

The houses would be served by adequate garden ground.

The case officer, agent, applicant and Senior Manager Neighbourhood Services (Roads) have had previous contact about the provision of a footpath across the site frontage lighting this area. The Senior Manager Neighbourhood Services (Roads) has considered the submissions and is clear that this remains a requirement should this permission be approved.

Since the previous permissions were approved, NPF4 has become part of the local development plan. This requires additional measures in relation to climate change and biodiversity. The application includes some details on landscaping, wildlife corridors, electric vehicle charging points and air source heat pumps which is welcomed. Additional information on these are required to ensure these are sufficient and appropriate.

Recommendation: Grant planning permission.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00294/DPP



D2 Architectural Design Ltd
Newbattle Abbey
Newbattle Road
Dalkeith
EH22 3LL

Midlothian Council, as Planning Authority, having considered the application by Mr Billy Sives, 54 Dewarton, Edinburgh, EH23 4NX, which was registered on 11 May 2023, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Erection of two dwellinghouses and associated works at Land South West of 54, Dewartown, Gorebridge

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	DPP100 A 1:1250 1:200	05.06.2023
Proposed Floor Plan	DPP101 1:50	11.05.2023
Proposed Elevations	DPP102 1:50	11.05.2023
Proposed Floor Plan	DPP103 1:50	11.05.2023
Proposed Elevations	DPP104 1:50	11.05.2023

This permission is granted for the following reasons:

The proposal relates to the redevelopment of redundant buildings in the countryside and would be in keeping with the character and appearance of the surrounding rural area. The proposal complies with policies RD1, DEV6, DEV7, ENV6, ENV7, ENV11 and ENV25 of the adopted Midlothian Local Development Plan 2017 and the aims of National Planning Framework 4

Subject to the following conditions:

1. The development to which this permission relates shall commence not 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. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Planning Authority:
 - a) Details and samples of the proposed stone dressing and zinc seam materials;
 - b) Details of any related structures at the bin storage areas;
 - c) Details of the proposed hardstanding materials;
 - d) Details of the proposed air source heat pumps;
 - e) Details of the proposed electric vehicle charging points;
 - f) Proposals for the treatment and disposal of foul and water surface drainage, including the location of any new equipment;

- g) 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;
- h) An amended site plan showing a 2 metre wide public footway across the whole site frontage at the east of the site; and
- i) Details of proposed streetlighting to the east of the houses hereby approved.

Reason: *These details were not submitted as part of the application: to protect the visual amenity of the surrounding rural area; to integrate the development into the area; in the interests of road safety.*

- 3. The use of render on the dormer cheeks and face is not approved: these elevations shall be clad in slate or another material to be agreed in writing by the planning authority.

Reason: *The use of render on the dormer cheeks and face would not integrate the dormers into the roofspace; in the interest of the visual amenity of the houses hereby approved.*

- 4. Before any house is occupied, the installation of the means of drainage treatment and disposal in terms of condition 2f) 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.*

- 5. Before any house is occupied, the approved boundary treatment between the rear gardens of the houses shall be in place.

Reason: *To ensure the privacy of the future occupants.*

- 6. Within six months of the first house being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 2g) 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.*

- 7. The amended site plan approved in terms of condition 2h) above shall include a road kerb at the new footway edge, any additional drainage required and a pedestrian drop kerb crossing point at the termination of the footway to allow pedestrians to cross the main road. These works shall be in place before the houses are occupied.

Reason: *In the interest of road safety; in order to ensure these works are in place before the houses are occupied.*

- 8. Within one month of the date of this permission, the existing redundant outbuildings on the land under the control of the applicant as shown on approved plan DPP100 A shall be demolished and all material removed from the site within four weeks of the buildings being demolished.

Reason: *The houses are only supported as these will result in the removal of the existing redundant outbuildings; in order to ensure the existing, unattractive, buildings are removed in the interest of the visual amenity of the area.*

9. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of superfast broadband prior to the occupation of each dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan.*

10. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog gaps shown on the fencing throughout the development has been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the Planning Authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the adopted Midlothian Local Development Plan 2017.*

11. Notwithstanding the details on approved drawing number DPP104, the house hereby approved at Plot 2 shall not include any areas of facing brick (blue engineering brick).

Reason: *For the avoidance of doubt; these materials are not appropriate on this traditional house and appear to be a typo on the submitted plans.*

Dated 10 / 7 / 2023



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

Informative Note valid from 1st January 2023 until 31st December 2024

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Silver Birch (*Betula pendula*)

Green Beech (*Fagus sylvatica*)

**Proposed New Trees
- 3 no of each**

**APPROVED
10.07.2023
23/00294/DPP**

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS
- Existing post & wire fence retained
- 1800mm high timber fence and gate to match
- 900mm high timber fence and gate to match
- Paving slab to form footpath & patios
- New footpath with road kerb to Midlothian Council specification
- New porous tarmac paving to form driveway & car parking
- Grass
- Existing Trees retained.
- New Trees.

2no bat boxes to be fitted to each existing tree

Electric vehicle dual socket charging pillar.

Fence to be set out 4.5m minimum from Main Water main to Scottish Water requirements

6 no space
Carparking

Bin Store

Plot 1
Area = 691sqm

Plot 2
Area = 648sqm

Existing Trunk Main

ASIP

ASIP

Existing road edge

Existing post & wire fence removed & replaced with new beech hedging.

B6372

Existing gate removed

Existing footpath

Agricultural shed to be removed

Existing bush & verb planting retained

Site Boundary

Existing road edge

Existing post & wire fence removed & replaced with new beech hedging.

B6372

Existing gate removed

Existing footpath

Existing footpath

Existing streetlighting poles. All extg lighting to B6372 is located on the east of road

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d2 architectural design

PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of S4 Dewarston, Midlothian

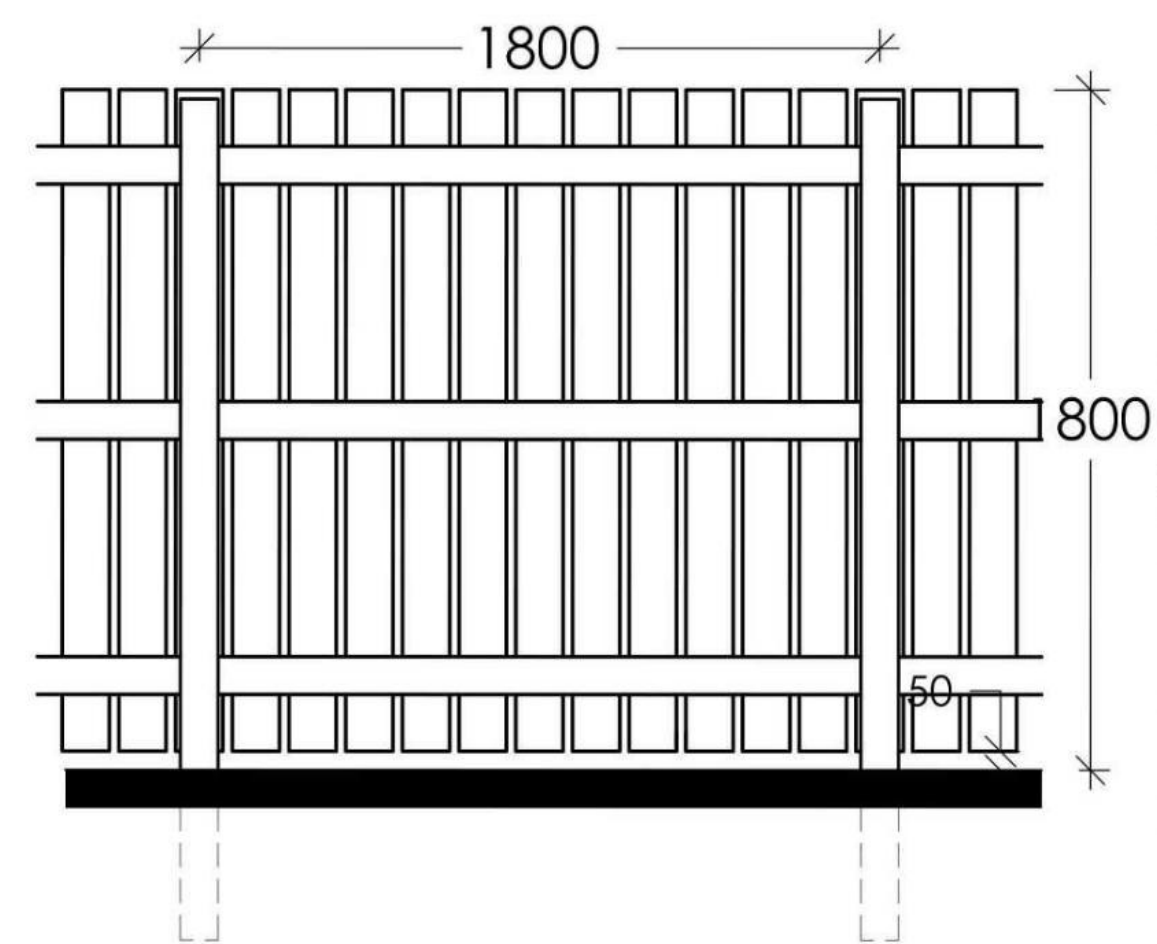
Mr & Mrs Sives

DRAWING
Location & Site Plans

DATE	DRAWN	SCALE
04.04.23	AS	various @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP100	A

Location plan
Scale 1:1250 @ A1

0 10 20 30m



Palisade fencing-Sawn redwood pressure impregnated with preservative and finished with two coats protective woodstain.

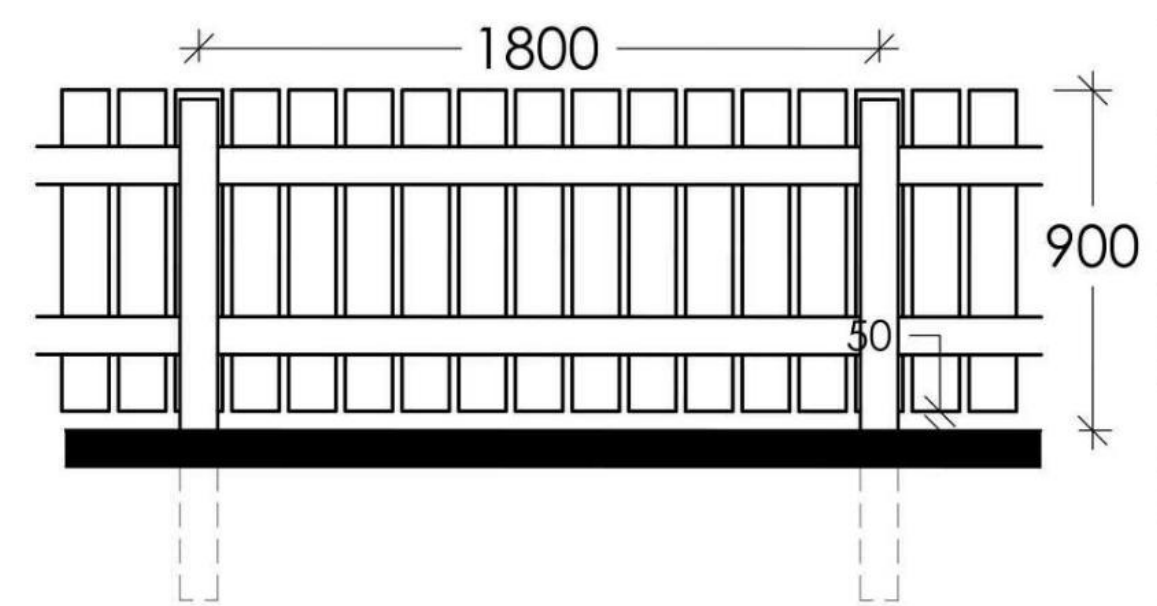
Posts- 100mmx100mm with weathered tops @ 1.8m maximum ctrs

Rails- 3 no. 100x50mm rails bevelled with 1/2 checked joints, twice fixed to posts with galvanised nails.

50mm clearance between fence & ground to be maintained for small wildlife access.

Foundation to post to SE specification.

Typical 900mm high fence



Palisade fencing-Sawn redwood pressure impregnated with preservative and finished with two coats protective woodstain.

Posts- 100mmx100mm with weathered tops @ 1.8m maximum ctrs

Rails- 2 no. 100x50mm rails bevelled with 1/2 checked joints, twice fixed to posts with galvanised nails.

50mm clearance between fence & ground to be maintained for small wildlife access.

Foundation to post to SE specification.

Typical 900mm high fence

Site plan

Scale 1:200 @ A1

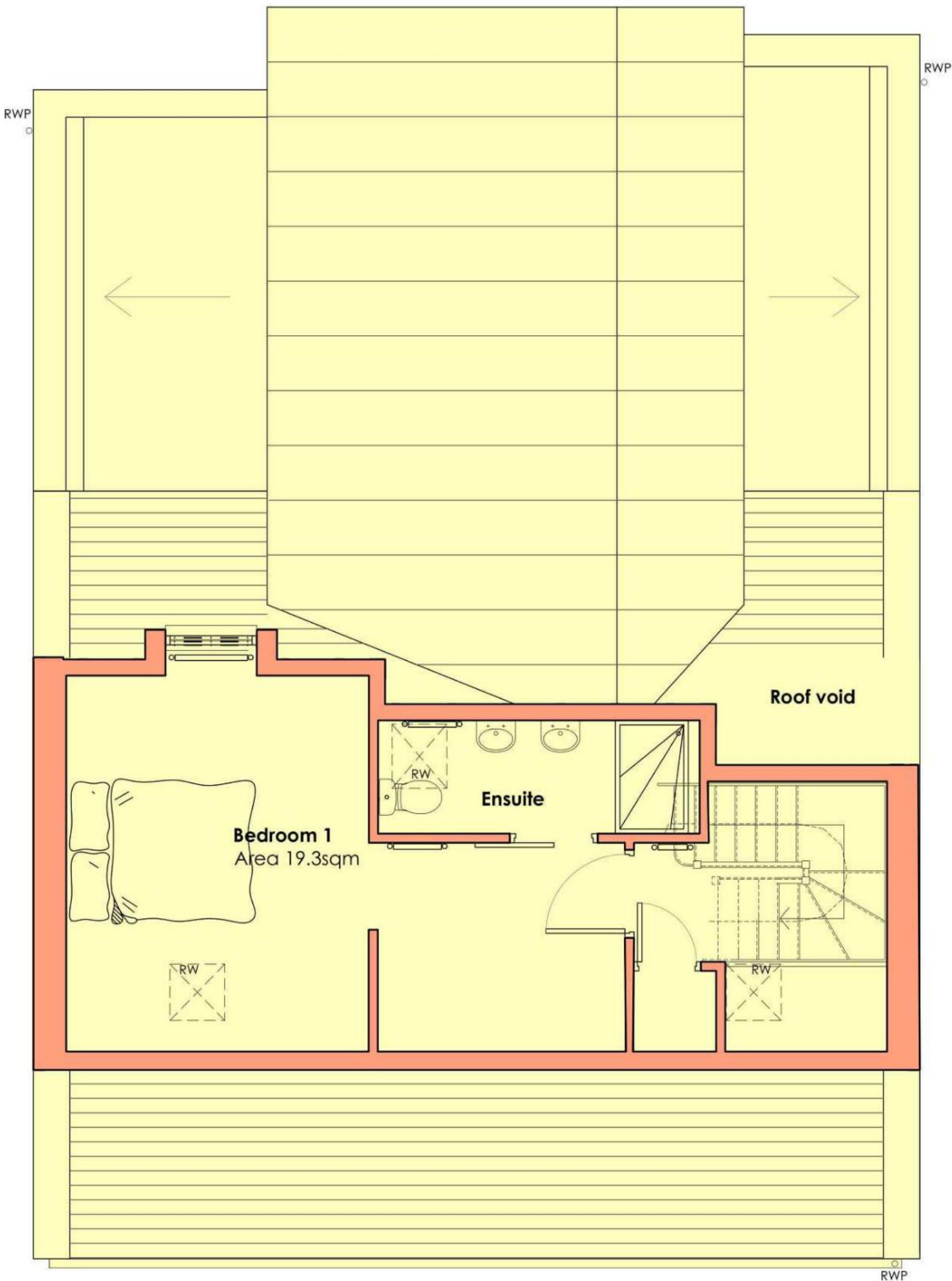
0 2m 4m 6m 8m 10m

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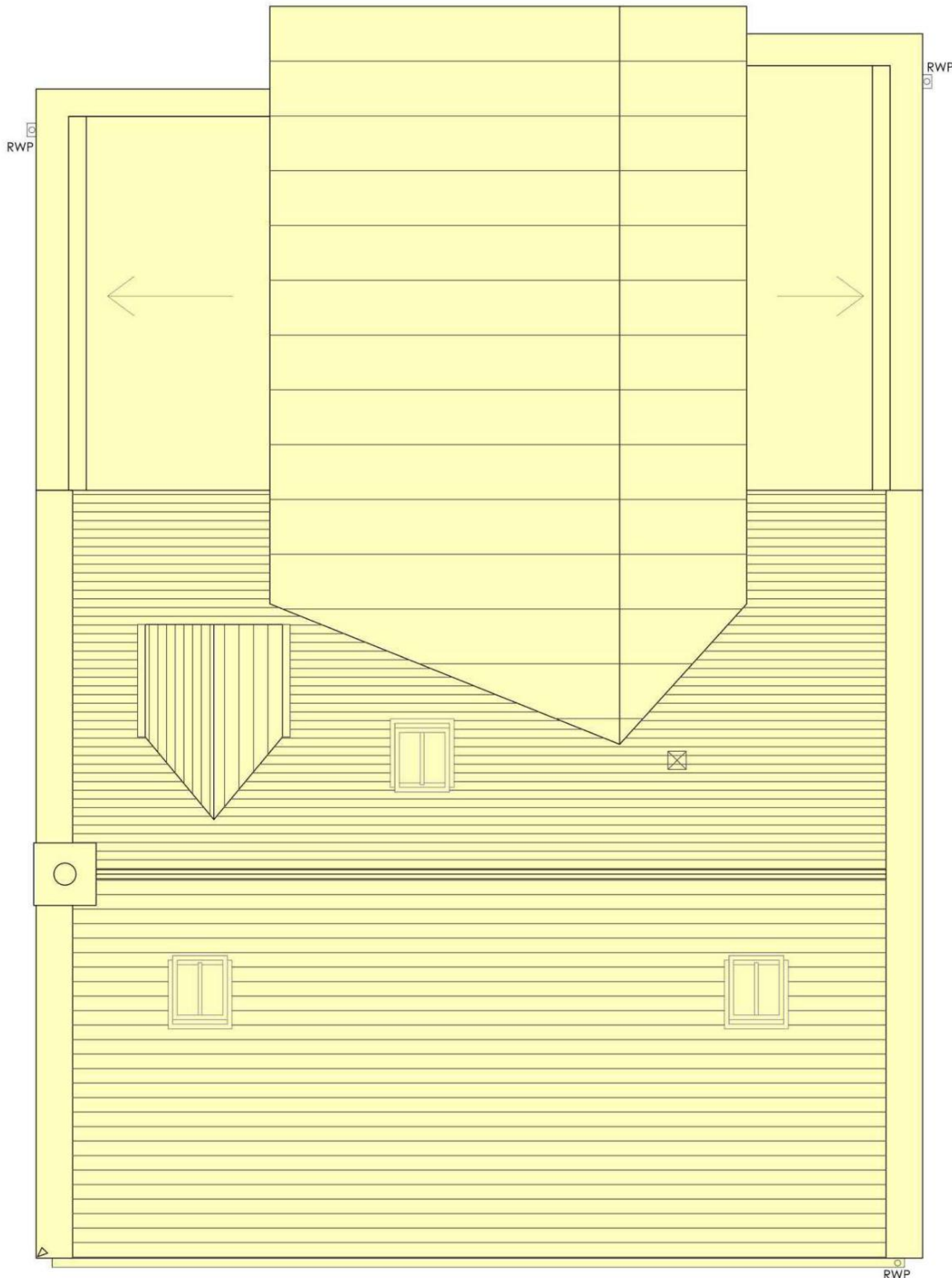
APPROVED
10.07.2023
23/00294/DPP



Ground Floor Plan
Scale 1:50 @ A1



First Floor Plan
Scale 1:50 @ A1



Roof Plan
Scale 1:50 @ A1



- REMOVED WORKS
- - - ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

Mr & Mrs Sives

DRAWING
Plot 1 - Floor & Roof Plans - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP101	

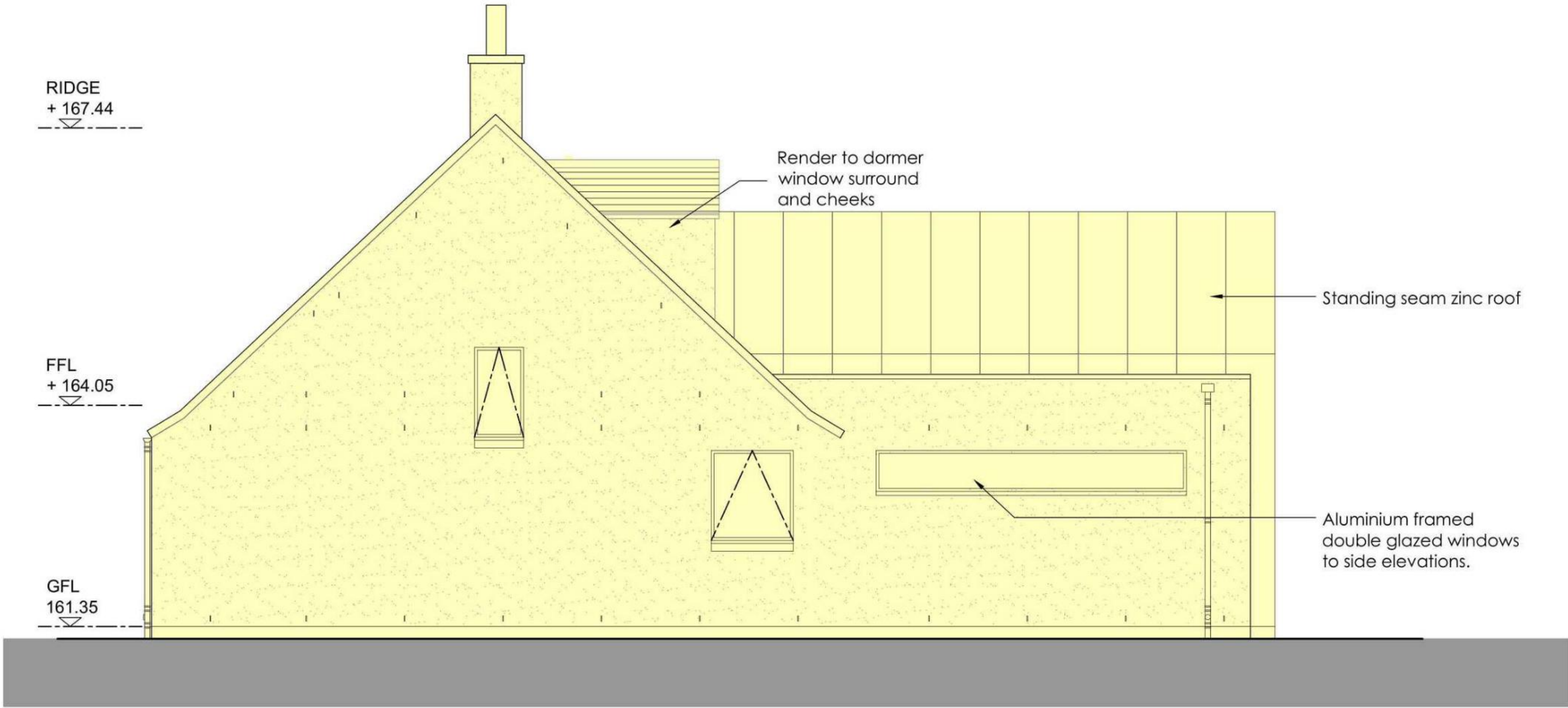
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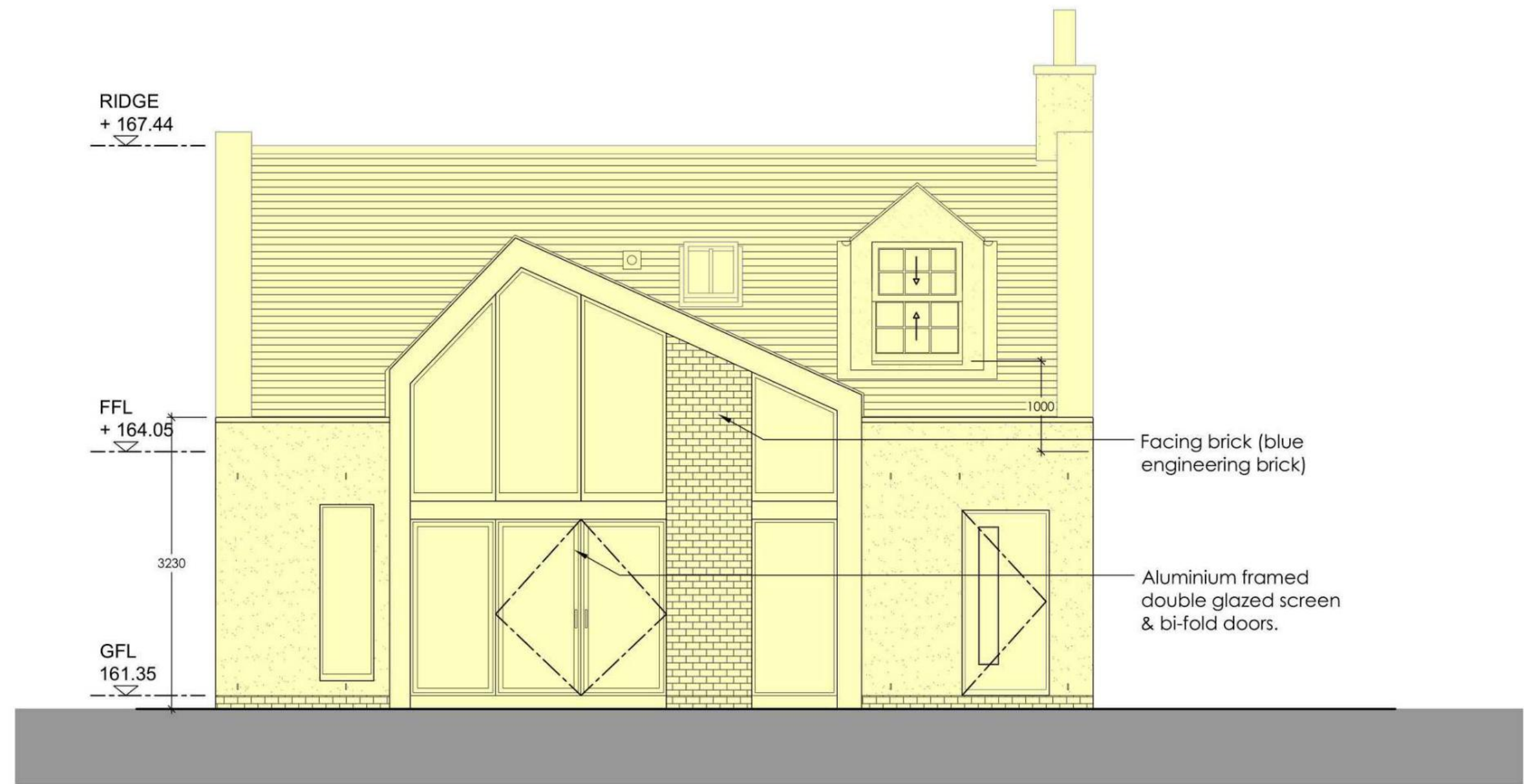
Front Elevation
Scale 1:50 @ A1

0 1m 2m 3m



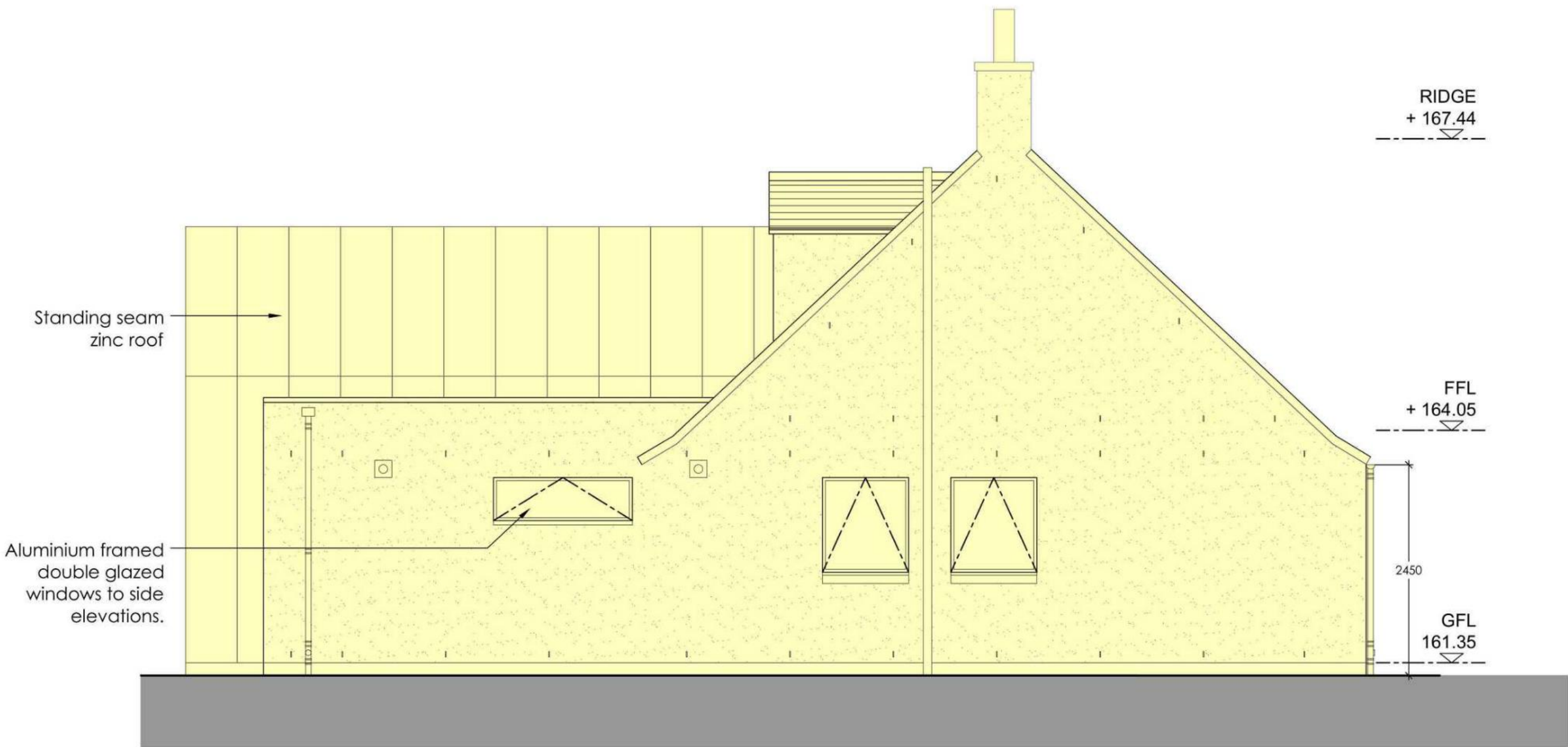
Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Rear Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

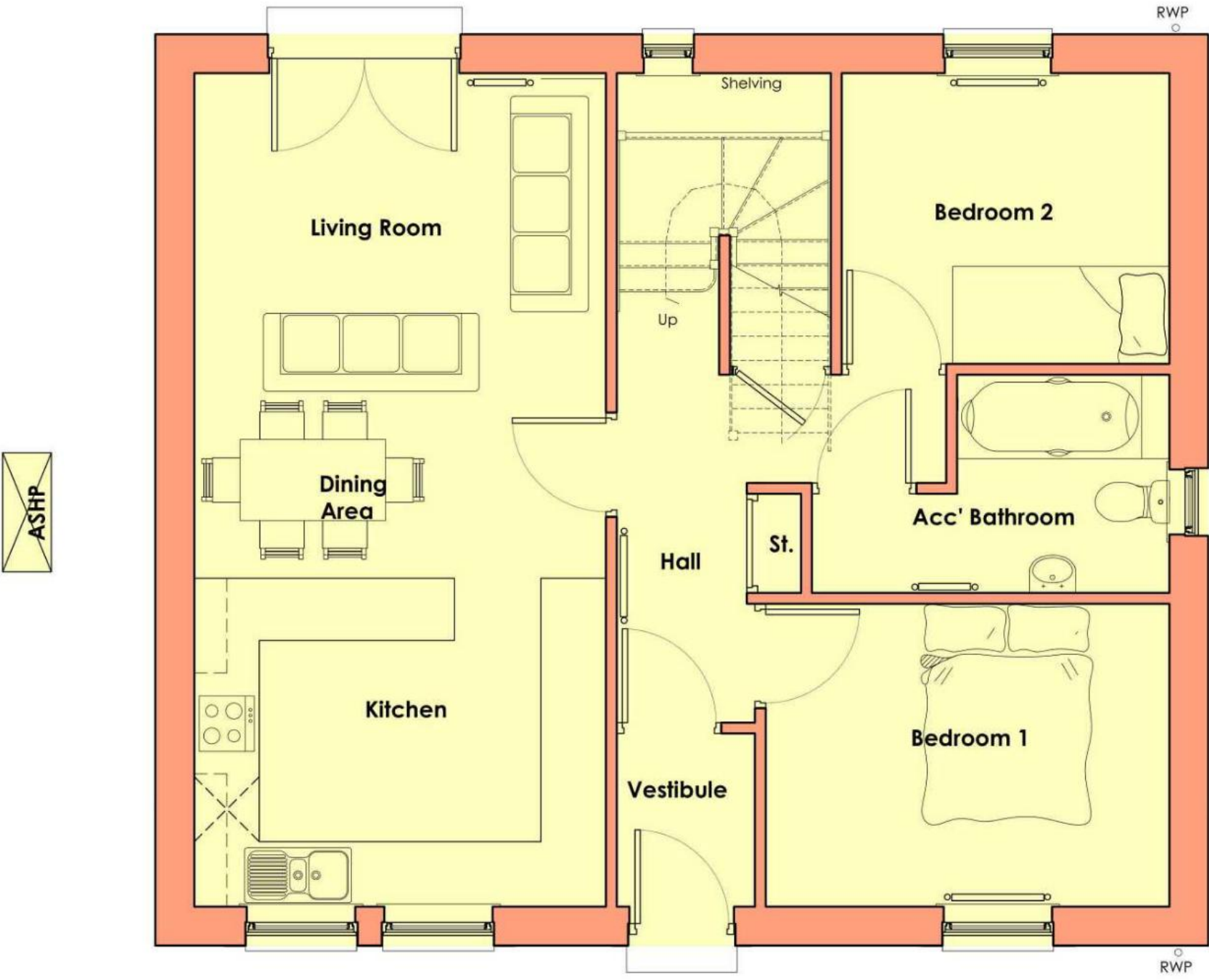
Mr & Mrs Sives

DRAWING
Plot 1 - Elevations - as proposed

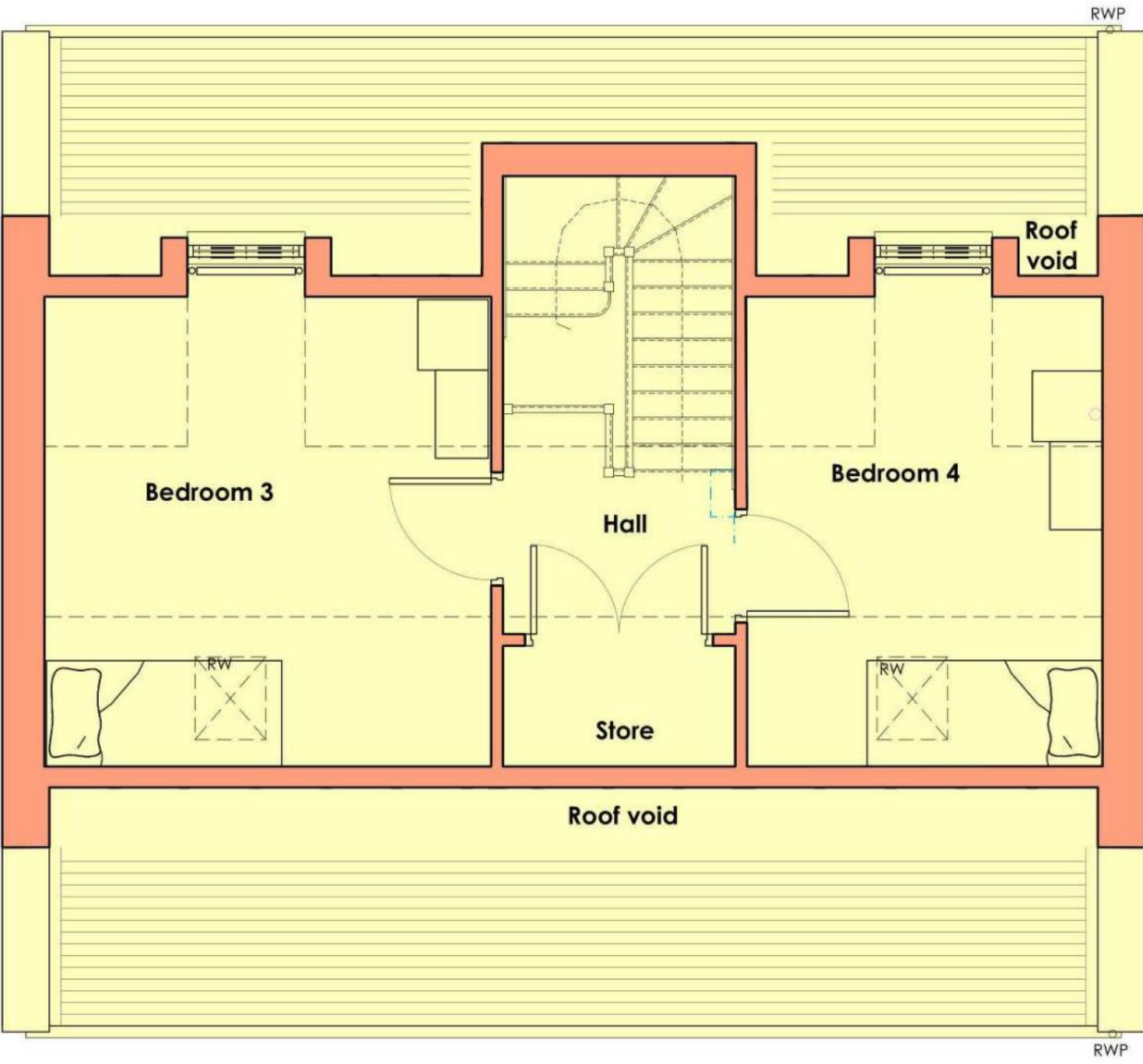
DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP102	

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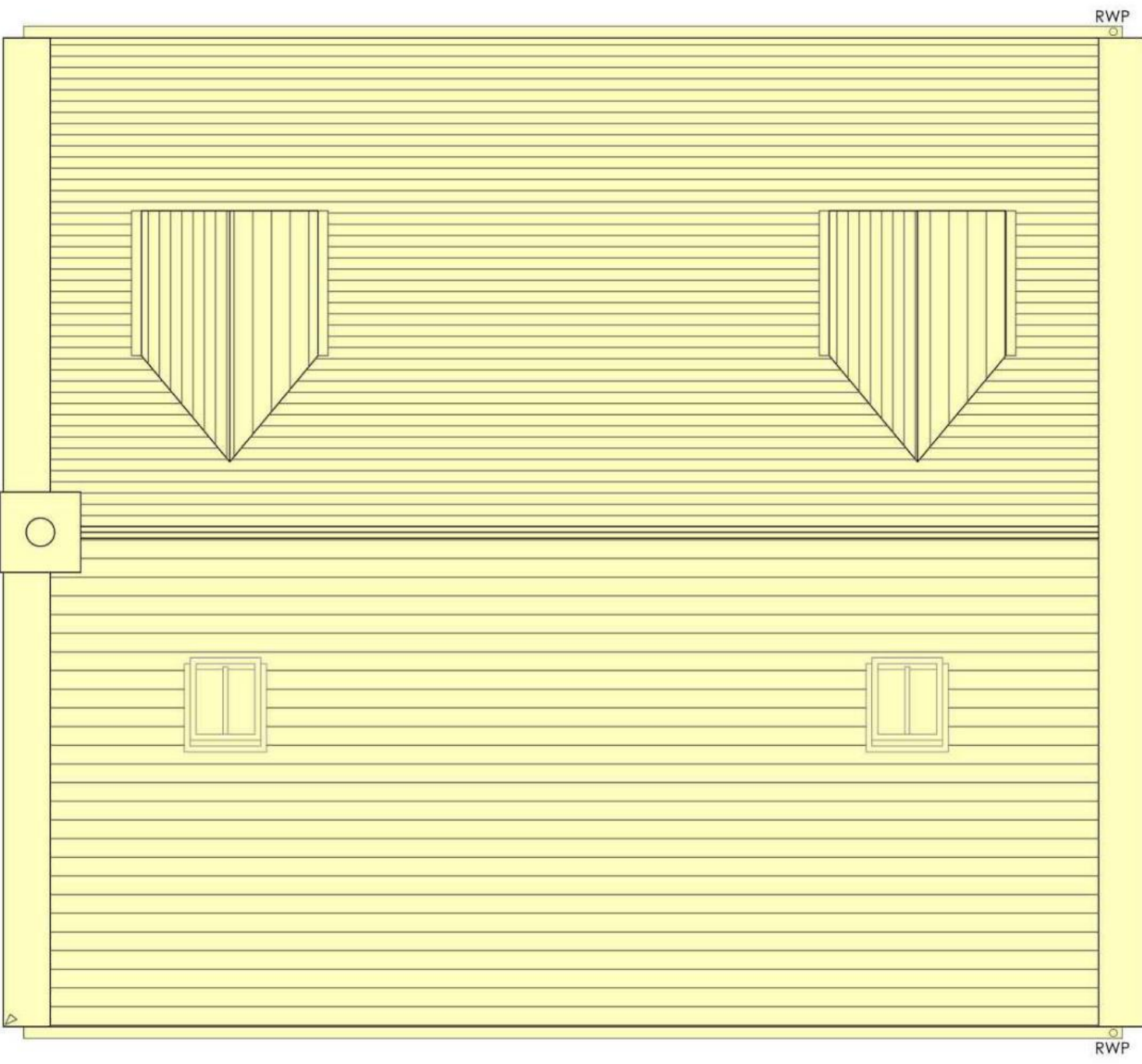
APPROVED
10.07.2023
23/00294/DPP



Ground Floor Plan
Scale 1:50 @ A1



First Floor Plan
Scale 1:50 @ A1



Roof Plan
Scale 1:50 @ A1



- REMOVED WORKS
- - - ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

Mr & Mrs Sives

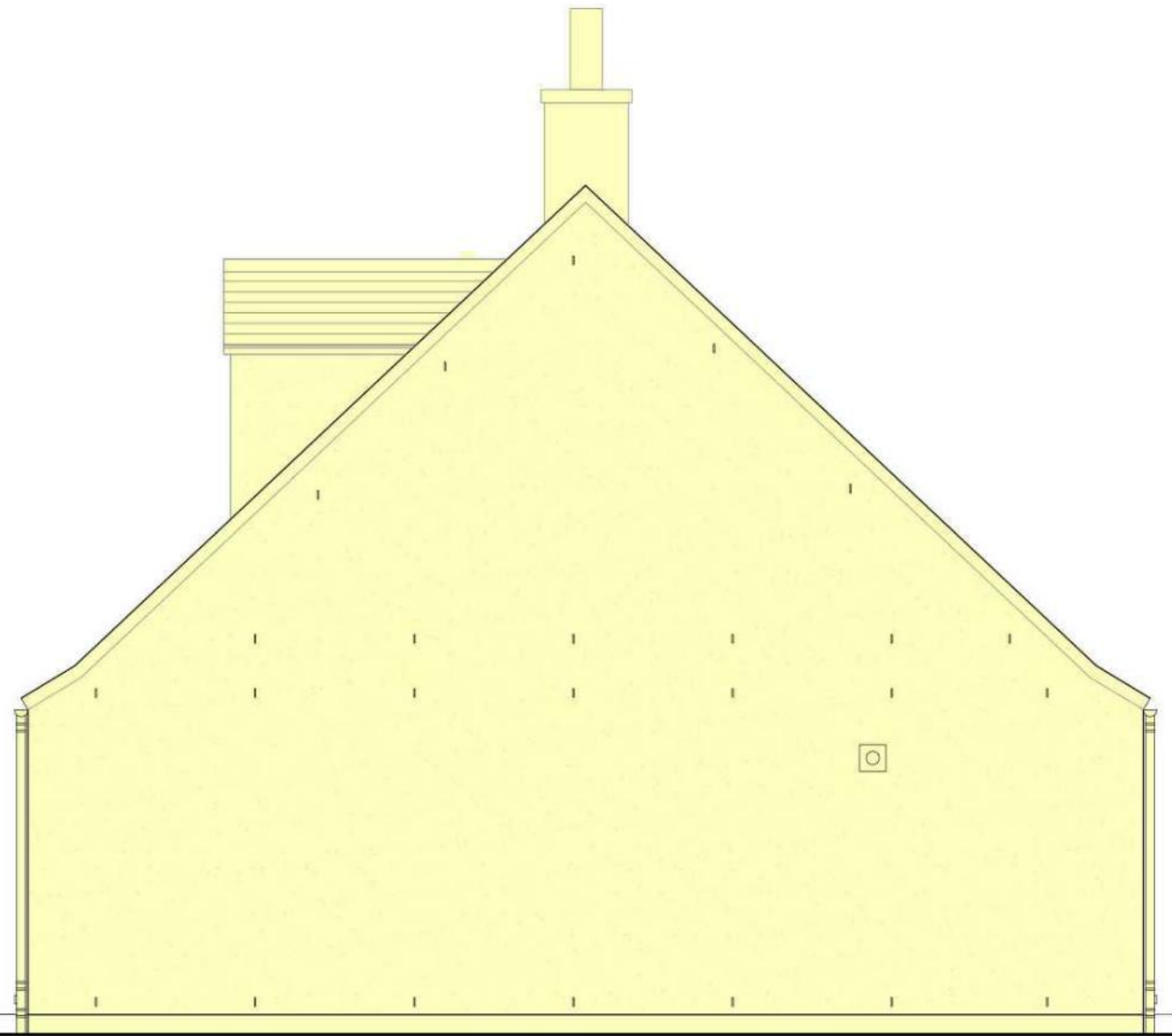
DRAWING
Plot 2 - Floor & Roof Plans - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP103	

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APPROVED
10.07.2023
23/00294/DPP



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m



Rear Elevation
Scale 1:50 @ A1

0 1m 2m 3m

Facing brick (blue engineering brick)

Aluminium framed double glazed screen & bi-fold doors.

RIDGE
+ 167.44

GFL
161.35



Front Elevation
Scale 1:50 @ A1

0 1m 2m 3m

Fakro FTW-V/C Conservation Centre Pivot Rooflight

Dressed stone skew

Pazaras Gallegas 35 slate

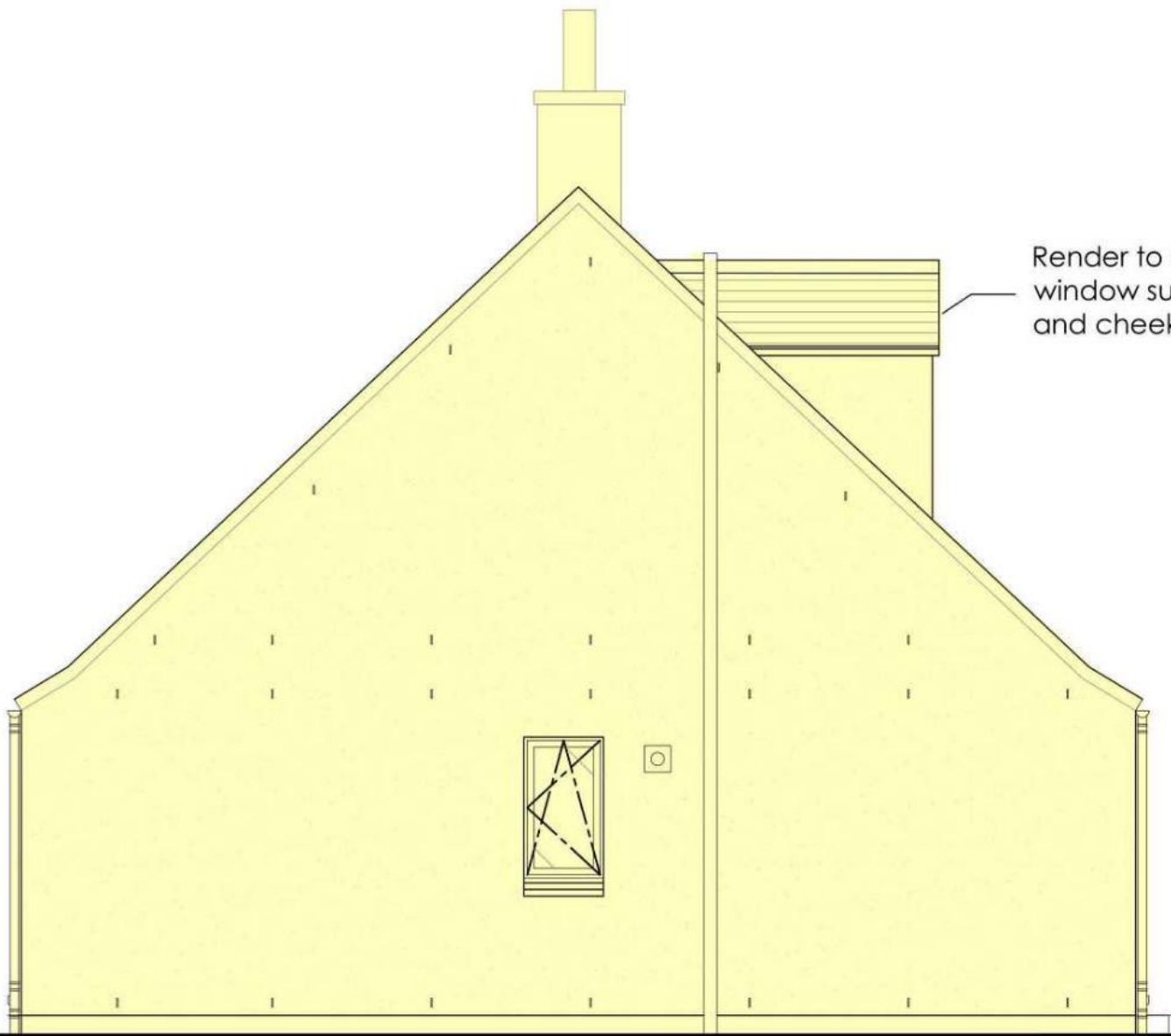
Timber sash and case windows (B&Q Fresh Sage)

Cast iron rainwater goods (grey)

Wet dash render facade, white finish

Natural stone surround, buff coloured

Render to dormer window surround and cheeks



Side Elevation
Scale 1:50 @ A1

0 1m 2m 3m

- REMOVED WORKS
- ACTIVITY SPACE
- EXISTING WALL
- NEW WALL
- PROPOSED WORKS

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PLANNING APPLICATION

PROJECT
Proposed Residential Development
Land South West of 54 Dewarston, Midlothian

Mr & Mrs Sives
DRAWING
Plot 2 - Elevations - as proposed

DATE	DRAWN	SCALE
04.04.23	AS	1:50 @ A1
PROJECT	DRAWING No.	REVISION
19003	DPP104	

Notice of Review: Land 115m east of Highwood House, Barley Dean, Rosewell

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of five dwellinghouses, garages and associated works at land 115m east of Highwood House, Barley Dean, Rosewell.

2 Background

- 2.1 Planning application 23/00003/DPP for the erection of five dwellinghouses, garages and associated works at land 115m east of Highwood House, Barley Dean, Rosewell was refused planning permission on 6 July 2023; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 6 July 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- 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 written submissions.
- 4.2 The case officer's report identified that there were six consultation responses and 13 representations received. As part of the review process the interested parties were notified of the review – no additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 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 an application for approval of Matters Specified in Conditions for 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 the use proposed, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. On completion of the decontamination/ remediation works referred to in condition 2, and prior to any building on the site being occupied or brought onto use, 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 unless or until the planning authority have approved the required validation.

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

4. Development shall not begin on site until the following details have been 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 materials of all external doors;
 - d) Details of the colour of all external doors;
 - e) Details of the materials of all window frames;
 - f) Details of the colour of all window frames;
 - g) Details of the proposed materials of the areas of hardstanding;
 - h) Details of the design, position, dimensions, materials and finish of all proposed walls, fences, gates or other means of enclosure;
 - i) Details of the materials to fill the gabion baskets;
 - j) Details of the proposed ground air source heat pumps;

- k) Details of the proposed air source heat pumps;
- l) Details of the proposed solar panels;
- m) Details of the proposed surface water management scheme; and
- n) 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 area.*

- 5. The external materials agreed in writing by the planning authority in terms of condition 4b) shall be natural slate roofs and either det dash or smooth render or natural stone walls.

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

- 6. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 4g) 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.*

- 7. Before the new houses are occupied the installation of the means of drainage treatment and disposal hereby approved above 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.*

- 8. The scheme of landscaping approved in accordance with condition 4n) shall include details of planting along the site boundaries.

Reason: *To ensure the development is well integrated into the surrounding rural area.*

- 9. The scheme of landscaping hereby approved in condition 4n) shall be carried out and completed within six months of the houses either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

10. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of superfast broadband prior to the occupation of the dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Midlothian Local Development Plan.*

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

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

12. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog highways throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

13. 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.
14. The works hereby approved shall comply with the recommendations in the approved Badger Survey dated 18 April 2023.

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.*

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education infrastructure, off site play, community facilities and Borders Rail. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

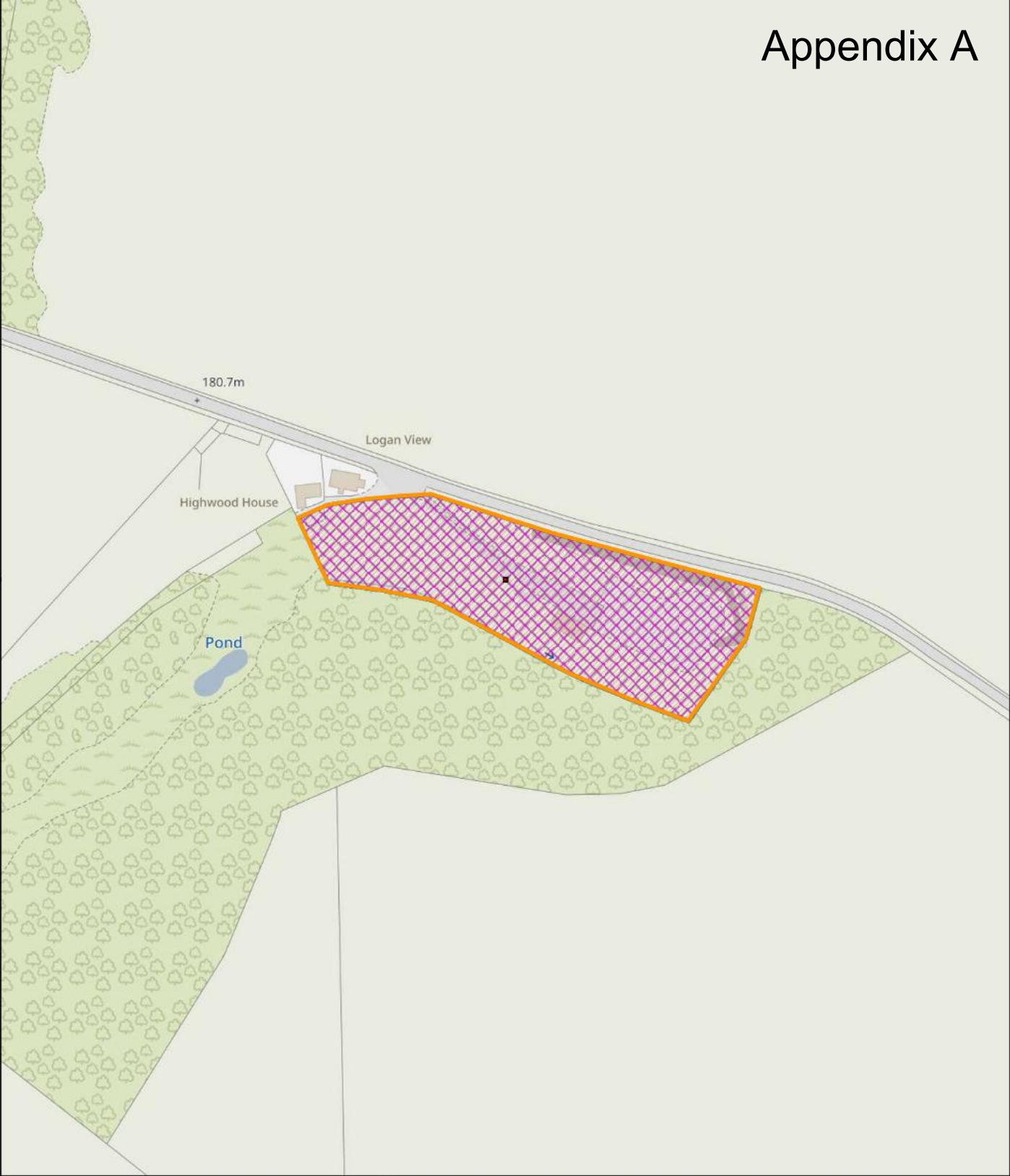
6 Recommendations





- 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: 15 September 2023
Report Contact: Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 23/00003/DPP available for inspection online.



 <p>Education, Economy & Communities Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3AA</p>	<p>Erection of 5 dwellinghouses and garage Land 115m East of Highwood House, Rosewell</p>			
<p>Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings</p> <p>Midlothian Council Licence No. 100023416 (2018)</p>	<table><tr><td data-bbox="617 1837 1372 1906">File No.23/00003/DPP</td><td data-bbox="1372 1837 1476 1976" rowspan="2"></td></tr><tr><td data-bbox="617 1906 1372 1976">Scale: 1:2,500</td></tr></table>	File No.23/00003/DPP		Scale: 1:2,500
File No.23/00003/DPP				
Scale: 1:2,500				



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100638842-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ferguson"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Planning"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="Ruairaidh@fergusonplanning.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="N"/>	Building Number: <input type="text" value="54"/>
Last Name: *	<input type="text" value="McDonald"/>	Address 1 (Street): * <input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

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 east of Highwood House, Barley Dean, Rosewell"/>

Northing	<input type="text" value="660861"/>	Easting	<input type="text" value="329821"/>
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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 5 dwellinghouses, garage 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.

Please see Local Review 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)

Please see Appendix 1 of Local Review Statement

Application Details

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

23/00003/DPP

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

19/01/2023

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

06/07/2023

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)

The Appellant considers that the opportunity to address the Local Review Body and present the proposed development is necessary for members to obtain a full understanding of the case.

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

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

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

None. However, please note that the site is a brownfield former employment site that has not been fully cleared yet and is kept gated. The gate can be unlocked on the morning of the site visit.

Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: - Ferguson Planning

Declaration Date: 10/08/2023

F E R G U S O N P L A N N I N G

ERECTION OF 5 NO. NEW DWELLINGS
EAST OF HIGHWOOD HOUSE, BARLEY DEAN

MR MCDONALD

AUGUST 2023

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Ref: E-MCD-0309
Council ref: 23/00003/DPP
Prepared by: Ruairaidh Thompson MRTPI
Approved by: Tim Ferguson MRTPI
Date of Issue: August 2023

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

This Statement is submitted on behalf of Neil McDonald “the Appellant” against the decision of Midlothian Council to refuse Planning Permission for erection of 5 dwellings, garage, and associated works on land east of Highwood House, Barley Dean, Rosewell. All Core Documents (CD) are referenced in Appendix 1.

It is the Appellant’s intention to redevelop the existing brownfield site to deliver high quality placemaking characterised by new dwellings which provide the high standard of residential accommodation required while also obtaining an attractive appearance. The design of the proposed dwellings has been strongly influenced by the character of the local area and existing dwellings that sit within it.

During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- **Environmental Protection – No objection, recommends conditions.**
- **Education team – No objection.**
- **Biodiversity team – No objection.**
- **Policy and Road Safety – Objection.**
- **Coal Authority – No objection.**
- **Scottish Water – No objection.**

Reasons for Refusal

Two reasons were cited for the refusal of the Application.

Reason One

The first stated reason claimed that “the layout, design, scale, mass and materials of the proposed houses have been poorly considered and would have a significant detrimental impact on the character and appearance of the surrounding countryside”.

It is the position of the Appellant that this position has not been justified and appears to have partly arisen out of confusion.

Layout

New dwellings are proposed in a courtyard layout. The layout places new shared space in the heart of the site and orientates new dwellings around it. The layout is self-containing and precludes against further extension of residential development into the countryside. As the courtyard layout binds all new dwellings together with a single sense of place and makes use of the full site without prejudicing further development of the countryside, it is considered to represent an effective design solution and good placemaking.

For clarity, it has been implied that the courtyard is proposed for the parking of cars. This is factually inaccurate, space for the parking of cars is included within each residential curtilage and visitors parking spaces are included in the north of the site. Car parking will not be accommodated or permitted in the courtyard.

New dwellings are proposed in ‘rectangular’ and ‘I-plan’ form. Rectangular plan form is very well established in the local area – five existing dwellings within 500 metres of the site (point-to-point distance) have been built in rectangular plan. Given the prominence of rectangular plan in the local built environment it is considered to be appropriate for use on-site in the proposed development.

I-plan form is considered to represent a reasonable and proportionate development on the traditional L-plan design concept. Three existing dwellings designed in L-plan stand within 500 metres of the site (point-to-point distance). While L-plan is well established within the local built environment, it should be noted that all existing dwellings built in L-plan are over one hundred years old and predate 1914. It is considered to be important that the proposed development is legible in 21st Century origins and does not attempt to falsely conflate with the Victorian or Edwardian periods. The use of I-plan form is considered to be an appropriate way of delivering this aim.

Scale

The appointed Planning Officer has concluded that the scale (size) of proposed dwellings is too large. However, this has not been reconciled with the fact that five two storey dwellings sit within 500 metres of the site. It is also material that three existing dwellings within 500 metres have larger footprints than any proposed dwelling.

Design

The principal (front) elevations of all new dwellings are proposed in reconstituted stone. In addition the rear elevations of Houses 4 & 5 (the two north of the courtyard) are also proposed in stone. The elevations that would be most visible from both inside and outside the site are deliberately constructed in stone to achieve an attractive appearance. Other rear elevations and side elevations are proposed in white render-on-block. The choice of materials is considered to be appropriate to and fit well with existing dwellings in the surrounding area as all are built in stone elevations apart from Highwood House which comprises elevations of white render-on-block.

In short, the layout of the proposed development, the scale and plan form of proposed dwellings, and materials used are all considered to be acceptable, representative of good design, and therefore to accord with Policy DEV6.

Reason Two

The second reason for refusal considers the proposed development to create an unacceptable landscape impact. This concern centres on landscaping of boundaries and views into the site from the west.

The rationale set out in the Report of Handling criticises the proportions of proposed planting on the south boundary. However, it fails to account for the presence of an existing tree belt that wraps around the south and east of the site. The tree belt provides extensive screening which is already equivalent to complete obstruction of views into the site. Further reinforcement of all four boundaries is proposed which would further screen proposed dwellings.

The appointed Planning Officer considers that the proposed double garage would largely characterise views into the site from the west. Illustrative Visualisation 2 (**Fig.6**) proves this to be inaccurate – views from the west would be defined by dual pitched roofs finished in natural slate which is a typical vista of rural housing in Midlothian and across Scotland. Therefore, the proposed development is considered to create no more than negligible landscape impact and accord with Policies ENV6 & ENV7.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission.

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

INTRODUCTION

INTRODUCTION

- 1.1 This Statement supports a Notice of Review of the delegated decision of Midlothian Council to refuse to grant Planning Permission for erection of 5 dwellings, garage, and associated works on land east of Highwood House, Barley Dean, Rosewell.
- 1.2 The site lies to the south of an adopted public road, a short distance east of the existing dwelling Highwood House (visible in **Fig.1**). The site is brownfield having previously been in Class 6 Use (storage and distribution) prior to the approval of Planning Permission 21/00453/PPP. The site benefits from a central level which extends from east to west. Land climbs towards the road to the north and falls away to the south.
- 1.3 The site lies approximately 2.5 kilometres south-east of Rosewell, along the A6094 and the minor public road which runs eastward. An existing access to the public road serves the site and Highwood House. The access dates from the use of the site for commercial storage and benefits from substantial proportions and visibility onto the road.
- 1.4 The new dwellings on-site are proposed for the use of the Appellant and his family. The Appellant's father-in-law is registered disabled (blind) and requires extensive support in the course of his daily life. The proposed dwellings will allow for the family to provide this support in-situ, while preserving personal independence. To this end, Houses 1 & 3 are designed with identical Floor Plans for the purposes of assisted living.
- 1.5 The Appellant's wife has three siblings who all intend to become resident on-site. Houses 3, 4, & 5 are lotted for the use of those siblings. This decision has been motivated by the desire of family members to be close to their parents and play active roles in the retirement life of their father. It is intended that this will reduce reliance on third party carers and help to keep their father in his own home.
- 1.6 The new dwellings are arranged around a central courtyard, proposed at the end of a single access from the public road. The proposed dwellings incorporate a degree of diversity in their design. While Houses 4 & 5 are proposed in rectangular plan form, the other houses take a different design. Houses 1, 2, 3 have 'I-plan' form, with a central living space connecting bedrooms and bathroom to either side. While Houses 4 & 5 have smaller footprints than the others they are proposed in two storey arrangement. By comparison Houses 1, 2, & 3 have larger footprints and – with the exception of House 2 – are proposed in single storey. House 2 is proposed centrally between Houses 1 & 3, with one and three quarter storey arrangement creating a symmetrical relationship to either side.
- 1.7 The proposed development has been designed to create a new small residential community at Barley Dean. The principle of development has been established upon a brownfield former employment site by Planning Permission 21/00453/PPP. As a new residential neighbourhood is emerging from a former employment site, there is a requirement to set a new design character and design form to deliver good quality placemaking on-site.

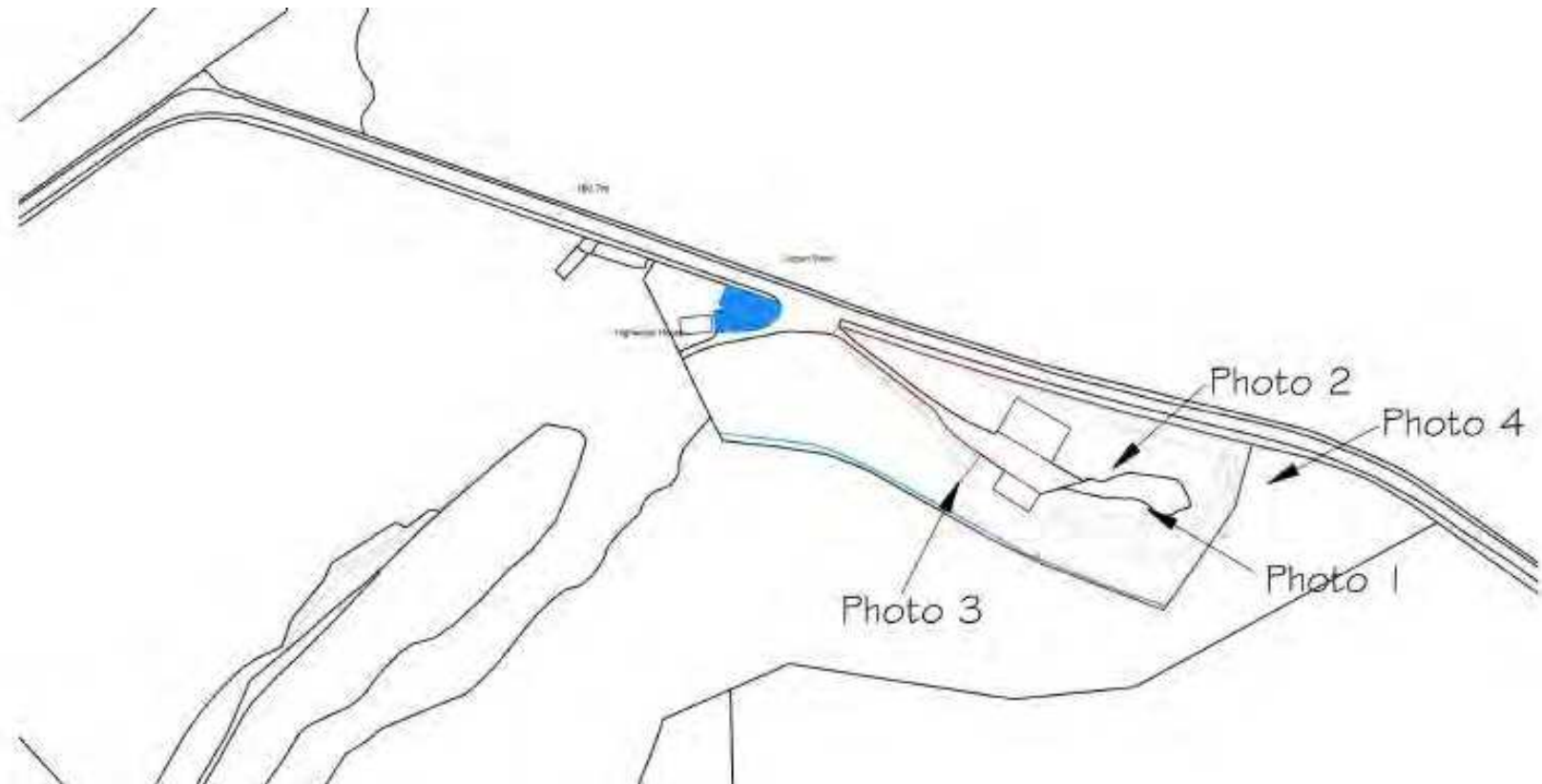


Fig 1: Extract from CDC/22/153/00 Existing Site Plan showing the location of the application site (Source: Capital Draughting Consultants).

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

SUMMARY OF THE PROPOSAL

SUMMARY OF THE PROPOSAL

- 2.1 The layout and access arrangements of the proposed dwellings are laid out on CDC/22/153/00 Proposed House Location Plans. The proposed development comprises erection of 5 dwellings, garage, and associated works.
- 2.2 The proposal centres on erection of five new dwellings on-site arranged around a courtyard in the centre of the site (seen in **Fig.2**). Two new dwellings (Houses 4 & 5) are proposed facing onto the courtyard from the north-east while the other three (Houses 1, 2, & 3) are proposed facing the courtyard from the south-west. Taken together the courtyard represents a new communal space which hosts a small residential community enclosed within a brownfield parcel of land.
- 2.3 All new dwellings are proposed with south-facing garden space. Garden extends from all four elevations of both Houses 4 & 5. These houses are further north than the others and require additional safeguard against the risk of overshadowing. Garden extends from the south-east elevations of Houses 1, 2, & 3. These gardens are completely free from any risk of overshadowing and sufficient to provide for good quality residential amenity.
- 2.4 Houses 4 & 5 are proposed in rectangular plan form. Residential accommodation is arranged over two storeys in both, reflective of the fact that they have reasonably small footprints. A single floor plan has been prepared for Houses 4 & 5 which forms a symmetrical mirror image to contribute towards the architectural cohesiveness of the proposed development.
- 2.5 Houses 1, 2, 3 have 'I-plan' form, with a central living space connecting bedrooms and bathroom to either side. Houses 1, 2, & 3 have larger footprints than Houses 4 & 5 and – with the exception of House 2 – are proposed in single storey. House 2 is proposed centrally between Houses 1 & 3, with two storey arrangement creating a symmetrical relationship to either side.
- 2.6 The principal elevations of House 1, 2, & 3 are finished in reconstituted stone (shown in **Fig.3**). Side and rear elevations are finished in white render-on-block. Roofs are proposed in traditional dual pitch and finished in slate throughout. The south (rear) pitch of each roof incorporates solar panels. PVC is used for frames of windows and doors.
- 2.7 The south elevation of House 2 incorporates a balcony upon the first floor. The balcony is proposed 1.5 metres wide, enclosed by glass balustrade. The rear elevation faces away from the public realm into a large belt of established trees (small woodland) and the balcony will not be visible from anywhere except the back garden of House 2 and the tree belt.
- 2.8 Both the principal and rear elevations of House 4 & 5 are finished in reconstituted stone (visible in **Fig.3**). Side and rear elevations are also finished in white render-on-block. Both roofs are proposed in dual pitch and finished in slate. Fenestration is contained within the principal and rear elevations with the side elevations kept largely blank. The west side elevation of each dwelling is completely blank with a frosted bathroom window in each east elevation. PVC is used for frames of windows and doors.



Fig 2: Extract from CDC/22/153/00 Proposed House Location Plans showing the proposed layout of the site (Source: Capital Draughting Consultants).

- 2.9 A double garage is proposed east of the central courtyard, sitting between the respective residential curtilages of House 3 and House 4. The garage is proposed in elevations of white render-on-block with dual pitch roof in the same design of slate as the proposed dwellings. A roller shutter garage door is proposed on the north-west elevation and a personnel door on the south-west elevation.
- 2.10 The Applicant is committed to delivering sustainable development by designing out polluting operations and activity. It is proposed to incorporate renewable energy (micro) generation equipment in each new dwelling. Accordingly PV panels are proposed on the south-facing roof pitch of all new dwellings. Incorporation of PV panels into the design is intended to provide a starting point with scope safeguarded for new generation methods to be adopted as technologies and public policy evolves.
- 2.11 The proposed dwellings will be serviced by connection of foul water drainage to a package treatment plant. Drainage of surface water shall be managed by discharge to soakaways on land within the Appellant's ownership. The Appellant proposes to connect to the local mains water network.



Fig 3: Extracts from Elevations Plans showing the principal elevation of House 1 (top left), House 2 (top right), House 3 (bottom left), and Houses 4 & 5 which share a single design (bottom right) (Source: Capital Draughting Consultants).

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

REFUSAL OF APPLICATION BY MIDLOTHIAN COUNCIL AND PLANNING POLICY CONTEXT

REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 3.1 Planning Application 23/00003/DPP was refused on 6th July 2023. The Decision Notice (CD16) cited two reasons for refusal, set out below:

“1. The layout, design, scale, mass and materials of the proposed houses have been poorly considered and would have a significant detrimental impact on the character and appearance of the surrounding countryside, special landscape area, landscape character and so do not comply with policies RD1, ENV6 and ENV7 the adopted Midlothian Local Development Plan 2017 and Supplementary Guidance for Housing Development in the Countryside and Green Belt.

2. It has not been demonstrated that the proposal development can be successfully integrated into the surrounding rural area and special landscape area with suitable landscaping. The proposal is therefore contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017.”

MIDLOTHIAN LOCAL DEVELOPMENT PLAN

- 3.2 Local planning policy relevant to the proposal is contained within the Midlothian Local Development Plan (2017). Key policies include:
- Policy DEV5: Sustainability in New Development
 - Policy DEV6: Layout and Design of New Development
 - Policy DEV7: Landscaping in New Development
 - Policy RD1: Development in the Countryside
 - Policy ENV6: Special Landscape Areas
 - Policy ENV7: Landscape Character
 - Policy IMP1: New Development

- 3.3 **Policy DEV5** states that *“the Council will expect development proposals to have regard to the following principles of sustainability:*

- A. building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and utilising natural features;
- B. fostering and maintaining biodiversity;
- C. treating and conserving water on site in line with best practice and guidance on sustainable urban drainage;
- D. addressing sustainable energy in line with policies NRG3, NRG4, NRG5 and NRG6;
- E. recycling of construction materials and minimising the use of non-renewable resources;
- F. facilitating accessibility and adaptability;
- G. providing for waste recycling in accordance with standards which will be set out in planning guidance on waste separation, collection and recycling requirements for new development;
- H. incorporating high speed broadband connections and other digital technologies in line with policy IT1; and
- I. where flood risk has been identified on a development site or where a development proposal will increase flood risk elsewhere, the layout of the site will be designed to reduce flood risk on or off site, in accordance with policy ENV9.”

- 3.4 **Policy DEV6** requires that the Council will insist upon “good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts.

The layout and design of development proposals should meet the following criteria:

- A. *the layout of development proposals should complement or enhance the character of any adjoining or nearby urban area; include attractive street frontages; provide outlook onto communal open space; and integrate the siting of buildings, landscaping, open space, boundary treatment, and pedestrian/ cycle/ vehicular routes;*
- B. *any locally prominent landscape feature or historic building should be reflected in the layout and local landmarks and viewpoints should be incorporated into the streetscape to provide a welcoming atmosphere and assist with navigation;*
- C. *good quality materials should be used in the design;*
- D. *existing pedestrian routes, including desire lines, should be taken into account and the layout should be convenient for pedestrians and cyclists, with special attention to the provision of footpaths and cycleways which create links between key destinations;*
- E. *a high standard of passive energy gain should be achieved and overshadowing of buildings should be avoided;*
- F. *pedestrian routes, open space, sustainable urban drainage features or roads should be overlooked by front or side windows of buildings and doors should face onto streets or active frontages;*

- G. *buildings should be laid along contours to avoid excessive changes in levels and underbuilding in the street scene;*
- H. *open space for different age groups should be designed and sited to minimise disturbance and protect residential amenity;*
- I. *adequate spacing between housing should be provided to ensure privacy and amenity;*
- J. *where there is a recognised need for new open space in the area (see Policy DEV9: Open Space Standards), this should complement and/or contribute to existing open space provision and the proposed green network;*
- K. *private open space should be provided on a scale appropriate to the relevant dwelling type;*
- L. *where the proposed development is of a scale and in a location which makes the provision of bus services a realistic prospect, roads providing access through the site must be of a width and design sufficient to allow the passage of buses, with lay-bys provided to allow them to stop without obstructing other traffic;*
- M. *any roads, lighting and parking must satisfy the Council's standards; and*
- N. *cycle parking and bin stores shall be incorporated into the layout of developments.”*

- 3.5 **Policy DEV7** requires “development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme should be informed by the results of an appropriately detailed landscape assessment which complements existing landscape on-site and its surroundings, helps to create landmarks in the development layout, and provides shaded areas and shelter from prevailing winds.

