

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.

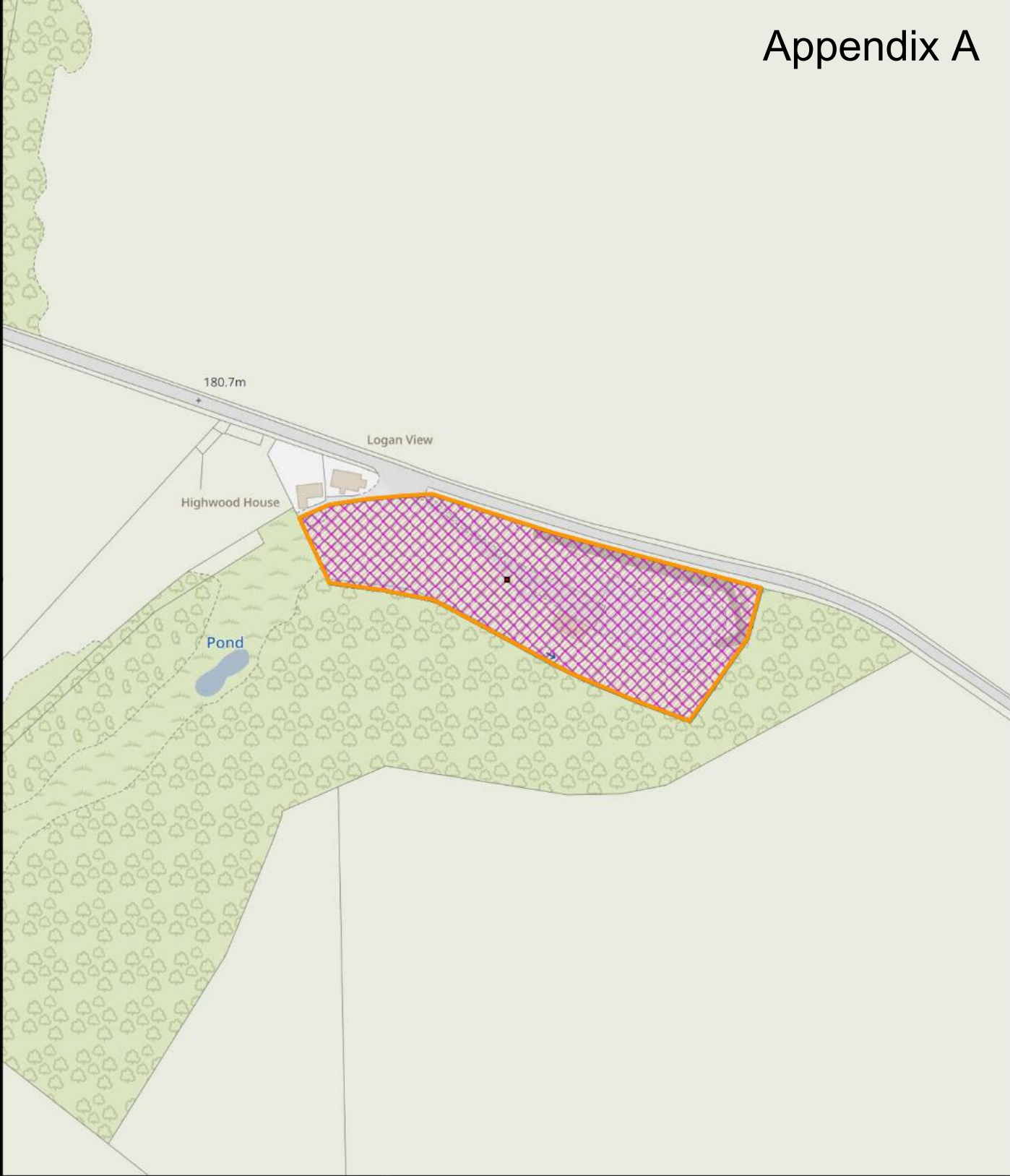
6 Recommendations

- 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.




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

**Erection of 5 dwellinghouses and garage
Land 115m East of Highwood House, Rosewell**

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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="Ruaraidh@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?. *

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: - 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: Ruaraidh Thompson MRTPI
Approved by: Tim Ferguson MRTPI
Date of Issue: August 2023

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

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.

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

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.

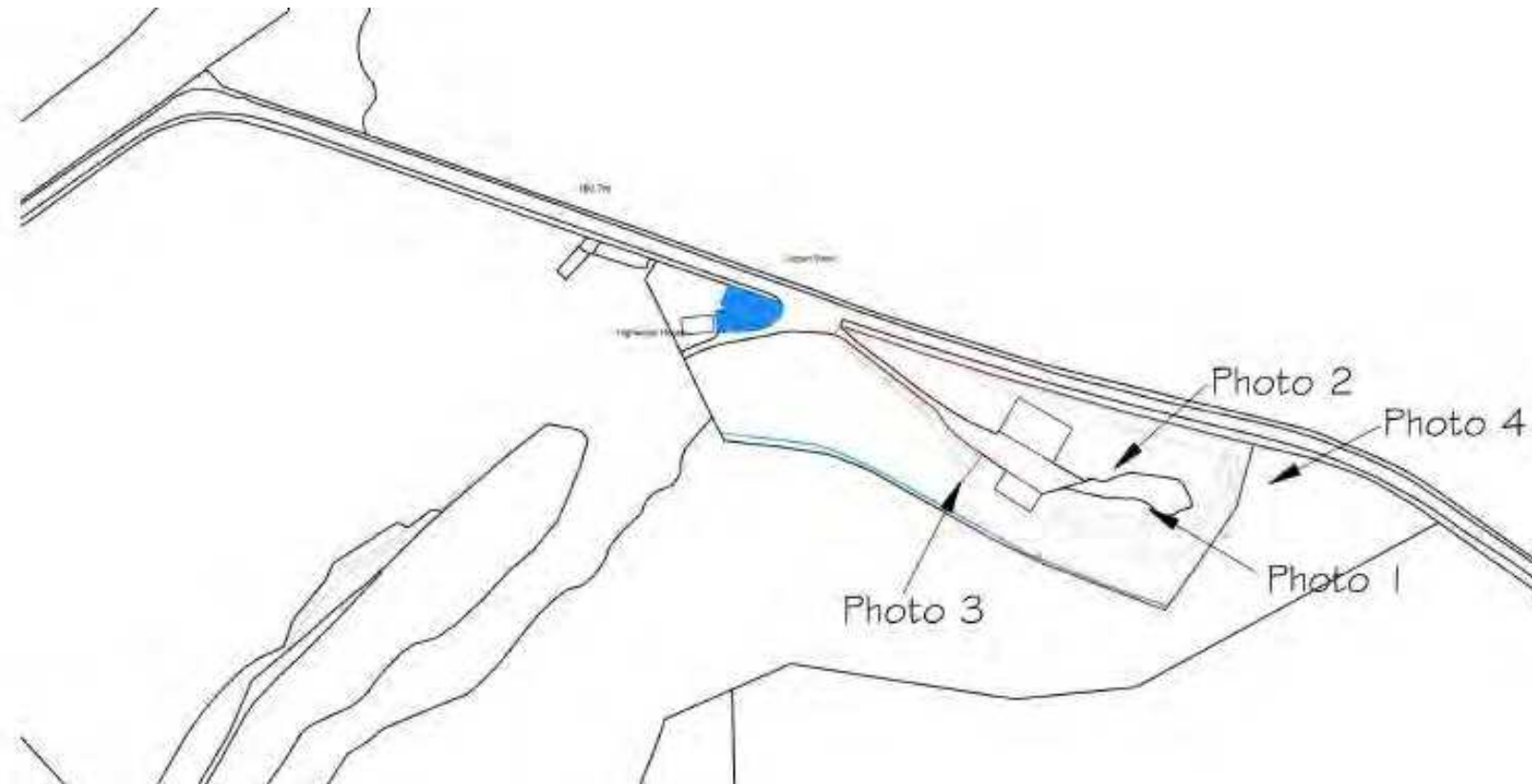


Fig 1: Extract from CDC/22/153/00 Existing Site Plan showing the location of the application site (Source: Capital Draughting Consultants).

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

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.

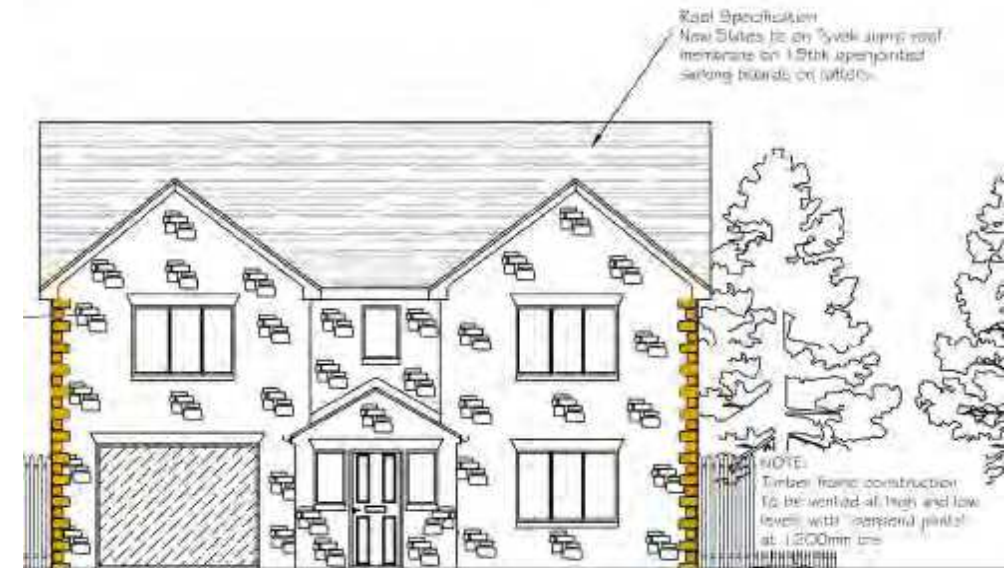
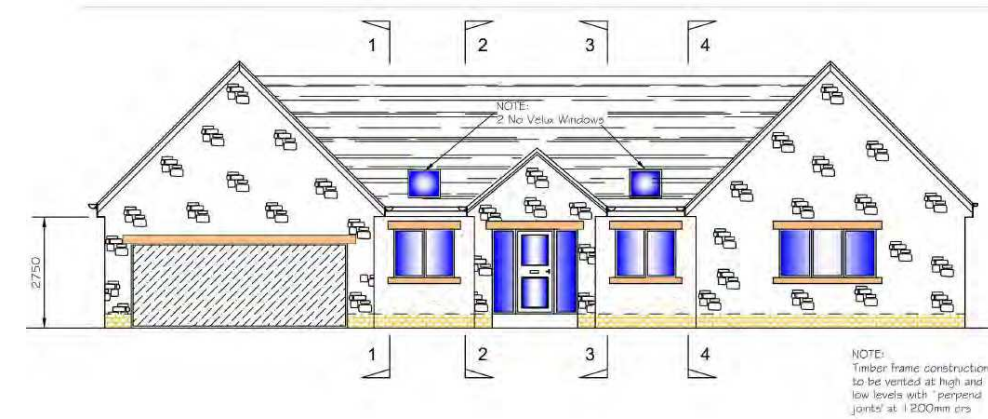


Fig 3: Extracts from Elevations Plans showing the principal elevation of House 1 (top left), House 2 (top right), House 3 (bottom left), and Houses 4 & 5 which share a single design (bottom right) (Source: Capital Draughting Consultants).

FERGUSON
PLANNING

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.

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

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.

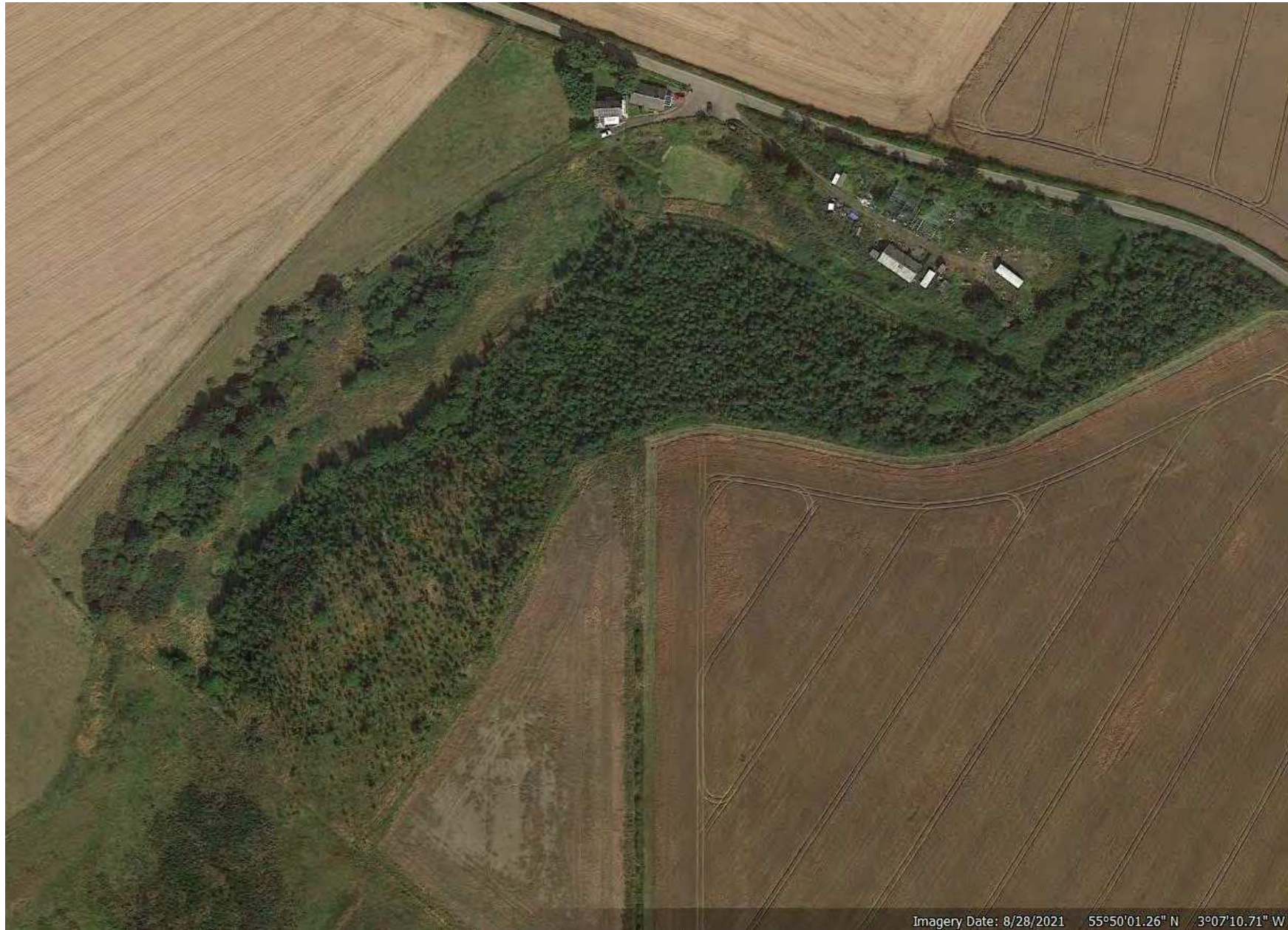


Fig 5: Extract from Google Earth showing the established tree belt enveloping the application site inset in the north-east (Source: Google Earth).

- 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.

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

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.

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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.

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

GALASHIELS

Shiel House
54 Island Street
Galashiels TD1 1NU

T: 01896 668 744
M: 07960 003 358

EDINBURGH

37 One George Street
Edinburgh
EH2 2HN

T: 0131 385 8801
M: 07960 003 358

NORTHERN IRELAND

61 Moyle Road
Ballycastle, Co. Antrim
Northern Ireland
BT54 6LG

M: 07960 003 358

E: tim@fergusonplanning.co.uk

WWW.FERGUSONPLANNING.CO.UK



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.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

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.

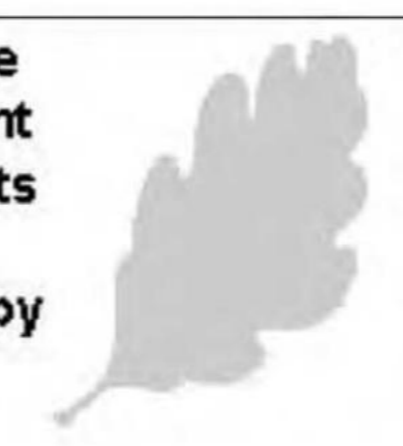
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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



REFUSED
06.07.2023
23/00003/DPP

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Proposed House Locations Plan
Scale 1:200

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

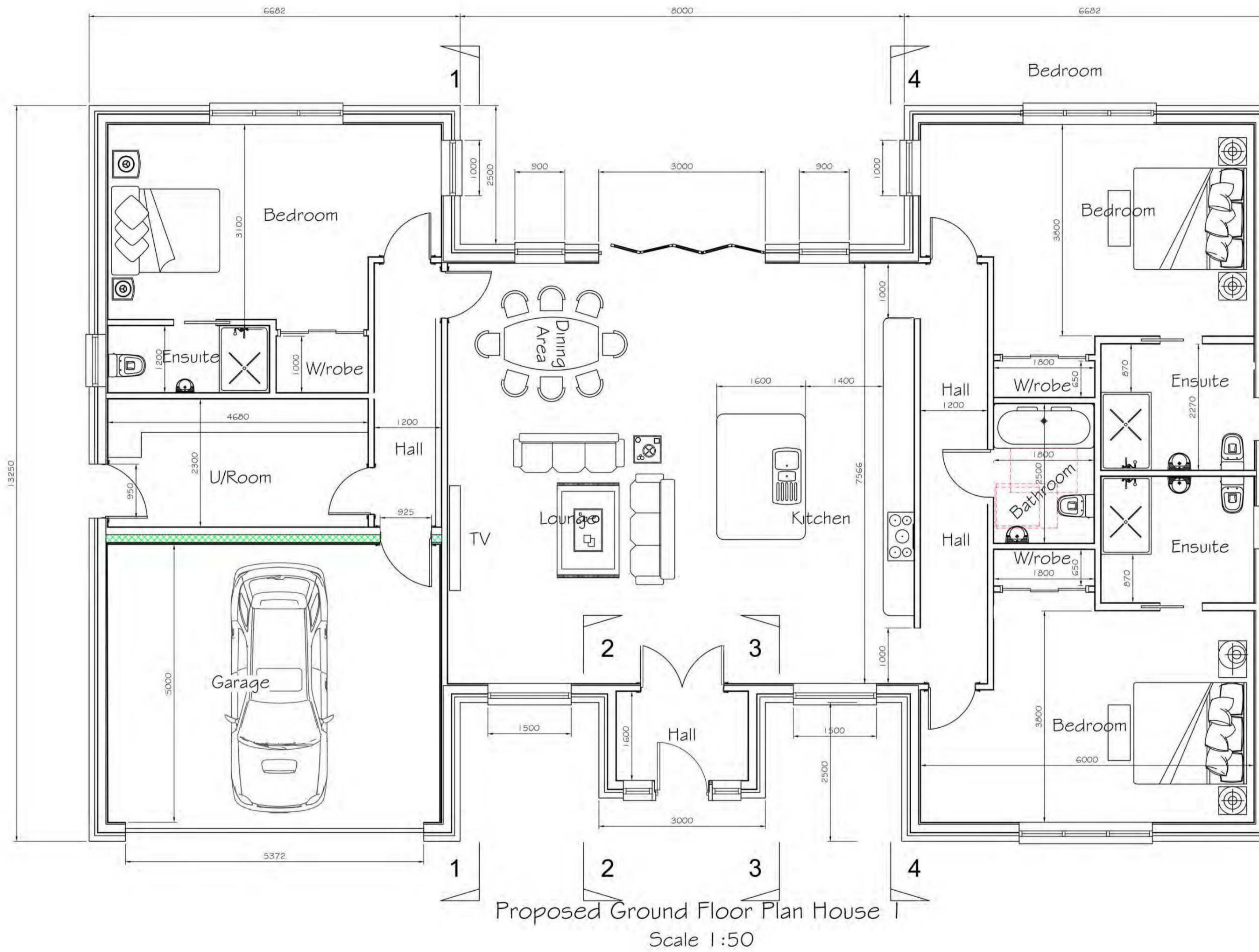
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REFUSED
06.07.2023
23/00003/DPP

Water efficient fittings should be provided to all WCs and WTBs 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.

