

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

**Application for planning permission in principle for the erection
of 10 dwellinghouses; formation of access and associated
works at Former Arniston Gas Works, Gorebridge**

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File No. 15/00335/DPP

Scale: 1:2,500



Midlothian



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

Thank you for completing this application form:

ONLINE REFERENCE 000127647-001

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

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:	RFA
Ref. Number:	
First Name: *	Claire
Last Name: *	Shannon
Telephone Number: *	01312266166
Extension Number:	
Mobile Number:	07456962620
Fax Number:	
Email Address: *	c.shannon@rickfincassociates.com

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

Building Name:	Melford House
Building Number:	3
Address 1 (Street): *	3 Walker Street
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH3 7JY

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Office 5, Dalhousie Business Park"/>
First Name:	<input type="text"/>	Building Number:	<input type="text"/>
Last Name:	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Carrington Road"/>
Company/Organisation: *	<input type="text" value="Pegasus Flooring"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Bonnyrigg"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH19 3HY"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text"/>			
Northing	<input type="text" value="662189"/>	Easting	<input type="text" value="333789"/>

Description of the Proposal

Please provide a description of the 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)

Proposal for housing development (10 dwelling houses) and associated works at the site of the former gas work located at Arniston, Gorebridge, Midlothian.

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 of 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 attached "Supporting Documents?"

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

☐ Yes ☒ No

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)

Application Form
Location and Layout Plans
Planning Statement
Officers Handling Report
Decision Notice
Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00335/PPP

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

22/04/15

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

30/06/15

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 conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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)

All three procedures are requested.

A site inspections is needed to appreciate its context in relation to policy implications and designations

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)

A key is required to safely access the site

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: Claire Shannon

Declaration Date: 31/07/2015

Submission Date: 31/07/2015

**NOTICE OF REVIEW: SITE OF THE FORMER ARNISTON
GASWORKS, GOREBRIDGE, MIDLOTHIAN**

**PROPOSED DEVELOPMENT OF 10 EXECUTIVE ECO HOUSING UNITS,
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AND SERVICES**



MIDLOTHIAN COUNCIL LOCAL REVIEW BODY

Section 43(A) (8) of the Town and Country Planning (Scotland) Act 1997 (As amended) in respect of Decisions on Local Developments

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

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

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APPENDICES

1. Application Form
2. Location and Layout Plans
3. Planning Statement
4. Officers Handling Report
5. Decision Notice

1. Introduction

- 1.1 This appeal to Midlothian Council Local Review Body (LRB), is on behalf Mr Alan McCulloch (the applicant) of Dalhousie Business park for a site at the former Arniston Gas Works, Midlothian. The applicant proposes the development of 11 new dwellings at Arniston Village. It is lodged as the applicant is aggrieved with the decision made by the Director of Planning and disagrees with the Reasons for Refusal.
- 1.2 The application (REF 15/00335/PPP) was lodged with the Council on the 22 April, 2015 with a decision made through delegated powers on the 30 June, 2015. We now seek resolution through the Council's LRB in order to reverse the decision, which does not take account of the unique nature of the land and exceptional circumstances relating to this specific case. The application made to the Council is not clear cut and a departure from current policy is warranted in this case.
- 1.3 A high quality sustainable family housing development is being promoted proving a range and choice to the current market being offered in Midlothian by corporate house builders in Gorebridge. It should be noted that the development is being promoted by a locally based developer bringing investment into Arniston-Gorebridge and utilising local contractors to develop the scheme. Refusal of this scheme would send a negative message to small builders and contractors seeking to develop smaller parcels of land in the burgh.
- 1.4 The proposals would enhance and protect the Temple- Arniston Conservation Area and Designated Landscape in and around Engine Road Gorebridge. In addition, an improved gateway would be formed along the A7 and other benefits such as improved links to the countryside at Carrington facilitated.
- 1.5 Midlothian Council has traditionally taken a pragmatic view to housing development in the Countryside on sites such as Arniston Gas Works. Indeed, the site has an authorised certificate of lawfulness for the Storage of Engineering Equipment on a concrete platform within the site, indicating the principle of development is acceptable.
- 1.6 The Reasons for Refusal are wholly predicated on two issues, the first being the misguided assumption that this is a green-field countryside site, whereas in fact it is brown-field and has been subject to previous development (brown-field being defined as land that has previously been subject to development). No precedent would be created by the proposals and there is no opportunity for any further sprawl of development in this location. The second issue appears to relate to a legal issue between the applicant and the Forestry Commission, which is not a planning matter or one that should influence any decision making.
- 1.7 It is appreciated that planning authorities find this type of development on urban boundaries difficult to deal with without issuing a refusal for fear of precedent elsewhere. However, it is

hoped that the members of the LRB can apply a degree of pragmatism to land that is clearly brown-field in nature and offers significant betterment to Arniston in planning terms.