3.6 **Policy RD1** sets out the criteria below as exceptions to the *“requirement to demonstrate that the housing is for the furtherance of a countryside activity. The details of these exceptions will be set out in the relevant Supplementary Guidance:*

- *housing groups (allowing 1 new dwelling during the plan period where there are 5 existing units);*
- *conversions of redundant farm buildings or other non-residential buildings;*
- *redevelopment of redundant farm buildings or other non-residential buildings; or*
- *enabling development where it can be clearly shown to be the only means of preventing the loss of a heritage asset and securing its long-term future.”*

3.7 **Policy ENV6** states that *“development proposals affecting Special Landscape Areas will only be permitted where they incorporate high standards of siting and design and where they will not have an unacceptable impact on the special landscape qualities of the area.”*

3.8 **Policy ENV7** states that *“development will not be permitted where it may have an unacceptable effect on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New developments will normally be required to incorporate proposals to maintain the diversity and distinctiveness of local landscapes and to enhance landscape characteristics where they have been weakened.”*

3.9 **Policy IMP1** provides for development contributions to be secured towards *“essential infrastructure”* including transport, *“making good facility deficiencies”*, affordable housing, and cycling access, among other worthy causes.

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

GROUNDS OF APPEAL AND
CASE FOR APPELLANT

GROUNDS OF APPEAL AND CASE FOR THE APPELLANT

- 4.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

GROUND 1: The proposed development represents the erection of 5 no. new dwellings in a courtyard layout which would appear as an intelligible and cohesive design form delivering the redevelopment of a significant brownfield former employment site. Proposed dwellings all face onto the courtyard and contribute towards a local sense of place in a new residential neighbourhood. The proposed development is considered to represent good quality placemaking.

GROUND 2: The application site benefits from a large tree belt that wraps around its south and east boundaries. Additional planting is proposed on the north and west boundaries which would reinforce the existing landscaping. The additions proposed to the existing landscaping would serve to extensively screen the site. The proposed development would not be visible from any viewpoint further than 100 metres from the boundary of the site and would not create a significant landscape impact.

- 4.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:

- **Environmental Protection – No objection, recommends conditions.**
- **Education team – No objection.**
- **Biodiversity team – No objection.**
- **Policy and Road Safety – Objection.**
- **Coal Authority – No objection.**
- **Scottish Water – No objection.**

GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF 5 NO. NEW DWELLINGS IN A COURTYARD LAYOUT WHICH WOULD APPEAR AS AN INTELLIGIBLE AND COHESIVE DESIGN FORM DELIVERING THE REDEVELOPMENT OF A BROWNFIELD FORMER EMPLOYMENT SITE. PROPOSED DWELLINGS ALL FACE ONTO THE COURTYARD AND CONTRIBUTE TOWARDS A LOCAL SENSE OF PLACE IN A NEW RESIDENTIAL NEIGHBOURHOOD. THE PROPOSED DEVELOPMENT IS CONSIDERED TO REPRESENT GOOD QUALITY PLACEMAKING.

- 4.3 It is common ground between the Appellant and the Planning Authority that the principle of development for 5 no. new dwellings on-site is acceptable. This conclusion has been reached with cognisance of Policy RD1 which permits "*redevelopment of redundant farm buildings or other non-residential buildings*" for housing in the countryside and acceptance of the conclusion reached by the Local Review Body in March 2022.

- 4.4 However, the appointed Planning Officer considers that the design of the proposed development is not acceptable. Report of Handling 23/00003/DPP (CD15) states that “the current proposal is for five large detached properties in a layout dominated by an access running through and bisecting the site, as well as a large amount of hardstanding positioned at the centre of the site. Two of the houses do not address the other three or the access, with the other three in quite a stark line facing the access.”
- 4.5 The assessment within the Report of Handling concludes that “the proposed houses are not scaled or of a design which is in keeping with the character of the area.”
- 4.6 It is not understood what approach the appointed Planning Officer has taken to assessing the proposed development.
- 4.7 It is possible that the proposed development has been approached as an addition to a “*Housing Group*”. However, this approach is incorrect as the application site does not sit within the setting of a cluster (hamlet) of five or more existing dwellings rather the proposed development represents the redevelopment of a brownfield former employment site.
- 4.8 Even if the Housing Group approach was to be taken, the application site is well related to two existing dwellings only – Logan View and Highwood House. Beyond this, the application site does not share a close relationship with but does lie within 500 metres (point-to-point distance) of Parduvine Farm and three existing dwellings there – the principal farmhouse and 1 & 2 Parduvine Farm Cottages – and a further three existing dwellings at Stonefieldhill Farm – the principal farmhouse and 1 & 2 Stonefieldhill Farm Cottages.
- 4.9 It is essential to note that **five of the eight existing dwellings** that stand within a 500 metre radius of the site have been built in ‘**rectangular-plan**’. The three houses that haven’t – Parduvine Farm House, Stonefieldhill Farm House, and Highwood House – stand in ‘L-plan’.
- 4.10 The rectangular plan of the Farm Cottages at Parduvine and Stonefieldhill as well as Logan View (the closest existing dwelling to the site) is considered to represent a design precedent and lend credence to the ‘rectangular-plan’ of Houses 1, 2, & 3 proposed on-site. Further it is considered to be factually inaccurate to take the position that constructing dwellings in rectangular-plan is unsympathetic and/or incongruous in the local area.
- 4.11 The other three existing dwellings (identified in 4.9) stand in ‘L-plan’ form. While it is accepted that ‘**L-plan**’ and ‘**I-plan**’ are not completely indistinguishable; they are considered to be **physically similar in style and appearance**. Indeed, the difference between the two could be reasonably understood to be as simple as one design has a single head whereas the other has two heads.
- 4.12 Further it is important to understand that all three **existing dwellings in question occupy significantly larger footprints than any of the proposed dwellings** and were **built prior to 1914**. Design legibility – the ability to read the origins of a building – is considered to be critically important. Pastiche design that deliberately misrepresents a building as belonging to an older time period is considered to represent poor quality design and to obstruct the convalescence of successful placemaking – consistent with the detailed explanation of the Six Qualities of Successful Places included in Annex D of National Planning Framework 4.

- 4.13 The use of 'I-plan' in the design of Houses 1, 2, & 3 is considered to represent a moderate and proportionate development on the 'L-plan' concept. It is important that the proposed dwellings are clearly legible as high quality development of early 21st Century origin. While 'I-plan' is broadly similar to 'L-plan' form the differences between the two can be easily grasped and appreciated as a more contemporary design. The smaller footprints proposed for the new dwellings will help them to be read as contemporary development informed by the older existing dwellings in the local area.
- 4.14 In short, the use of both 'rectangular-plan' and 'I-plan' forms is considered to be appropriate on site and to represent good design, as set out in paragraphs 4.8-4.13.
- 4.15 The Report of Handling asserts that the proposed "houses are large, with unusual proportions which are neither traditional rural or contemporary design". No rationale is offered for this assessment.
- 4.16 The proposed dwellings incorporate visibly **contemporary design influenced by the traditional design styles and materials** used locally. It may be that this influence has confused the assessment of the appointed Planning Officer. While this is regrettable, confusion could have been addressed directly had it been raised during the determination of the Application. Indeed, the Project Architect would have been happy to attend a video conference meeting with the Planning Officer to explain the design concept.
- 4.17 It is considered important to note that **seven of the eight existing dwellings** that stand within a 500 metre radius of the site comprise **elevations constructed in stone, at least in part**. The exception is Highwood House which is finished in white harl, reminiscent of a kirk manse (ecclesiastical).
- 4.18 It is acknowledged that the natural red sandstone used in the elevations of the seven existing dwellings nearby is not identical to the reconstituted stone proposed for the elevations of the new dwellings. It should be noted that **natural sandstone is used in very few new houses built today**. While very high quality, natural sandstone is one of the most expensive building materials available today, to the extent of being prohibitive.
- 4.19 **Reconstituted stone proposed** for the elevations of the new dwellings is a **high quality material which balances affordability with prime performance and an aesthetically attractive appearance**, as seen in **Fig.4**. When viewed from beyond the boundaries of the application site the elevations will appear similar to natural stone. The difference will only be discernible from within the site's boundaries. This is considered to be important given the prominence of natural stone in the built environment of the local area. The use of reconstituted stone will complement the local character of the area, to the benefit of the proposed development and the built environment locally.



Fig 4: Illustrative Visualisation 1 of the proposed development viewed from within the site. Visualisation shows House 2 (foreground) and Houses 1 & 5 (background) from the garden of House 4.

- 4.20 All new dwellings are proposed in **dual pitched roofs finished in natural slate**. It should be noted that **six of the eight existing dwellings** that stand within a 500 metre radius of the site are **covered in a slate roof in dual pitch arrangement**. These include both the existing dwellings closest to the site – Logan View and Highwood House.
- 4.21 While the Parduvine Farm Cottages are roofed in clay tiles, this is not a common design in the local area. The use of a dual pitched roof finished in natural slate is considered to be appropriate to the local area and represent high quality design.
- 4.22 The proposed development is designed around a new central courtyard, which proposed dwellings face onto. The courtyard creates a new shared space in the heart of the site for the use of residents and visitors. This is fully consistent with the core principles of town planning – placing people and movement before the siting of buildings and transit of cars.
- 4.23 Unfortunately the appointed Planning Officer does not recognise this design rationale. Indeed it is unknown whether the courtyard has been understood as such – it is identified only as “a large amount of hardstanding positioned at the centre of the site”.
- 4.24 The Report of Handling contains no evidence of placemaking concerns. Rather it seems to place entirely disproportionate value on addressing the access, highlighted in the extract below:
“Two of the houses do not address the other three or the access, with the other three in quite a stark line facing the access.”
- 4.25 It is considered that this extract betrays a misunderstanding of the role of design, in the context of the application site. The proposed development represents the redevelopment of an existing brownfield site in the countryside which was formerly in employment use. The proposed development does not represent the expansion of an existing settlement and the application site does not form part of an existing settlement and is not a “*Housing Group*” as set out in paragraph 4.7. As a new residential neighbourhood is proposed in the countryside, it is **incumbent upon the proposed development to create a new place which is distinctive** in its character and provides for good residential amenity. Merely orientating new dwellings to face the access is not sufficient to achieve good design.
- 4.26 It should also be noted that **courtyard layout has been used in the Elizabeth Dickson Gardens** development (Planning Permission 14/00805/DPP) in Edgehead. Elizabeth Dickson Gardens is considered to represent **one of the best examples of rural development** in Midlothian or the South East Scotland City Region in the last decade – and a fine benchmark for the proposed development to aspire to.
- 4.27 It is considered that a residential courtyard represents good design which is appropriate to a countryside location. The design form is considered to create a new distinctive place which is self-containing and safeguards against further elongation into the countryside. This contrasts starkly with a development pattern that is merely orientated towards an access to a public road, especially one that takes linear form.

- 4.28 Report of Handling 23/00003/DPP states “the proposed houses are not scaled or of a design which is in keeping with the character of the area”. The rationale for this conclusion appears to relate to Houses 1, 2, & 3 having “large projecting sections to the front and rear of the houses” and Houses 4 & 5 being of “suburban appearance”. This criticism appears to be largely grounded in the two storey nature of the proposed dwellings.
- 4.29 However, it must be noted that none of the proposed dwellings would be the largest in the local area. **Three of the eight existing dwellings** that lie within a 500 metre radius of the site – Parduvine Farm House, Stonefieldhill Farm House, and Highwood House – stand distinctly larger than any proposed dwellings.
- 4.30 Furthermore, it is relevant that **five of the eight existing dwellings** that stand within a 500 metre radius of the site comprise **two storey** arrangement – including both Highwood House and the Stonefieldhill Farm Cottages. Therefore, there is no basis to argue (as the Report of Handling does) that two storey dwellings or larger houses are out of character or incongruous locally.
- 4.31 The “large projecting sections” identified in the Report of Handling are the twin heads of the ‘I-plan’ in which the dwellings are proposed. It is a false spectre to argue that the heads of these dwellings can be excluded from the proposed development. The dwellings are proposed with **narrow central living space which links the heads together**. This is essential for delivering sufficient living space and creating a workable plan in an intelligible design.
- 4.32 In the case of Houses 1 & 3, the design has been prepared to cater for the needs of the Appellant’s father-in-law who is registered blind and a single floor plan will allow for him to familiarise with both houses simultaneously. This design approach is fully consistent with Policy 16 of NPF4 which under branch c) supports both “*accessible, adaptable, and wheelchair accessible homes*” (item ii.) and “*homes for older people, including supported accommodation, care homes, and sheltered housing*” (item vi.).
- 4.33 Houses 4 & 5 are proposed in **rectangular plan (matching 5 of the 8 existing dwellings** that lie within 500 metres of the site), make use of **reconstituted stone and natural slate** to achieve an **appearance which is strongly in-keeping with the character** of the local area, are **legible in their contemporary origins** while following the lead of traditional design, and are proposed in a **distinctive courtyard layout which creates shared space** at the heart of the application site and addresses it from both north-east and south-west. Therefore, Houses 4 & 5 are considered to represent good design and to accord with Policy DEV6.
- 4.34 Houses 1, 2, & 3 are proposed in ‘I-plan’ form which represents a **moderate and proportionate development of the ‘L-plan’ design** form which has been established in the local area for over 100 years, use **reconstituted stone and natural slate** to achieve an **appearance which is strongly in-keeping with the character** of the local area, are **legible in their contemporary origins** while following the lead of traditional design, and are proposed in a **distinctive courtyard layout which is self-containing and precludes further extension into the countryside**. The design rationale for Houses 1 & 3 is also supported by branch c) of Policy 16 made by NPF4. Therefore, Houses 4 & 5 are considered to represent good design and to accord with Policy DEV6.

4.35 While new dwellings on two opposite sides of the courtyard are proposed in different designs, both designs fit with and complement the courtyard layout which is proposed. They both assist in facilitating the proposed development to deliver high quality local placemaking. The proposed development delivers the redevelopment of a brownfield site using high quality materials to deliver new homes that are accessible, adaptable, and required for occupation by persons who are registered as disabled. Therefore the proposed development is considered to represent good quality design and accord with Policy DEV6.

GROUND 2: THE APPLICATION SITE BENEFITS FROM A LARGE TREE BELT THAT WRAPS AROUND ITS SOUTH AND EAST BOUNDARIES. ADDITIONAL PLANTING IS PROPOSED ON THE NORTH AND WEST BOUNDARIES WHICH WOULD REINFORCE THE EXISTING LANDSCAPING. THE ADDITIONS PROPOSED TO THE EXISTING LANDSCAPING WOULD SERVE TO EXTENSIVELY SCREEN THE SITE. THE PROPOSED DEVELOPMENT WOULD NOT BE VISIBLE FROM ANY VIEWPOINT FURTHER THAN 100 METRES FROM THE BOUNDARY OF THE SITE AND WOULD NOT CREATE A SIGNIFICANT LANDSCAPE IMPACT.

4.36 Report of Handling 23/00003/DPP states that:

“The indicative planting appears relatively close to a number of houses, in some areas less than 6 metres. Also a large section of planting is proposed along the southern boundary which is required to integrate the development from wider views”.

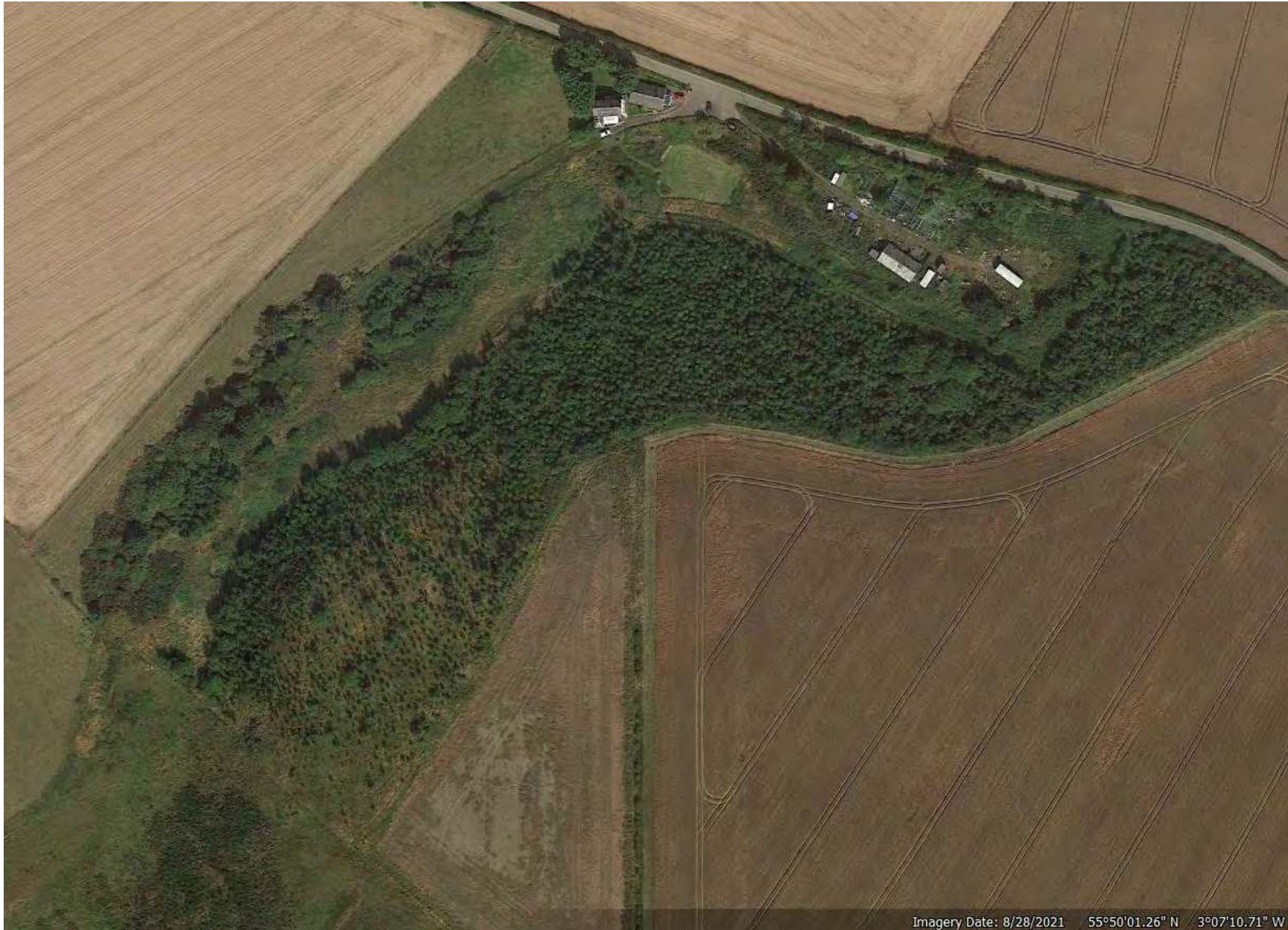
4.37 However, this conclusion does not appear to account for the large existing tree belt that extends from the south and east boundaries of the site, visible in **Fig.5**.

4.38 As can be seen in the aerial image, the **tree belt** extends around **35 metres south** of the site and **20 metres east** (both taken at minimum extent). It is a very substantial body of semi-natural woodland that offers significant benefits both in terms of biodiversity and natural screening.

4.39 The conclusion reached in the Report of Handling is that the existing screening already offered by the established tree belt has the effect of being negligible without further screening provided within the residential curtilage. This **rationale cannot be supported**. The south and east boundaries of the site benefit from a significant tree belt as existing, to which further strengthening is proposed.

4.40 In addition to the direct obstruction of views into the site from the south and east the established tree belt also provides a framing backdrop for views into the site from the north and west. This is important as the site sits below the level of the public road, and so the view from the road is not taken from the footing of the proposed dwellings.

4.41 Nonetheless, further boundary planting is also proposed on the north and west boundaries. The planting on the north boundary would serve to further screen views from the public road. New planting would be focused on areas where existing landscaping is not dense as well as the footprints of House 4 and the visitor parking.



Imagery Date: 8/28/2021 55°50'01.26" N 3°07'10.71" W

Fig 5: Extract from Google Earth showing the established tree belt enveloping the application site inset in the north-east (Source: Google Earth).

- 4.42 Views of the site from the public road are already moderately well screened with no views readily available and only glanced views achievable through existing screening. The proposed planting on the north boundary will further strengthen the landscaping and close off all but the most fleeting glances. Moreover, the views after further screening are likely to be of roofs finished in natural slate.
- 4.43 The Report of Handling has raised particular dislike of views into the site from the west. The appointed Planning Officer surmises this concern as “the detached double garage is at the termination point of the access which results in a poor outlook when entering the site”.
- 4.44 Illustrative Visualisation 2 has been prepared to address this concern directly and can be viewed in **Fig.6**. The Visualisation clearly shows that the proposed development shall appear as a small rural hamlet from viewpoints west of the site. The double garage identified as significant “termination point” in the Report of Handling is clarified to be **drastically less bulky or visible than the proposed dwellings** – specifically Houses 1, 2, 3, & 5. This context is applicable despite all of House 4 and a significant portion of House 5 being entirely obscured behind existing trees.
- 4.45 The Visualisation confirms that the most prominent structures visible from the west of the site are dual pitched roofs finished in natural slate. This is considered to represent a vista which is typical of rural settings in Midlothian and across Scotland, almost without exception. It should be further noted that this viewpoint sits on a private way within the Appellant’s ownership and is not part of the adopted public road network. It is considered that this vista cannot be understood as significantly adverse.
- 4.46 It is considered that the proposed development has a negligible landscape impact. Views into the site from both the south and east are already obstructed by established trees. None of those trees would be removed by the proposed development. More considerable views of the application site are visible from the north and west. However, views from the north would be further screened by proposed boundary planting which would strengthen the landscape boundary and screen almost all views of the proposed dwellings. While views of the proposed development would be achievable from the west, these would be on direct approach to the application site (approved by Planning Permission 21/00453/PPP) and essentially be of dual pitched roofs finished in natural slate. This vista is considered to be typical of rural housing in Midlothian and across Scotland.
- 4.47 The proposed development has been demonstrated to have a limited landscape impact. The proposed dwellings would not be visible from north, south, or east. Limited views of the roofs would be achievable from the west from the site access although not from the public road. The proposed development is considered to be acceptable in landscape terms and in accordance with Policies ENV6 & ENV7.



Fig 6: Illustrative Visualisation 2 of the proposed development viewed from the site access to the west. Visualisations shows the application site in real world profile, roofs of proposed dwellings can be seen to be most prominent feature.

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

CONCLUSION

CONCLUSION

- 5.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 23/00003/DPP and grant Planning Permission for erection of 5 dwellings, garage, and associated works on land east of Highwood House, Barley Dean, Rosewell.
- 5.2 The proposed development represents erection of five new dwellings on a brownfield site on which new dwellings were approved by Planning Permission 21/00453/PPP. The proposed development is proposed in courtyard layout fronted with houses to create a contained built environment that has the character of a new place which grows out of the shared space in the heart of the site. The new dwellings are proposed in high quality materials that are well established in the local area and contribute towards an attractive appearance. Rectangular and I plan design are utilised in proposed dwellings that are in character with the existing dwellings locally. Therefore, the design of the proposed development is considered to be high quality and to accord with Policy DEV6.
- 5.3 The site benefits from a large tree belt that wraps around to the south and east. The tree belt provides significant screening from viewpoints to the south and east which has the effect of obstructing views of the site and the proposed development. Further screening is provided by existing landscaping upon the north and west boundaries. Further planting shall reinforce landscaping upon the north boundary to extensively screen views of new dwellings from the public road. While further planting will not fully obstruct views of the proposed dwellings from the west, views will only be achievable from the private way providing access to the site itself. Views will not be achievable from the west on the public road. Views that are achievable from the west will be largely characterised by the dual pitched roofs of proposed dwellings finished in natural slate. The landscape impact of the proposed development is considered to be negligible and to accord with both Policies ENV6 & ENV7.
- 5.4 The Local Review Body is respectfully requested to allow the appeal for the erection of 5 dwellings, garage, and associated works on land east of Highwood House, Barley Dean, Rosewell.

NEW DWELLINGS EAST OF HIGHWOOD HOUSE, BARLEY DEAN

CORE DOCUMENTS

CORE DOCUMENTS

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 CDC/22/153/00 Existing Site Plan, prepared by Capital Draughting Consultants;
- CD3 CDC/22/153/00 Proposed House Location Plans, prepared by Capital Draughting Consultants;
- CD4 CDC/22/153/01(A) Topographical Survey, prepared by Capital Draughting Consultants;
- CD5 CDC/22/153/03(A) Proposed Ground Floor Plan House 1, prepared by Capital Draughting Consultants;
- CD6 CDC/22/153/08(A) Proposed Elevations House 1, prepared by Capital Draughting Consultants;
- CD7 CDC/22/153/04(A) Proposed Ground Floor Plan House 2, prepared by Capital Draughting Consultants;
- CD8 CDC/22/153/05(A) Proposed First Floor Plan House 2, prepared by Capital Draughting Consultants;
- CD9 CDC/22/153/09(A) Proposed Elevations House 2, prepared by Capital Draughting Consultants;
- CD10 CDC/22/153/06(A) Proposed Ground Floor Plan House 3, prepared by Capital Draughting Consultants;
- CD11 CDC/22/153/10(A) Proposed Elevations House 3, prepared by Capital Draughting Consultants;
- CD12 CDC/22/153/07(B) Proposed Floor Plans Houses 4&5, prepared by Capital Draughting Consultants;
- CD13 CDC/22/153/11(A) Proposed Elevations House 4&5, prepared by Capital Draughting Consultants;
- CD14 CDC/22/153/15 Garage Proposed Elevations and Floor Plans, prepared by Capital Draughting Consultants;
- CD15 Report of Handling 23/00003/DPP; and
- CD16 Decision Notice 23/00003/DPP.

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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00003/DPP

Site Address: Land 115M East of Highwood House, Barley Dean, Rosewell.

Site Description: The application site comprises a vacant area of land. There were previously buildings here which were in varying states of repair that have been removed in the past few months. The site appeared to previously have been used as a storage area with numerous debris lying around, such as static caravan, caravan, tyres, trailers and other items. This has largely been cleared, with some piles of materials and debris still in place. The site is accessed by a single lane track that leads to the vehicular access for the houses to the west. There is landscaping to either side of the track.

There is countryside to the south, east and north and two houses to the west some 93 metres away. The site is at a lower level than the road to the north, with a drop down to the countryside to the south. The site appears to form part of an infilled quarry and is 0.73 hectares in area.

Proposed Development: Erection of 5 dwellinghouses, garage and associated works.

Proposed Development Details: Five detached houses are proposed, one three-bed and four four-bed. Three are two storey and two single storey, with a variety of gable and hipped roofs. The plans state the roofs are slate and it appears the wall finishes will be either artificial stone or white rendered walls with artificial stone basecourses. No details of the materials or colour of the doors or window frames are submitted. Three of the houses will have solar panels. Two houses have integral garages, with one detached garage proposed. A balcony is proposed on the rear elevation of one house.

The houses are positioned to either side of an access running centrally through the site. The access is to be tarmac and porous monoblock. Eleven parking spaces are proposed. The boundary treatments are to be 1.8 or 2 metre high timber fencing and landscaping, with limited information on both. The houses will connect to the public water supply. Private drainage arrangements are proposed, including soakaways, sewage treatment plants and surface water drainage.

A number of supporting documents have been submitted including a statement relating to NPF4, a coal mining risk assessment, site contamination information and an ecology report.

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

21/00453/PPP Application for planning permission in principle for residential development. Refused – not demonstrated site can accommodate the proposed

number of houses – overdevelopment; not demonstrated the houses could be integrated into the rural area; not demonstrated historic contamination of the site can be addressed; contrary policies RD1, DEV6, ENV6 and ENV7 of the MLDP. Appealed at LRB – allowed: no more than five houses; contamination information; coal authority information; standard PPP ones; landscaping around all boundaries; ecological works to be complied with.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has reservations over the remoteness of the site and the lack of any pedestrian or public transport services in the local area. As the site is in a rural area, there are no pedestrian footways or street lighting available and given the remoteness of the site and the lack of any convenient public transport or walking/cycling facilities, it is likely that the majority of trips, including school journeys, would require to be made by private car. This does not appear to be in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel. They recommend that this application be refused.

The Council's **Senior Manager Protective Services** has significant concerns due to the potentially contaminative historic site uses and the potential impact of contamination to affect the development site. On these grounds they would normally recommend refusal of the application, however in this case (due to the planning history including approval of a PPP at LRB) they would either consider additional information submitted during the application process or recommend conditions be attached to any permission to address the contamination works at the site. They also recommend conditions relating to the hours of construction works at the site. Additional information has since been submitted related to the ground contamination which has been considered. Should this application be approved, conditions should be attached requiring further details.

The Council's **Education Resource Manager** confirms contributions would be required for education provision.

The Council's **Biodiversity Consultant** does not object to the application but advises that there are some data omissions within the submitted badger survey. They also queried the site boundary to ensure these matched that shown in the submitted survey.

The **Coal Authority** has no objection to the proposal.

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

Representations: Thirteen representations have been received, ten supporting and three objecting.

The letters of support are on the following grounds:

- It will be good to see the site cleaned up and become housing for families;

- It is good to see housing on wasteland to bring it back into productive use;
- This development will be hidden and will not have a negative effect on the local countryside but enhance this;
- The proposal will allow people to live in sustainable homes built from locally sourced sustainable materials;
- The proposed houses will not affect anyone else's view; and
- The proposal will give the Council extra money to provide better services for the local community.

The letters of objection are on the following grounds:

- The proposal does not comply with the MLDP as this does not relate to the redevelopment of redundant buildings;
- The footprint of the proposed houses is bigger than the previous buildings on site;
- The proposed houses are not of a scale or character appropriate to, well integrated or in keeping with the rural landscape;
- Discussions for the previous application at the site stated the houses should be steading style in keeping with the area. The proposed houses are not;
- It is understood that up to 5 houses here is appropriate with landscaping sympathetic to the area. The proposed two storey houses spread across the site does not fit this;
- There is limited internet connection in the area which may not be conducive to homeworking;
- Concern about the stability of the land after the recent clearance works, particularly the road to the north of the site;
- The land clearance works has removed vegetation which provided some roadside protection to stop vehicles leaving the road and entering the site which cannot be replaced given the excavation works. A crash barrier should be erected along the length of the site;
- The impact on wildlife as a result of the clearance works;
- Concerns over the visibility splays on existing the site;
- Road safety concerns as the site exit is a tight turn close to parked cars for nearby houses;
- The access to the site is poor and the road leading to it is not suitable for construction traffic;
- Comments reflecting the remoteness of the site from public transport which will result in reliance on private car journeys, as well as lack of pedestrian footpaths and streetlighting. This does not fit with the Council's active travel opportunities;
- Concern over the suitability of the site access for construction traffic and damage already being caused during site clearance works. A fence will be erected along the edge of the access to determine the site boundary and limit damage outwith this;
- Comments about deliveries and refuse collection accessing the site;
- The site would be better as farmland as there are too many houses being built in the area with no uplift in amenities; and
- Planting the site with trees would help the environment more than building large houses in a rural area that would be an eyesore.

One objector states that if permission is granted this should be subject to conditions relating to hours of construction and the new site access being in place before construction begins.

The applicant has submitted a response to one objection: they highlight one of the objectors was the applicant for the recent application at the site for more housing that currently proposed; they are unhappy at the comments made in this objection; they clarify the works which have taken place on site to date; they provide comments on the size and scale of surrounding houses and the proposed houses; the site is some distance from nearby houses and should not cause noise or disturbance to this; there is no overlooking between the site and existing properties; there are no issues with the site access; and there will be adequate broadband provision.

Relevant Planning Policies:

The relevant policies of the National Planning Framework 4 are:

- Policy **1 Tackling the climate and nature crisis** 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;
- Policy **6 Forestry, woodland and trees** sets out to protect and expand forests, woodland and trees;
- Policy **9 Brownfield, vacant and derelict land and empty buildings** sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development;
- Policy **11 Energy** sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS);
- Policy **12 Zero waste** sets out to encourage, promote and facilitate development that is consistent with the waste hierarchy;
- 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** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations;
- Policy **19 Heating and cooling** To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures;
- Policy **20 Blue and green infrastructure** sets out to protect and enhance blue and green infrastructure and their networks;
- Policy **21 Play, recreation and sport** sets out to encourage, promote and facilitate spaces and opportunities for play, recreation and sport;
- 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 **23 Health and safety** sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing; and
- Policy **24 Digital infrastructure** sets out to encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

The relevant policies of the **2017 Midlothian Local Development Plan** are;

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

DEV6 Layout and Design of New Development 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, 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;

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

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

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;

ENV15 Species and Habitat Protection and Enhancement states that development that would affect a species protected by European or UK law will not be permitted unless: there is an overriding public need and there is no satisfactory alternative; a species protection plan has been submitted, which is based on survey results and includes details of the status of protected species on site and possible adverse impact of development; suitable mitigation is proposed and agreed; and the development is not detrimental to the maintenance of European protected species at a favourable conservation status;

IMP1 New Development seeks to ensure that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision;

IMP2 Essential Infrastructure Required to Enable New Development to Take Place states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be

used to secure the appropriate developer funding and ensure the proper phasing of development; and

IMP3 Water and Drainage require sustainable urban drainage systems (SUDS) to be incorporated into new development.

Supplementary Guidance for Housing Development in the Countryside and Green Belt is adopted and expands policy RD1 and the criteria to be met in such proposals. This provides some support for the conversion or redevelopment of redundant farm buildings or other non-residential buildings to houses. It must be justified and demonstrated that these buildings are fully redundant. Such developments will not be supported where these are still in use or where their loss may result in the requirement for a replacement building elsewhere. Any redevelopment must result in a development that respects and enhances the character and appearance of the countryside. Also the scale of development should not extend significantly beyond the footprint of the original building unless there are significant design reasons for doing so.

Planning Issues: The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval. The representations received and planning history of the site are material considerations. In this instance the planning history, namely the Local Review Body decision, is a significant material consideration which has the potential to outweigh the policy position. This is because it was a formal decision of this Council to support development of five houses on the site.

The Local Review Body decision on the principle of development at the site considered that the proposed dwellings, by means of their siting, form, design and materials (although indicative at this stage), could fit into the landscape, complement the neighbouring dwellings. These would not be detrimental to the countryside because of the potential for landscape screening around the site's boundaries. The siting of disused structures/buildings on the site meant that the development accorded with the spirit of the MLDP which supports the redevelopment of redundant rural buildings. The LRB also considered that the development would also result in 'tidying-up' the site by clearing the deposited and stored materials.

Principle of development

The current proposal is a detailed application for the erection of five houses. As a result of the previous LRB decision the principle of developing the site with five houses had been established, despite planning authority concerns about the sustainability of the site for housing.

The previous application, and LRB decision, was considered in line with the adopted Midlothian Local Development Plan 2017, which remains part of the development plan. However the development plan also now includes National Planning Framework 4 (2023) which was introduced in February 2023 and is a material consideration in the assessment of applications.

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 agent has stated that the houses are south facing and will be fitted with solar panels, electric vehicle charging points, ground and air source heat pumps which will all reduce carbon footprint. They also state:

- There will be opportunities for home working.
- The proposal will source locally available natural materials, be timber framed, comply Building Standards regulations and use local builders and traders.
- Crushed brick and hardstanding on site at present will be used for paths and to infill gabion baskets.
- The foul and surface water will be the latest technology.
- The proposal will follow biodiversity survey recommendations and involve replanting trees.
- The proposal is a fine example of what can be done through the redevelopment of a brownfield site, with the applicant going to great expense to clear site, which will improve the biodiversity value.

The site is within the relatively remote countryside and is therefore not a sustainable location. The majority of trips are likely to be done by private car which is not in line with NPF4's focus on sustainability. The use of zero and low carbon technology, landscaping, connection with broadband, compliance with Building Standards and ecology recommendations would all be expected as standard in proposals. They are not extra measures which help address the climate and nature crises.

NPF4 policy 9 states development proposals that result in the sustainable reuse of brownfield land including vacant and derelict land and buildings will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account. While it is acknowledged that the site has poor biodiversity value at present and that the proposal would improve this through the removal of contaminated land and tidying the site, it does not follow that any development would be acceptable here. The site is still remote with a reliance on private transport movements which is not sustainable.

In terms of whether the principle of the proposed development is acceptable it is essential to consider the previous decision of the Council's LRB against the aspirations of the adopted development, which seeks sustainable development and development which addresses the climate and nature crises. The current proposal clearly will not address the twin crises and is not a sustainable form of development. However, the LRB decision is still extant and carries very considerable weight as a material consideration. In addition, there is some planning policy support for the redevelopment of brownfield sites. Therefore, the principle of a five house development can be supported at this site. Had there been no earlier LRB decision supporting the previous scheme the argument to support a residential development in this location would have been significantly weakened, to a point where this proposal would not be acceptable in principle.

Scale and character of the proposed development, impact on rural landscape and special landscape area and amenity for occupants

Planning policy states development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and be well integrated into the rural landscape.

The previously approved application included indicative plans which showed traditional cottage style houses with accommodation in the roofspace in a steading style layout. While the proposed layout raised concerns in terms of amenity provision and space to accommodate necessary landscaping, the proposed houses were of a design approach which respected the rural area.

The current proposal is for five large detached properties in a layout dominated by an access running through and bisecting the site, as well as a large amount of hardstanding positioned at the centre of the site. Two of the houses do not address the other three or the access, with the other three in quite a stark line facing the access. The detached double garage is at the termination point of the access which results in a poor outlook when entering the site. The layout appears to have been designed to accommodate these five large houses, access and parking within the site, rather than taking account the rural area and adapting the design approach to respect this.

The houses are large, with unusual proportions which are neither traditional rural or contemporary design. Four of the houses have integral garages which is not a traditional feature for rural houses. Three of the four houses have large projecting sections to the front and rear of the houses which add to the scale and mass of the buildings. The remaining two houses have a suburban appearance which would not be out of place in a large housing development. The proposed houses are not scaled or of a design which is in keeping with the character of the area.

While the submitted site plan shows some landscaping along the boundaries, no detail of this has been submitted. The indicative planting appears relatively close to a number of houses, in some areas less than 6 metres. Also a large section of planting is proposed along the southern boundary which is required to integrate the development from wider views. Any landscaping must have space to grow and become established, as well as not having an adverse impact on the amenity of the houses in terms of overshadowing or fall distances. The site plan does not appear to show adequate room between the three houses to the south of the access and the proposed planting to allow this to become established without potentially having a detrimental impact on light or an overbearing impact on these houses. The planting could also have an impact on the light to the solar panels on the houses. This could put the landscaping under threat to be removed as this becomes established and achieves its function to integrate the development into the site.

The proposed houses appear to be served by sufficient garden ground. However the private amenity space for the two houses to the north of the access would be visible from this road and the houses to the south, so not private. A 1.8 metre high

fence is proposed along these boundaries. This would not be in keeping with the rural character of the area, but a suburban feature at the entrance to the site.

Overall the proposed layout and houses result in a very suburban proposal which does not respect the rural nature of the site, surrounding land or special landscape area. While the principle of housing here has been established, the proposed layout and design of the houses is such that these do not respect the surrounding rural area and would detract from the landscape character of the area.

The proposed development of the site has been considered in isolation with no relationship to its surrounds or the wider Midlothian countryside, resulting in a development which is completely out of context and at odds with the character of its surroundings, in complete contradiction with the adopted and established national and local planning policies. This type of development diminishes the qualities of Midlothian's rural environment and risks future developments giving an equal lack of consideration to their surroundings.

Access

The Senior Manager Neighbourhood Services (Roads) has not raised any concern over the site access.

There is a policy requirement for the site to be accessible by public transport and services, either within 1 mile of a settlement or a bus route with a frequency of at least 1 bus per hour. The site appears to be on the cusp of this. This siting reflects the reservations of the Policy and Road Safety Manager over the remoteness of the site and the lack of any pedestrian or public transport services in the local area. Given this and that there are no pedestrian footways or street lighting available, it is likely that the majority of trips would be made by private car. This is not in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel, or the aims of NPF4

The location of the site is not sustainable, however this is at a borderline position of the catchment for services. This lack of sustainability could be offset by achieving other environmental improvements through works to a site that is in poor condition which would be an overall benefit to the wider area. However as detailed earlier, the proposed environmental improvement works are minimal and nothing more than would be expected for a development of this scale.

Drainage and water supply

The application form states that the development will connect to the public water supply. Scottish Water has not raised any concerns over this or the impact a further connection would have on the supply to the area.

A private drainage system is proposed, including a septic tank and soakaway. This is acceptable in principle, as Scottish Water has confirmed there is no public waste infrastructure in the area.

Other matters

Representors highlighted that there are badgers in the area and so a badger survey has been submitted. This has been considered by the Council's Biodiversity Consultant who does not object to the application but advises that there are some data omissions within the submitted badger survey. Should planning permission be approved, a condition should be attached for an updated badger survey to be submitted that addresses these omissions for approval and any mitigation measures be implemented. The query over the site boundary has been resolved. The demolitions at the site, which did not require planning permission, benefitted from a bat licence.

Although the Environmental Health Manager recommended a condition restricting the hours of construction at the site, this is better controlled by their own legislation rather than through planning measures and so the condition will not be attached.

Should planning permission be supported here, developer contributions would be required. The contributions would be towards education, Borders Rail, community facilities and play provision. This would be in the region of £22,000 per unit. The legal agreement previously entered into to the planning permission in principle approval here could be modified to relate to the current application if required.

The following section considered representor comments not addressed above

The planning authority can only assess applications submitted for a site, rather than the potential for this for another use that has not been applied for, such as farmland or tree planting.

The planning authority agree it is good to tidy up the site but it needs to be ensured that this is with the right development.

The right to a view is not a material planning consideration.

The recent clearing of the site referred to by an objector did not require planning permission.

The stability of the land will be considered by Building Standards in the related building warrant(s).

Recommendation: Refuse planning permission.

Reg. No. 23/00003/DPP

Capital Draughting Consultants Ltd
40 Dinmont Drive
Edinburgh
EH16 5RR

Midlothian Council, as Planning Authority, having considered the application by Mr N McDonald, Highwood, Barley Dean, Carrington, EH24 9EA, which was registered on 19 January 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 5 dwellinghouses, garage and associated works at Land 115M East of Highwood House, Barley Dean, Rosewell

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan 1:2500	CDC/22/153/00 A	16.05.2023
Topographical Plan (Existing) 1:250	CDC/22/153/01 A	16.05.2023
Site Plan 1:200	CDC/22/153/03 A	16.05.2023
Proposed Floor Plan 1:50	CDC/22/153/03 A	19.01.2023
Proposed Floor Plan 1:50	CDC/22/153/04 A	19.01.2023
Proposed Floor Plan 1:50	CDC/22/153/05 A	19.01.2023
Proposed Floor Plan 1:50	CDC/22/153/06 A	19.01.2023
Proposed Floor Plan 1:50	CDC/22/153/07 B	19.01.2023
Proposed Elevations 1:100	CDC/22/153/08 A	19.01.2023
Proposed Elevations 1:100	CDC/22/153/09 A	19.01.2023
Proposed Elevations 1:100	CDC/22/153/10 A	19.01.2023
Proposed Elevations 1:100	CDC/22/153/11 A	19.01.2023
Proposed Cross Section 1:20	CDC/22/153/12 A	19.01.2023
Proposed Cross Section 1:20	CDC/22/153/13 A	19.01.2023
Elevations, Floor Plan, Cross Section 1:100 1:50	CDC/22/153/15	19.01.2023
Drainage Layout 1:200	MCE00345-100	19.01.2023
Drainage Details 1:25	MCE00345-101	22.03.2023
Topographical Plan (Existing) 1:250	MCE00345-SK01	22.03.2023
Topographical Plan (Existing) 1:250	MCE00345-SK02	22.03.2023
Other Statements	CDC/22/153/14	19.01.2023
Suds Report		22.02.2023
Ecology Report		19.04.2023
Ecology Report		19.04.2023

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

1. *The layout, design, scale, mass and materials of the proposed houses have been poorly considered and would have a significant detrimental impact on the character and appearance of the surrounding countryside, special landscape area, landscape character and so do not comply with policies RD1, ENV6 and ENV7 the adopted Midlothian Local Development Plan 2017 and Supplementary Guidance for Housing Development in the Countryside and Green Belt.*
2. *It has not been demonstrated that the proposal development can be successfully integrated into the surrounding rural area and special landscape area with suitable landscaping. The proposal is therefore contrary to policies RD1, ENV6 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

Dated 6 / 7 / 2023



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

Informative Note valid from 1st January 2023 until 31st December 2024



REFUSED
06.07.2023
23/00003/DPP

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2



3

2

3

1

Proposed House Locations Plan
Scale 1:200

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed House Location Plans		
Date Dec '22	Scale As Shown	
Drawing Number CDC/22/153/03		Rev. A

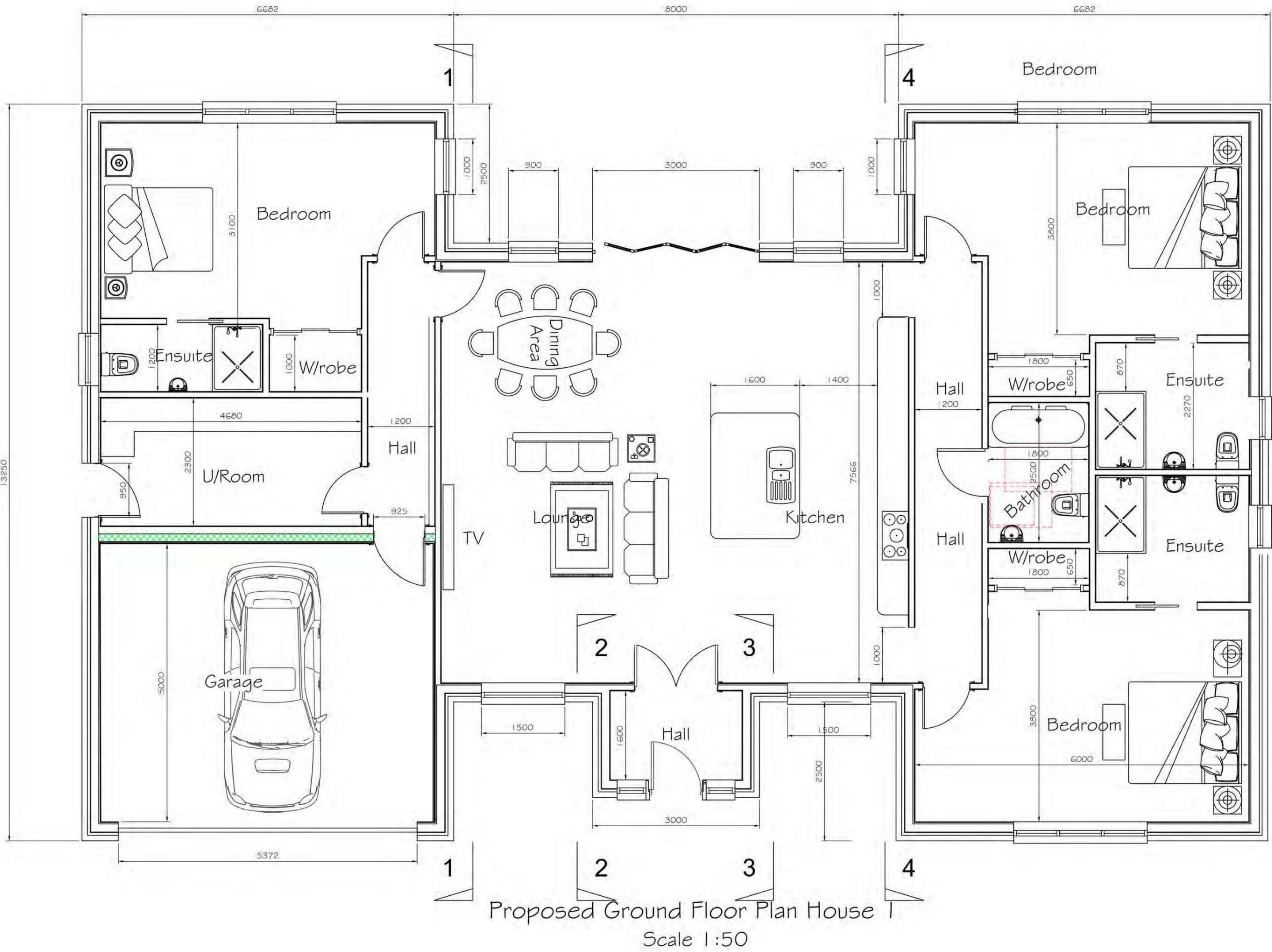
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06.07.2023
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Water efficient fittings should be provided to all WCs and WHBs within a dwelling.
Dual flush WC cisterns should have an average flush volume of not more than 4.5 litres. Single flush WC cisterns should have a flush volume of not more than 4.5 litres. Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.



Electrical Key	
All electrical work to comply with BS 5767:1-2011 and with the current Scottish Building Standards Technical Handbook: DOMESTIC	
	Light switch, No. of ways indicated.
	13A double switched socket outlet
	multi-gang grid switch to control appliances
	Recessed downlighter. Downlighters to be supplied and fitted with Fire Protection Lighting Covers, by NELSON Firestop Products, or similar and approved, to ensure that the integrity of the ceiling is restored
	Radiator.
	Extractor fan.
	AUTOMATIC FIRE DETECTION - Fire detection systems to comply with BS 5839:Part 6:2019, and BS 5446:Part 1:2000. Smoke alarms when ceiling mounted should be located 300mm away from any wall or light fitting. At least 300mm away from, and not directly above a heater or air conditioning outlet and WITHIN 7m OF THE DOORS TO LIVING ROOMS AND KITCHENS see floor plans for locations. Heat alarms conforming to BS 5446: Part 2: 2003
	All Optical smoke alarms should conform to BS EN 14604: 2005
	CARBON MONOXIDE DETECTION - Hard Wired Carbon Monoxide detection systems to comply with BS EN 50291-1:2010 (Type A). Detector to be fitted with a Sensor Failure Warning Device



Regulation 14
Where any work is being carried out on a building site or building, any neighbouring footpath (including any footpath provided so as to form part of the protective works) shall be regularly cleaned and kept free of building debris and related materials by the person carrying out the work, to the satisfaction of the local authority.
O.14.1 Regulation 14 requires the keeping free from mud or dust footpaths adjacent to building sites.

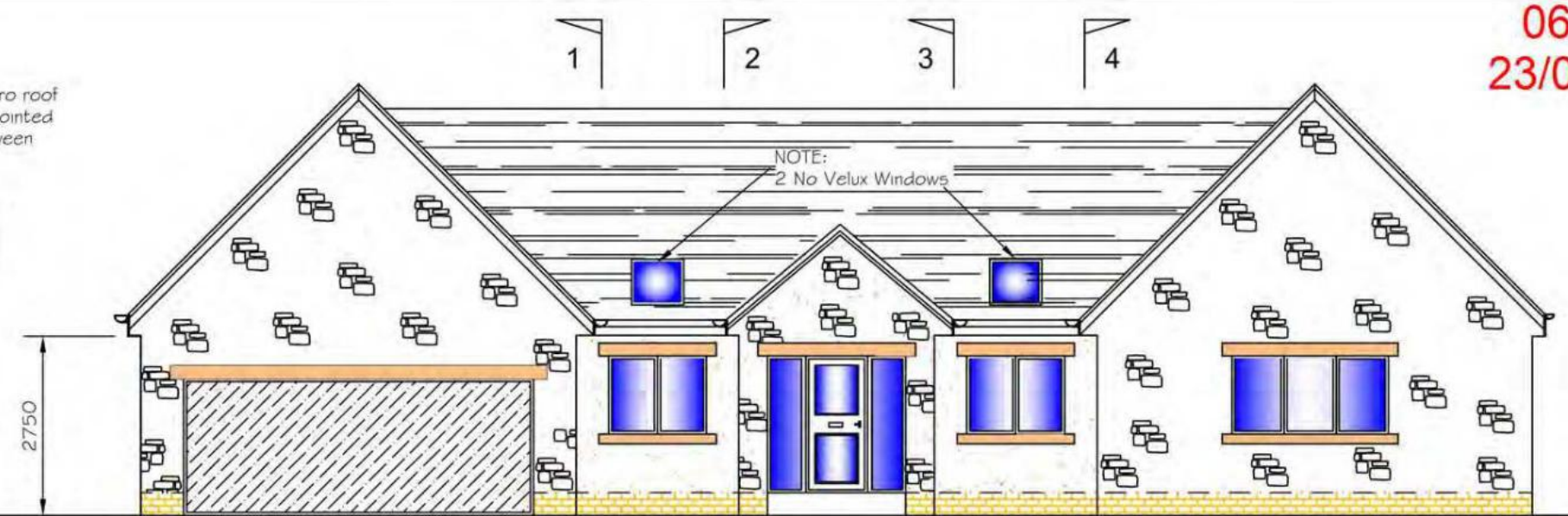
Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR		
Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status	Planning	
Project Title	Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell	
Client	Mr N. McDonald	
Drawing Title	Proposed Ground Floor Plan House 1	
Date	Dec '22	Scale As Shown
Drawn		
Drawing Number	CDC/22/153/03	Rev. A

REFUSED
06.07.2023
23/00003/DPP

Roof Specification
New Roof slates with Tyvek supra roof
membrane on 18mm thk. open jointed
sarking boards (2mm gaps between
boards) on rafters.

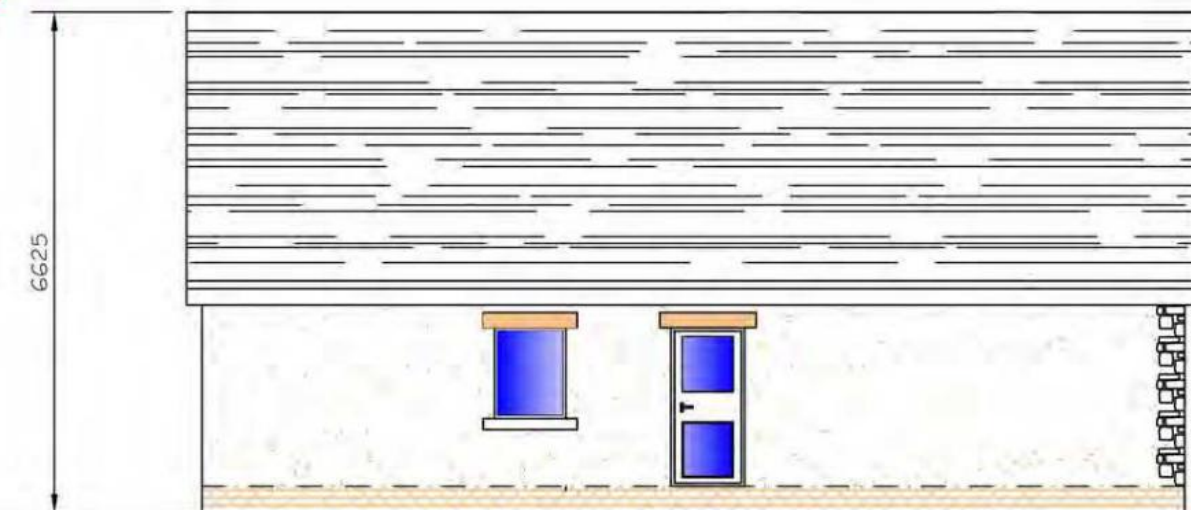
All lead flashings and valley
gutters to be in accordance
with BS 6915:2001

NOTE:
Rockwool PWCB Cavity barriers
/dpc at corners, wallheads,
ceiling level and all round
openings, and perpend vents
max 1.2m c/c above and below
said barriers



Proposed Front Elevation
Scale 1:100

NOTE:
Timber frame construction
to be vented at high and
low levels with 'perpend
vents' at 1200mm c/c



Proposed Gable Elevation
Scale 1:100

Roof specification
Slate Roof on Tyvek Supra Roof
membrane with minimum 2mm gap
open jointed sarking boards on
Rafters

All lead flashings and valley
gutters to be in accordance
with BS 6915:2001

NOTE:
Rockwool PWCB Cavity barriers
/dpc at corners, wallheads,
ceiling level and all round
openings, and perpend vents
max 1.2m c/c above and below
said barriers

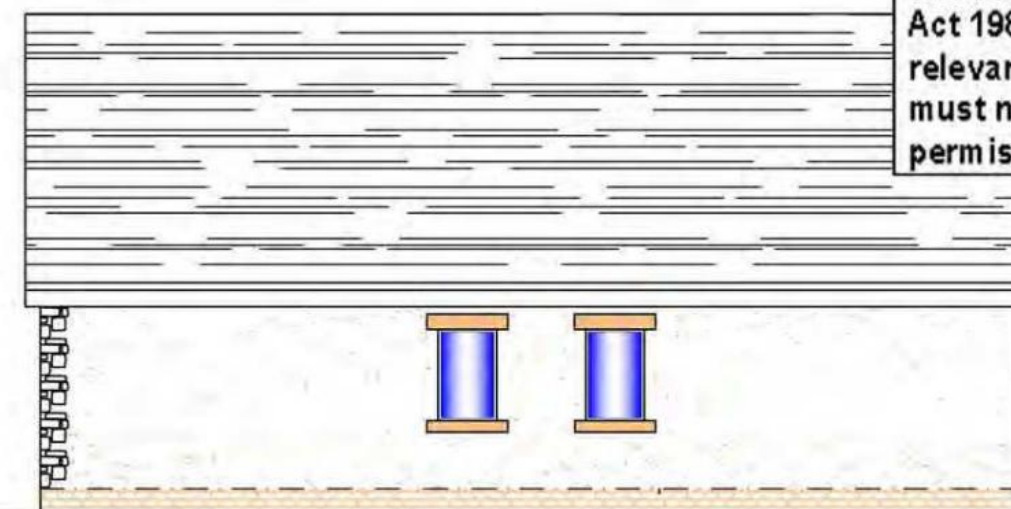
8 Solar Panels 1200 x
800 to achieve 250 watt
Diamond Pro 275W or
similar approved

NOTE:
2 No Velux Windows

Roof Specification
New Roof slates with Tyvek supra roof
membrane on 18mm thk. open jointed
sarking boards (2mm gaps between
boards) on rafters.

All lead flashings and valley
gutters to be in accordance
with BS 6915:2001

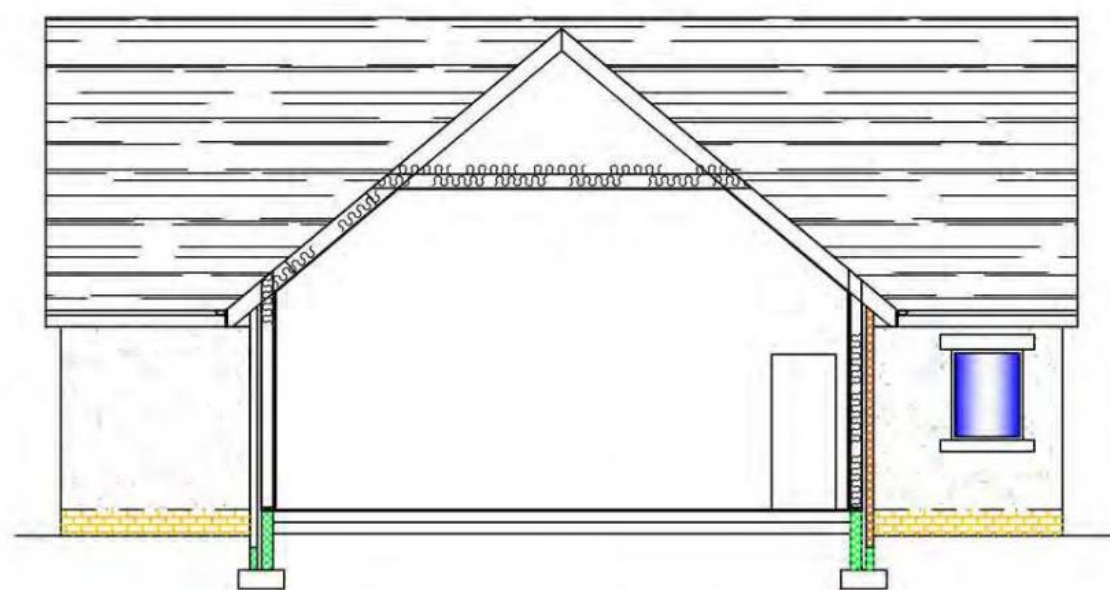
NOTE:
Rockwool PWCB Cavity barriers
/dpc at corners, wallheads,
ceiling level and all round
openings, and perpend vents
max 1.2m c/c above and below
said barriers



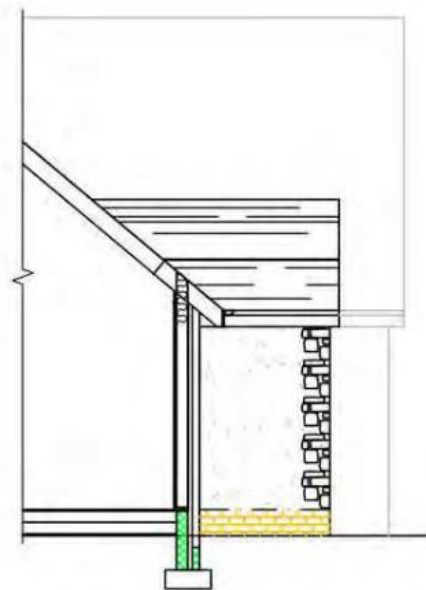
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Proposed Rear Elevation
Scale 1:100

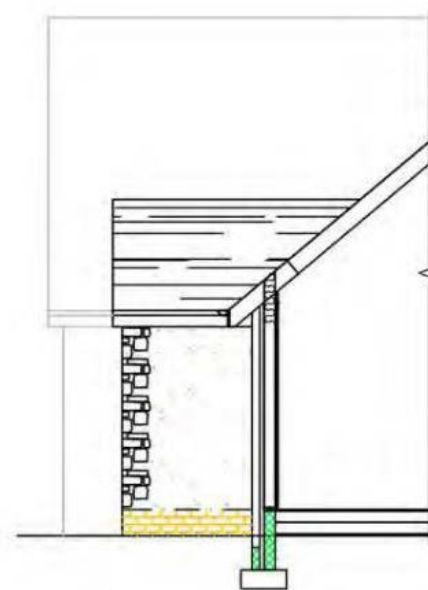
Proposed Gable Elevation
Scale 1:100



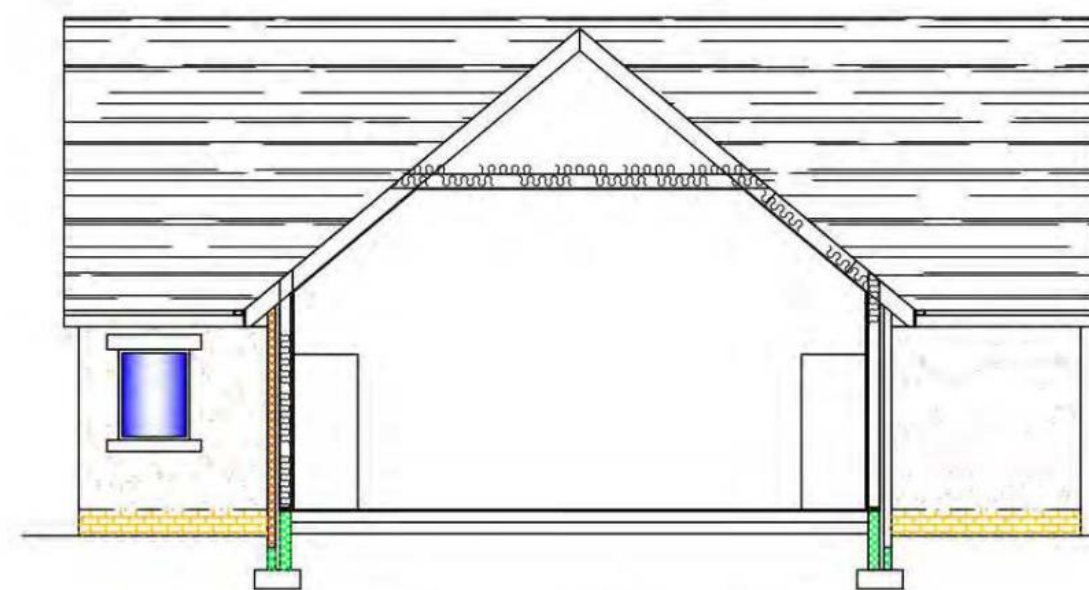
Proposed Internal
Elevation 1-1 Scale 1:100



Proposed Internal
Elevation 2-2 Scale 1:100



Proposed Internal
Elevation 3-3 Scale 1:100

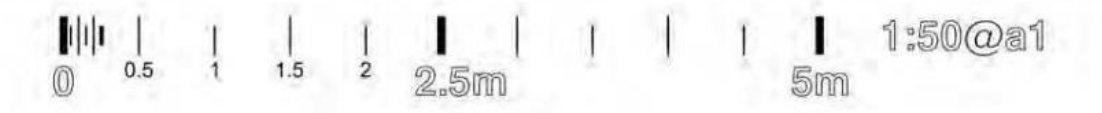
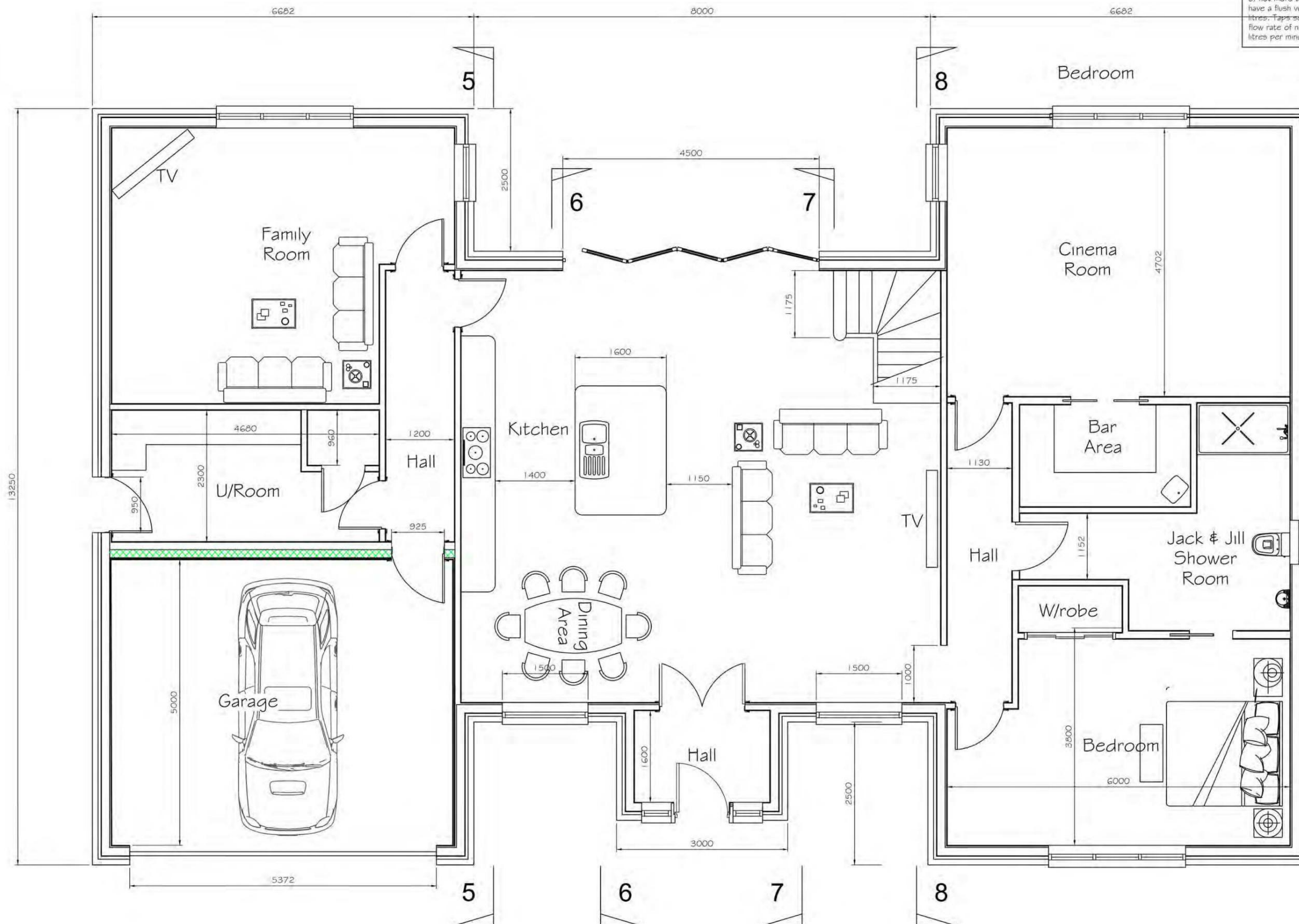


Proposed Internal
Elevation 4-4 Scale 1:100

0 1 2 3 4 5m 10m 1:100@a2

Rev	Description	Date
Capital Draughting Consultant's Ltd		
40 Dinmont Drive Edinburgh EH16 5RR		
Email: cdc.ltd@sky.com		Tel: 0131 666 1804 Mob: 07834156071
Status	Planning	
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client	Mr N. McDonald	
Drawing Title Proposed Elevations House 1		
Date	Dec '22	Scale As Shown
Drawn		
Drawing Number CDC/22/153/08		Rev. A

REFUSED
06.07.2023
23/00003/DPP



Electrical Key	
All electrical work to comply with BS 5767:1:2011 and with the current Scottish Building Standards Technical Handbook: DOMESTIC	
	Light switch, No. of ways indicated.
	13A double switched socket outlet
	multi-gang grid switch to control appliances
	Recessed downlighter. Downlighters to be supplied and fitted with Fire Protection Lighting Covers, by NELSON Firestop Products, or similar and approved, to ensure that the integrity of the ceiling is restored
	Radiator.
	Extractor fan.
	AUTOMATIC FIRE DETECTION - Fire detection systems to comply with BS 5839:Part 6:2019, and BS 5446:Part 1:2000. Smoke alarms when ceiling mounted should be located 300mm away from any wall or light fitting. At least 300mm away from, and not directly above a heater or air conditioning outlet and WITHIN 7m OF THE DOORS TO LIVING ROOMS AND KITCHENS see floor plans for locations. Heat alarms conforming to BS 5446: Part 2: 2003
	All Optical smoke alarms should conform to BS EN 14604: 2005
	CARBON MONOXIDE DETECTION - Hard Wired Carbon Monoxide detection systems to comply with BS EN 50291-1:2010 (Type A). Detector to be fitted with a Sensor Failure Warning Device

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Proposed Ground Floor Plan House 2
Scale 1:50

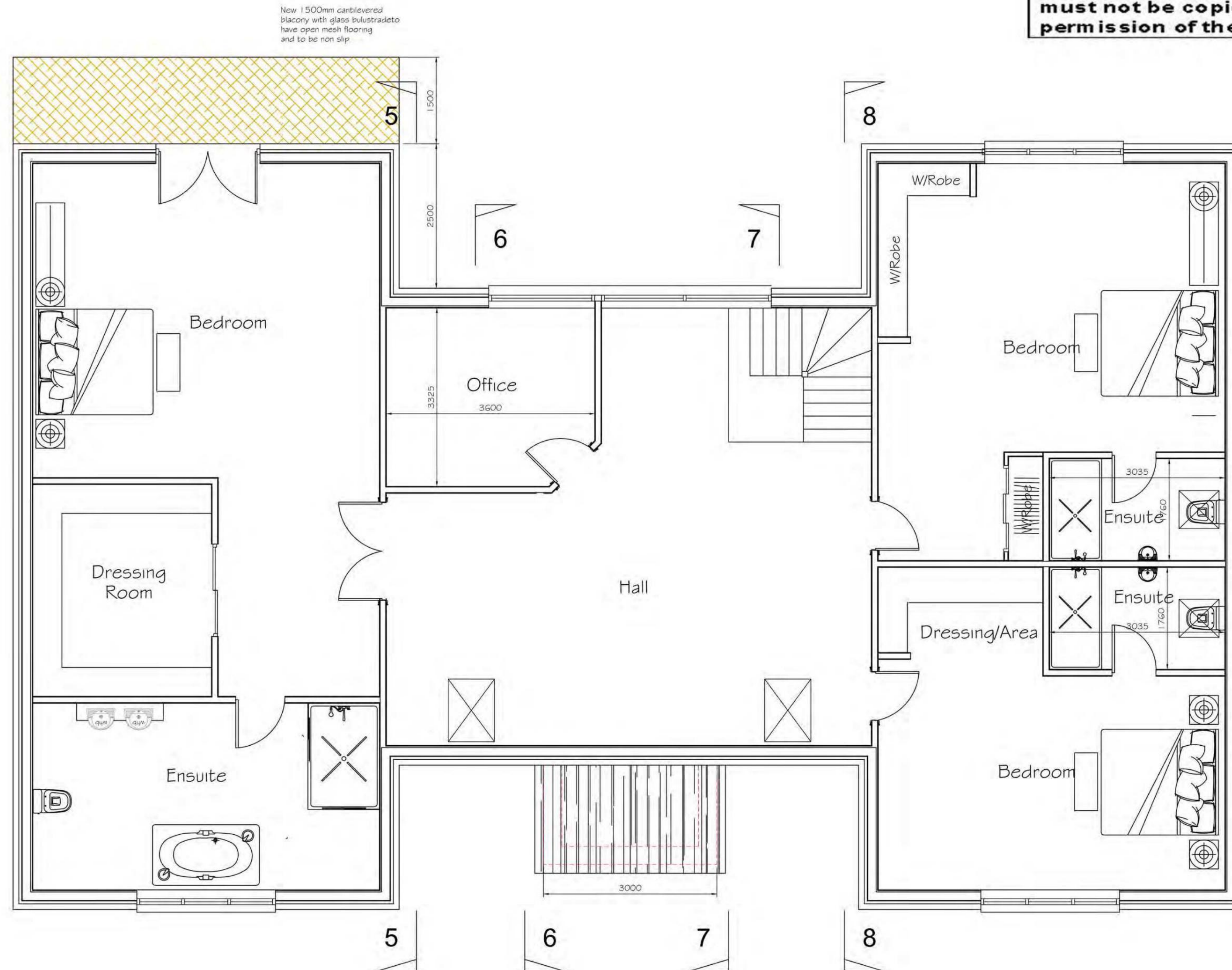
Regulation 14
Where any work is being carried out on a building site or building, any neighbouring footpath (including any footpath provided so as to form part of the protective works) shall be regularly cleaned and kept free of building debris and related materials by the person carrying out the work, to the satisfaction of the local authority.
O.14.1 Regulation 14 requires the keeping free from mud or dust footpaths adjacent to building sites.

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07634156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed Ground Floor Plan House 2		
Date Dec '22	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/04		Rev. A

Water efficient fittings should be provided to all WCs and WTBs within a dwelling.
Dual flush WC systems should have an average flush volume of not more than 4.5 litres. Single flush WC systems should have a flush volume of not more than 4.5 litres. Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.