0 0.5 1 1.5 2 2.5m 5m 1:50@A1

Electrical Key	
	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.
0.14.1 Regulation 14 requires the keeping free from mud or dust footpaths adjacent to building sites.

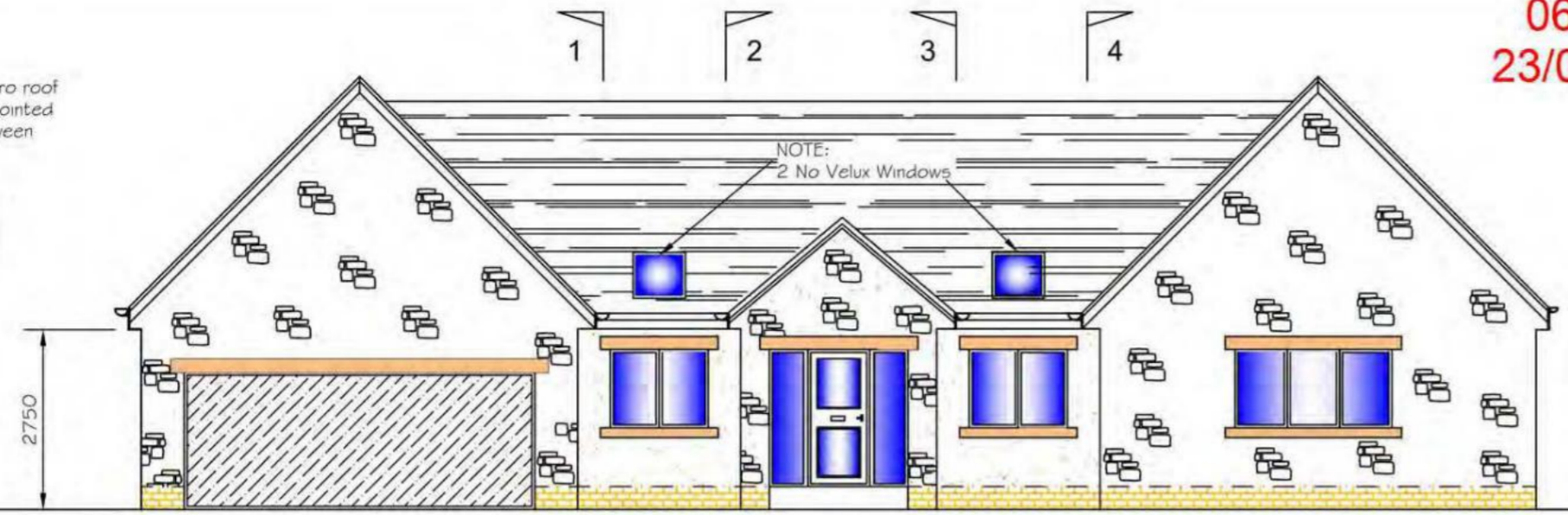
Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client 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



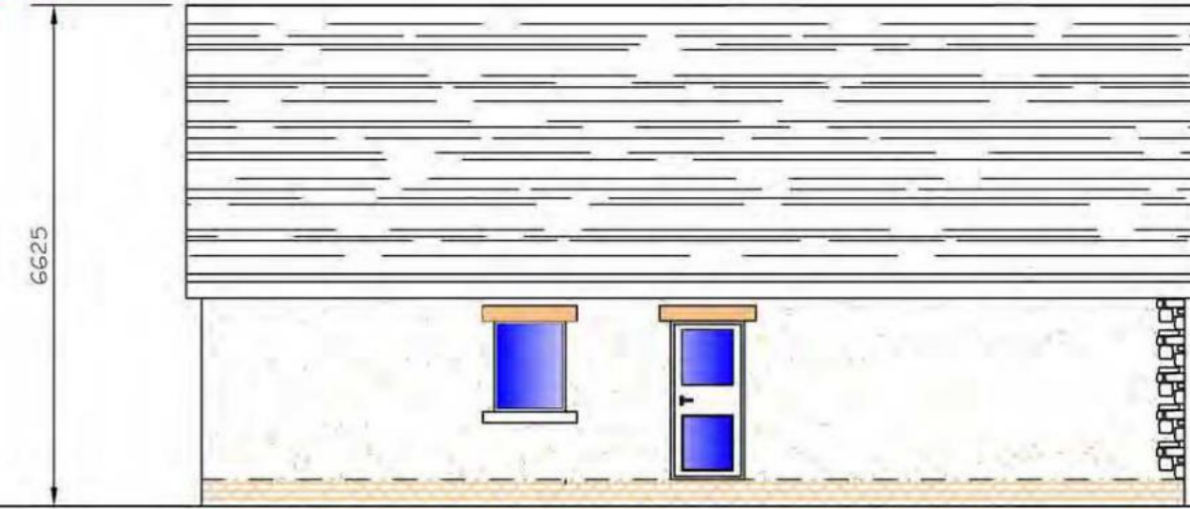
Proposed Front Elevation
 Scale 1:100

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

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



Proposed Gable Elevation
 Scale 1:100

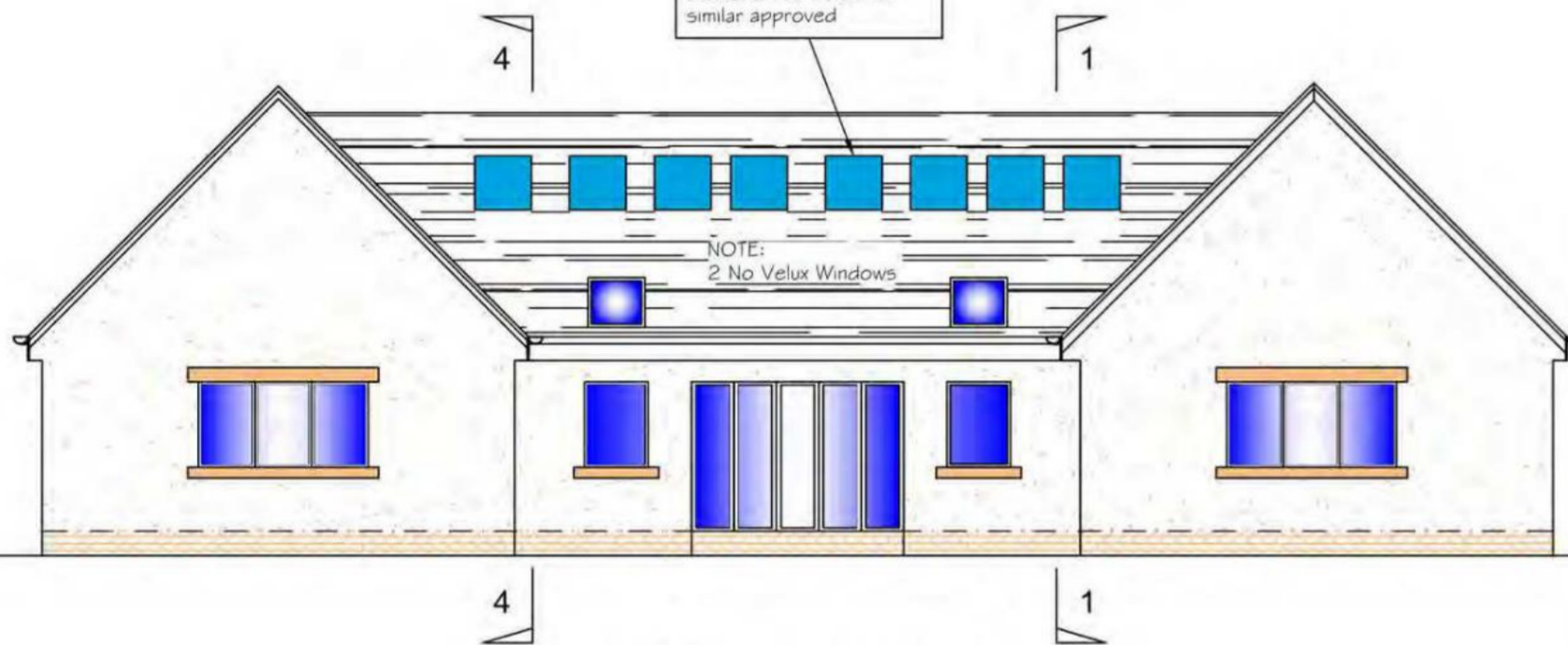
8 Solar Panels 1200 x 800 to achieve 250 watt Diamond Pro 275W or similar approved

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.

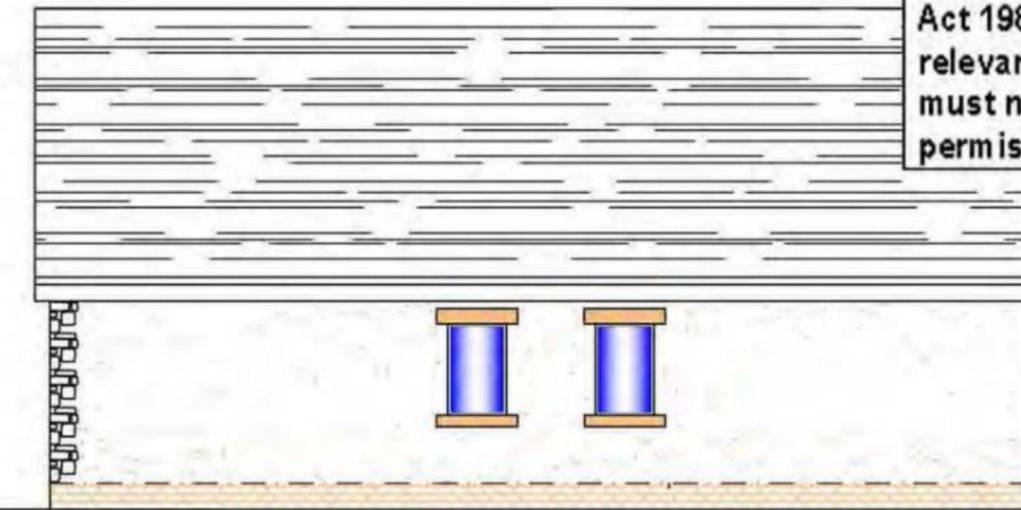
All lead flashings and valley gutters to be in accordance with BS 6915:2001

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

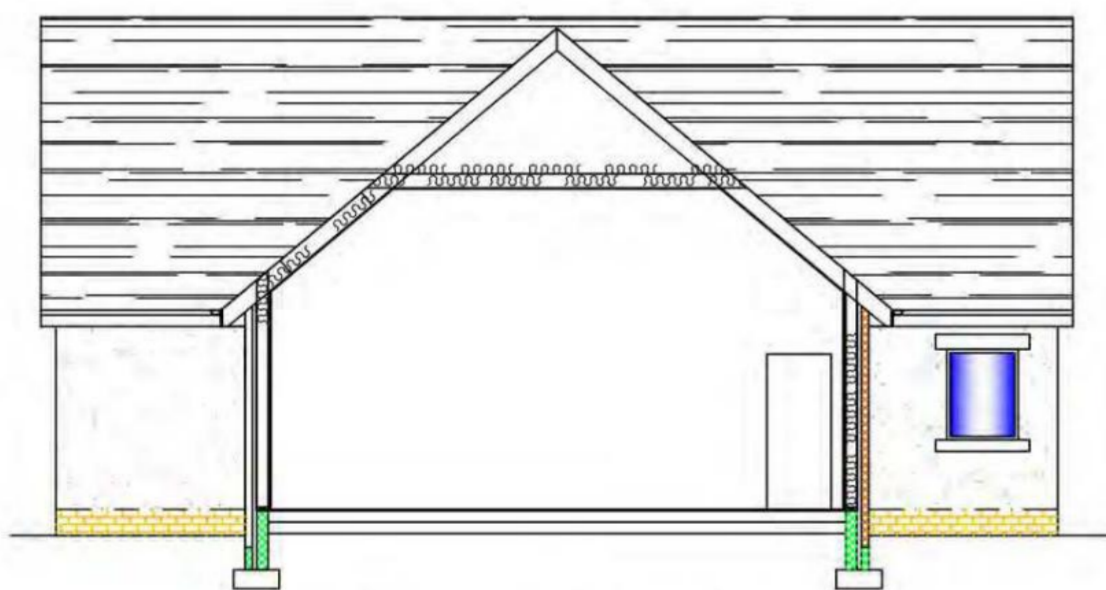


Proposed Rear Elevation
 Scale 1:100

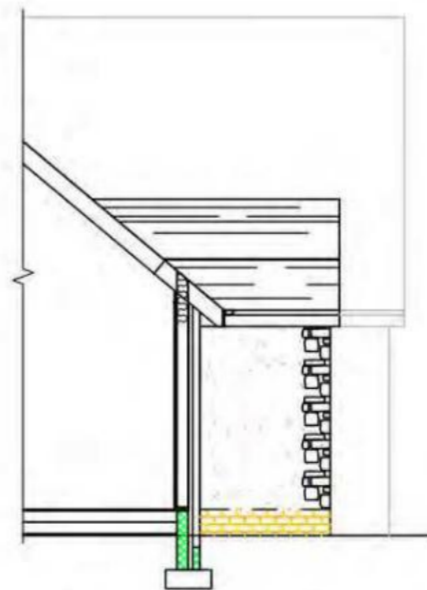
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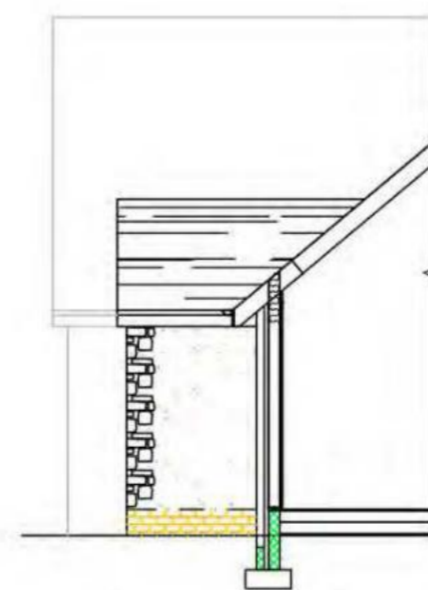
Proposed Gable Elevation
 Scale 1:100



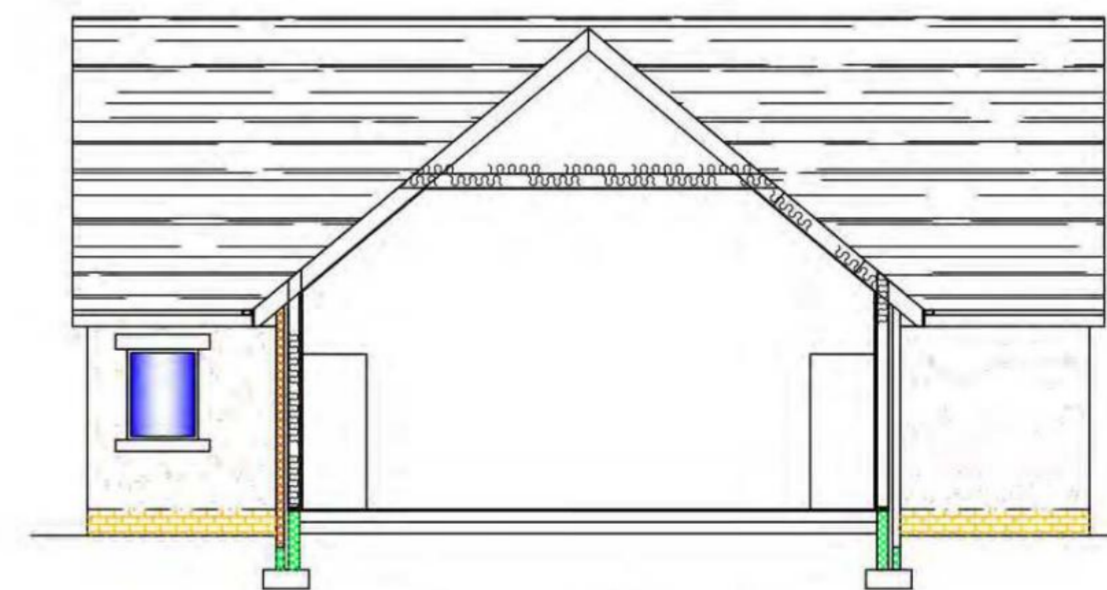
Proposed Internal Elevation 1-1 Scale 1:100