- 1.8 If applicable we would respectively request that the LRB take a site visit to the Gasworks site and the Engine Road area. Furthermore, we request that representatives of the applicant are heard in terms of verbal evidence on this case.
 - 1.9 Under S 43A (12) of the Town and Country Planning (Scotland) Act 1997, and Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008, we await the decision of the LRB and any reasons relating to the terms on how this was reached.
 - 1.10 Supporting Documentation for this appeal is listed in Appendix 1 and available on the Midlothian Planning Portal (Application Reference: 15/00335/PPP).
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2. General Comments

- 2.1 In advance of addressing the Reasons for Refusal the applicant would like to make members of the LRB aware of the context relating to the planning process.

Handling and Reporting

- 2.2 We are concerned about the way that this case has been presented to the Committee and the tone and language used by the officials in unduly dismissing this application without balanced consideration of all material planning factors. Furthermore, contrary to good practice, there have been limited attempts made by the case officer to enter into dialogue and engagement with the project architect to resolve some of the design issues raised during the determination period.
- 2.3 The site masterplan submitted with the application is indicative only and was produced to illustrate how development capacity and design standards could be achieved on site. We recognise that it is capable of modification and improvement during the detailed design stages (Approval of Matters Specified in Conditions) and in itself is not a reason for refusal.
- 2.4. It is accepted in the first paragraph of the Recommendation Report that the application site was previously a functioning gas works. In addition, it is accepted that the site has been subject to previous development and has an alternative use associated with it. This is materially significant and should be fully taken into account in any decision taken by the LRB.
- 2.5 The site description does not acknowledge that the site has been fenced off and made secure to protect the safety and amenity of the area, and also to prevent the risk of unauthorised uses occurring. This level of management and maintenance cannot be guaranteed into the future should there be a refusal in this case.
- 2.6 The application is for Planning Permission in Principle (PPiP) not a Full Planning Application under the Act. Given that this is the case the level of information provided is commensurate with this and in conformity with the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 2.7 In addition, many of the details questioned by the case officer are detailed matters that can adequately be conditioned.

Consultations

- 2.8 It is evident from the Recommendation Report that there are no formal objections to this application from Council Departments, Agencies or the local community and neighbours, including residents at the adjacent C(S) listed Kirkhill Cottage. The applicant is unclear as to why the case officer has portrayed these as unresolved problems in his delegated report.

- 2.9 Many of the comments received such as those received from Historic Scotland are positive in nature and deal with detailed design and related matters that are able to be conditioned and adequately dealt with as part of the Approval of Matters Specified in Conditions (AMSC). The applicant is willing to address each of the matters raised and purify the terms of conditions and any S75 Legal Agreement.
- 2.10 The Network Rail negotiations have likewise been positive and comments can be addressed through detailed design amendments. Work adjacent to the site is now completed.
- 2.11 It should be noted that the Forestry Commission did not comment on this application and that the information presented in the Recommendation Report is therefore pure conjecture in terms of the Forestry Act 1967 and has no basis in fact. The issue between the applicant and the Forestry Commission is not a planning matter. The applicant has consulted with the Forestry Commission and it is understood that there is a solution to the current stand-off. Contrary to the opinion of the case officer, a solution to this separate matter would in fact be facilitated by planning approval.
-
- 2.12 Finally, we are unsure why the case officer has reported on matters which legitimately are the responsibility of Network Rail and The Forestry Commission in seeking reasons to refuse the application, particularly in instances where no comments were made. There is a clear presumption against the development displayed through the interpretation of these comments and those of the Council's relevant service departments.