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Proposed 1st Floor Plan - House 2
Scale 1:50

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Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob. 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed First Floor Plan House 2		
Date	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/05		Rev. A

REFUSED
06.07.2023
23/00003/DPP

Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

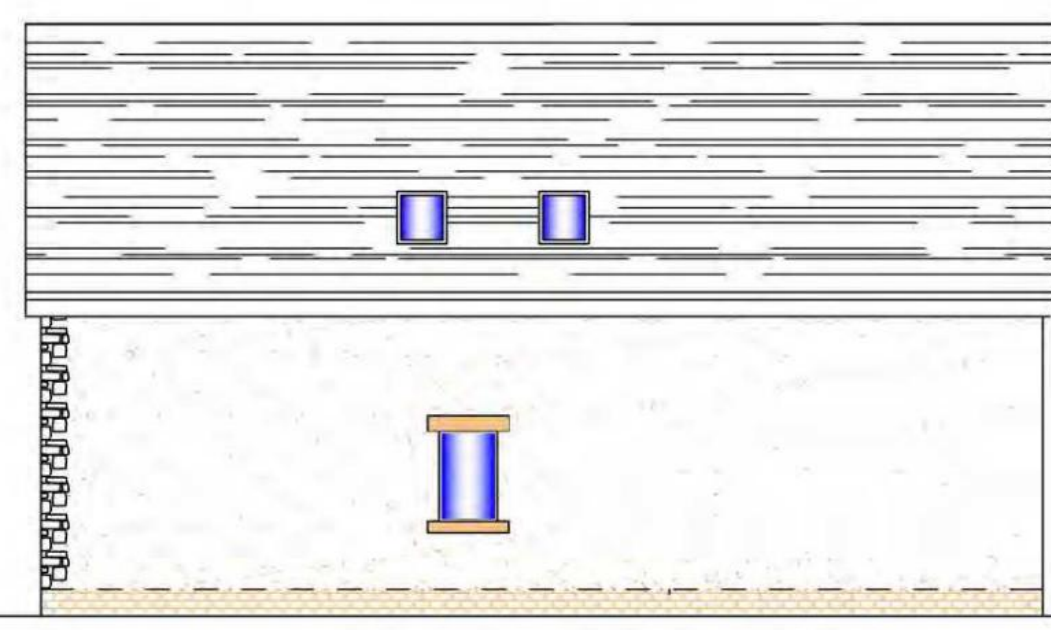
All lead flashings and valley gutters to be in accordance with BS 6915:2001

NOTE:
Rockwool PWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpendicular vents max 1.2m c/c above and below said barriers



Proposed Front Elevation
Scale 1:100

NOTE:
Timber frame construction to be vented at high and low levels with 'perpend joints' at 1200mm c/c



Proposed Gable Elevation
Scale 1:100

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8 Solar Panels 1200 x 800 to achieve 250 watt Diamond Pro 275W or similar approved

Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

All lead flashings and valley gutters to be in accordance with BS 6915:2001

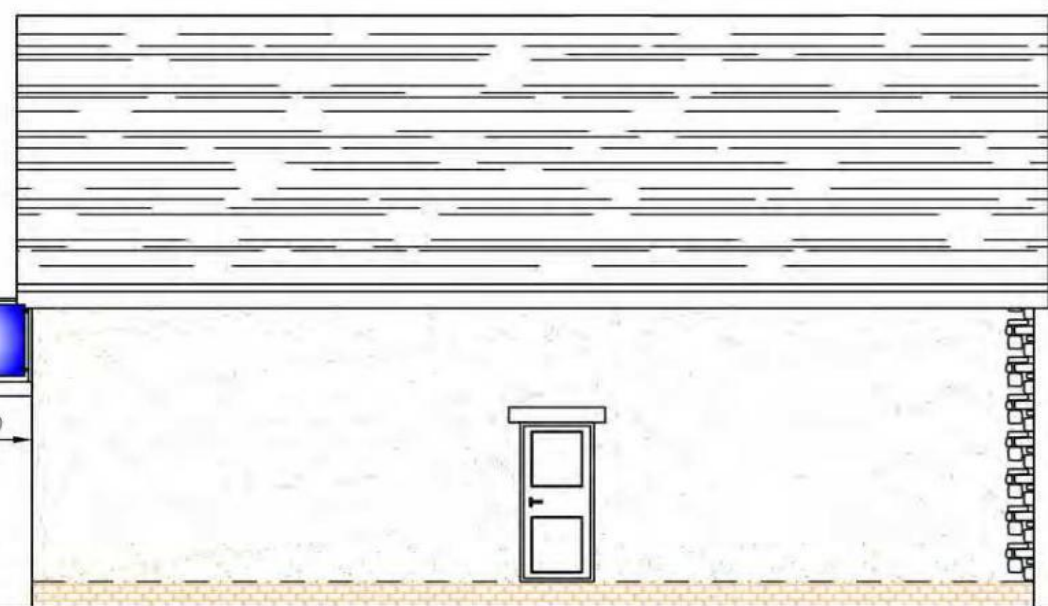
NOTE:
Rockwool PWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpendicular vents max 1.2m c/c above and below said barriers

New Cantilevered Balcony 1500mm wide with 100mm thk thk safety glass balustrade 1100mm high to BS 6262.

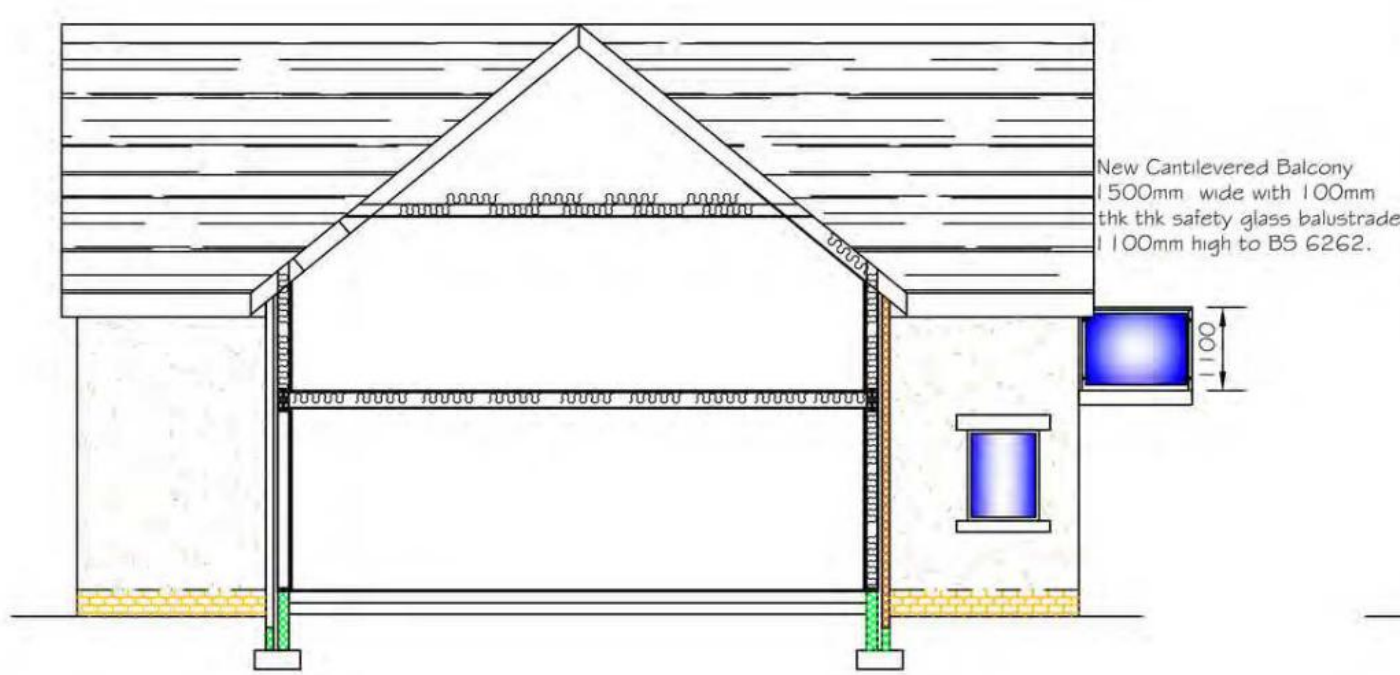
Artificial Stone below stone band with White K Render above



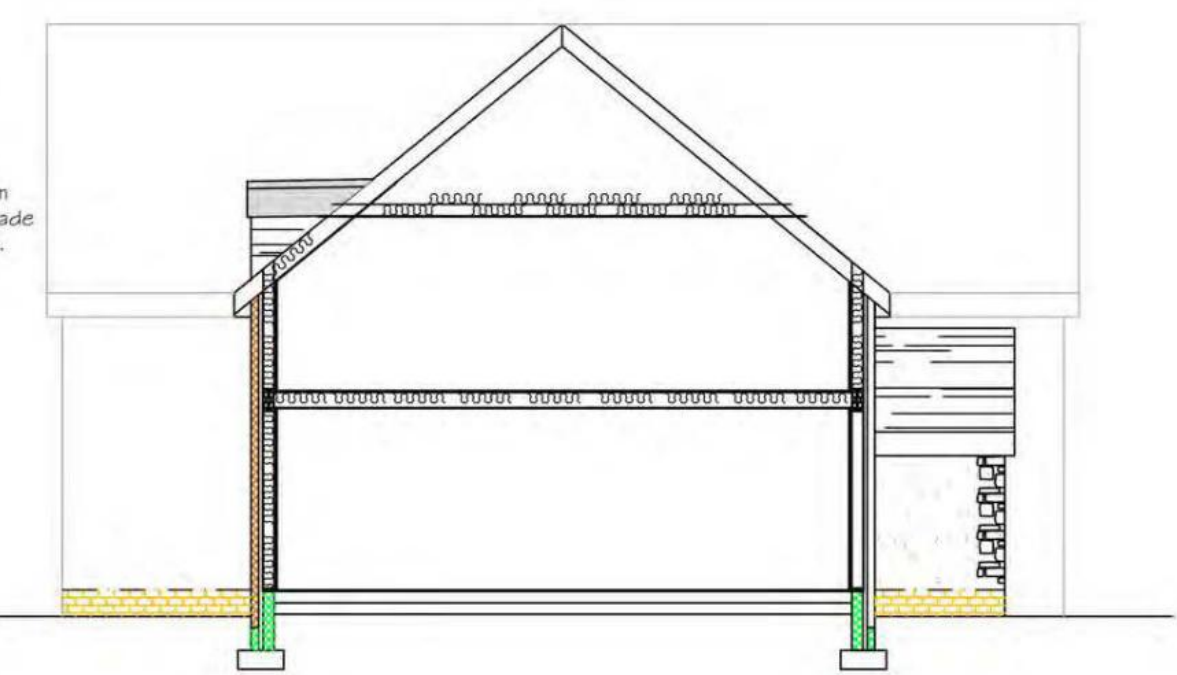
Proposed Rear Elevation
Scale 1:100



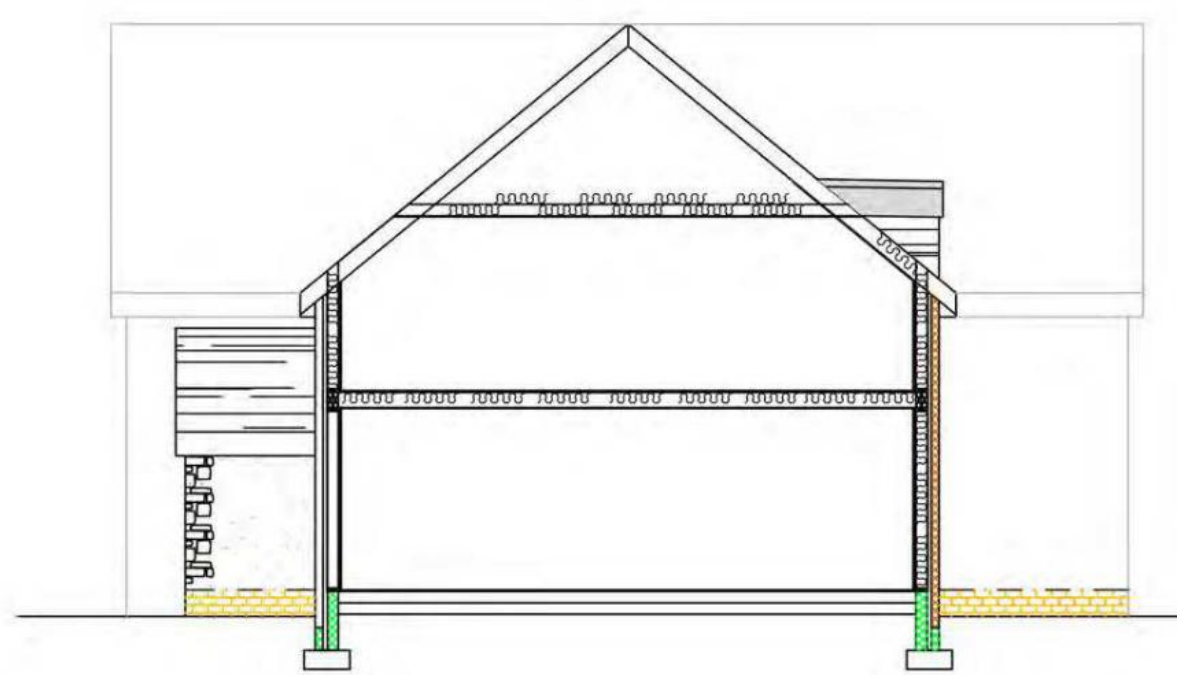
Proposed Gable Elevation
Scale 1:100



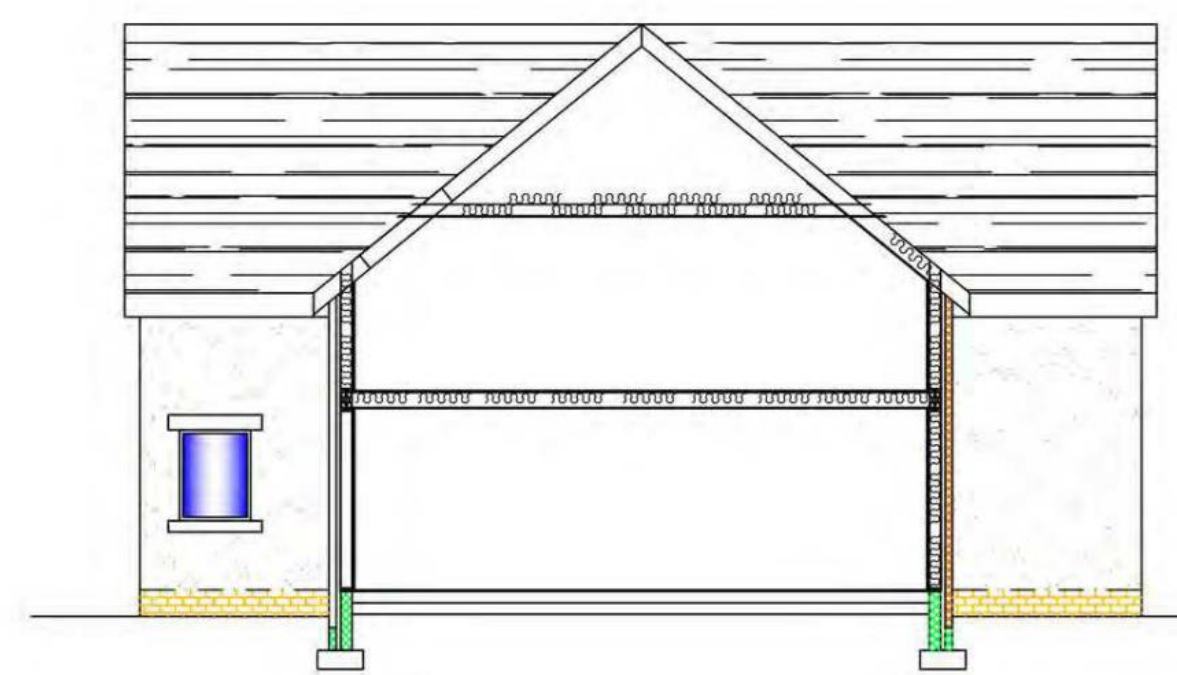
Proposed Internal
Elevation 5-5 Scale 1:100



Proposed Internal
Elevation 6-6 Scale 1:100

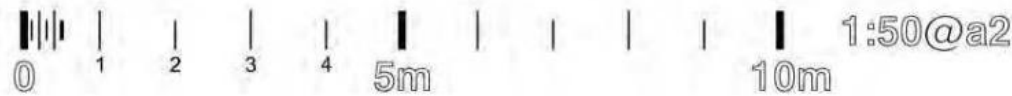


Proposed Internal
Elevation 7-7 Scale 1:100



Proposed Internal
Elevation 8-8 Scale 1:100

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 0783413507		
Status	Planning	
Project Title	Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell	
Client	Mr N. McDonald	
Drawing Title	Proposed Elevations House 2	
Date	Dec '22	Scale As Shown
Drawn		
Drawing Number	CDG/22/153/09	Rev. A



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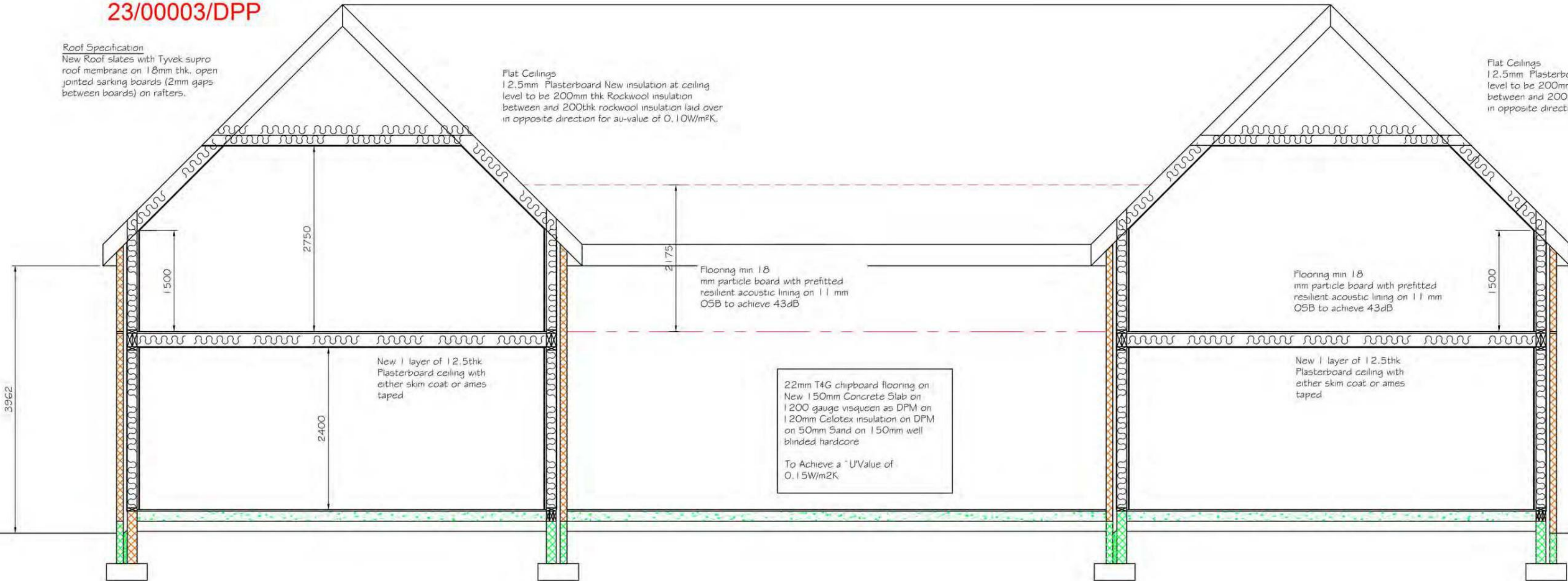


REFUSED
06.07.2023
23/00003/DPP

Roof Specification
New Roof slates with Tyvek supra roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

Flat Ceilings
12.5mm Plasterboard New insulation at ceiling level to be 200mm thk Rockwool insulation between and 200thk rockwool insulation laid over in opposite direction for au-value of 0.10W/m²K.

Flat Ceilings
12.5mm Plasterboard New insulation at ceiling level to be 200mm thk Rockwool insulation between and 200thk rockwool insulation laid over in opposite direction for au-value of 0.10W/m²K.



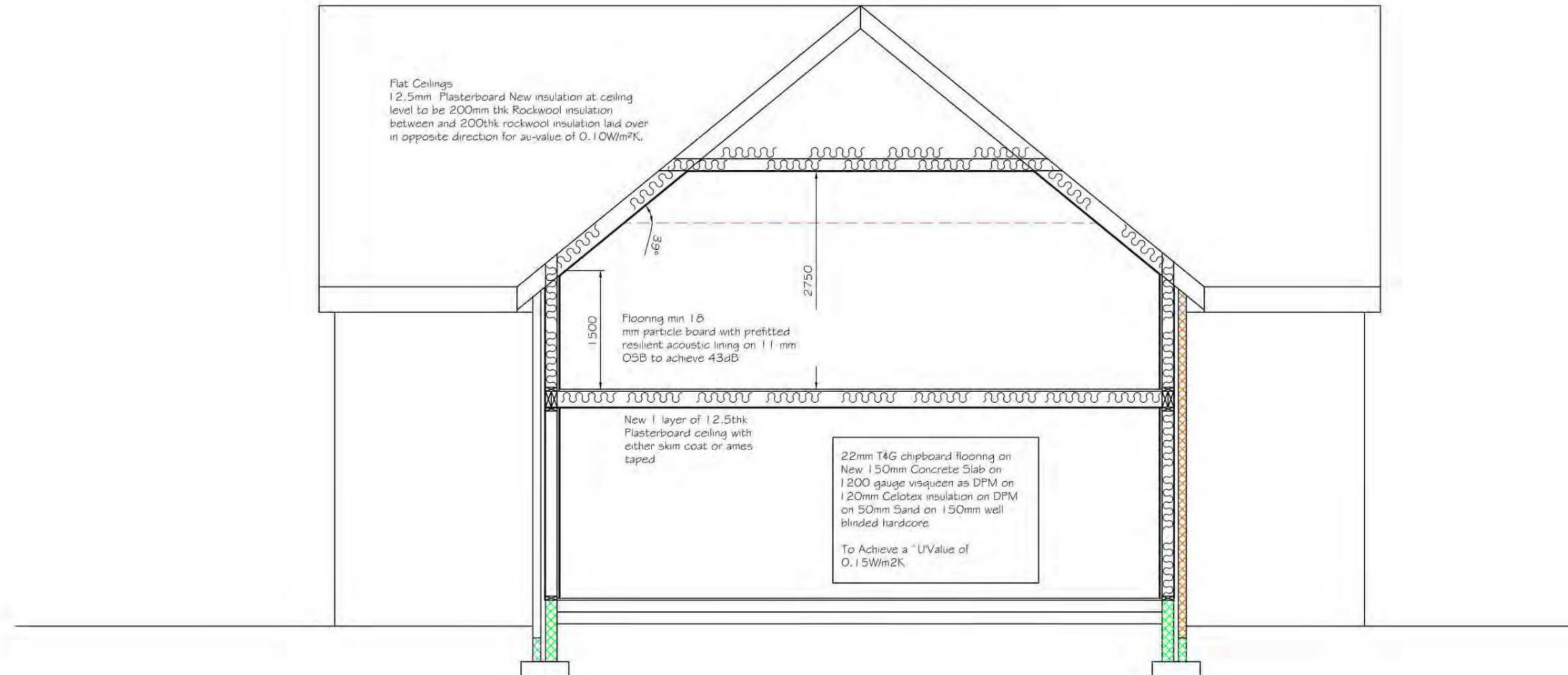
Proposed Section A A
House 2
Scale 1:50

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title		
Date	Dec '22	Scale As Shown
Drawn:		
Drawing Number	CDC/22/153/12	Rev. A

0 0.5 1 1.5 2 2.5m 5m 1:50@a2

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Proposed Section B B
House 2
Scale 1:50

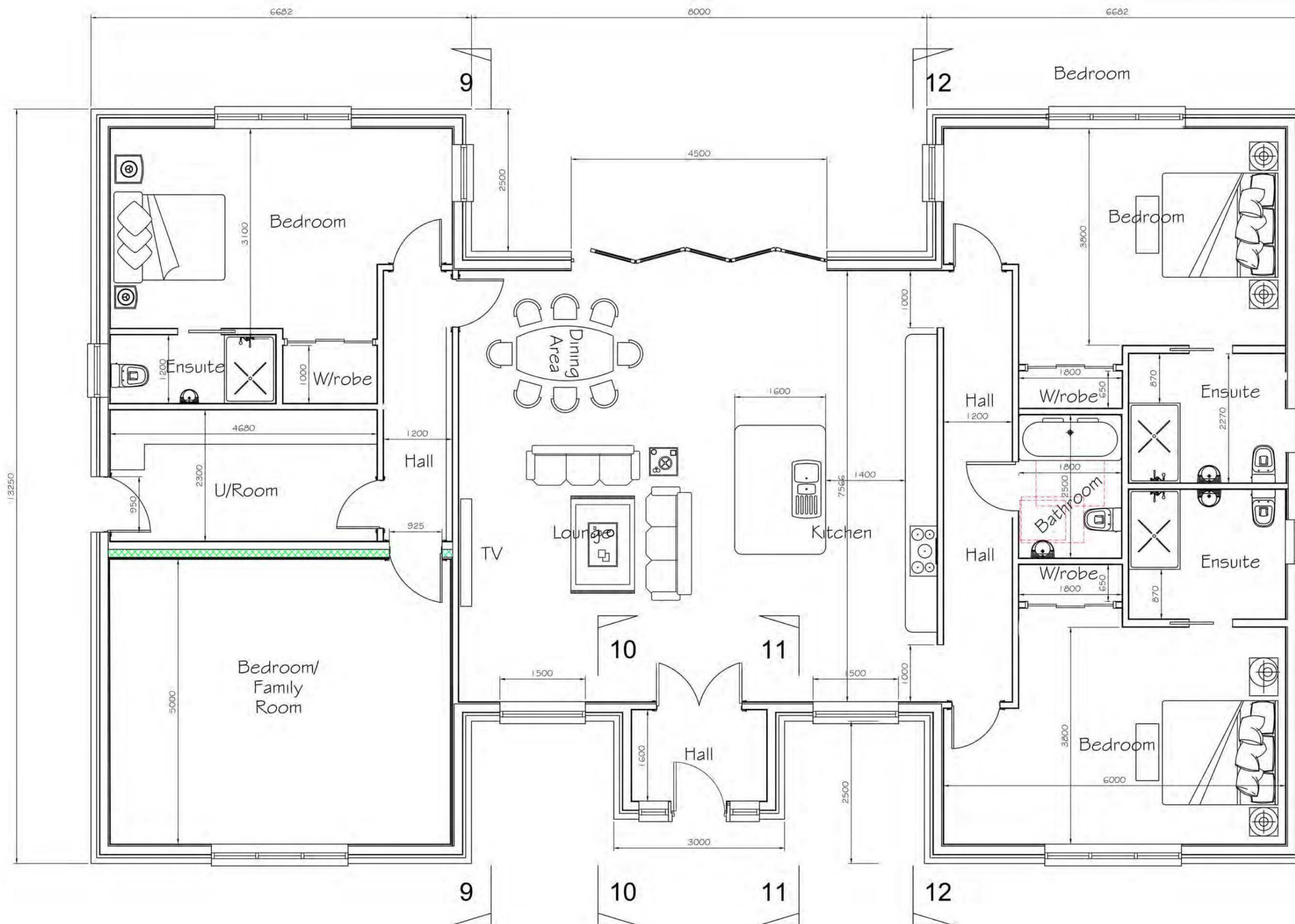
Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed Elevations House - Sheet 1 of 2		
Date Dec '22	Scale As Shown	
Drawn:		
Drawing Number CDC/22/153/13	Rev. A	

Water efficient fittings should be provided to all WCs and WTBs within a dwelling.
Dual flush WC systems should have an average flush volume of not more than 4.5 litres. Single flush WC systems should have a flush volume of not more than 4.5 litres. Taps serving wash or hand rinse basins should have a flow rate of not more than 6 litres per minute.

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06.07.2023
23/00003/DPP

Idox Annotate

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Proposed Ground Floor Plan - House 3
Scale 1:50

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed First Floor Plan House 3		
Date Dec '22	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/06		Rev. A

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06.07.2023
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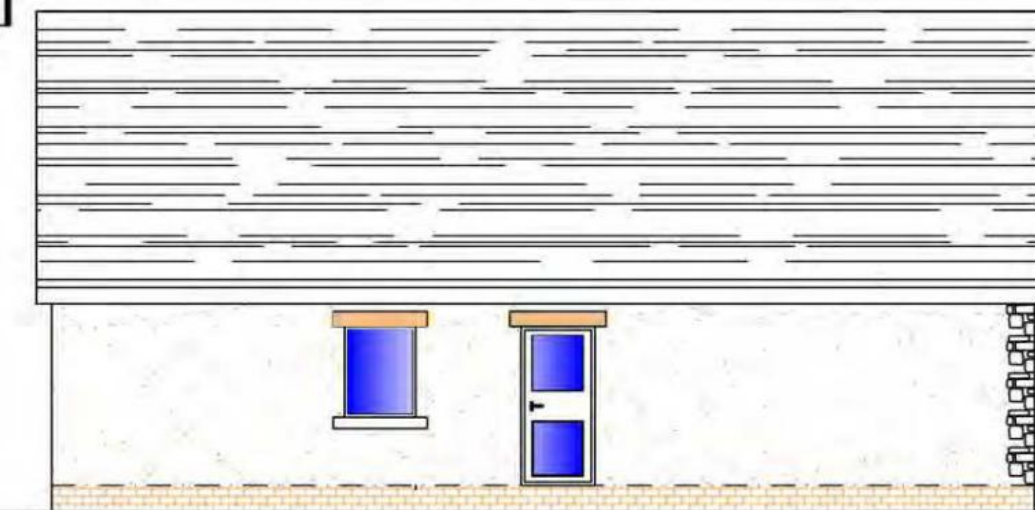
Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

All lead flashings and valley gutters to be in accordance with BS 6915:2001

NOTE:
Rockwool PWCBC Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers



Proposed Front Elevation
Scale 1:100

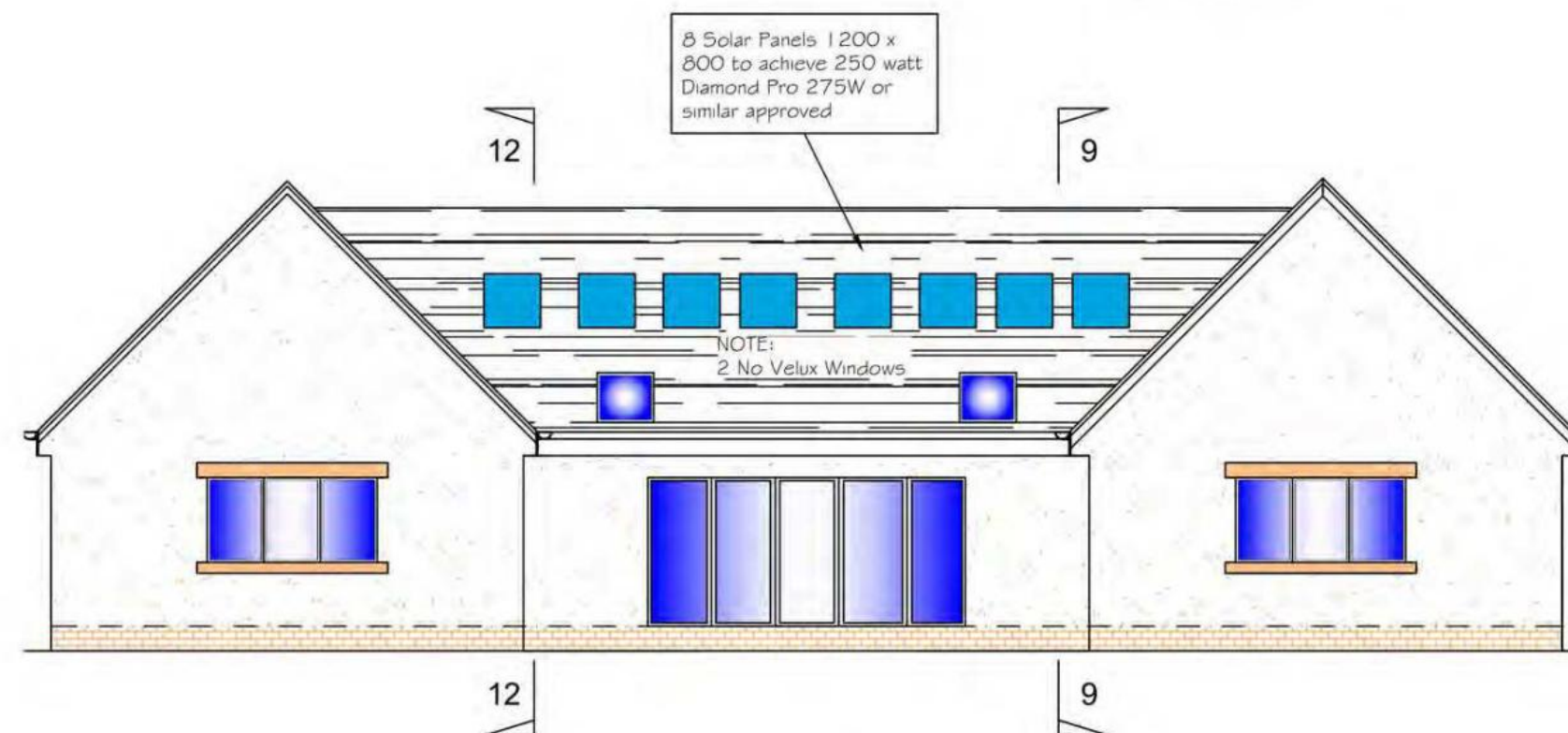


Proposed Gable Elevation
Scale 1:100

Roof Specification
Slate Roof on Tyvek Supro Roof membrane with minimum 2mm gap open jointed sarking boards on Rafters

All lead flashings and valley gutters to be in accordance with BS 6915:2001

NOTE:
Rockwool PWCBC Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers

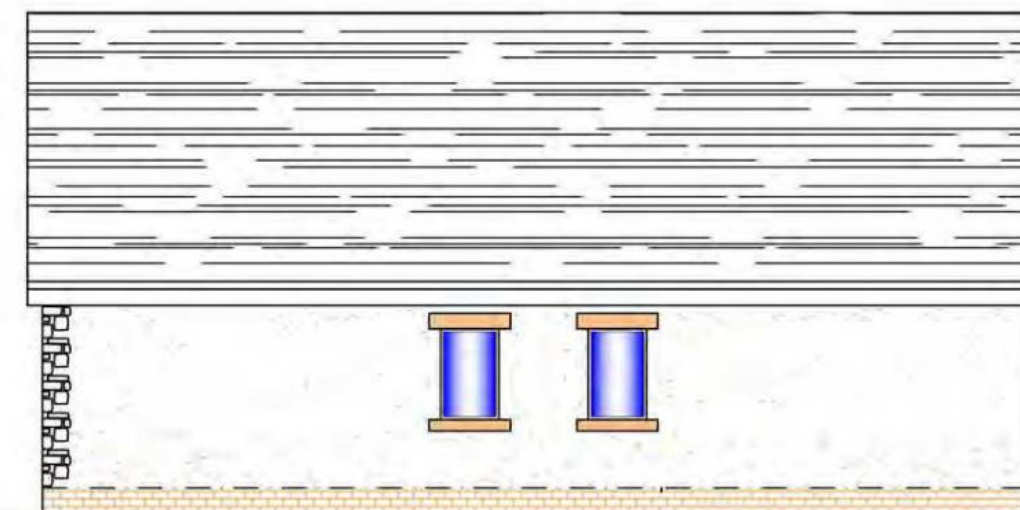


Proposed Rear Elevation
Scale 1:100

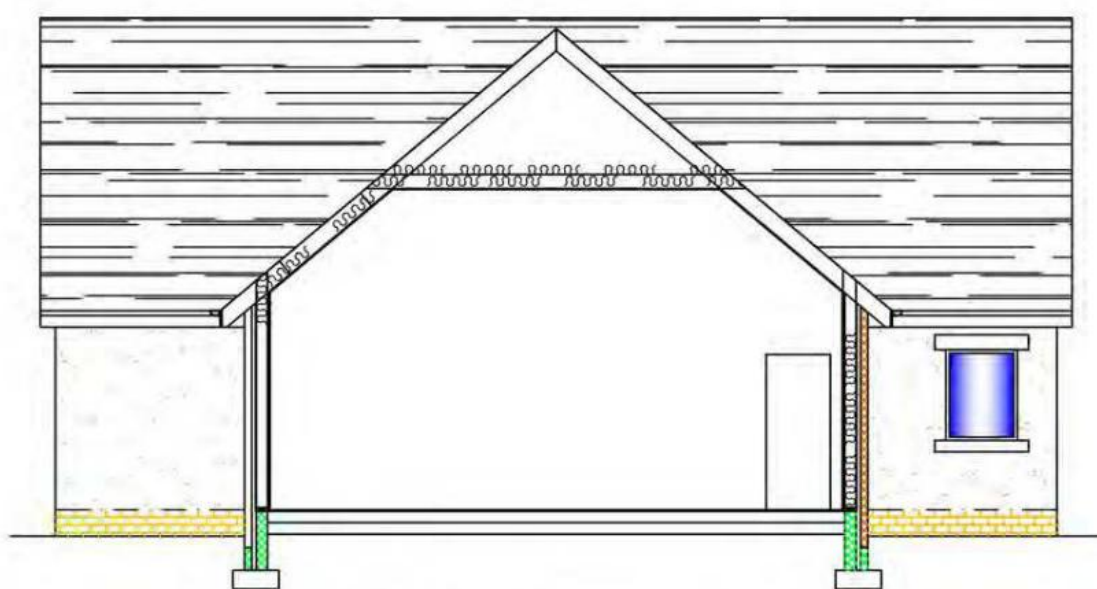
Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

All lead flashings and valley gutters to be in accordance with BS 6915:2001

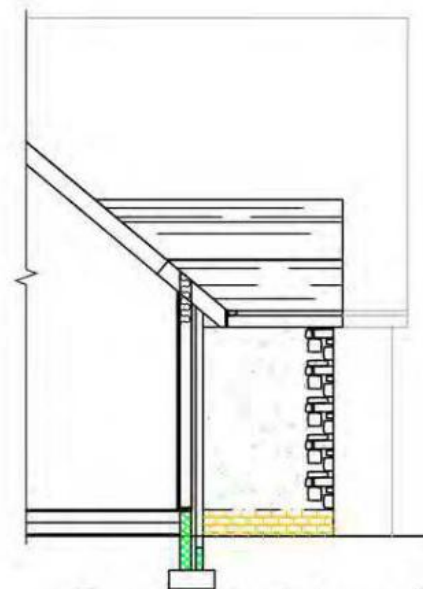
NOTE:
Rockwool PWCBC Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers



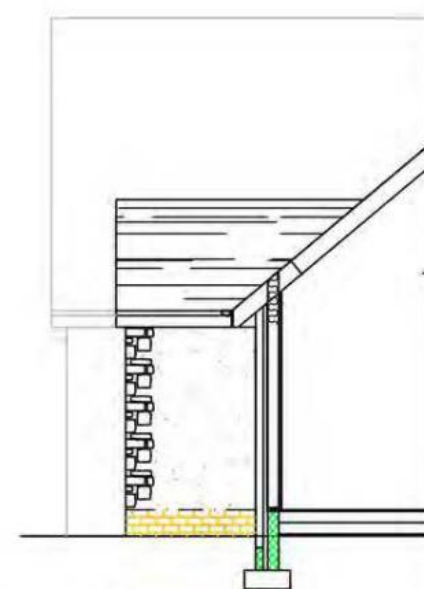
Proposed Gable Elevation
Scale 1:100



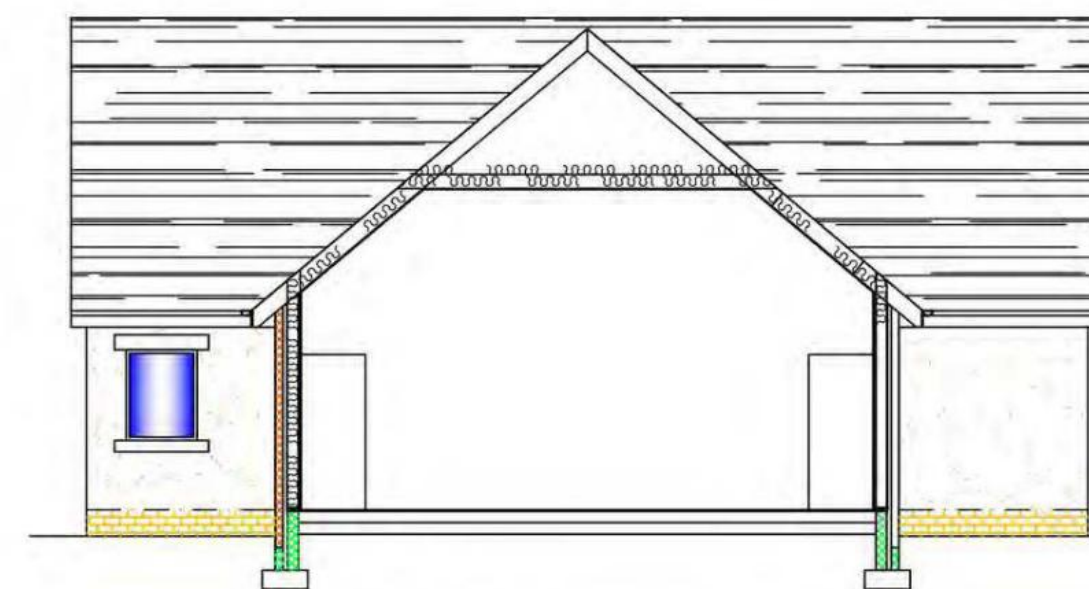
Proposed Internal
Elevation 9-9 Scale 1:100



Proposed Internal
Elevation 10-10 Scale 1:100



Proposed Internal
Elevation 11-11 Scale 1:100



Proposed Internal
Elevation 12-12 Scale 1:100

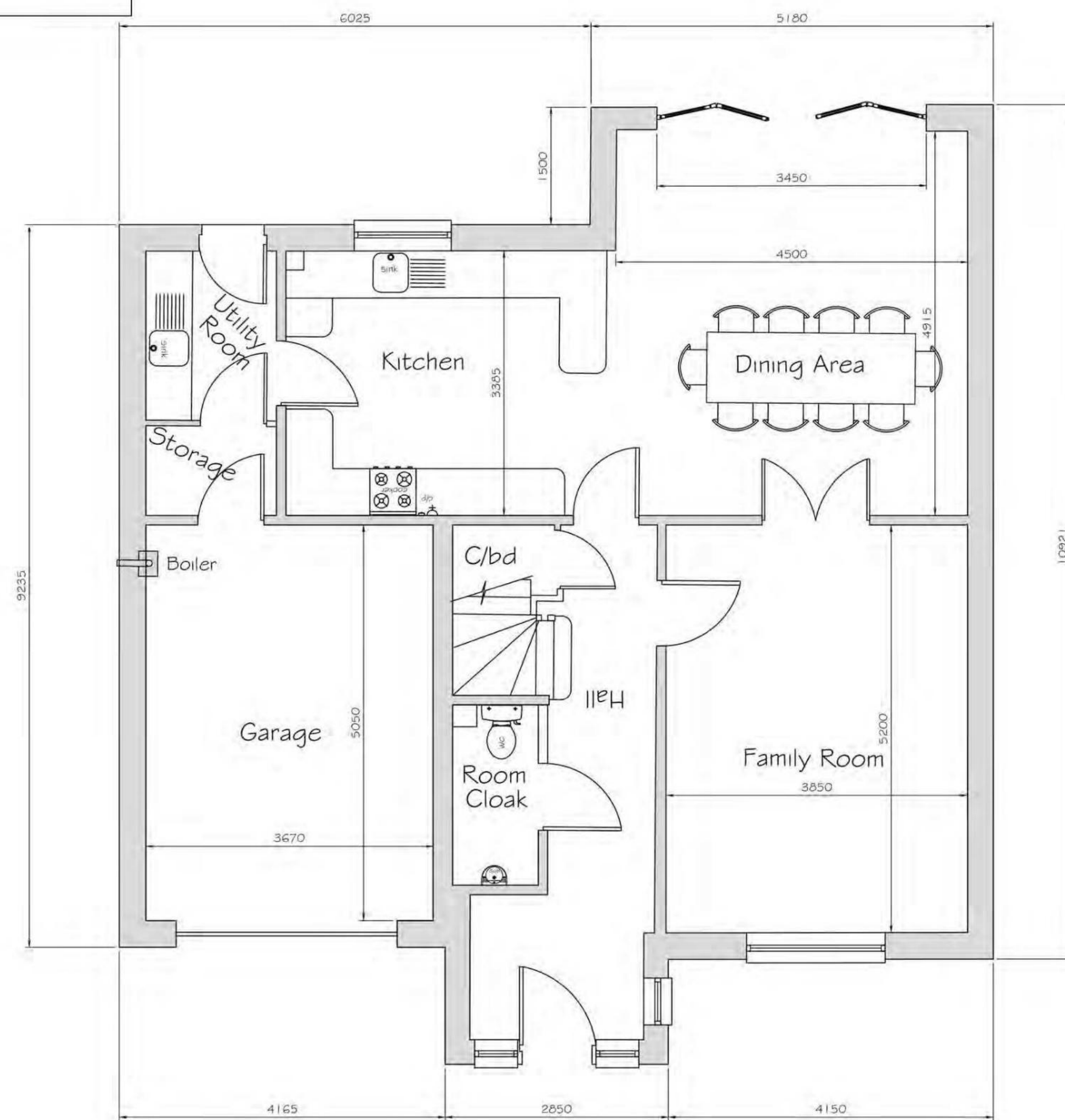
0 1 2 3 4 5m 10m 1:100@a2

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed Elevations House 3		
Date Dec '22	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/10		Rev. A



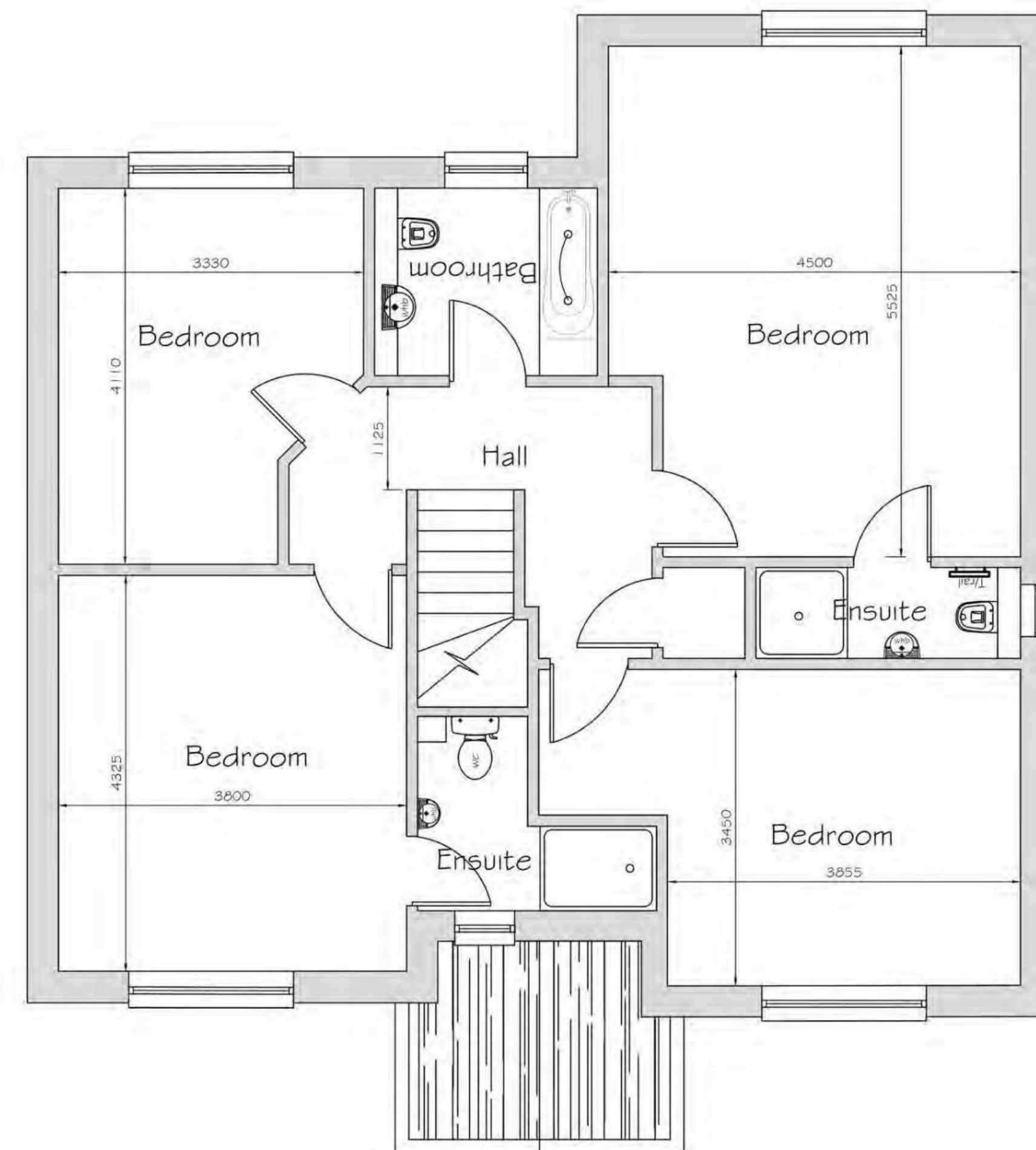
Water efficient fittings should be provided to all WCs and
WtBs within a dwelling.
Dual flush WC systems should have an average flush volume
of not more than 4.5 litres. Single flush WC systems should
have a flush volume of not more than 4.5
litres). Taps serving wash or hand rinse basins should have a
flow rate of not more than 6
litres per minute.

REFUSED
06.07.2023
23/00003/DPP



Proposed Ground Floor Plan
Scale 1:50

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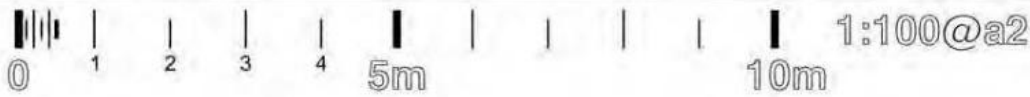


Proposed First Floor Plan
Scale 1:50

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Proposed Floor Plans House 4 & 5		
Date Dec '22	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/07		Rev. B

REFUSED
06.07.2023
23/00003/DPP

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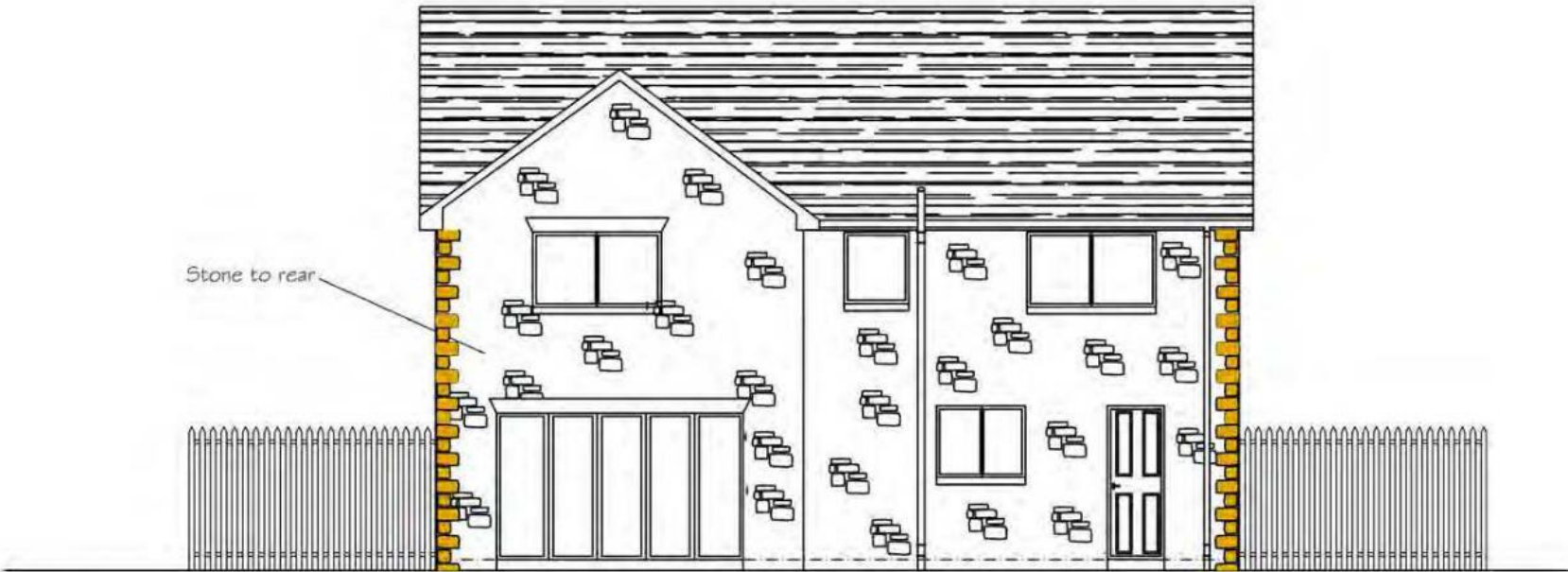


Roof Specification
New Slates to on Tyvek supra roof
membrane on 19thk openjointed
sarking boards on rafters

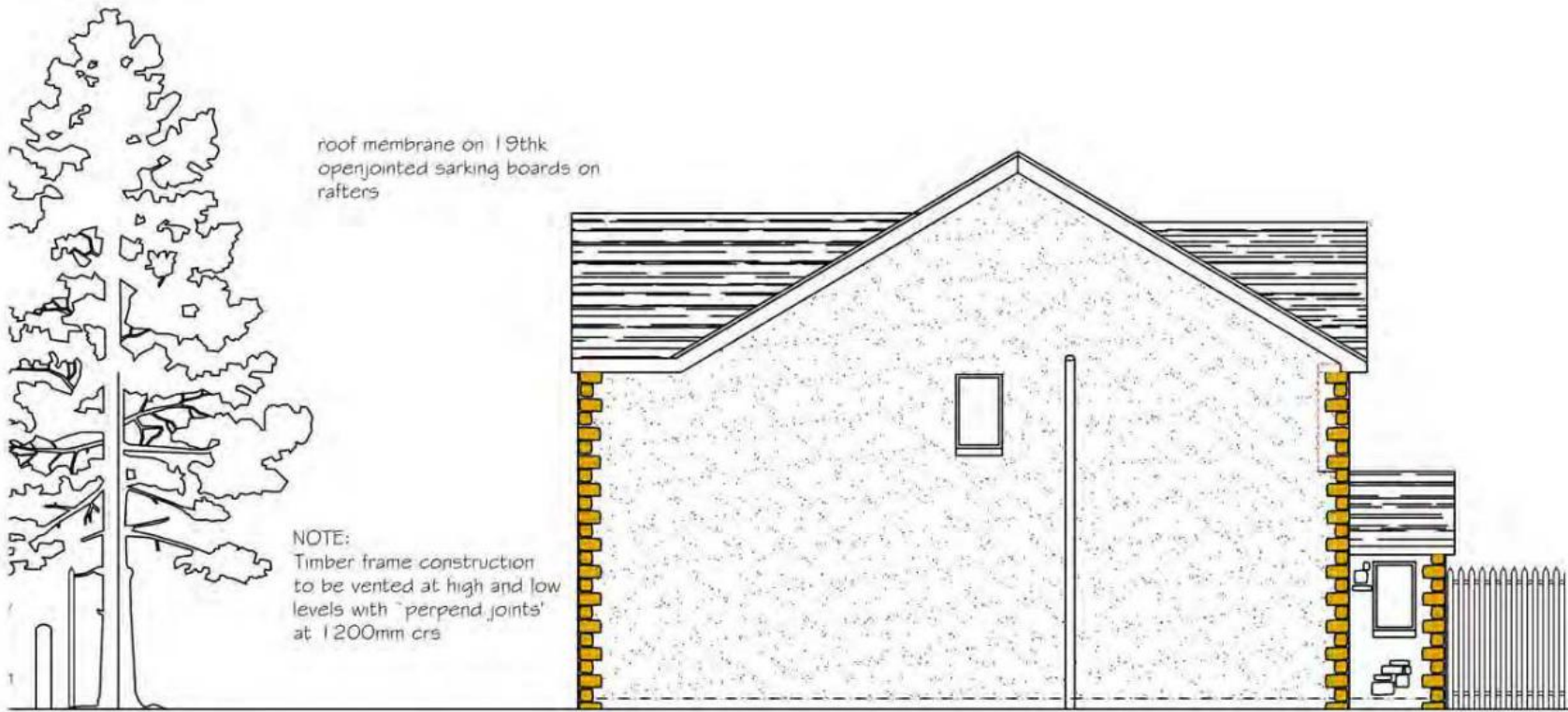


Proposed Front Elevation
Scale 1:100

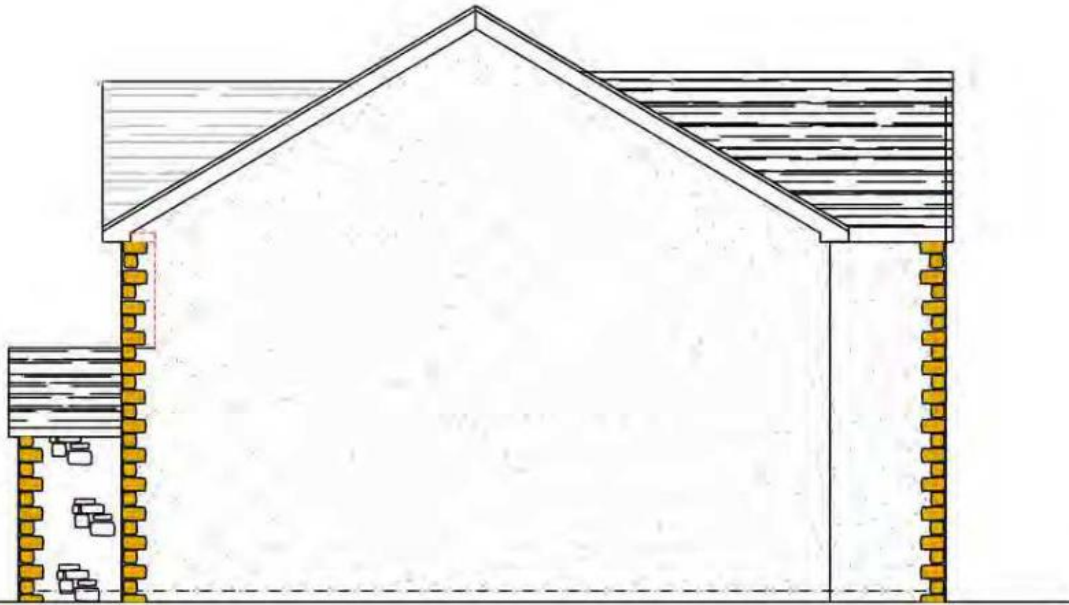
Roof Specification
New Slates to on Tyvek supra roof
membrane on 19thk openjointed
sarking boards on rafters



Proposed Rear Elevation
(North North West Elevation)
Scale 1:100



Proposed Gable Elevation
(North North West Elevation)
Scale 1:100

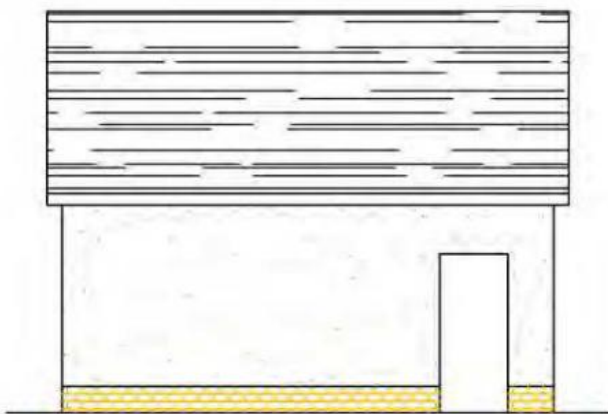


Proposed Gable Elevation
(North North West Elevation)
Scale 1:100

Rev	Description	Date
Capital Draughting Consultant's Ltd		
40 Dinmont Drive Edinburgh EH16 5RR		
Email: cdc.ltd@sky.com		Tel. 0131 666 1804 Mob. 07834156071
Status	Planning	
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client	Mr N. McDonald	
Drawing Title Proposed Elevations Houses 4 & 5		
Date	Dec '22	Scale As Shown
Drawn		
Drawing Number CDC/22/153/11		Rev. A

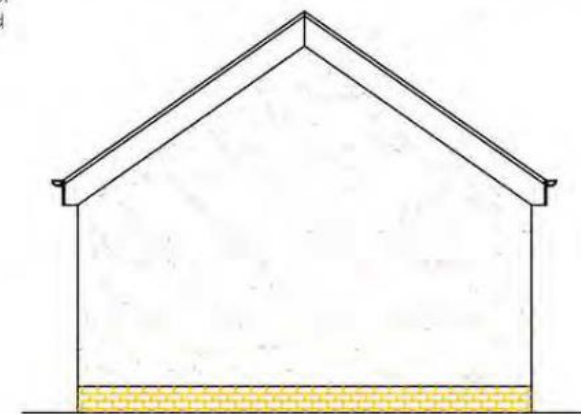
REFUSED
06.07.2023
23/00003/DPP

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Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

NOTE:
Rockwool FWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers



Roof Specification
New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

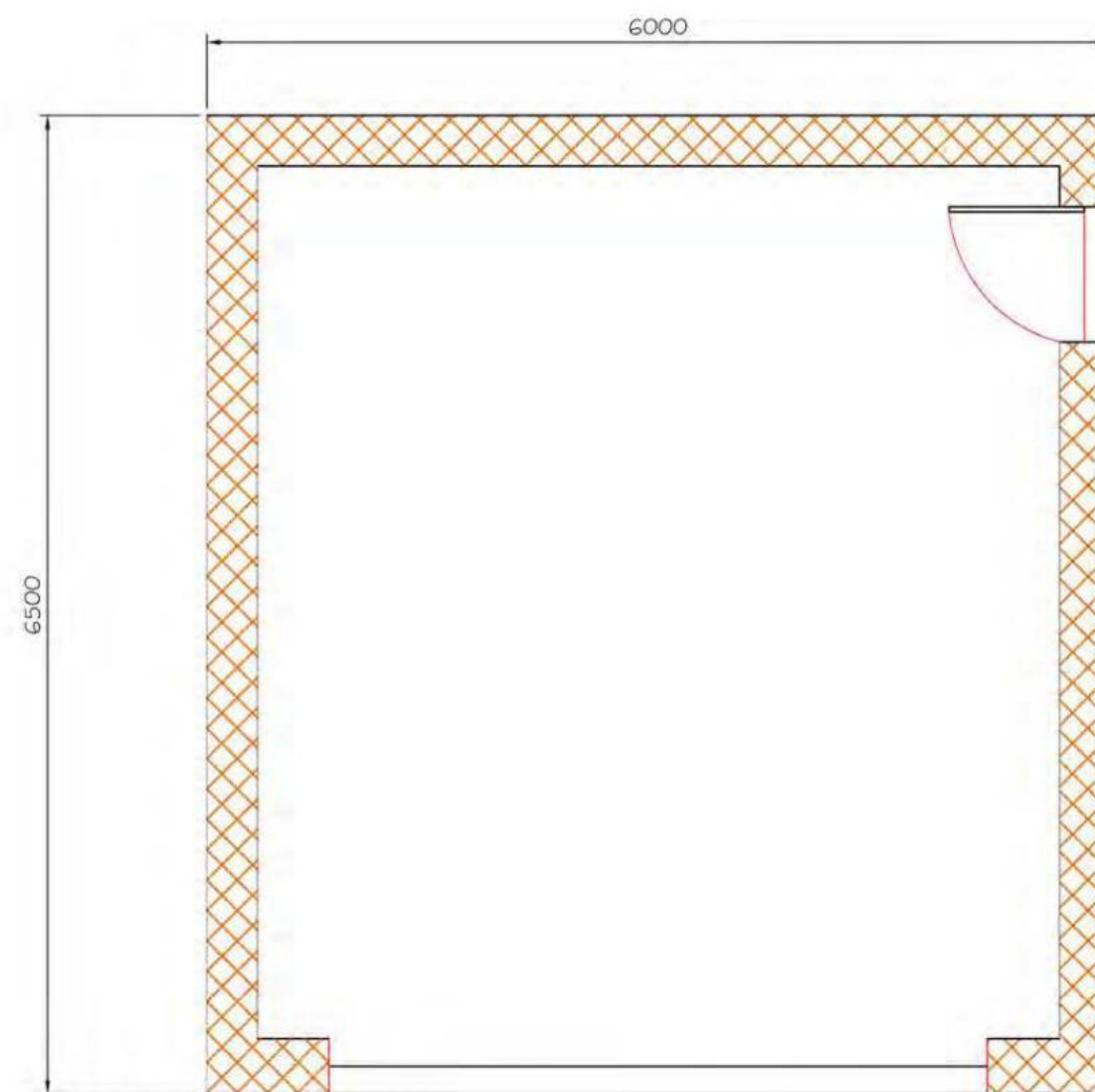
NOTE:
Rockwool FWCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers

Proposed Side Elevation
(South South West) Scale 1:100

Proposed Rear Elevation
(East South East) Scale 1:100

Proposed Side Elevation
(North North East) Scale 1:100

0 1 2 3 4 5m 10m 1:100 @ A2



Proposed Ground Plan
Scale 1:50

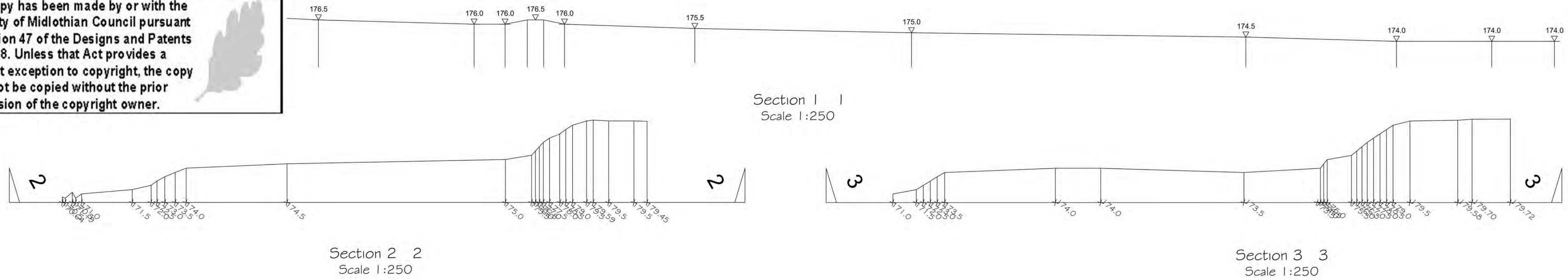
0 0.5 1 1.5 2 2.5m 5m 1:50 @ A2

Regulation 14
Where any work is being carried out on a building site or building, any neighbouring footpath (including any footpath provided so as to form part of the protective works) shall be regularly cleaned and kept free of building debris and related materials by the person carrying out the work, to the satisfaction of the local authority.

O. 14.1 Regulation 14 requires the keeping free from mud or dust footpaths adjacent to building sites.

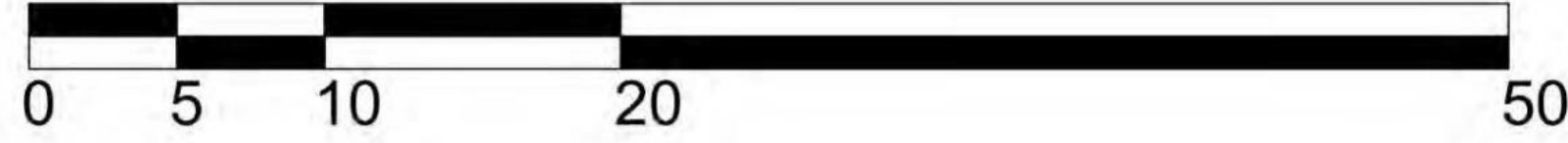
Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR		
Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status	Planning	
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client	Mr N. McDonald	
Drawing Title Proposed Elevations & Ground Floor Plan		
Date	Jan '23	Scale As Shown
Drawn		
Drawing Number CDC/22/153/15		Rev.

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23/00003/DPP

Existing Topo Site Plan
Scale 1:250



SCALE BAR 1:250

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1894 Fax: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client Mr N. McDonald		
Drawing Title Existing Site Topo Plan		
Date Dec '22	Scale As Shown	
Drawn		
Drawing Number CDC/22/153/01		Rev. A

REFUSED
06.07.2023
23/00003/DPP

THIS DRAWING SHOULD BE
PRINTED IN COLOUR

1. The drawings are to be read in conjunction with all other relevant drawings issued by the Architect, McNab Consulting Engineers, any other relevant consultants, the Specification and/or the Bills of Materials.
2. All dimensions and levels are to be checked on site and any discrepancies reported to McNab Consulting Engineers prior to the commencement of work.
3. This drawing is part of a Planning Application package, and should only be used for information.
4. All dimensions shown are in millimetres unless noted otherwise, please do not scale from this drawing, if further dimensions are required please ask.
5. Fully dimensioned setting out by others.



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1:250 EXISTING GROUND LEVELS EASTWARDS FROM SITE
(From public LiDAR data)

PLANNING

VO2					
REV		DETAILS		DATE	DRAWN CHWD APPD
CLIENT	Mr N McDonald				
PROJECT	Proposed Residential Development at Barley Dean Rosewell				
DRAWING TITLE	Existing Ground Levels East of Site				
DRG No	MCE00345-SK02	SCALE	1:250	DATE	2023/03
DRAWN BY	JAM	CHECKED BY	JAM	APPROVED BY	JAM
MCNAB CONSULTING ENGINEERS Helping you Build 8 The Mains Road Edinburgh Email: info@mcnab.co.uk Phone: 0131 279 5467 www.mcnab.co.uk www.mcnab.co.uk/consulting-engineers					
DO NOT SCALE FROM THIS DRAWING				A1 SHEET SIZE	

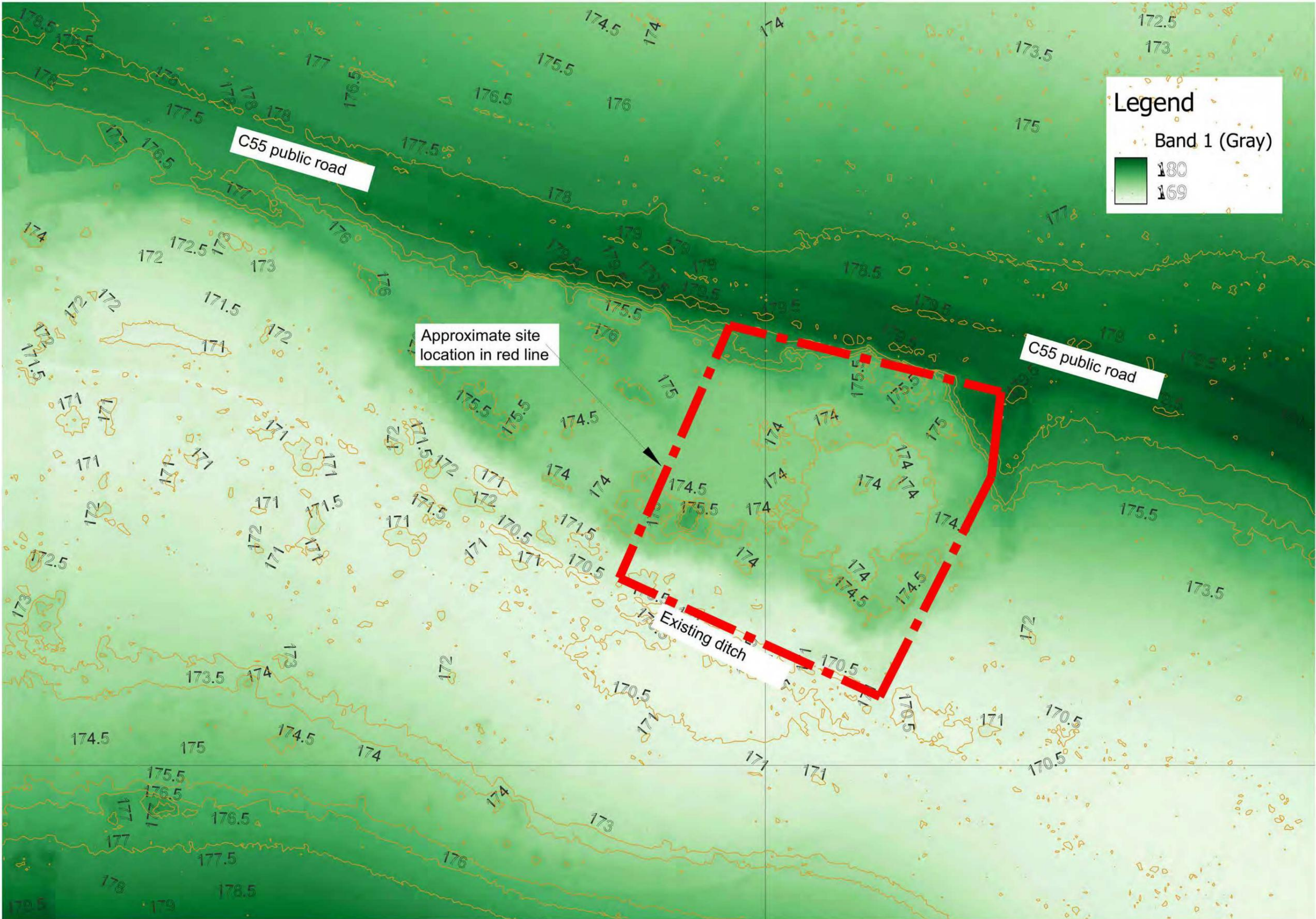
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REFUSED
06.07.2023
23/00003/DPP

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1. The drawings are to be read in conjunction with all other relevant drawings issued by the Architect, Mc Nab Consulting Engineers, any other relevant consultants, the Specification and/or the Bills of Materials.
2. All dimensions and levels are to be checked on site and any discrepancies reported to Mc Nab Consulting Engineers prior to the commencement of work, used for information.
3. This drawing is part of a Planning Application package, and should only be used for information.
4. All dimensions shown are in millimetres unless noted otherwise, please do not scale from this drawing. Further dimensions are required please ask.
5. Fully dimensioned setting out by others.



LEGEND
SITE BOUNDARY

1:250 EXISTING GROUND LEVELS SURROUNDING SITE
(From public LIDAR data)

VOZ					
100					
CLIENT	Mr N McDonald				
PROJECT	Proposed Residential Development at Barley Dean Rosewell				
DRAWING TITLE	Existing Ground Levels Around Site				
DRG No	MCE00345-SK01	SCALE	1:250	DATE	2023/03
DRAWN BY	JAM	CHECKED BY	JAM	APPROVED BY	JAM
<div><div></div><div>MCNAB CONSULTING ENGINEERS Helping you Build 100 High Road Edinburgh Scotland EH6 6JG Phone: 01753 278 947 Email: info@mcnabconsulting.co.uk www.mcnabconsulting.co.uk</div></div>					
DO NOT SCALE FROM THIS DRAWING					A1 SHEET SIZE

PLANNING

REFUSED
06.07.2023
23/00003/DPP

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THIS DRAWING SHOULD BE PRINTED IN COLOUR

- The drawings are to be read in conjunction with all other relevant drawings issued by the Architect, McNab Consulting Engineers, any other relevant consultants, the Specification and/or the Bill of Materials.
- All dimensions and levels are to be checked on site and any discrepancies reported to McNab Consulting Engineers prior to the commencement of work.
- This drawing is part of a Building Warrant package, and should only be used for Building Warrant purposes.
- All dimensions shown are in millimetres unless noted otherwise, please do not scale from this drawing, if further dimensions are required please ask.
- See Architect's drawings for fully dimensioned setting out.
- Should existing site conditions be found contrary to what is shown here or within existing site investigation reporting and surveys then Engineer and Architect are to be informed immediately.
- All surface water pipes to be 100mm Ø laid at min 1:150 (UNO).
- All foul water pipes to be 100mm Ø unless noted otherwise. All below ground foul pipes to be laid at the minimum gradient shown unless noted otherwise.
- All 600mm Ø chambers to be 600mm Ø inspection chambers by Wevin or similar, installed as per manufacturers recommendations.
- All sanitary appliances, foul stacks and rainwater down pipes are to be fitted with hand access above finished floor level to permit maintenance access to head of line.
- No allowance has been made in the scheme for dealing with field drainage or ground water.
- The preliminary scheme shown is based upon a 1:50 year return period plus 30% climate change allowance. This may reduce following the detailed design.
- The new access road is to be constructed in porous paving. The new access road will therefore remain as private. Allowance has been made for 80mm porous pavior blocks, on 50mm sharp sand on min 350mm free draining granular subbase, all wrapped in impermeable membrane, subject to confirmation with detailed design calculations.
- The formation level for each area of porous paving is to be laid at 1:400 fall towards outlet positions.
- The scheme shown here based upon a site area of 0.548 ha and an impermeable area of 0.1644 ha to be drained with an initial outflow rate limit of 1.7 l/s. Clear is calculated as 2.98 l/s. A +30% allowance for climate change has been made within the preliminary storage volume calculation, resulting in between 55m³ to 98m³ of storage being required on site.
- Treatment plants and partial soakaways to be positioned above the peak watercourse level, to prevent potential post-development foul flooding.
- CDM
- * There are no CDM risks identified with the drainage scheme that would not be evident to a competent contractor.

- LEGEND
- SITE BOUNDARY
 - SURFACE WATER DRAIN
 - FOUL WATER DRAIN
 - COMBINED DRAIN
 - INSPECTION CHAMBER
 - PROPOSED POROUS PAVED ACCESS ROAD
 - PROPOSED FOUL EFFLUENT PARTIAL SOAKAWAY

Any surface or foul water soakaway and any foul treatment plant should be 5m minimum from any existing and proposed buildings and from any boundary.

A label is to be provided within the new property, located adjacent to the gas, electricity consumer unit or water stopcock to advise the occupiers of the drainage arrangement.