Proposed Internal Elevation 2-2 Scale 1:100



Proposed Internal Elevation 3-3 Scale 1:100



Proposed Internal Elevation 4-4 Scale 1:100

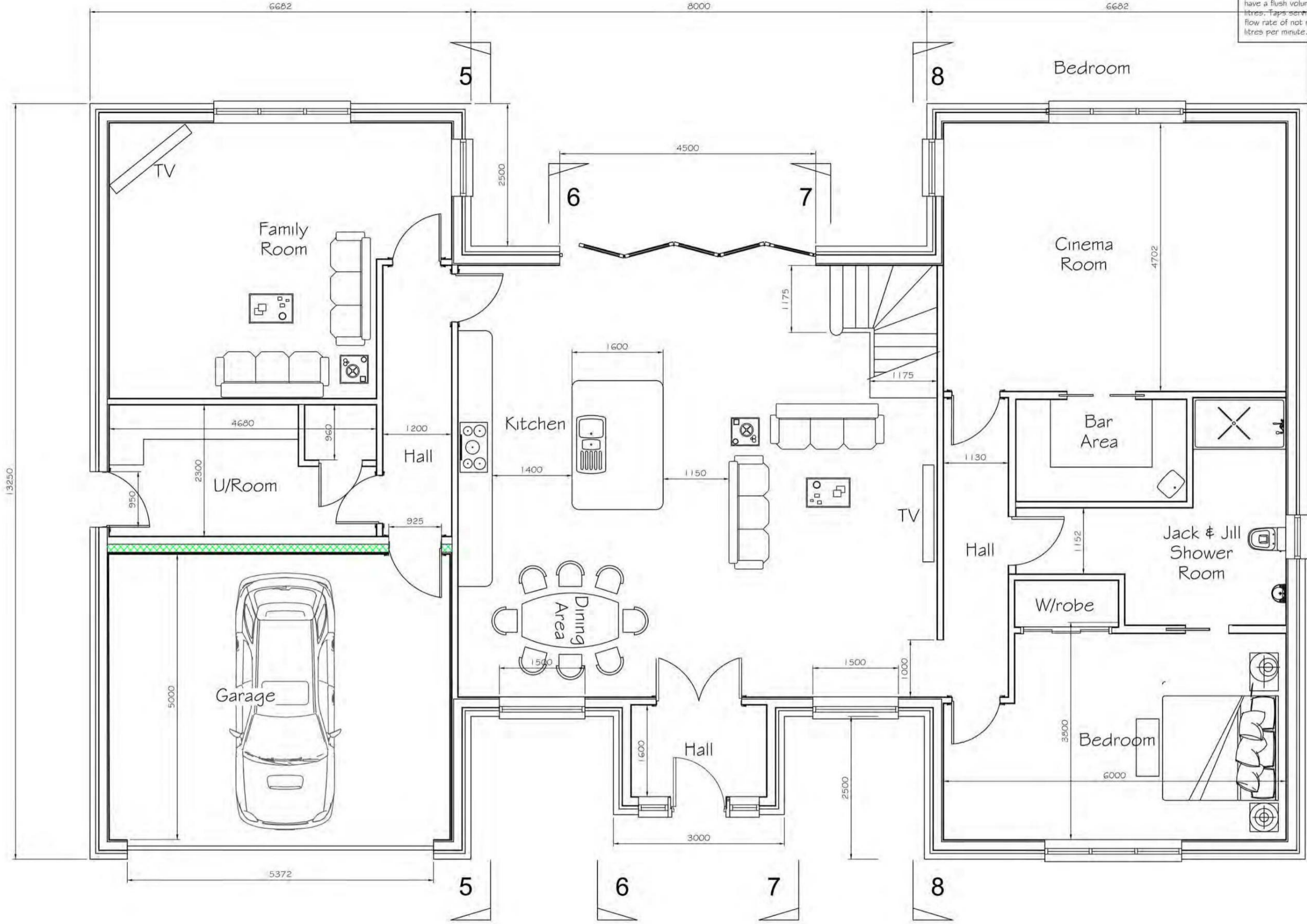


Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client 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

0 0.5 1 1.5 2 2.5m 5m 1:50@A1

Water efficient fittings should be provided to all WCs and WTBs 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. Tap aerating 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 7671:2018 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 Firescopy 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: 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 2		
Date Dec '22	Scale As Shown	
Drawn _____		
Drawing Number CDC/22/153/04	Rev. A	

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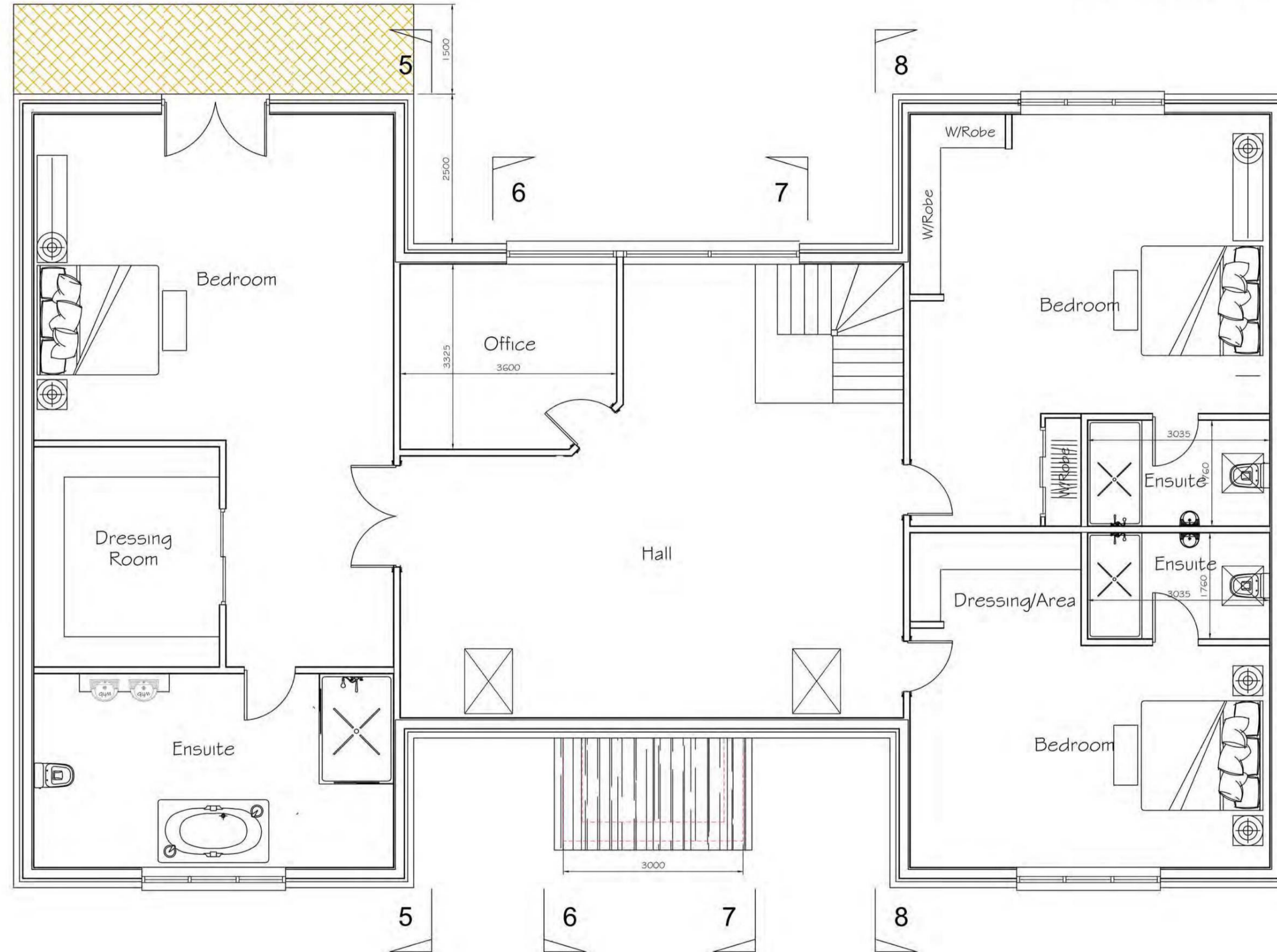
Water efficient fittings should be provided to all WCs and
 WTBs within a dwelling.
 Dual flush WC systems should have an average flush volume
 of not more than 4.5 litres. Single flush WC systems should
 have a flush volume of not more than 4.5
 litres. Taps serving wash or hand rinse basins should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

REFUSED
06.07.2023
23/00003/DPP

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New 1500mm cantilevered
 balcony with glass balustrade
 have open mesh flooring
 and to be non slip



Proposed 1st Floor Plan - 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 First Floor Plan House 2		
Date	Dec '22	Scale As Shown
Drawing Number CDC/22/153/05		
		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.

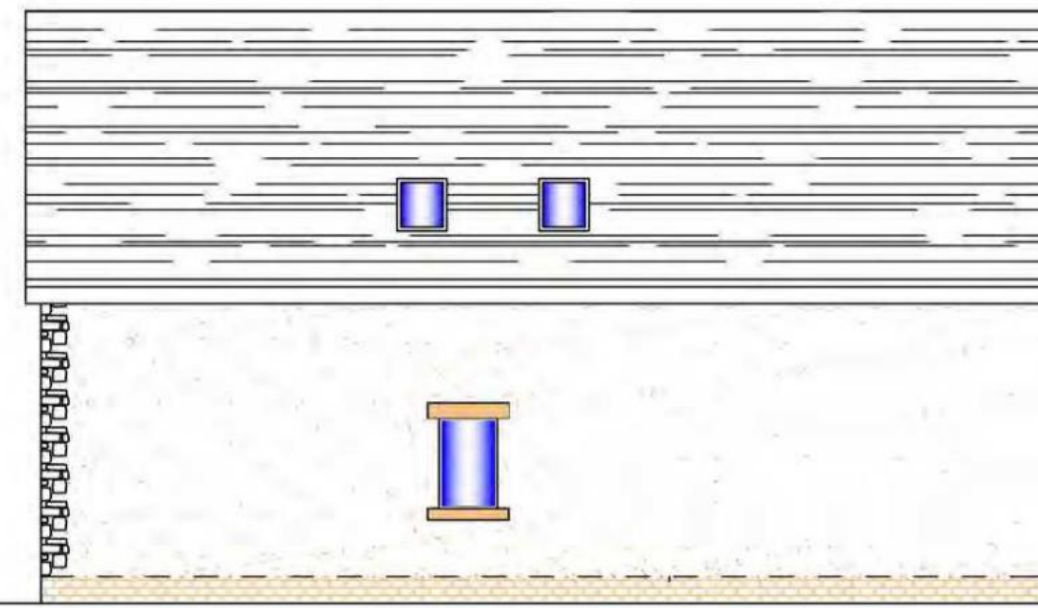
All lead flashings and valley gutters to be in accordance with BS 6915:2001

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 joints" at 1200mm c/c



Proposed Gable Elevation
Scale 1:100

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8 Solar Panels 1200 x 600 to achieve 250 watt Diamond Pro 275W or similar approved



Proposed Rear Elevation
Scale 1:100

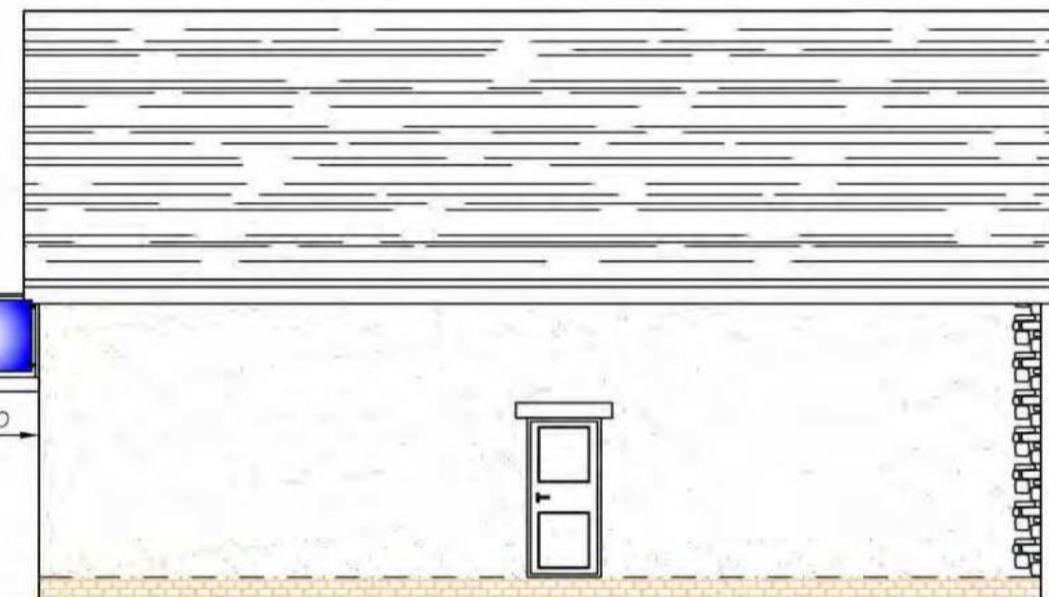
Roof Specification
New Roof slates with Tyvek supra roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

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

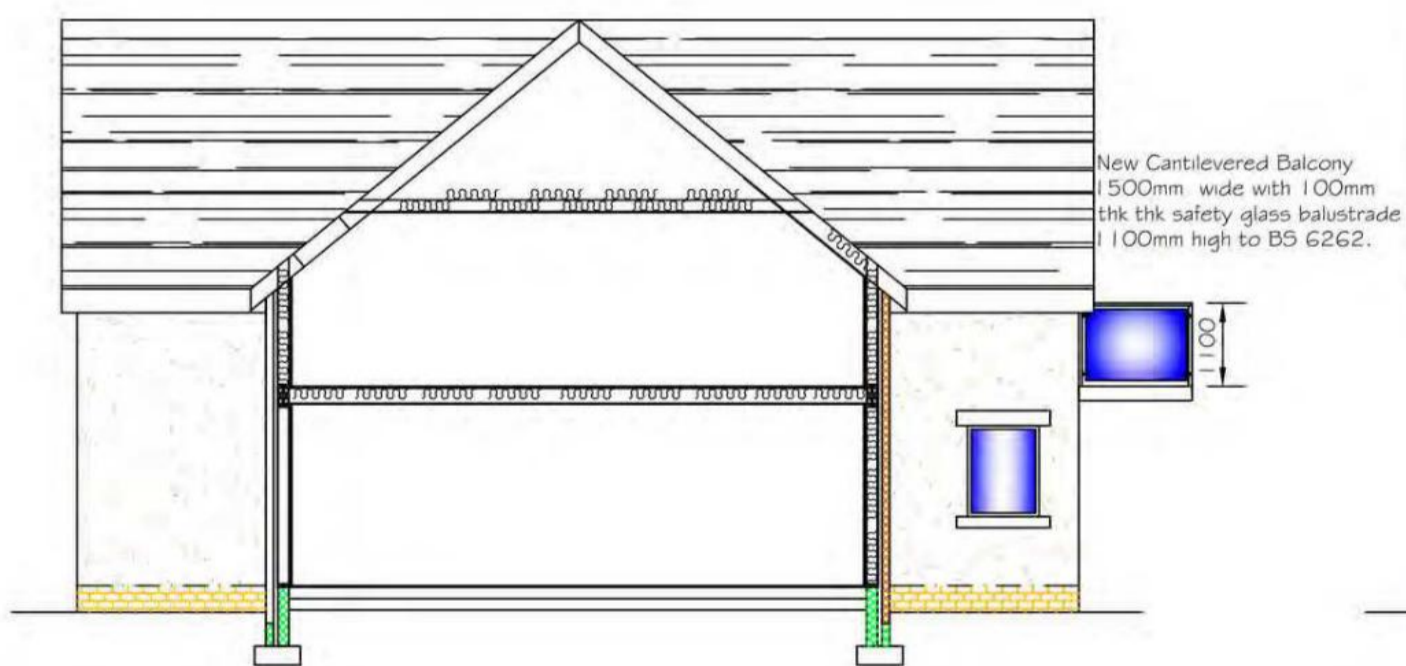
NOTE:
Rockwool PwCB Cavity barriers /dpc at corners, wallheads, ceiling level and all round openings, and perpend vents max 1.2m c/c above and below said barriers

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

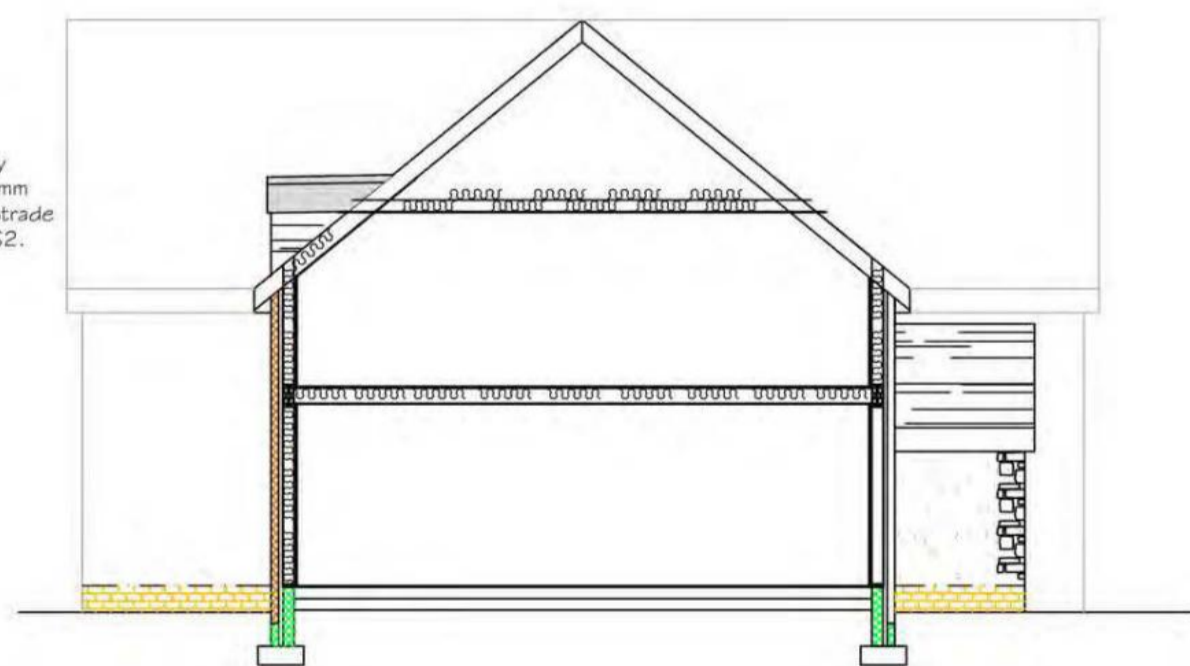
Artificial Stone below stone band with White K Render above