3. Reasons for Refusal

The Development Plan

- 3.1 The Development Plan consists of the extant Midlothian Local Plan (2008) and the South East Scotland Strategic Development Plan Authority (SESplan), Strategic Development Plan (SDP) for the South East Scotland area (2013 as amended).
- 3.2 Section 25 of the Town and Country Planning Scotland Act 1997 (as amended), specifies that that determination of planning applications '*shall be made in accordance with the Development Plan unless material considerations indicate otherwise*'. It is supplemented by Section 37(2) which states that '*In dealing with an application the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations*'.
- 3.3 Under S16 (6) of the Planning etc (Scotland) Act 2006 the LDP must conform to the Strategic Development Plan (SDP).
- 3.4 The applicant does not consider that the provisions of the Act have been fully complied with by the Council in reaching their decision. The Council has identified a range of (14) relevant planning policies from the outdated Local Plan. However, many of these are not applicable to this case and are not used in the reasons for refusal- for example RP4 Prime Agricultural Land (on a brown-field site) and TRAN 2 Waverley Line.
- 3.5 Furthermore, as the Local Plan is significantly out of date, both by nature of its timescale (older than 5 years) and by way of its failure to maintain the 5 year effective housing land supply, a significant material consideration should be placed on the presumption in favour of sustainable development (SPP para 32-35 and 123-125) in accordance with recent DPEA appeal case decisions.

Brownfield Land

- 3.5 It can be stated with confidence under the terms of the Town and Country Planning Scotland Act 1997 (as amended) that the site can be regarded as a brown-field site. This is defined within:
- Scottish Planning Policy 2014 – reference to the Glossary;
 - The Midlothian Local plan 2008;
 - SESPlan – reference to the Glossary and as per SPP.
- 3.6 In addition the site has previously been developed under the terms of the 1997 Act S26 (1). This is not disputed by the Council and there is extensive evidence of infrastructure constituting development associated with the former Gas Works.

- 3.7 Notwithstanding that the site is within the edge of the Arniston / Temple Conservation Area it can also be regarded as being vacant and derelict. Development of the site can only assist in protecting and enhancing the character and appearance of this area.

Reasons for Refusal

- 3.5 In addition there are 8 reasons for refusal quoted which are inconsistent with the previous decision on the land in terms of both policies and wording.

- 3.6 The reasons for Refusal on the Decision Notice are as follows:

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

2. The proposed development would lead to the direct and indirect loss of trees and woodland within a conservation area, to the detriment of the character of the locality, and as such the development is contrary to the adopted Midlothian Local Plan policies RP5 (woodland trees and Hedges) and RP20 (Conservation Areas).

3. The Indicative layout of the proposal does not comply with the terms of Policy DP2 Development Guidelines which seeks a high standard of development with access to open space and play facilities. The proposed indicative layout does not adequately demonstrate that ten dwellings can be accommodated within the application site and therefore constitutes an over development.

4. As a result of the loss of trees and the density of the proposed development, the proposal will have a significant adverse effect on the character of the conservation area, and is , therefore contrary to adopted Midlothian Local Plan Policy RP22 Conservation Areas which seeks to protect the character and appearance of conservation areas.

5. The access to the proposed development is potentially sub standard. The applicant has not demonstrated that an acceptable access could be created to serve this development without adversely impacting on the landscape character of the area. The use of this access, would potentially cause a hazard to the safety and free flow of traffic.

6. The proposal takes little cognisance of the borders railway line, in terms of providing for its safe operation and for protecting the amenity of the dwellings proposed to be in close proximity to it

7. Allowing the proposed development will jeopardise the implementation of the re-stocking notice served by the Forestry Commission. The required plan ting of trees supports the aims and objectives of policies RP5, RP7 and RP22 of the Midlothian Local Plan, which seek to

protect woodland to the benefit of the countryside and to maintain the high quality of the environment.

8. It has not been demonstrated, to the satisfaction of the planning authority that the proposed development will not have a significant adverse impact on protected species. Therefore the proposed development is a contrary to Policy RP13 of the adopted Midlothian Local Plan.

Planning Issues

- 3.5 As stated above the Act and the Development Management Procedures specify that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. The adopted Midlothian Local Plan is now significantly out of date and is related to the previous Structure Plan and Scottish Planning Policy. The emerging Local Development Plan has not yet been subject to Examination and can therefore only be given limited weight in any decision.
- 3.6 Material considerations to be used in any planning application decision are not well defined by the Act but are specified in the Development Management Procedures. They must relate to the site and the particular application as well as being properly evidenced in terms of a good decision.
- 3.7 Likewise planning decisions need to be properly justified and evidenced under the Act and the relevant Development Management Procedures. The appellant has concerns as described within the following section that the Reasons for Refusal are not evidenced and do not provide proper, adequate or intelligible reasons and that the Council's LRB should not subscribe to these in terms of future implications or recourse to any subsequent legal challenge or review.
- 3.8 Reasons need to be intelligible and adequate (ref Wordie Property Co Ltd v Secretary of State for Scotland 1984 SLT). The section on Planning Issues within the Officer's Recommendation Report does not allow the applicant to understand why matters were decided and how conclusions were reached on the principal controversial issues, in particular:
- The definition of brown-field and green-field sites in respect of RP1 and DP2 and the issue of precedent on urban edges;
 - The importance of planning history and the established use and consent associated with the site itself;
 - The SDP and location of the site within a Strategic Development Area (A7/ A68 Borders Rail Line);
 - The relative role of the planning authority and its obligations under the Act, as opposed to the role of the Forestry Commission and its separate legislative requirements in respect of Gore Glen;