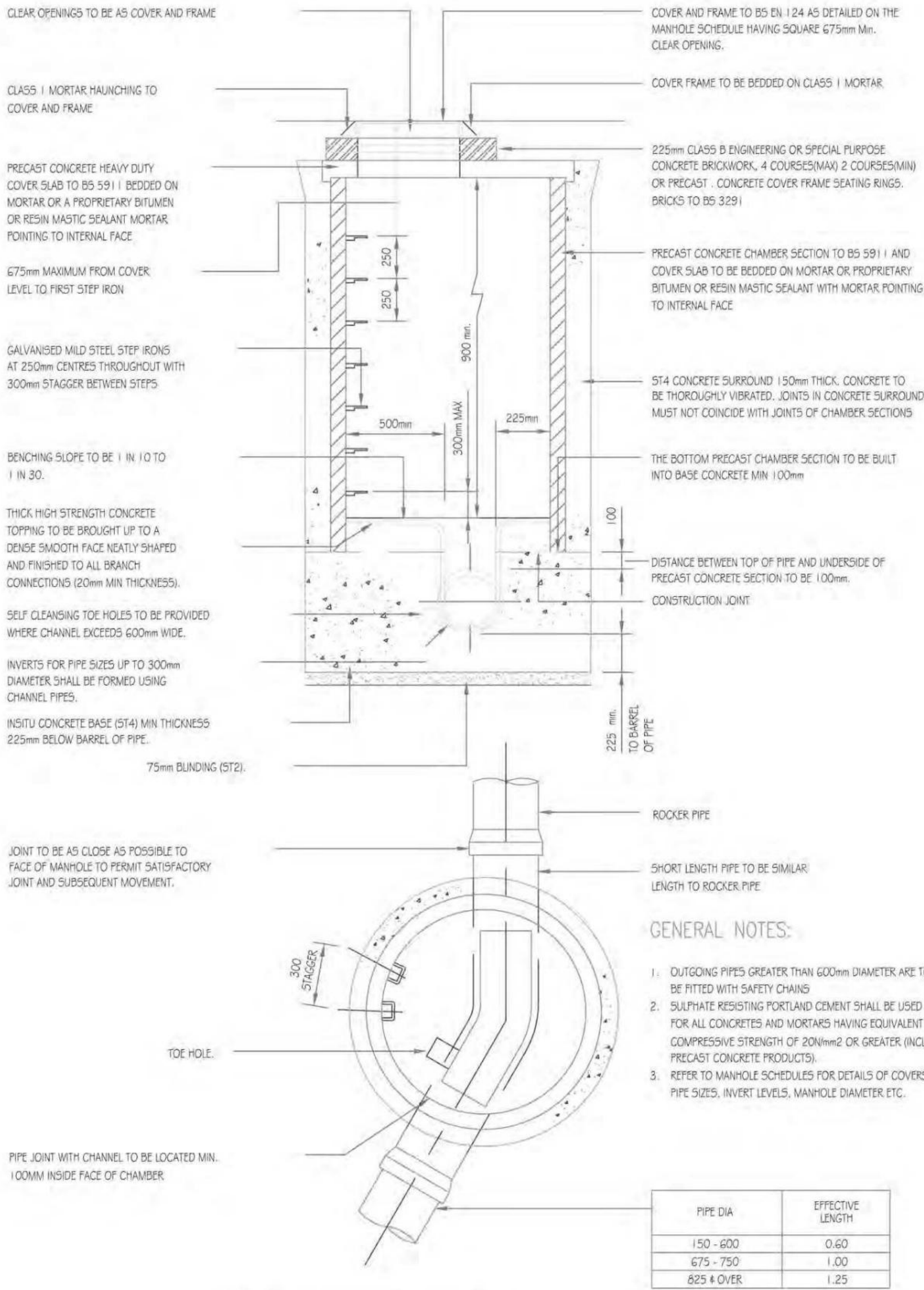
The label is to read:

'The drainage system from this property discharges to a wastewater treatment plant. The owner is legally responsible for routine maintenance and to ensure that the system complies with any discharge consent issued by SEPA and that it does not present a health hazard or a nuisance'.

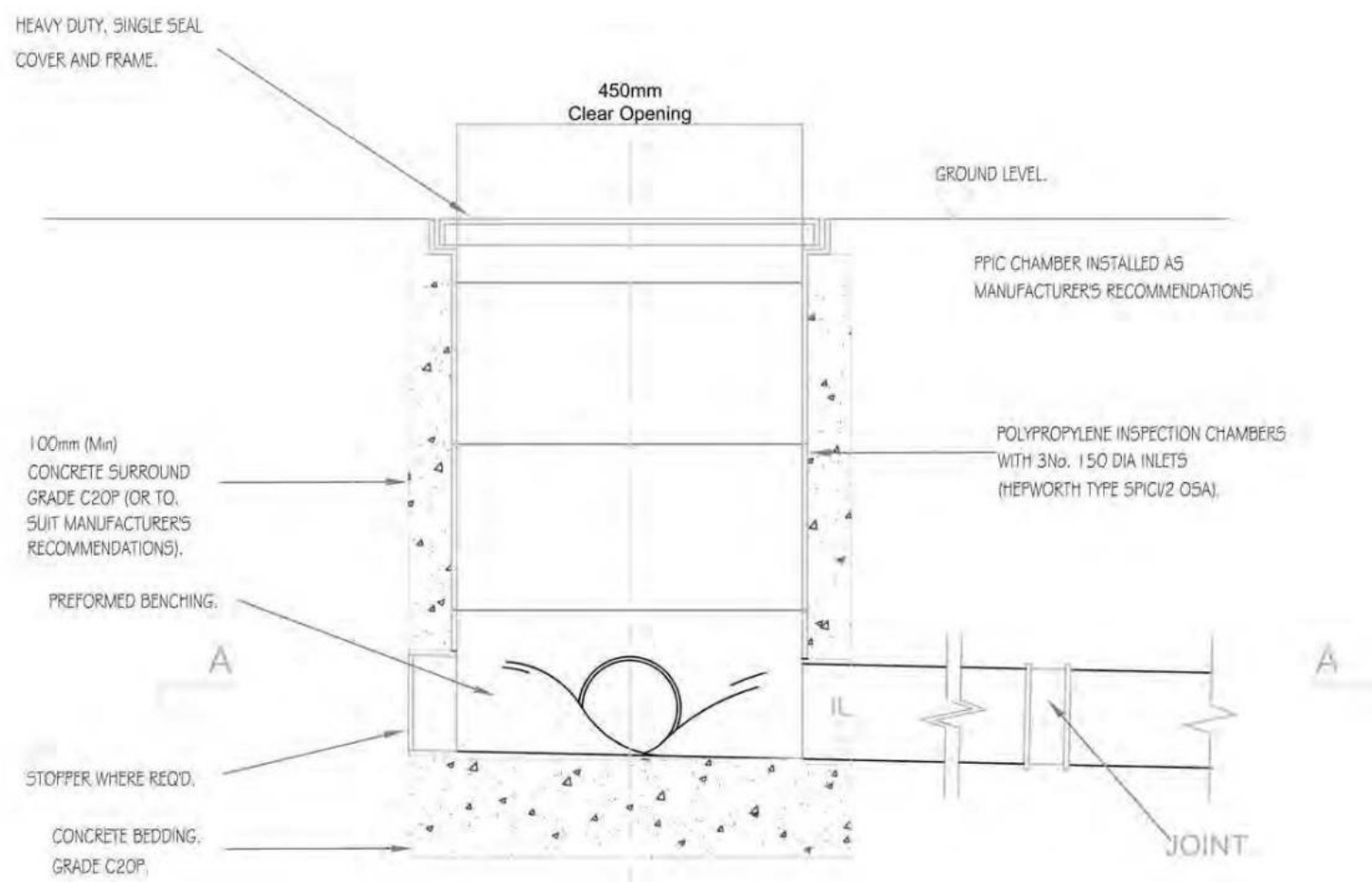
A further label is to be provided adjacent to sanitary appliances to state that only toilet paper and no feminine sanitary products, sanitary wipes or paper towels are to be flushed.

The treatment plant will be desludged at least once per year, in accordance with manufacturer's recommendations.

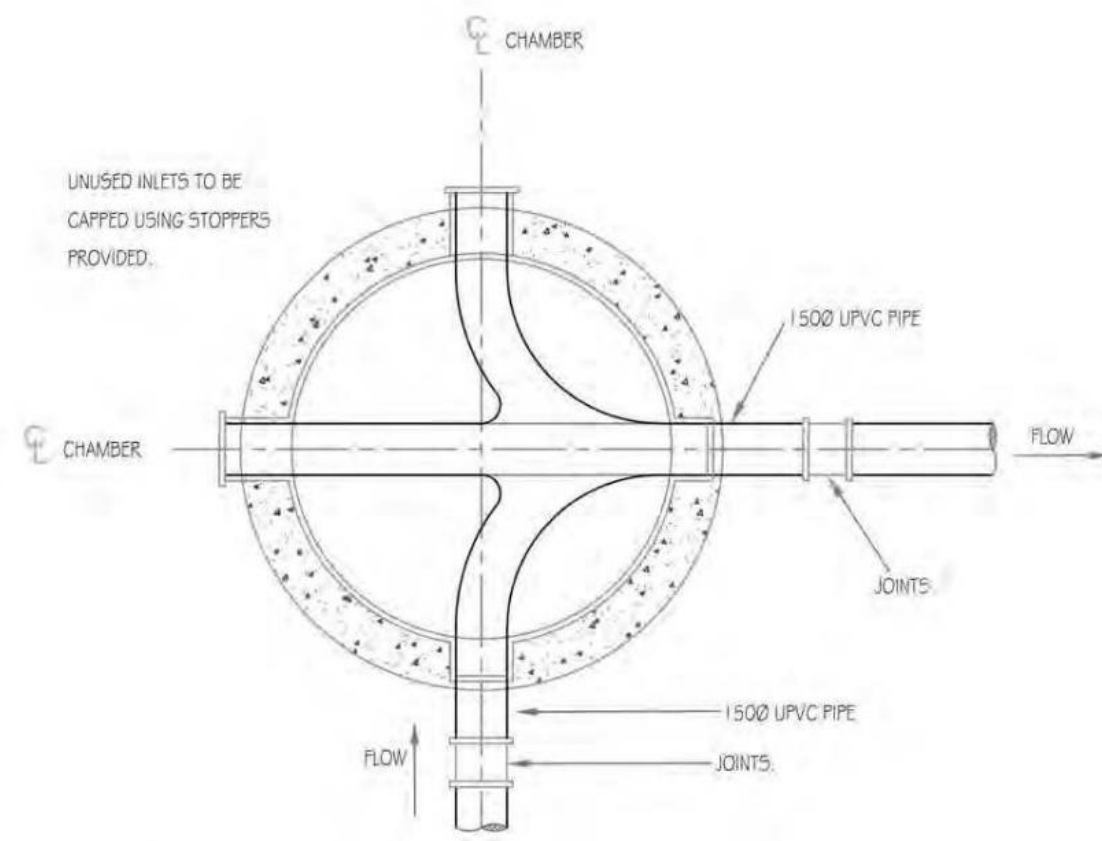
PLANNING



1200PC MANHOLE DETAIL
DEPTH TO SOFFIT = 3.0m MAXIMUM
SCALE 1:25

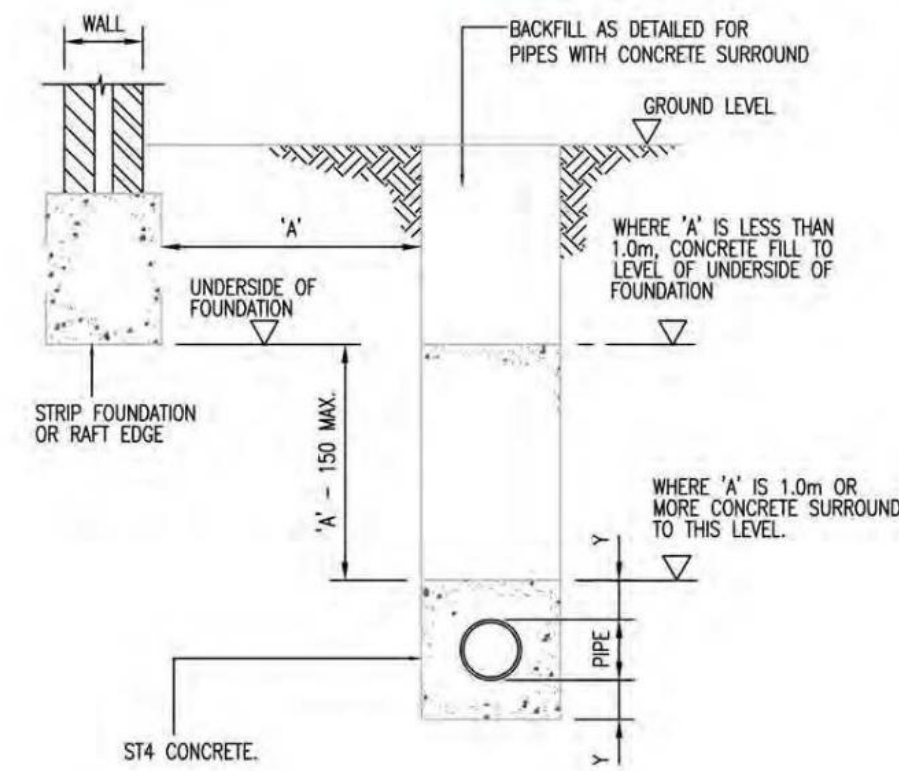


SECTION THROUGH PPIC INSPECTION CHAMBER
SCALE 1:25



PLAN ON A-A PPIC INSPECTION CHAMBER
SCALE 1:25

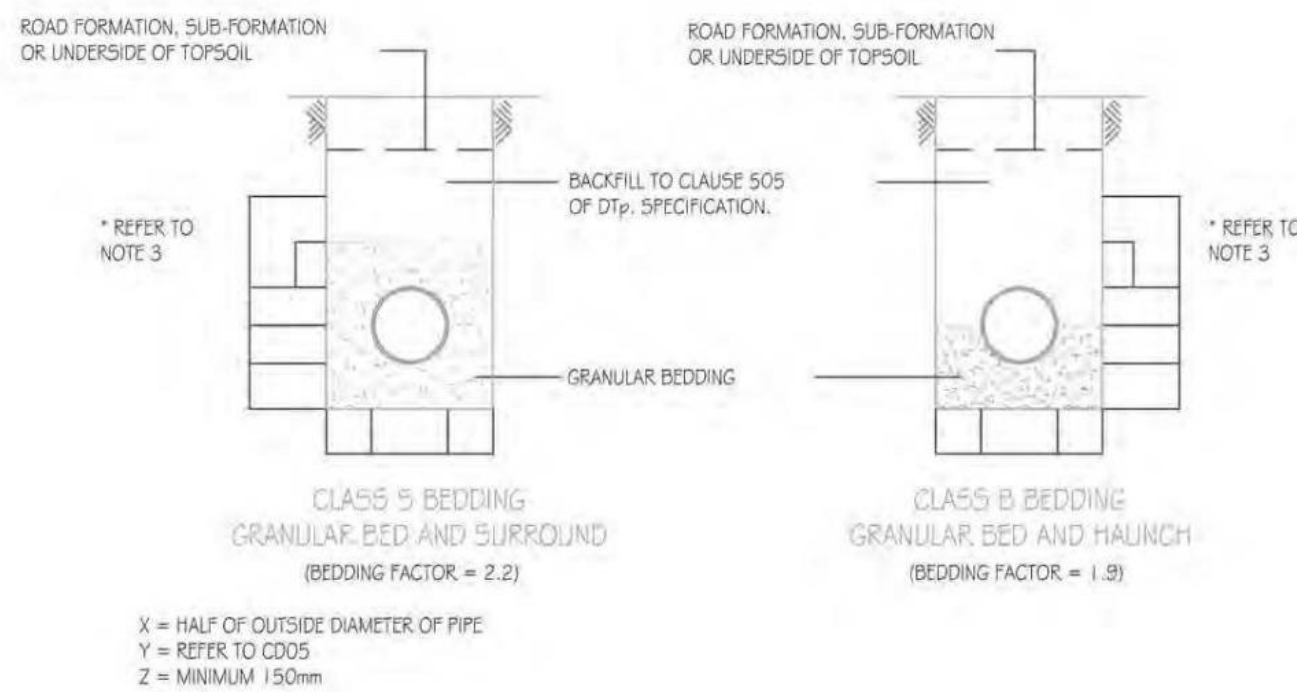
REFUSED
06.07.2023
23/00003/DPP



DRAINS NEAR BUILDINGS
SCALE 1:25

NOTES:

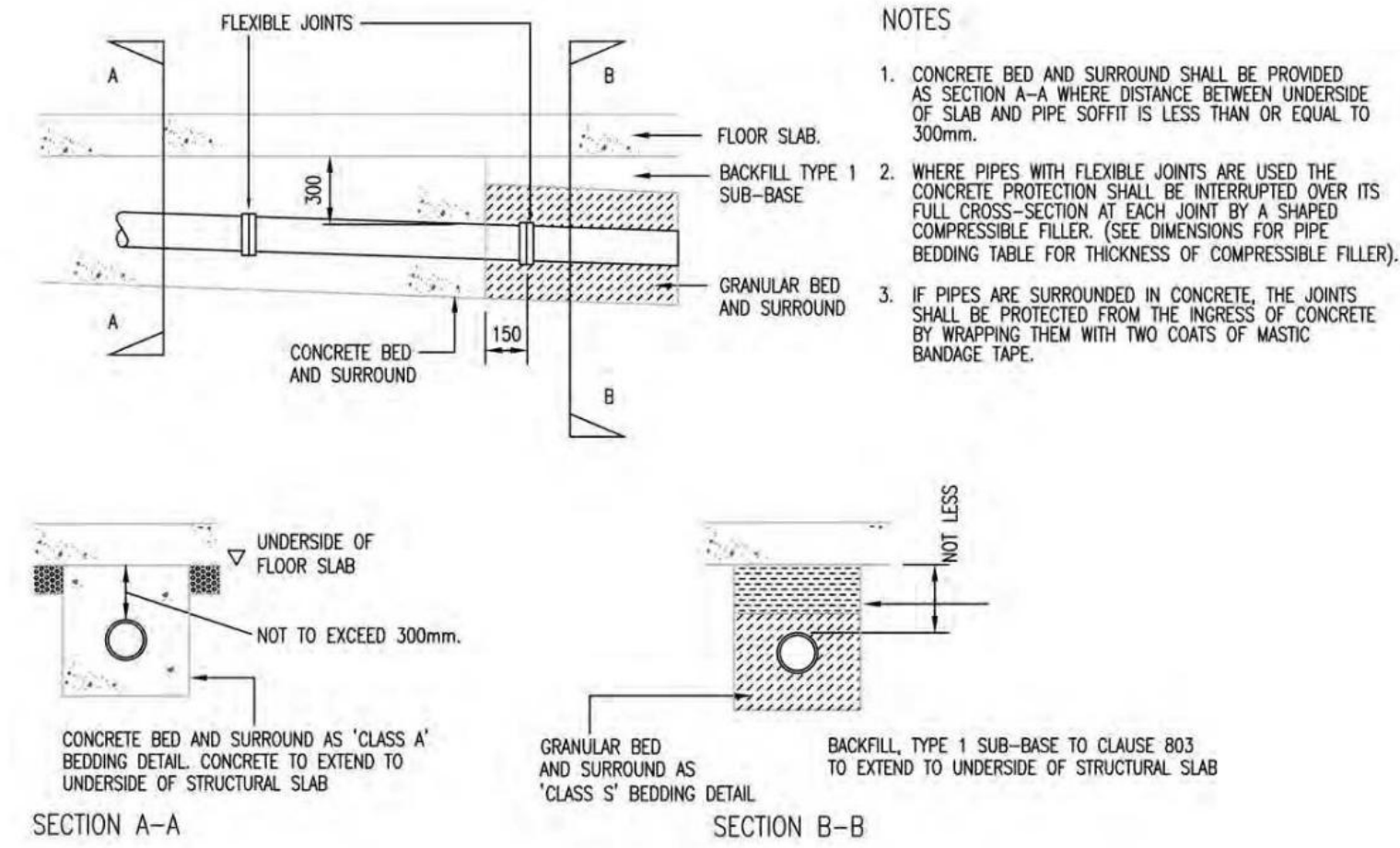
- FLEXIBLE JOINTS SHALL BE PROVIDED IN CONCRETE BY INSERTING COMPRESSIBLE BOARD AT INTERVALS NOT EXCEEDING 5000mm. PRECUT TO DIAMETER, HEIGHT AND WIDTH EQUAL TO THE CONCRETE CROSS SECTION. REFER TO DIMENSIONS FOR PIPE BEDDING TABLES FOR THICKNESS OF FILLER.
- FOR VALUES OF Y REFER TO DIMENSIONS FOR PIPE BEDDING TABLES.



NOTES:

- REFER TO TABLES FOR DIMENSIONS AND BEDDING DETAILS.
- BEDDING BENEATH AND AT THE SIDES OF THE PIPE TO BE WELL COMPACTED.
- THE FIRST 300mm OF FILL ABOVE THE CROWN OF THE PIPE IS TO BE LIGHTLY TAMPED BY HAND. MECHANICAL COMPACTION MAY BE USED ONLY ABOVE THIS LEVEL.
- GEOTEXTILES MAY BE USED WHERE DIRECTED OR APPROVED BY THE ENGINEER TO CONTAIN BEDDING MATERIAL IN CERTAIN SOILS E.G. RUNNING SAND.
- IN VERY WET CONDITIONS, WHERE DIRECTED OR APPROVED BY THE ENGINEER A TEMPORARY LAND DRAIN MAY BE LAID WITHIN THE GRANULAR BED.

PIPE BEDDING DETAILS
SCALE 1:25



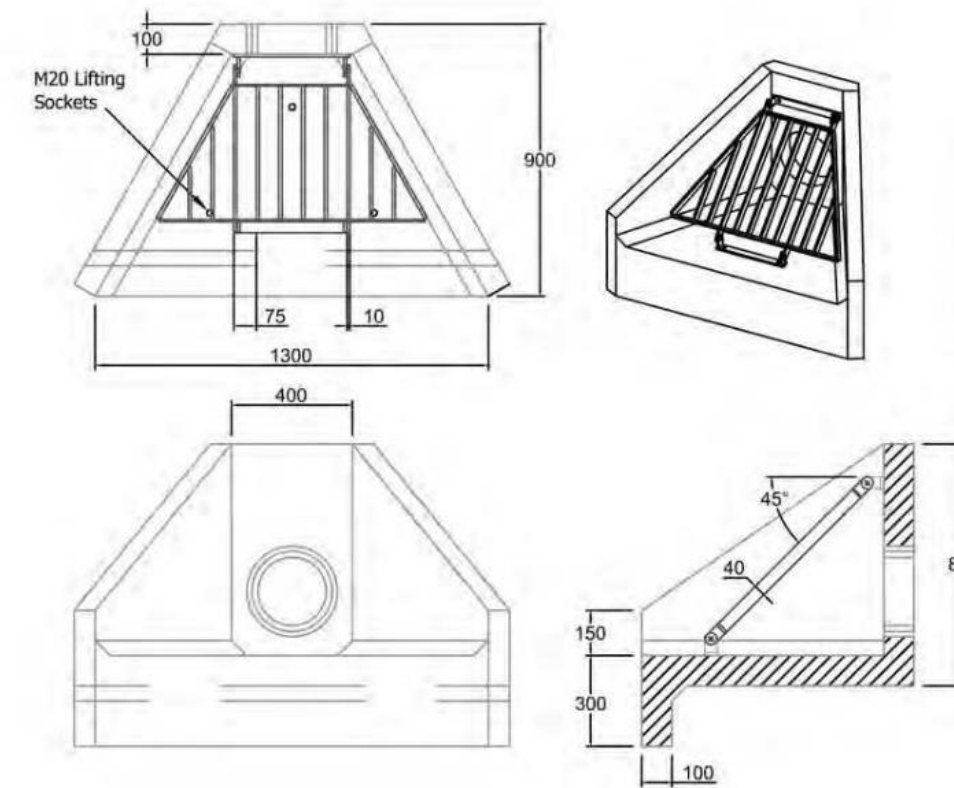
DRAINS BELOW BUILDINGS
SCALE 1:25

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PIPE DIAMETER	Y1 MINIMUM	Y2 MIN.	MAXIMUM TRENCH WIDTH.	L
100	100	200	700	18
150	100	200	750	18
200	100	200	800	18
225	100	200	825	18

NOTES:

- ALL DIMENSIONS ARE IN MILLIMETRES.
- DIMENSION Y1 SHALL BE USED UNLESS Y2 IS SPECIFIED OR IS DIRECTED BY THE ENGINEER.
- DIMENSION Y2 SHALL BE USED IN PLACE OF Y1 WHERE THE EXCAVATION IS IN ROCK OR IN MIXED SOILS CONTAINING ROCK BEDS, BOULDERS, LARGE FLINTS OR OTHER IRREGULAR HARD SPOTS.
- DIMENSION Y2 SHALL BE INCREASED BY 40mm FOR EACH ADDITIONAL 1.0m OF COVER IN EXCESS OF 5.0m.
- DIMENSION L IS THE WIDTH OF COMPRESSIBLE FILLER REQUIRED AT JOINTS IN CONCRETE PROTECTION TO PIPES.



DETAIL OF PRECAST HEADWALL UNIT
SCALE 1:25

REFUSED
06.07.2023
23/00003/DPP



Photo 1



Photo 2

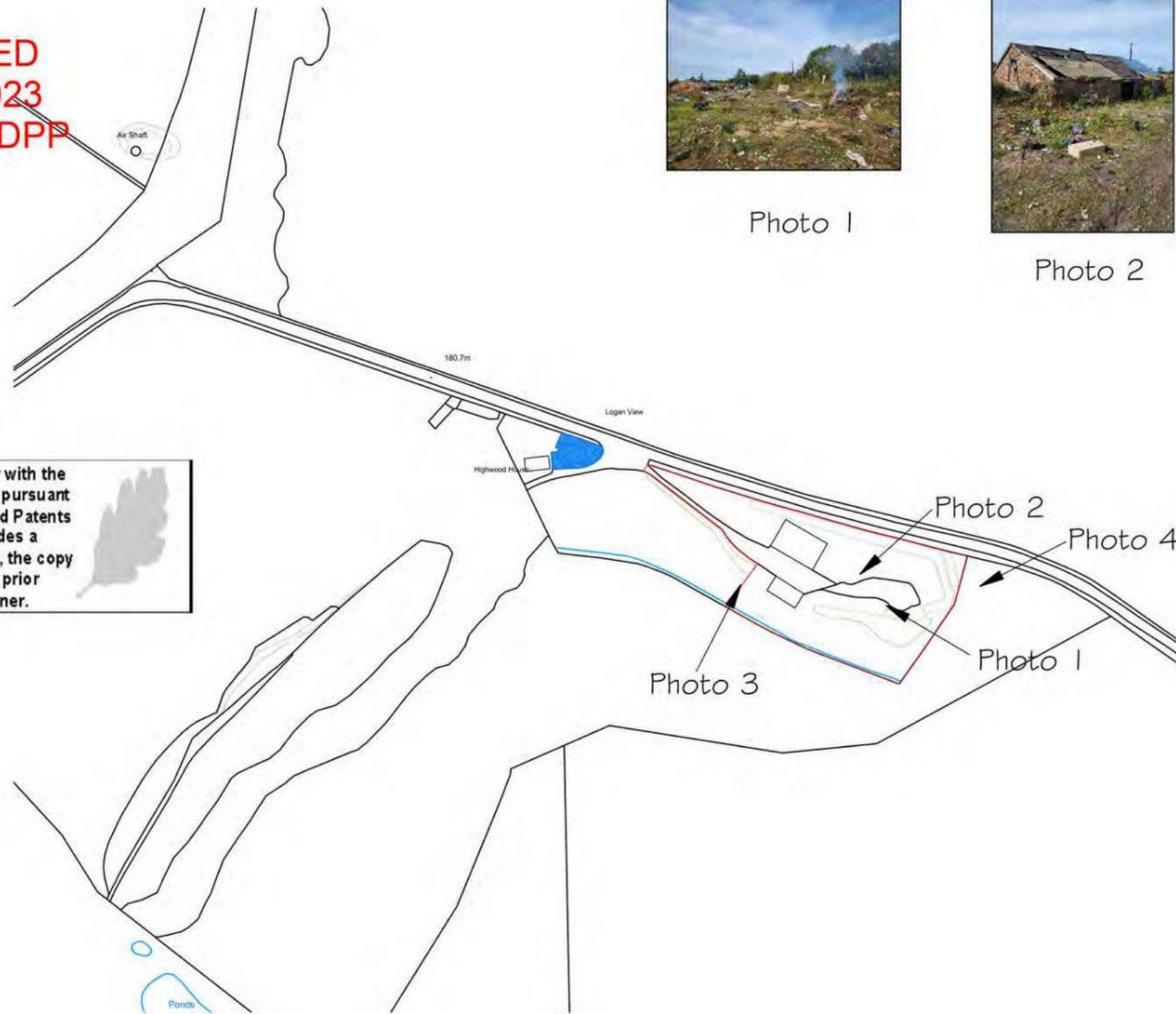


Photo 3



Photo 4

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Existing Site Plan
Scale 1:2500

0 50 100 200m

1:2500@a3

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email, cdc.ltd@sky.com Tel. 0131 666 1804 Mob. 07834156071		
Status	Planning	
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client	Mr N. McDonald	
Drawing Title Existing Site Plan		
Date	Dec '22	Scale As Shown
Drawn		
Drawing Number CDC/22/153/00		Rev. A

Notice of Review: 50 Dundas Street, Bonnyrigg

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the formation of access at 50 Dundas Street, Bonnyrigg.

2 Background

- 2.1 Planning application 23/00117/DPP for the formation of access at 50 Dundas Street, Bonnyrigg was refused planning permission on 6 June 2023; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C); and
 - A copy of the decision notice, excluding the standard advisory notes, issued on 6 June 2023 (Appendix D).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:
- 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 written submissions.

- 4.2 The case officer's report identified that there was one consultation response and no representations received. As part of the review process the interested parties were notified of the review – no additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 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. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: *To ensure gates do not open over the pavement; to ensure no hazard is caused to pedestrians using the footway.*

3. A minimum of the first 2 metres of the driveway as measured from the heel of the footpath shall be surfaced in non-loose material.

Reason: *In the interest of road safety and the free flow of traffic*

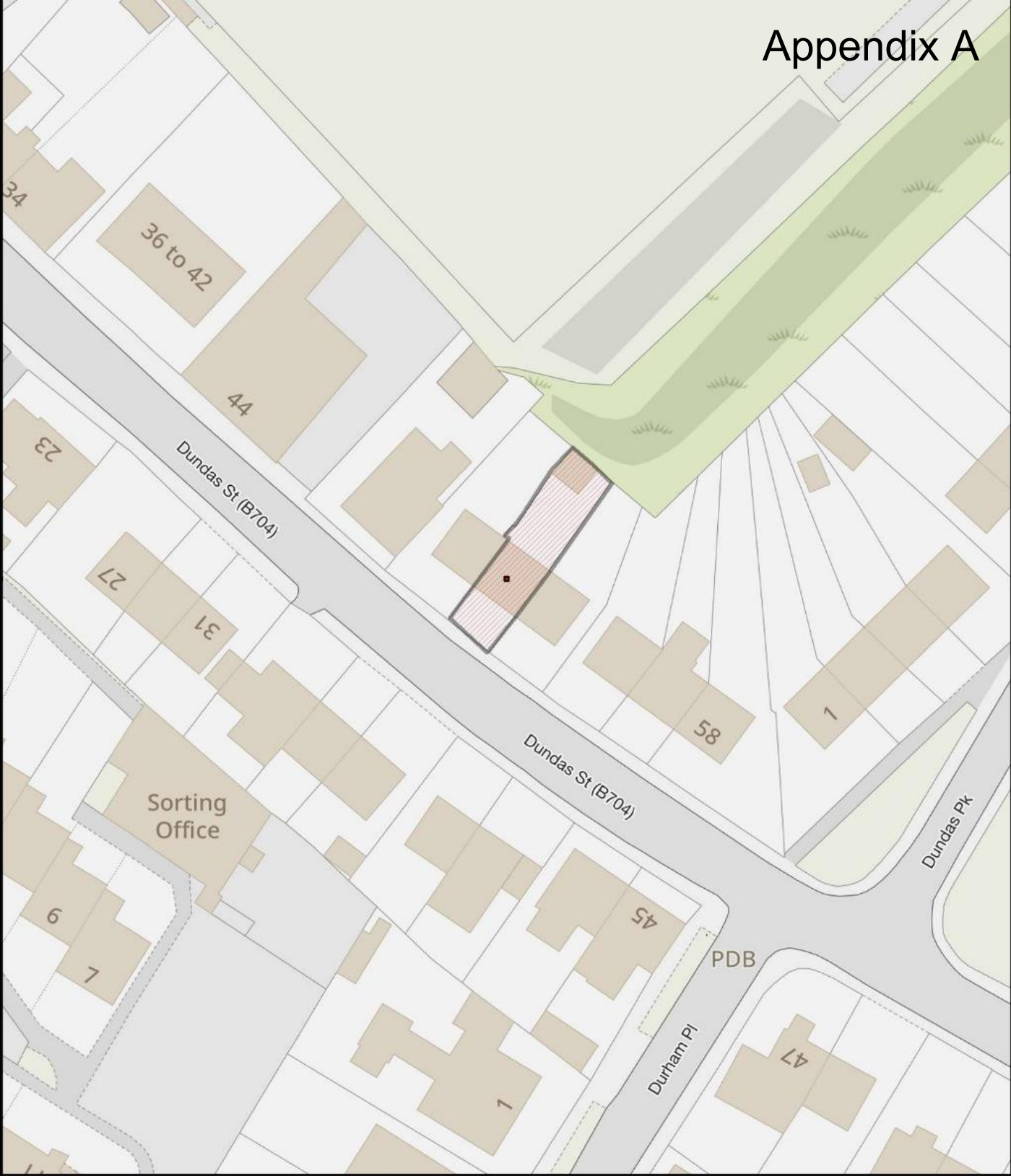
6 Recommendations

- 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: 15 September 2023
Report Contact: Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 23/00117/DPP available for inspection online.



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

**Formation of access to classified road
50 Dundas Street, Bonnyrigg**

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File No.23/00117/DPP

Scale: 1:625



NOTICE OF REVIEW

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

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

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

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

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Robert"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Gyorgy"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="50 Dundas Street"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Bonnyrigg"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="Eh193as"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value="REDACTED"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value="REDACTED"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="Planning application ."/>	
Planning authority's application reference number		<input type="text" value="23/00117/DPP"/>	
Site address		M	
<input style="width: 100%; height: 100%;" type="text" value="Dundas Street bonnyrigg"/>			
Description of proposed development			
<input style="width: 100%; height: 100%;" type="text" value="Lower kerb"/>			

Date of application	February	Date of decision (if any)	June
---------------------	----------	---------------------------	------

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

4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

6. Review procedure

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

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

Further written submissions	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input checked="" type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

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

Application been made to lower the kerb to have space for parking my car, the reason is everyone having it just myself been rejected

7. Site inspection

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

Can the site be viewed entirely from public land?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

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

Why 56 Dundas Street bonnyrigg can have it and myself not, they are the seam like me

8. Statement

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

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

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

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

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

9. List of Documents and Evidence

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

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

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

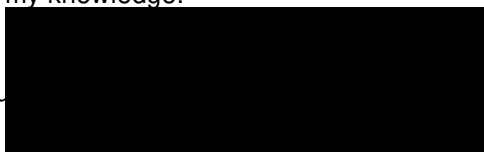
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

DECLARATION

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

Signature



Name:

Robert Gyorgy

Date:

21.06.2023

I

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

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00117/DPP

Site Address: 50 Dundas Street, Bonnyrigg, EH19 3AS

Site Description: The application site comprises a middle terrace two story house. It has light brown dry dash walls, white uPVC window frames and a brown profile concrete tile roof. The front garden is hardstanding with an approximately 1 metre high fence. The site is in a predominately residential area, with houses to the south, east and west and New Dundas Park to the north. The surrounding houses are a mix of single and two storey detached, semi-detached and terraces and a number of these have driveways.

Proposed Development: Formation of access to classified road

Proposed Development Details: It is proposed to install a dropped kerb 4 metres long. The resulting driveway would be approximately 4.6 metres deep and 5 metres wide. The driveway would provide one parking space within the front garden.

Details of the surfacing of the proposed driveway have not been detailed on the submitted plans.

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

48 Dundas Street 22/00535/DPP Formation of access to classified road. Consent with conditions.

29 Dundas Street 12/00225/DPP Formation of driveway. Consent with conditions.

31 Dundas Street 10/00364/DPP Formation of driveway (retrospective). Consent with conditions.

39 Dundas Street 06/00502/FUL Construction of driveway and erection of fencing. Consent with conditions.

37 Dundas Street 99/00549/FUL Construction of vehicular access and driveway. Consent with conditions.

52 Dundas Street 0346/97 Construction of vehicle access and driveway. Consent with conditions.

Consultations: The Council's **Policy and Road Safety Manager** advised that while he had no objection in principle to a new driveway with a vehicle drop kerb being formed at this location, the proposal would result in a substandard driveway being formed. Driveways of a substandard length can result in parked vehicles overhanging and obstructing the public footway, resulting in pedestrians being

required to walk on the carriageway. This creates a road safety situation and puts pedestrians at risk and therefore would recommend that the application be refused.

Representations: No representations were received.

Relevant Planning Policies:

Planning policy currently comprises of National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

NPF4:

Policy 1 Tackling the Climate and Nature Crises

When considering all development proposals significant weight will be given to the global climate and natural crises.

Policy 14 Design, Quality and Place aims to encourage, promote and facilitate well-designed development that makes successful places.

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural location and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places;
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

The relevant policies of the **2017 Midlothian Local Development Plan** are;

DEV2 Protecting Amenity within the Built- Up Area advises that the development will not be permitted where it is likely to detract materially from the existing character or amenity of the area.

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.

Several houses in the area have at least one driveway. The proposal will not have a significant impact on the visual amenity of the surrounding area or amenity of neighbouring properties.

The driveway will be sited in front of windows belonging to the application subjects and will not result in significant loss of amenity to other neighbouring properties.

Whilst the proposal will not have a significant impact on the visual amenity of the area, there are significant road and pedestrian safety issues.

The main issue in the consideration of the application is road safety. Following a site visit and measurements taken, the resulting driveway would be approximately 4.6 metres which is much less than the standard 6 metre length, which is the expected length of a driveway, and may result in parked vehicles overhanging and obstructing

the public footway, resulting in pedestrians, wheelchairs and pushchairs having to use the carriageway to get past. This is clearly undesirable and would not be in the interests of improving road safety.

Overall, it has not been demonstrated to the satisfaction of the Planning Authority that a driveway could be accommodated at the application site without a detrimental impact on road safety.

There are a number of vehicular accesses and driveways already in place on Dundas Street. Planning applications have been approved at numbers 29 and 31, as the resulting driveways are of a sufficient length. The neighbouring properties of the application site, numbers 48 and 52, have both had planning applications approved as their driveways were of a sufficient length. They achieved the necessary length as they include the area down the side of the dwelling and therefore do not create a road safety issue. Permission was granted at numbers 37 and 39 prior to 2006. Any other driveways or vehicular accesses installed in the immediate vicinity do not benefit from planning permission.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of the adopted NPF4 and Midlothian Local Development Plan 2017 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.

Reg. No. 23/00117/DPP

Mr Robert Gyorgy
50 Dundas Street
Bonnyrigg
EH19 3AS

Midlothian Council, as Planning Authority, having considered the application by Mr Robert Gyorgy, 50 Dundas Street, Bonnyrigg, EH19 3AS, which was registered on 2 March 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of access to classified road at 50 Dundas Street, Bonnyrigg, EH19 3AS

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	Location Plan 1:1250	02.03.2023
Illustration/Photograph	Existing Elevations	02.03.2023
Illustration/Photograph	Proposed Elevations	02.03.2023

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

The proposed length of the driveway at 4.6 metre may result in parked vehicles overhanging and obstructing the public footway, resulting in pedestrians, and others using the pavement, being required to move on to the carriageway. It has not been demonstrated to the satisfaction of the Planning Authority that a driveway could be accommodated at the application site without a detrimental impact on road and pedestrian safety.

Dated 6 / 6 / 2023



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

Informative Note valid from 1st January 2023 until 31st December 2024

Notice of Review: Land North West of 4 Wadingburn Lane, Lasswade

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade.

2 Background

- 2.1 Planning application 22/00811/DPP for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade was refused planning permission on 3 March 2023; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B) – excluding the applicants appendix 4 which is a ground source heat pump brochure. Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 3 March 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- 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 written submissions.
- 4.2 The case officer's report identified that there were four consultation responses and 12 representations received. As part of the review process the interested parties were notified of the review – two additional comments have been received, one objecting to the application and one supporting the application. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 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 on site until the following details have been submitted to and approved in writing by the planning authority:
 - a) Details and samples of all external finishing materials for the house;
 - b) Details of the materials of all external doors;
 - c) Details of the colour of all external doors;
 - d) Details of the proposed materials of the areas of hardstanding;
 - e) Details of the design, position, dimensions, materials and finish of all proposed walls, fences, gates or other means of enclosure;
 - f) Details of the proposed bin storage areas, including any related structures;
 - g) Details of the proposed ground air source heat pumps;
 - h) Details of the proposed solar panels;
 - i) Details of the proposed surface water management scheme; and
 - j) 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 area.*

3. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 2d) 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.*

4. The existing trees on site shall not be pruned, thinned, lopped, topped or felled without the prior written approval of the planning authority.
5. Development shall not begin on site until an arboricultural method statement and tree protection plan have been submitted to and approved in writing by the planning authority. These shall include details of tree protection fencing and a construction detail for the access track, including cellweb or geocell to reduce compaction within the root protection areas of all trees to be retained onsite. Any works within the tree protection zone of the trees to be retained shall be carried out with an above ground construction method.
6. The tree protection measures approved as per by condition 2j) above shall be in place before any work on the development is

begun, including site clearance, and shall be retained until the development is completed. Within the area enclosed by the protection measures there shall be no excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit. These works shall be carried out in accordance with BS5837:2012 Trees in Relation to Development.

Reason for conditions 4 - 6: To ensure that the trees and landscaping to be retained are protected from damage during development; to protect the appearance of the surrounding rural area.

7. The scheme of landscaping hereby approved in condition 2j) shall include details of replacement and reinforcement tree planting around the application site boundaries and marginal/emerging along the burn corridor.
8. The scheme of landscaping hereby approved in condition 2j) shall include details of a range of native species planting.

Reason for conditions 7 and 8: To ensure that appropriate replacement planting is provided at the site, to maintain and enhance the character and appearance of the surrounding area and also perpetuate canopy cover; to optimise biodiversity and habitat value.

9. The scheme of landscaping hereby approved in condition 2j) shall include a survey for Japanese knotweed in the land shown under the control of the applicant on drawing number 22049 – (2-)001 01. This shall also include a strategy to deal with any Japanese knotweed found.

Reason: To ensure that any invasive species are treated appropriately and to protect the biodiversity of the surrounding area.

10. The scheme of landscaping hereby approved in condition 2j) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: To ensure the landscaping is carried out and becomes successfully established.

11. 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.

12. On completion of the decontamination/ remediation works required in condition 11 and prior to the dwellinghouse 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 11 and 12: 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.

13. Development shall not begin until details, including a timetable of implementation, of superfast broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of superfast broadband prior to the occupation of the dwellinghouse. The delivery of superfast broadband shall be implemented as per the approved details.

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Midlothian Local Development Plan.

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

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

15. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog highways throughout the development has been

submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan.*

16. 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.

17. The works hereby approved shall comply with the approved Protected Species Report dated 21 November 2022.

Reason for conditions 16 and 17: *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.*

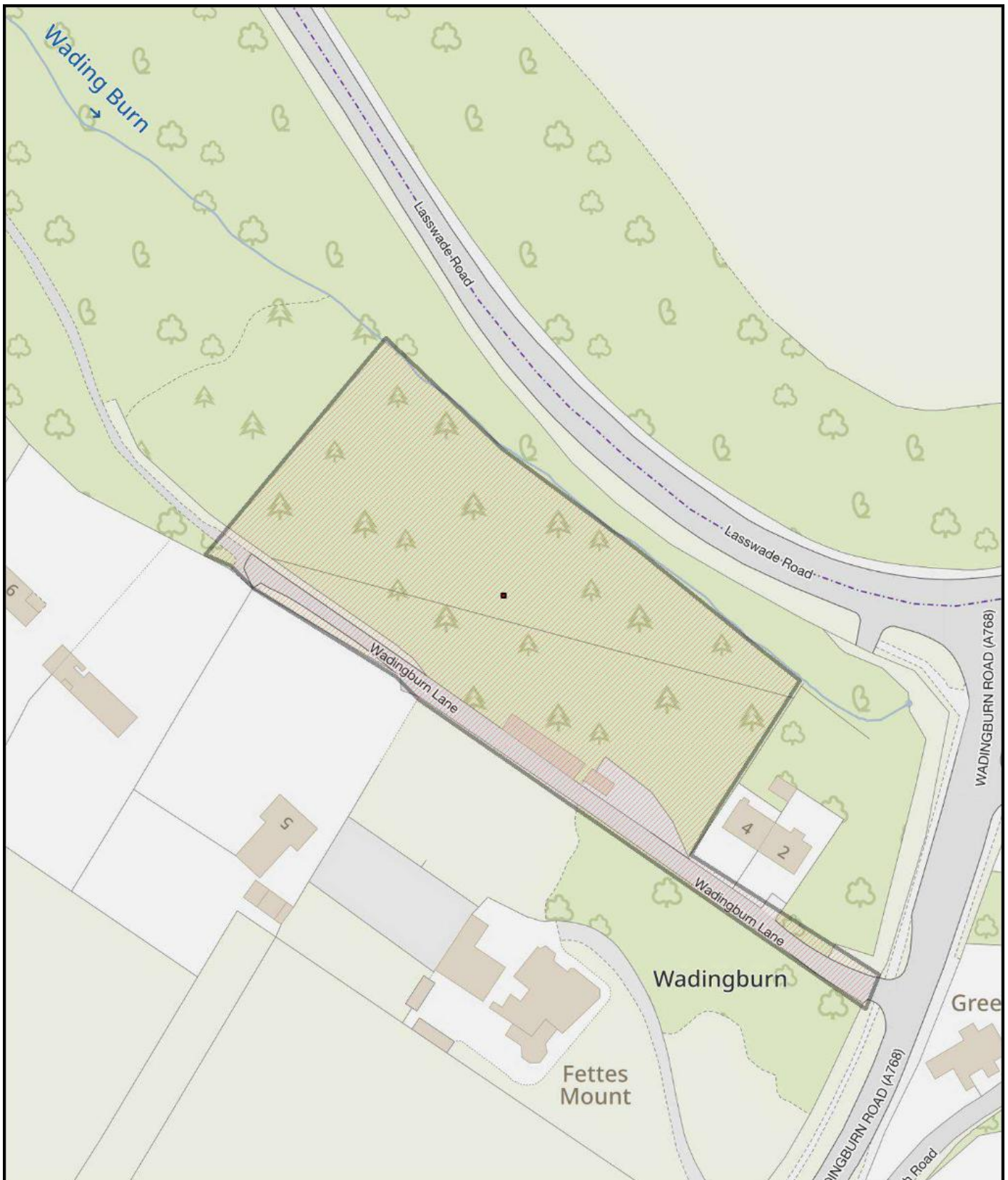
6 Recommendations

- 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: 15 September 2023
Report Contact: Peter Arnsdorf - Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 22/00811/DPP available for inspection online.



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

Erection of dwellinghouse and associated work Land North West of 4 Wadingburn Lane, Lasswade

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File No.22/00811/DPP

Scale: 1:1,250





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 100628965-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ferguson Planning Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Sam"/>	Building Name:	<input type="text" value="37 ONE"/>
Last Name: *	<input type="text" value="Edwards"/>	Building Number:	<input type="text" value="37"/>
Telephone Number: *	<input type="text" value="07854009657"/>	Address 1 (Street): *	<input type="text" value="George Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
		Postcode: *	<input type="text" value="EH2 2HN"/>
Email Address: *	<input type="text" value="sam@fergusonplanning.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Bernard"/>	Building Number: <input type="text" value="58"/>
Last Name: *	<input type="text" value="Flanagan"/>	Address 1 (Street): * <input type="text" value="Carnethie Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH24 9AN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	<input type="text"/>

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
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 North West of 4 Wadingburn Lane, Lasswade"/>

Northing	<input type="text" value="666108"/>	Easting	<input type="text" value="329634"/>
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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 dwellinghouse, formation of access, landscaping 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.

Please refer to the supporting appeal statement and appendices enclosed.

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)

Appeal Appendices: Appendix 1 - Soil Maps; Appendix 2 - Email from Midlothian Council regarding Agricultural Land Status and Mapping; Appendix 3 - Email from Appellant's Arboriculturist on Tree Stability; Appendix 4 - Ground Source Heat Pump - Manufacturer's Brochure. These have been provided to respond to the matters raised by the officer in their report of handling, which accompanies the refusal notice.

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)

For the Appeal: Appeal Statement and Appendices: 1 - Soil Maps; 2 - Email from Midlothian Council regarding Agricultural Land Status and Mapping; 3 - Email from Appellant's Arboriculturist on Tree Stability; 4 - Ground Source Heat Pump - Manufacturer's Brochure. From the Previous Application: CD1 - Decision Notice and Officer's Report; CD2 - Architectural Drawings; CD3 - Design Statement; CD4 - Planning Statement; CD5 - Ecology and CD6 - Tree Survey.

Application Details

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

22/00811/DPP

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

11/11/2022

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

03/03/2023

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 *

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

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

We politely request Members undertake a site visit to understand the particular characteristics of the site and inform their review, given this is the focus of the refusal.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Sam Edwards

Declaration Date: 17/05/2023

APPEAL STATEMENT



ERECTION OF DWELLING HOUSE, FORMATION OF ACCESS, AND ASSOCIATED WORKS

WADINGBURN LANE, LASSWADE

MAY 2023

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EXECUTIVE SUMMARY

- The appellant proposes the “*Erection of dwellinghouse, formation of access, landscaping and associated works*” at Land North West of 4, Wadingburn Lane, Lasswade which is owned by the appellant. Disagreement broadly centres on whether the proposal, which is in the Green Belt, is justified by sufficient material considerations to allow approval under Policy ENV1 and NPF4 Policy 8.
- The appellant accepts that the proposal is not required for the furtherance of any of the defined Green Belt activities which support a new dwelling (i.e., agriculture, horticulture, or forestry) but these are arguably narrowly defined to protect the qualities of the Green Belt. However, it is the appellant’s view that this reason for refusal, ignores the fundamental, and surely more pertinent fact, that the proposal does not conflict with any of the aims or objectives of the Policy ENV1 in relation to the protection of the Green Belt.
- The appellant argues that the proposal is a unique case, which deserves to be considered as a modest exception to ENV1 due to the specific location and siting of the new dwelling within an inconspicuous part of the appellant’s land holding and Green Belt. As a result, the development proposal has shown that it does not conflict with the overall objective of the Green Belt, in this case by clearly respecting and retaining the sites existing natural physical boundaries, thereby preventing coalescence. The proposal extends no further west than the existing dwellings to the south and new planting will also provide additional landscape, screening, and biodiversity benefits.
- The design meets with local approval from immediate neighbours on Wadingburn Lane and the principle of development is supported by the Community Council. There have been no objections from any statutory consultees.
- The proposals will create an eco-friendly family home of high-quality contemporary design which contributes to the visual amenity and interest of the area. Design and siting have been material considerations in allowing development in the Green Belt previously in the local area.
- The proposals will not result in the loss of prime agricultural land, and it has since been confirmed by Midlothian Council that this reason for refusal should be set aside.
- In contrast to the officer’s report, we consider the proposals do not conflict with Local Development Plan policies and NPF4, and that there are material planning considerations that weigh in its favour. We respectfully request that this appeal is therefore allowed by the Local Review Body on that basis.

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1. INTRODUCTION

- 1.1 This statement is submitted on behalf of Mr Bernard Flanagan (the appellant) and sets out the grounds of appeal against the decision of the Midlothian Council (the Council) to refuse planning application LPA ref: 22/00811/DPP by delegated decision on 3 March 2023.
- 1.2 The detailed planning application sought the ***"Erection of dwellinghouse, formation of access, landscaping and associated works"*** at Land North West of 4, Wadingburn Lane, Lasswade which is owned by the appellant.
- 1.3 Midlothian Council had four reasons for refusal of the application:
1. It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to Policy 8 of the National Planning Framework 4 and policy ENV1 of the adopted Midlothian Local Development Plan 2017.
 2. The proposed development would result in the permanent loss of an area of prime agricultural land without justification and does not fulfil the requirements of related Policy 5 of the National Planning Framework 4 or policy ENV4 of the adopted Midlothian Local Development Plan 2017 which seeks to protect such areas. ***(NB. This reason for refusal has now been set aside - refer to correspondence with the Council at Appendix 2)***
 3. The loss of landscaping because of the proposal would have a significant detrimental impact on the character and appearance of this rural area which would be contrary to Policies 6 and 20 of the National Planning Framework 4 and policies ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.
 4. It has not been justified that the proposed development has been sited in a sustainable location and it fails to address the global climate crisis in this respect. Therefore, the proposed development does not comply with the aims of NPF4 and policy 1 of NPF4 specifically.
- 1.4 Other technical consultees commented as follows:

Consultee	Response
Neighbourhood Services (Roads)	No objection
Biodiversity Consultant	No objection
Scottish Water	No objection

1.5 The *Bonnyrigg and District Community Council* also raised no objection to the application. Whilst their letter is considered 'neutral', critically it should be noted by Members that they are supportive of the principle of development on the site:

- *"The Green Belt status of this site has not been seen to enhance the entrance to the built area nor does it serve to prevent coalescence of settlements. This field has failed to maintain any recreational use (equestrian) and is not fit for agriculture, horticulture, or forestry. The semi-rural character of this area with large dwellings in large gardens with large trees is exactly what is being proposed here. ENV1 C permits development appropriate to the rural character of the area. The wooded areas in the locality, and in particular of Haverall Wood in this case, are what gives Lasswade its arboreal frame and not the neglected hedges and trees of this paddock. If housing is the national requirement that has allowed such big areas of prime agricultural land to be used for new housing estates around the town, windfall sites such as this at least need to be considered".*

1.6 There were 7 letters of support, which included all immediate neighbours and 5 letters of objection. These have been addressed in Section 5.

1.7 Disappointingly, there was no opportunity afforded to the appellant or their agent to address any of the concerns highlighted by the officer in their report, during the determination period. The application was refused without any discussion or request for further information, despite the agent requesting correspondence during the determination period by email as evidenced by the paper work on the Council's planning portal. We also do not believe that the officer undertook a site visit, which is considered remiss, given it is the appellants view that this is essential to truly understanding the context of this site.

1.8 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2).
- A description of the proposed development (Section 3).
- The appellant's grounds for appeal (Section 4).
- Material considerations in favour of the appeal proposals (Section 5).
- Summary of the appellant's case (Section 6).

- 1.9 This appeal statement should be read in the context of all supporting evidence documents submitted as appendices to this appeal statement and all those from the previous planning application which are listed below.

No	Appendix to Appeal Statement	
1	Soil Maps	
2	Email from Midlothian Council re Agricultural Land Status and Mapping	
3	Email from Appellant's Arboriculturist	
4	Ground Source Heat Pump - Manufacturer's Brochure	
Ref	Document from Original Planning Application	Author
CD1	Decision Notice and Officers Report	Midlothian Council
CD2	Architectural Drawings <ul style="list-style-type: none"> ▪ Location Plan ▪ Proposed Site Plan ▪ Proposed Plans 	LBA
CD3	Supporting Design Statement and Visuals	LBA
CD4	Planning Statement	Ferguson Planning
CD5	Preliminary Ecological Assessment	Ellendale Environmental
CD6	Tree Survey and Impact Assessment	ROAVR Group

- 1.10 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by delegated powers. For the reasons outlined in this statement, we conclude that the development is broadly in accordance with the relevant development plan policies and any non-compliance is considered minor and outweighed by material considerations. On that basis, we respectfully request that this appeal is allowed.

2. SITE LOCATION, CONTEXT AND HISTORY

- 2.1 The proposed development is located on land to the north west of the existing cottage at 4 Wadingburn Lane (Figure 1). It is accessed off Wadingburn Lane via Wadingburn Road. The site is located on the western edge of the village of Lasswade which is a popular residential community approximately six miles south east of Edinburgh City Centre. It is located just off Lasswade Road to the north, a busy transport route to and from the city bypass, which the site overlooks.
- 2.2 The applicant's land ownership is outlined in blue and extends to 1.9ha. This covers an area of land which includes the access via Wadingburn Lane and extends to the west alongside Lasswade Road incorporating the Wading Burn. The proposed development area is outlined in red on Figure 1 and is contained within the north eastern part of the site. It covers 0.46ha, equivalent to approximately 24% of the applicant's total ownership.

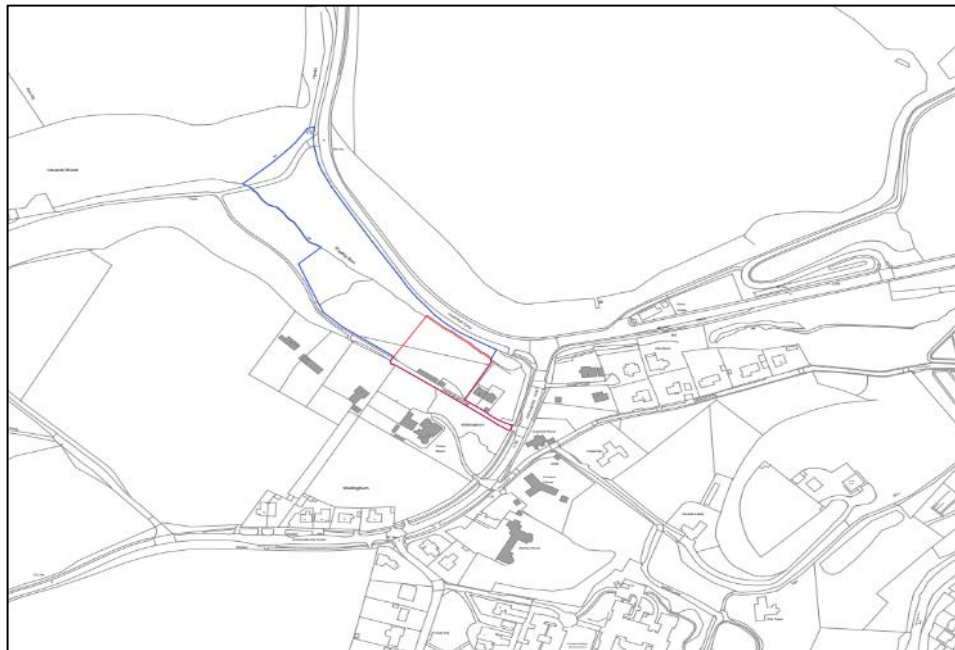


Figure 1: Site Location Plan and Red Line Boundary

- 2.3 The proposed development site is contained within the north eastern part of the site which, adjacent to the existing dwellings which are also served by Wadingburn Lane. The site provides a suitable clearing of scrub land adjacent to the existing dwellings, and is currently occupied by a timber shed, stables and summer house, which are all in poor condition as shown in Figures 2 and 5. There is no development proposed for the remaining 75% which is covered in dense woodland

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(Figures 3 and 4). The appellant proposes to retain the existing trees on all sides, which provide an attractive landscape setting, and screening for the new dwelling.



Figure 2: View of existing shed and stables on site in poor condition that will be removed.



Figure 3: View of site looking north towards Lasswade Road showing existing planting that will be retained.

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Figure 4: View of site looking west towards the woodland that will be retained.



Figure 5: View of site looking east towards the entrance from the lane, summer house (to be demolished), and neighbours drive at 4 Wadingburn Lane.

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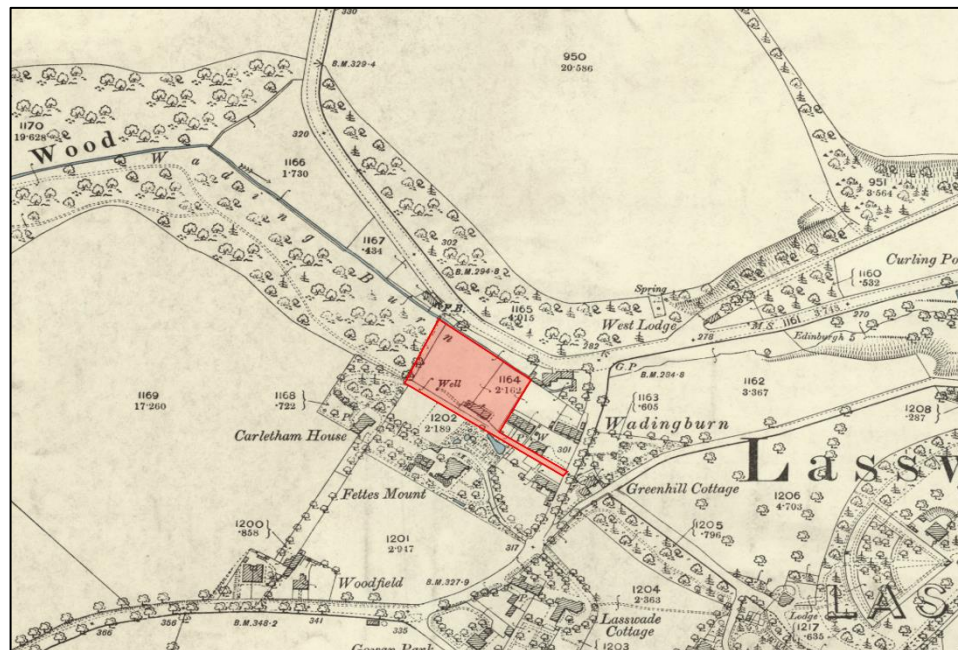
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2.4 Site History

2.5 As outlined in the Design and Access Statement (DAS) (CD3) submitted with the original planning application, our analysis of historic maps reveals that there were already once several buildings in the south east portion of the site, where development is now proposed, as shown in Figure 6 below. It also shows that the land directly east of the development boundary, where the two cottages on Wadingburn Lane currently sit, was far more intensively developed that at present. Therefore, there exists a historical precedent for the area of land that is proposed as part of this application to be developed for a new dwelling.

2.6 This assertion is supported by the historical agricultural maps and soil maps described in Section 3 and at Appendix 1, which indicated that this portion of the site has always been categorised as urban land, with the agricultural land classification, always beginning broadly in line with the existing woodland.

2.7 Land to the west is described as 'Haverall Wood' and reflects the tree belt that remains today and provides a substantial green buffer to the settlement of Lasswade. This land is entirely outwith the red line development boundary and so there are no proposals to develop this land as part of this application. The historic status quo will therefore be maintained, the woodland will be retained and enhanced by the appellant with additional planting.



3. PROPOSED DEVELOPMENT

3.1 The proposals seek planning permission for the following:

“Erection of dwellinghouse, formation of access, landscaping and associated works”.

3.2 As shown in the indicative image below, and throughout the DAS (CD3), the intention is to create a high quality and contemporary family home which utilises the existing topography of the site and is nestled into the existing landscape whilst respecting and enhancing its natural surroundings.



Figure 7: Visualisation of proposed development from the new driveway off Wadingburn Lane showing how it utilises the sloping topography of the site.

3.3 Full details of the development are set out in the submitted DAS (CD3) prepared by LBA but briefly, the principal elements of the application comprise:

- The removal of the existing run-down buildings on site.
- A contemporary family home with four bedrooms, and open plan living areas to accommodate a young family and modern lifestyle.
- A level access dwelling at ground floor from Wadingburn Lane. The internal layout is flexible and adaptable and gives scope for the dwelling to accommodate the changing needs of a growing family and multi-functional spaces.

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- A dwelling which utilises the existing topography of the site, with split level layout incorporating one and two-storey elements stepping down the hillside, including double height windows to take advantage of the rural views.
- Two new car parking spaces will be provided, with an electric charging point and secure covered cycle storage.
- The existing vehicular access is to be retained with a cellweb and gravel driveway between the house and southern boundary.
- High quality natural materials including timber and landscaped surrounds to create a dwelling which sits comfortably within its surroundings and is screened from view, protecting both privacy of the applicant in their new family home and existing neighbours.
- A focus on sustainability through choice of building fabric, use of solar PV panels, ground source heat pump and new landscaping to include SUDS and planting to enhance biodiversity.
- New landscaping proposals to enhance the natural wooded boundaries of the site, with new native tree planting (c.100 new specimens), along with new bird and bat boxes across the site.

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4. GROUNDS OF APPEAL

MIDLOTHIAN COUNCIL'S REASON FOR REFUSAL #1

- 4.1 *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to Policy 8 of the National Planning Framework 4 and Policy ENV1 of the adopted Midlothian Local Development Plan 2017.*

APPELLANT'S RESPONSE #1

- 4.2 Policy ENV1 (Protection of the Green Belt) states that "Development will not be permitted in the Green Belt except for proposals that are necessary to agriculture, horticulture or forestry...". It goes on to say that "Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which are to:
- Direct development to most appropriate locations and support regeneration.
 - Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and
 - Protect and provide access to open space".
- 4.3 The Officer states in their report, that the purpose of the Green Belt is to "play an important role in safeguarding and maintaining the landscape settings of the city and the individual settlements of Midlothian. The Green Belt helps to maintain the character and identity of individual settlements by restricting coalescence of neighbouring settlements...the primary aim of Green Belt policy is to maintain separation between settlements".
- 4.4 Policy 8 (Green Belts) of NPF4 states that "green belts will not be necessary for most settlements but may be zoned around settlements where there is a significant danger of unsustainable growth in car-based commuting or suburbanisation of the countryside".
- 4.5 We accept that the proposal is not required for the furtherance of any of the defined Green Belt activities which support a new dwelling (i.e., agriculture, horticulture, or forestry) but these are arguably narrowly defined to protect the qualities of the Green Belt.



- 4.6 It is the appellant's view that this reason for refusal, however, seems to completely ignore the fundamental, and surely more pertinent fact, that the proposal does not conflict with any of the aims or objectives of the planning policy in relation to the protection of the Green Belt listed above (paragraph 4.2) in Policy ENV1.
- 4.7 The appellant argues that the proposal is a unique case, which deserves to be considered as a modest exception to ENV1 due to the specific location and siting of the new dwelling, that can be delivered without harm to the purpose of the Green Belt designation. This should reduce any concern, as raised by neighbours, about setting precedent for Green Belt development, given the nature of this site is entirely specific to its location and surrounding context, and cannot easily be replicated elsewhere.
- 4.8 The appellant has deliberately restricted the red line boundary for any development to a small and inconspicuous part of their wider landholding in this area. There are no development proposals for the remainder, and much more significant element of the appellant's land holding (c.75%). The existing woodland, which arguably does serve the Green Belt function intended by the allocation, will be retained, and enhanced by well-chosen tree planting (c.100 new stems).
- 4.9 The proposal can therefore be delivered on the site without encouraging any coalescence. The proposal is in fact entirely screened from any views from the west, and the approach to the settlement, by the existing wooded area and boundary planting which will be retained. Again, this should be significant comfort to those objectors, for which this issue was a concern.
- 4.10 There is no danger of the proposal creating unsustainable growth or suburbanisation. It is a single dwelling, adjacent to other existing dwellings on Wadingburn Lane forming a logical extension to the existing building group. The existing houses to the south, already extend the settlement further west than the proposed development will. Whilst there will be some element of car use, like every household with a young family and not dissimilar to those of the houses surrounding the plot which have already been permitted.
- 4.11 The property will have easy and immediate access to public transport and is within walking distance of local amenities. The proposed home is a family dwelling, which allows sufficient room for working from home, a trend that has followed the pandemic, and further reduces the necessity of car-based commuting daily. We therefore see no conflict with the principle of green belt designation in this location, and in fact no need for its designation on this part of the site. The appeal proposals

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will have no material or adverse impact whatsoever on the character of the Green Belt.

- 4.12 We also consider that that the proposals meet all the requirements for development in the Green Belt, as outlined under NPF4 Policy 8 (part ii) and that other NPF4 policies offer significant material considerations in favour of this development. We outline this below.

Requirement for Green Belt Development (NPF4 Policy 8 Criteria)	Appellant's Response
Reasons are provided as to why a Green Belt location is essential and why it cannot be located on an alternative site outwith the Green Belt;	<p>The applicant is a long-time local resident and wishes to move closer to Lasswade and amenities, whilst retaining a sense of rural living. They have been looking for a suitable plot for some time to build a bespoke family dwelling that can deliver the flexible open plan living/work/leisure space that a growing family now desires. The proposed site provides an opportunity to do this, with no harm to neighbouring dwellings or the landscape character of the site.</p> <p>NPF4 must be read as a whole, and separately Policy 16 of NPF4 actively encourages proposals for <i>"new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision"</i>. It supports proposals for <i>"self-provided homes"</i> (item i.) and dwellings suited to the beneficial occupation of <i>"larger families"</i> item v. under criterion c) of NPF4 Policy 16.</p> <p>It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the style of new dwelling that the appellant is seeking to provide for their family, could only be delivered on self-build basis.</p>



	<p>Throughout NPF4 it also supports “<i>rural revitalisation</i>”. The latter is defined in NPF4 as “<i>sustainable development in rural areas, recognising the need to grow and support urban and rural communities together</i>”. NPF4 seeks to “<i>support development that helps to retain and increase the population of rural areas of Scotland</i>”. The house will be lived in by the appellant and their young family, thereby supporting local schools and services.</p> <p>Policy 16 and support for ‘<i>rural revitalisation</i>’ are significant material considerations in favour of development on this site.</p>
<p>The purpose of the Green Belt at that location is not undermined;</p>	<p>As noted above, the proposals have been carefully designed so that they have no impact on the purpose of the Green Belt designation in this location. We also question the need for a Green Belt designation on this part of the site, given its characteristics and former historic use.</p> <p>We consider approval of this proposal, would set no unwelcome precedent for future Green Belt development. The characteristics of the site that do offer a landscape setting and protect the coalescence of Lasswade will all be retained.</p> <p>Members should note that the red line boundary has been amended and reduced significantly from a previous application, as described in further detail in the planning statement submitted with the application. The proposed dwelling now sits within the far eastern portion of the appellants landholding and is closest to the existing dwellings. It is therefore atypical of a more traditional Green Belt site, in that the new dwelling will appear as a continuation of development on Wadingburn Lane.</p>

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	<p>The area is scrub land and occupied by various run-down outbuildings which would be cleared as part of the development. It offers no significant contribution to the Green Belt character.</p>
<p>The proposal is compatible with the surrounding established countryside and landscape character;</p>	<p>The officer states that <i>"The generous plot sizes and extensive areas of woodland mean that the area retains a distinctly non-urban character that warrants inclusion within the Green Belt"</i>. The proposed development represents no conflict with this character. The proposal has been designed to reflect the existing townscape by matching the existing plot sizes in the immediate area. The proposals also maintain the extensive areas of woodland that exist to the west of the proposed development site, which will be supplemented by further planting as part of the proposals, thereby preserving and enhancing its landscape setting and character. Again, the proposal will therefore not adversely impact upon the physical boundary of Lasswade or lead to coalescence.</p>
<p>The proposal has been designed to ensure it is of an appropriate scale, massing, and external appearance, and uses materials that minimise visual impact on the Green Belt as far as possible; and</p>	<p>The DAS (CD3) provides detail on the design rationale for the new dwelling. The scheme offers a high quality and contemporary design, which is fitting for the context of the site. The quality of architecture, embodied sustainability principles and landscape design should be considered as a permissible exception to the Green Belt policy, in line with other proposals that have been granted on such grounds by the Council previously (refer to Section 5 for examples).</p> <p>The proposal has been clearly shown to be a high-quality contemporary design, and the officer has confirmed that they support</p>

	<p>the design choice in their report of handling.</p> <p>Whilst the proposal will not necessarily be visible from many locations due to the surrounding natural vegetation and by the newly enhanced planting in due course. In glimpses of the proposal during winter from Lasswade Road, the development will contribute to the visual amenity and interest of the area, as do the existing contemporary developments which have already been permitted in Lasswade.</p>
There will be no significant long-term impacts on the environmental quality of the Green Belt.	<p>The new landscape proposals and green roof will foster and maintain biodiversity. The building has been set back from the area identified at risk of surface water flooding associated with Wading Burn, and SUDS will be provided to manage surface water. The building will be highly sustainable and accommodate a GSHP and Solar PV. Natural materials will be used where possible including timber.</p> <p>New landscaping proposals are outlined on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104) (CD2). The appellant will enhance the natural setting of the site with new native tree planting, to supplement the existing trees on site. In addition to natural informal areas of landscaping, more formal garden areas are proposed adjacent to the dwelling itself. We consider the proposals will provide significant biodiversity benefits as well as providing natural screening and privacy.</p> <p>Overall, the current site has been assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The ecology report submitted with the application recommends several</p>

	<p>measures to provide ecological enhancements, and these have been incorporated into the development proposal including:</p> <ul style="list-style-type: none"> ▪ Planting of native trees and shrubs ▪ Provision of bird and bat boxes ▪ Provision of green roof to the new dwelling <p>Please refer to the DAS (CD3) and Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104) (CD2) for further details. These proposals will also make a positive contribution to achieving the biodiversity actions outlined in the Midlothian Biodiversity Action Plan, and specifically the creation of pollinator habitats, and homes for wildlife.</p> <p>The proposals will therefore represent a significant environmental improvement to the site, given it is currently scrub land occupied by run-down sheds.</p>
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MIDLOTHIAN COUNCIL'S REASON FOR REFUSAL #2

4.13 *The proposed development would result in the permanent loss of an area of prime agricultural land without justification and does not fulfil the requirements of related Policy 5 of the National Planning Framework 4 or policy ENV4 of the adopted Midlothian Local Development Plan 2017 which seeks to protect such areas.*

APPELLANT'S RESPONSE

4.14 Policy ENV4 (Prime Agricultural Land) states that development will not be permitted which leads to the permanent loss of prime agricultural land (Class 1, 2 and 3.1 of the James Hutton Institute Land Classification for Agriculture system).

4.15 Policy 5 (Soils) of NPF4 also seeks to protect prime agricultural land from development, unless for essential infrastructure. However, the actual policy intent is relevant here for Members to consider. It states that the policy intent is to, "protect

carbon-rich soils, restore peatlands and minimise disturbance to soils from development to ensure valued soils are protected and restored”.

- 4.16 The Land Capability for Agriculture (LCA) classification is used to rank land based on its potential productivity and cropping flexibility¹. This is determined by the extent to which the physical characteristics of the land (soil, climate, and relief) impose long term restrictions on its use. The LCA is a seven-class system. Class 1 represents land that has the highest potential flexibility of use, whereas Class 7 land is of very limited agricultural value. Class 1, Class 2 and Class 3.1 are classed as prime agricultural land. The datasets are provided by the James Hutton Institute.
- 4.17 A map of the soils on the site, produced by the Hutton Institute, is available online at Scotland's Soils - soil maps (environment.gov.scot). We have also provided a copy of the relevant maps at Appendix 1 for ease.
- 4.18 Both the National Scale Land Capability for Agriculture Map (Map 1), and the higher resolution partial cover map (Map 2), in Appendix 1, show clearly that the site is within the 'urban area' and therefore does not have a value class or agricultural value.
- 4.19 The Soil Map of Scotland (Partial Cover) (Map 3) and the World Reference Base Soil Map (Map 4) again shows the proposed site as 'built-up land'. The historic Soil Survey of Scotland Map from 1950-1980 (Map 5), again shows the proposed site is within the defined built-up area (Appendix 1). The soils on the site have therefore not had any agricultural value in any recent historic times.
- 4.20 The officer states in their report that, *“it is accepted that the site is not in agricultural use at present, however it falls under this designation and needs to be assessed in line with this. If the applicant wishes for this classification to be removed, they should submit comments in relation to the preparation of MLDP2 for this to be considered”*. The Council's latest Development Plan Scheme (March 2023) suggests that the new MLDP2 may not be adopted until December 2026, and this is before inevitable delays in the process have occurred.
- 4.21 It seems highly unreasonable in our opinion for the appellant to be asked to wait such a substantial period in limbo for their new family home, to rectify what appears to be an administrative error. It is quite clear based on the factual evidence provided that the currently Midlothian Proposals Map has been produced incorrectly, as it does not reflect the national data, they suggest it was based upon.

¹ https://www.hutton.ac.uk/sites/default/files/files/soils/lca_leaflet_hutton.pdf

- 4.22 The national and historic data set all very clearly show that this land has always been classified as 'urban' and remains so to do this day. Development on this portion of the appellants land holding, will therefore not lead to the loss of prime agricultural land or valued soils which should be protected. As such, there is no conflict with Policy Env 4 or Policy 5 of NPF4, and so in our view this is not a valid reason for refusal.
- 4.23 We contacted the Council whilst preparing this appeal statement and asked them to clarify the source of their information, given there appears to be a clear mismatch between the national data used consistently as a reliable source of information, and the Council's own Proposals Map (Map 6). The case officer responded via email (Appendix 2), and confirmed that, *"[Midlothian Council's LDP team] have looked into your query and have confirmed that the current MLDP is out of date in regard to this application site and its prime agricultural land designation. This application site is not prime agricultural land and so policy ENV4 of the current MLDP does not apply".* **This reason for refusal should clearly now be set aside.**

MIDLOTHIAN COUNCIL'S REASON FOR REFUSAL #3

- 4.24 *The loss of landscaping because of the proposal would have a significant detrimental impact on the character and appearance of this rural area which would be contrary to Policies 6 and 20 of the National Planning Framework 4 and policies ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.*

APPELLANT'S RESPONSE

- 4.25 Policy ENV 7 says that *"development will not be permitted where it may have an unacceptable impact on local landscape character"*. Policy ENV 11 says that *"development will not be permitted where it could lead directly or indirectly to the loss of, or damage to woodland etc, which have a particular amenity value"*.
- 4.26 The reason for refusal is entirely contradictory to the officer's own report and the proposed plans submitted. The officer's report in fact acknowledges that, *"Where trees are to be lost, these will be replaced elsewhere. Additional planting is also proposed within the site"*.
- 4.27 The officer states that, *"The site extends across an area of the Lasswade Green Belt that is characterised by grassland and native woodland, comprising both mature and young self-set trees along the course of the Wading Burn. This makes a significant contribution to the local landscape character and rural setting of the northern settlement edge of Lasswade"*. These trees will all be retained as part of the proposals and enhanced by the new planting (c.100 stems).