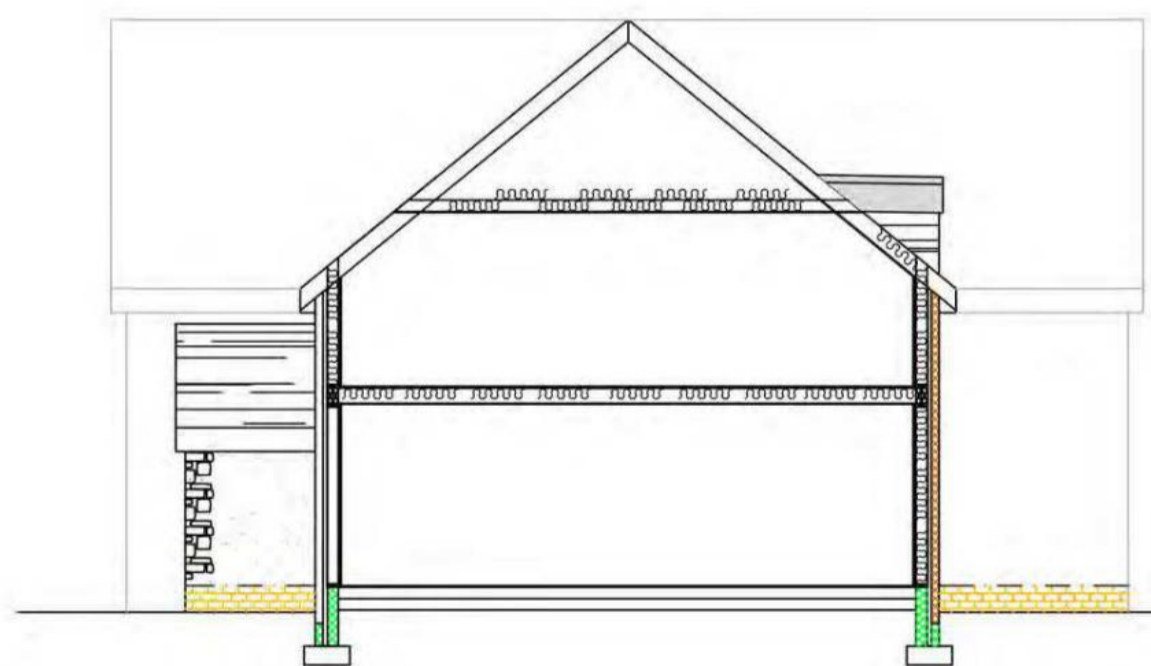
Proposed Gable Elevation
Scale 1:100



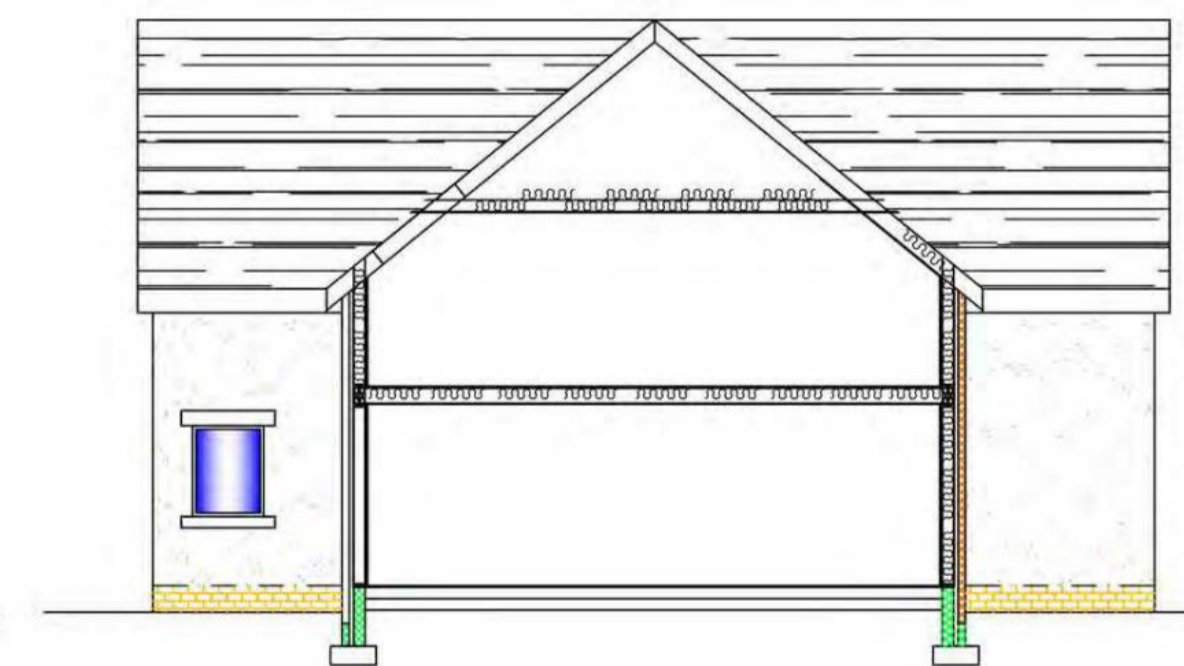
Proposed Internal Elevation 5-5 Scale 1:100



Proposed Internal Elevation 6-6 Scale 1:100

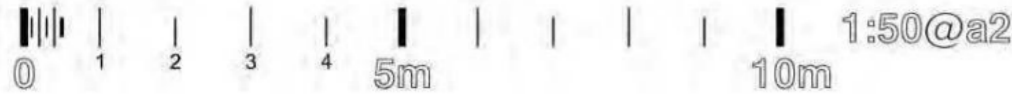


Proposed Internal Elevation 7-7 Scale 1:100



Proposed Internal Elevation 8-8 Scale 1:100

Rev	Description	Date
<p>Capital Drafting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1801 Fax: 0783411307</p>		
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	CDC/22/153/09	Rev. A



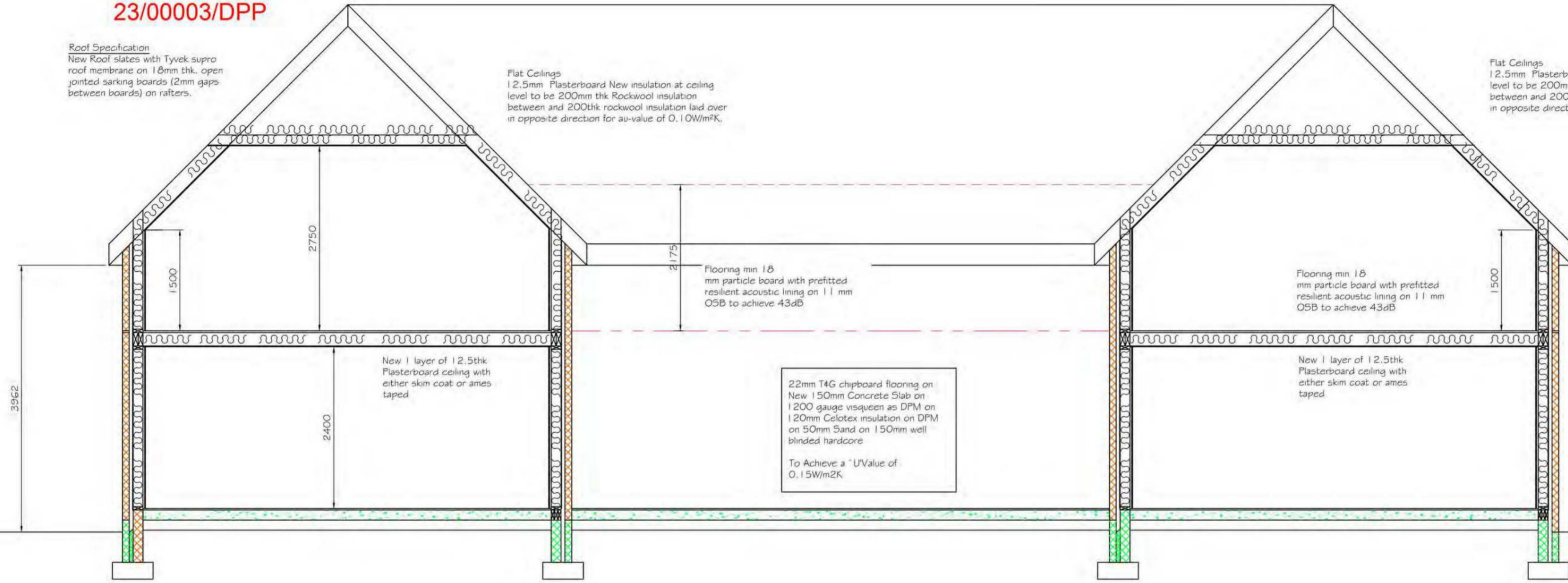
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REFUSED
06.07.2023
23/00003/DPP

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.



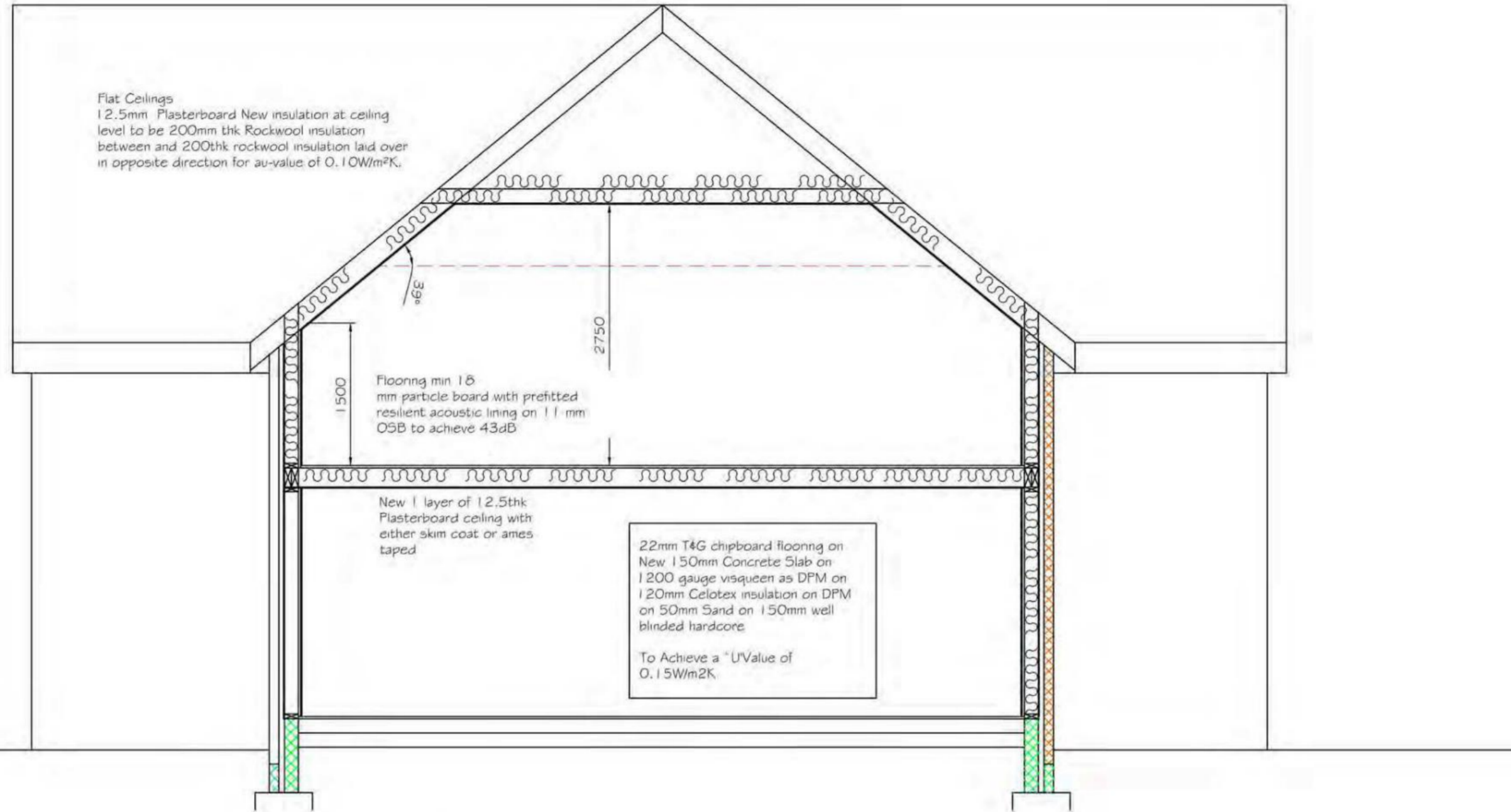
Proposed Section A A
 House 2
 Scale 1:50

Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.itd@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	Scale	
Dec '22	As Shown	
Drawn		
Drawing Number	Rev.	
CDC/22/153/12	A	

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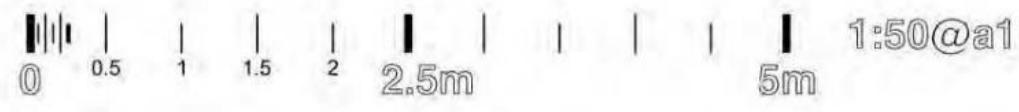
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06.07.2023
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Proposed Section B B
 House 2
 Scale 1:50

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

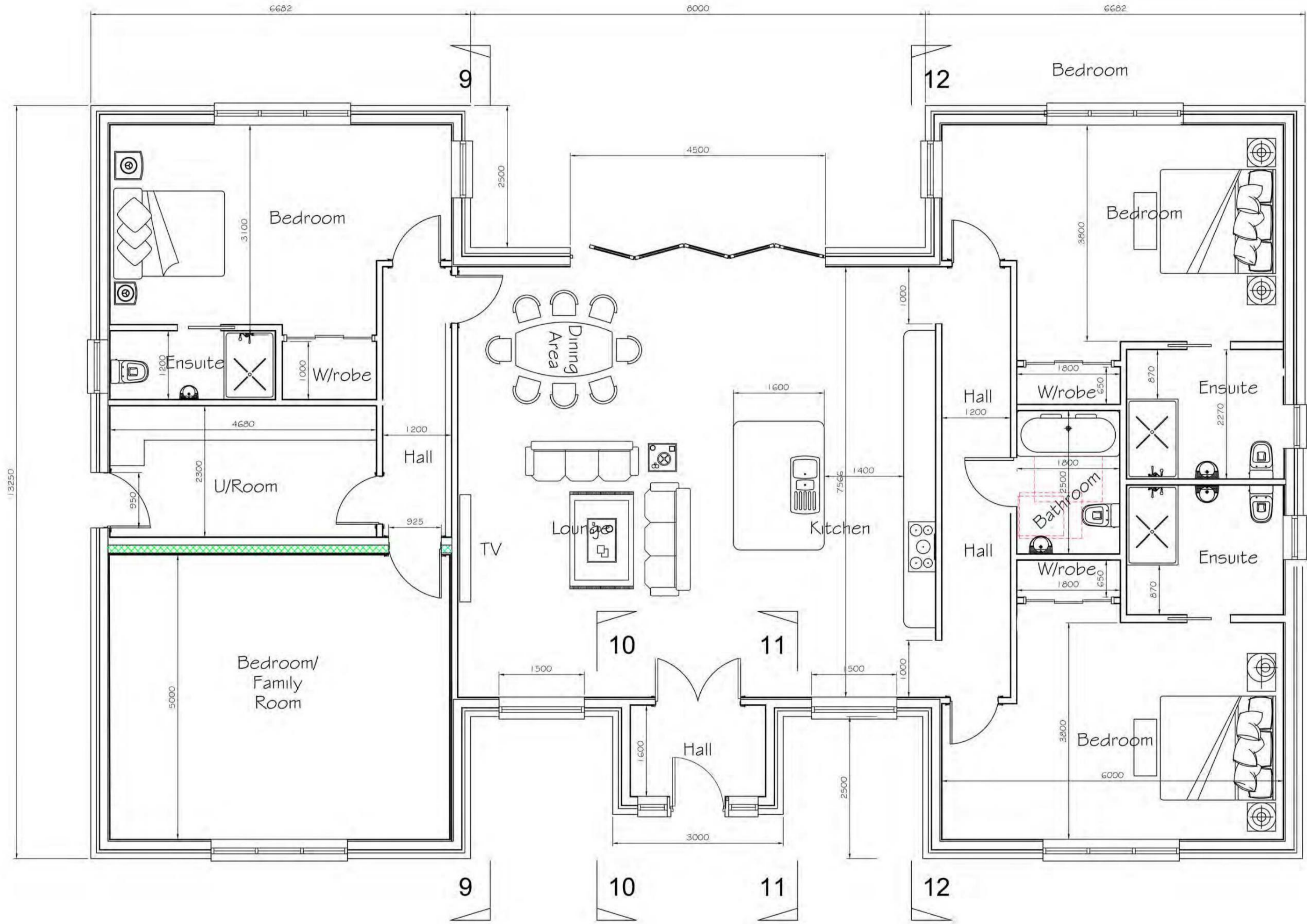


Water efficient fittings should be provided to all WCs and WTBs within a dwelling.
 Dual flush WC systems should have an average flush volume of not more than 4.5 litres. Single flush WC systems should have a flush volume of not more than 4.5 litres. Taps serving wash or hand rinse basins should have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