- Practical agreement reached with the Waverley Line (BAM) contractors in relation to layout;
 - Conservation Area – character and appearance;
 - Access and Transport considerations both in respect of highway standards and accessibility links with Gorebridge- Midlothian;
 - Reference to place-making principles in Scottish Planning Policy and material considerations in Creating Places and Designing Streets;
 - Practical issues of unauthorised access liability and security on the land at present and in the future.
-

4. Grounds of Appeal

Planning Policy Context

- 4.1 The Development Plan in this instance relates to the Strategic Development Plan (SESplan, 2013) and the Midlothian Local Plan 2008 which is now substantially out of date and relates to the previous Edinburgh and Lothians Structure Plan. The Finalised Midlothian Local Development Plan (MLDP) is a material consideration but only limited weight can be given to it in respect of any decision.
- 4.2 Given that there is no reference to the NPF, SPP or SDP we are assuming that the application is in compliance with these documents. It therefore complies with the SDP in relation to Policies 1 A and 1B and in respect of Policy Hou 7 which permits the development of green-field land within or outwith Strategic Development Areas in specific circumstances.
- 4.3 In particular we would draw the LRBs attention to the definition of brown-field land within the SDP and its relevance in terms of importance regarding housing land release.
- 4.4 Reference to Scottish Planning Policy (SPP), re-enforces the priority given to sustainability and place-making with specific importance given to the utilisation of brown-field land. In addition, it recognises the need to provide a range and variety of housing sites in order to meet overall requirements.
- 4.5 Our response for the reasons for refusal and grounds of appeal is as follows;

Reason 1: Policy RP1 and DP1

- 4.6 In reviewing Policy RP1 and DP1 it should be minded that the site is brown-field and has a certificate of lawfulness for engineering works. It currently falls within a countryside location but is in essence an urban edge site which does not relate to agricultural or countryside activities. We do not accept that proposed housing is a non confirming use here by virtue of its location or its planning status.
- 4.7 Furthermore, the decision by Midlothian Council in respect of RP1 demonstrates a lack of flexibility which is not in accordance with the principles of planning policy. Furthermore it fails to recognise major expansion in Gorebridge as a Strategic Development Area and the benefits to rural development in Arniston Village. It is a sustainable location.
- 4.8 In accordance with the provisions for DP1 a limited small scale development of the site is perfectly acceptable under the Council's design and development policies. There are precedents of such practical and pragmatic decisions throughout Midlothian and the sites history clearly points to development.

4.9 The proposed development:

- Seeks the re-use of an existing brown-field development site within Arniston which cannot be considered to be a countryside location;
- Is well integrated with definitive boundaries and will not lead to urban sprawl or precedent for further development;
- Can be accessed safely and conveniently from the A7 and serviced from existing infrastructure;
- In design terms the development forms a small scale development of up to 10 houses with adequate provision for parking, open space and landscaping;
- Does not lead to the loss of prime agricultural land as suggested by the Council officers.

4.10 In general consideration the site is considered to comply with RP1 in so far as it is relevant in this location. Indeed it assists in rationalising countryside recreation and forestry uses in the area.

4.11 Policy DP1 is quoted as a reason for refusal but it is not clear why this should be the case as the development does not relate to a single house or an existing group of 5 or more houses, a redundant steading or a building of quality. Compliance with DP1 is a requirement of RP1 but as pointed out above this is not directly applicable in this case given the nature and use of this site.

4.12 In terms of Policy DP1 the proposal satisfies these provisions in terms of housing groups in so far as it may be possible to supplement those with a limited number of dwellings subject to a range of criteria (a-f). In particular:

- The location is not within the Green Belt;
- It is commensurate in terms of landscape character and scale of Arniston Village;
- It is close to local services and accessible to Gorebridge;
- Infrastructure; and
- Sustainable design.