- 4.28 The officer has raised some concern about the stability of trees on the Wadingburn Lane. They say that *"the trees within the site are generally in good condition. While some information has been submitted, it has not been demonstrated that the works can be carried out without the loss of some of these important features. There are several trees along the lane by the retaining wall and no assessment of the stability of these has been submitted. These are within falling distance to the proposed house. These may be lost if it is found that these are no longer stable after the works are carried out. Also, these may come under pressure to be felled in the future due to concerns over fall distance to or, being to the south of the house, causing overshadowing to the house and garden and overhanging the house"*.
- 4.29 The appellant was afforded no opportunity to provide any further information to the case officer during the determination of the application. This was despite asking on numerous occasions if the officer had all the information they required, to be informed that they would be in touch if they needed anything further. We subsequently asked the case officer if these comments were provided by a qualified arboriculturist or landscape officer at the Council. The officer confirmed that this was not the case, and simply provided by the Planning team themselves.
- 4.30 The appellant, conversely, however, did go to the effort of commissioning a BS5837 compliant detailed tree survey and arboricultural impact assessment, by a qualified arboriculturist which has been re-submitted with this appeal.
- 4.31 In that report, Members will see that the original design of the new dwelling was revised during discussions with the arboriculturist to allow for the retention of all trees on site (including the existing beech trees on Wadingburn Lane and a mature sycamore tree located at the main site access point). The only trees to be removed, are two immature birch trees. These trees will be replaced with suitable native species, and significant boundary planting to the edges of the site (c.100 new specimens), as shown on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-104) which far outweighs their loss.
- 4.32 With regards to concerns about stability, we asked the arboriculturist to provide further commentary to support this appeal. Their feedback is provided at Appendix 3 and copied below. They state that:
- 4.33 *"The root systems of trees do not generally show the same sort of symmetry seen within the crown. In the case of the linear feature of beech trees at Lasswade, they are well adapted to their situation. The effects of the proposals on this feature have been assessed as part of the arboricultural impact assessment."*



- 4.34 *During our initial feedback we suggested that the development was moved away from the trees and this advice was taken on board. This has led to proposals that are largely sympathetic to the tree population bordering the site.*
- 4.35 *An assessment of trees is only ever a snap shot in time and they cannot be preserved for time immemorial in the same state and condition. The feature at this site is an out grown hedge and regardless of the proposals is likely to require work in the future.*
- 4.36 *Most of the root mass of trees T74-T83 on the lane, is almost certainly offset to the south but this cannot be quantified without invasive site investigation techniques.*
- 4.37 *The British Standard says (in relation to stability) - "Trees that have good health and stability are well adapted to their surroundings. Any development activity which affects the adaptation of trees to a site could be detrimental to their health, future growth, and safety. Tree species differ in their ability to tolerate change, but all tend to become less tolerant after they have reached maturity or suffered previous damage or physiological stress".*
- 4.38 *Planning and subsequent site management aims need to minimize the effect of change. It is my professional opinion that these concerns have been addressed as part of the arboricultural advice package and that as such, concerns about the effect of the proposals on the stability of trees on the southern boundary are unfounded. All other tree related matters can be conditioned within an arboricultural method statement".*
- 4.39 The proposals will therefore not result in the loss of any trees within the site that would have a significant detrimental impact on the landscape character of this area. The original arboricultural report identifies several measures that will need to be undertaken during construction to protect the existing trees on site and we would expect the Council to apply a condition requiring a tree protection plan and arboricultural method statement, that the applicant would be happy to provide. The proposals are therefore considered compliant with Env 11.
- 4.40 The proposed development site is not within a Special Landscape Area. However, we recognise the site does contribute to the local landscape character due to its natural vegetation. For that reason, the proposal has been designed to nestle within topography of the landscape, so it reads as part of the hillside. Visibility of the dwelling will be limited itself due to the existing woodland surrounding the site, and for those reasons, we consider the scale, siting and design of the proposal is compatible.

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Figure 8: Proposed North West Elevation showing house nestled into the hillside

- 4.41 The officer themselves has already accepted in their report of handling that, “The proposed house has clearly been designed to fit into the site having been set into the existing ground levels. The design and integration into the ground would minimise the visual impact on the area, through relatively low scale development, lightweight large areas of glazing and materials sympathetic to this location within the Green Belt and a prominent site at the entrance to Lasswade”. “It is clear that the site’s context has been considered and a design solution proposed which ensures that the impact on the character and appearance of the area is minimal whilst creating an interesting and innovative building. The Planning Authority consider that the proposed development, in terms of its design, would not have a detrimental impact on the character and appearance of the surrounding area”. [our underlined emphasis].
- 4.42 As described elsewhere in this statement, the red line boundary and site layout, means that the proposals do not alter the majority of the appellant’s landholding (c.75%). The retention of the existing wooded area and the appellants intention to plant new trees, provides both landscape and biodiversity enhancements, whilst maintaining the tree buffer which protects the setting of Lasswade. The only area proposed for development, is this small area of previously developed scrub land adjacent to an existing dwelling on a lane which serves other existing dwellings to the south. A new dwelling is therefore not incongruous within this context, and

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judging from the historic maps, was in fact previously the use of the site. The predominant landscape character of the area will therefore be unaffected due to the retention of the wider land holding and wooded vegetation, and the proposals are therefore compliant with Policy Env 7.

4.43 NPF4 Policy 6 says that *“development proposals that enhance, expand and improve woodland and tree cover will be supported”*. New planting is proposed on Drawing Ref 22049-PL (2-)104 – Proposed Landscape Plan. This includes for c.100 new tree specimens. In contrast to the officer’s opinion, the proposals are in fact fully supported by Policy 6.

4.44 NPF4 Policy 20 says that proposals should, *“protect and enhance blue and green infrastructure and their networks”*. It states that, *“Blue and green infrastructure are an integral part of early design and development processes; are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management”*.

4.45 The ecology report submitted with the planning application, states that the site *“comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland”*. *“Overall, the site is assessed as providing low suitability to support protected species”*. The ecologist has recommended several ecological enhancements to create new ecological features and enhance existing ones. As such, the proposal includes for bat and bird boxes.

4.46 In addition to tree planting, a wildflower area is also proposed which will enhance biodiversity in the site and wider area and a new SUDs pond will be installed at the north of the site to allow for natural drainage. We therefore consider the enhancement of blue and green networks have been fully considered, and the proposal is fully compliant with Policy 20.

MIDLOTHIAN COUNCIL’S REASON FOR REFUSAL #4

4.47 *It has not been justified that the proposed development has been sited in a sustainable location and it fails to address the global climate crisis in this respect. Therefore, the proposed development does not comply with the aims of NPF4 and policy 1 of NPF4 specifically.*

APPELLANT’S RESPONSE

4.48 The Council state that, *“With regard to NPF4, the site is within the Green Belt and so by this and its location this is not a sustainable location. Although there are footpaths*

and public transport links in the area, the majority of trips are likely to be done by private car which is not in line with NPF4's focus on sustainability".

- 4.49 In our view, if a site is designated in the Green Belt, it does not follow that the site is in an unsustainable location. This is a broad-brush statement and does not in any way reflect the circumstances of this case or location, which we believe would have been apparent if the officer had undertaken a site visit.
- 4.50 In contradiction, the officer in fact accepts that there are footpaths and public transport links nearby, all of which the applicant would be able to take advantage of living in this location. This is the case for all the existing neighbours on Wadingburn Lane who will balance the use of local transport connections with private car use in a similar manner to that proposed by the appellant.
- 4.51 We have highlighted the walking distance to the nearest bus stop, which is approximately a 3-minute walk, in Figure 9. In Figure 10, we have highlighted the short walking distance to the local amenities of Lasswade, which is approximately 9 minutes. The proposed site also benefits from proximity to the local footpath network, as indicated by the green dashed line on the map, which continues from the end of Wadingburn Lane.
- 4.52 Both distances are easily achievable on public footpaths and would not require use of a private car. Such distances are fully compliant with NPF4 Policy 15, which seeks to encourage 20-minute 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"*.

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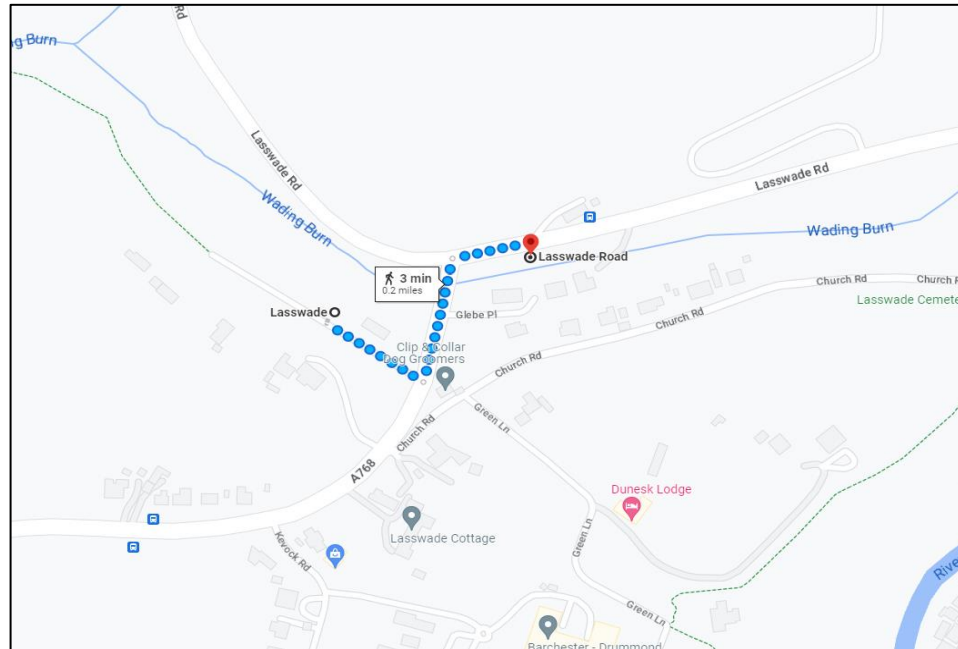


Figure 9: Walking distance from the site to the nearest bus stop on Lasswade Rd (3 mins)

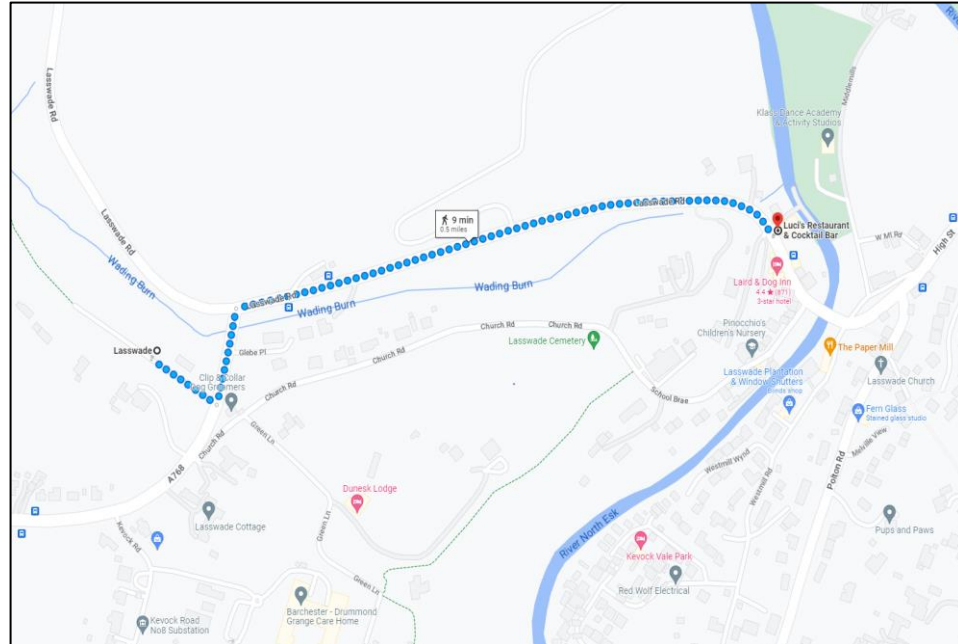


Figure 10: Walking distance from the site to the local amenities of Lasswade (9 mins)

4.53 The proposed development also forms part of an existing grouping of houses, that are both accessed from and overlook Wadingburn Lane as shown in Figure 9. It is

quite clear that the site is not an isolated development proposal within the countryside or Green Belt.

4.54 In contrast to the officer's opinion, we consider this is a well-connected site, at a sustainable location at the edge of the settlement and in easy walking distance to Lasswade and public transport.



Figure 11: Location of site within existing building group on the edge of Lasswade

4.55 NPF4 Policy 1 encourages development that, *"addresses the global climate emergency and nature crisis"*. Proposals should *"reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area"*.

4.56 Under Policy 1, it states that one of the policy impacts should be to support, *"compact urban growth"* and *"rural revitalisation"*. The latter is defined in NPF4 as *"sustainable development in rural areas, recognising the need to grow and support urban and rural communities together"*.

4.57 NPF4 seeks to *"support development that helps to retain and increase the population of rural areas of Scotland"*.

4.58 The sustainability credentials of the proposal, already outlined in this statement, include for the provision of new landscape proposals and a green roof to enhance biodiversity. The building has been set back from the area identified at risk of

surface water flooding associated with Wading Burn, and SUDS will be provided to manage surface water. The building will be highly sustainable and accommodate a Ground Source Heat Pump and Solar PV. Natural materials will be used where possible including timber. The proposal fully complies with Policy 1 on this basis.

- 4.59 The provision of a new family home in the village, undoubtedly fulfils the NPF4's vision for appropriate "*rural revitalisation*". We have already demonstrated elsewhere in this statement that the development is in a sustainable location, and the appellant will support and maintain the village by using local amenities and schools. In contrast to the officer's opinion, we see no conflict with Policy 1.

OTHER MATTERS RAISED IN THE REPORT OF HANDLING

- 4.60 Whilst the comments below were not identified as reasons for refusal, we have addressed them so that Members can see that there are no constraints relating to the development of the proposed site.

Officers' Comment	Appellant's Response
The supporting information makes reference to solar panels, Ground Source Heat Pumps and SUDs, however these are not shown on the submitted plans.	<p>This is incorrect and could have been clarified if the officer had asked.</p> <p>The solar panels are shown on submitted Drawing 22-49-PL(2)-103-01 - Proposed Roof Plan, along with the green roof.</p> <p>The Ground Source Heat Pump would be in the 'plant room' shown on Drawing 22049-PL(2)-101-01 - Proposed Ground Floor Plan.</p> <p>The proposed SUDS pond is shown in within the Design and Access Statement, and we would expect that detailed drawings could be required by planning condition.</p>
There can be noise issues with domestic Ground Source Heat Pumps and so details of this should be submitted for consideration to ensure	Please refer to Appendix 4 - GSHP brochure. This states that "noise levels are as low as a modern refrigerator". GSHPs are typically considered to be

<p>this does not impact the amenity of neighbouring properties.</p>	<p>less noisy than gas boilers and air source heat pumps. We therefore do not consider the proposal will have any adverse impact on the amenity of neighbouring properties as a result, but the appellant is happy to accept a standard noise condition if required.</p>
<p>The submitted documents indicate SUDs at the north of the site, by the burn, but this is not shown on the site plan, so it is difficult to tell if this is within the flood risk area</p>	<p>The appellant's engineer has confirmed that it is feasible to locate the SUDs outwith the flood zone with the outfall (with a non-return valve) discharging to the Burn.</p> <p>The detailed design of the drainage will allow us to establish the exact requirements and provide the Council with drawings to demonstrate this. We would expect the Council to attach a planning condition requesting these details to any consent.</p>
<p>The potential impact on Scottish Water assets needs to be assessed by the applicant to ensure this is resolved. This is not a planning matter, but any necessary changes may require an alteration to the layout.</p>	<p>The current Scottish Water assets propose no significant constraint to the development of the site, and further detailed investigation to provide any necessary offset required will be undertaken following consent.</p>

NEIGHBOUR COMMENTS

4.61 There were 12 comments submitted in relation to the original application. Of these, 7 were in favour and 5 in objection. Those in support, include all immediate neighbours of the site, for the following reasons:

- *The applicant is clearly taking significant care to propose a scheme which reflects the sensitivities of the site in terms of its rural location and Green Belt designation, which is currently occupied by dilapidated stables and overgrown weeds.*

- *The new house is going to benefit from eco-friendly technologies like PV panels and a ground source heat pump, which is commendable and should be supported given the current climate change emergency we face globally.*
- *The applicant's suggestion of retaining all significant trees and planting c.100+ new trees around the site, will not only screen the building, but vastly improve the overall appearance of the site and create lots of new wildlife habitats.*
- *The development of this plot will have no adverse impact on the Green Belt designation, when the remainder of the land-holding will be left untouched and the new dwelling will be largely hidden from view.*
- *We should all be supportive of developments that want to bring young families to the village and clearly care about having an overall positive impact on the local area.*
- *Surrounding residents see no impact on amenity and privacy, and there appears to be no road-safety issue here. Whilst the Green Lane case was objected to by most of its neighbours, the present application has found favour with all neighbours who have commented so far.*
- *The current woeful state of the entrance to the site and the dilapidated state of the wooden fence and outbuildings adjacent to the tree line bordering the northern edge of the Lane serve as further examples of years of wilful abandonment.*
- *The completion of this development will provide much needed and welcome enhancements to the overall appearance of the Lane and the western approach to this new eco-friendly family home.*
- *This development is an opportunity for the local community in terms of enhancing the considerable amenity, public access, and ecological services provision in the area.*
- *The alternative is not preservation of green belt or agricultural value but continued slow decline. This decline may even reach tipping points where access is curtailed or infrastructure (e.g., utility cables, pipe works, fencing etc.) damaged leading to considerable public and private costs.*
- *Issues responsible for a previous planning refusal in May 2018 have all been addressed.*

4.62 The objections are summarised below and responded to in turn:

Neighbour Objection	Appellant's Response
The proposal is contrary to the Local Development Plan in respect of Policy ENV 1 (Green Belt).	Please refer to the comments in Section 4 – Para 4.2 to 4.12 – for why we do not consider this to be the case.
Proposal sets an unwelcome precedent.	The unique setting and location of the site means it will not set a precedent, as it will be difficult to replicate these exact circumstances on another site.
This is the same application as was submitted previously with only a change in the design put forward as a material change.	This is incorrect, and we hope Members will appreciate the significant differences between the two applications which include, siting of the property and exclusion of the wooded land to the west, sustainability enhancements, biodiversity, and landscape enhancements, as well as a significantly improved design. We addressed all issues with the previous application in the planning statement (CD4).
If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted, the Green Belt will be filled in, one development at a time.	This is incorrect. Design, whilst important, is not the sole justification for the development on the site and all applications are considered on their individual merits. We consider the individual merits of this case – location, history, and context of the site, all justify approval in this case.
The reuse of vacant and derelict land should be the priority within settlements and stronger measures should be put in place to minimise use of greenfield sites.	In contrast, the appellant believes that the proposal does in fact support the reuse of vacant and derelict land, given both the historic use of the site and presence of run-down sheds etc.
It is suggested that the recent Green Lane application (19/00610/DPP) is more relevant than those put forward by the appellant in support of his application.	We have addressed the reasons why we do not consider this to be relevant in Section 5.

5. MATERIAL CONSIDERATIONS IN FAVOUR OF THE APPEAL PROPOSALS

Other Similar Applications

- 5.1 Land North of Barony House (known as Orchard House) - Application 17/00274/DPP
- 5.2 Planning permission was sought for the erection of a new dwelling house in April 2017, seeking amendments to a previous design approved by planning permissions 07/00236/FUL and 04/00497/FUL). This site is within the countryside, the Green Belt, conservation area and Area of Great Landscape Value.



Figure 12: Photograph of Orchard House (Now Built)

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- 5.3 Planning permission was granted for a dwellinghouse at the site in 2005. The design of the house was modern in design and materials, including areas of glazing, cladding and harling with a sedum roof. In the assessment of the application, the Council recognised that the proposal did not accord with the development plan but believed that there were sufficient grounds for a justified departure from planning policy. The innovative design and the sympathetic siting of the new dwellinghouse provided strong grounds for supporting the proposed house. The proposed design was considered to be of extremely high quality proposing a strong modern detailing and complementing materials which overrode the non-compliance with policy in this instance.
- 5.4 An amendment to this design was approved in 2007 which retained much of the form and scale of the house but reduced its size by removing a previously approved garage, reduced the amount of glazing and altered some design details and materials. Although arguably this weakened the design somewhat, it was considered that the house would still retain a sufficiently high-quality contemporary feel like the original scheme, and this was considered acceptable.
- 5.5 The principle of a house of a particularly high-quality design has been established at the site through the previous approvals. The proposed house is largely similar in scale, form, and design to the previously approved properties, with some changes to the fenestration and two single storey extensions. These amendments reflect the character and appearance of the main section of the house and the design ethos of

the building. The proposed changes arguably strengthen the design of the house approved through the 2007 permission.

- 5.6 As the site is within a Conservation Area, the officer also noted that there are mature trees which would help to integrate the development into the surrounding area. Planning conditions were attached to the consent, to require details of the management of the landscaping and woodland at the site, to ensure it is maintained. The applicant in this case, would be prepared to accept a similar condition to ensure the proposals are well integrated in to the surrounding area.

Land adjacent to 16 School Green - Application 17/00672/DPP



Figure 13: Proposed Site Plan for dwelling in the Green Belt adjacent to 16 School Green

- 5.7 Planning permission was sought for the erection of a dwellinghouse at 16 School Green, in August 2017. This site is within the countryside, Green Belt, Lasswade and Kevoch Conservation Area and an Area of Great Landscape Value. It was considered by the Council to be highly visible across the valley to the southeast. The planning officers refused the application, due to its Green Belt status. However, this decision was subsequently overturned by the Council's Local Review Body.
- 5.8 The LRB however, were of the view that the proposed dwelling by means of its siting, form, design, and materials fits into the landscape and would not be detrimental to the green belt, special landscape area or conservation area and as

such would not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

5.9 Assessment:

5.10 Whilst we understand that each case is assessed on its own merits, the cases above clearly demonstrate the tests which Midlothian have applied when permitting exceptions to their Green Belt policy. In both cases, the high-quality design of the buildings, the siting of the buildings and mature vegetation (in the case of Orchard House) were also considered sufficient to allow an exception to Policy ENV1. We ask that a consistent approach is applied in the consideration of this proposal, which equally demonstrates the exact same positive attributes to justify another permitted exception.

Other Examples Raised by Objectors

5.11 The officer and neighbours also refer to proposals at Church Road. We have looked at these applications further and their reasons for refusal. We do not consider that these are directly comparable to this case, as they were also refused on other technical grounds that are unrelated to the Green Belt designation. In contrast, the appellant has received no objections from any of the statutory consultees including roads and has support from immediate neighbours.

5.12 **Land at Coppertop, Green Lane, Lasswade (Ref 17/00782/DPP) (Refused, but not appealed).** Whilst the site was also in the Green Belt, the application was also refused on the grounds that the proposal would create additional pressure on Church Road which does not meet modern standards for residential development, which could create road safety issues. This is not a point of concern with the proposed development, and there has been no objection from the Council's roads department.

5.13 **Land South East of Orchard House, Green Lane, Lasswade (Ref 19/00610/DPP) (Refused and Upheld at LRB)** Whilst the site was also in the Green Belt, the application was also refused on the grounds that the proposal had potential for overlooking to the adjacent property, to the detriment of the amenity and privacy of existing and future occupants. It was also refused on the grounds of concerns about road safety on Green Lane. Again, neither of these issues are a cause of concern for the proposed development.

6. CONCLUSIONS

6.1 The submitted appeal, seeks the Local Review Body's approval for the "*Erection of dwellinghouse, formation of access, landscaping and associated works*" at Land North West of 4, Wadingburn Lane, Lasswade.

6.2 The LRB is kindly requested to allow this appeal because of the following:

- The proposal will have no impact upon the character of the Green Belt itself, as it is a site which is Green Belt in name only, not nature. The proposal fully supports the spirit of Green Belt policy in ENV1 and NPF4.
- The proposals will create an exemplar high-quality family home of contemporary design which contributes to the visual amenity and interest of the area and the design and siting are important mitigating circumstances in allowing development in the Green Belt.
- Development will be contained within the eastern part of the site. Existing established trees to the west will be retained, and new boundary planting is proposed to provide significant biodiversity benefits, along with bird and bat boxes.
- The new boundary planting will clearly demarcate the development site from the wider Green Belt designation. It will also provide screening and privacy for the new family dwelling, and existing neighbours.
- The proposals will not result in the loss of prime agricultural land.
- The development supports rural revitalisation, encouraged by NPF4, allowing a young family to support the local community and amenities.
- There have been no objections from any statutory consultees. The proposals are fully supported by all the appellant's immediate neighbours and the Community Council have supported the principle of development.
- Whilst it is acknowledged that each planning application is considered on its own merits, recent approvals of other dwellings within the Green Belt demonstrated similar material considerations.

6.3 In contrast to the officer's report, we consider the proposals are in fact compliant with Local Development Plan policies and NPF4. There are also material planning considerations that weigh in its favour. We respectfully request that this appeal is therefore allowed by the Local Review Body on that basis.

6 Wadingburn Lane, Lasswade Design & Access Statement



This Design Statement has been prepared by LBA to support the planning application for the development of a new single family dwelling in Lasswade on behalf of our Client.

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01 / Introduction

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The Project

This project explores the development of an exemplar new home on a vacant site on Wadingburn Lane, in Lasswade.

The site lies within the North Esk Valley and Edinburgh's Green Belt. However, the specific location and context presents an opportunity to propose a high-quality family dwelling that fits into the landscape without having a detrimental impact to the Green Belt character and which does not undermine the spirit of relevant planning policy.

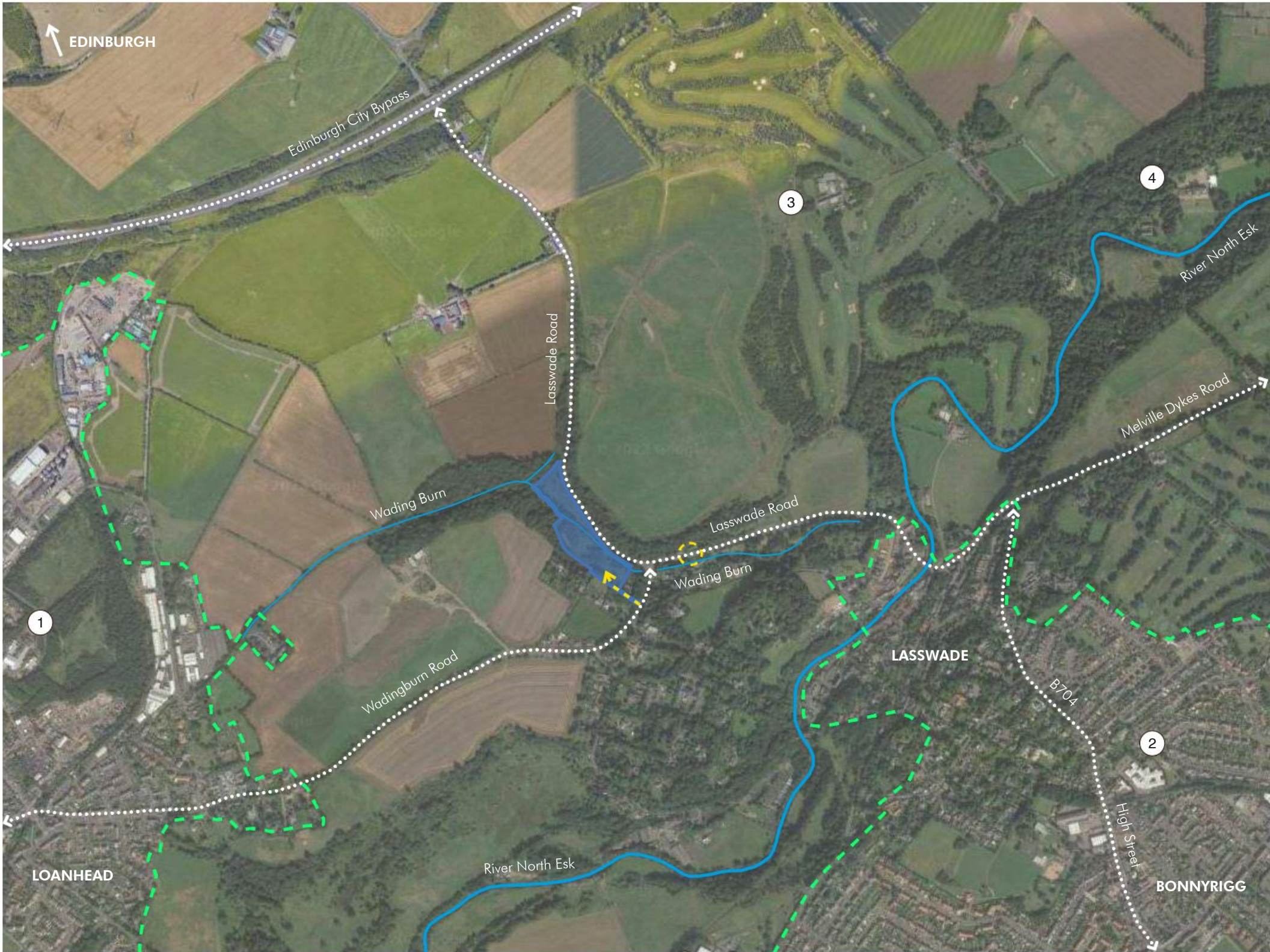
Alongside documenting the site, it's surrounding context and planning policy, this design statement explains the thought process and design-led approach that has been undertaken to create a thoughtful and considered proposal with an emphasis on creating a positive impact to it's surroundings.

Image:
View of proposed entrance from approach

02 / The Site

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Location

Located to the north-west of Lasswade, the site lies 1.2 miles from Bonnyrigg High Street, which provides access to a doctors surgery, dentist, pharmacy, supermarket and other local amenities. The High Street can be reached in 5 minutes by car and 20 minutes by foot, making the site well connected to local facilities and to the local community.

The site is also located just 5 miles south-east of Edinburgh City Centre, which can easily be reached by public transport, with a bus stop being located only a few minutes walk from the site. The number 31 Lothian bus is scheduled every 12 minutes and takes approximately 30 minutes to reach the city centre.

The site itself is bound to the north by Lasswade Road, the main road connecting Lasswade to Edinburgh, and to the east by Wadingburn Road which leads to Loanhead. The site is within easy reach of the city bypass, meaning the site is also well connected to other locations throughout the Lothians, and further afield.

Key

- Ownership Boundary
- Green Belt Boundary
- Existing Access to Site
- Bus Stop

- 1 - Loanhead Primary School
- 2 - Dalhousie Medical Practice
- 3 - Kings Acre Golf Club
- 4 - Melville Castle

Image:
Aerial view of site in wider context

Surrounding Context

Although the site is located within the Green Belt, it is surrounded by dense areas of woodland which hide the land within from view. As can be seen in the immediate vicinity, several dwellings occupy pockets of open space within the woodland areas of the Green Belt.

Furthermore, as the ownership boundary covers 1.9 hectares, the application boundary and specific site for the proposed dwelling can be carefully considered and limited to a much smaller area, taking into account existing site access, topography, tree locations, outlook and views into the site. This will be reviewed in detail in the following pages.

There are also examples of recently constructed dwellings with planning permission within the Green Belt which are reviewed in the planning context section of the design and access statement. This provides additional background to our own proposal for which we believe there is an opportunity to deliver an exemplar new home with no adverse impact to the landscape character of the Green Belt.



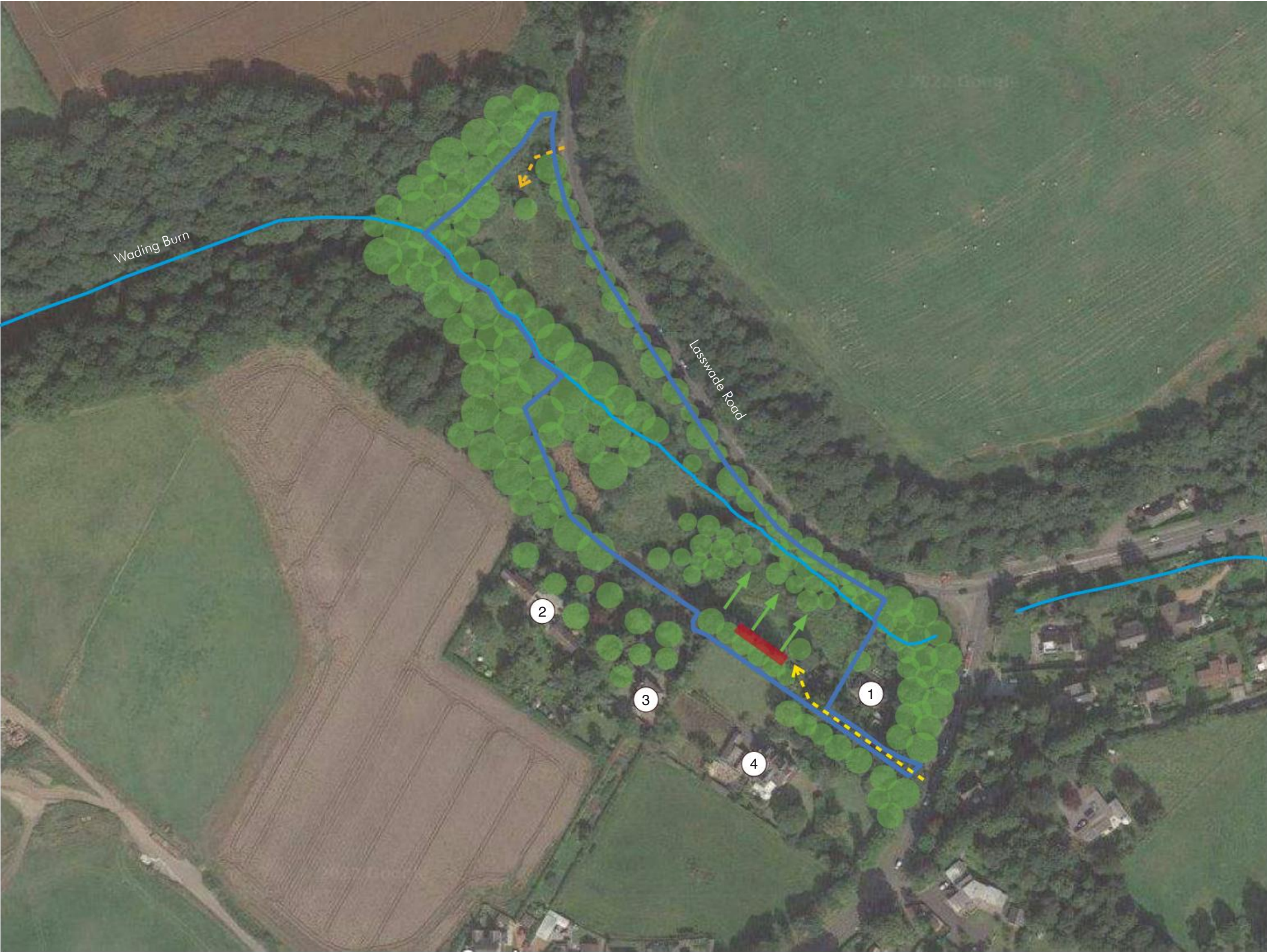
Key

- Ownership Boundary
- Green Belt Boundary
- Existing Access to Site

New build dwellings granted planning permission within Green Belt:

- 1 - Orchard House (17/00274/DPP)
- 2 - 16 School Green (17/00672/DPP)

Image:
Aerial view of site in surrounding landscape



The Ownership Site

The site at 6 Wadingburn Lane represents a sizeable vacant plot owned by the client. Large areas around the boundary, and within, are covered in dense woodland, making it an ideal location for a landscape-led design solution.

Wading Burn cuts diagonally across the site, and although there is an alternative access to the north side of the burn off Lasswade Road, this location has been discounted for development due to the land being almost level with Lasswade Road, and greater visibility into this part of the site through the less dense tree boundary to the road.

Development to the south side of the burn is more appropriate given a new home in this location would add to the already established group of housing along Wadingburn Lane, rather than being a stand-alone dwelling.

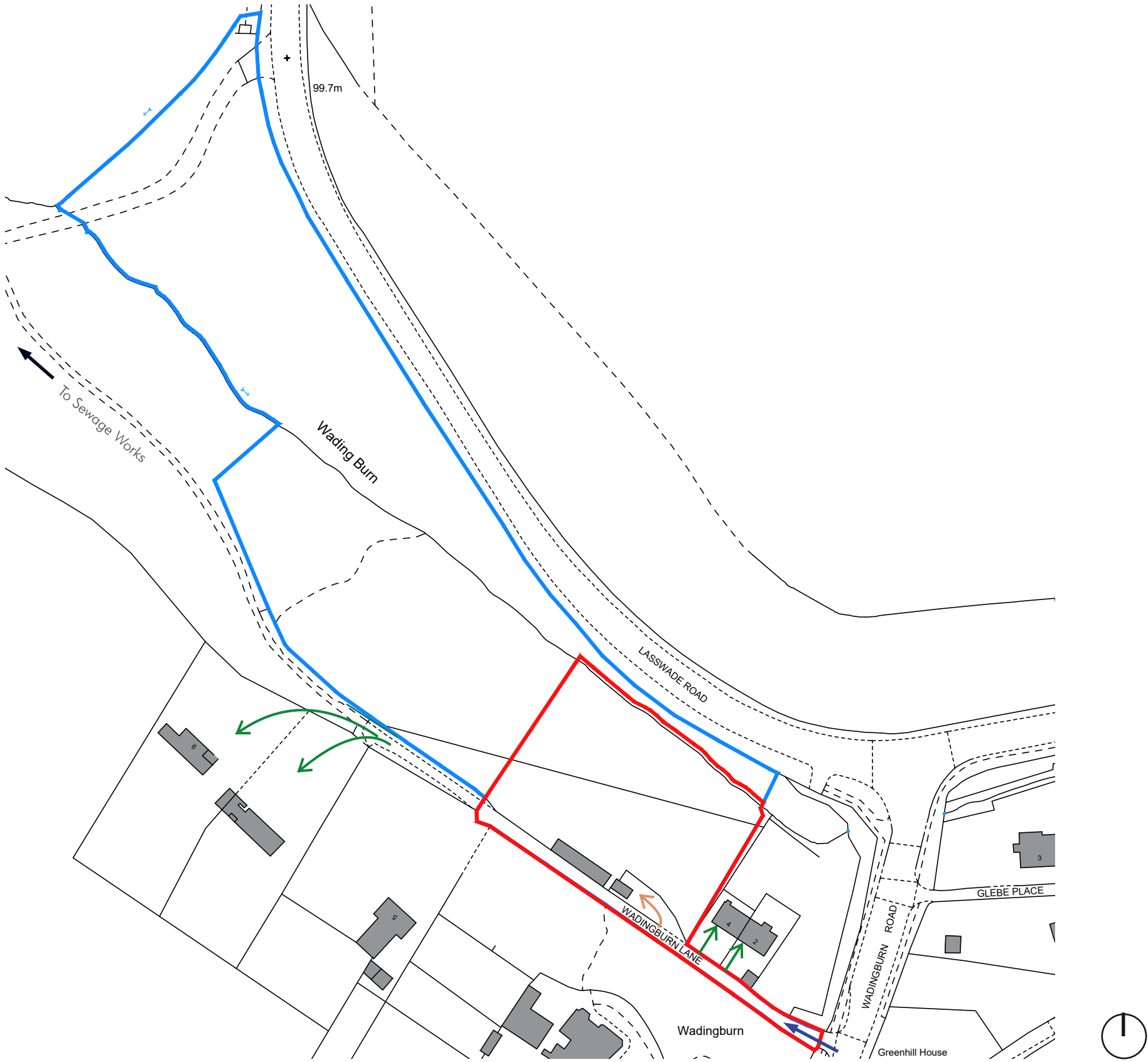
Key

- Ownership Boundary
- Existing Access to Site
- Alternative Access to Site
- Site sloping down to the north-east
- Tree coverage around the site (approx.)
- Existing timber structures

- 1 - 2 & 4 Wadingburn Lane (Cottages)
- 2 - 7 & 9 Wadingburn Lane (Detached Houses)
- 3 - Cat.C Listed Carlethan House (Detached House)
- 4 - Cat.B Listed Fettes Mount (Detached House)

Image:
Aerial view of site in surrounding landscape





The Application Site

Immediately off the existing driveway access from Wadingburn Lane are a number of dilapidated structures on the site, including a derelict timber stables building and a timber garden shed, which due to their current condition require removal, to make safe.

Utilising the area to the south of the burn for development takes advantage of the established woodland boundaries and sunken area of land between Lasswade Road to the north and Wadingburn Lane to the south. In this location the site slopes down to the burn, providing a further opportunity to design a home which can be nestled into the landscape and screened from view.

The application site boundary is clearly enclosed by Wadingburn Lane to the south, Wading Burn to the north and an existing fenced boundary to the east. The western boundary is based on historic field lines.

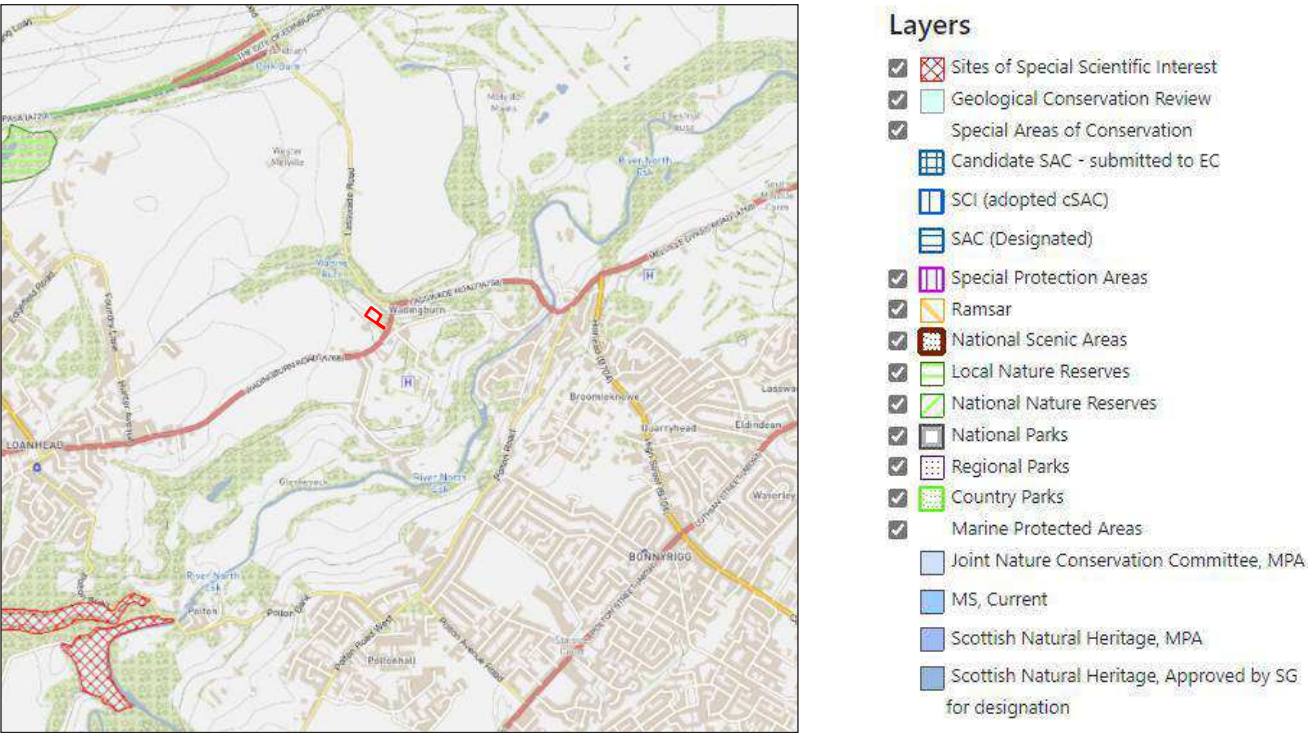
The access track is owned by the applicant up to the width indicated in the adjacent site plan, and utilised by No. 5, 7 & 9, aswell as Scottish Water to service the Sewage Works at the end of the track to the west.

- Key
- Ownership Boundary
 - Application Site Boundary
 - Existing Access to Site
 - Access to Neighbouring Property
 - Access Road

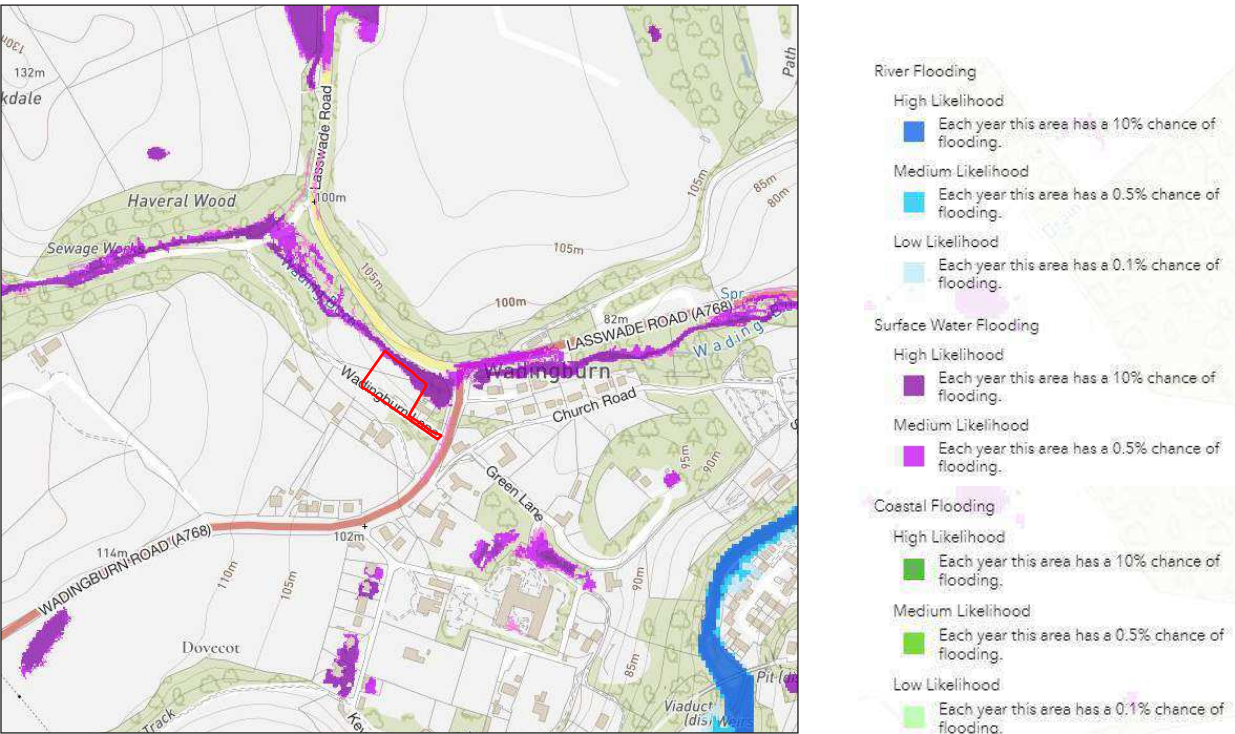
Image:
OS Map of site as existing

02 / 2 The Site - As Existing

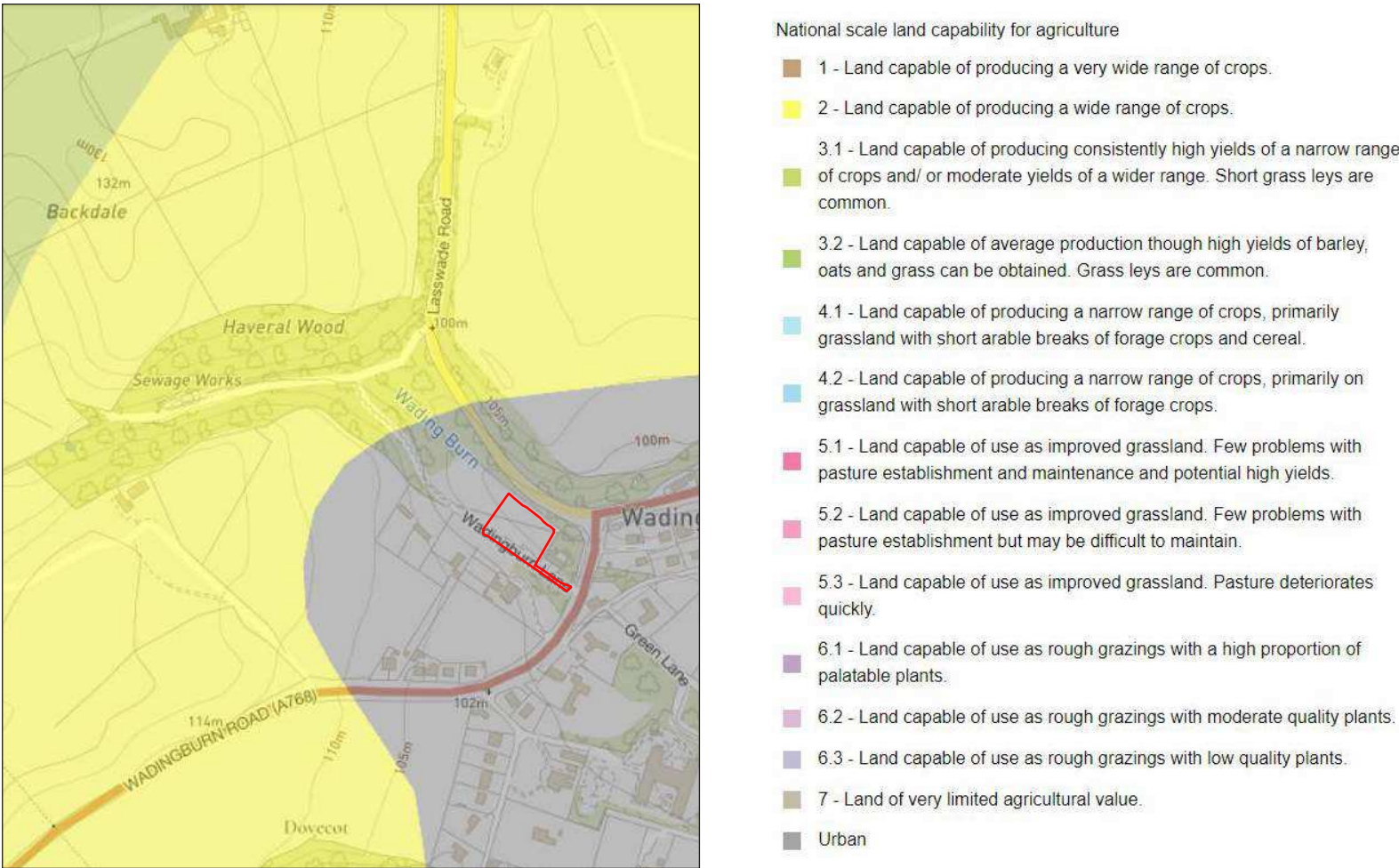
Protected Areas & Ecological Designations - No Designations



Flood Risk - High risk of Surface Water Flooding



Soil Designations - Designated as Urban



As shown above, the site has been designated as 'Urban' area on the Scotland's Soils website, which is part of the Scottish government's environment website. Therefore is not classified as Prime Agricultural land within the Scottish planning system.

That being said, part of the site is at risk of surface water flooding, as demonstrated on the adjacent map, which corresponds to the burn running along the northern boundary of the site. This has been carefully considered when siting the proposed building to ensure it will not be at risk of flooding.

Key

Application Site Boundary

02 / 3 Site Images - Approach & Views In



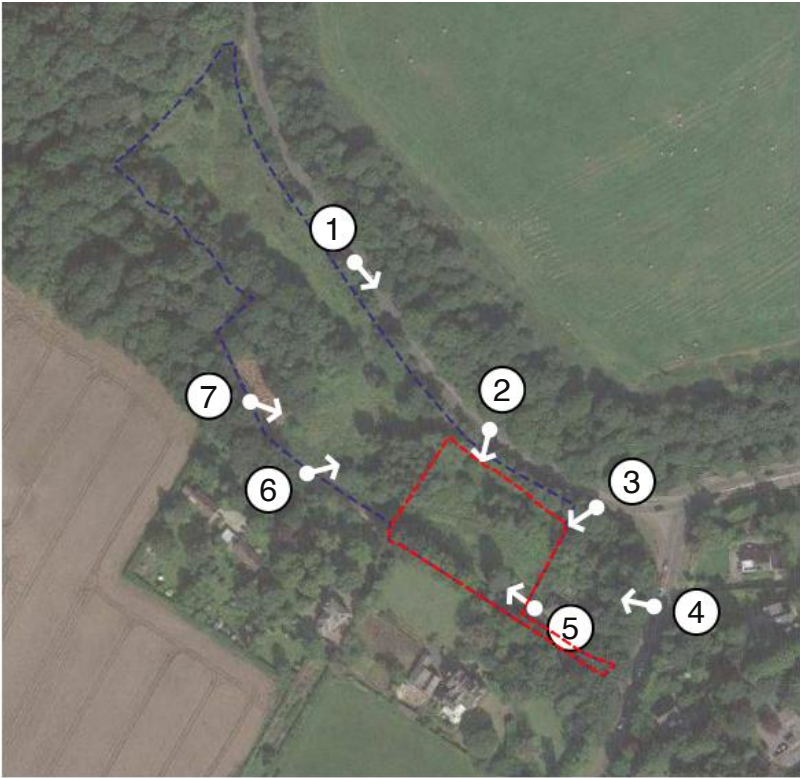
01



02



06



03



05



07



04

- 01. View down Lasswade Road to Glebe Place (application site to right).
- 02. View into site from Lasswade Road.
- 03. View into site from north-east corner.
- 04. View into site from Wadingburn Road.
- 05. View into site from existing access off Wadingburn Lane.
- 06. View north across land owned by client (application site to right).
- 07. View east from public footpath (application site behind trees ahead).

02 / 3 Site Images - Access



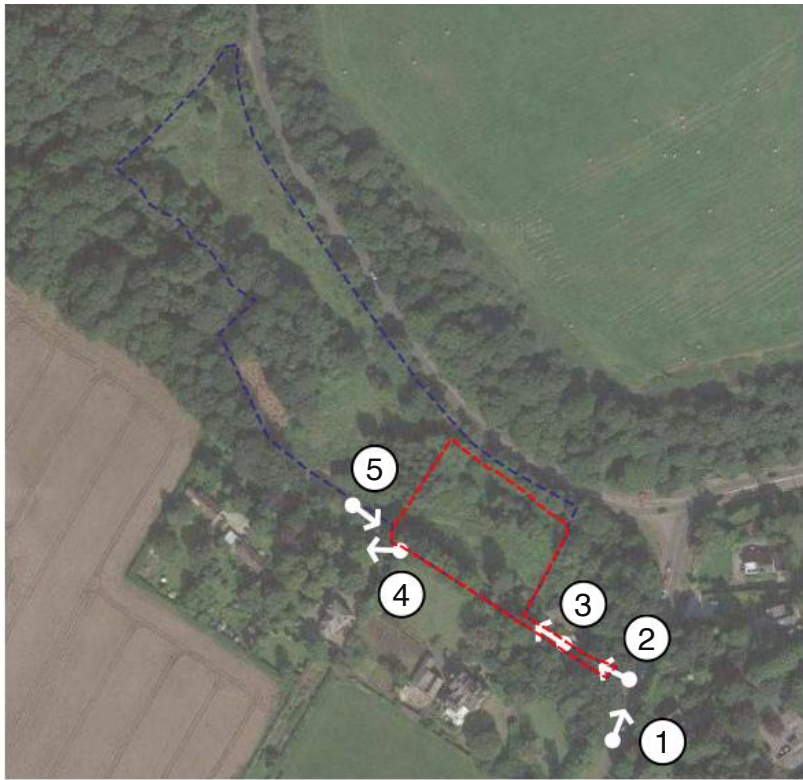
01



02



04



03



05

- 01. View north down Wadingburn Road of entrance to Wadingburn Lane.
- 02. View west along Wadingburn Lane at entrance from Wadingburn Road.
- 03. View west along Wadingburn Lane at entrance to application site.
- 04. View west of driveway to Carlethan House (left) and Wadingburn Lane.
- 05. View east along Wadingburn Lane (application site left of trees).

02 / 3 Site Images - Site & Views Out



01



02



03



04

- 01. View north towards Lasswade Road.
- 02. View south towards Wadingburn Lane.
- 03. View west to woodland.
- 04. View east towards Wadingburn Road (slope of site clearly visible and limited view of neighbouring property).

02 / 3 Site Images - Existing Buildings



Existing Buildings

The existing structures to the southern edge of the site are former timber stables and a garden shed with felt roofs. As can be seen in the photographs, these have fallen into disrepair in recent years and require removal.

The timber structures are of poor quality and do not contribute to the character of the setting.

Image:
Existing buildings to southern edge of site



Site Constraints - Access, Vegetation, Orientation

The site sits between Wadingburn Lane to the south, Wading Burn to the north, and areas of heavy vegetation to the east and west. There is a large tree adjacent to the access driveway for which the tree root protection area has been taken into account, with construction zones avoiding it to preserve the tree. Due to the orientation of the site, and surrounding trees, any potential solar gains will be limited but will be maximised where possible.

Site Opportunities - Privacy, Views, Terrain

Betterment of the site is made possible by the removal of the existing dilapidated stables and new development being kept within the application boundary (which is less than a quarter of the area of the ownership boundary) retaining the majority of the site as open space / vegetation within the Green Belt.

The application site presents some exciting opportunities for the design proposal; the surrounding vegetation creates a strong sense of remoteness, with limited views into the site from outside. Beautiful views of greenery to the north-east are further improved by the burn. The slope of the terrain allows for a split level dwelling which sits in the landscape, creating a strong connection to its physical context.

Key

- Ownership boundary
- Application site boundary
- ➔ Main access point
- ⋯➔ Sloping terrain
- ⋯➔ Key views
- Existing hedge/wooded areas
- ⋯⋯⋯ Sun paths
- Existing timber structures to be removed

Image:
Site analysis diagram

03 Local Context

Section Contents

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03 / 3 Local Architecture	24
03 / 4 Local Materiality	26

03 / 1 Historic Development

Whilst there is no evidence of development to the far west of the site, analysis of historic maps reveal that there were once several buildings to the south east of the site, and on the land adjacent. Whilst it is difficult to assess the nature of those historical buildings relying only on maps, based on their size it is likely that they were dwellings. Therefore there exists a historical precedent for that area to be developed.

- Drawing Key:
- Application Site
 - New buildings present on map
 - Historic building footprints

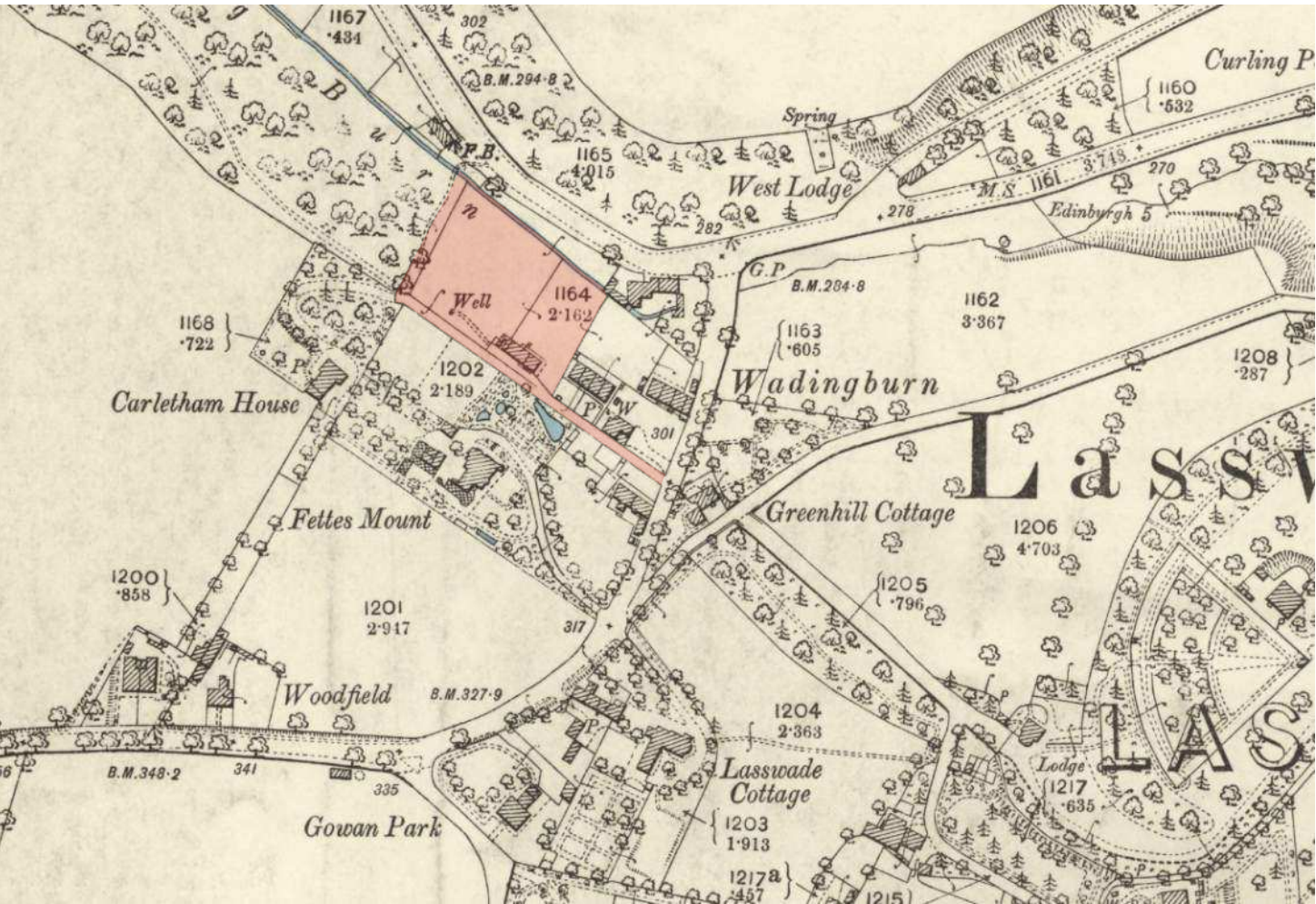


Image: OS Map, 1894

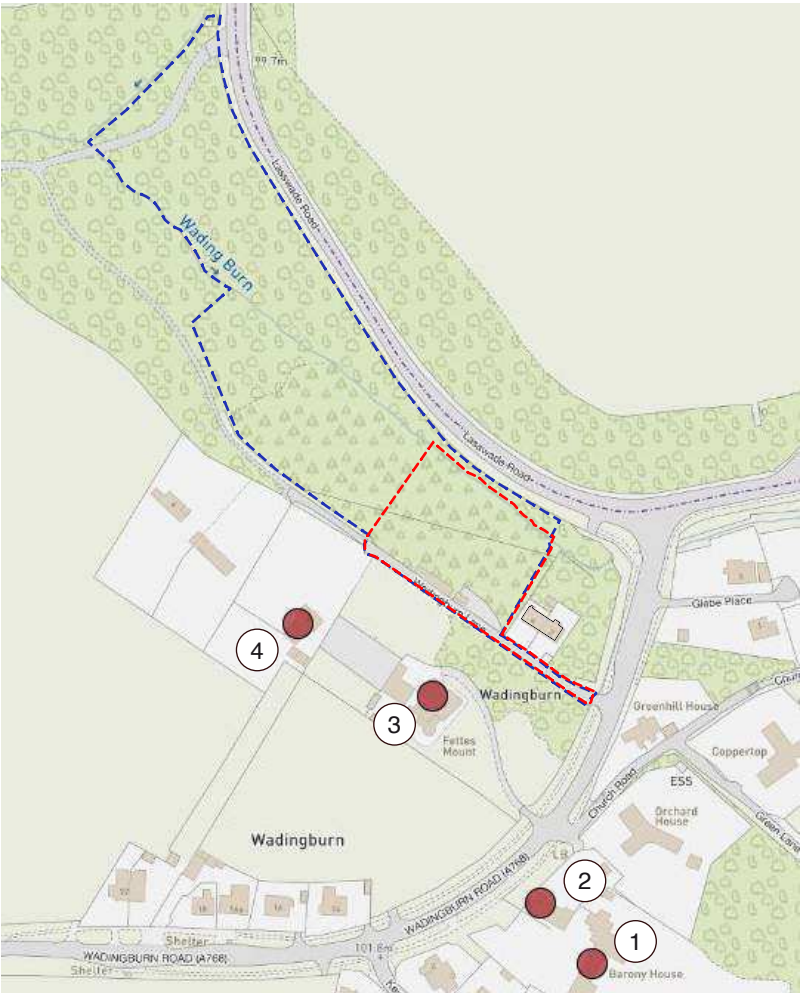


Image: Map showing areas of development and abandonment between 1900 and present day.

03 / 2 Listed Buildings

Listed Buildings in the Local Area

There are several Listed Buildings located in the parish of Lasswade, four of which are close to the site at Wadingburn Lane. These are identified on the plan below and detailed alongside.



Key

Application site boundary

Ownership boundary

Listed Buildings

1. Barony House, Wadingburn Road



Barony House (Formerly Lasswade Cottage) has been designated as Cat. A-Listed on the historic buildings register. The listing reads as follows:

Reference No.	Category	Date Added
LB7398	A	22/01/1971
Parish	NGR	Coordinates
Lasswade	NT 29700 65910	329700, 665910

2. Barony Cottage and Gateway, Wadingburn Road



Barony Cottage and Gateway has been designated as Cat. B-Listed on the historic buildings register. The listing reads as follows:

Reference No.	Category	Date Added
LB7399	B	22/01/1971
Parish	NGR	Coordinates
Lasswade	NT 29676 65939	329676, 665939

3. Fettes Mount, Wadingburn Lane



Fettes Mount has been designated as Cat. B-Listed on the historic buildings register. The listing reads as follows:

Reference No.	Category	Date Added
LB44162	B	07/03/1997
Parish	NGR	Coordinates
Lasswade	NT 29625 66037	329625, 666037

4. Carlethan House, Wadingburn Lane



Carlethan House has been designated as Cat. C-Listed on the historic buildings register. The listing reads as follows:

Reference No.	Category	Date Added
LB44161	C	07/03/1997
Parish	NGR	Coordinates
Lasswade	NT 29561 66071	329561, 666071

03 / 3 Local Architecture - Traditional



Character and Appearance

Whilst there is a broad range of architectural styles throughout Lasswade, there is also a significant amount of noteworthy traditional architecture, particularly in the conservation area.

The majority of buildings are one to two storeys in height and domestic in character. Many are built in the typical vernacular style, including exposed stone gables with stone copings.

The dominant construction material for the traditional buildings and boundary walls is blonde sandstone, either as rubble or ashlar. Harling and muted colours of lime wash are also prominent. Slate and Red pantile roofs are featured predominately throughout the conservation area. Fenestration is generally symmetrical and window frames are most commonly painted white.

Image:
Examples of traditional buildings in Lasswade & the surrounding area

03 / 3 Local Architecture - Contemporary



Eclectic Architectural Mix

Outwith the historic village centre and in various infill sites throughout Lasswade, there is an eclectic mix of architectural styles, ranging from postwar bungalows to large modern houses.

Amongst these, render and slate are the most common material choices, as well as some zinc and timber cladding.

The more contemporary additions appear somewhat out of place in the area and take little precedent from the form and materiality of the historic village centre.

A different approach will be taken at Wadingburn Lane, where we aspire to create an exemplar property both in terms of its design and sustainability. Whilst the design is of high quality and contemporary in its form, it is strongly rooted in its landscape context, with materiality taking inspiration from its natural surroundings and local rural vernacular.

Image:
Examples of contemporary buildings
in Lasswade & the surrounding area

03 / 4 Local Materiality

Roofing



Slate Roof



Pantile Roof

Walls



Natural stone walling



Render in white



Render in earth tones



Weathered larch



Western red cedar

04 Planning Context

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Introduction

Whilst a planning application for development on the same ownership site was previously refused, we believe there is an opportunity to submit a new planning application for a proposal which responds to its immediate and wider context, delivering a well considered landscape-led design.

In support of this, we note there are examples of other planning applications which have been granted in the local area within the Green Belt.

In the following pages we review these applications to provide further background to our own proposal for which there is the possibility to deliver an exemplar home with no adverse impact to the landscape character of the Green Belt.

We start by noting relevant policies from Midlothian Council's Local Development Plan which have been considered throughout the design process. These polices and further planning context are reviewed in detail in the accompanying Planning Statement prepared by Ferguson Planning which should be read alongside this Design and Access Statement.

Image:
Proposal at 16 School Green - Planning Permission Granted



Planning Policy Overview

The application site lies within Midlothian Council. Accordingly, the design process considers how the proposals comply with Midlothian Council's Local Development Plan (Adopted 2017).

There are a number of policies which require particular attention, but are not limited to;

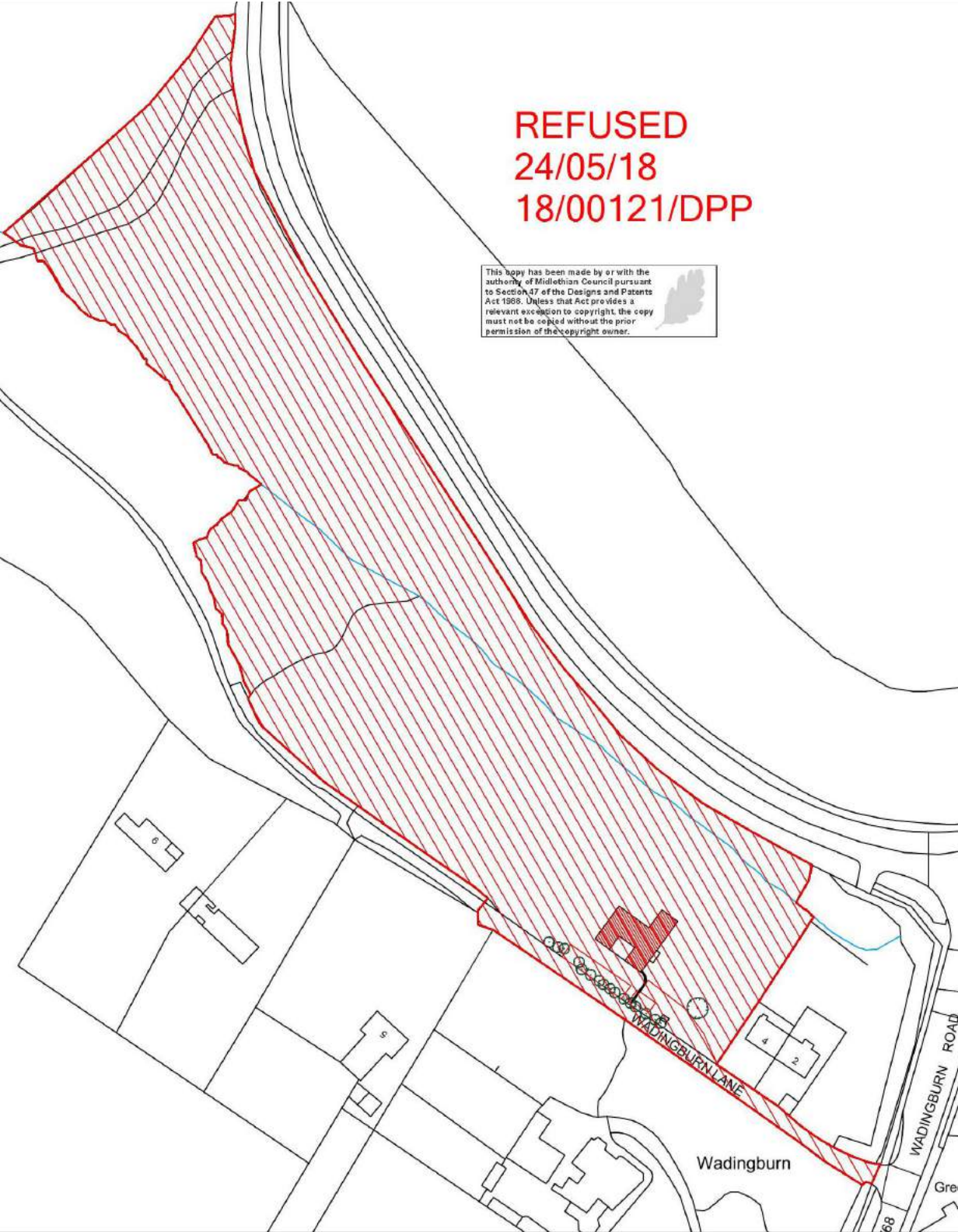
- Policy DEV5 Sustainability in New Development
- Policy DEV6 Layout and Design of New Development
- Policy DEV7 Landscaping in New Development
- Policy DEV8 Open Spaces
- Policy TRAN5 Electric Vehicle Charging
- Policy IT1 Digital Infrastructure
- Policy ENV1 Protection of the Green Belt
- Policy ENV4 Prime Agricultural Land
- Policy ENV7 Landscape Character
- Policy ENV9 Flooding
- Policy ENV11 Woodland, Trees and Hedges
- Policy ENV15 Species & Habitat Protection and Enhancement

These policies are reviewed in detail in the Planning Statement prepared by Ferguson Planning.

Key

- Ownership Boundary
- Application Site Boundary
- DEV8 Open Spaces
- ENV19 Conservation Areas
- ENV4 Prime Agricultural Land
- ENV6 Special Landscape Areas
- ENV1 Protection of the Green Belt
- Listed Buildings (Cat. A/B/C)

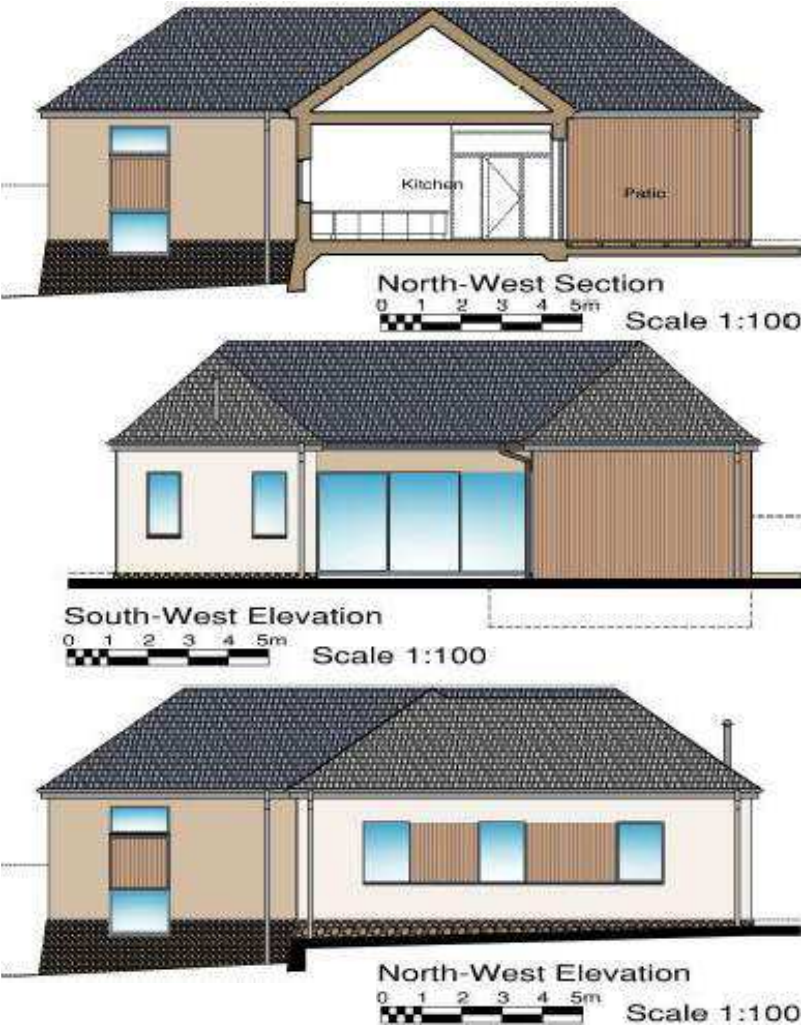
*Image:
Relevant Midlothian LDP 2017 Site Designations*



Previous Planning Application

Ref: 18/00121/DPP

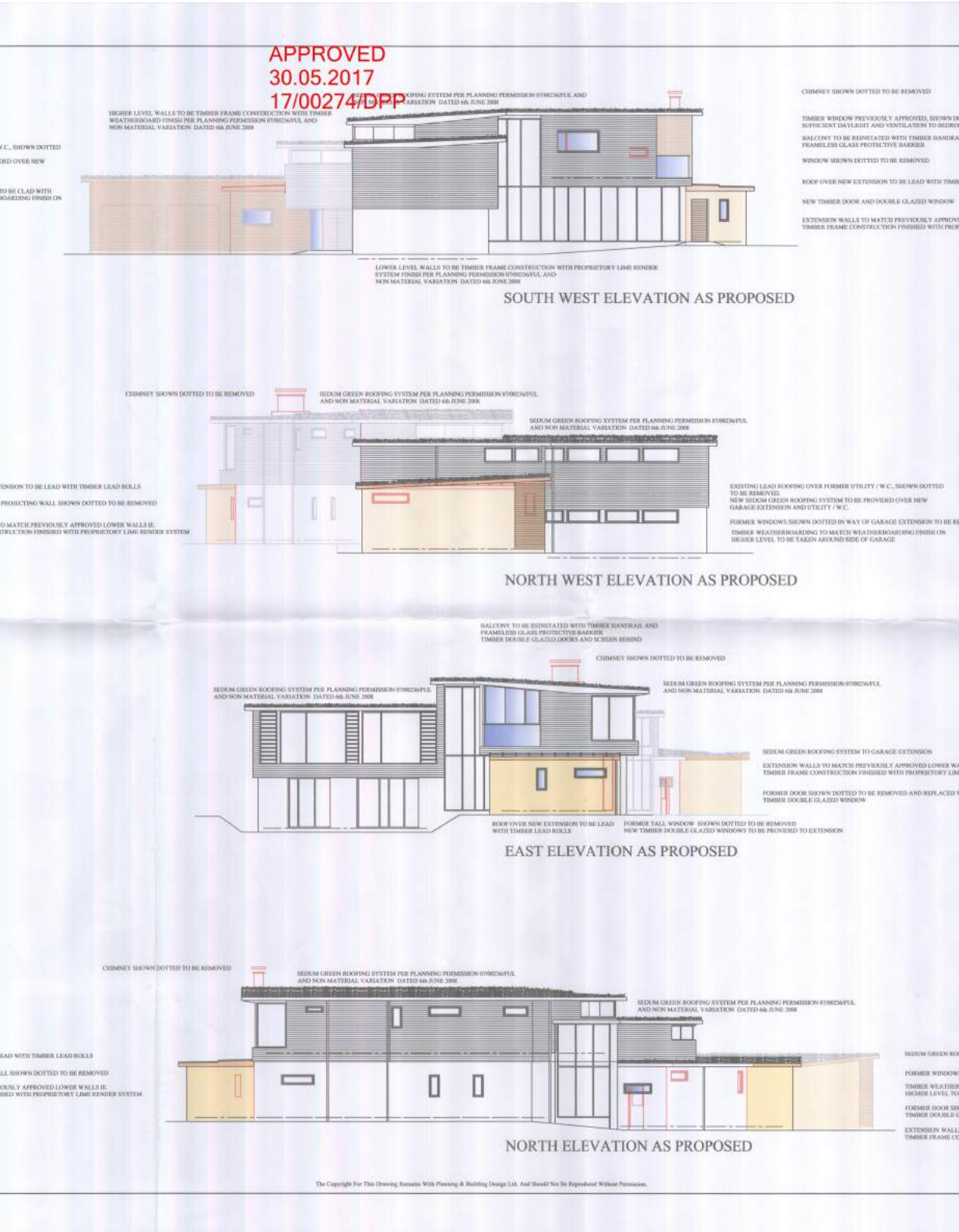
A planning application was lodged for the area of the entire ownership site on 26th March 2018 for the erection of a single dwelling, and refused on 24th May 2018 by the Local Developments department at Midlothian Council. The reasons for refusal are noted alongside. These points are addressed in our own proposal as outlined in the accompanying Planning Statement by Ferguson Planning.