REFUSED
 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

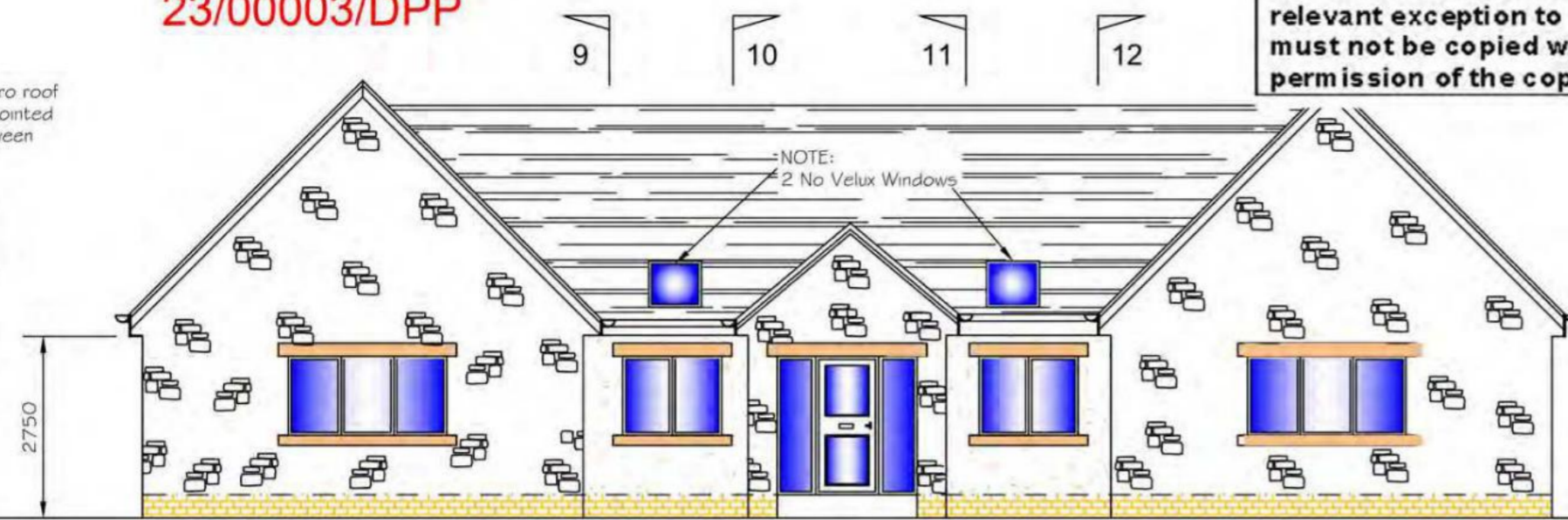
REFUSED
06.07.2023
23/00003/DPP

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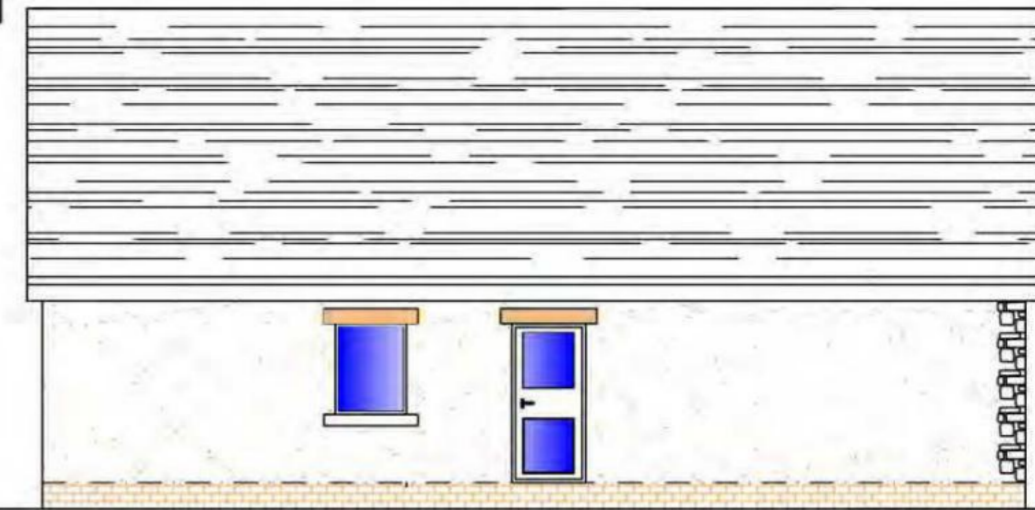
Roof Specification
 New Roof slates with Tyvek supra roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

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

NOTE:
 Rockwool 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 Front Elevation
 Scale 1:100



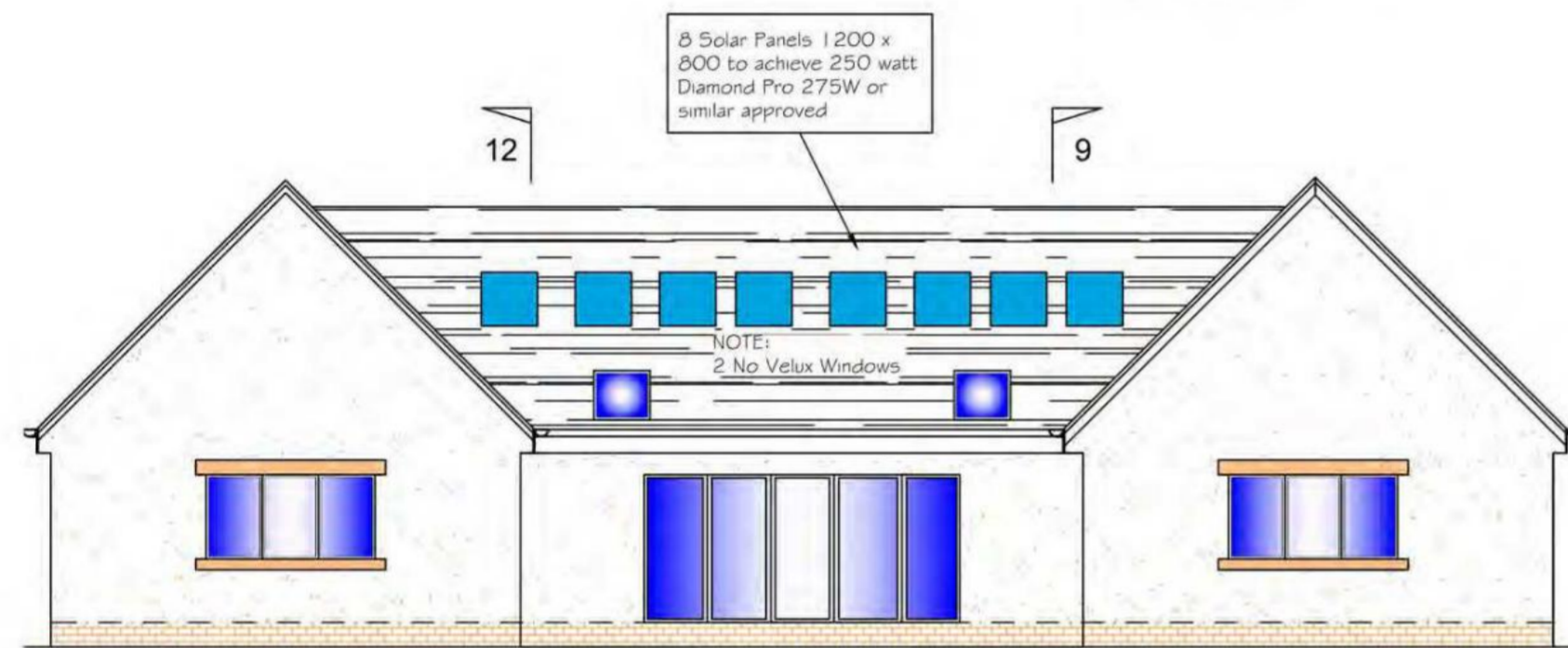
Proposed Gable Elevation
 Scale 1:100

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 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

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

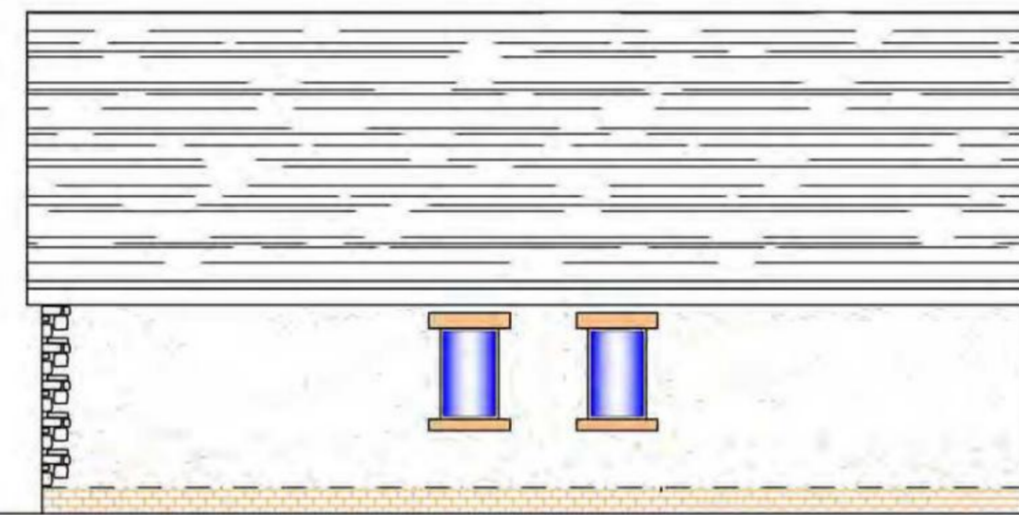


Proposed Rear Elevation
 Scale 1:100

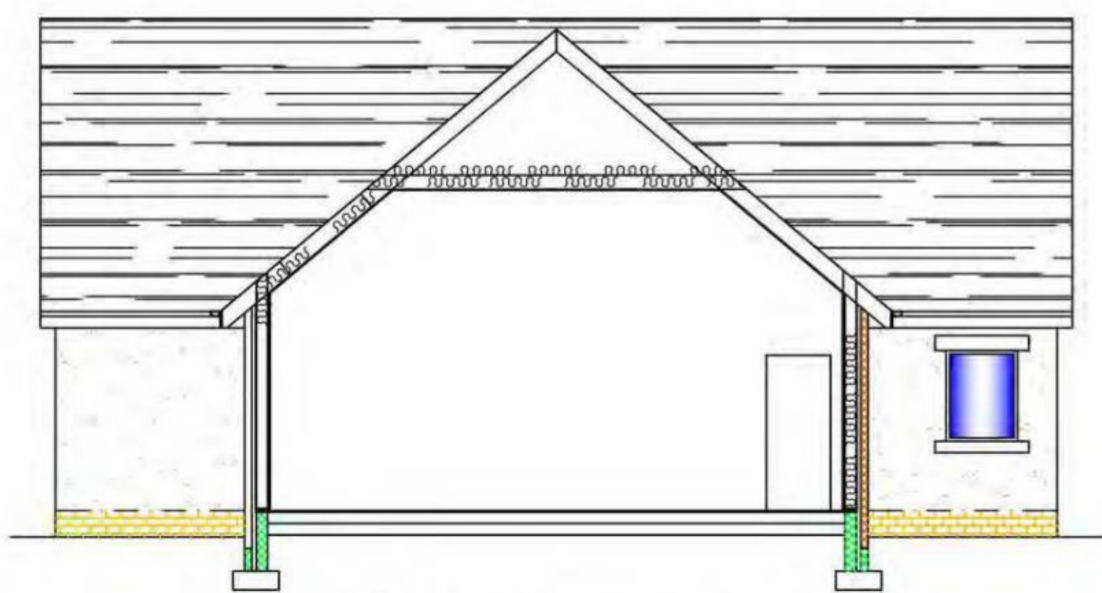
Roof Specification
 New Roof slates with Tyvek supra roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

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

NOTE:
 Rockwool 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



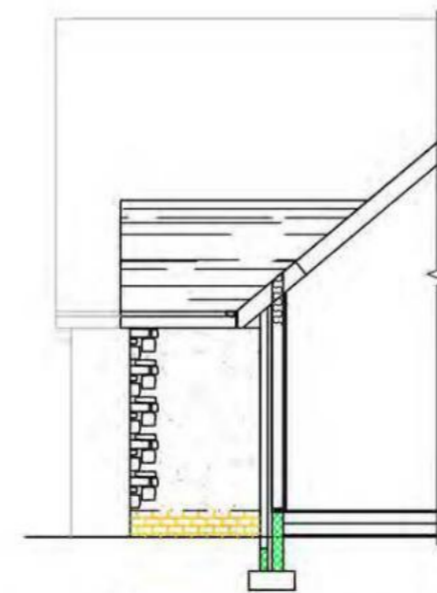
Proposed Gable Elevation
 Scale 1:100



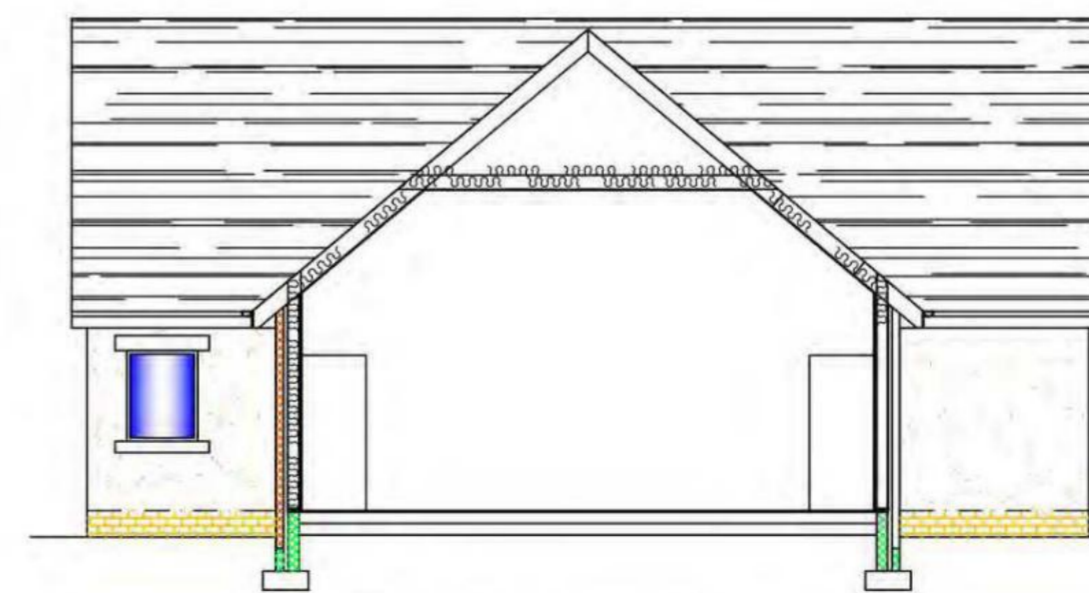
Proposed Internal Elevation 9-9 Scale 1:100



Proposed Internal Elevation 10-10 Scale 1:100



Proposed Internal Elevation 11-11 Scale 1:100



Proposed Internal Elevation 12-12 Scale 1:100



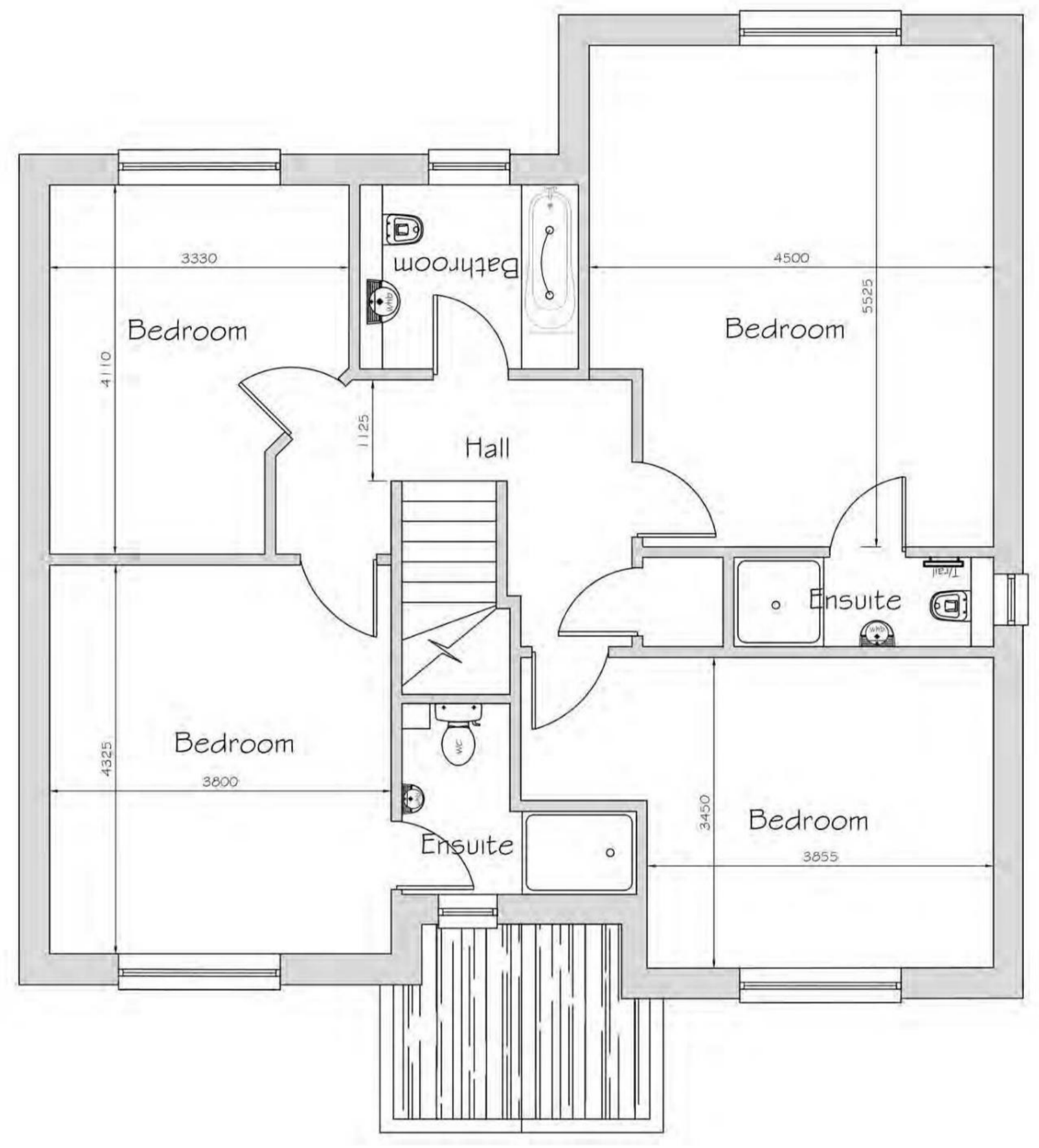
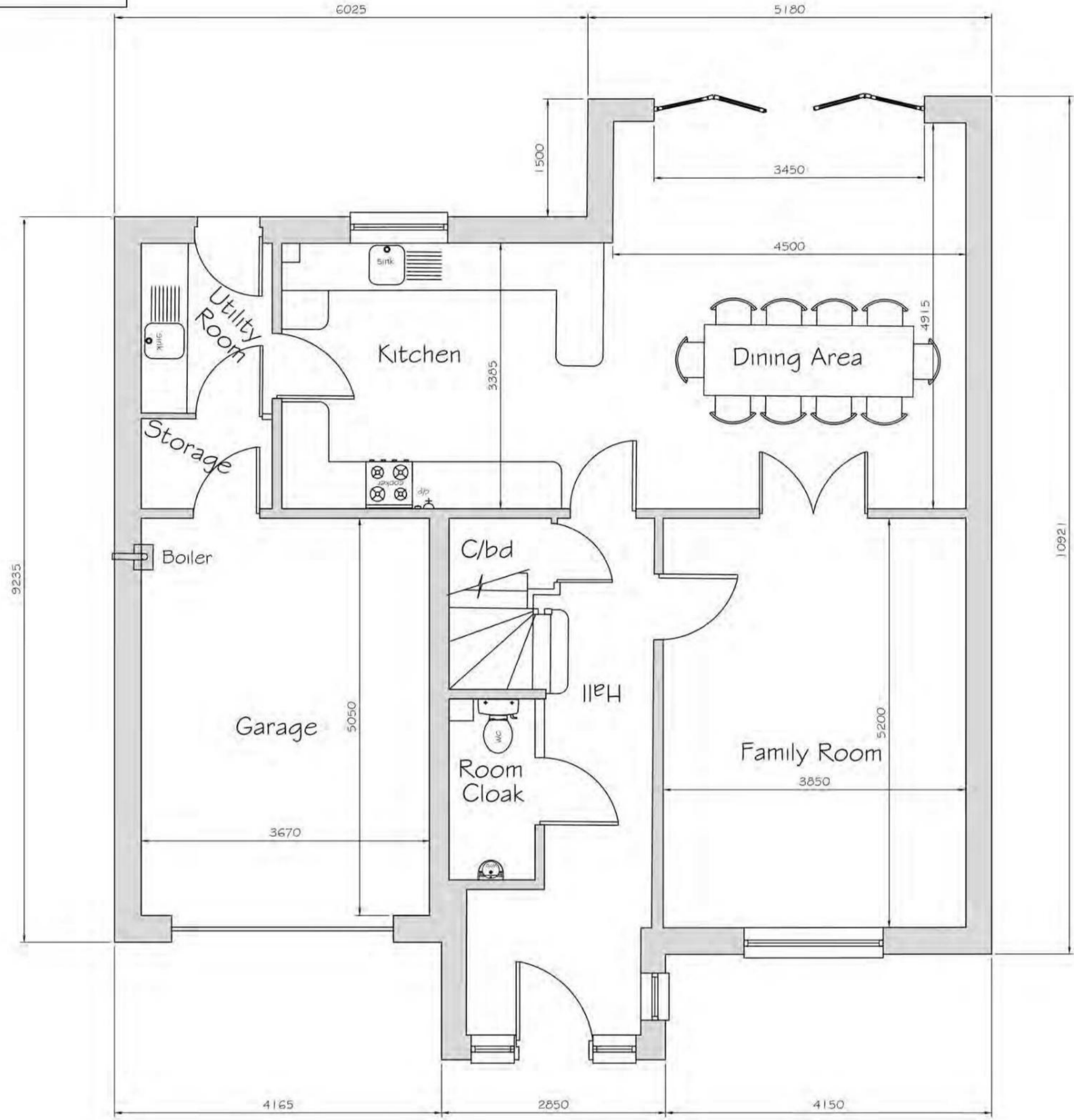
Rev	Description	Date
Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071		
Status Planning		
Project Title Proposed Residential Development (5 No Dwellings) at Land 115M East of Highwood House Barley Dean Rosewell		
Client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