4.13 Accordingly the development would enhance landscape setting and appearance of the Conservation Area and would not result in ribbon development or uncontrolled expansion

Reason 2: Policy RP5 and RP20

4.14 It is not clear how given current site conditions the development would lead to a loss of trees directly or indirectly.

4.15 A visit to the site would confirm that the trees on site have been subject to wind blow as a result of felling activities by the Forestry Commission. The only felling undertaken by the landowner was in relation to wild self-seeding trees.

- 4.16 There is considerable potential for replacement planting on site within this policy. There is agreement with the Waverley Line (BAM), that silver birches would be removed within the 12m no build zone a 1.8 m high close boarded fence would be erected and Leylandii planted to act as a buffer to the railway.
- 4.17 It is recognised that the site is on the edge of a Conservation Area. However, there is no provision within the Policy RP5 for Conservation Areas and this is therefore an incompetent reason for refusal.
- 4.18 Also Policy RP20 relates to Policy within the Built up Area and not Conservation Areas and is not relevant.

Reason 3: Policy DP2

- 4.19 The Council accepts that the layout is indicative only, however, it then suggests that there is a lack of detail. It then suggests that ten dwellings cannot be accommodated and would constitute overdevelopment. Furthermore, the applicant disputes that this would not be a high quality housing development.
- 4.20 Unfortunately it was not possible to have sufficient engagement with the Council officials in order to resolve these matters. Nonetheless, information on layout design and sustainability is included within the proposed plans and statements in accordance with Midlothian's guidelines.
- 4.21 We would respectfully remind the LRB that we are seeking PPiP here and DP2 relates to specific development criteria required by the Council. This is a planning permission in principle application and detailed matters are therefore reserved and can be subject to the Approval of Matters Specified in Conditions.
- 4.22 This would include appropriate information in respect of house numbers and plot ratios relating to overdevelopment as well as Open Space / Play and SUDS. Accordingly the applicant would be pleased to have further discussions with the Council to resolve these matters.

Reason 4: RP22 Conservation Areas

- 4.23 Temple and Aniston is one of 20 Conservation Areas in Midlothian. As specified in paragraph 2.2.12 of the Local Plan proposed development will improve the character and appearance of the Aniston Conservation Area, this does not mean that development should be opposed but should be of an appropriate scale character and appearance.

Reason 5: Access to the Proposed Development

- 4.23 This reason is unintelligible and without any basis in terms of Council Policy on Highway Standards. The applicant cannot accept that the access to the development is 'potentially sub

standard' this is not a competent planning reason for refusal and does not comply with Development Management Procedures. In any case, access arrangements can be subject to a more detailed condition if so required.

- 4.24 The LRB should note that there is an existing adopted access to the site which is compliant and viable to the developer. This is part of the established use and has been actively used by articulated HGVs and site traffic in the past.
- 4.25 The assertion that it potentially causes a hazard to the safety and free flow of traffic is an unsubstantiated assertion which is not backed up by the Council's Transport Section. This is particularly the case when it is acknowledged that the width and sightlines are capable of improvement should this be necessary.
- 4.26 It is understood that there is a draft scheme in place with the Transport Section for upgrading the access point. Access and egress to and from the development is set back from the road kerb to allow for sight lines and wide enough to allow 6 people arriving and leaving at the same time.
- 4.27 Furthermore, the proposed access would have no detrimental impact on the landscape character of the area and this is completely unsubstantiated. Development of the site using the access would assist in creating an attractive gateway entrance to Arniston-Gorebridge thereby enhancing the Conservation Area and the Engine Road junction.

Reason 6: Borders Railway Line

- 4.28 The applicant does not understand the basis for this reason and considers that its inclusion is disingenuous.
- 4.29 The applicant has had dialogue with the contractors BAM and reached agreement on the accommodation of works and design adjacent to the Waverley Line. We dispute that the proposals take 'little cognisance' of the Borders Railway Line and what that terminology actually means as the no build zone is respected.
- 4.30 This reason for this is not competent in that it is imprecise and has no policy basis and it does not relate to Policy TRAN 2 Waverley Line Policy. TRAN 2 is concerned with the implementation of the Waverley Line, which is not prejudiced in any way by this proposal and indeed the railway together with the A7 / A68 represent a growth corridor.
- 4.31 It is not clear how the development can take 'little cognisance' of the proximity of a major rail link. Indeed, this is not accurate as the orientation and design of the dwellings will mitigate any adverse environmental implications and their amenity will meet the Council's design standards and result in marketable properties.