Images:
Left - Proposed Location Plan (refused)
Above - Proposed Elevations (refused)

Reasons for Refusal:

- The proposed development is sited outside any identified settlement boundary and without a proven agricultural, horticultural or forestry need and does not fulfil the requirements of related policy RD1 of the adopted Midlothian LDP 2017 which seeks to protect the Green Belt.
- The proposed development would result in the permanent loss of an area of prime agricultural land without justification and does not fulfil the requirements of related Policy ENV4 of the adopted Midlothian LDP 2017 which seeks to protect such areas.
- The design of the dwellinghouse is not of sufficient good quality for this sensitive area, being neither of a traditional design nor of a high quality contemporary design. The proposed dwellinghouse would not complement or enhance the character of the area and is contrary to policy DEV6 of the adopted Midlothian LDP 2017. In addition, the lack of a high quality design-led approach is contrary to the terms of the Scottish Planning Policy.
- The development of the site boundary as proposed would result in a significant adverse visual impact on the surrounding area, through the suburbanisation of this area within the Green Belt which would be contrary to policies DEV7, ENV1, ENV7 and ENV11 of the adopted Midlothian LDP 2017.
- The development of the site boundary as proposed could result in a significant detrimental impact on protected species which could be contrary to policy ENV15 of the adopted Midlothian LDP 2017.
- The loss of landscaping as a result of the proposal would have a significant detrimental impact on the character and appearance of this rural area which would be contrary to policies ENV7 and ENV11 of the adopted Midlothian LDP 2017.



Land North of Barony House (Orchard House)

Ref: 17/00274/DPP

Erection of dwellinghouse (amendment to design approved by planning permission 07/00236/FUL and 04/00497/FUL)

30 May 2017 - Application Granted with Conditions

Reason for Approval

Planning permission was granted for a dwellinghouse at the site in 2005. The design of the house was modern in design and materials, including areas of glazing, cladding and harling with a sedum roof. In the assessment of the application, the Council recognised that the proposal did not accord with the development plan but believed that there were sufficient grounds for a justified departure from planning policy. The innovative design and also the sympathetic siting of the new dwellinghouse provided strong grounds for supporting the proposed house. The proposed design was considered to be of extremely high quality proposing strong modern detailing and complementing materials which overrode the non-compliance with policy in this instance.

An amendment to this design was approved in 2007 which retained much of the form and scale of the house but reduced its size by removing a previously approved garage, reduced the amount of glazing and altered some design details and materials. Although arguably this weakened the design somewhat, it was considered that the house would still retain a sufficiently high quality contemporary feel similar to the original scheme and this was considered acceptable.

The principle of a house of a particularly high quality design has been established at the site through the previous approvals. The proposed house is largely similar in scale, form and design to the previously approved properties, reflecting the intended character, appearance and design ethos of the building as a whole.

Images:
Left - Proposed Elevations (approved)
Above - Site Photo Orchard House (completed)

04 / 4 Nearby Planning Applications



Land adjacent to 16 School Green

Ref: 17/00672/DPP

Erection of dwellinghouse

23 Oct 2017 - Application Refused
27 Feb 2018 - Application Granted at Local Review Body

Reason for Refusal

The reason for the Council's decision is set out below:

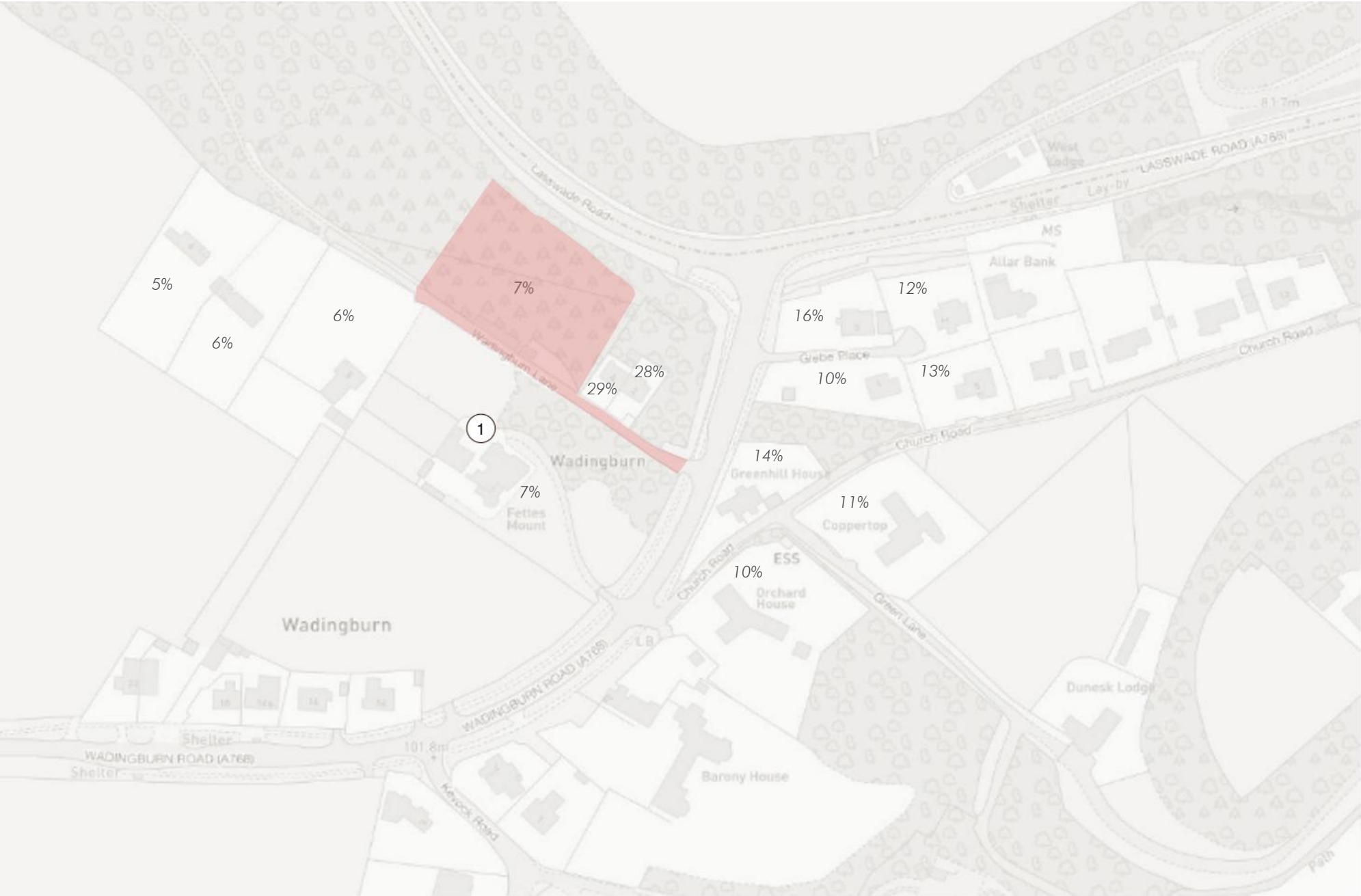
The proposed development is sited outside any identified settlement boundary and without a proven agricultural, forestry, countryside recreation, tourism or waste disposal need the development is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside and Green Belt.

Reason for Approval

In determining the review the LRB concluded:

The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

Images:
Above - Proposed Elevations (approved at LRB)
Right - CGIs (approved at LRB) and Site Photo (under construction)



Summary of Plot Sizes

The image to the left summarises what percentage of each plot has been built on. For instance, the total plot area for the Fettes Mount is 8100m², and the total building footprint is 540m². Therefore demonstrating that 7% of the plot has been developed.

The site application area is 4730m² and proposed building footprint is 350m², therefore the proposed development percentage is 7%, which is in-keeping with the development percentages of the surrounding plots.

Key

Application Site Boundary

1 - Fettes Mount

Image:
Plot Sizes & Development Percentages

05 Emerging Proposals

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05 / 1 Project Brief	37
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Client Brief

The outline brief is to create an innovative and sustainable, contemporary family home on land at 6 Wadingburn Lane. High-quality detailing and complementary materials are to be used to create an exemplar modern dwelling that is sympathetically sited in the landscape. Using the topography of the site, the dwelling should nestle into the hillside to give wanted privacy, whilst capturing views outwards of the surrounding natural landscape.

The following design features are to be considered:

- Interconnected kitchen / dining / living spaces
- Double height living spaces
- 3-5 Bedrooms with ensembles
- Home office
- Large storage provision
- Garage
- Green roof
- Views of trees to the North



Image:
Precedent images

Key Moves

The key design moves to be explored are as follows:

- 1. Utilise the existing access point to the site to define the entrance and approach to the new dwelling from Wadingburn Lane.
- 2. Utilise the area of the site which opens up after entering through the narrow strip of land between Wadingburn Lane and the existing tree / steep slope as a natural location for development.
- 3. Take advantage of the existing slope by designing a building that responds to the topography of the site, the surrounding landscape and views.
- 4. Utilise woodland areas and the sunken nature of the site, sitting below both Wadingburn Land and Lasswade Road, to nestle the new dwelling into the landscape surrounded by trees.



Key

- Application Site Boundary
- Area of site selected for development
- Existing Access Point
- Sloping Terrain
- Views Out

Image:
Existing Site Plan - Key Moves Diagram



A Dwelling Designed from the Outside-In

The key approach for the design of the new dwelling comes from understanding the site and its surroundings:

The landscape around the established dwelling location can be characterised in four main ‘zones’ including a formal driveway entrance (1), a natural landscape buffer to neighbouring properties (2), a landscaped garden / seating area for most frequent use (3), and a south-west facing lawned garden (4).

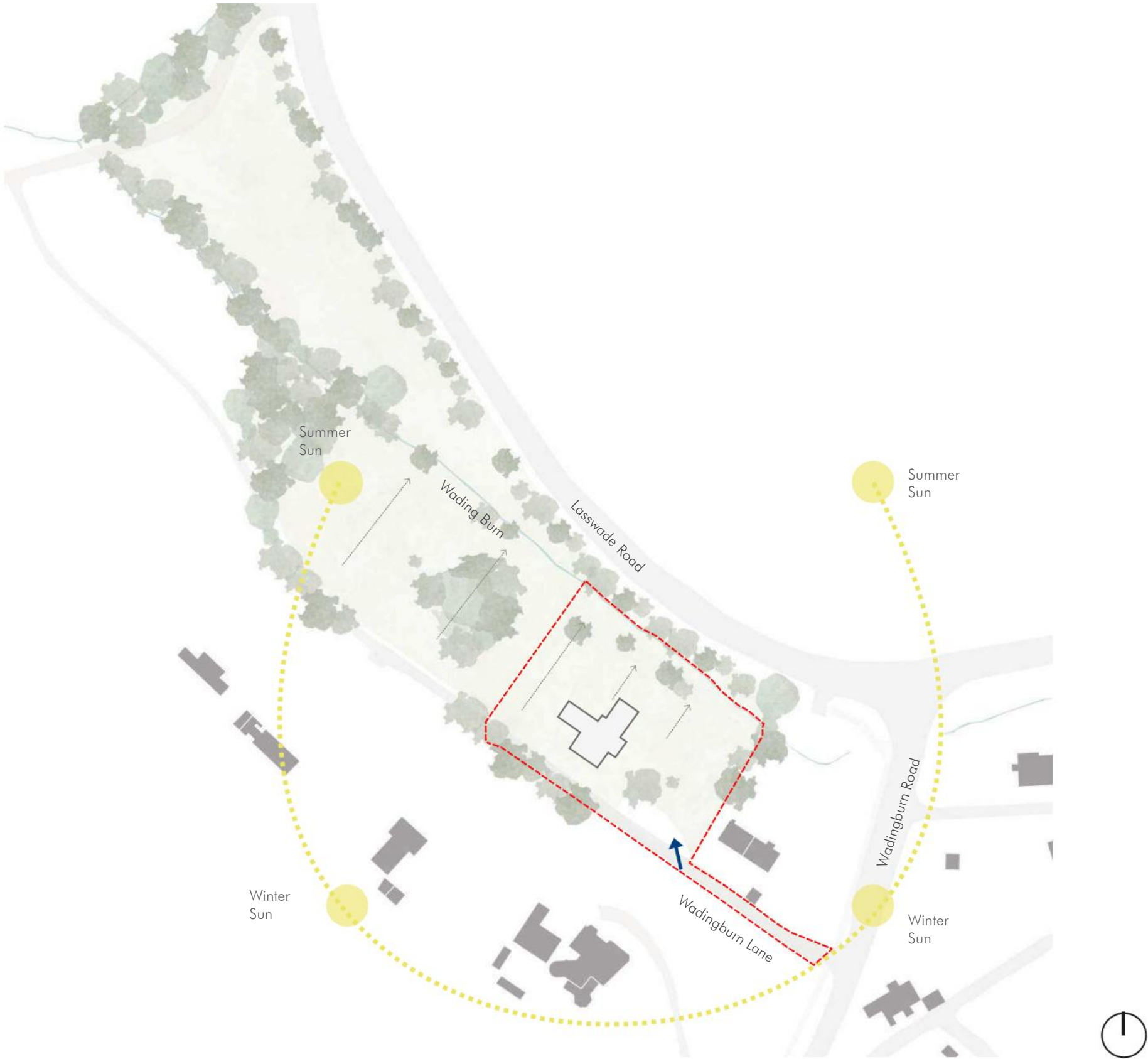
Landscape zones (1), (2) and (4) are partially enclosed by the existing site boundaries of Wadingburn Lane, trees and retaining wall to the south-west, the boundary fence and trees to the south-east and Wading Burn to the north, while zone (3) has an open connection to the surrounding landscape.

Such boundaries and connections to the landscape inform how internal areas within the dwelling are designed to create spaces that take best advantage of their immediate surroundings and views.

Key

- Illustrative Application Site Boundary
- Proposed Dwelling
- Reinstated Access Point
- Landscape Connection
- Views Out

Image:
Proposed Site Plan - Design Principles Diagram



Location Plan

Having identified an area within the application site boundary to locate the new dwelling, the building footprint is sized to ensure the development percentage of the plot size is aligned with other large family homes nearby.

The dwelling has been positioned to utilise the existing access, which will be made good post construction, and to maximise its landscape connections and views. Designed to respond to the topography of the site, the position of the dwelling also ensures it is concealed from view from outside the site, except for the approach to the building. The dwelling sits within the slope of the site and the existing dense woodland, creating a nature-positive design and minimising impact on the surrounding landscape.

Key

- Application Site Boundary
- Proposed Dwelling
- Access Point
- Sloping Terrain
- Sun Paths

Image:
Proposed Location Plan



Site Plan

Arriving to the site from Wadingburn Lane, the dwelling appears as a single story home through the trees, with a glimpse of the 2-storey element which is designed to utilise the topography of the site sloping down from the south-west to the north-east. This is the only view of the 2-storey element due to the position of the dwelling which is completely concealed from surrounding views by the existing trees.

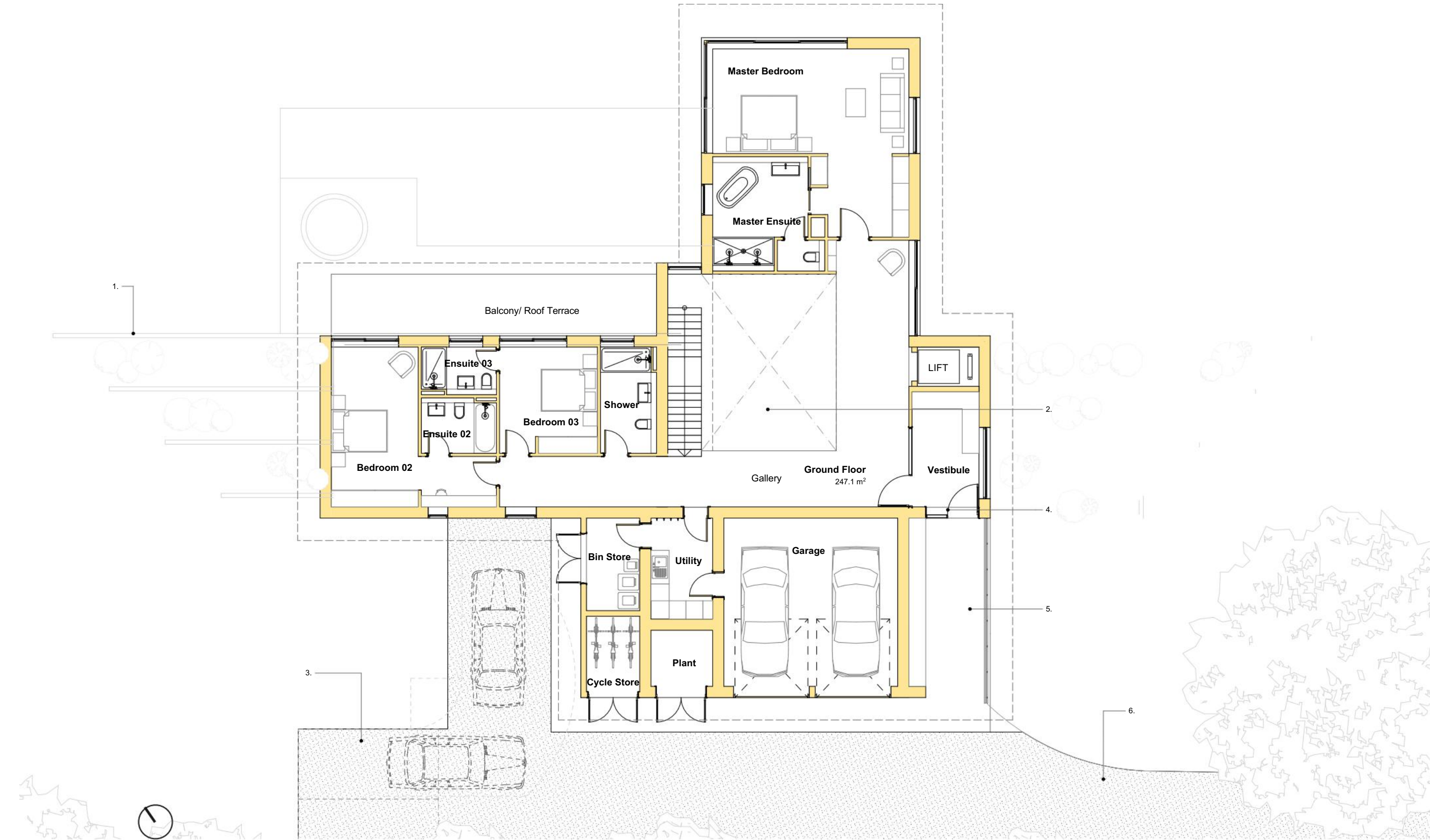
On the ground floor level, the private garage and discreet entrance vestibule opens onto an impressive double height gallery space which reveals the kitchen area nestled into the hillside below. The second and third bedrooms face towards Wading Burn, while the master bedroom has a panoramic view of the woodland from the full height corner window.

The panoramic view is continued in the living space on the lower ground floor below the master bedroom, strengthening the buildings connection to the surrounding landscape. Behind the kitchen is a pantry and store room which are buried into the hillside, while a future home office and fourth bedroom also take advantage of views towards the burn.

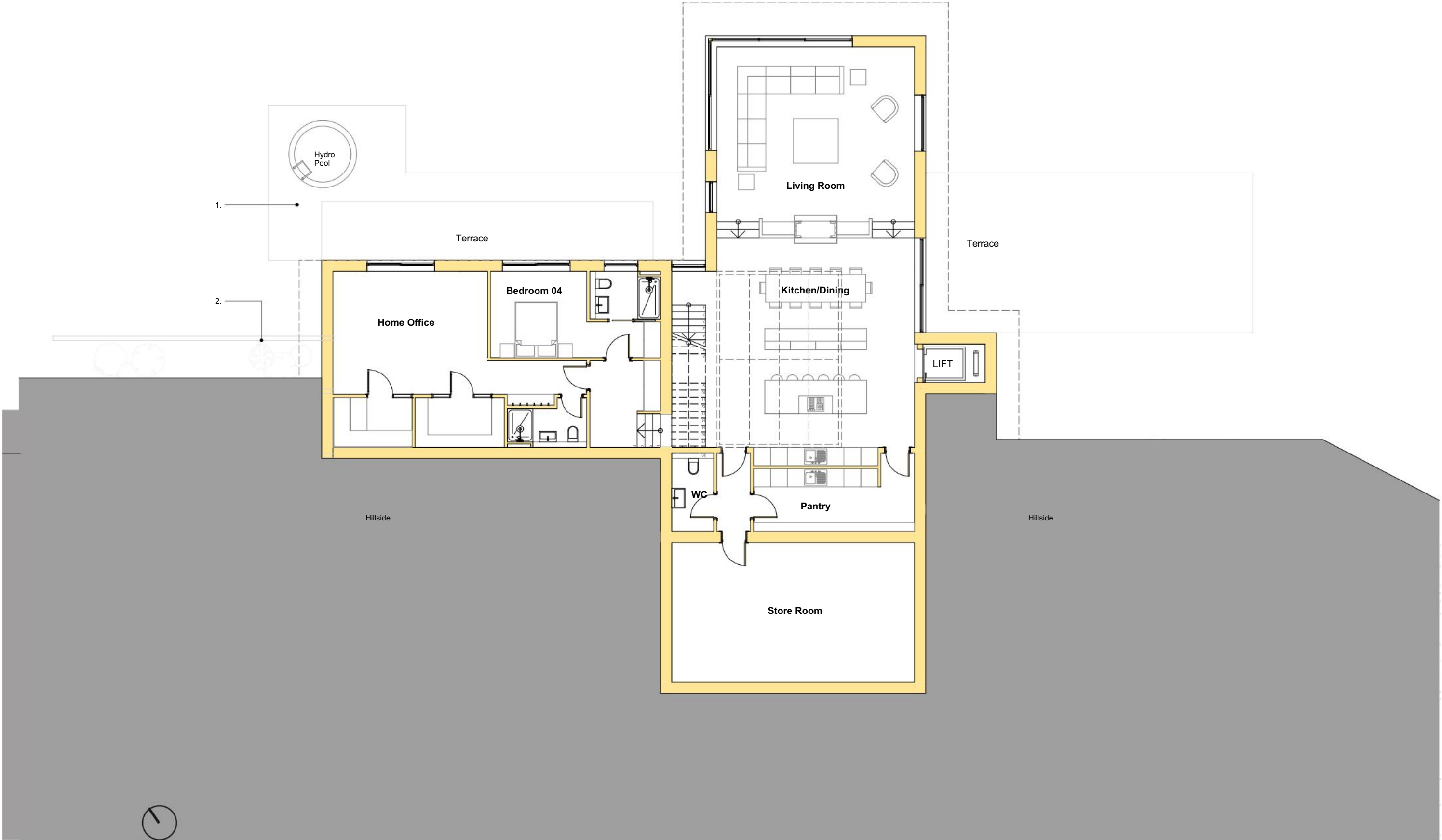
- Key
- Application Site Boundary
 - Existing Combined Sewer
 - Existing Surface Water Pipework
 - Existing & Proposed Access

Image:
Proposed Site Plan & Site Section Diagram

05 / 6 Proposed Floor Plans - Ground Floor



05 / 6 Proposed Floor Plans - Lower Ground Floor



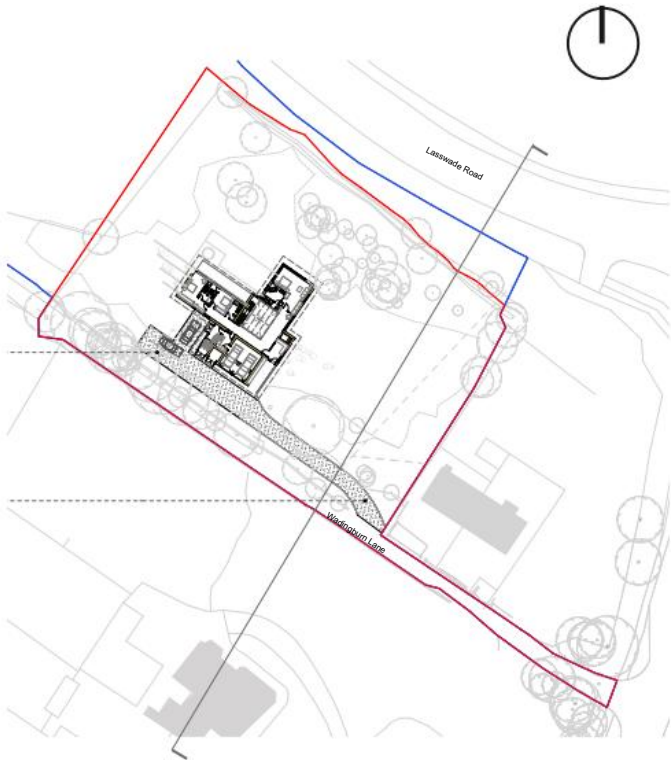


Image:
Proposed Site Section

05 / 8 Proposed Elevation

Trees are to be retained to reinforce the local landscape character and retain ecological and biodiversity benefits.

Landscaping treatment has been selected to define spaces of differing external characters to which internal spaces connect.

The topography of the site is utilised to maximise double-height views of the surrounding landscape.

The dwelling is designed to sit within the landscape with its green roof and use of natural materials, including weathered larch and stone gabion walls.

On arrival the dwelling appears as a single storey home which responds in proportion and position to the immediate neighbouring properties.



Image:
Proposed North-West Elevation

05 / 9 Emerging Materiality

Exterior



Weathered larch



Stone Gabions



Large Format Cladding Tiles



Dark Metal Roof & Window Profiles



Glazing

A Considered Approach to Quality Materials

Architecture

Quality of materials and detailing will create a locally distinctive feel to the development, whilst being rooted to the characteristics of the site and the surrounding natural landscape, and referencing the local rural vernacular.

The general approach to materiality across the site will be developed in more detail as the project progresses. However, overall it is clear the proposed emerging materiality will take a sensitive and high-quality approach, in-keeping with the character and natural environment of the setting.

Landscape

From a landscape perspective, a soft approach will be taken across the site with the aim of maximising the amount of greenery and planting, and existing trees on site will be retained where possible.

Green Roof



Green Roof & Soft Landscaping

Boundary Treatments

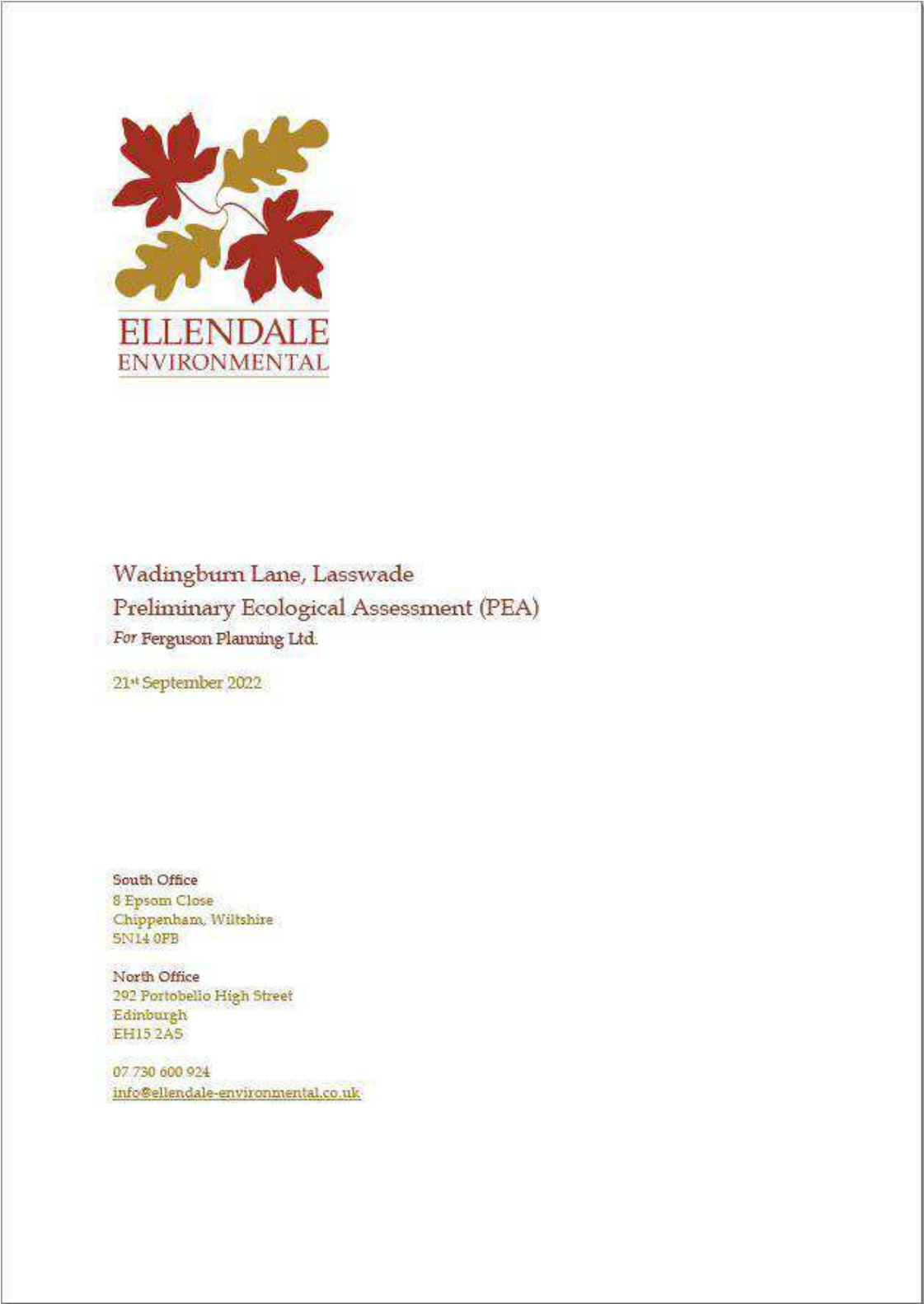
The application site is enclosed on three sides by the existing boundaries of Wadingburn Lane, trees and 2m retaining wall to the south-west, the boundary fence and trees to neighbouring properties to the south-east and Wading Burn to the north, while the boundary to the north-west will be formed with soft landscaping to maintain a soft and open connection to the surrounding landscape.



- Landscape Character Zones:
- 1 - Driveway Entrance
 - 2 - Natural Landscape
 - 3 - Landscaped Garden / Seating Area
 - 4 - Lawned Garden

Image:
Proposed Site Plan - Landscaping





Ecological Assessment

A Preliminary Ecological Assessment has been carried out for the site which identifies an area of semi-improved grassland, tall ruderal, broadleaf woodland, a pond area, the burn and old stables. Overall the site has been assessed as providing low suitability to support protected species, and no evidence of protected species was identified at the time of the survey.

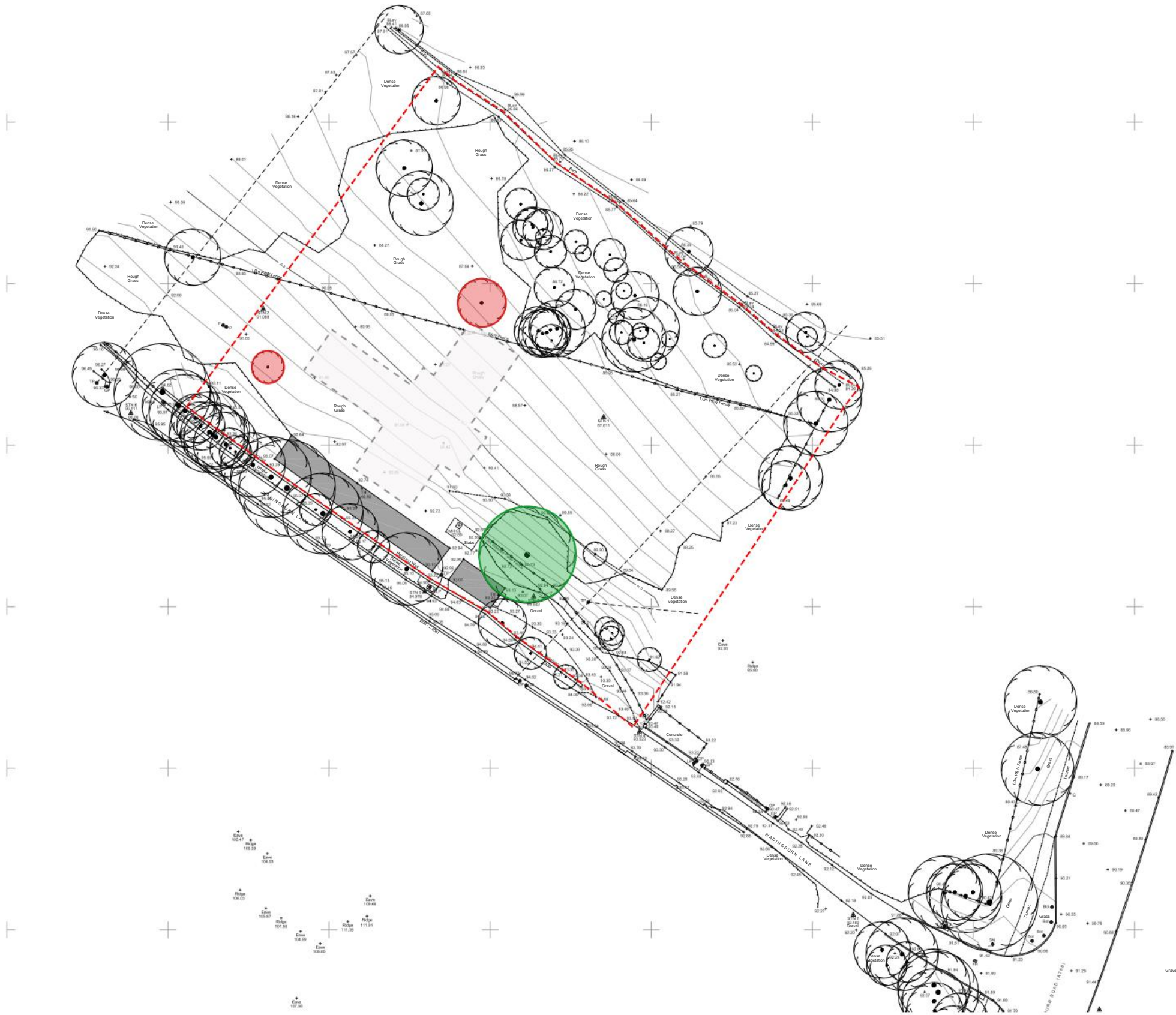
Recommendations have been made for post-construction ecological enhancements which will be explored by the Client including:

- Planting of native shrubs in appropriate areas of the site to bolster the existing habitat and provide connectivity between existing habitats;
- Clearing of vegetation and selective replanting at the pond and burn to provide habitat for a number of species including invertebrates, small mammals, common reptile and common amphibian species;
- Bird nesting boxes placed within the woodland to create nesting opportunities for small bird species;
- Bat boxes placed around the site boundary to create roosting opportunities for bat species.

Planting

The Client has begun to undertake planting within the ownership boundary to enhance the ecology surrounding the site, species include the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquif. Alaska
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

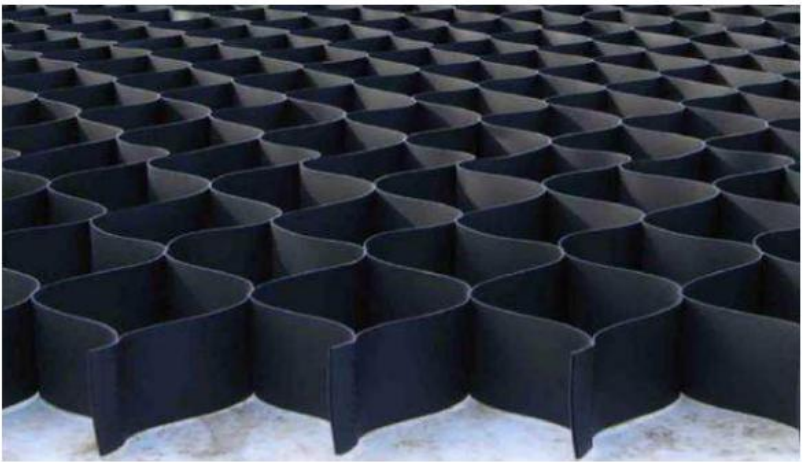


Tree Retention

As can be seen from the topographical survey which identifies the location of all existing trees on the site, we are proposing to retain all trees, including a mature sycamore tree located at the main site access point, except for the removal of 2no. immature trees. The trees being removed will be replaced with suitable native species, sited in a more appropriate location.

No site excavations will occur within the RPA's of retained trees. Protection methods will be in line with those proposed by the Project Arboriculturist.

In addition, the upgraded track to form the main driveway will be constructed using a cell web trackway to protect the RPA of the adjacent trees.



Key

- Application Site Boundary
- Proposed Dwelling
- Tree to be Removed
- Significant Tree to be Retained



Environmental Considerations and Renewables

Biodiversity

The existing biodiversity on the site will be supported by the inclusion of landscaped areas using native plant species, and a green roof. Low cost items such as areas of wildflower can increase the biodiversity of the site and respect the rural context in which the site is located.

Building Fabric

The dwelling will be highly insulated so that the construction make up of walls, floors, roofs and glazing will maximise the performance of the building fabric. Materials and components will be carefully selected to reduce thermal transmittance. This will result in less demand for heating, thus improving energy efficiency and reducing running costs.

Renewable Technologies

While the orientation of the building has been designed to maximise views out, solar PV panels will be located on suitable areas of the green roof to provide a sustainable source of energy to power / heat the dwelling.

GSHP

A Ground Source Heat Pump (GSHP) is proposed to be installed. GSHPs are a low carbon heating alternative which work by extracting heat from the ground and transferring it into the home, providing heating and hot water from the energy stored in the ground. Heat pumps are very efficient and have the potential to significantly lower energy bills.

Key

- Indicative location of SUDS soakways and detention basins
- Indicative location of GSHP
- Indicative location of Solar PV
- Green Roof

Image:
Proposed Site Plan - Environmental Considerations



Servicing Strategies

Access / Road
The existing site access located off Wadingburn Lane will be upgraded to provide suitable private driveway access to the dwelling. Wadingburn lane itself, providing access to 5 other properties, will remain as exiting.

The applicant will provide a Construction Management Plan pre-commencement on site which will detail access arrangements, site set-up and making good proposals to the track access.

Parking
2no. resident parking spaces are provided for the 4 bedroom property. The dwelling has a double garage which provides additional secure parking provision. An electric charging point will be provided, along with secure and covered cycle storage.

Refuse
Private and covered bin storage is provided behind the garage / plant room, out of site on approach to the dwelling. Bins will be presented road side for safe collection.

- Key
- Main Access Route
 - Bin Storage
 - Bicycle Storage
 - Resident Parking (2 no.)

Image:
Proposed Site Plan - Services



Image:
View on approach from Wadingburn Lane

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PLANNING STATEMENT

ERECTION OF A NEW DWELLING, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE

LAND NORTH WEST OF 4 WADINGBURN LANE, LASSWADE

NOVEMBER 2022

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1. INTRODUCTION

- 1.1 We write on behalf of Mr Bernard Flanagan (the applicant) in support of a planning application for planning permission for the *“Erection of a new dwelling, associated landscaping and infrastructure”* on land north west of 4 Wadingburn Lane.
- 1.2 The application has been submitted electronically via E-Planning (100606547-001) along with the following supporting information.

Submission Documents	Consultant
E-Planning Forms and Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd
Design and Access Statement	LBA
Architectural Drawings	LBA
Preliminary Ecological Assessment	Ellendale Environmental
Tree Survey and Impact Assessment	ROAVR Group

- 1.3 This report is set out in the following order:

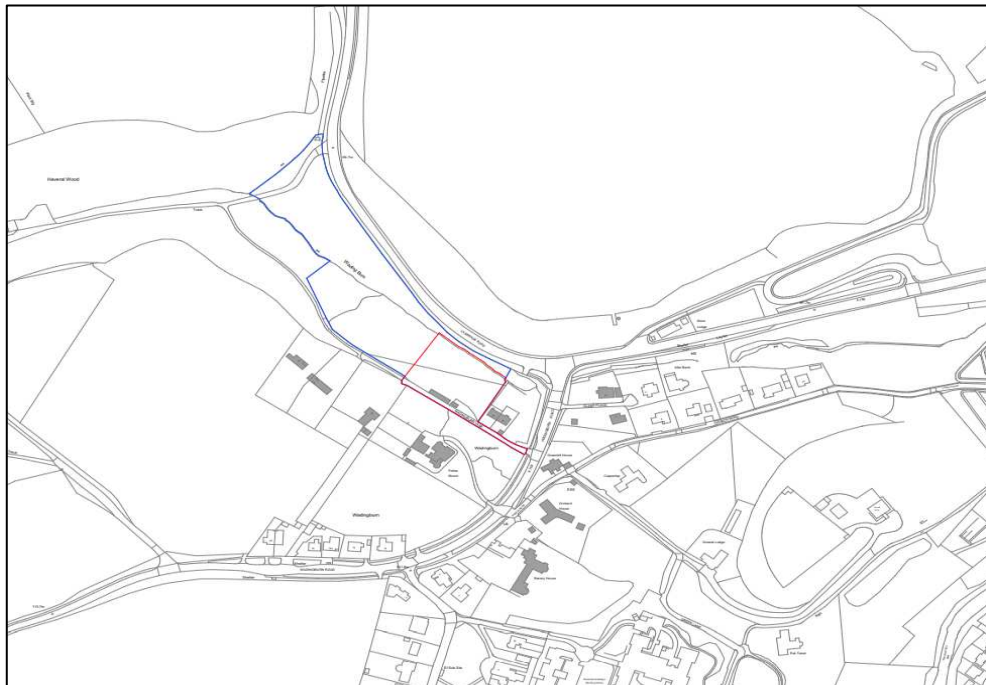
- Section 2 describes the site, site context and relevant planning history
- Section 3 details the application proposals
- Section 4 provides a summary of the relevant planning policy context and sets out our assessment of the proposal against relevant planning policy
- Section 5 sets out our assessment of the proposal against relevant material considerations; and
- Section 6 provides a summary and conclusions.

- 1.4 The information included within this planning statement should be read in the context of all supporting drawings and documents submitted with this application and listed in full at Appendix A..

2. SITE CONTEXT AND PLANNING HISTORY

The Site

- 2.1 The proposed development is located on land to the north west of the existing cottage at 4 Wadingburn Lane (see Figure 1 below). It is accessed off Wadingburn Lane via Wadingburn Road. The site is located on the western edge of the village of Lasswade which is a popular residential community approximately six miles south east of Edinburgh City Centre. It is located just off Lasswade Road to the north, which the site over looks, a busy transport route to and from the city bypass.
- 2.2 The applicant's land ownership is outlined in blue and extends to 1.9ha. This covers an area of land which includes the access via Wadingburn Lane and extends to the west alongside Lasswade Road incorporating the Wading Burn. The proposed development area is outlined in red and covers 0.46ha, equivalent to approximately 24% of the applicant's total ownership. The proposed development site is contained within the north eastern part of the site, adjacent to the existing dwellings which are also served by Wadingburn Lane.



- 2.3 The site is currently occupied by a timber shed and summer house, and the remainder is grass and vegetation including several well-established trees. Whilst the applicant's wider land holding is covered in dense woodland, the proposed development site provides a suitable clearing. It is however, bound on all sides by

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mature trees, which the client proposes to retain to provide an attractive landscape setting, and substantial screening for the for the new dwelling, as can be seen in the series of images below.



Figure 1: View of site from south west (Google Earth)



Figure 2: View of site from south east (Google Earth)

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Figure 3: View of site from north (Google Earth)

Planning History – 18/00121/DPP

- 2.4 The previous owner of the site submitted a planning application in February 2018 for the erection of a new dwelling. This was subsequently refused in May 2018. The reasons for refusal are outlined below, and we have highlighted how we have addressed those issues through this revised application:

Officer Comment	New Application - Response
The site is within an area identified as prime agricultural land which would be permanently lost because of development.	The red line boundary has been amended and reduced significantly. The proposals now sit within the 'urban' classification and entirely outwith the prime agricultural designation, which begins further to the west. The proposed development would no longer result in the loss of prime agricultural land.
The house design is neither traditional nor contemporary, appearing as a sprawling suburban bungalow which is not reflective of the area.	The new dwelling has been designed by LBA to deliver a high quality, contemporary and sustainable forever family home for the applicant. It uses the slope of the site to create a dwelling which nestles into the hillside. The dwelling utilises traditional materials



	(seen elsewhere in Lasswade) with a modern interpretation (as supported on other new dwellings in Lasswade, in the Green Belt - refer to Section 5 for details).
The house is not of significant high-quality design for what would be a relatively prominent building within the Green Belt.	The applicant is seeking to deliver an exemplar modern family home, which draws upon the existing natural landscape of the site. We consider that the dwelling sets a high bar in terms of quality and design, which provides the exception for development in this Green Belt location.
The submitted plans show the site covering a large area extending to Lasswade Road and further north. It is not clear how much land is to be developed along with the house, whether this be a small area around the house or the whole site	The overall site area has now been significantly reduced. Only c.24% of the applicant's land holding is now proposed for development, to include the new dwelling and both formal and informal garden areas, supported by new landscape proposals and additional planting.
Development of the whole site as identified on the location plan would not be acceptable. The loss of this to become garden ground would significantly change the character of the area, making a substantial transformation from a rural character to a more developed and suburban feel which would have a significant detrimental impact on the area.	The proposed development area is now restricted to a much smaller area. The plot size is now much more akin to surrounding properties, and the plot density is now c.7% (as shown on Pg 34 of the DAS), which is in keeping with the development percentages of neighbouring plots. The rest of the applicant's land holding will be unaltered and the rural character of this approach to Lasswade will therefore be retained.
Although at present there are houses adjacent to the site, their associated garden grounds are constrained and appropriate to the surroundings, rather than extending to a large extent which could have a significant adverse visual impact on the area.	The proposed development area is now constrained to an area which is not dissimilar to other larger properties in the immediate area. The plot will be demarcated by existing and proposed tree planting to create a clear distinction between the dwelling and associated garden ground, and wider Green Belt designation.
The proposal also has potential to have a significant impact on wildlife in	The applicant has submitted a Preliminary Ecological Assessment with

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<p>the area. Although representors have stated that several species would be affected if the whole site were developed, the Council's Biodiversity Officer considers if development were contained to an area around the proposed house, there would be limited impact. However, if it were extended to the whole application site, a biodiversity survey would be required to assess the wildlife impact, particularly badgers.</p>	<p>the application. Overall, the site was assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.</p> <p>Recommendations have been made for several ecological enhancements at the site, including planting of native shrubs, bird nesting boxes and bat boxes.</p> <p>These recommendations have been taken on board by the applicant and are outlined in the DAS and submitted landscape drawing.</p> <p>The reduction of the development area also means that the remainder of the site will be unaffected, taking on board the Council's previous recommendation.</p>
<p>The submitted plans appear to show that the existing landscaping along Wadingburn Lane is to be removed and replaced by new hedging. This landscaping reflects the rural character and makes a positive contribution to the surrounding area. The loss of this landscaping would have a detrimental impact on the rural character of the area.</p>	<p>The existing landscaping along Wadingburn Lane will now be retained.</p>
<p>The mature tree within the site which is to be retained is to be positioned within the proposed driveway and very close to the proposed retaining wall. It is highly likely that the roots of this tree would be affected by the creation of this retaining wall which could significantly damage the health of the tree. This tree adds to the landscape character and its loss should be avoided.</p>	<p>The mature sycamore tree at the entrance to the site will be retained. The Tree Survey submitted with the application, recommends that the upgraded track to form the main driveway to the site is constructed using a cell web trackway to mitigate against any potential damage to root protection areas.</p>
<p>Overall, there is no policy support for a dwellinghouse at this site within the Green Belt, nor are there any material</p>	<p>We consider that the proposed revisions to the application, since the previous submission and the high quality and</p>

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FERGUSON PLANNING



planning considerations which would otherwise justify approval.	contemporary nature of the family home, together with the material planning considerations outlined in Section 5 of this report, would allow for a departure from the Green Belt policy and justify approval.
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3. PROPOSED DEVELOPMENT

3.1 This section sets out details of the proposed scheme which forms the subject of this planning application. The description of development is as follows:

“Erection of a new dwelling, associated landscaping and infrastructure”

3.2 As shown in the indicative image below, the intention is to create a high quality and contemporary family home which utilises the existing topography of the site and is nestled into the existing landscape whilst respecting and enhances its natural surroundings.



Figure 4: 3D Image provided by LBA - View on approach from Wadingburn Lane

3.3 Full details of the development are set out in the submitted Design and Access Statement (DAS) prepared by LBA but briefly, the principal elements of the application comprise:

- A contemporary family home with four bedrooms, and open plan living areas to accommodate a young family and modern lifestyle.
- A dwelling which utilises the existing topography of the site, with one and two-storey elements stepping down the hillside, including double height windows to take advantage of the rural views.
- Two new car parking spaces will be provided, with an electric charging point and secure covered cycle storage.

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- High quality natural materials including timber and landscaped surrounds to create a dwelling which sits comfortably within its surroundings and is screened from view, protecting both privacy of the applicant in their new family home and existing neighbours.
- A focus on sustainability through choice of building fabric, use of solar PV panels, ground source heat pump and new landscaping to include SUDS and planting to enhance biodiversity.

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4. POLICY CONTEXT AND PLANNING ASSESSMENT

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'

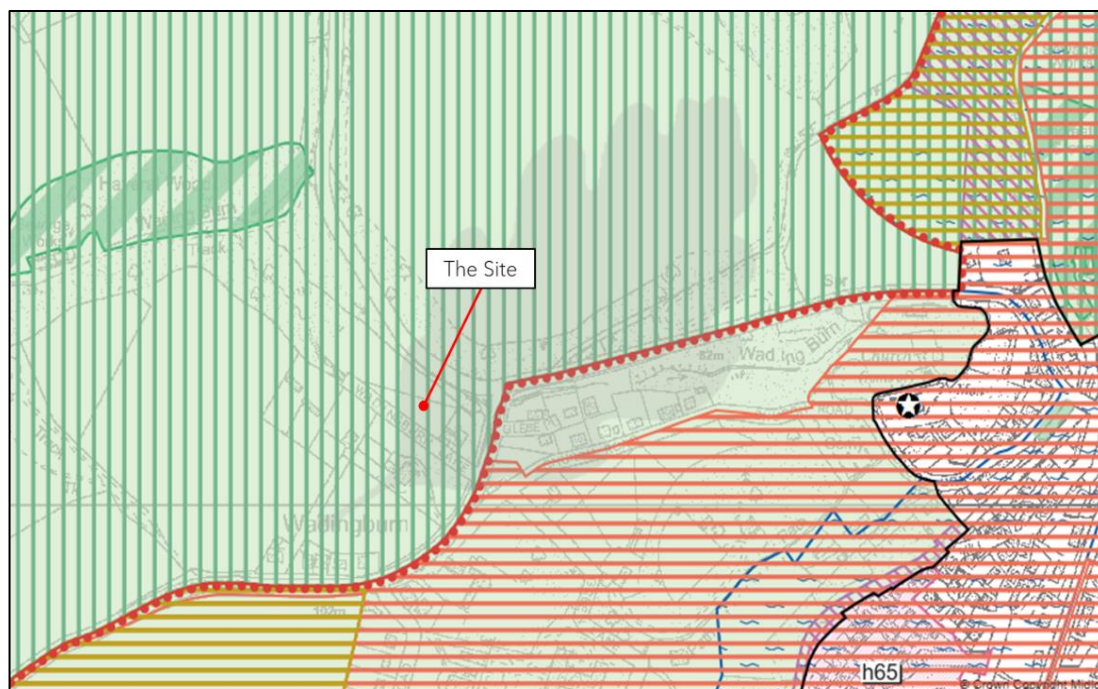
4.2 Within this context, the Development Plan covering the properties comprises the:

- SESplan Strategic Development Plan (2013); and
- Midlothian Local Development Plan (2016)

4.3 As the proposals are not of a strategic nature, we have not considered the SDP policies in further detail. We assess the proposals in line with the relevant Local Development Plan policies below.

ASSESSMENT OF PROPOSALS - DEVELOPMENT PLAN

Site Specific Policies



4.4 Within Midlothian Council's Local Development Plan (LDP) (2017) the site is shown to be located within the Green Belt (ENV1) and Prime Agricultural Land (ENV4).

4.5 Our review of other relevant designations relating to the site conclude that:

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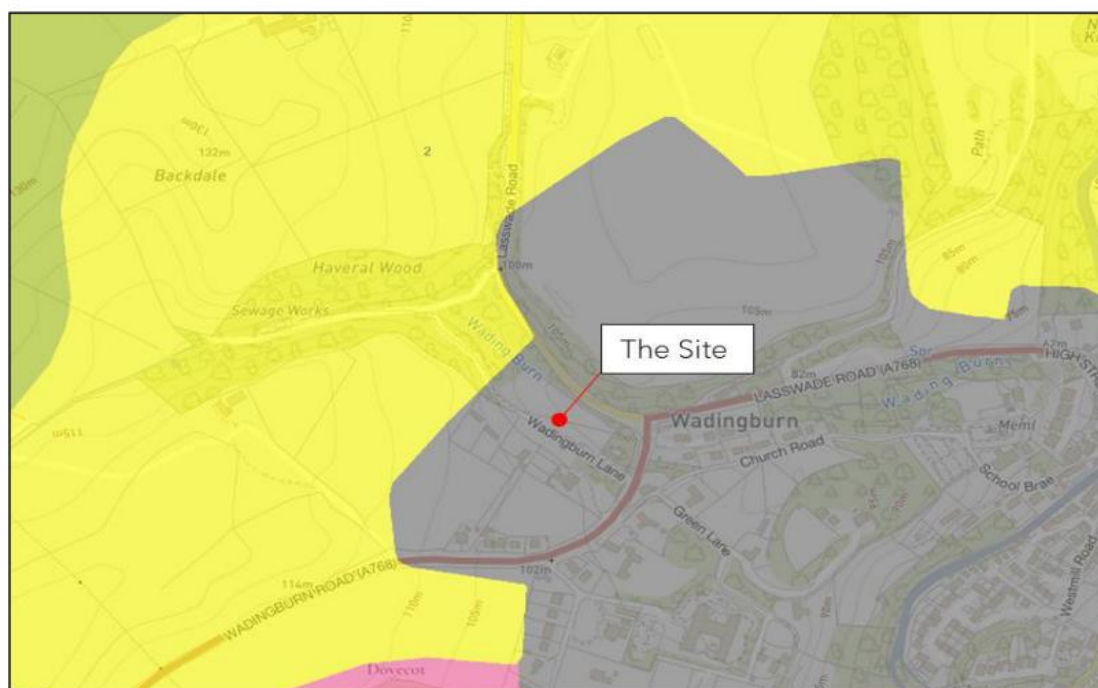
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- The site is not within a Conservation Area.
- There are no statutorily listed buildings on site.
- The SEPA flood risk maps show that part of the site is at risk of surface water flooding – concentrated in the north eastern portion of the site around the Wading Burn.
- Wadingburn Lane is identified as a Core Path.

Principle of Proposed Development

- 4.6 **Policy ENV4 (Prime Agricultural Land)** states that, “development will not be permitted which leads to the loss of prime agricultural land (Class 1, 2 and 3.1)”.
- 4.7 **Assessment:** Whilst the site is identified within the LDP Proposals Map as prime agricultural land, the ‘land capability for agriculture’ map available through [Scotland’s environment map](#) shows that this in fact only affects the western part of the site (yellow shading). The proposed development area identified by the red line boundary on the site location plan, falls entirely within the area classed as urban land (grey shading). This policy is therefore not considered applicable as it will not lead to the loss of prime agricultural land.



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4.8 **Policy ENV1 (Protection of the Green Belt)** states that *“Development will not be permitted in the Green Belt except for proposals that are necessary to agriculture, horticulture or forestry...”*. It goes on to say that *“Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which are to:*

- *Direct development to most appropriate locations and support regeneration.*
- *Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and*
- *Protect and provide access to open space”.*

4.9 **Assessment** – We accept that the proposal does not fulfil the necessary criteria of an established Green Belt activity. However, the reason for the Green Belt location, is the applicant’s wish to live near Lasswade and amenities, whilst retaining a sense of rural living. The site offers a fantastic opportunity to deliver a landscape-led design solution for a bespoke family dwelling, which complements, rather than competes with the existing landscape character and can deliver the flexible open plan living/work/leisure space that a growing family now desires in a post-pandemic world.

4.10 The development area of the site has been specifically restricted to that part which is closest to the existing dwellings. It is therefore atypical of a more traditional green belt site, in that the new dwelling will appear as a continuation of development on Wadingburn Lane. The rest of the site will remain untouched. We therefore do not consider that the development will impact upon the three overall objectives of the Green Belt outlined above.

4.11 The proposed development site is an appropriate sustainable location for a new family home, on the edge of the existing settlement, within easy walking distance of local amenities of Lasswade High St, and the nearest bus stop on Lasswade Road, providing public transport to and from Edinburgh City Centre.

4.12 The site appears as a logical extension to the existing cluster of residential dwellings which both overlook and are accessed via Wadingburn Lane. The proposed development boundary has been deliberately contained within the eastern part of the wider land holding, which allows for most of the site (c.75%) to remain undeveloped, preserving its landscape setting and character. The proposed development also includes for additional tree planting along the boundary to

enhance this further. The proposal will therefore not adversely impact upon the physical boundary of Lasswade or lead to coalescence.

- 4.13 The site is currently private and is not public open space. It will have no impact upon the designated Core Path which runs along Wadingburn Lane, or on users of the path. Due to the design of the new dwelling, it will sit discretely in the hillside and will be largely hidden from view owing to the existing tree cover, stepped nature of the building and green roof which will blend it into the surroundings.
- 4.14 On this basis, we do not consider that the proposals conflict with the aims of Policy ENV 1 and this should be a material consideration in support of an exception to this policy.
- 4.15 In the officer's report for the previous application (Ref 18/00121/DPP) they stated, that where housing in the rural area is accepted, the planning authority would generally expect the design solution to follow one of the three approaches:
1. Reflect the scale and character of buildings in the immediate vicinity
 2. Reflect the traditional vernacular design and detailing of buildings in the local area; or
 3. Be of a high-quality contemporary design which significantly contributes to the visual amenity and interest of the area.
- 4.16 We consider that the revised design meets criteria 3 above and is clearly a high-quality contemporary design. Whilst the proposal will not necessarily be visible from many locations due to the surrounding natural vegetation. In glimpses of the proposal during winter from Lasswade Road, the development will significantly contribute to the visual amenity and interest of the area, as do the existing contemporary developments which have already been permitted in Lasswade.

Sustainable Place-Making Policies

- 4.17 Policy DEV 5 (Sustainability in New Development) states that, *"the Council will expect development proposals to have regard to the following principles of diversity (A-I)"*. We address each in turn below.
- 4.18 **Assessment:** The building utilises the natural topography of the site, to create a stepped dwelling that appears as a single storey building from Wadingburn Lane to a double height space to the north, to take advantage of views (Criteria A). The new landscape proposals and green roof will foster and maintain biodiversity (Criteria B). SUDS will be provided to manage surface water (Criteria C). The

building will be highly sustainable and accommodate a GSHP and Solar PV (Criteria D). Natural materials will be used where possible including timber (Criteria E). The dwelling will provide a new family home, with level access at ground floor from Wadingburn Lane. The internal layout gives scope for the dwelling to accommodate a growing family and multi-functional spaces (Criteria F). Waste recycling will be provided and the storage area is shown on Drawing PL(2-)101 Proposed Ground Floor (Criteria G). The dwelling will provide for a modern new family home and accommodate the necessary digital connections (Criteria H). The building has been set back from the area identified at risk of surface water flooding (associated with Wading Burn) and the proposal includes for SUDS to manage run-off (Criteria I). Overall, the proposals are therefore considered compliant with Policy DEV 5.

4.19 Policy DEV 6 (Layout and Design of New Development) states that *“the Council will require good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts”*.

4.20 **Assessment:** The DAS provides detail on the design rationale for the new dwelling. The scheme offers a high quality and contemporary design, which is fitting for the context of the site. The quality of architecture, embodied sustainability principles and landscape design should be considered as a permissible exception to the Green Belt policy, in line with other proposals that have been granted on such grounds by the Council previously (refer to Section 5 for examples).

4.21 Policy DEV 7 (Landscaping in New Development) states that, *“the Council will require development proposals to be accompanied by a comprehensive scheme of landscaping”*.

4.22 **Assessment:** New landscaping proposals are outlined on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104). The applicant wishes to enhance the natural setting of the site with new native tree planting, to supplement the existing trees on site. In addition to natural informal areas of landscaping, more formal garden areas are proposed adjacent to the dwelling itself. We consider the proposals will provide significant biodiversity benefits as well as providing natural screening and privacy.

Heritage Protection Policies

4.23 Policy ENV 7 (Landscape Character) states that, *“development will not be permitted where it may have an unacceptable impact on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design”*.

- 4.24 **Assessment:** The proposed development site is not within a Special Landscape Area. However, the site does contribute to the local landscape character due to its natural vegetation. For that reason, the proposal has been designed to nestle within topography of the landscape, so it reads as part of the hillside. Visibility of the dwelling will be limited itself due to the existing woodland surrounding the site, and for those reasons, we consider the scale, siting and design of the proposal is compatible. Most of the applicant's landholding (c.75%) will remain undeveloped, and the character of the area will therefore be largely unaffected. The proposals are considered compliant with Policy ENV 7.
- 4.25 **Policy ENV 9 (Flooding)** states that, *"Development will not be permitted which would be at unacceptable risk of flooding, or would increase the risk of flooding elsewhere", "Sustainable 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"*.
- 4.26 **Assessment:** The SEPA flood map indicates that the site is not at risk of flooding. As described in the Design and Access Statement, an indicative location of a SUDS soakaway and detention basin has been identified. A green roof is also proposed. The proposal can achieve compliance with Policy ENV 9.
- 4.27 **Policy ENV 10 (Water Environment)** states that, *"new development should pass surface water through a sustainable drainage system (SUDS) which ameliorates the water to an acceptable quality prior to release to the wide water environment"*.
- 4.28 **Assessment:** As above, the proposed location for SUDS provision is identified in the DAS (Page 50). The applicant would anticipate a planning condition which required further details of these measures to be submitted in due course, should planning permission be granted. The proposals present no conflict with Policy ENV 10.
- 4.29 **Policy ENV 11 (Woodland, Trees, and Hedges)** states that, *"Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural or historical value or are of other importance"*.
- 4.30 **Assessment:** As outlined in the Tree Survey and Arboricultural Impact Assessment, the design of the new dwelling has been revised during discussions with the arboriculturist to allow for the retention all trees on site (including the existing beech trees on Wadingburn Lane and a mature sycamore tree located at the main site access point) except for the removal of two immature birch trees. The trees being



removed will be replaced with suitable native species, and additional boundary planting to the edges of the site, as shown on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104). The report identifies several measures that will need to be undertaken during construction to protect the existing trees on site and we would expect that the Council apply a condition requiring a tree protection plan and arboricultural method statement, that the applicant would be happy to provide. The proposals are therefore considered compliant with Policy ENV 11.

4.31 **Policy ENV 15 (Species and Habitat Protection and Enhancement)** states that, *"Development that would affect a species protected by European or UK law will not be permitted". "Development proposals will be expected to demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new ones, and provide for the effective management of these habitats"*.

4.32 **Assessment:** The applicant commissioned a Preliminary Ecological Assessment which has been submitted with the application. Overall, the site has been assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The report recommends several measures to provide ecological enhancements, and these have been incorporated into the development proposal including:

- Planting of native trees and shrubs
- Provision of bird and bat boxes
- Provision of green roof to the new dwelling

4.33 Please refer to the DAS and Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104) for further details. These proposals will also make a positive contribution to achieving the biodiversity actions outlined in the Midlothian Biodiversity Action Plan, and specifically the creation of pollinator habitats, and homes for wildlife. The proposals are therefore considered compliant with Policy ENV 15.

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5. MATERIAL CONSIDERATIONS AND PLANNING ASSESSMENT

5.1 Other documents relevant to the planning policy context, forming 'material considerations' comprise:

- Housing Development in the Countryside and Green Belt SG
- Revised National Planning Framework 4 (2022)
- Neighbouring Applications (Precedent)

Housing Development in the Countryside and Green Belt SG

5.2 The document describes how the proximity of Midlothian to Edinburgh creates development pressure for housing developments of all types, including in the countryside. This has resulted in a concentration of urban development at the northern edge of the county with concerns frequently raised about the loss of countryside, the increase in coalescence between settlements and the consequential loss of identity for communities. As a result, the countryside in this area is covered by the Green Belt policy to protect the setting of urban areas, prevent urban sprawl, and manage and protect agricultural, forestry and recreational uses and discourage inappropriate development.

5.3 As outlined in our assessment of the proposals in relation to Policy ENV1 in Section 4, we do not consider that the development harms any of the Green Belt objectives outlined above. In fact, with the design of the new dwelling and the landscape proposals, which include for additional tree planting, the proposals could be argued to enhance this area of countryside.

Revised National Planning Framework 4 (2022)

5.4 Draft Policy 8 (Green Belt) says that the policy intent is, *"to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably"*.

5.5 It says that policy outcomes will be where, *"development is directed to the right locations, urban density is increased, and unsustainable growth is prevented; the character, landscape, natural setting and identity of settlements is protected and enhanced; and nature networks are supported, and land is managed to help tackle climate change"*.

5.6 **Assessment:** We have outlined elsewhere, why the applicant is seeking to develop in this location. Whilst a new dwelling of this nature does not meet one of the acceptable uses in the Green Belt, we consider that the proposal should be

considered as an exception to this requirement. Not least because the proposal provides an exemplar of a sustainable, high quality and contemporary family home, but also because it has no impact upon any of the Green Belt policy intent or outcomes outlined in NPF4 for the reasons outlined elsewhere in this statement. We therefore consider that there is no conflict with NPF4 in this regard.

Other Applications - Precedent

- 5.7 Land North of Barony House (known as Orchard House) - Application 17/00274/DPP
- 5.8 Planning permission was sought for the erection of a new dwelling house in April 2017, seeking amendments to a previous design approved by planning permissions 07/00236/FUL and 04/00497/FUL). This site is within the countryside, the Green Belt, conservation area and Area of Great Landscape Value.



Figure 5: Photograph of Orchard House (Now Built)

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Figure 6: Location of Orchard House in relation to the Proposed Development Site

- 5.9 Planning permission was granted for a dwellinghouse at the site in 2005. The design of the house was modern in design and materials, including areas of glazing, cladding and harling with a sedum roof. In the assessment of the application, the Council recognised that the proposal did not accord with the development plan but believed that there were sufficient grounds for a justified departure from planning policy. The innovative design and also the sympathetic siting of the new dwellinghouse provided strong grounds for supporting the proposed house. The proposed design was considered to be of extremely high quality proposing a strong modern detailing and complementing materials which overrode the non-compliance with policy in this instance.
- 5.10 An amendment to this design was approved in 2007 which retained much of the form and scale of the house but reduced its size by removing a previously approved garage, reduced the amount of glazing and altered some design details and materials. Although arguably this weakened the design somewhat, it was considered that the house would still retain a sufficiently high-quality contemporary feel like the original scheme, and this was considered acceptable.

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5.11 The principle of a house of a particularly high-quality design has been established at the site through the previous approvals. The proposed house is largely similar in scale, form, and design to the previously approved properties, with some changes to the fenestration and two single storey extensions. These amendments reflect the character and appearance of the main section of the house and the design ethos of the building. The proposed changes arguably strengthen the design of the house approved through the 2007 permission.

5.12 As the site is within a Conservation Area, the officer also noted that there are mature trees which would help to integrate the development into the surrounding area. Planning conditions were attached to the consent, to require details of the management of the landscaping and woodland at the site, to ensure it is maintained. The applicant in this case, would be prepared to accept a similar condition to ensure the proposals are well integrated in to the surrounding area.

Land adjacent to 16 School Green – Application 17/00672/DPP



Figure 7: Proposed Site Plan for dwelling in the Green Belt adjacent to 16 School Green

5.13 Planning permission was sought for the erection of a dwellinghouse at 16 School Green, in August 2017. This site is within the countryside, Green Belt, Lasswade and Kevock Conservation Area and an Area of Great Landscape Value. It was considered



by the Council to be highly visible across the valley to the southeast. The planning officers refused the application, due to its Green Belt status. However, this decision was subsequently overturned by the Council's Local Review Body.

- 5.14 The LRB however, were of the view that the proposed dwelling by means of its siting, form, design, and materials fits into the landscape and would not be detrimental to the green belt, special landscape area or conservation area and as such would not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.
- 5.15 **Assessment:** Whilst we understand that each case is assessed on its own merits, the cases above clearly demonstrate the tests which Midlothian have applied when permitting exceptions to their Green Belt policy. In both cases, the high-quality design of the buildings, the siting of the buildings and mature vegetation (in the case of Orchard House) were also considered sufficient to allow an exception to Policy ENV1. We ask that a consistent approach is applied in the consideration of this proposal, which equally demonstrates the exact same positive attributes to justify another permitted exception.

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6. CONCLUSIONS

6.1 This statement is prepared to support an application for the following development: *“Erection of a new dwelling, associated landscaping and infrastructure”* on land north west of 4 Wadingburn Lane.

6.2 The revised proposals seek to address and overcome the officers’ concerns from the previous application, as outlined in Section 2. The key reasons why this application should be supported are summarised below:

- Whilst the site is within the Green Belt, it will have no impact upon the character of the Green Belt itself.
- The proposals will create an exemplar high-quality family home of contemporary design which contributes to the visual amenity and interest of the area.
- Development will be contained within the eastern part of the site. Existing established trees will be retained, and new boundary planting is proposed to provide enhanced biodiversity benefits, along with bird and bat boxes.
- The new boundary planting will clearly demarcate the development site from the wider Green Belt designation. It will also provide screening and privacy for the new family dwelling, and existing neighbours.
- The proposals will not result in the loss of prime agricultural land.
- The proposals will not affect wildlife on site.
- Whilst it is acknowledged that each planning application is different and must therefore be considered on its own merits, recent approvals of other dwellings within the Green Belt are considered to set a clear precedent for the acceptability of such use in this location in similar circumstances.

6.3 It is considered that whilst the proposal is a modest infringement of the Green Belt policy, it accords with all other relevant adopted policy of the Local Development Plan and is supported by several material considerations. It is respectfully requested that planning permission is granted.

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Appendix A – List of Supporting Information

Document	Author
Planning Statement	Ferguson Planning
Design and Access Statement	LBA
001-01 Wider Context Location Plan	LBA
002-01 Location Plan	LBA
003-01 Existing Site Plan	LBA
100-01 Proposed Site Plan	LBA
102-01 Proposed Lower Ground Floor Plan	LBA
103-01 Proposed Roof Plan	LBA
104-01 Proposed Landscape Plan	LBA
200-01 Proposed Elevations East & West	LBA
200-01 Proposed Elevations North & South	LBA
300-02 Proposed Site Section	LBA
Preliminary Ecological Assessment	Ellendale Environmental
Tree Survey and Impact Assessment	ROAVR

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Project: 22_5837_09_40
Site: Wadingburn Lane, Lasswade, EH18 1HP
Client: Samantha Edwards



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Document Title:	Tree Survey & Arboricultural Impact Assessment
Document Author:	Matt Harmsworth
Project Title:	Wadingburn Lane, Lasswade, EH18 1HP

Revision History.

Date:	Version number:	Summary of changes:
6/10/2022	1.0	First Draft (issued initial advice regarding layout changes to safeguard trees)
25/10/2022	1.0	First Issue (following revised proposals)

Distribution.

Approved by:	Signature	Date:	Version:
Matt Harmsworth	MWH	25/10/2022	1.0
Samantha Edwards	SE	25/10/2022	1.0
			Reviewed before issue.

Re-Survey Date.

Survey Type:	Lifecycle:	Re-survey Date:
BS5837: 2012	Planning Only	N/A

FAO: Samantha Edwards

eMail: sam@fergusonplanning.co.uk

Summary:

This is a BS5837 compliant arboricultural assessment report providing detailed and sufficient information for the Local Planning Authority to be able to consider the effect of the proposed development on local character and amenity from a tree perspective.

Our brief has been to obtain details of the tree population on site with a view to assessing any arboricultural constraints.

This report was commissioned in relation to the proposed development at Wadingburn Lane, Lasswade, EH18 1HP.

The report details all trees over 75mm at 1.5m above ground level that are relevant to the siting of the proposed development. The position of the trees on the site is illustrated on the tree constraints plan and information about the tree stock and its current condition is given within the arboricultural data tables.

It will assist the planning process by discussing the impact that the proposals will have on the existing tree stock.

An Arboricultural Impact Assessment is included at Section 4 which details the constraints placed on the proposed development from the rooting area of the trees below ground and above ground by virtue of their size and position.

Report Author.

ROAVR (ROAVR Group) was formed in 2010 and since then has carried out arboricultural consultancy Nationwide with directly employed consultants. Our consultants are all individual members of the Arboricultural Association and the report author is listed in the document control sheet.

Validation Statement for the Local Planning Authority.

This report includes the following for LPA validation purposes:

- A **tree survey and tree constraints plan** showing the existing trees, their category rating and above and below ground constraints shown on an OS extract OR a topographical survey
- An **arboricultural impact assessment** which describes how the development will affect local character from a tree perspective
- An **appendices** highlighting tree related information including the **arboricultural data tables**

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	Appendix 3 - Tree Plans

Tree Survey & Arboricultural Impact Assessment to BS 5837 2012 of trees at: Wadingburn Lane, Lasswade, EH18 1HP.

1 Scope

- 1.1 We have recently been instructed to undertake an appraisal of mature tree cover at Wadingburn Lane, Lasswade, EH18 1HP.
- 1.2 The data was collected to the British Standard BS5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' 2012.
- 1.3 The survey has been commissioned to offer guidance on the arboricultural constraints with a view to the future development of the site.
- 1.4 The trees were inspected on the 3rd October 2022 following the guidance in the British Standard by myself. The crowns and stems were inspected from the ground using the 'Visual Tree Assessment (VTA)' method; non invasive techniques were used at this stage. Although a sounding hammer was used to determine the presence of any decay.
- 1.5 The site was assessed and data was collected on all woody vegetation falling within the scope of the British Standard. Trees were grouped or designated woodlands as per the allowance in the British Standard when the area in question was uniform in terms of species, age or geography.

Photographic Plates.



Photographic plate looking eastwards toward the site entrance with tree T73 centre left of shot.



Photographic plate looking westwards with the line of old stable blocks sitting below the beech tree feature adjacent to the road clearly visible.



Photographic plate looking westwards toward the site entrance with tree T73 centre right of shot.



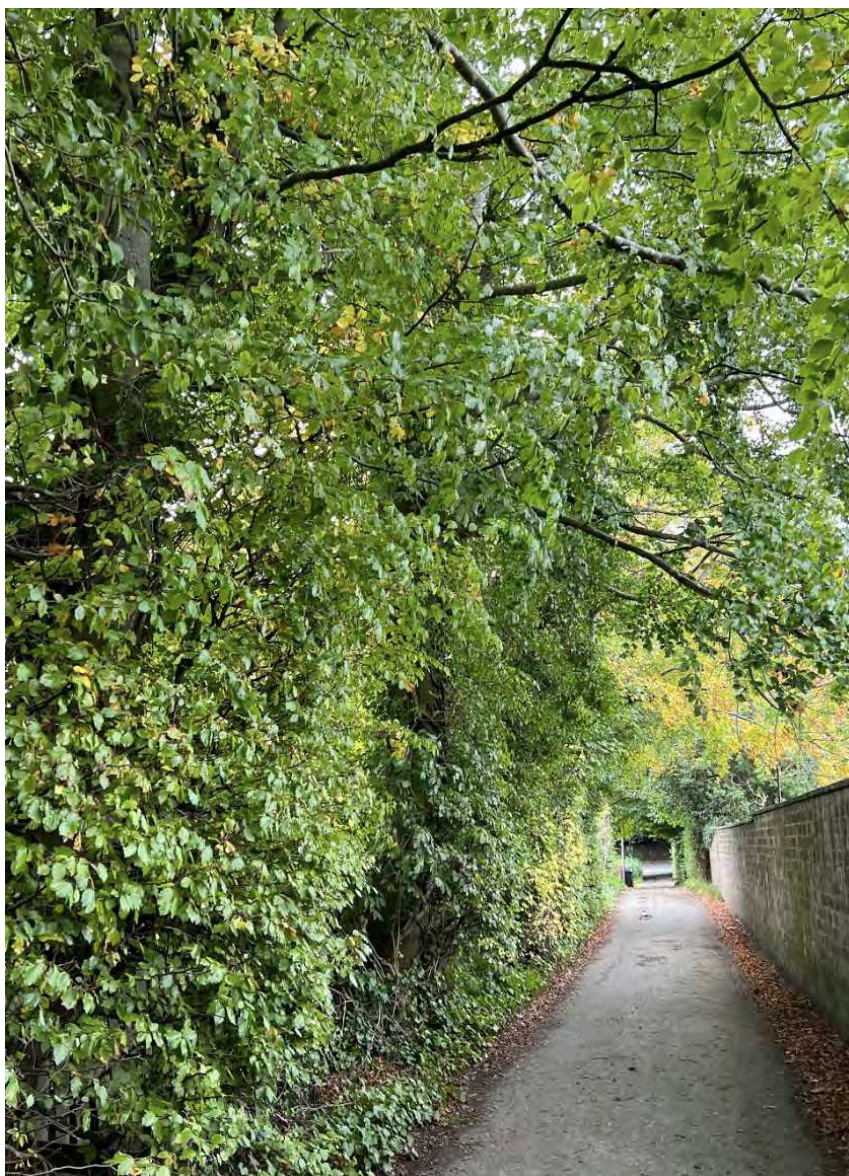
*Photographic plate showing the gap and drop off from the public roadway to the site below.
(circa 1.5m drop)*



Photographic plate showing the old retaining wall. The road is above and the occluded stems of trees T82 and T83 can be seen growing out of the wall. The rooting areas of these trees are extremely complex.