0 0.5 1 1.5 2 2.5m 5m 1:50@A1

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

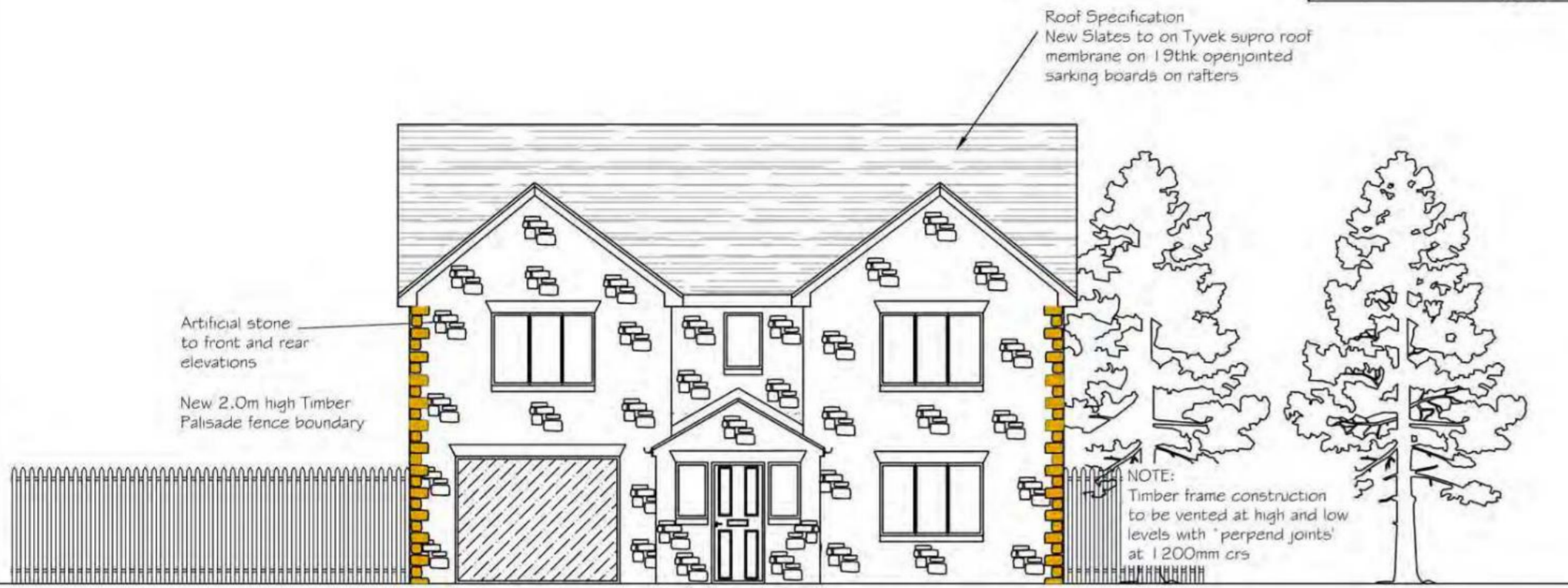
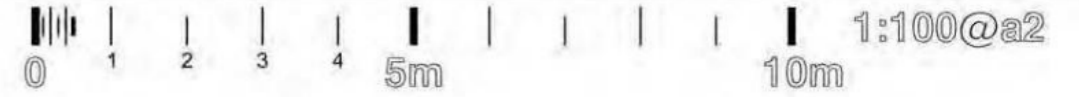
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Rev	Description	Date
<p>Capital Draughting Consultant's Ltd 40 Dinmont Drive Edinburgh EH16 5RR</p> <p>Email: cdc.ltd@sky.com Tel: 0131 666 1804 Mob: 07834156071</p>		
<p>Status Planning</p>		
<p>Project Title Proposed Residential Development (5 No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

REFUSED
06.07.2023
23/00003/DPP

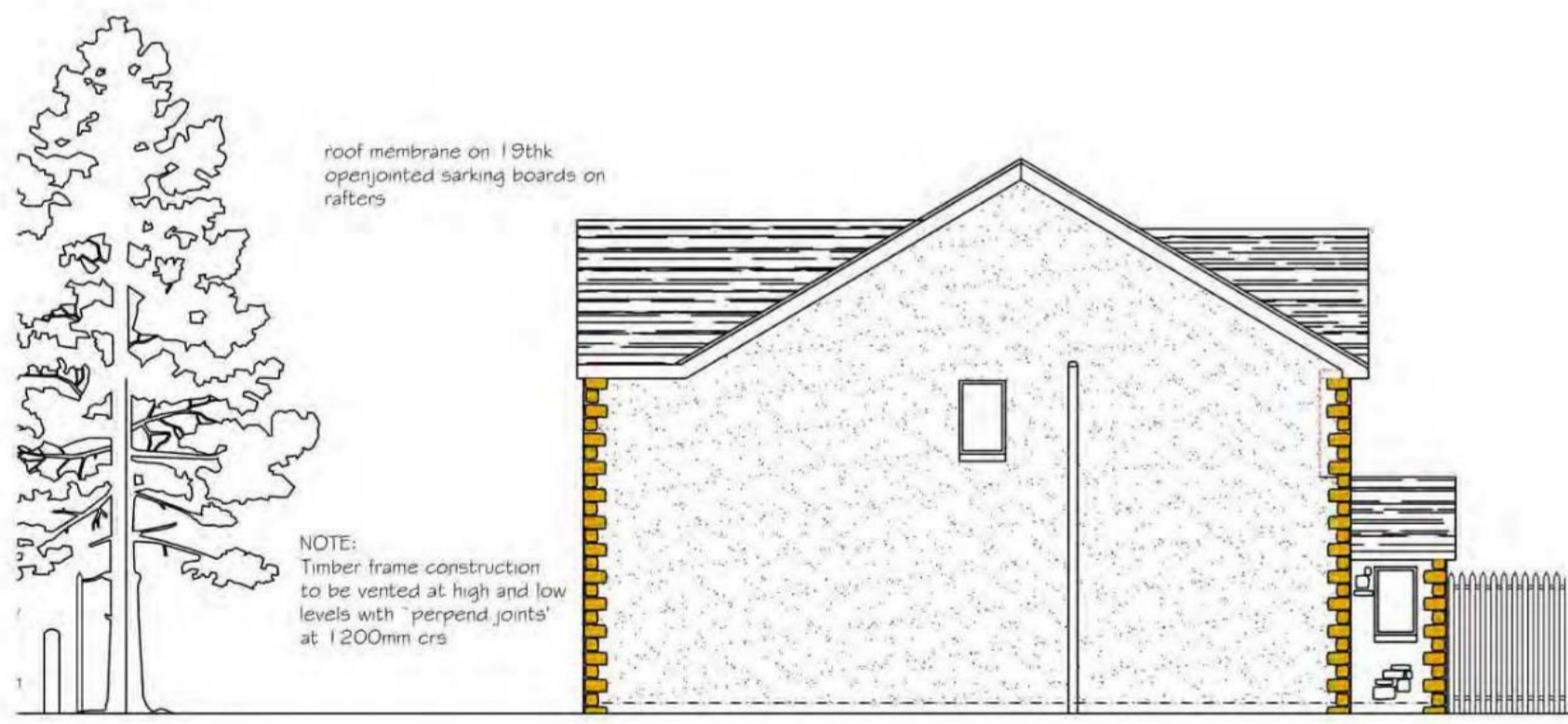
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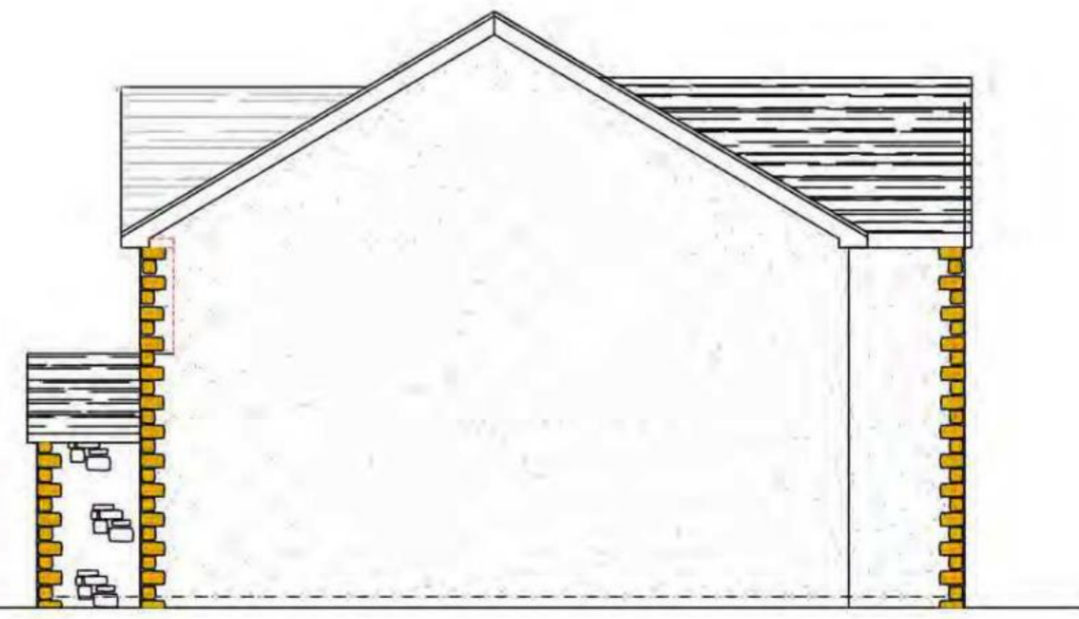
Proposed Front Elevation
 Scale 1:100



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	
Drawing Number CDC/22/153/11		Rev. A

REFUSED
06.07.2023
23/00003/DPP

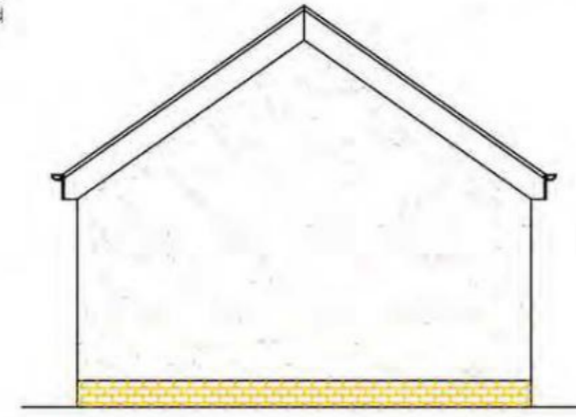
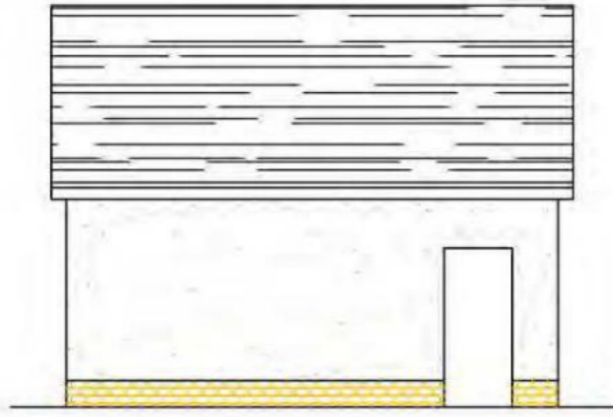
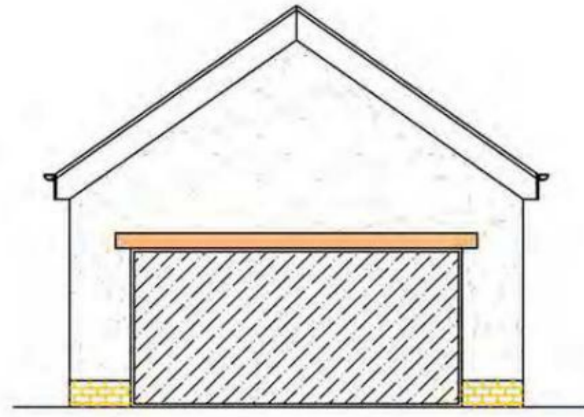
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Roof Specification
 New Roof slates with Tyvek supro roof membrane on 18mm thk. open jointed sarking boards (2mm gaps between boards) on rafters.

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

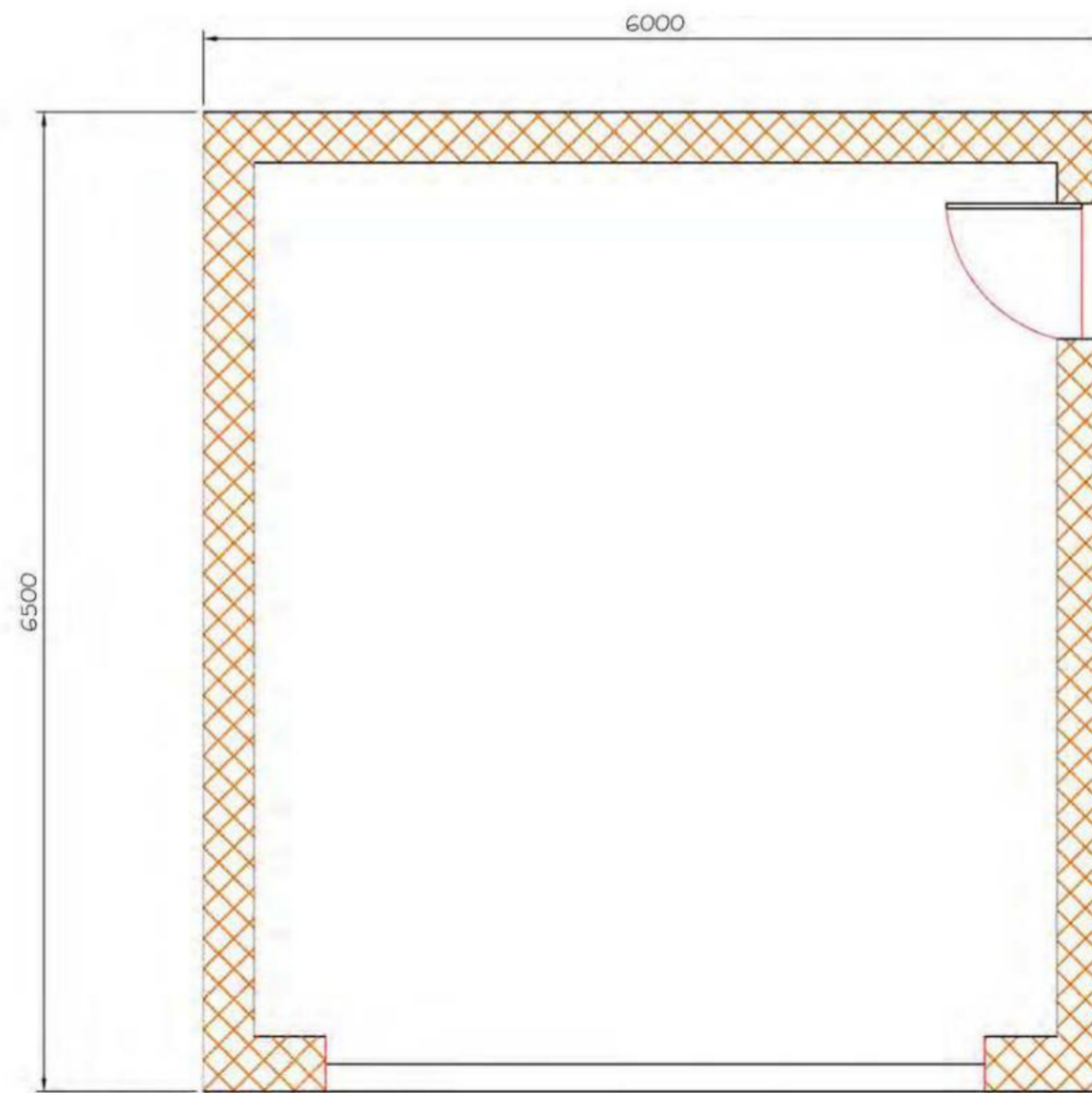


Proposed Side Elevation
 (South South West) Scale 1:100

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.

0.14.1 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.