Reason 7: RP5 RP7 and RP22

- 4.32 This reason is incompetent and does not appear to reflect the information provided to the Council by the Forestry Commission. It should be noted that the FC did not comment on this application and the comments reported do not have an evidence source. Indeed, the FC is happy that the applicant undertakes appropriate re-planting.
- 4.33 It should be noted that despite comments made by the case officer there is no enforcement action being taken by the Council on the landowner. The assertion that there is 'quality' in the woodland environment on site is disputed, as are the comments in relation to safety and site management.
- 4.34 We are unsure as to why the Council is speaking on behalf of the Forestry Commission on these matters when planning consideration clearly takes precedence over a Re-stocking Notice. The applicant has had dialogue with the Forestry Commission and we envisage an agreement being reached on a solution for the site.
- 4.35 In relation to RP5, RP7 and RP22
- Policy RP5 has been dealt with above and compensatory tree planting can be made by the applicant on this or an adjacent site;
 - RP7 deals with Landscape Character. It would be difficult to dispute that the new proposals do not enhance landscape characteristics of the built and natural heritage in this location. The enclosed photographs clearly show the despoiled nature of the site and the detrimental impact on the appearance to the entrance of Gorebridge /Arniston.
 - RP22 relates to Conservation Areas and is dealt with above.
- 4.36 It should be noted that Historic Scotland has also taken a sensible stance on this matter. It makes no reference to the Conservation Area and indeed suggests that tree belts 'around the site' should be protected to delineate the boundaries of the designated landscape.

Reason 8: Policy RP13

- 4.37 Local Plan Policy RP13 relates to species protection and sustainable habitat replacement. We note the comments from the Council's Biodiversity Officer, which appear to be perfectly acceptable. An initial walk over and site survey has been undertaken and it is recognised that badger and bat activity would need to be accommodated and managed.
- 4.38 The applicant is prepared to provide an Ecological Report and this is an issue that can be subject to an appropriate condition.

5. Conclusions

- 5.1 The Former Arniston Gas Works presents the Council with a unique site and circumstances in planning terms. There can be no dispute that this is a brown-field site with an established use and planning history which is designated as countryside when this classification has no justification or potential planning benefit.
 - 5.2 Given the benefits that approval of the proposals would bring it would be counter-productive to resist development on this as there can be no precedent set for further development outwith very restricted boundaries that would be re-enforced by development. Indeed, approval of housing would facilitate a range of improvements to this entrance to Gorebridge.
 - 5.3 The character and appearance of the Temple – Arniston Conservation Area would clearly be enhanced by high quality housing, as would the management of the designated woodland on the boundary of the proposed development site. This would stimulate improvements in and around Engine Road.
-
- 5.4 The site is within a sustainable location and situated within a Strategic Development Area as defined in SESplan (A7 / A68). Development would assist rural development of Arniston-Carrington in line with Scottish Planning Policy and Midlothian's own development aspirations. There are no highways, servicing or infrastructure reasons as to why the land cannot come forward for development in accordance with SDP Housing Policy 7.
 - 5.5 The Local Plan is significantly out of date and cannot adequately deal with development proposals such as this which rely on the discretion of the LRB. In particular we believe that there are compelling reasons to approve the proposals and that material considerations outweigh any policy restrictions that the planning officials may have in this regard.
 - 5.6 Furthermore, as the Local Plan is significantly out of date, both by nature of its timescale (older than 5 years), and by way of its failure to maintain the 5 year effective housing land supply, a significant material consideration should be placed on the presumption in favour of sustainable development (SPP para 32-35 and 123-125).
 - 5.7 In essence there are no real objections from the community, neighbours or consultees to Planning Permission in Principle. Each of the Agencies and Council Departments consulted suggest that conditions could be used to specify detailed matters required by the Planning Department in order to progress this matter (AMSC).
 - 5.8 The only means of practically resolving the prevailing enforcement situation in respect of the Forestry Commission is through a planning consent, if extended legal action is to be avoided. At present the site is a security burden and the appellant is providing a level of maintenance, management and duty of care which precludes alternative unauthorised

uses but this cannot be guaranteed in the future. This would be to the detriment of the local area.

- 5.9 Accordingly, and for the arguments specified above, the appellant respectfully request that the LRB reverses the decision of the Director of Planning and permits Planning Permission in Principle for residential development on this site.