Photographic plate showing the old retaining wall. The road is above. The rooting areas of these trees are extremely complex.



Photographic plate looking eastwards along the tarmac road which is supported by a retaining wall left of shot on which the mature trees are growing.

2. Site Conditions & Site Surroundings

- 2.1 The site is situated in Lasswade in the Midlothian Council control area. The site is located on the northwest wide of the village and has a rural feel.
- 2.2 The plot is ex-grazing land with a row of derelict stables on the southern boundary line. It is accessed from the eastern corner of the site via an established trackway.
- 2.3 The wider locality is predominantly rural. The site is bordered to the south by a thin tarmacked road that serves further residential properties. The road is supported on its northern edge by an old stone retaining wall and it is on this wall that a lapsed beech hedge has grown into a linear feature of mature trees.
- 2.4 A desktop assessment has highlighted that site is not within a Conservation Area nor are there any TPO protected trees on or adjacent to the plot.
- 2.5 All desktop assessment data was cross checked and validated on the 7/10/2022 using the web portal provided by the local planning authority.

https://www.midlothian.gov.uk/info/200167/planning_applications/273/tree_conser_vation_and_tree_works/2



Image plate showing the desktop analysis results of the surveyed plot.

- 2.6 Works to protected trees require consent from the local planning authority. In the case of TPO's an application must be made. In the case of conservation areas a notification must be made. TPO applications take up to eight weeks, conservation area notifications take six weeks.
- 2.7 Certain exemptions apply; for example the removal of deadwood. In the case of dangerous trees 5-days written notice should be given to the local authority (in the cases of immediate danger the work should proceed, but the local authority contacted as soon as possible afterwards) with the works evidenced by photographs and video where possible. You should also check to ensure the works are exempt from the requirements of a felling licence.
- 2.8 It should be noted that planning consent overrides protected trees, where the works or removal are necessary for development to proceed and have been highlighted in the tree survey documents.
- 2.9 Bats. Under current legislation it is an offence to 'intentionally or recklessly disturb a bat' or 'damage, destroy or block access to the resting place of any bat'. For further details consultation must be made with the Statutory Nature Conservancy Organisation. Where relevant any current ecological surveys for the site will take precedence in this matter.
- 2.10 Birds. It is an offence to kill, injure or take any wild bird; or take, damage or destroy the nest of any wild bird while it is in use or being built. Therefore work likely to disturb nesting birds must be avoided from late March to August.

3. Drawings

- 3.1 Appended to this report is a tree constraints plan and a tree assessment plan.
- 3.2 The tree constraints plan has been produced using a topographical survey supplied by the client. Tree positions and data have been applied using our survey handset as an onsite exercise with the constraints plan being produced as a PDF through Auto CAD.
- 3.3 An autoCAD .dwg file of the tree constraints is available on request for project stakeholders to utilise.
- 3.4 The *Tree Constraints Plan* shows the existing layout. For each tree the stem location is indicated and scaled according to its diameter, the canopy is indicated according to measurements taken along the four cardinal points of the compass. Root protection areas (RPAs) are indicated which are calculated according to the guidelines within BS 5837 (2012).
- 3.5 Where appropriate, the shapes of the RPAs have been amended to reflect actual site conditions or where trees have been heavily pruned. The 'original' RPAs are indicated as a dashed line whereas the amended RPAs are indicated as a solid line. Any variation to this approach will be highlighted on the appropriate plans.
- 3.6 The *Tree Assessment Plan / Arboricultural Impact Assessment* indicates the tree constraints with the proposals overlaid. Where applicable, this plan shows where works are proposed in Root Protection Areas and which trees are to be pruned or removed. This plan accompanies the Impact Assessment which is to be found in Section 4.

4. Arboricultural Impact Assessment - Site Specific

Tree Quality Statement.

The tree cover at the site is a mix of self-set birch and associated deciduous regen to the north of the site and more mature beech and sycamores to the south. The linear feature of beech trees on the southern boundary are outgrown hedging and have complex rooting areas. The southern boundary trees offer useful screening and have high amenity and landscape value.

4.1 Description of The Proposed Development

The drawings listed in the table below were used by ROAVR to produce the Arboricultural drawings referenced in this report. If your plans change (either before or after planning submission), then the tree drawings will require updating. This report cannot be submitted in support of a scheme that varies from the drawing reference number shown in box one below as the Impact Assessment (Section 4) will not be valid.

Drawing Name / No.	Date Issued To ROAVR	ROAVR Drawings Issue Date:
22049-PL(2-)\100-01 - WIP-Proposed Site Plan 1_500	20/10/2022	25/10/2022

4.1.1. It is proposed to construct a new residential dwelling house in an ex-equine facility field.

4.1.2. The appended AIA plan clearly shows and discusses areas of conflict and suggests solutions.

4.2. Tree Removal.

4.2.1. All trees to be removed are indicated on the Tree Removal Plan and are listed below:

Tree	Cause For Removal
W1	Several small silver birch stems are required to be removed to safeguard the higher quality trees to the south.

4.2.2. Details specific to each tree can also be found in the Tree Data Schedule.

4.3. Mitigation Planting.

4.3.1. The trees to be removed are of such low amenity value that no mitigation planting is considered necessary. However, there is ample scope to plant one or two more trees within the site to mitigate against tree loss.

4.4. Impact on Tree Canopies.

4.4.1. Some crown lifting will be required to the linear feature of beeches to the south of the site. This work would be inline with generally acceptable cyclic arboricultural work.

4.5. Impact on Tree Roots.

4.5.1. Please refer to the appended AIA plan for a graphical representation of the conflicts and solutions.

4.6 Changes in Ground Levels.

4.6.1. It is unclear at this time what if any levelling operations are required. No excavation within the RPA of the retained trees would be possible.

4.7 Soil Compaction.

4.7.1 The majority of tree roots lie within the upper soil horizons. This is because the availability of oxygen decreases with depth and roots need to breathe to stay alive. In addition, nutrients are more readily available in the form of organic matter close to the soil surface.

4.7.2. Healthy soils contain about 25% air space between solid particles. Increased loading of the soils caused by construction activity causes air to be squeezed out as the soil becomes compacted preventing roots from breathing. Even an increase in pedestrian activity may cause some soil compaction.

4.7.3 It is important therefore that ground compaction and soil disturbance over Root Protection Areas should be avoided during the construction phase. This may be done by installing protective fencing and ground protection measures as recommended within the tree protection plan.

4.8 Demolition Activities.

4.8.1 The tree protection measures to be specified within a TPP should be installed prior to the commencement of all demolition activities (including soil stripping) to prevent any detrimental impact on tree health. Where this is not practicable, demolition of structures within Construction Exclusion Zones shall be undertaken very early on in the demolition phase and the protective barriers installed immediately thereafter.

4.9. Hazardous Materials.

4.9.1 All hazardous materials (including cement and petrochemical products) will need to be controlled according to COSHH regulations in order to ensure there is no detrimental impact on tree health. Provision shall need to be made to ensure that cement and cement run-off are contained outside of all Root Protection Areas.

4.10. Cabins and Site Facilities.

4.10.1. Consideration should be given to the location of any site welfare facilities in terms of potential impact on trees. Where it is proposed to install cabins or site facilities in Root Protection Areas, the appointed arborist should be consulted and approval obtained from the local authority.

4.11. Boundary Treatments.

4.11.1. No changes are proposed to the existing boundary features that might impact on trees.

4.12. Impact of Retained Trees on the Development.

4.12.1. Adequate space has been allowed between all retained trees and the proposed development works. Consequently the proposal shall not result in increased pressure to remove or prune any of the retained trees beyond some initial crown lifting work.

4.13. Summary.

4.13.1. The initial scheme would have brought undue pressure on a high quality feature of beech trees to the south of the site. Through consultation and design changes the footprint has been moved norwards to facilitate retention of all the mature trees at the site inline with local policy and BS5837.

This is welcomed but it cannot remove the risk entirely. The access to the site is narrow and well established and will need 'beefing up' to enable both construction access and long-term residential driveway use. As such a cell web trackway will need to be installed with NO excavation under arboricultural supervision before any works commence on site.

The trees on the southern boundary are set on a retaining wall on a higher level than the site and so the root morphology at the site is complex and a 2D tree constraints plan does not tell the full story.

I believe this AIA demonstrates the project is feasible and following the planning award a condition should be applied for the production of a tree protection plan and arboricultural method statement. That document cannot be provided at this stage as insufficient detail exists of service runs and soft landscaping.

Appendix: BS 5837: 2012 – Guidance Notes

This Standard prescribes the principles to be applied to achieve a satisfactory juxtaposition of trees and structures. It sets out to assist those concerned with trees in relation to design, demolition and construction to form balanced judgements.

It acknowledges the positive contribution trees may offer to a site, as well as the negative aspects of retaining inappropriate trees. It addresses the negative impacts that construction activity may have upon trees and offers mitigation strategies to minimise these impacts.

The Standard suggests a three stage approach to ensure best practice is followed when developing close to trees:

Stage 1: Survey Details and Notes

A ground level visual survey was undertaken. No climbing inspections or specialist decay detection were undertaken. Only trees with a stem diameter over 75mm, which lie within the site boundary or relatively close to it, were included.

Where applicable, trees with significant defects have been highlighted and appropriate remedial works have been recommended. However, this report should not be seen as a substitute for a full Safety Survey or Management Plan which are specifically designed to minimise risk and liability associated with responsibility for trees.

Wherever practicable dimensions were obtained using diameter tapes, logger's tapes, distometers and clinometers. Where obstacles prevent accurate measurement, dimensions are estimated. Trees of privately owned third parties are surveyed from the best available vantage point and observations relating to the condition of these trees should be treated accordingly. All height measurements should be regarded as approximate.

Stage 2: Arboricultural Impact Assessment

After the initial survey and the production of the Tree Constraints Plan, arborists and designers are encouraged to work together to establish a design proposal with minimal impact on the high quality trees. An assessment should be made of all possible impacts including the impact that the trees may have upon the proposal.

The arborist may recommend mitigation strategies to minimise these impacts and help achieve a more harmonious juxtaposition between buildings and trees and will offer advice in relation to the best chances of success at planning.

Stage 3: Arboricultural Method Statement (Section 5 -10 where applicable and commissioned)

This type of report specifies the measures necessary to protect trees against damage from construction activity. The Method Statement should be written in a manner that it may be conditioned and enforced by the local authority upon granting of planning permission. Many trees get damaged on development sites due to the AMS being overly complicated or unreadable from the perspective of practical implementation.

The site manager must be familiar with all aspects of the Method Statement and should ensure that all persons working on the site are aware of those aspects which are relevant to their work. This includes service installation engineers and operators of plant machinery.

Appendix: Survey Methodology

Ground level visual surveys are carried out using the Visual Tree Assessment technique described by Mattheck and Broeler (1994) and endorsed by the Arboricultural Association (LANTRA Professional Tree Inspection course, 2007).

Structural condition is assessed by inspecting the stem and scaffold branches from all angles looking for weak branch junctions or symptoms of decay. Particular attention is paid to the stem- base. Cavities are explored using a metal probe in order to assess the extent of any decay. If this is not possible further inspection is recommended in the form of a climbing inspection or using specialist decay detection equipment.

The physiological condition is assessed by inspecting the stem, branches and foliage for symptoms of disease. The overall vigour of the tree is also taken into account.

Where significant defects are observed, recommendations are made according to a scale of priority in order to reduce the likelihood of structural failure. The position of the tree and its potential targets are taken into account.

Measurements are obtained using a diameter tape, clinometer, distometer and loggers tape.

Where this is not practical measurements are estimated.

Some trees are surveyed as groups, though this is usually avoided close to areas likely to be developed.

5. Limitations

- 5.1 ROAVR has prepared this Report for the sole use of the above named Client/Agent in accordance with our terms of business, under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by us.
- 5.2 This Report may not be relied upon by any other party without the prior and express written agreement of ROAVR. The assessments made assume that the land use will continue for their current purpose without significant change. ROAVR has not independently verified information obtained from third parties.
- 5.3 This report, video walkthrough, data tables and raw data remain the copyright of ROAVR until such time as any monies owed are settled in full and the report may be withdrawn at any time.
- 5.4 This report, site visit, plans and conclusions are proportional to the proposals and in some cases a simple plan based impact assessment may be all that is required.

Should you require any further information, please do not hesitate to contact us at any time.

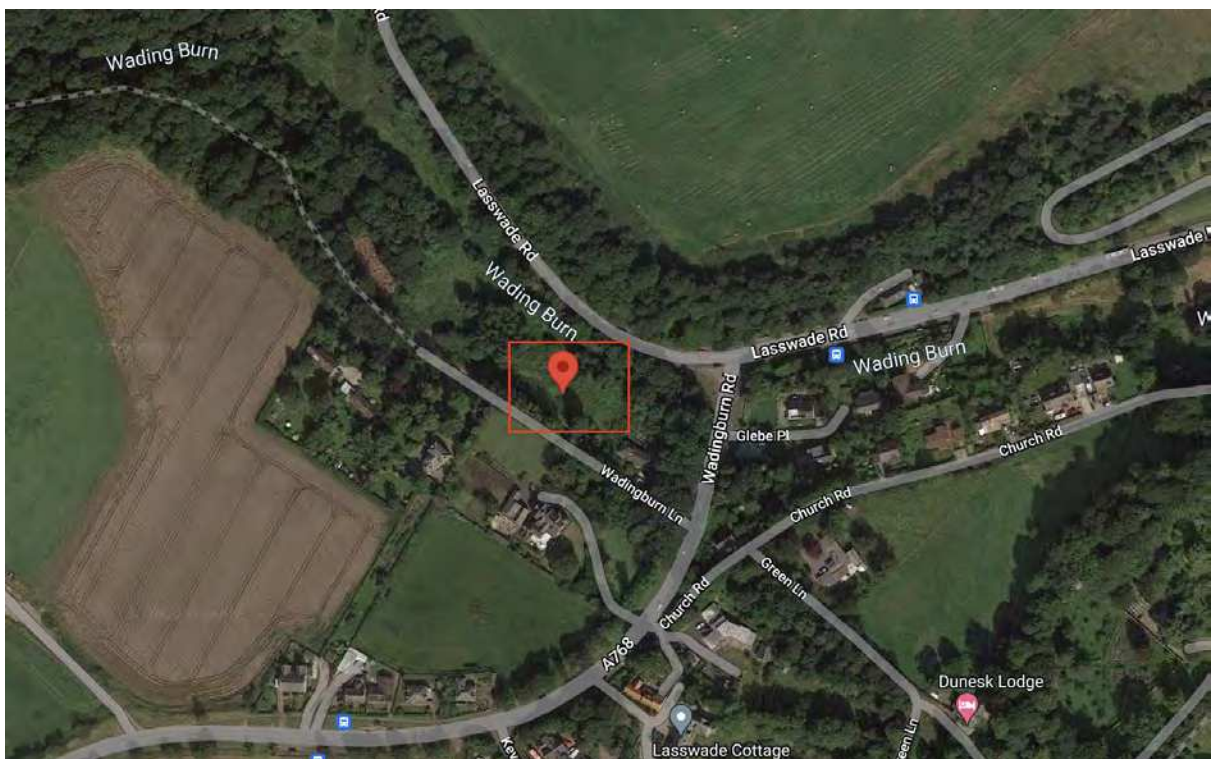
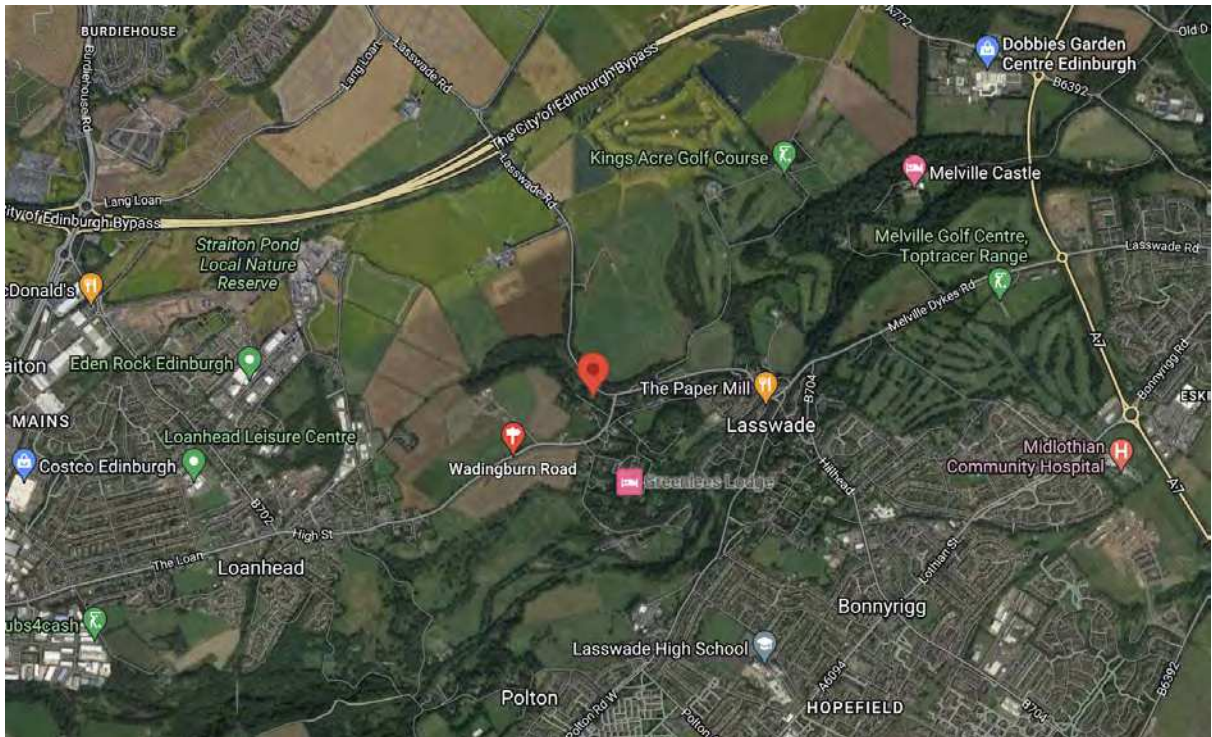
Matt Harmsworth
Lead Consultant



MW Harmsworth

Prepared by: Matt Harmsworth
Checked by: Peter Haine

Appendix 1 – Site Location



Appendix 2 – Arboricultural Data Tables

Tree Number [tag]	Species	Age Class	DBH	Height (crown height)	N	E	S	W	Condition	Life Expectancy	Physical Description	Managment Recommendations	RPA offset from stem.	Category Rating
T73	Acer pseudoplatanus (Sycamore)	M	1050	18(1.5)	8	6	7	6	Good	40+	Located on edge of entrance track to old stable ground; good vitality; various pieces of wire occluded within lower stem; grounds slopes steeply to the north; crown height over entrance track is 1.5m.	Remove broken/damaged branches. Crown lift to 5m.	12.6	B1
W1	Betula pendula (Silver Birch), Ilex aquifolium (Holly), Fraxinus excelsior (Ash)	EM	150	15(0.5)	3	3	3	3	Good	40+	Area of predominantly early mature silver birches; even aged ground kept mown; good vitality.	Thin to best stems.	1.8	B3
T74	Fagus sylvatica (Beech)	M	707	18(2)	6	6	9	6	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicormics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	8.48	B1
T75	Fraxinus excelsior (Ash)	SM	300	9(4)	1	2	3	2	Poor	<10	Small stunted stem with ash die back and bias to the south.	Recommend removal.	3.6	C1
T76	Fagus sylvatica (Beech)	M	778	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicormics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	9.34	B1
T77	Fagus sylvatica (Beech)	M	778	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicormics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	9.34	B1
T78	Fagus sylvatica (Beech)	M	679	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicormics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	8.15	B1

Tree Number [tag]	Species	Age Class	DBH	Height (crown height)	N	E	S	W	Condition	Life Expectancy	Physical Description	Managment Recommendations	RPA offset from stem.	Category Rating
T79	Fagus sylvatica (Beech)	M	350	18(2)	5	4	4	4	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	4.2	B1
T80	Fagus sylvatica (Beech)	M	679	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	8.15	B1
T81	Fagus sylvatica (Beech)	M	520	18(2)	5	6	9	8	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	6.24	B1
T82	Acer pseudoplatanus (Sycamore)	M	900	18(4)	10	6	11	10	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	10.8	B1
T83	Acer pseudoplatanus (Sycamore)	M	857	20(4)	12	5	9	6	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	10.28	B1
T84	Acer pseudoplatanus (Sycamore)	M	620	20(6)	11	4	10	10	Good	40+	Located above site on edge of roadway and retaining wall; good vitality; extremely constrained and complex RPA. End tree, lamp post cl9se to stem.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	7.44	B1
Notes:	Old stables area with overgrown field; linear feature of trees on southern boundary are made up of multi-stemmed self-set mature sycamore and beech; these trees are constrained by the road and retaining wall; no access to the base of their stems due to old stable buildings; rest of sitre is comprised of self-set buddleha; elder, silver birch and holly.													

Arboricultural Data Tables Terms.

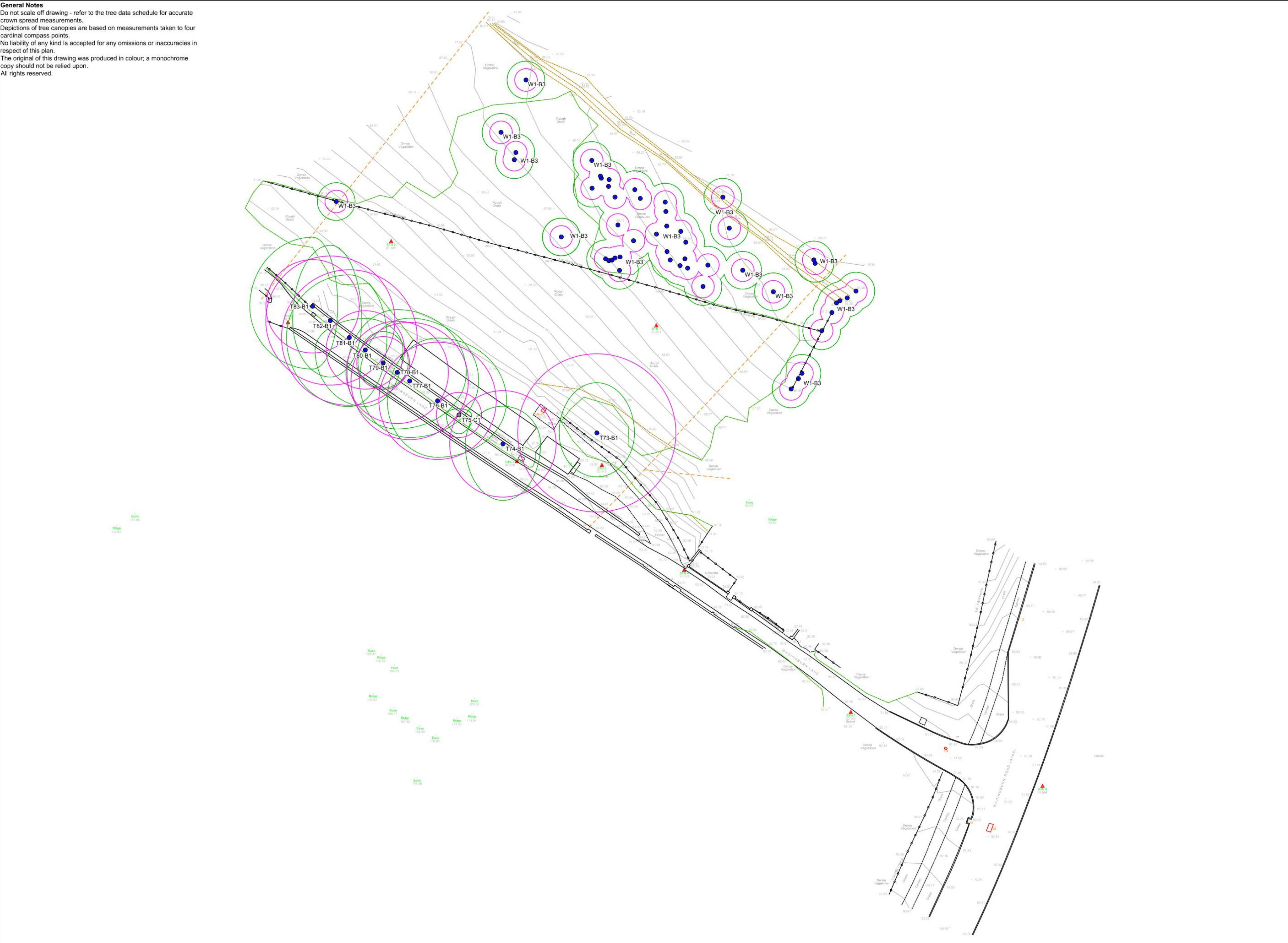
Tree ID	Reference no. T1, T2 etc. for trees; H for hedgerows; G for Groups and W for woodlands.
Tag Number	If the tree has been tagged with an 'arbo' tag then the physical tag number is listed in this column.
TPO Number	If the tree is subject to a TPO and it is known to us this will be recorded here.
In Conservation Area	Y/N - If the tree is located within a Conservation Area we may confirm that here.
Tree Type	Beech, Oak etc.
Common Name	Common Beech, Evergreen Oak etc.
Latin Name	Fagus sylvatica; Quercus robur - Latin names.
Maturity	The estimated age class of the tree (relative to species) o Y - Young o SM - Semi-mature o EM - Early-mature o M - Mature o OM - Over-mature or V - Veteran
Potential for Bat Habitat	Y/N - if the tree has cracks, cavities or suitable bat habitat it may require further ecological surveys and form a constraint on development.
Measurements Estimated (Y/N)	Y/N - if the tree is off site, covered with ivy, or some other restriction the British Standard allows for measurements to be estimated.
Height	Height of the tree in metres.
Height & Direction of 1st Significant Branch	Recorded to consider access.
Number of Stems	Number of clear stems.
Diameter at Breast Height	Diameter of stem (mm) at breast height (1.5 metres above ground).
Crown Spread	The maximum spread of the tree's canopy measured from the stem in four directions (North, East, South, West).
Canopy Height	The height between ground level and the lowest part of the canopy when considering access.
Crown / stem / Basal Condition	Good, Fair, Poor condition comments.
Category	Tree categorisation based on section 4.5 of BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations. Four categories are used (A, B, C, U) with categories A, B & C being assigned one of three separate sub categories (1, 2 or 3): A – Trees of high quality with an estimated remaining life expectancy of at least 40 years. B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. C – Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm
Life Expectancy	Estimated safe, usable life expectancy.

Sub-Category	Subcategories: 1: Mainly arboricultural & aesthetic qualities 2: Mainly landscape qualities 3: Mainly cultural values, including conservation U – Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years
Physical Condition	Good, Fair, Poor condition considering the tree structure, form and vitality.
Management Recommendations	Recommendations (regardless of the development proposals if available) for removal, retention and/or remedial arboricultural works.
Comments	A brief description of the tree which refers to tree form, condition, health and significant defects. Comments regarding environmental conditions affecting the tree (e.g. ground conditions) will also be included where relevant.

Arboricultural data tables are essentially an asset register of the trees and tree cover on and adjacent to a development site. The information included within the tables is used to produce a tree constraints plan (TCP) which shows in 2D the constraints and opportunities on a particular site.

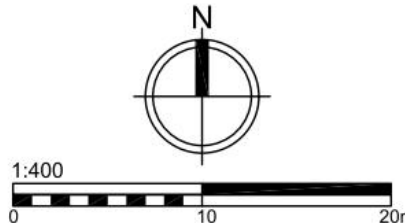
Appendix 3 – Arboricultural Plans

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.
The original of this drawing was produced in colour; a monochrome copy should not be relied upon.
All rights reserved.



Key

- Trees**
Showing Canopy extents, category colour and tag number (with category).
- Category A**
Trees of high quality with an estimated remaining life expectancy of at least 40 years.
- Category B**
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
- Category C**
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
- Category U**
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
- BS 5837:2012 Root Protection Area**



Drawing Title
Tree Constraints Plan

Client
Ferguson Planning

Site/Project
Wadingburn Lane,
Lasswade, EH18 1HP

Scale/Sheet
1:400 - A2

Date
04/10/2022

Drawing No
22_5837_09_40

Rev
1

Drawn By
CS

Chk'd By
MH

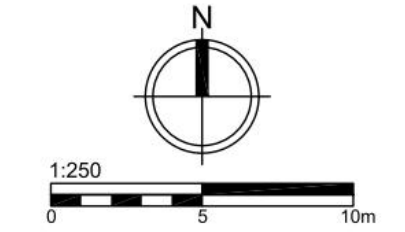
ROAVR | GROUP
ROAVR Environmental
The Green House, Beechwood Business Park North,
Inverness, IV2 3BL.
Office: 01463 667302
environmental@roavr.co.uk
www.roavr-environmental.co.uk

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
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Key

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Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
- Category U
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
- BS 5837:2012 Root Protection Area



Drawing Title
Tree Assessment Plan

Client
Ferguson Planning

Site/Project
Wadingburn Lane,
Lasswade, EH18 1HP

Scale/Sheet
1:250 - A2

Date
24/10/2022

Drawing No
22_5837_09_40

Rev
1

Drawn By
CS

Checked By
MH

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www.roavr-environmental.co.uk

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.
The original of this drawing was produced in colour; a monochrome copy should not be relied upon.
All rights reserved.

Service Runs & Construction Access:

Problem:

To access the site for construction and to deliver materials the existing track will need to be utilised. This means compaction and erosion could potentially increase as a result.

Solution:

The trackway / drive must be created using a no-dig solution such as cell web back filled with a granular fill and topped with a porous tarmac. This must be in place before any other works commence on site and should be constructed under ACoW supervision.

Service runs - no details exist at this time for assessment. Service runs should avoid RPAs.

Problem:

Radial RPA and physical stems of several self-set birch within W1 conflict with the proposed footprint.

Solution:

These trees are young and easily replaceable. Moving the footprint northwards into conflict with these stems has protected the higher quality trees to the south. Fell to facilitate the project.

PLAN BASED ARBORICULTURAL IMPACT
ASSESSMENT - 25TH OCTOBER 2022.

Problem:

Radial RPA of trees T74 to T82 conflict with proposed drive way and crowns conflict with proposed property.

Solution:

Trees are on a much higher level than the proposed. There were existing buildings in this area so the actual rooting area is complex. The crowns sit higher than the proposed and only minor facilitatory crown lifting would be required. The trackway can be constructed with cellweb and the pressure to the adjacent trees is not likely to increase.

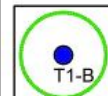
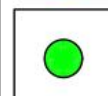
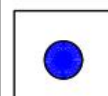
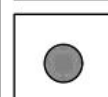
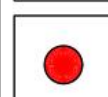
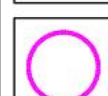
Problem:

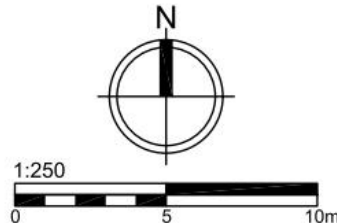
Radial RPA of tree T73 conflicts with the proposed upgrade to the track for construction and residential access. The crown sits low across the existing track. Small incursion into RPA from southern built footprint.


Solution:

On our advice the property has been moved to further protect this tree which is welcomed. The tree can be sensitively crown lifted for construction access and the trackway upgraded using geo web. The slight footprint incursion is considered tolerable given the available rooting area.

Key

-  **Trees**
Showing Canopy extents, category colour and tag number (with category).
-  **Category A**
Trees of high quality with an estimated remaining life expectancy of at least 40 years.
-  **Category B**
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
-  **Category C**
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
-  **Category U**
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
-  **BS 5837:2012 Root Protection Area**



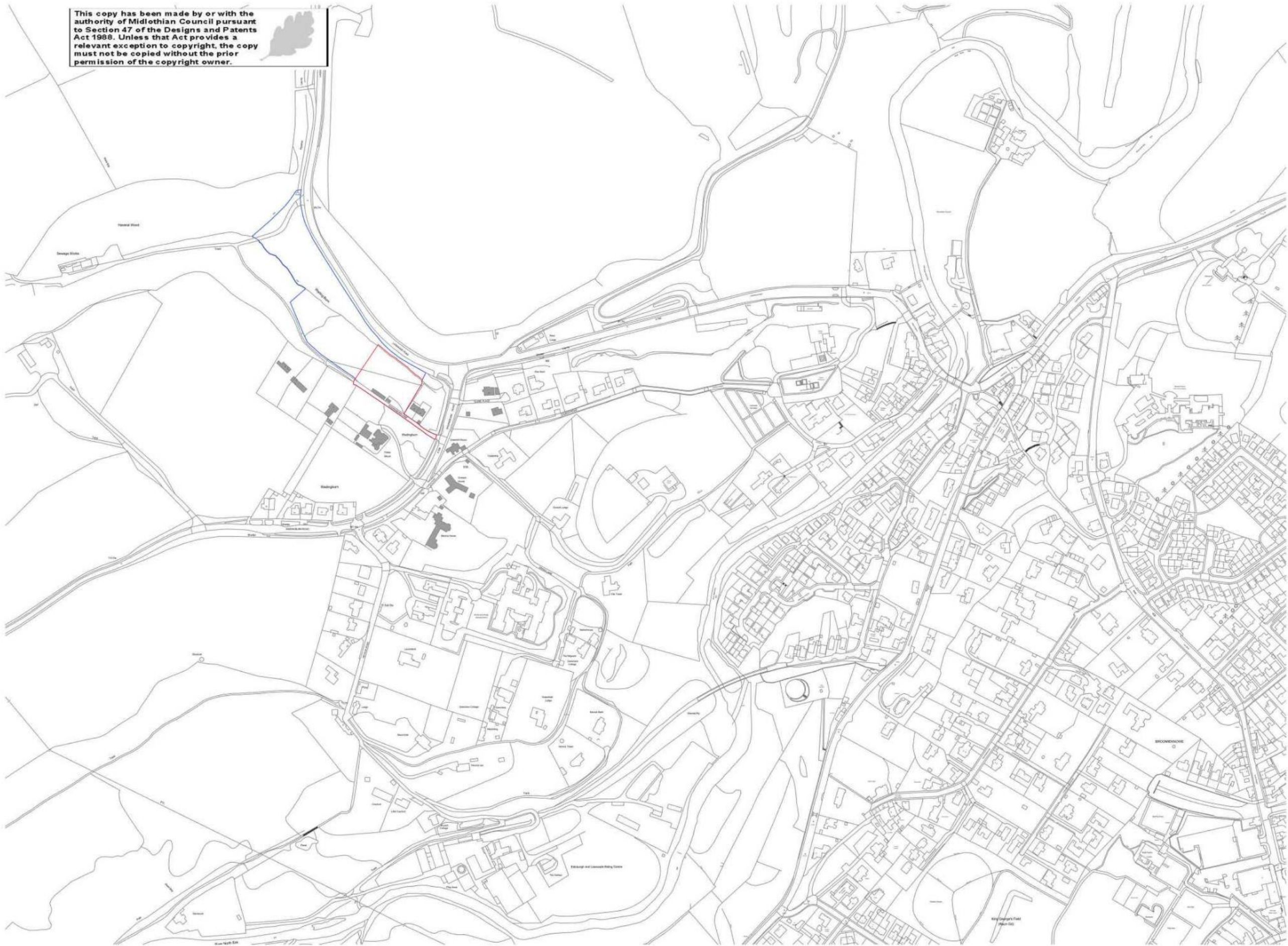
Drawing Title			
Tree Assessment Plan			
Client			
Ferguson Planning			
Site/Project			
Wadingburn Lane, Lasswade, EH18 1HP			
Scale/Sheet		Date	
1:250 - A2		24/10/2022	
Drawing No		Rev	Drawn By / Checked By
22_5837_09_40		1	CS / MH
 ROAVR GROUP ROAVR Environmental The Green House, Beechwood Business Park North, Inverness, IV2 3BL. Office: 01463 667302 environmental@roavr.co.uk www.roavr-environmental.co.uk			

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Issues			
01	09.11.22	ED	Planning First Issue

Changes on Sheet



KEY	
—	Site Boundary
—	Ownership Boundary

- GENERAL NOTES:**
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:5000 0 100 200m

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Issues

01 09.11.22 ED Planning First Issue

Changes on Sheet

KEY

- Site Boundary
- Ownership Boundary

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Project Title

Drawing

Drawing No.

Revision

A4 1:1250 0 30 60m

Lasswade
Wadingburn Lane

Location Plan

22049 - PL(2)-002

- 01

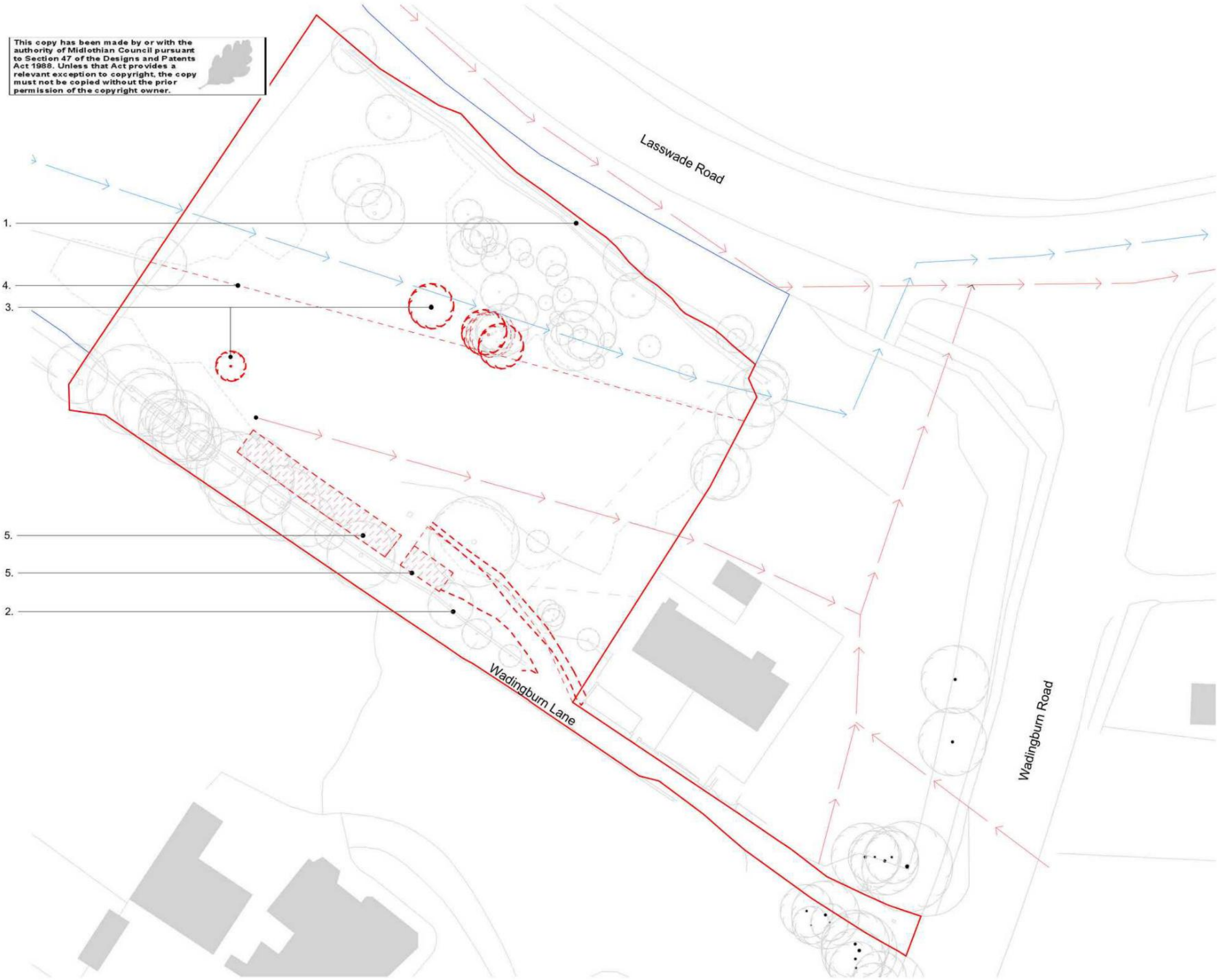
LBA

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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary
--- Indicates Demolition
--- Existing Combined Sewer
--- Existing Surface Water Pipework

Notes:
1. Existing burn.
2. Existing wall.
3. Existing trees to be removed.
4. Existing fence to be removed.
5. Existing dilapidated shed to be removed

GENERAL NOTES:
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A3 1:500 0 12.5 25m

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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary

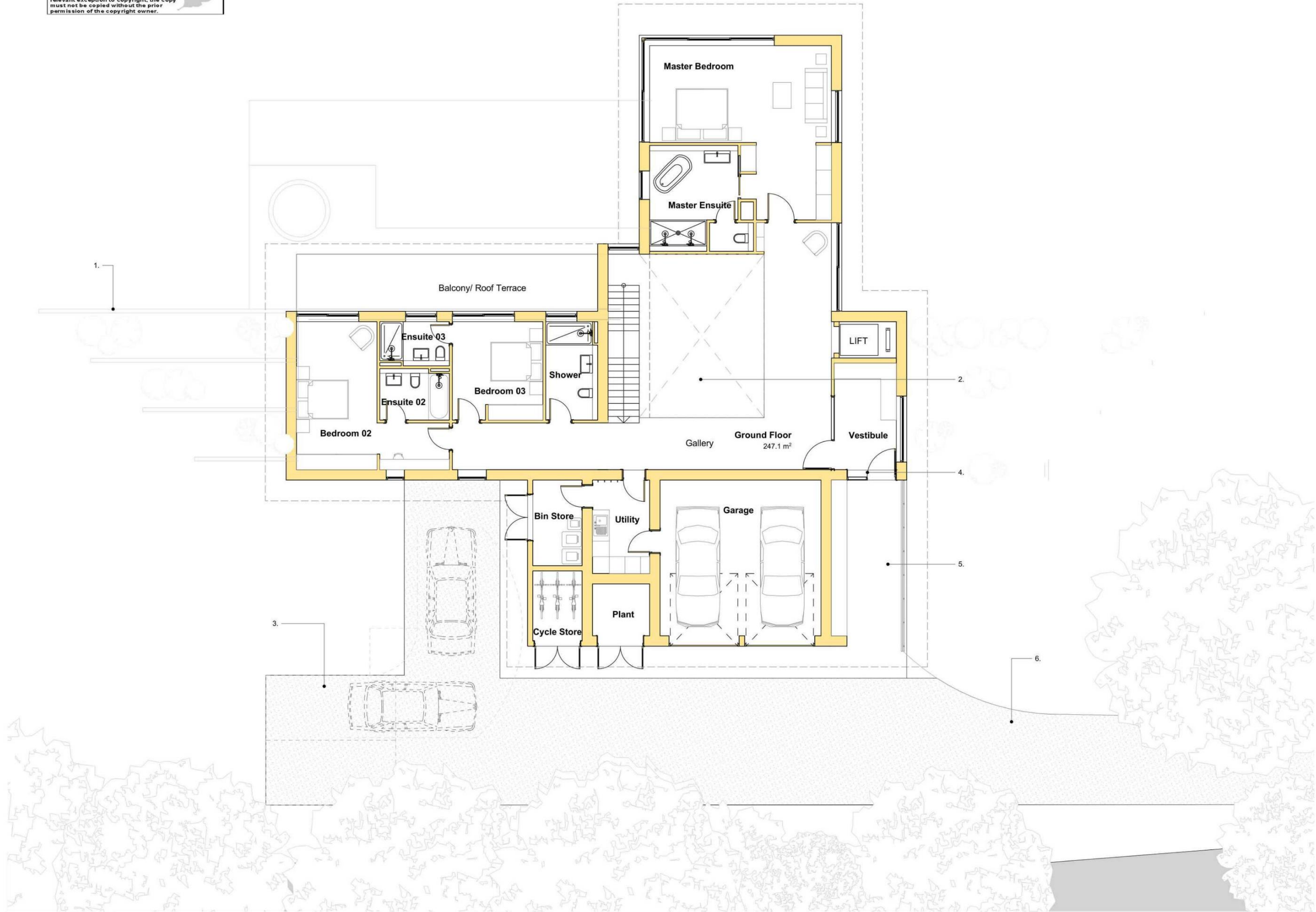
Notes:
1. Proposed driveway to connect to Wadingburn Lane.
2. Parking for 2nr. vehicles

GENERAL NOTES:
• All work to comply with the Building (Scotland) Regulations 2004 as amended
• All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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• To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:500 0 12.5 25m



Notes:

1. Landscape embankment to suit site topography.
2. Void to below with skylight above.
3. 2 No. Parking spaces and turning head.
4. Front entrance.
5. Covered Entrance Canopy.
6. New & extended driveway access from Wadingburn Lane - sub formed from Cellweb TRP with gravel infill.

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



Changes on Sheet



Notes:

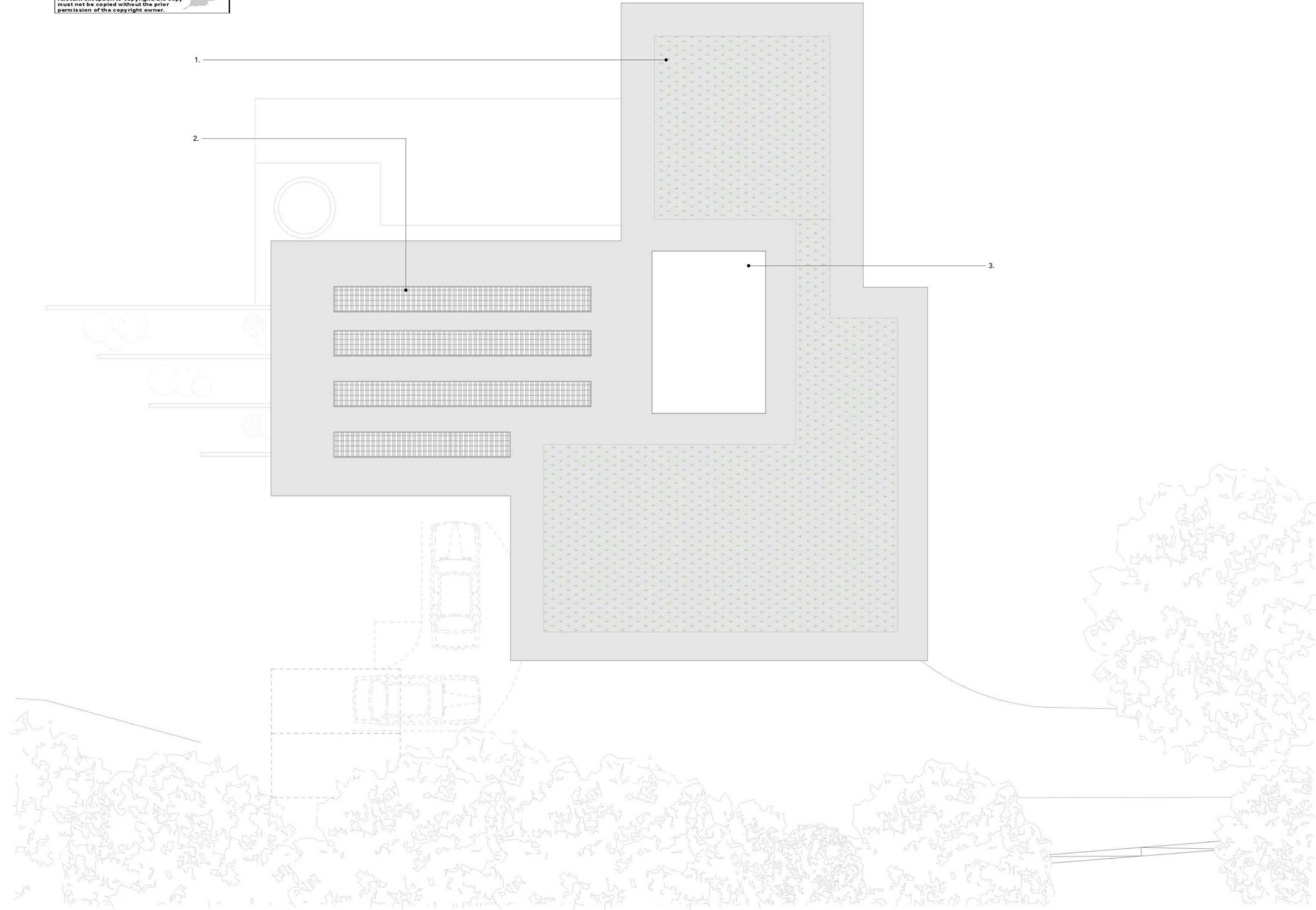
1. External terrace
2. Landscape embankment to suit site topography.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



Changes on Sheet



Notes:

1. Green roof
2. Solar PV panels
3. Roof light to atrium below

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary
● Bird Box
● Bat Box

Notes:
1. Tree and shrub planting to Western edge of application boundary. Mixed species.
2. Tree planting to Northern edge of application boundary. Mixed species.
3. Landscaped garden & seating area.
4. Lawned Garden.
5. Green Roof to Dwelling.
6. Natural Landscape with wild flowers.
7. Gravel and cellular driveway.
8. Tree and shrub planting to Eastern edge of application boundary. Mixed species.

Proposed Planting to enhance the ecology surrounding the application site includes the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquifolium
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

GENERAL NOTES:
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• All dimensions in mm & are to be verified on site
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• To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:500 0 12.5 25m



1.East Elevation

1:100



2.West Elevation

1:100

Materials

- A. Weathered Larch.
- B. Stone Gabions.
- C. Dark Metal Roof & Window Profiles.
- D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

Notes:

- 1. Green roof.
- 2. Entrance Canopy.
- 3. Ground level entrance
- 4. Landscape embankment to suit site topography
- 5. Wadingburn Lane.
- 6. Existing retaining wall.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



1.South Elevation

1:100



1.North Elevation

1:100

Materials

- A. Weathered Larch.
- B. Stone Gabions.
- C. Dark Metal Roof & Window Profiles.
- D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

Notes:

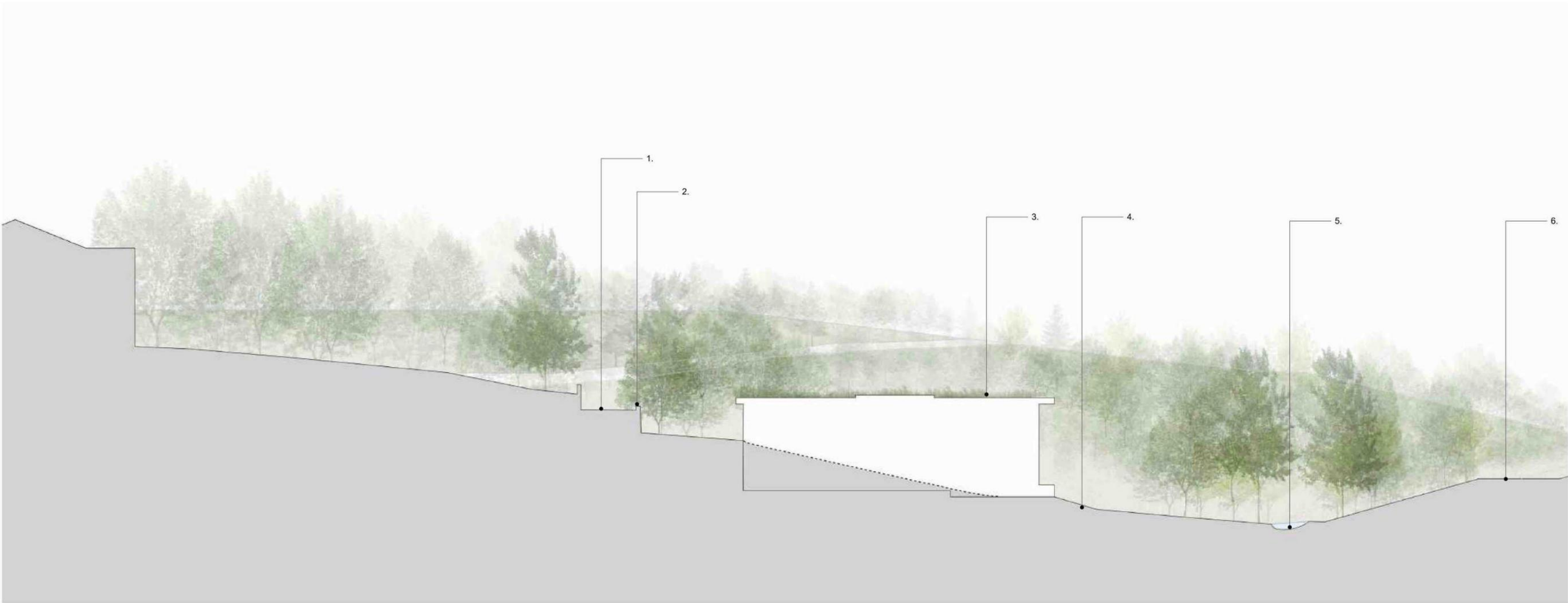
1. Green roof.
2. Double garage.
3. Ground level entrance.
4. Lower ground access to garden.
5. Terraced landscaping

GENERAL NOTES:

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- All products to be installed per manufacturer's recommendations
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- To be read in conjunction with structural engineer's drawings.

Issues				
01	09.11.22	ED	Planning First Issue	
02	14.11.22	ED	Planning Second Issue	

Changes on Sheet



KEY

— Indicates section line through the site.

- - - Indicates topography of site in front of building.

Notes:

1. Wadingburn lane.
2. Existing retaining wall along Wadingburn Lane.
3. Proposed green roof to increase biodiversity and reduce visual impact from wadingburn lane.
4. Landscaped embankment to suit site topography.
5. Existing burn.
6. Lasswade Road.

GENERAL NOTES:

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- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



Wadingburn Lane, Lasswade
Preliminary Ecological Assessment (PEA)
For Ferguson Planning Ltd.

23rd December 2022

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Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	19/09/22	Stewart Parsons	Emma Parsons	21/09/22
CIC v1.1	22/12/22	Stewart Parsons	Emma Parsons	23/12/22

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Ellendale Environmental Limited accepts no responsibility for any use of or reliance on the contents of this report by any third party.

The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



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1. Executive Summary

Ellendale Environmental Limited was commissioned by Ferguson Planning Ltd., on behalf of their client, to undertake a Preliminary Ecological Assessment (PEA) for an area of land at Lasswade Road, Loanhead, Midlothian, EH18 1HG ('the site'). It is proposed to develop a residential property on the site ('the proposed development').

Surveys undertaken at the site as part of the PEA included a Phase 1 Habitat survey and a protected species walkover. The Phase 1 Habitat survey was undertaken following a Phase 1 survey methodology (JNCC, 2010) to list the plant species associated with each habitat. The preliminary protected species walkover was conducted for the site and the surrounding area.

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A ponded area and burn are also present but both were dry at the time of the survey.

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

No evidence of common reptiles or amphibians was found during the survey and no suitable refugia or hibernacula were present. The grassland may provide some limited foraging habitat.

The scrub and woodland within the site provides the most suitable nesting habitat for a range of common bird species; however, no nests were recorded at the time of survey. The trees and hedgerow do not provide habitat for roosting bats but may provide some foraging and commuting habitat.

The old stables present along the southern boundary of the site are not assessed as providing suitable habitat for bat species. The roof and much of the walls have collapsed and the wooden structure was found to be wet and rotten in places.



No crevices or loft space was found that would provide habitat for bat species and no evidence such as droppings, feeding remains or staining was found. No further surveys for bats are recommended.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.

Recommendations have been made for modest post-construction ecological enhancements at the site that are proportionate with the low level of environmental impact from the proposed development.



2. Introduction

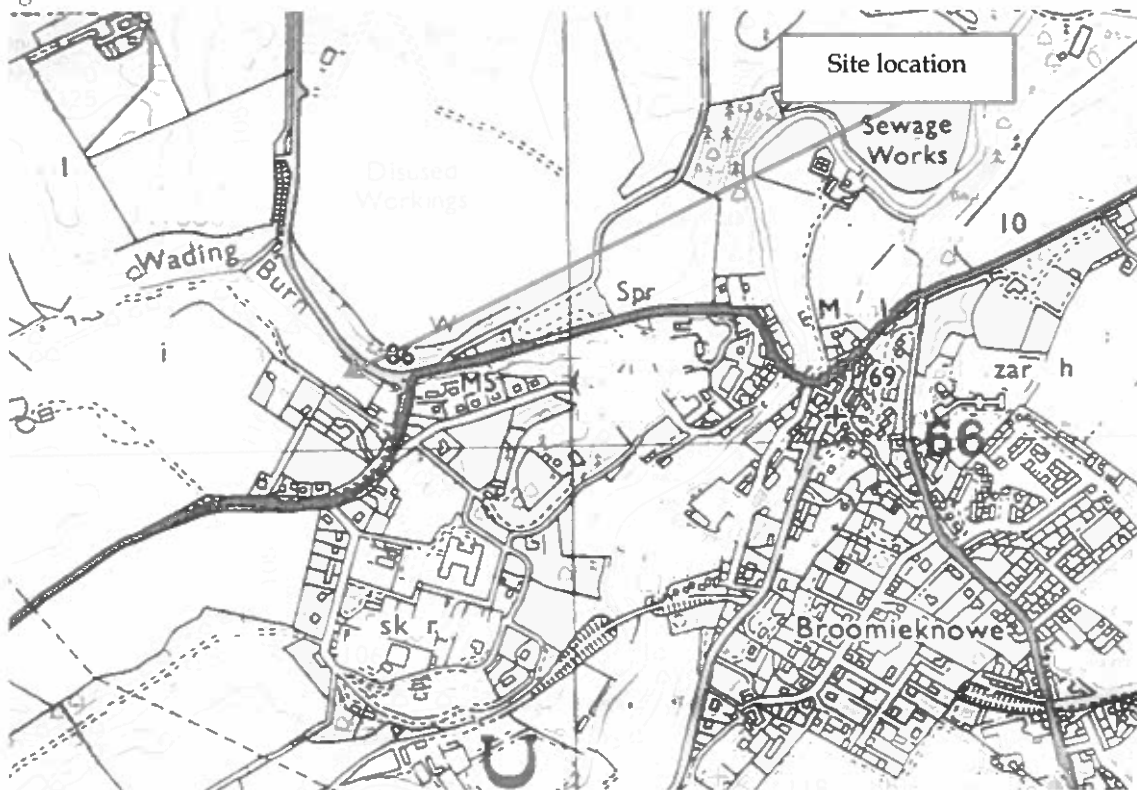
2.1 Commission

Ellendale Environmental Limited was commissioned by Ferguson Planning Ltd., on behalf of their client, to undertake a Preliminary Ecological Assessment (PEA) for an area of land at Lasswade Road, Loanhead, Midlothian, EH18 1HG ('the site'). It is proposed to develop a residential property on the site ('the proposed development').

2.2 Site Details

The site is located north of Wadingburn, a town in Midlothian, in a commuter belt to the south of Edinburgh, and close to Roslin, Bonnyrigg and Dalkeith, at OS grid reference NT 29561 66193.

Figure 1: Site location



©



2.3 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental conducted an ecological survey of the site and a 50m buffer (where accessible and appropriate) to fulfil the following needs:

- Obtain baseline information on the current habitats and ecological features in and around the site;
- Identify any further specialist surveys that may be required;
- Identify the presence (or potential presence) of any protected species whose disturbance may require consent under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) or the Wildlife and Countryside Act, 1981 (as amended); and
- Identify any species or habitats which may require special mitigation during the development of the site.



3. Methodology

3.1 Data Search

Publicly available databases, including NatureScot Sitelink, MAGIC and the NBN Atlas, were consulted for historical evidence of:

- Statutory land-based designations;
- Non-statutory land-based designations; and
- Protected and notable species.

The data search was conducted within a 2km radius of the site boundaries (and was extended to 5km for bats).

Due to the size of the site a data search from The Wildlife Information Centre (TWIC) was not undertaken. No evidence of badger or badger activity was found during the survey.

3.2 Phase 1 Habitat Survey

A Phase 1 Habitat survey of the site area was undertaken, and the habitats present on the site were mapped following the Phase 1 survey methodology (JNCC, 2010), listing the plant species associated with each habitat. This methodology was a Phase 1 habitat survey, whereby all habitats were surveyed and recorded onto a base plan, and any habitats that were considered to be of potential interest to nature conservation were recorded through the use of target notes to annotate a Phase 1 habitat map.

3.3 Preliminary Protected Species Walkover

The site and surrounding areas were examined for signs of protected species, particularly European badger *Meles meles*, as it was considered that the site had the greatest potential to support this species.

The presence/potential presence of protected or notable species of conservation concern was recorded using target notes, following the Chartered Institute of Ecological and Environmental Management guidance (CIEEM, 2012).



3.4 Survey Area

The survey covered the entire site and areas within 50m (where accessible and appropriate).

3.5 Survey Limitations

The aim of this survey was not to record every species present on the site, as one survey acts as a snap-shot, recording only those species which are present at the time or whose presence can be indicated through the occurrence of field signs, such as feeding remains, droppings or places used for shelter or foraging.

Evidence collected has been used to draw conclusions about the flora and fauna within the boundary of the site and to provide an assessment of their ecological and nature conservation value.

Weather was not a limiting factor to the survey. The prevailing conditions at the time of the survey are summarised in Table 1.

Table 1: Survey weather conditions

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
12/08/22	20.6	0.0 Avg. 0.5 Max.	0% cloud cover, dry and warm and still.

3.6 Surveyor

The survey was undertaken by Stewart Parsons, Director and Principal Ecologist of Ellendale Environmental, who is a full member of CIEEM and a chartered environmentalist (CEnv). Stewart has over 18 years' professional experience of undertaking ecological surveys across the UK.



4. Results

4.1 Desk Study

A 2km data search for existing designated sites and biological records was undertaken from NatureScot Sitelink, MAGIC and the NBN Atlas (National Biodiversity Atlas (NBN) Atlas (<https://ror.org/00mcxye41>) at <http://www.nbnatlas.org>. Accessed 17 September 2022).

Statutory Designated Sites

The following statutory designated sites are located within 2km of the site boundaries:

- Bilston Burn Site of Special Scientific Interest (SSSI) is located 1.4km south-west of the site boundary; and
- Hewan Bank SSSI is located 1.4km south-west of the site boundary.

Non-Statutory Designated Sites

The following non-statutory designated sites are located within 2km of the site boundaries

- Straiton Pond Local Nature Reserve (LNR) and Local Biodiversity Site (LBS) is located 1.5km north-west of the site boundary;
- Burdiehouse Burn Valley Local Nature Reserve (LNR) is located 2km north of the site boundary;
- Bonnyrigg to Rosewell Disused Railway Local Biodiversity Site (LBS) is located 350m to the east of the site;
- Mavisbank Local Biodiversity Site (LBS) is located 950m to the south of the site; and
- Springfield Mill and the Maiden Castle Local Biodiversity Site (LBS) is located 1.9km to the south of the site.

Protected and Notable Species

The following protected species were identified within 2km of the site boundaries by the data search:



- Great crested newt *Triturus cristatus* (two records, the closest of which is 1.5km west of the site, the most recent recorded in 1996);
- Eurasian otter *Lutra lutra* (one record, 1.5km south-west of the site, recorded in 1991); and
- European badger (nine records, the closest of which is 350m north-west of the site, the most recent recorded in 2019).

Bat Species

The following bat species were identified within 5km of the site boundaries by the data search:

- Daubenton's bat *Myotis daubentonii* (seven records, the closest of which is 2.3km south-west of the site, the most recent recorded in 2013);
- Natterers bat *Myotis nattereri* (two records, 3.5km east of the site, the most recent recorded in 2020);
- Noctule bat *Nyctalus noctule* (one record, 4km south of the site, recorded in 2020);
- Common pipistrelle bat *Pipistrellus pipistrellus* (77 records, the closest of which is 1.5km east of the site, the most recent recorded in 2021);
- Soprano pipistrelle bat *Pipistrellus pygmaeus* (157 records, the closest of which is 1.5km east of the site, the most recent recorded in 2021); and
- Brown long-eared bat *Plecotus auritus* (12 records, the closest of which is 2.6km west of the site, the most recent recorded in 2009).

Bird Species

Approximately 105 bird species have been recorded within 2km of the site and are shown on the NBN Atlas; however, none of these records are within the site boundaries.

4.2 Phase 1 Habitat Survey

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A pond and burn is also present but both were dry at the time of the survey.



To the north of the site is Lasswade Road and to the east there are residential properties. To the south there is Wadingburn Lane, beyond which is a residential property and to the west there is an area of broad-leaved woodland.

There are six Phase 1 habitat types, including boundary features, recorded on site, namely:

- A2 Scrub (Dense/continuous);
- J3.6 Built-up areas (Building);
- B6 Poor semi-improved grassland;
- C3 Tall ruderal;
- A1 Broadleaved woodland (Semi-natural); and
- G1 Water (Pond and running water).

A2 Scrub (Dense/continuous)

The site is accessed from Wadingburn Lane along a short track which is lined on either side by dense scrub.

Photograph 1: showing a view of the site entrance





Species including buddleia *Buddleia davidii*, sycamore *Acer pseudoplatanus* and elder *Sambucus nigra* are present along the boundaries. In addition, ivy *Hedera helix*, crocosmia *Crocosmia sp.*, bramble *Rubus fruticosus agg.*, broad-leaved dock *Rumex obtusifolius*, common nettle *Urtica dioica* and dandelion *Taraxacum officinale agg.* are all present.

Along the western boundary of the site there is a former hedgerow now dominated by dense bramble scrub. Occasional hawthorn *Crataegus monogyna* is present.

13.6 Built-up areas (Building)

Along the southern boundary of the site there is a former stable building that is approximately 20m long by 5m wide. The barn is constructed from a wooden frame covered with wooden spats. The roof is pitched and covered with an external layer of roofing felt. The barn was noted to be in a poor condition with much of the roof having fallen in. Beyond the stable building there is a row of beech *Fagus sylvatica* trees along the road boundary.

Photograph 2: showing a view of the former stables





B6 Poor semi-improved grassland

The main area of the site is dominated by poor semi-improved grassland that slopes towards the north of the site. The ground was noted to have been mown at the time of the survey and it is understood that the ground was previously grazed. Through lack of management some ruderal species were noted to be present in the grassland including broad-leaved dock, common nettle, creeping buttercup *Ranunculus repens*, soft rush *Juncus effusus*, horsetail *Equisetum arvense*, meadowsweet *Filipendula ulmaria* and cow parsley *Anthriscus sylvestris*.

Photograph 3: showing a view of the poor semi-improved grassland



C3 Tall ruderal

Tall ruderal vegetation is present around the boundaries of the site with species present including willow herb *Epilobium sp.*, broad-leaved dock, common nettle and burdock *Arctium minus*.



A1 Broadleaved woodland (Semi-natural)

At the north of the site there is an area of broad-leaved woodland with species present including silver birch *Betula pendula*, sycamore, alder *Alnus glutinosa*, beech and holly *Ilex aquifolium*. The area is wet with wading burn present along the boundary of the woodland. Ground flora includes common nettle, bramble and male fern *Dryopteris filix-mas*.

Photograph 4: showing a view of the woodland



G1 Water (Pond and running water).

Wading burn is present along the north of the site. The survey followed a period of hot weather, and no water was found to be present. A ponded area is present in the north-east corner of the site and was also dry at the time of the survey. The pond was dominated by butterbur *Petasites hybridus*.



Photograph 5: showing a view of the pond area



4.3 Preliminary Protected Species Walkover

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. It is understood that the grassland was formerly managed through grazing. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

No evidence of common reptiles or amphibians was found during the survey and no suitable refugia or hibernacula were present. The grassland may provide some limited foraging habitat. Evidence of rabbit *Oryctolagus cuniculus* was noted throughout the site with droppings and grazing found. Evidence of deer species was also noted with areas of flattened grass present.

No evidence of badger, such as sett entrances, digging or latrines, was found during the survey and the species is not considered to be present.



The scrub and woodland within the site provides the most suitable nesting habitat for a range of common bird species; however, no nests were recorded at the time of survey. The trees and hedgerow do not provide habitat for roosting bats but may provide some foraging and commuting habitat.

The old stables present along the southern boundary of the site are not assessed as providing suitable habitat for bat species. The roof and much of the walls have collapsed and the wooden structure was found to be wet and rotten in places. No crevices or loft space was found that would provide habitat for bat species and no evidence such as droppings, feeding remains or staining was found. No further surveys for bats are recommended.

Photograph 5: showing a view inside the building



Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5. Conclusions

5.1 Conclusion

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A pond and burn are also present but both were dry at the time of the survey.

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

No evidence of common reptiles or amphibians was found during the survey and no suitable refugia or hibernacula was present. The grassland may provide some limited foraging habitat.

The scrub and woodland within the site provides the most suitable nesting habitat for a range of common bird species; however, no nests were recorded at the time of survey. The trees and hedgerow do not provide habitat for roosting bats but may provide some foraging and commuting habitat.

The old stables present along the southern boundary of the site are not assessed as providing suitable habitat for bat species. The roof and much of the walls have collapsed and the wooden structure was found to be wet and rotten in places. No crevices or loft space was found that would provide habitat for bat species and no evidence such as droppings, feeding remains or staining was found. No further surveys for bats are recommended.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5.2 Mitigation

Nesting Birds

Should any vegetation around the boundaries of the site require removing, this should be undertaken out with the breeding bird season (March – August, inclusive), as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

If works are undertaken within this period, a nesting bird survey would be required no more than 24 hours prior to the works. If nesting birds were found, these areas of the site would need to be protected from disturbance until the young have fledged naturally.

Common Reptiles and Amphibians

Poor semi-improved grassland present within the site provides limited habitat for common reptile and common amphibian species.

To minimise the risk of killing or injuring reptiles during the development of the site, the legislation effectively requires the displacement of individual common reptile and common amphibian species from the site to alternative habitat. The grassland within the site shows signs of management through mowing and this should be continued. Common reptile and common amphibian species use vegetation for predator avoidance, foraging and for regulation of their own body temperature; areas of short vegetation with no cover are therefore likely to be avoided.

Any areas of tall vegetation should be cleared slowly to encourage common reptile and common amphibian species to move out of the area of their own accord prior to works starting in these areas.

5.3 Suggested Biodiversity Enhancements

It is recommended that an ecologist contributes to any detailed landscape designs, planting lists and post-construction management to ensure a biodiversity net gain for the site.

It is important that, where possible, opportunities to create new ecological features or enhance existing ones are fully explored. The following measures would benefit the development by introducing ecological enhancements and should be encouraged:



- Planting of native shrubs in appropriate areas of the site such as along the southern boundary of the site will bolster the existing habitat and provide connectivity between existing habitats. Species beneficial to wildlife include hawthorn, hazel *Corylus avellana*, alder, wild cherry *Prunus avium*, dog-rose *Rosa canina* and guelder-rose *Viburnum opulus*.
- The pond and burn habitat should be enhanced through clearance of vegetation and selective replanting with marginal vegetation and shrubs. This will provide habitat for a number of species including invertebrates, small mammals, common reptile and common amphibian species and foraging birds and bats.

The following recommendations are also made for modest post-construction ecological enhancements at the site which are proportionate with the low level of environmental impact from the proposed development.

1] As part of the design and layout considered, bird nesting boxes (both small-hole and open-fronted) should be placed within the site, if possible, in suitable areas such as the woodland. This will create nesting opportunities for small bird species as part of the overall design;

2] As part of the design and layout considered, bat boxes should be placed on or around the site boundaries, if possible, in suitable areas such as the woodland. This will create roosting opportunities for bat species as part of the overall design; and

3] Bat tubes could be incorporated into the structure of the new building to provide roosting opportunities for bat species as part of the overall design.

5.4 Generic Mitigation Measures

The following mitigation shall be complied with across the project and will be continued throughout the construction period to protect common reptiles and amphibians and mammal species:

- Site personnel are to remain vigilant for signs of wildlife during the works;
- A suitably qualified and experienced ecologist will remain available to the site during the initial clearance of the site to ensure no animals are harmed during the works;



- If any trenches are left open overnight, they will be inspected every morning for trapped animals. All excavations will have 'escape route' provision so that should an animal fall in they would be able to escape;
- Materials storage will be on areas of hard standing in preference to vegetated areas. Where vegetated areas are used for the storage of materials these will be regularly mown to dissuade animals using them during the period of the construction works. Materials will be stored off the ground to avoid creating refugia for animals;
- Containers or storage sheds will be closed when not used to prevent entry by wildlife;
- Ground levelling will not create any areas of refugia during the construction phase that could be used by animals; and
- Vehicle movement will be restricted to the construction site ensuring that other areas are not affected.



6. Target Notes

6.1 Botanical Target Notes (TN)

TN1 – An area of ephemeral/short perennial vegetation at the entrance to the site. The area is used for access and car parking.

TN2 – A shed present at the entrance to the site.

TN3 – An area of dense scrub at the entrance to the site the extends along the road boundary.

TN4 – Old stable present on site were found to be in a poor condition with much of the roof and walls having collapsed.

TN5 – An area of dense scrub and beech trees extending along the road boundary.

TN6 – A strip of broadleaved woodland extending along the road boundary.

AN7 – An area of poor semi-improved grassland managed through regular mowing.

AN8 – A strip of tall ruderal vegetation along the burn.

AN9 – The Wadding burn was dry at the time of the survey.

AN10 – An area of broadleaved woodland.

AN11 – A pond area that was dry at the time of the survey and densely covered by butterbur.

AN12 – A strip of tall ruderal vegetation along the boundary of the site.

AN13 – Dense scrub along the boundary of the site.

6.2 Animal Target Notes (AN)

AN1 – Dense scrub provides foraging and nesting habitat for bird species.

AN2 – The shed present on site does not provide habitat for protected species.

AN3 – The old stables present on site do not provide habitat for roosting bats.



AN4 – Dense scrub provides foraging and nesting habitat for bird species.

AN5 – A strip of broadleaved woodland provides foraging and nesting habitat for bird species.

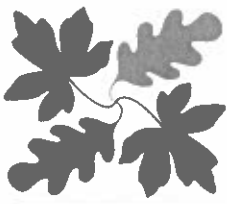
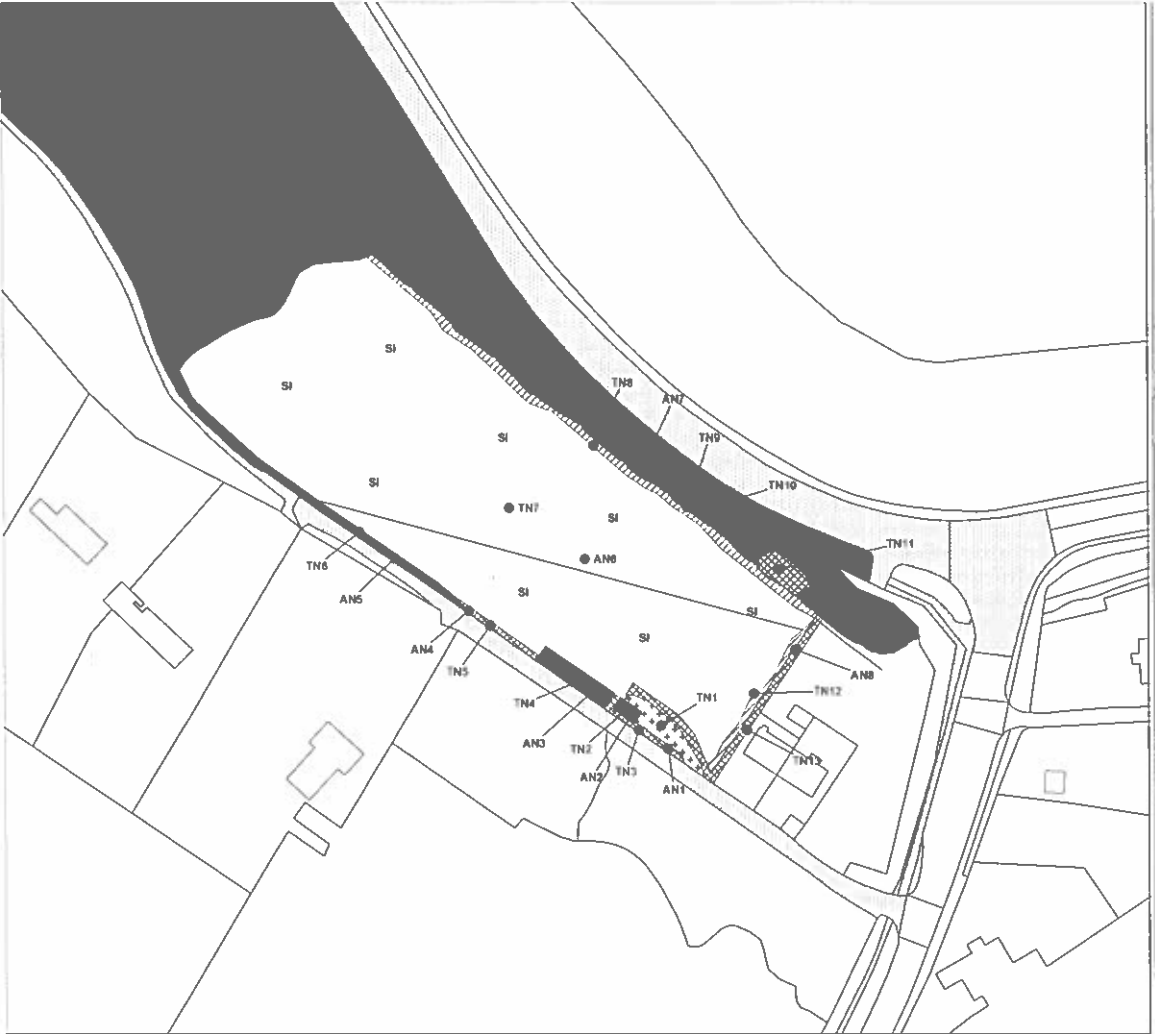
AN6 – The grassland habitat is managed and is therefore limited in its potential to support protected species.