REFUSED
06.07.2023
23/00003/DPP

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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)

V02	DETAILS	DATE	DRAWN	CHKD	APPD
1911					
CLIENT	Mr N McDonald				
PROJECT	Proposed Residential Development at Barley Dean Rosewell				
DRAWING TITLE	Existing Ground Levels East of Site				
DRG No	SCALE	DATE			
MCE000345-SK02	1:250	2023/03			
DRAWN BY	CHECKED BY	APPROVED BY			
JAM	JAM	JAM			
MCNAB CONSULTING ENGINEERS Helping you Build 2 The Manor Road Edinburgh Email: info@mcnab.co.uk Phone: 0131 279 2969 www.mcnab.co.uk www.linkedin.com/company/mcnab-engineers					
DO NOT SCALE FROM THIS DRAWING					
A1 SHEET SIZE					

PLANNING

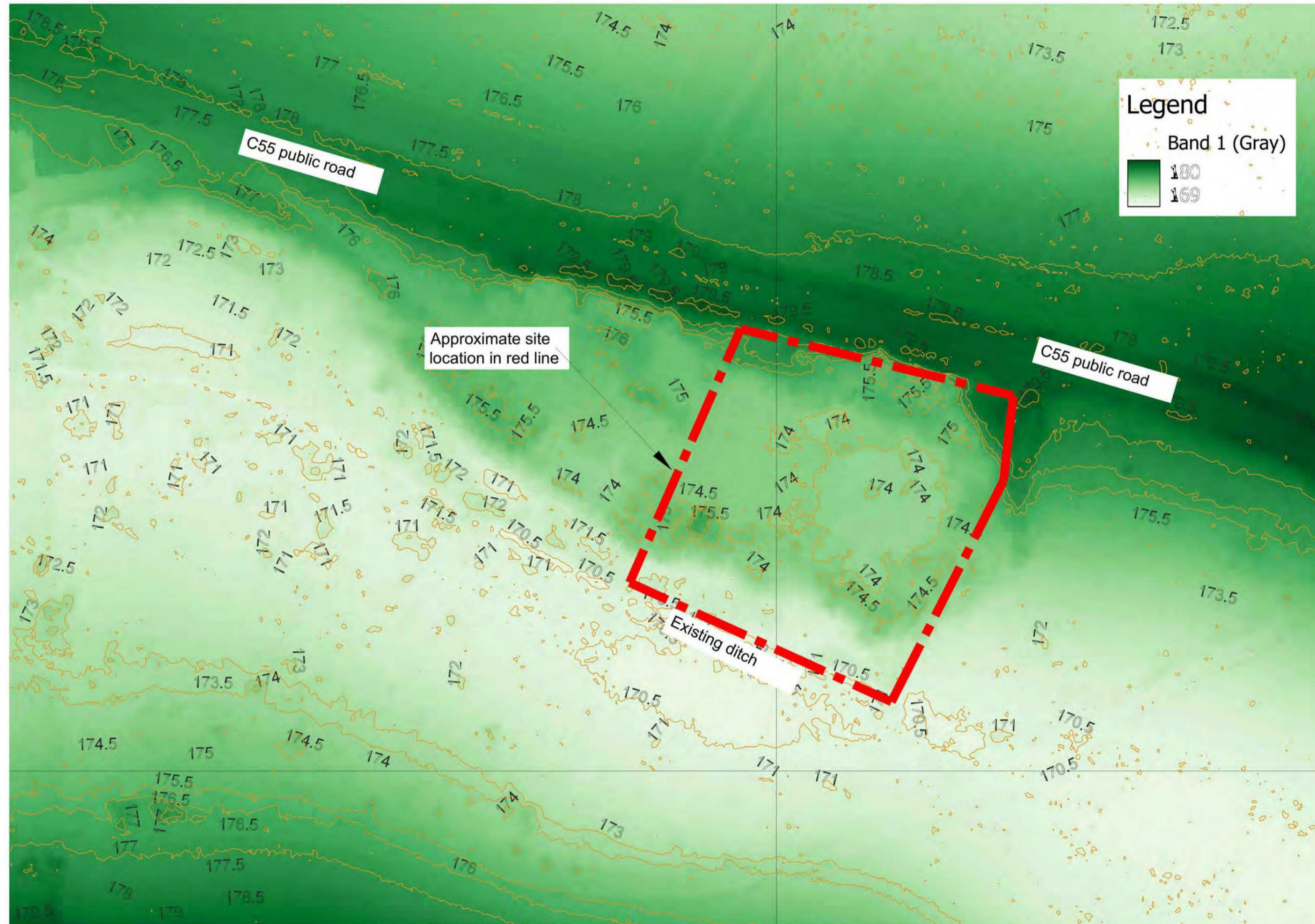
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5. Fully dimensioned setting out by others.



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

LEGEND
SITE BOUNDARY

VOZ			
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
MCNAB CONSULTING ENGINEERS Helping you Build			
DO NOT SCALE FROM THIS DRAWING			A1 SHEET SIZE

PLANNING

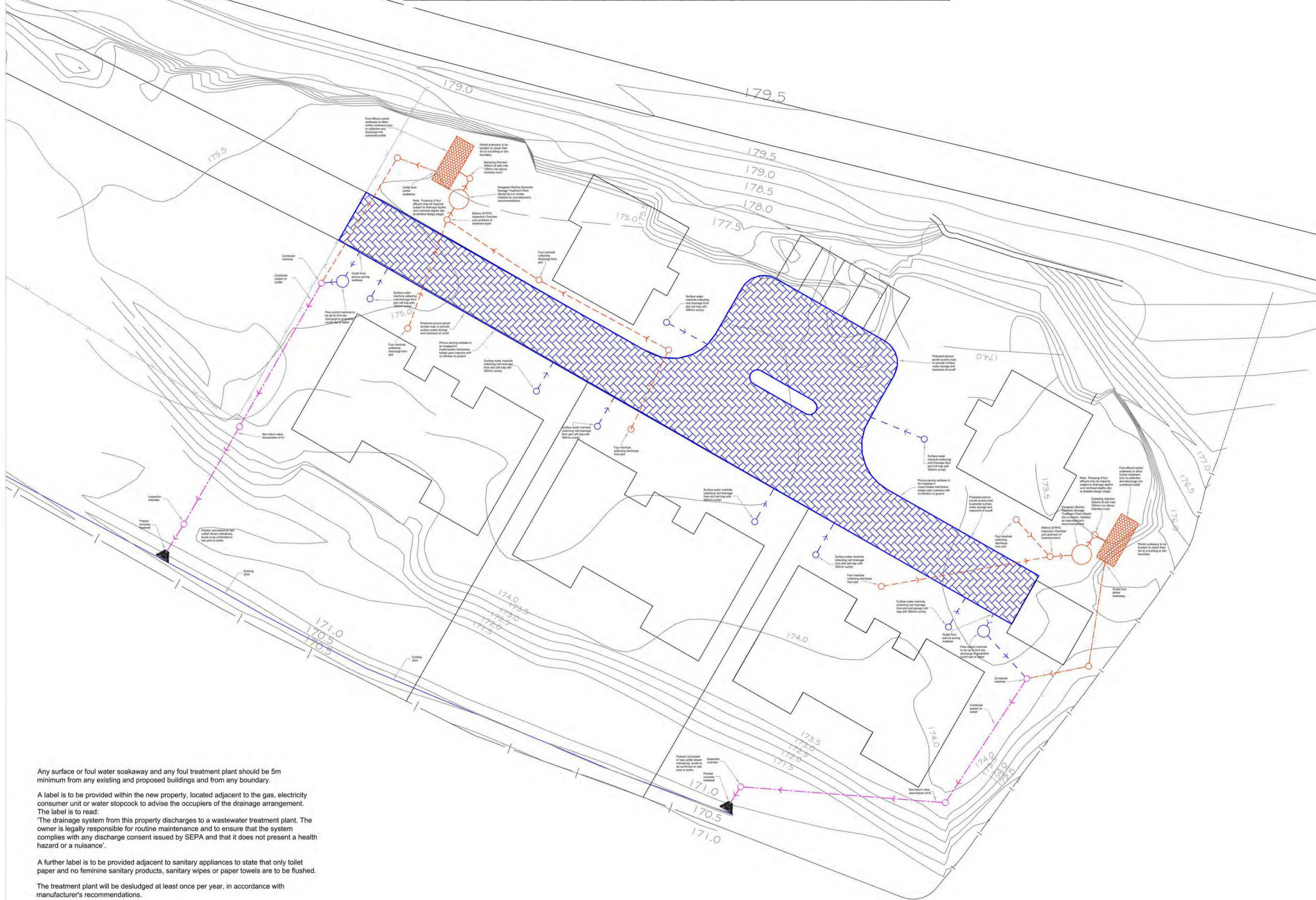
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- This drawing is part of a Building Warrant package, and should only be used for Building Warrant purposes.
- All dimensions shown are in millimetres unless noted otherwise, please do not scale from this drawing. If further dimensions are required 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 (L&O).
- All foul water pipes to be 100mm Ø unless noted otherwise. All below ground foul pipes to be laid at the maximum gradient shown unless noted otherwise.
- All EGOPVIC 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 no infiltration to ground. The preliminary design is based upon a 120 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 porous. 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 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: [Blue hatched box]
- PROPOSED FOUL EFFLUENT PARTIAL SOAKAWAY: [Orange hatched box]

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.

V02			
CLIENT	Mr N McDonald	DATE	2023/03
PROJECT	Proposed Residential Development at Barley Dean Rosewell	SCALE	1:200
DRAWING TITLE	Preliminary Drainage Scheme	DRAWN BY	JAM
DRG No	MCE00345-100	CHECKED BY	JAM
		APPROVED BY	JAM
MCNAB CONSULTING ENGINEERS			
Helping you Build			
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PLANNING

CLEAR OPENINGS TO BE AS COVER AND FRAME

CLASS 1 MORTAR HAUNCHING TO COVER AND FRAME

PRECAST CONCRETE HEAVY DUTY COVER SLAB TO BS 5911 BEDDED ON MORTAR OR A PROPRIETARY BITUMEN OR RESIN MASTIC SEALANT MORTAR POINTING TO INTERNAL FACE

GALVANISED MILD STEEL STEP IRONS AT 250mm CENTRES THROUGHOUT WITH 300mm STAGGER BETWEEN STEPS

BENCHING SLOPE TO BE 1 IN 10 TO 1 IN 30

THICK HIGH STRENGTH CONCRETE TOPPING TO BE BROUGHT UP TO A DENSE SMOOTH FACE NEATLY SHAPED AND FINISHED TO ALL BRANCH CONNECTIONS (20mm MIN THICKNESS)

SELF-CLEANING TOE HOLES TO BE PROVIDED WHERE CHANNEL EXCEEDS 600mm WIDE

INVERTS FOR PIPE SIZES UP TO 300mm DIAMETER SHALL BE FORMED USING CHANNEL PIPES

IN-SITU CONCRETE BASE (ST4) MIN THICKNESS 225mm BELOW BARREL OF PIPE

75mm BUNDLING (ST2)

JOINT TO BE AS CLOSE AS POSSIBLE TO FACE OF MANHOLE TO PERMIT SATISFACTORY JOINT AND SUBSEQUENT MOVEMENT

PIPE JOINT WITH CHANNEL TO BE LOCATED MIN. 100MM INSIDE FACE OF CHAMBER

COVER AND FRAME TO BS EN 124 AS DETAILED ON THE MANHOLE SCHEDULE HAVING SQUARE 675mm MIN. CLEAR OPENING

COVER FRAME TO BE BEDDED ON CLASS 1 MORTAR

225mm CLASS B ENGINEERING OR SPECIAL PURPOSE CONCRETE BRICKWORK, 4 COURSES/MAX 2 COURSES/MIN OR PRECAST CONCRETE COVER FRAME SEATING RINGS, BRICKS TO BS 3991

PRECAST CONCRETE CHAMBER SECTION TO BS 5911 AND COVER SLAB TO BE BEDDED ON MORTAR OR PROPRIETARY BITUMEN OR RESIN MASTIC SEALANT WITH MORTAR POINTING TO INTERNAL FACE

ST4 CONCRETE SURROUND 150mm THICK, CONCRETE TO BE THOROUGHLY VIBRATED. JOINTS IN CONCRETE SURROUND MUST NOT COINCIDE WITH JOINTS OF CHAMBER SECTIONS

THE BOTTOM PRECAST CHAMBER SECTION TO BE BUILT INTO BASE CONCRETE SECTION TO BE 100mm

DISTANCE BETWEEN TOP OF PIPE AND UNDERSIDE OF PRECAST CONCRETE SECTION TO BE 100mm

CONSTRUCTION JOINT

225mm TO BARREL OF PIPE

ROCKER PIPE

SHORT LENGTH PIPE TO BE SIMILAR LENGTH TO ROCKER PIPE

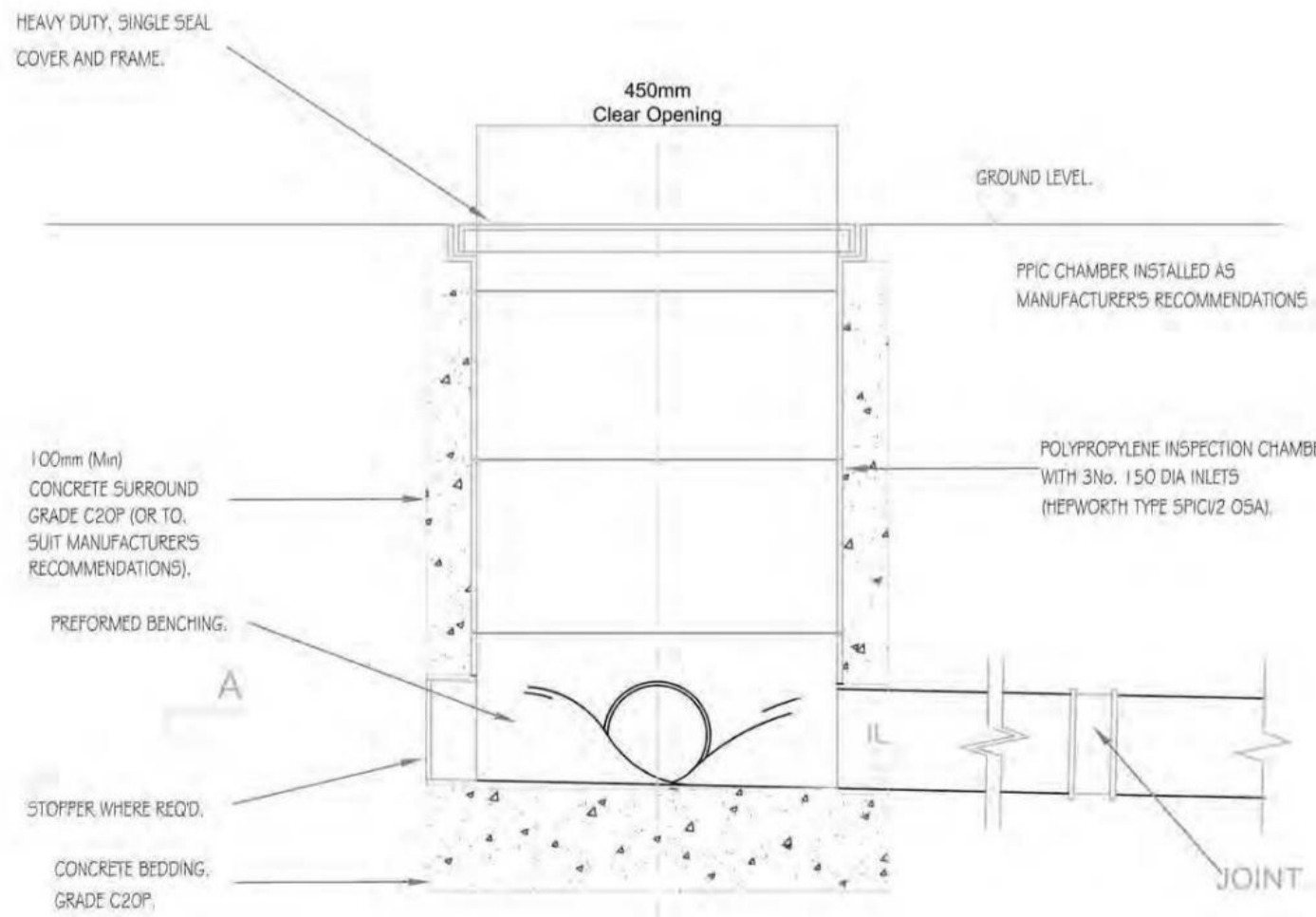
TOE HOLE

GENERAL NOTES:

1. OUTGOING PIPES GREATER THAN 600mm DIAMETER ARE TO BE FITTED WITH SAFETY CHAINS
2. SULPHATE RESISTING PORTLAND CEMENT SHALL BE USED FOR ALL CONCRETES AND MORTARS HAVING EQUIVALENT COMPRESSIVE STRENGTH OF 20N/mm² OR GREATER (INCLUDING PRECAST CONCRETE PRODUCTS)
3. REFER TO MANHOLE SCHEDULES FOR DETAILS OF COVERS, PIPE SIZES, INVERT LEVELS, MANHOLE DIAMETER ETC.