LAND AT ARNISTON, GOREBRIDGE

**PROPOSED DEVELOPMENT OF 10 EXECUTIVE ECO HOUSING UNITS,
LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AND SERVICES**



PLANNING STATEMENT

**RFA DEVELOPMENT CONSULTANTS
ON BEHALF OF IAN McCULLOCH**

APRIL 2015

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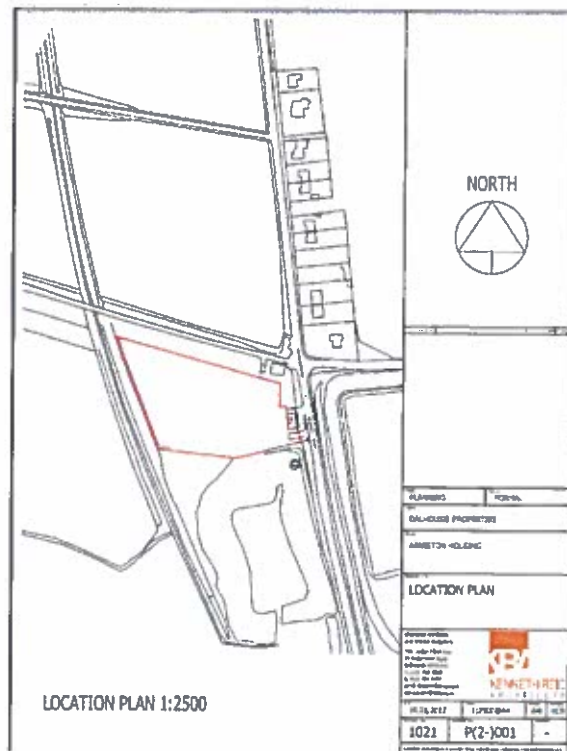
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1 Introduction

Introduction

- 1.1 This Planning Statement has been prepared in order to provide additional information to support a planning application for housing development and associated works at the site of the former gas work located at Arniston, Gorebridge, Midlothian.
- 1.2 The Planning Statement summarises the relationship between the project and policy, covering development planning policy issues as well as other key material considerations of relevance to the application. It presents a compelling case for having development at Arniston, as part of a high quality design led approach to placemaking. It should be considered in conjunction with the planning application and associated documents including:
 - Site Location / Block Plan / Site layout
 - Landscape Design Plan
 - A Design and Access Statement
- 1.3 Mr Ian McCulloch, the current land owner of the site, is the applicant.
- 1.4 The applicant is applying for Planning Permission in Principle (PPiP), under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended). The application is classified as a 'local development', as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 1.5 The application is for development of 10 family eco-houses with associated access, landscaping and infrastructure provision.
- 1.6 Arniston is an attractive and accessible village on the north western edge of Gorebridge, Midlothian. The A7 Edinburgh to Galasheils Road provides vehicular access to the area and the new Borders Railway will serve a station at nearby Gorebridge.
- 1.7 The application site once possessed a former gas works and this element therefore constitutes a brownfield site. None of the site is currently in use and development would therefore be capable of delivering housing land requirements in the short term. This proposal responds to the growing need for housing land within the Midlothian area and will also help Midlothian Council achieve a wider mix of housing in meeting targets for the A7 Corridor Strategic Development Area.



Site Characteristics

- 2.11 The site covers an area of 1.3ha and is enclosed by mature trees to the north and south. The Borders Railway will soon operate along the western boundary of the site and new landscape screening will be incorporated into the railway design along this western boundary. The A7 trunk road lies immediately to the east. There is therefore a robust boundary to contain a compact development which is well related to the village edge.
- 2.12 The site was previously used as a gas works, accommodating a gas holder station. However, the site has not been used for that purpose for many years since the early 1960's. The land is currently in an unkempt and overgrown state and is enclosed by wire mesh fencing and a security/access gate with an adjoining layby.
- 2.13 Access to the site is taken directly from the A7, south of Kirkhill Lodge, by way of a private unadopted access owned by the applicant. There is a small area of remaining hardstanding which forms the current access and a turning area.
- 2.14 The application site slopes gently east to west towards the Borders Railway.