AN7 – A strip of broadleaved woodland provides foraging and nesting habitat for bird species.

AN8 – Dense scrub provides foraging and nesting habitat for bird species.



7. Extended Phase 1 Habitat Map



ELLENDALE
ENVIRONMENTAL

Drawing Title;
Wadingburn Lane, Lasswade
Extended Phase 1 Map

Client;
Ferguson Planning Ltd.

Date;
21/09/22

Drawn By;
SP

Project Number;
EEL520

Version Number;
v1.0

- Target Note
● TN
- Animal Note
● AN
- Water
— Dry Ditch
▨ Dry Pond
- Built-up Area
■ Hard Standing
■ Building
- Woodland and Scrub
▨ Dense Scrub
■ Broad-leaved Woodland
- Tall Herb and Fern
▨ Tall Ruderal
- Miscellaneous
▨ Ephemeral/Short Perennial Vegetation



APPENDIX 1 – SOIL MAPS

GALASHIELS

Shiel House, 54 Island Street
Galashiels TD1 1NU
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EDINBURGH

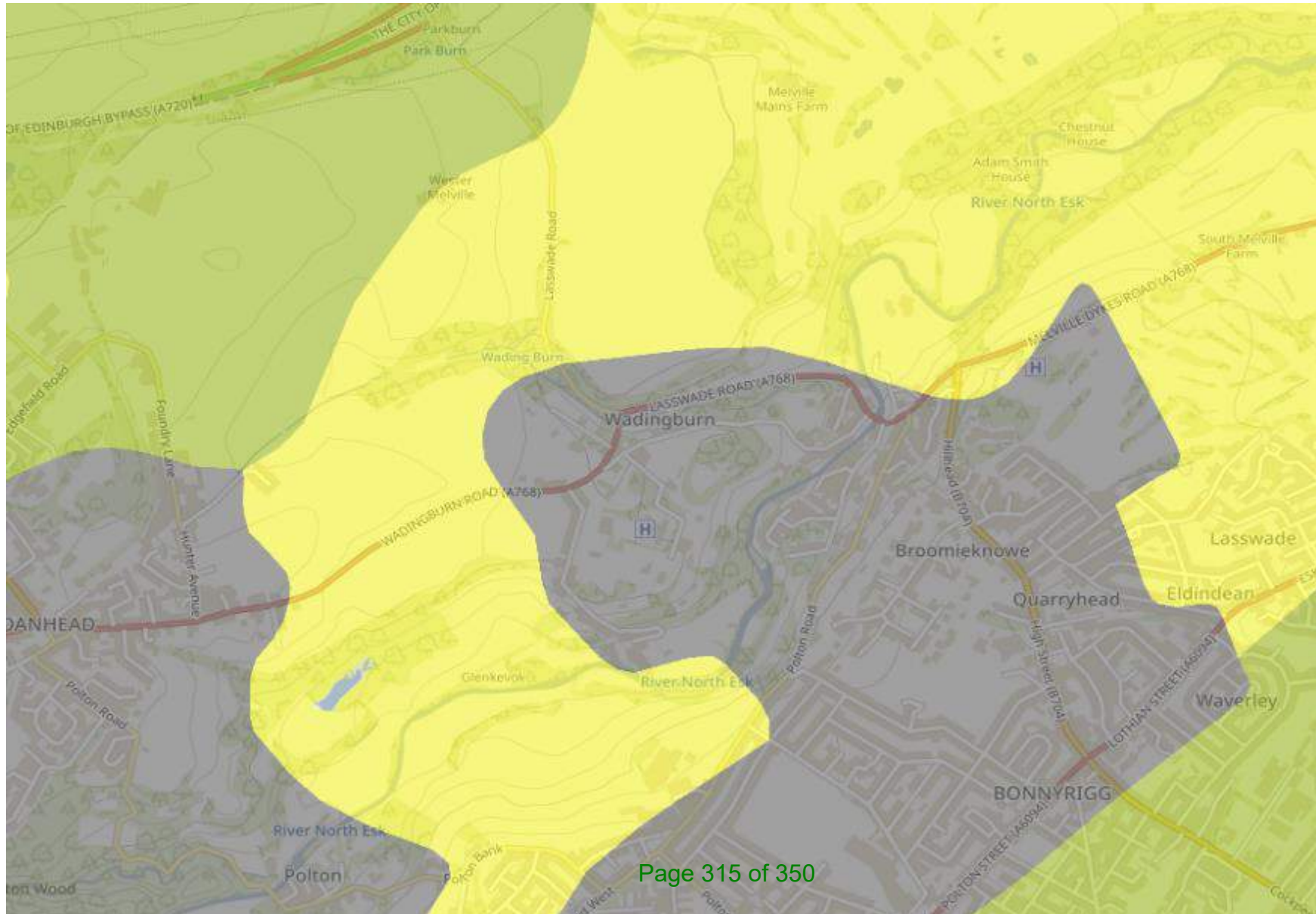
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Edinburgh EH2 2HN
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NORTHERN IRELAND

61 Moyle Road, Ballycastle, Co. Antrim,
Northern Ireland BT54 6LG
T: 07960 003 358

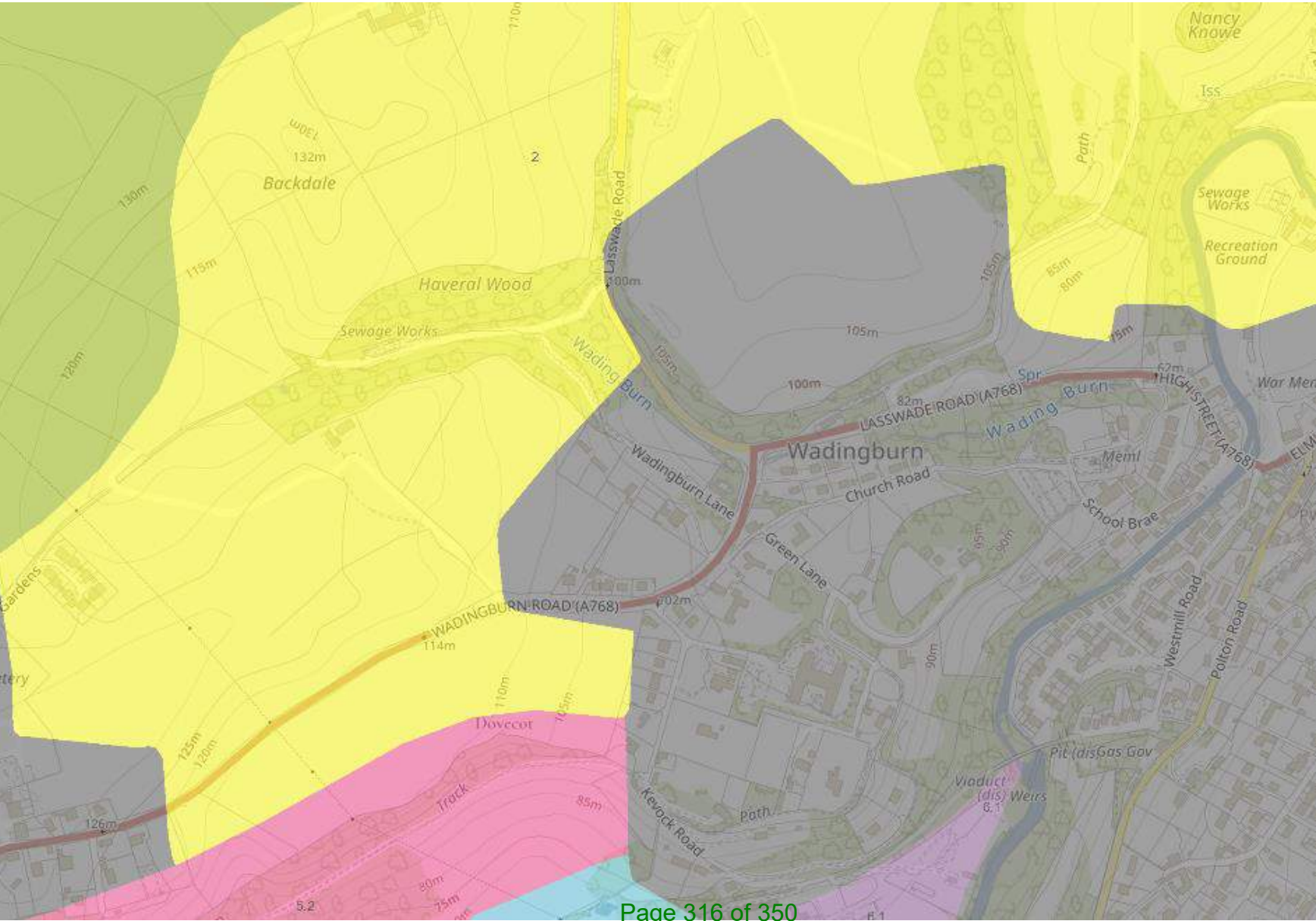
Map 1: National Scale Land Capability for Agriculture 1:250,000

Yellow area is identified as Class 2. Green area is Class 3.1 which are considered to be prime. The site is located within the grey area which is 'Urban Area'.



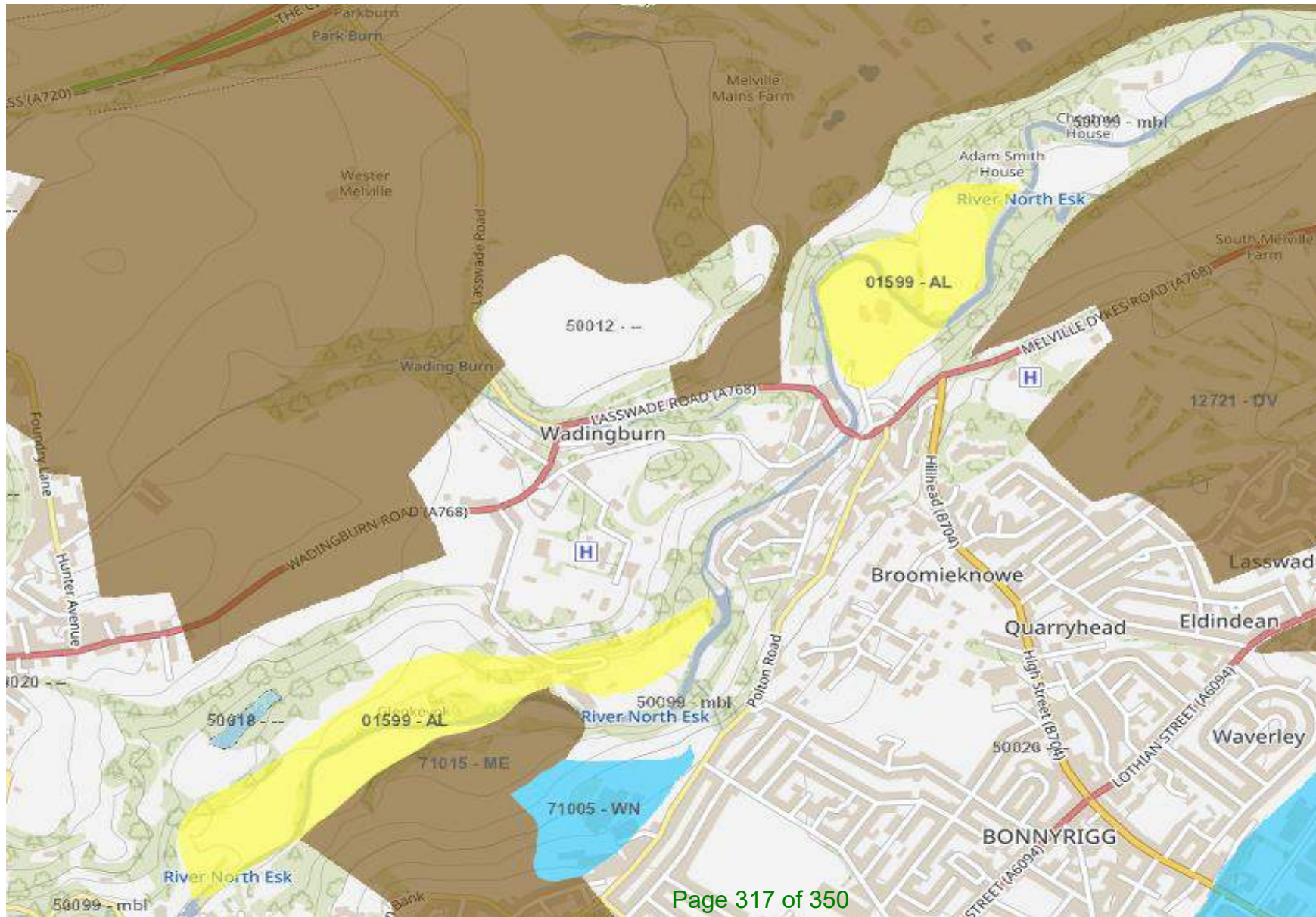
Map 2: Land Capability for Agriculture (Partial Cover) - 1:50,000

Yellow is Class 2, considered to be prime. The site is located within the grey area which is the 'Urban Area'.



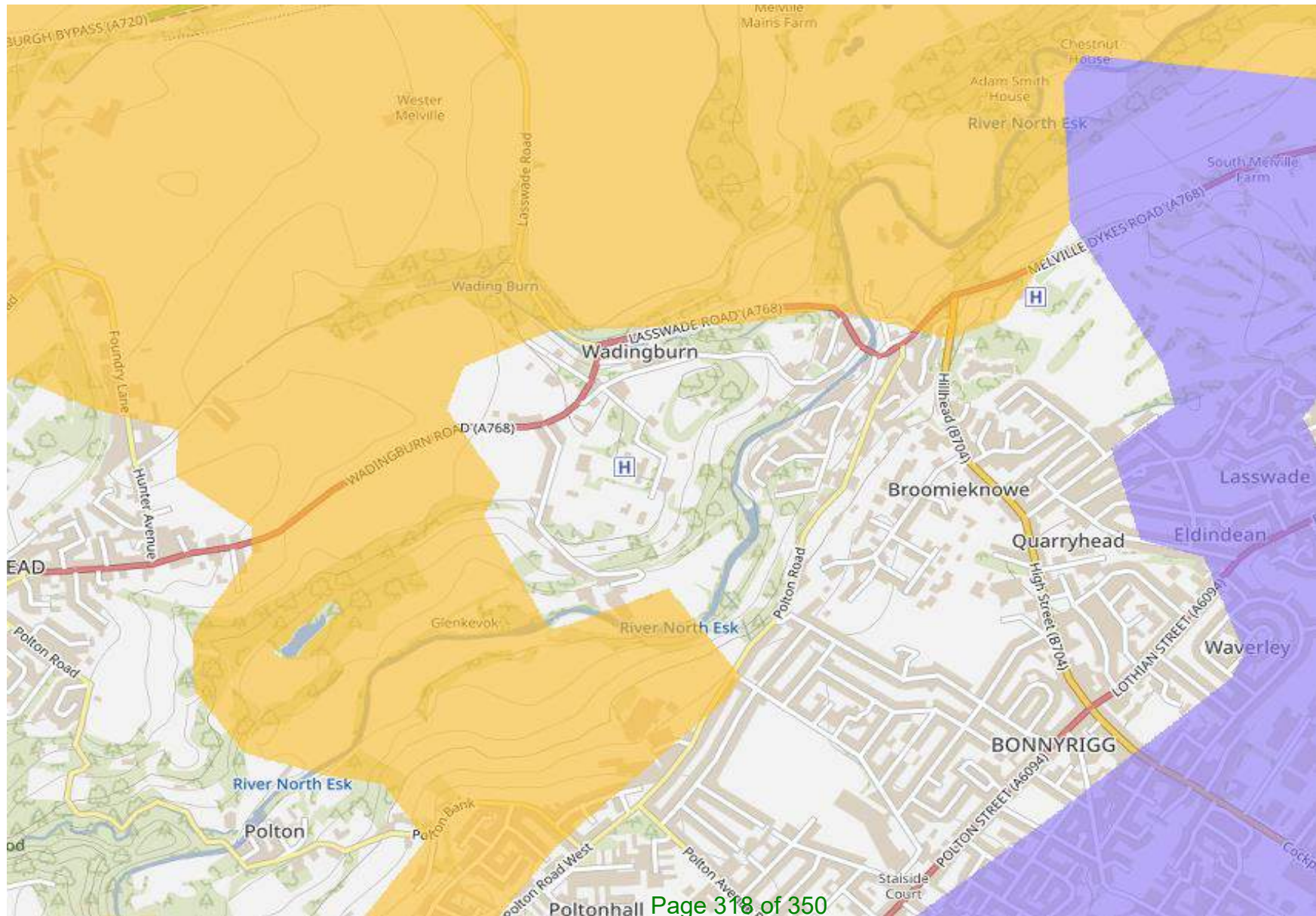
Map 3: Soil Map of Scotland (Partial Cover)

Brown shaded area is identified as Darvel - brown soils (brown earths). The site has no particular classification because it is 'urban land'.



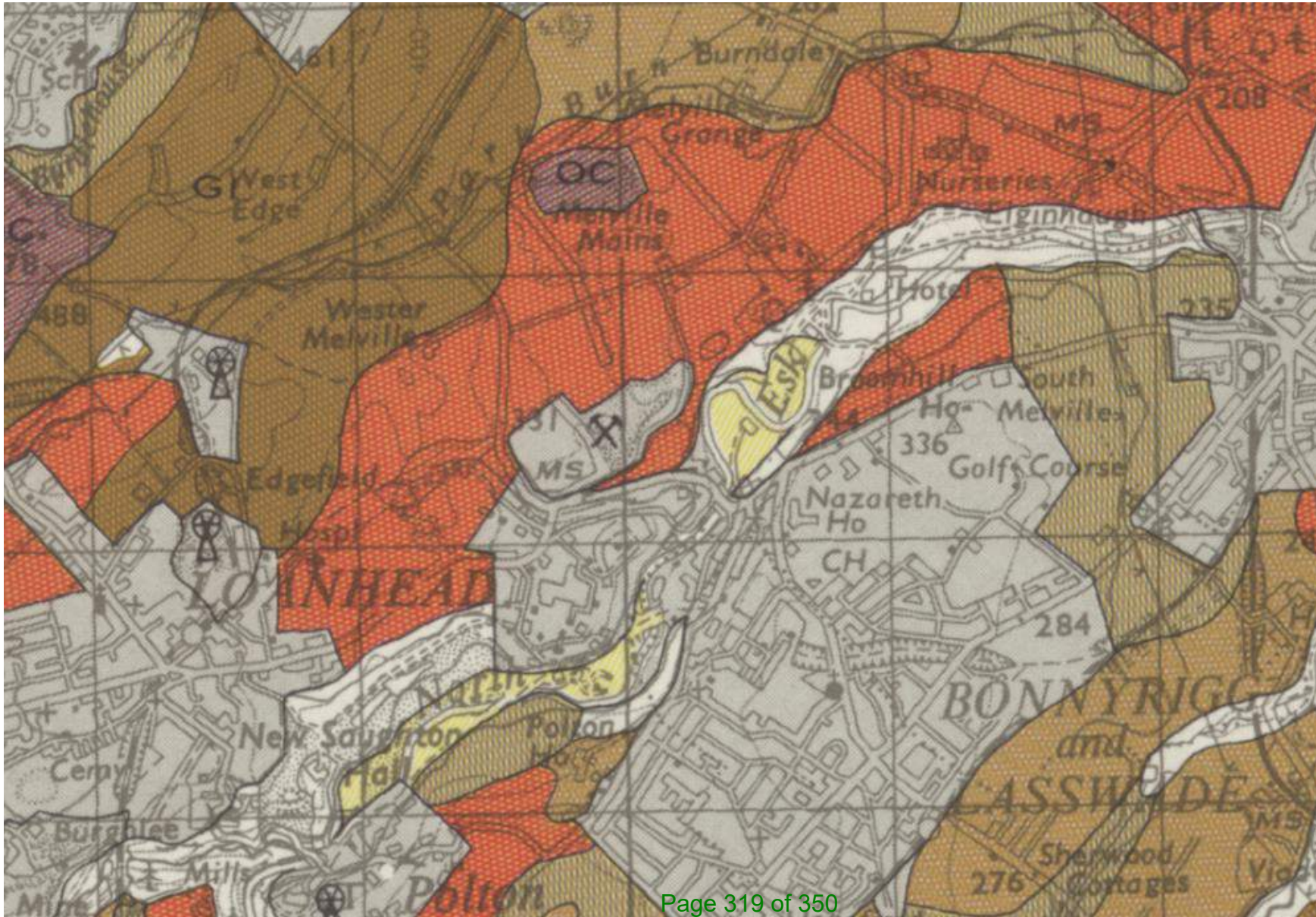
Map 4: World Reference Base Soil Map

Orange shaded area is identified as Cambisol. The site has no particular classification because it is 'urban land'.



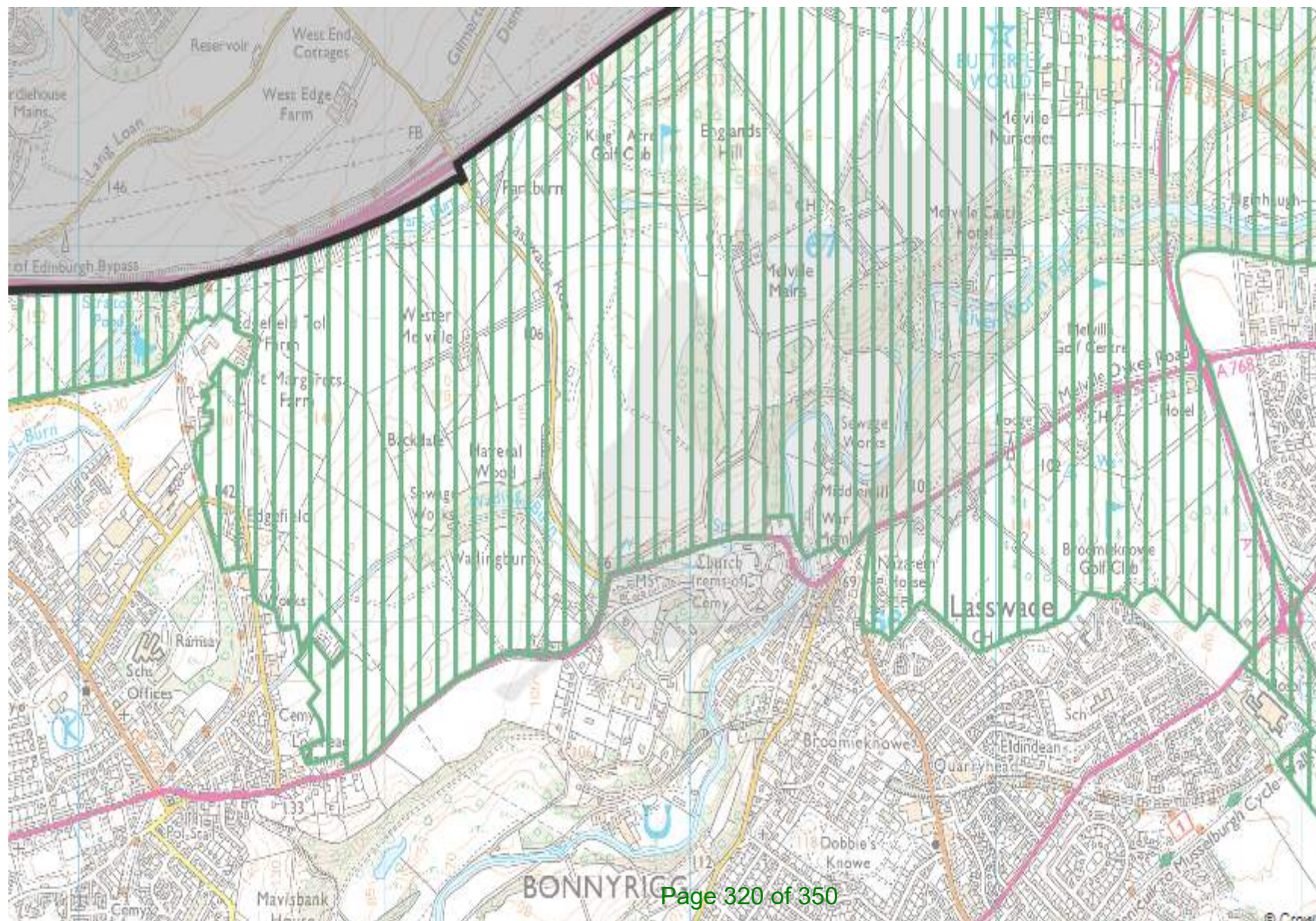
Map 5: Soil Survey of Scotland 1950-1980s

Orange shaded area is identified as 'Darvel' soil. Proposed site is within the defined 'built-up area' - grey shading



Map 6: Midlothian Council Local Development Plan Proposals Map

The green hatched area is to show 'prime agricultural land'. This does not reflect any of the national data set of soil or agricultural land upon which it is supposedly based.





APPENDIX 2 - EMAIL FROM MIDLOTHIAN COUNCIL RE AGRICULTURAL LAND
STATUS AND MAPPING

GALASHIELS

Shiel House, 54 Island Street
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NORTHERN IRELAND

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Northern Ireland BT54 6LG
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Sam Edwards

From: Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>
Sent: 12 May 2023 16:04
To: Sam Edwards
Subject: RE: Planning application 22/00811/DPP Land North West of 4 Wadingburn Lane, Lasswade

Good afternoon Sam,

I refer to your email below and apologise for the delay in responding to you. My colleagues have been working on events for the new MLDP and so have been quite busy and out of the office the last couple of weeks.

They have looked into your query and have confirmed that the current MLDP is out of date in regards to this application site and its prime agricultural land designation. This application site is not prime agricultural land and so policy ENV4 of the current MLDP does not apply.

I hope this clarifies matters and apologise for the delay in responding.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie
Planning Officer: Planning Applications
Planning, Sustainable Growth and Investment Service
Place Directorate
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Tel: 0131 271 3308
Fax: 0131 271 3537
Web: www.midlothian.gov.uk
Email: Mhairi-Anne.Cowie@midlothian.gov.uk

Please note that I am currently working remotely so there may be some delays in my accessing telephone messages or submissions submitted to the office.

We are reviewing the Midlothian Local Development Plan [Midlothian Local Development Plan 2 | Development plans and policies | Midlothian Council](#)

If you have any questions about the review, or would like to be added to our MLDP2 mailing list, please email LDP@midlothian.gov.uk

From: Sam Edwards <sam@fergusonplanning.co.uk>
Sent: 09 May 2023 09:27
To: Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>
Subject: RE: Planning application 22/00811/DPP Land North West of 4 Wadingburn Lane, Lasswade

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APPENDIX 3 - EMAIL FROM APPELLANT'S ARBORICULTURIST

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Sam Edwards

From: Sam Edwards
Sent: 05 May 2023 00:44
To: Sam Edwards
Subject: FW: Fwd: Lasswade Planning

From: ROAVR Group <support@roavrgroup.freshdesk.com>
Sent: Friday, April 21, 2023 2:09 PM
To: matt@roavr-group.co.uk
Cc: Sam Edwards <sam@fergusonplanning.co.uk>
Subject: Re: Fwd: Lasswade Planning

Hi Sam,

The root systems of trees do not generally show the same sort of symmetry seen within the crown.

In the case of the linear feature of beech trees at Lasswade, they are well adapted to their situation. The effects of the proposals on this feature has been assessed as part of the arboricultural impact assessment.

During our initial feedback we suggested that the development was moved away from the trees and this advice was taken on board. This has led to proposals that are largely sympathetic to the tree population bordering the site.

An assessment of trees is only ever a snapshot in time and they cannot be preserved for time immemorial in the same state and condition. The feature at this site is an outgrown hedge and regardless of the proposals is likely to require work in the future.

The majority of the root mass of trees T74-T83 is almost certainly offset to the south but this cannot be quantified without invasive site investigation techniques.

The British Standard says (in relation to stability) -

Trees that have good health and stability are well adapted to their surroundings. Any development activity which affects the adaptation of trees to a site could be detrimental to their health, future growth and safety. Tree species differ in their ability to tolerate change, but all tend to become less tolerant after they have reached maturity or suffered previous damage or physiological stress.

Planning and subsequent site management aims need to minimize the effect of change.

The part of a tree most susceptible to damage is the root system, which, because it is not immediately visible, is frequently ignored. Damage to, or death of, the root system affects the health, growth, life expectancy and safety of the entire tree. The effects of such damage might only become evident several years later. Damage can be the result of a number of minor but compounding factors that accumulate over time. Materials such as uncured concrete, diesel oil and vehicle washings can all damage roots and lead to adverse impacts on the tree.

It is my professional opinion that these concerns have been addressed as part of the arboricultural advice package and that as such, concerns about the effect of the proposals on the stability of trees on the southern boundary is unfounded.

All other tree related matters can be conditioned within an arboricultural method statement.

KR, Matt.

Matt Harmsworth

Director | Chief Pilot | Lead Consultant at [Roavr-Group](#)

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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00811/DPP

Site Address: Land North West of 4 Wadingburn Lane, Lasswade.

Site Description: The application site comprises an area of land adjacent to Lasswade Road, which slopes down from south to north. There are sheds/workshops and stables at the south, with grassed land and the Wading Burn to the north. There are houses to the east and south and countryside and woodland to the north and west. The site is within the Green Belt. Wadingburn Lane is a core path.

Proposed Development: Erection of dwellinghouse, formation of access, landscaping and associated works.

Proposed Development Details: The existing buildings are to be removed and a dwellinghouse erected in the southern part of the site. This is to be split level built into the slope, appearing as single storey from Wadingburn Lane and two storey from Lasswade Road. The house is of modern design with a flat roof and large areas of glazing. The walls are larch and metal clad with stone gabions and the window frames with dark grey aluminium. A balcony on the north elevation has a glass balustrade. There will be a green roof with solar panels and a large rooflight.

The existing vehicular access is to be retained with a cellweb and gravel driveway between the house and the southern boundary leading to two parking spaces. A number of trees will be removed with new planting proposed. The house will connect to the public drainage and water supply.

The submission includes a Design and Access Statement, Tree Survey and Arboricultural Impact Assessment, Planning Statement and Preliminary Ecological Assessment. It is stated that the location and context of the site, along with this being a high quality house that fits into the landscape, means this will not have a detrimental impact to the character of the Green belt or undermine the spirit of the relevant planning policy. These consider the history of the site and surrounding area and that the removal of the existing buildings will improve the area. A Ground Source Heat Pump and SUDs are referred to in the Design and Access and Planning Statements but are not included on the submitted site plan.

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

Application site
18/00121/DPP Erection of dwellinghouse. Refused – not required in Green Belt; loss of agricultural land; poor design of house; suburbanisation of Green Belt; impact on protected species loss of landscaping; contrary to policies DEV6, DEV7, RD1, ENV1, ENV4, ENV7, ENV11 and ENV15 of the MLDP.
07/00224/FUL Erection of workshop (retrospective). Consent with conditions.

6 Wadingburn Lane

19/00915/LBC Installation of secondary glazing. Consent with conditions.

18/00774/LBC Installation of secondary glazing. Refused.

5 Wadingburn Lane

20/00141/LBC Internal alterations. Permitted.

10/00279/LBC Formation of new and alteration to exiting door and window openings, installation of replacement windows, replacement of existing chimneys and demolition of timber framed lean to conservatory. Consent with conditions.

10/00278/DPP Replacement of chimney stacks. Consent with conditions.

4 Wadingburn Lane

05/00272/FUL Formation of parking area. Permitted.

Consultations:

The **Bonnyrigg & District Community Council** provided neutral comments and make the following point:

- The site does not enhance the entrance to the built up area from the Green Belt and does not serve to prevent coalescence of settlements;
- This does not have any recreational use and is not fit for agriculture, horticulture or forestry;
- The semi-rural character of the area is large dwellings in large gardens with large trees is exactly what is proposed. Policy ENV1C permits development appropriate to the area;
- If housing is the national requirement that has allowed such big areas of prime agricultural land to be used for new housing estates around the town, windfall sites such as this at least need to be considered;
- The proposal would not result in the loss of agricultural land as the paddock is too small for traditional agriculture and too wet for stock keeping. The environmental survey submitted was carried out in a very dry period when the burn was completely dry. Local opinion is that the site is more usually boggy;
- The house appears to sit well within the site but this should be well screened from the road with appropriate local species of hedging and trees;
- The core path along Wadingburn Lane must not be obstructed;
- The lane is rural in character and should remain so;
- To maintain the rural character there should be no lighting except at the house and driveway, which should be motion sensor activated;
- Care needs to be taken with drainage as the Wading Burn goes into a culvert under the Wadingburn to Loanhead road to Lasswade. There has been flooding at the low point of the road at the centre of the village and heavy rain has been known to lead to sewage overflow which enters the North Esk. There are reports of sewage issues in the Wadingburn area. It is expected that enquiries into the suitability of the site for development will include consultations with Scottish Water on the present state of the drainage and sewerage facilities in this area;
- Impact on wildlife and wildlife corridors as the ecological survey only covers the site and not the wider area; and

- Any new development in this area must provide hedges and trees of suitable native species and enough cover to attract a good mix of wildlife. This should enhance the nature of this area and not reduce its existing valued qualities.

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection.

The Council's **Biodiversity Consultant** has considered the submitted information and considers this satisfactorily addresses protected species. The recommendations in the survey should be complied with.

Scottish Water has no objection but states they will not accept any surface water connections to the combined sewer. There is live infrastructure in the proximity of the development area that may impact existing Scottish Water assets. The applicant must identify any potential conflicts with these and contact them for an appraisal of the proposals. This has been passed onto the applicant's agent.

Representations: Twelve letters of representation have been received, five objecting and seven supporting. The objections are on the following grounds:

- The proposal is contrary to the MLDP as this does not comply with ENV1;
- Approval would set a precedent and lead to the submission for more applications which would destroy the precious and characterful Green Belt;
- The application ignores the function of Green Belt law as a key piece of legislation in maintaining the balance between the built and natural environment;
- There is no attempt to argue the proposal complies with the requirements for building a dwelling within Green Belt;
- The historical precedent for a house illustrates why Green Belt legislation came into existence. The proliferation of housing since 1894 in what had been open countryside is clearly illustrated. The 'urban sprawl' leading to increasing pressure on green space in and around urban environments was one of the main reasons for Green Belt legislation. With the increasing importance of green space as contributing to improvements in air quality and biodiversity, it is important it is retained;
- The proposal is essentially the same as that previously refused with a change in siting and design;
- The submissions for support are based on the design of the house and other approvals in the area. These do not refer to a refusal in 2019 of a house in the area which has more similarities to the proposal than the approvals referred to;
- If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted, the Green Belt will be filled in one development at a time which is not in the spirit of the legislation, nor the National Planning Framework where reuse of vacant and derelict land should be the priority within settlements and stronger measures should be put in place to minimise use of greenfield sites. It would mean only those affluent enough to afford bespoke design and construction can build in Green Belt;
- With every new house comes destruction of wildlife habit and light pollution;

- It should never be a planning consideration that what is proposed is somehow "better" than what is there already; and
- There are hundreds of new builds in the area.

The supporting letters are on the following grounds:

- Regulations and initiatives designed to protect local environments are welcome and necessary but will not work where there is neither the willingness nor desire to invest the effort and cash required to preserve and enhance these special places. Doing nothing is common and often reflects a shameful degree of societal complacency;
- The application site is in a neglected, abandoned state and is an eyesore at the entrance to Lasswade;
- The site is not prime agricultural land;
- Refusing the application is not the preservation of Green Belt or agricultural land but a slow decline in the site which may impact on access along Wadingburn Lane or infrastructure, such as utility cables, pipe works, fencing;
- The SG provides for new houses within housing groups which the site fits;
- It would appear that the application meets the desired objective for re-use of vacant and derelict land within settlements in NPF4;
- A single well designed, energy-efficient, family home would be better use of the site, especially as this is among the first buildings on approach to Lasswade from the north;
- The proposal would enhance and improve the appearance of the area without significant negative impact on the local environment;
- The application is an opportunity to enhance the amenity, public access and ecological services provision in the area;
- The proposal takes care to reflect the sensitivities of the site in terms of its rural and Green Belt location;
- There is a desire by the applicant to implement the aims in the Planning and Design and Access Statements;
- The development of this plot would not have any adverse impact on the Green Belt designation when the remainder of the landholding will be left untouched and the new dwelling will be largely hidden from view;
- Some would rather see private members of the public build interesting, efficient houses rather than the swathes of cheaply built, less environmentally friendly buildings being erected in the Lothians;
- Improved access along Wadingburn Lane would help local businesses and farmers who use the lane;
- The trees are an important part of the environment, landscape and local amenity which is reflected in the Tree Survey and Arboricultural Impact Assessment. If the proposal is not sufficient to meet the concern over future development, the Council might consider applying conditions or to strengthen the protection of the land, countryside and landscape thought to be at risk. This could be through a revised and stronger designation, such as a Special Landscape Area or, combined with Haverall Wood, a Local Nature Reserve;
- The proposed and existing tree planting will not only screen the building but improve the appearance of the site and create new wildlife habitats, preserving the woodland and wildlife in the area;
- The site includes a wide range of wildlife which goes further than the details in the ecological survey submitted which should be protected. However it is not

considered the proposal represents a threat to this if the applicant follows their declared intentions;

- The proposal includes solar panels and a ground source heat pump which is commendable and should be supported given the current climate emergency;
- Conditions should be attached to any permission to allow access for local residents during and after development, that the lane and any related pipework be restored and resurfaced and invasive species managed according to legislation;
- There should be no future development beyond that proposed;
- Developments to bring young families to the village and clearly care about having an overall positive impact on the local area should be supported;
- There are differences between the most recently refusing housing application at Green Lane and the current proposal and so is not comparable; and
- The proposal addresses the reasons for refusing the previous application.

Relevant Planning Policies:

The relevant policies of the National Planning Framework 4 are:

- Policy **1 Tackling the climate and nature crisis** 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 network;
- 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;
- Policy **6 Forestry, woodland and trees** sets out to protect and expand forests, woodland and trees;
- Policy **8 Green belts** sets out to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably;
- Policy **9 Brownfield, vacant and derelict land and empty buildings** sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development;
- Policy **11 Energy** sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS);
- 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** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations;
- 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 **23 Health and safety** sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing;
- Policy **24 Digital infrastructure** sets out to encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy; and
- Policy **29 Rural development** seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

The relevant policies of the **2017 Midlothian Local Development Plan** are;

DEV5 Sustainability in New Development states it will be expected that development proposals have regard to the following principles of sustainability: building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with other MLDP policy;

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

DEV7 Landscaping in New Development states development proposals will be required to be accompanied by a comprehensive scheme of landscaping. This should:

complement the existing landscape within and in the vicinity of the site; create landmarks in the development layout and use the landscape to emphasise these;

TRAN5 Electric Vehicle Charging states that the Council will support and promote the development of a network of 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;

ENV1 Protection of the Green Belt states development will not be permitted in the Green Belt except for proposals that: are necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or provide for essential infrastructure; or form development that meets a national requirement or established need if no other site is available. Any development proposal will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the identity and landscape setting of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence. This policy states that housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity, as detailed above. The applicant will be required to show the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity;

ENV4 Prime Agricultural Land does not permit development that would lead to the permanent loss of prime agricultural land;

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

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

ENV15 Species and Habitat Protection and Enhancement states that development that would affect a species protected by European or UK law will not be permitted unless: there is an overriding public need and there is no satisfactory alternative; a species protection plan has been submitted, which is based on survey results and includes details of the status of protected species on site and possible adverse impact of development; suitable mitigation is proposed and agreed; and the development is not detrimental to the maintenance of European protected species at a favourable conservation status.

Supplementary Guidance for Housing Development in the Countryside and Green Belt has been adopted which expands policies RD1 and ENV1 and the criteria to be met in such proposals. This provides some support the development of one house where there is a group of 5 or more existing dwellinghouses. However this only applies to sites covered by RD1. Sites within the Green Belt are covered by ENV1 which does not make provision for development at housing groups, therefore

proposals in such location will not be considered in accordance with the plan. The SG details the criteria for groups to meet before a site can be considered.

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

The Green Belt surrounding Edinburgh plays an important role in safeguarding and maintaining the landscape settings of the city and the individual settlements of Midlothian. The Green Belt helps to maintain the character and identity of individual settlements by restricting coalescence of neighbouring settlements. In order to ensure that the Green Belt is maintained and that settlements avoid coalescence planning policies do not support development within the Green Belt except where it is required for the furtherance of existing acceptable uses. The primary aim of Green Belt policy is to maintain separation between settlements.

The proposed development would result in a new house within the Green Belt. The applicant's agent has not suggested or demonstrated that the proposed house is necessary in relation to any of the requirements for houses in the Green Belt detailed in NPF4 policy 8 or MLDP policy ENV1.

The applicant's agent has made the following comments:

- *They accept the site is in the Green Belt and does not meet one of the acceptable uses in these policies but that the proposal be considered an exception to these policies.*
- *This has no impact upon any of the Green Belt policy intent or outcomes in these policies and there is no conflict with these.*
- *This is a well connected site, at a sustainable location at the edge of the settlement and in easy walking distance to Lasswade and public transport.*
- *There are houses in the area and the position of the proposed house has been chosen to form a group with and be a continuation and logical extension of these.*
- *The site is well screened by landscaping and the proposal is design and landscape led, with the house a bespoke design to complement the area and be sustainable.*
- *The applicant wishes to live close to Lasswade but retain a character of rural living.*
- *There have been two new houses recently granted planning permission in the wider area of similar design.*

The Planning Authority acknowledge there is a history of development within the Green Belt in this area of Lasswade, however a significant portion of this predates the adoption of modern Green Belt policies. The sporadic infill ribbon developments of the 1960's and 1970's, such as those on the North side of Church Road, have diminished the sense of separation in this area of Midlothian. The proposal would be a continuation of this. The generous plot sizes and extensive areas of woodland mean that the area retains a distinctly non-urban character that warrants inclusion within the Green Belt.

The decisions of the past should not be used to justify further development today. It is clear that the previous applications for houses at land at Orchard House and School Green, referred to by the applicant's agent, were approved as exceptions to policy given the design of the houses, not to be seen as a precedent for other houses contrary to policy in the area. Whilst these were approved at Planning Committee and Local Review Body, these were ultimately the decisions of the Council. Two more recent applications for single houses at Church Road were refused as these did not comply with Green Belt policy, one of which was upheld by the Local Review Body.

The surrounding Green Belt is a sporadic, well-spaced area which helps create a balance between the built and natural environment. The development plan states the Green Belt plays an important role in protecting the landscape setting, character and identity of areas, both the City and the settlements in Midlothian. The proposal for a further house in the area would undermine the characteristics of this area of the Green Belt.

A number of supporters have stated that the house should be approved as this has a positive impact on the area and has been designed to complement this. If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted the Green Belt will be filled in one development at a time. This is why the Green Belt policy is so restrictive to development, to ensure that only development which complies with the relevant criteria is approved. There is no support for the proposal in terms of the Green Belt policies, nor are there material planning considerations to support the proposed house.

There is policy support in the MLDP for additional houses within housing groups where these meet particular criteria. This relates to sites within the countryside. The MLDP and related Supplementary Guidance are explicit that this does not apply within the Green Belt. This is therefore not relevant to this proposal.

The fact that there may have been houses here historically, in the late 1800s, does not mean that houses would be acceptable here again.

The site is within an area identified as prime agricultural land which would be permanently lost as a result of development. It has not been demonstrated that the proposal complies with the relevant criteria to allow the loss of prime agricultural land. It is accepted that the site is not in agricultural use at present, however it falls under this designation and needs to be assessed in line with this. If the applicant wishes for this classification to be removed, they should submit comments in relation to the preparation of MLDP2 for this to be considered.

The planning authority has not identified the site as vacant or derelict land. While there are redundant buildings at the site at present, the overall appearance does not detract from the character and appearance of the Green Belt at this entrance to Lasswade. It does not follow that because some feel the site is an eyesore, any development should be allowed.

With regard to NPF4, the site is within the Green Belt and so by this and its location this is not a sustainable location. Although there are footpaths and public transport links in the area, the majority of trips are likely to be done by private car which is not in line with NPF4's focus on sustainability.

Design

There are a variety of housetypes in the surrounding area, meaning there is no fixed character of development in the immediate area. The site is outwith the Lasswade and Kevock Conservation Area. The proposed house is contemporary in design and treatment of materials. The proposed house has clearly been designed to fit into the site having been set into the existing ground levels. The design and integration into the ground would minimise the visual impact on the area, through relatively low scale development, lightweight large areas of glazing and materials sympathetic to this location within the Green Belt and a prominent site at the entrance to Lasswade.

While this architectural approach is distinctly different to the design of some of the neighbouring houses, this solution was clearly arrived at in order to respect the scale of buildings in the surrounding area, to accommodate the change in ground levels and ensure that the resultant building would not be overly dominant to the surroundings. It is clear that the site's context has been considered and a design solution proposed which ensures that the impact on the character and appearance of the area is minimal whilst creating an interesting and innovative building. The Planning Authority consider that the proposed development, in terms of its design, would not have a detrimental impact on the character and appearance of the surrounding area.

Landscape

The submissions include information on trees and landscaping, as well as details of how the design and layout has been altered to accommodate as many existing trees as possible. Where trees are to be lost, these will be replaced elsewhere. Additional planting is also proposed within the site.

The site extends across an area of the Lasswade Green Belt that is characterised by grassland and native woodland, comprising both mature and young self-set trees along the course of the Wading Burn. This makes a significant contribution to the local landscape character and rural setting of the northern settlement edge of Lasswade. This is visible in approaches along Lasswade Road and the tree cover, albeit deciduous, provides a level of screening. These natural landscape features notably contrast with those parts of the burn corridor that have become characterised by residential development, such as to the east of the Wadingburn Road junction. Within this context, the site and the other land under the control of the applicant have a key role in maintaining the blue/ green network connectivity between Haverall Wood and the River North Esk, while also supporting diverse habitat for wildlife.

The trees within the site are generally in good condition. While some information has been submitted, it has not been demonstrated that the works can be carried out without the loss of some of these important features. In particular, there are a number of trees along the lane by the retaining wall and no assessment of the stability of these has been submitted. These are within falling distance to the proposed house. These may be lost if it is found that these are no longer stable after

the works are carried out. Also these may come under pressure to be felled in the future due to concerns over fall distance to or, being to the south of the house, causing overshadowing to the house and garden and overhanging the house.

It has not been demonstrated to the satisfaction of the planning authority that the proposals would not result in the loss of landscaping within the site which would have a significant detrimental impact on the landscape character of this Green Belt area. Also the proposed development would result in further pressure on the remaining undeveloped parts of the burn corridor, narrowing of the existing green network connection and wider Green Belt area which would also have a significant detrimental impact on the surrounding area.

Japanese knotweed is present within the wider ownership boundary. The applicant should ascertain if this is present within the site and any ensure existing infestations are treated appropriately, without causing further spread of this invasive species.

Amenity for occupants and neighbours

Sufficient garden ground will be provided for the proposed house.

The distances between the proposed and existing surrounding properties meets the required standards.

While there may be some overlooking from the proposed house to the garden serving 4 Wadingburn Lane, this is already overlooked by number 2 and is largely open to view from Lasswade Road and Wadingburn Road. The proposal would not be significantly worse than the existing situation.

Road safety

No road safety issues have been raised by the consultee.

The proposed works are fully within the site and would not impact on the core path.

Any works to the lane, including repairs and resurfacing, would be a private legal matter between interested parties.

Other matters

The supporting information makes reference to solar panels, Ground Source Heat Pumps and SUDs, however these are not shown on the submitted plans. These features would help with the climate crisis in terms of energy and water run off which is welcomed. However there can be noise issues with domestic Ground Source Heat Pumps and so details of this should be submitted for consideration to ensure this does not impact the amenity of neighbouring properties.

The proposal includes bat and bird boxes, as well as replacement planting and a wildflower area which will enhance biodiversity in the site and area. The submitted information assessed species within the site and also the wider area to ensure that any routes are not affected by the proposal. The impact on protected species has been satisfactorily considered and the recommendations in the submitted survey should be implemented if permission is approved.

Part of the site is within an area of high likelihood of surface water flooding on the SEPA flood maps. The flood map indicates this area only covers the northern part of the site and does not extend to the proposed footprint of the house. The submitted documents indicate SUDs at the north of the site, by the burn, but this is not shown on the site plan so it is difficult to tell if this is within the flood risk area. The proposals appear to comply with the standing guidance for surface water flooding issued by SEPA. Should permission be approved, details of this shall be required to ensure this is appropriate given the location to the burn and surface water flooding risk area. This should also include details of how the SUDs would affect the burn through the site and ensure there is no flood risk from these works.

The potential impact on Scottish Water assets needs to be assessed by the applicant to ensure this is resolved. This is not a planning matter but any necessary changes may require an alteration to the layout.

Recommendation: Refuse planning permission.

Reg. No. 22/00811/DPP

Ferguson Planning Ltd
37 ONE
37 George Street
Edinburgh
EH2 2HN

Midlothian Council, as Planning Authority, having considered the application by Mr Bernard Flanagan, 58 Carnethie Street, Rosewell, EH24 9AN, which was registered on 21 November 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse, formation of access, landscaping and associated works at Land North West of 4, Wadingburn Lane, Lasswade

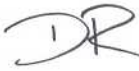
In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	22049 - (2-)001 – 01 1:5000	21.11.22
Location Plan	22049 - PL(2-)002 – 01 1:1250	21.11.22
Site Plan	22049 - PL(2-)003 – 01 1:500	21.11.22
Site Plan	22049 - PL(2-)100 – 01 1:500	21.11.22
Proposed Floor Plan	22049 - PL(2-)101 – 01 1:100	21.11.22
Proposed Floor Plan	22049 - PL(2-)102 – 01 1:100	21.11.22
Roof Plan	22049 - PL(2-)103 – 01 1:100	21.11.22
Proposed Elevations	22049 - PL(2-)200 – 01 1:100	21.11.22
Proposed Elevations	22049 - PL(2-)200 – 01 1:100	21.11.22
Proposed Cross Section	22049 - PL(2-)300 – 02 1:250	21.11.22
Landscape Plan	22049 - PL(2-)104 – 01 1:500	21.11.22
Design and Access Statement		21.11.22
Tree Survey and Arboricultural Impact Assessment		21.11.22
Planning Statement		25.11.22
Ecology/Wildlife Report/Survey		09.01.23

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

1. *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to Policy 8 of the National Planning Framework 4 and policy ENV1 of the adopted Midlothian Local Development Plan 2017.*
2. *The proposed development would result in the permanent loss of an area of prime agricultural land without justification and does not fulfil the requirements of related Policy 5 of the National Planning Framework 4 or policy ENV4 of the adopted Midlothian Local Development Plan 2017 which seeks to protect such areas.*
3. *The loss of landscaping as a result of the proposal would have a significant detrimental impact on the character and appearance of this rural area which would be contrary to Policies 6 and 20 of the National Planning Framework 4 and policies ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.*
4. *It has not been justified that the proposed development has been sited in a sustainable location and it fails to address the global climate crisis in this respect. Therefore the proposed development does not comply with the aims of NPF4 and policy 1 of NPF4 specifically.*

Dated 3 / 3 / 2023



.....
Duncan Robertson

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

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

Development Low Risk Area- STANDING ADVICE

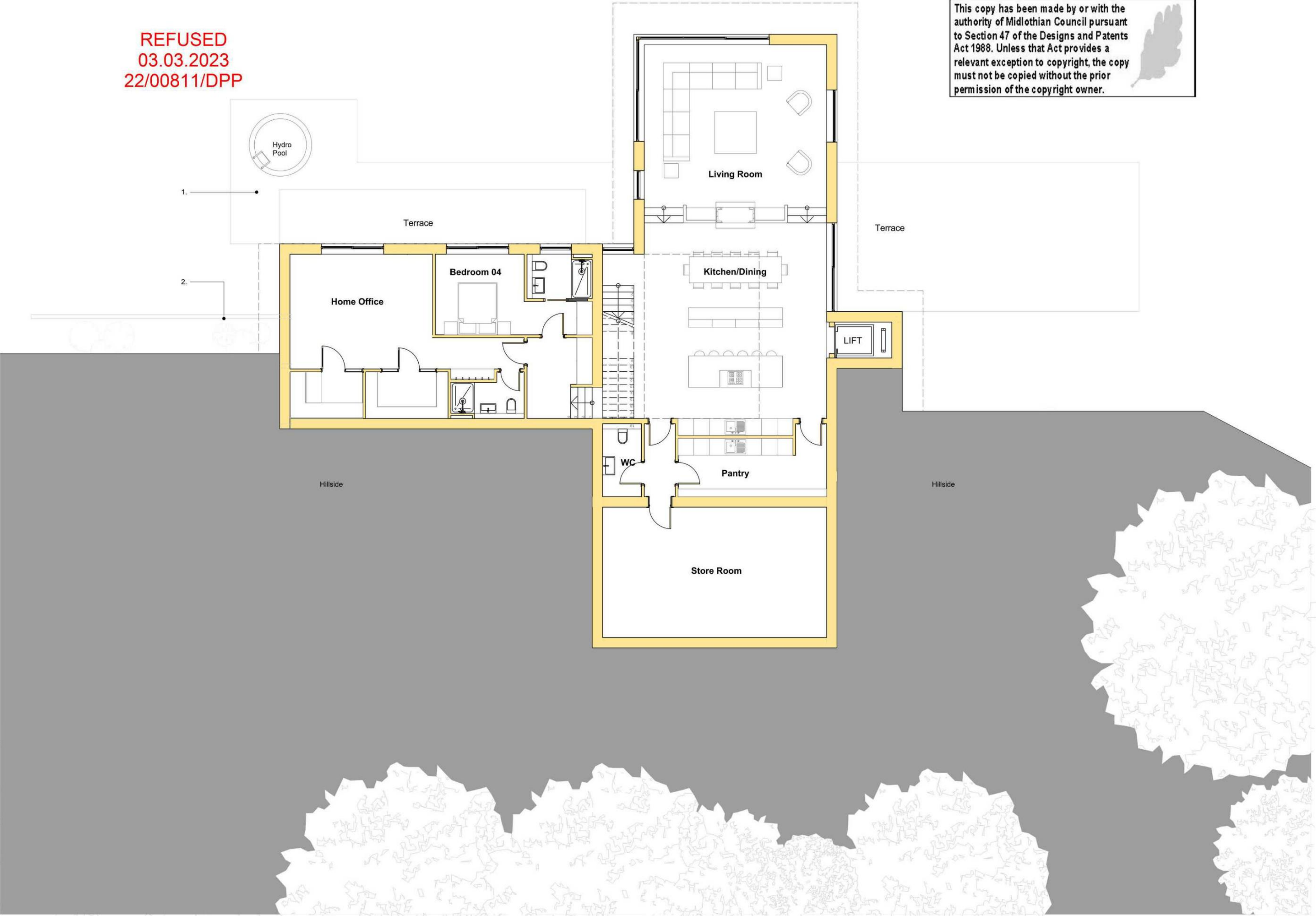
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Standing Advice valid from 1st January 2023 until 31st December 2024

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03.03.2023
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Changes on Sheet

Notes:

1. External terrace
2. Landscape embankment to suit site topography.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



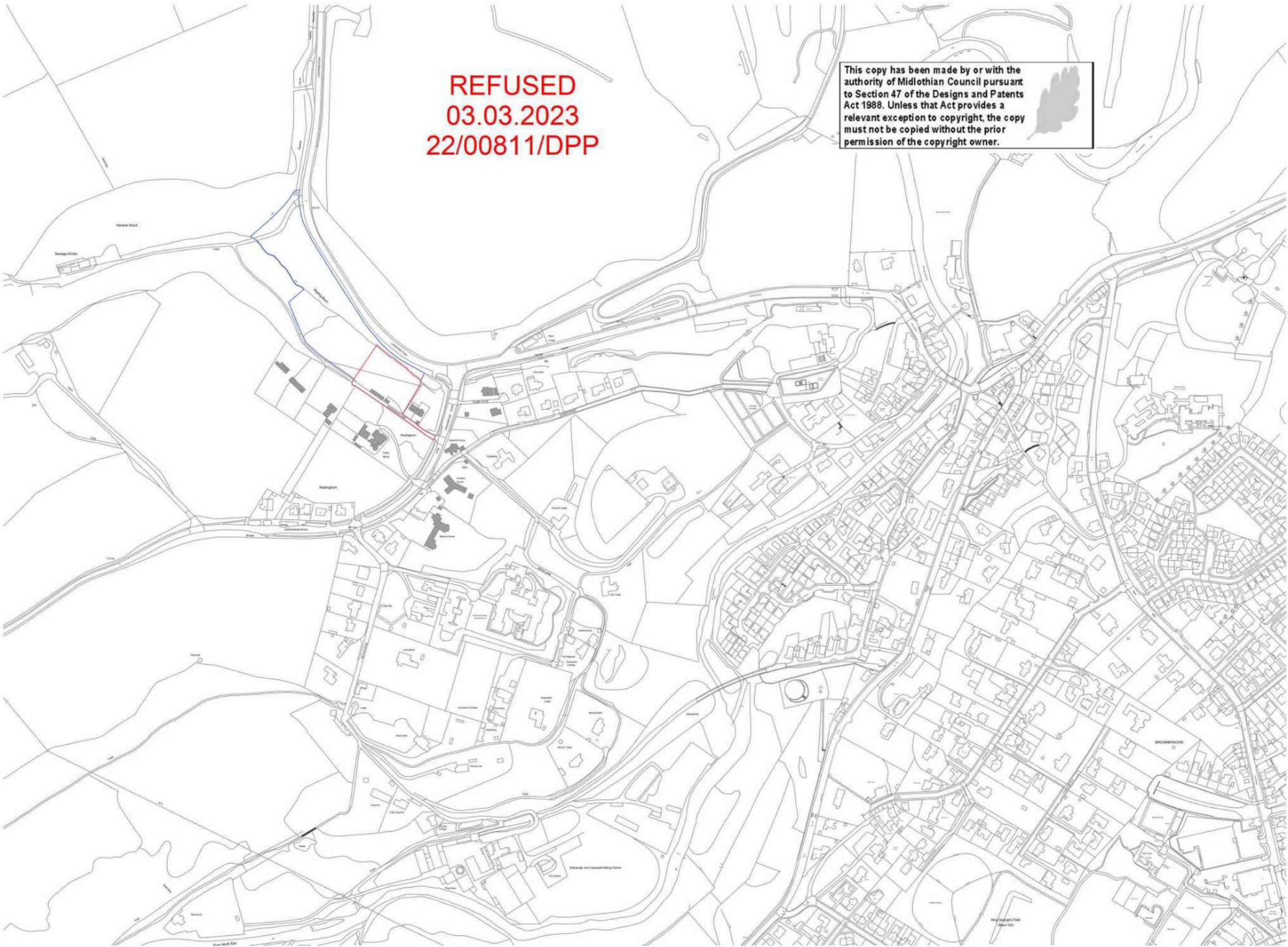
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Issues			
01	09.11.22	ED	Planning First Issue

Changes on Sheet



KEY	
	Site Boundary
	Ownership Boundary

- GENERAL NOTES:
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.

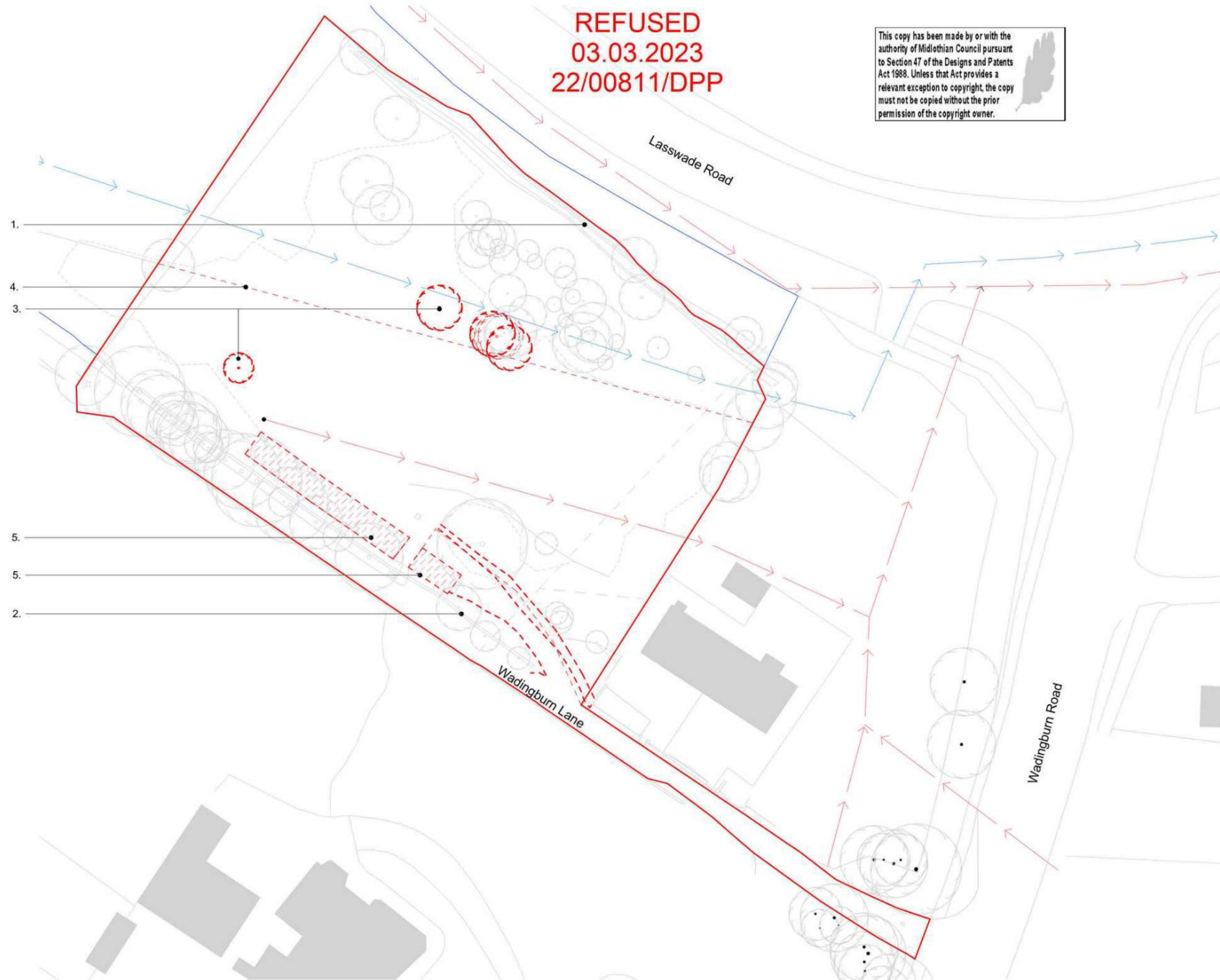
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY

- Site Application Boundary
- Ownership Boundary
- Indicates Demolition
- Existing Combined Sewer
- Existing Surface Water Pipework

Notes:

- Existing burn.
- Existing wall.
- Existing trees to be removed.
- Existing fence to be removed.
- Existing dilapidated shed to be removed

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



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A3 1:500

0 12.5 25m

Page 342 of 350

Project Title
Lasswade
Wadingburn Lane

Drawing
Existing Site Plan with
demolitions

Drawing No.
22049 - PL(2)-003

Revision

01

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Issues

01 09.11.22 ED Planning First Issue

Changes on Sheet

KEY

- Site Boundary
- Ownership Boundary

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



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Project Title

Drawing

Drawing No.

Revision

A4 1:1250

0

30

60m

Lasswade
Wadingburn Lane

Location Plan
Page 343 of 350

22049 - PL(2)-002

- 01

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REFUSED
03.03.2023
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1.East Elevation

1:100



2.West Elevation

1:100





Materials	
	A. Weathered Larch.
	B. Stone Gabions.
	C. Dark Metal Roof & Window Profiles.
	D. Glass Balustrade.

- General:
- All new windows to be Aluminium framed, dark grey.
 - All rainwater goods to be round and gutters to be half round.
- Notes:
1. Green roof.
 2. Entrance Canopy.
 3. Ground level entrance
 4. Landscape embankment to suit site topography
 5. Wadingburn Lane.
 6. Existing retaining wall.

- GENERAL NOTES:
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.

Changes on Sheet

Materials

- A. Weathered Larch.
- B. Stone Gabions.
- C. Dark Metal Roof & Window Profiles.
- D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

Notes:

- Green roof.
- Double garage.
- Ground level entrance.
- Lower ground access to garden.
- Terraced landscaping

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.

Revision

LBA

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1.South Elevation

1:100

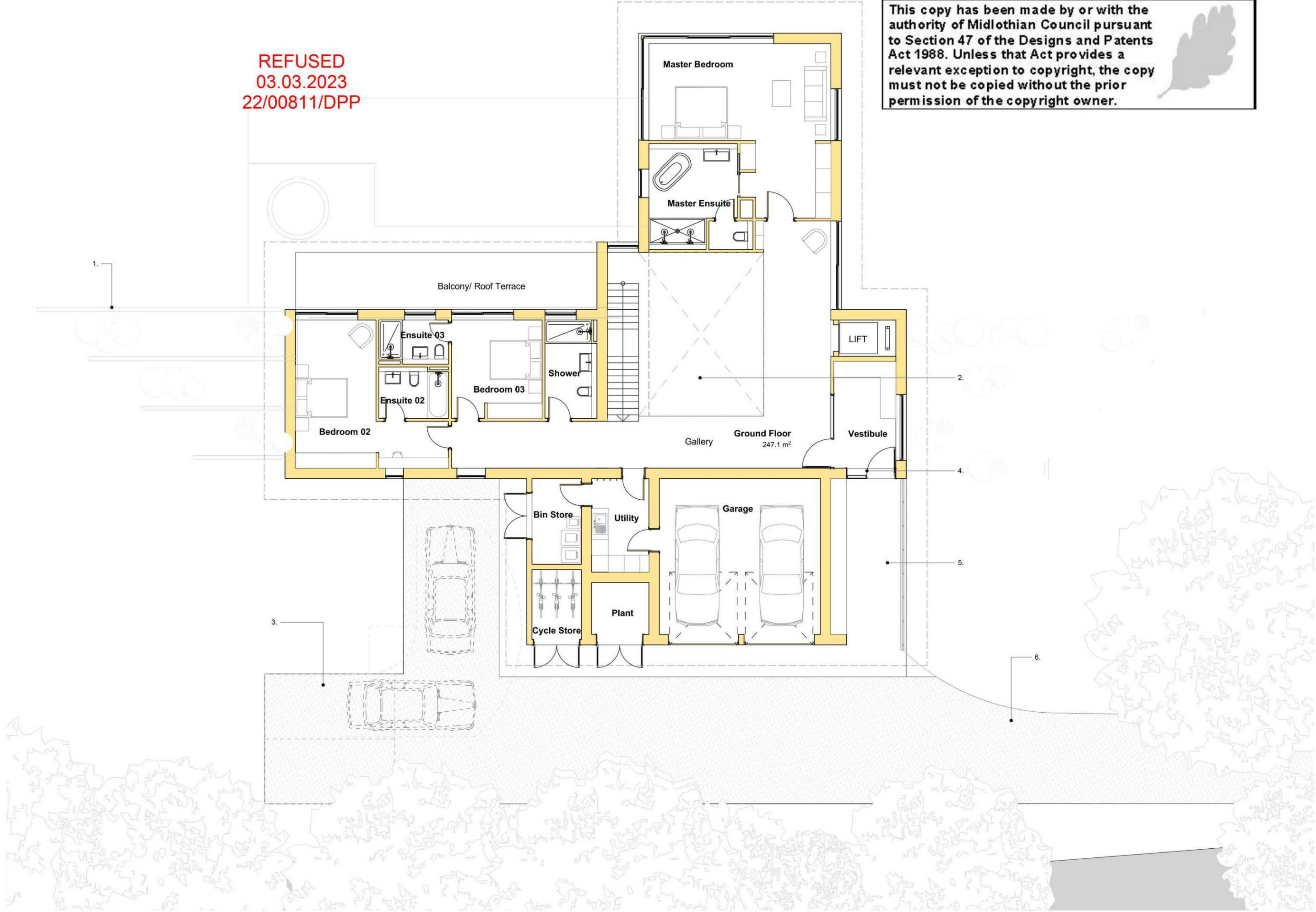
1.North Elevation

1:100

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Notes:

1. Landscape embankment to suit site topography.
2. Void to below with skylight above.
3. 2 No. Parking spaces and turning head.
4. Front entrance.
5. Covered Entrance Canopy.
6. New & extended driveway access from Wadingburn Lane - sub formed from Cellweb TRP with gravel infill.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet

1.
2.
3.
4.
5.
6.
7.
8.

KEY
Site Application Boundary
Ownership Boundary
Bird Box
Bat Box

Notes:

1. Tree and shrub planting to Western edge of application boundary. Mixed species.
2. Tree planting to Northern edge of application boundary. Mixed species.
3. Landscaped garden & seating area.
4. Lawned Garden.
5. Green Roof to Dwelling.
6. Natural Landscape with wild flowers.
7. Gravel and cellular driveway.
8. Tree and shrub planting to Eastern edge of application boundary. Mixed species.

Proposed Planting to enhance the ecology surrounding the application site includes the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquifolium
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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A3 1:500

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Page 347 of 350

Project Title

Lasswade
Wadingburn Lane

Drawing

Proposed Landscape
Plan

Drawing No.

22049 - PL(2)-104

Revision

- 01

LBA

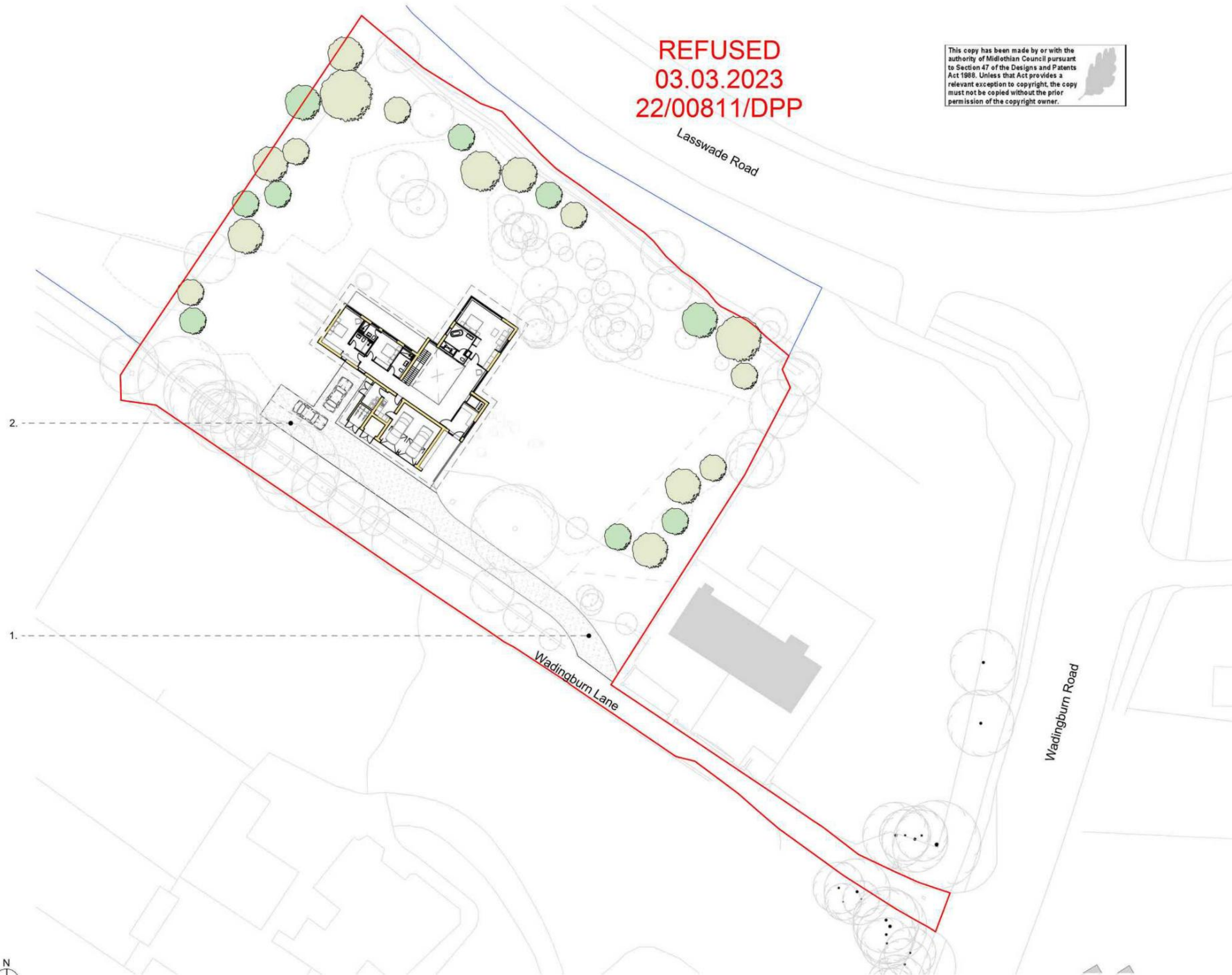
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary

Notes:
1. Proposed driveway to connect to Wadingburn Lane.
2. Parking for 2nr. vehicles

GENERAL NOTES:
• All work to comply with the Building (Scotland) Regulations 2004 as amended
• All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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• To be read in conjunction with other contract drawings, schedules & specifications.
• To be read in conjunction with structural engineer's drawings.



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22/00811/DPP

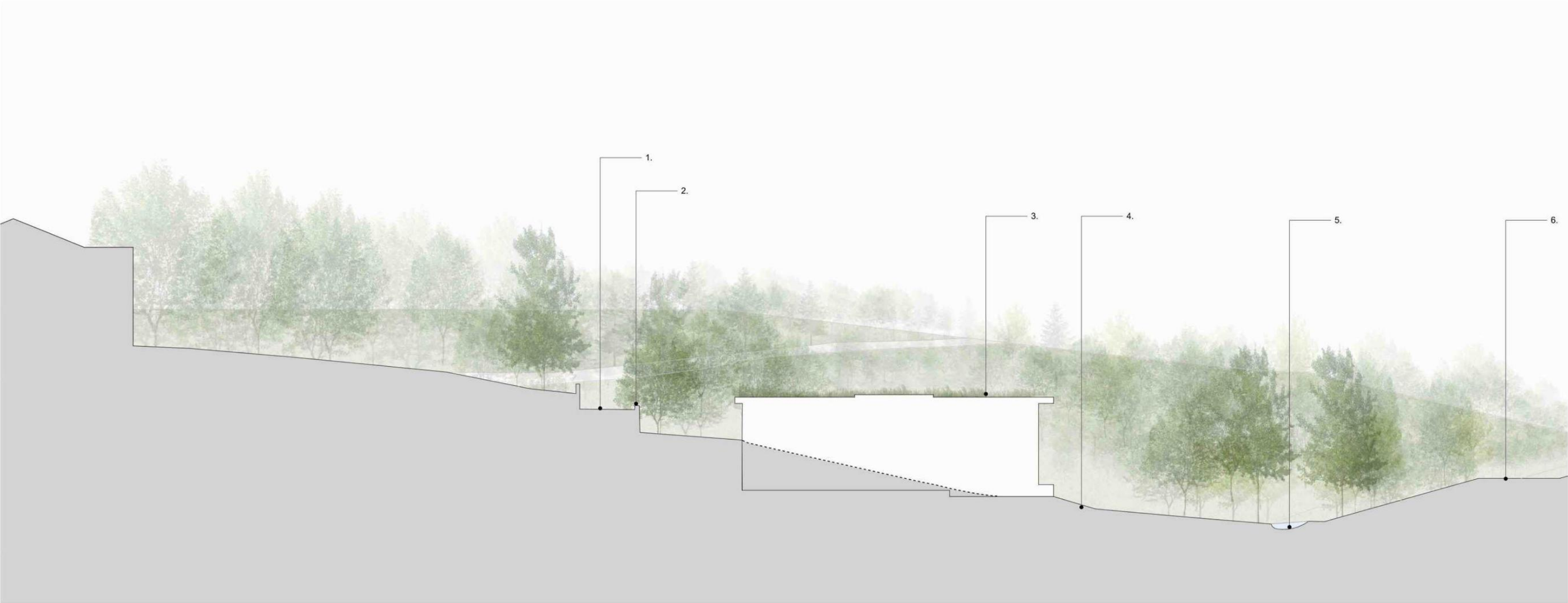
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Issues				
01	09.11.22	ED	Planning First Issue	
02	14.11.22	ED	Planning Second Issue	

Changes on Sheet



KEY

— Indicates section line through the site.

- - - Indicates topography of site in front of building.

Notes:

1. Wadingburn lane.
2. Existing retaining wall along Wadingburn Lane.
3. Proposed green roof to increase biodiversity and reduce visual impact from wadingburn lane.
4. Landscaped embankment to suit site topography.
5. Existing burn.
6. Lasswade Road.

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.