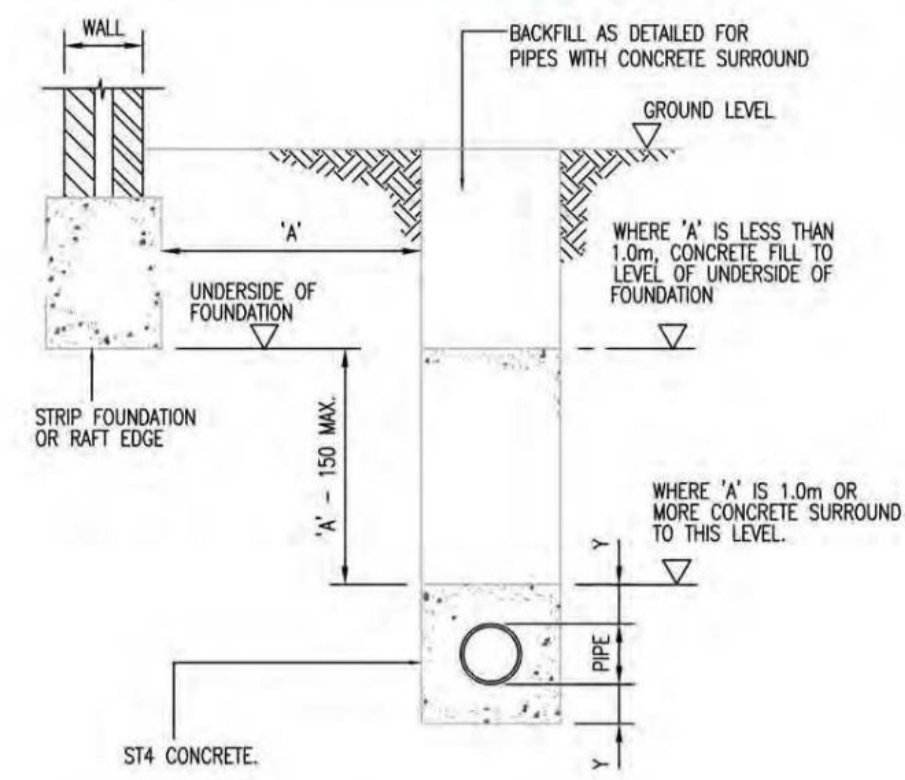
PIPE DIA	EFFECTIVE LENGTH
150 - 600	0.60
675 - 750	1.00
825 & OVER	1.25

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



SECTION THROUGH PPIC INSPECTION CHAMBER
SCALE 1:25

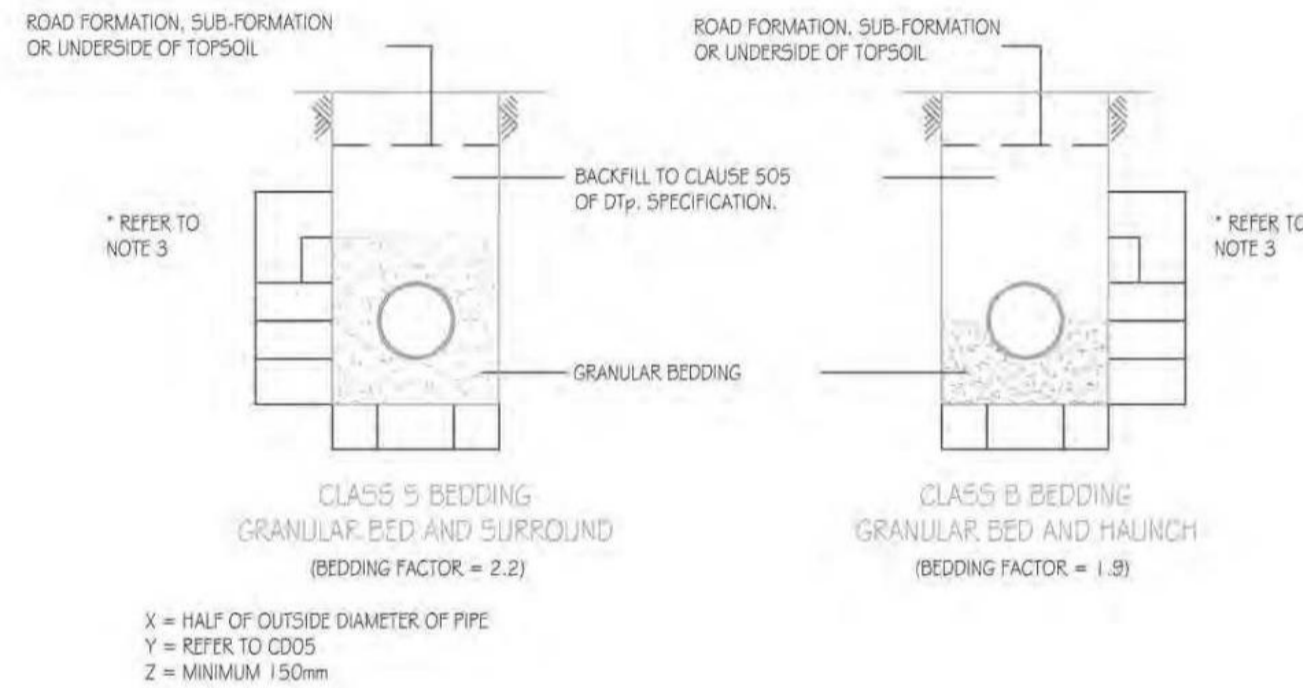
REFUSED
06.07.2023
23/00003/DPP



DRAINS NEAR BUILDINGS
SCALE 1:25

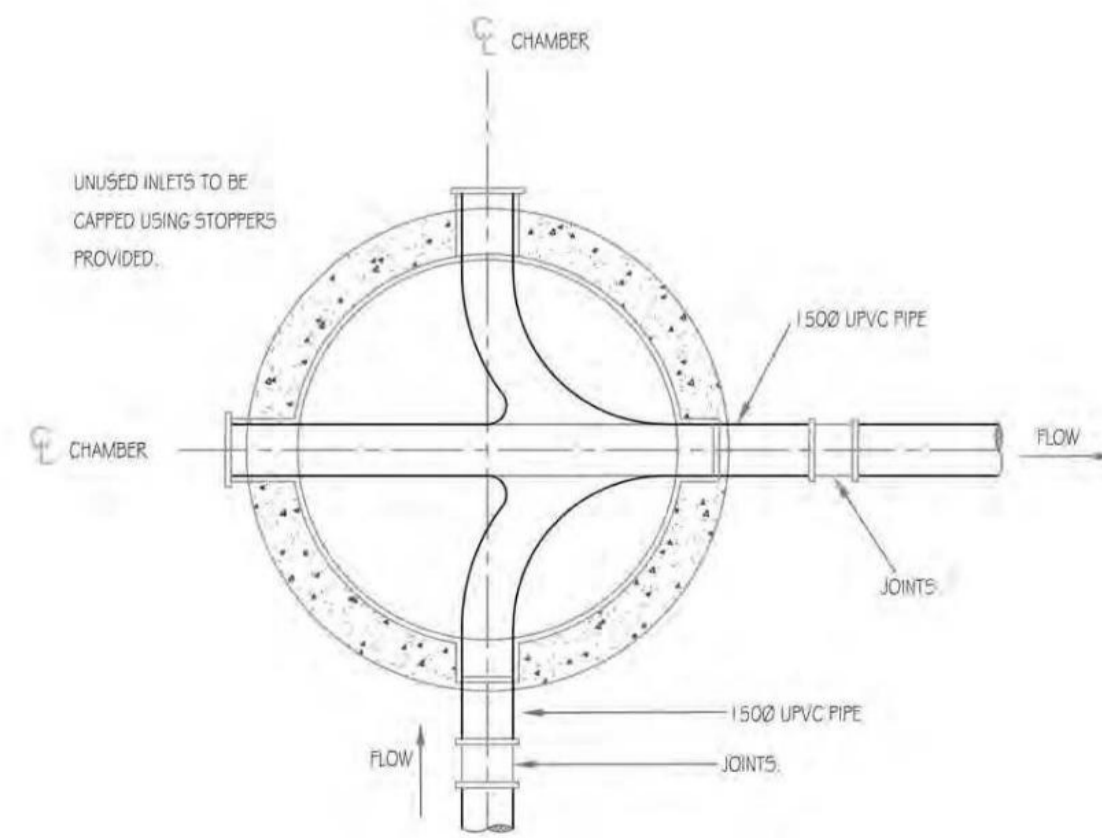
NOTES:

1. 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.
2. FOR VALUES OF Y REFER TO DIMENSIONS FOR PIPE BEDDING TABLES

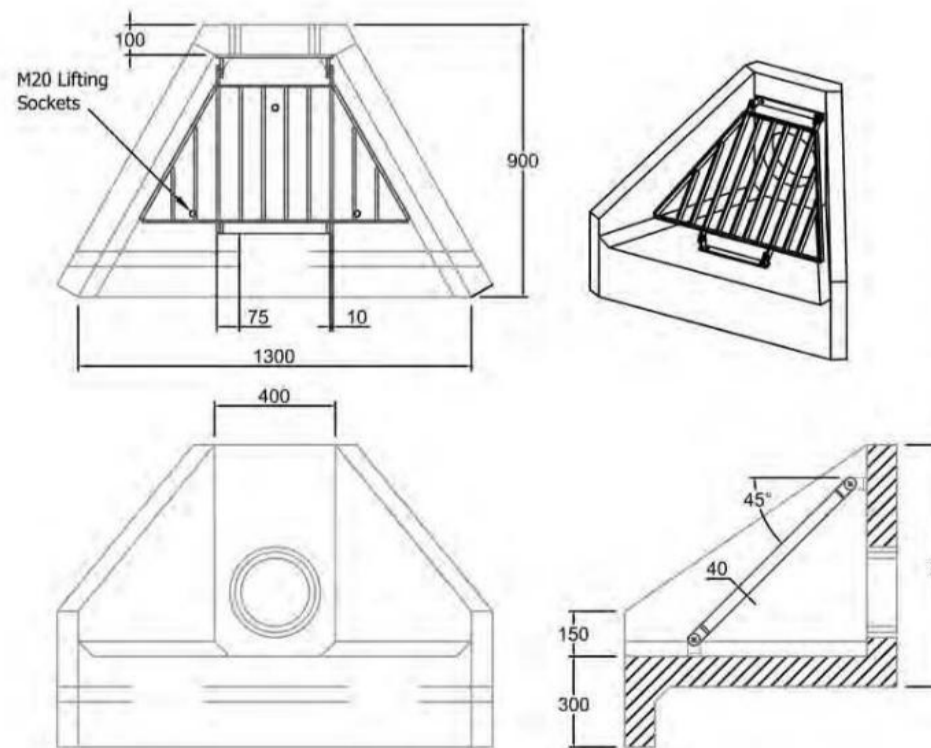


- X = HALF OF OUTSIDE DIAMETER OF PIPE
Y = REFER TO C205
Z = MINIMUM 150mm
- NOTES:**
1. REFER TO TABLES FOR DIMENSIONS AND BEDDING DETAILS
 2. BEDDING BENEATH AND AT THE SIDES OF THE PIPE TO BE WELL COMPACTED
 3. THE FIRST 300mm OF FILL ABOVE THE CROWN OF THE PIPE IS TO BE LIGHTLY TAMPED BY HAND. MECHANICAL COMPACTION MAY BE USED ONLY ABOVE THIS LEVEL
 4. GEOTILES MAY BE USED WHERE DIRECTED OR APPROVED BY THE ENGINEER TO CONTAIN BEDDING MATERIAL IN CERTAIN SOILS E.G. RUNNING SAND
 5. IN VERY WET CONDITIONS, WHERE DIRECTED OR APPROVED BY THE ENGINEER A TEMPORARY LAND DRAIN MAY BE LAID WITHIN THE GRANULAR BED.

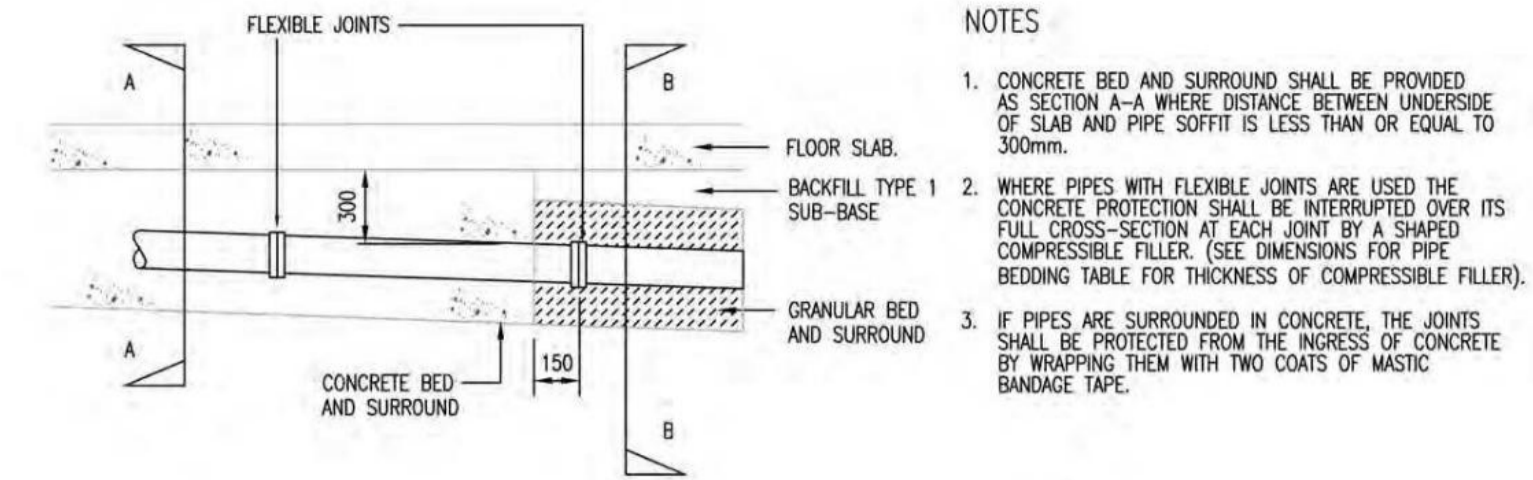
PIPE BEDDING DETAILS
SCALE 1:25



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



DETAIL OF PRECAST HEADWALL UNIT
SCALE 1:25



DRAINS BELOW BUILDINGS
SCALE 1:25

PIPE DIAMETER	Y1 MINIMUM	Y2 MIN.	MAXIMUM TRENCH WIDTH.	L
100	100	200	700	1.8
150	100	200	750	1.8
200	100	200	800	1.8
225	100	200	825	1.8

NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETRES.
2. DIMENSION Y1 SHALL BE USED UNLESS Y2 IS SPECIFIED OR IS DIRECTED BY THE ENGINEER.
3. 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.
4. DIMENSION Y2 SHALL BE INCREASED BY 40mm FOR EACH ADDITIONAL 1.0m OF COVER IN EXCESS OF 5.0m.
5. DIMENSION L IS THE WIDTH OF COMPRESSIBLE FILLER REQUIRED AT JOINTS IN CONCRETE PROTECTION TO PIPES.

Precast Headwall
Use to be manufactured, transported and fitted in line with manufacturer's recommendations.
Use should be installed on smooth, 150mm of heavily compacted concrete.
Do not backfill level or with a slight fall 150mm from pre-cast top.
Use to be fitted as per lifting diagram provided by manufacturer.
Concrete Mix with Self-compacting C40/50 Mix.
Characteristic 28 day cube strength = 50N/mm²
Concrete provides Design Chemical Class 4 (DCA) to special Detail 1, Table P2.
Use to be provided with integral tapered traffic block on opening.
Grating manufactured from A631G bars at 75mm c/c.
Use fully wetted from hot air generator.

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NO.	REVISION	DATE	DRAWN	CHECKED	APPROVED
V02					
CLIENT: Mr (s) McDonald					
PROJECT: Proposed Residential Development at Bailey Drive Rosewell					
DRAWING TITLE: Drainage Details					
DRG No	MCE00345-101	SCALE	1:200	DATE	2023/03
DRAWN BY	JAM	CHECKED BY	JAM	APPROVED BY	JAM
McNAB CONSULTING ENGINEERS Helping you Build 144 South Street, Edinburgh, Scotland Tel: 0131 445 9411 Email: info@mcnabce.co.uk www.mcnabce.co.uk					
DO NOT SCALE FROM THIS DRAWING A1 SHEET SIZE					

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REFUSED
06.07.2023
23/00003/DPP



Photo 1



Photo 2

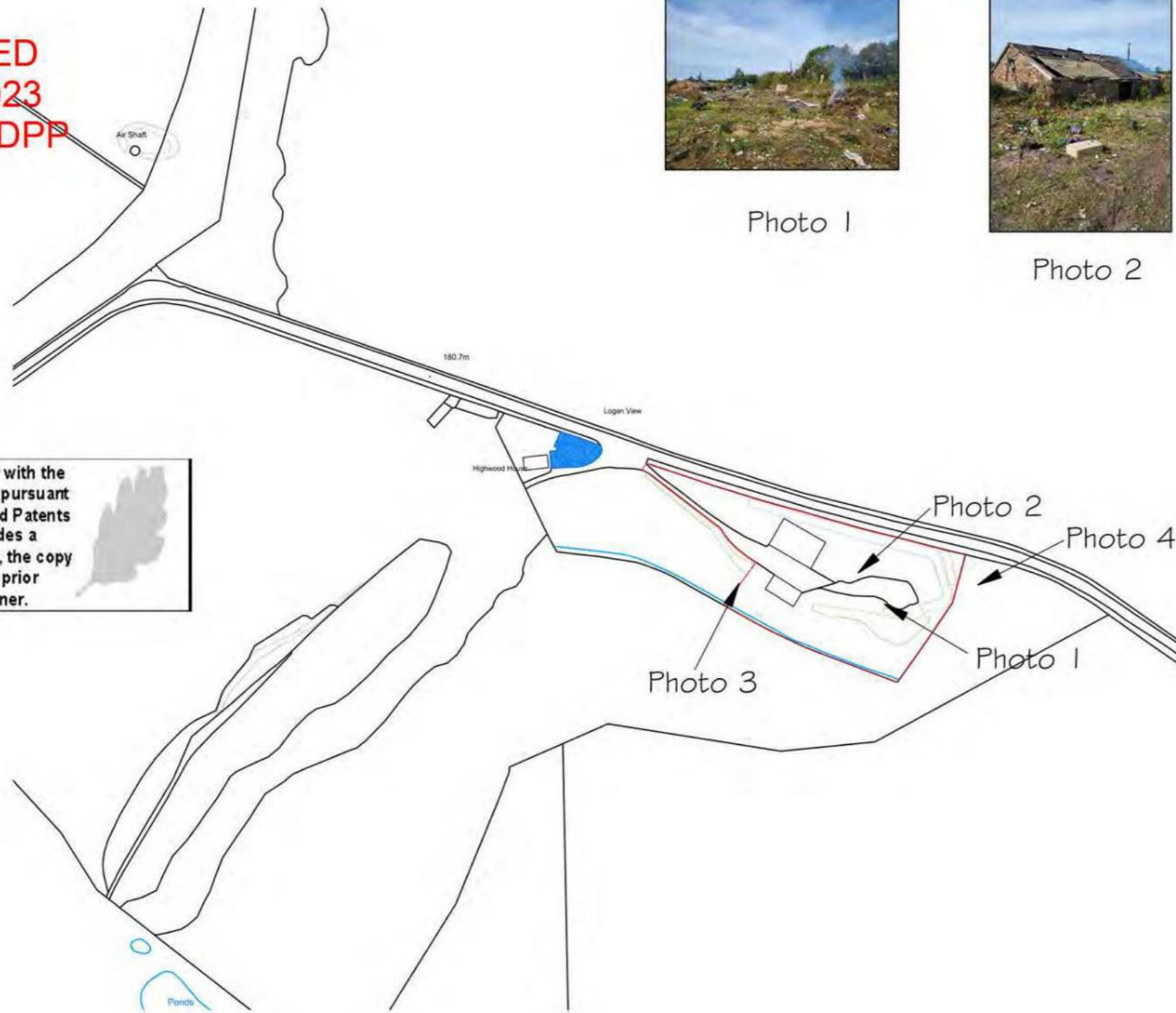


Photo 3



Photo 4

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Existing Site Plan
 Scale 1:2500



1:2500@a3

Rev	Description	Date
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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