Wider Characteristics

- 2.15 As discussed above, the site is within close proximity to the new housing developments of Dewar Park and Kirkhill Rise. All land to the north and east of the application site is identified by Midlothian Council for future development. The new Borders Railway line has also recently been constructed through this area.
- 2.16 Adjacent to the application site, Kirkhill Lodge, its walls and gatepiers are category C listed. A large area of land to the south of this location is designated as the Temple and Arniston Conservation Area.
- 2.17 Another large area to the south features in the Gardens and Designed Landscapes Inventory. This area is linked to the category A listed Arniston House, 2.5km to the south of the site. The inventory indicates the area is *"an outstanding example of William Adam's formal design, comprising woodland, parkland and gardens, and forming the setting for a category A listed building. The designed landscape is of strong historical interest and plays an important role in the local scenery"*.
- 2.18 Gore Glen Woodland Park allows the public to access the woods, rivers and landscape of the area for recreational purposes. Footpath links over the Borders Railway allow connectivity either side of the new railway. The application site does not form part of this park and is not accessible to the general public.
- 2.19 There are no local or national natural heritage designations in the area. The closes

designation is the Crichton Glen SSSI 3.5km to the south east.

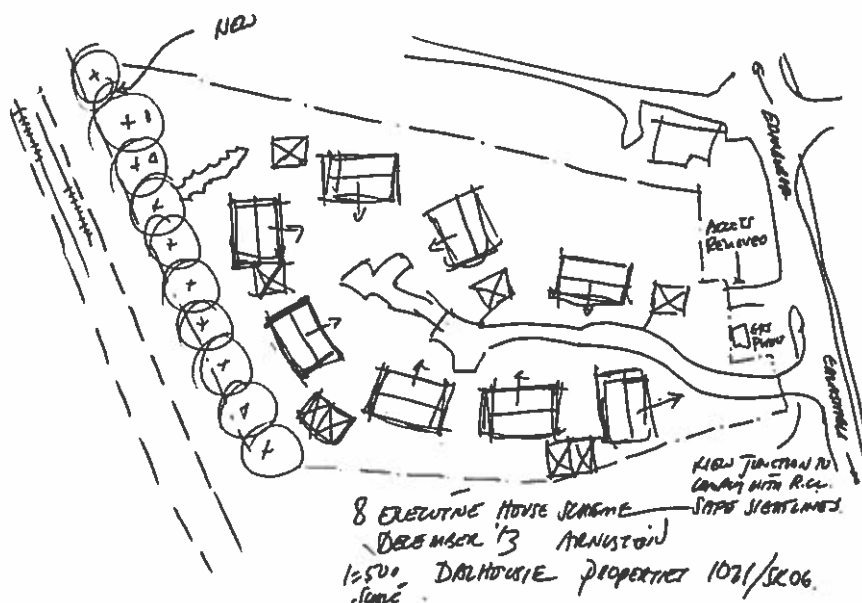
- 2.20 Adjacent to the south of the application site is an area previously used as a colliery. The Arniston Colliery, and more specifically the 'Emily Pit', ceased use in the early 1960s. The site appears to have since self-seeded and now accommodates mature woodland.
 - 2.21 Although it is partially a brownfield site the application site is identified in the current Local Plan as having a prime agricultural land designation, together with an Area of Great Landscape Value designation. However, the value the site adds to such wider designations is discussed in Section 4.34 to 4.37 below.
-

3 The Proposed Development

Introduction

- 3.22 The proposed application is for 10 executive family eco houses with associated access, landscaping and infrastructure provision. An indicative Proposed Layout Plan has been submitted for the purposes of this application. The development is fully described within the accompanying Design and Access Statement.
- 3.23 The layout, design and concept will offer high quality executive style eco homes to the market. These will provide an alternative type and style of home to that which would ordinarily be provided by the mainstream developers operating within the area around Gorebridge.
- 3.24 Providing this choice over where to live and style of home supports fundamental objectives of SPP.

Figure 2 Proposed Development - Layout Plan



Design Concept

- 3.25 Set within the existing landscape setting the site layout includes a new road access with an adjoining footpath and cycleway. It includes provision for 10 house plots set within an attractive landscape setting and with provision for communal open space, a play area and SUDS pond.

- 3.26 The access road uses the existing entry into the lodge and forms a junction with the A7. It continues along the northern edge of the site along the line of an unadopted road track giving direct access into the development land.
- 3.27 Provision is made for a 3 metre wide access road with a footpath and a passing place. Internal access is facilitated through a loop which services individual driveways and takes advantage of shared surfaces and frontages in accordance with Designing Streets. The design meets Midlothian Council's highway design and junction standards.
- 3.28 The houses themselves comprise of large executive 2 storey dwellings with separate garage spaces. An attractive layout is formed within a landscaped setting comprising of two courtyards. The layout allows for front and rear gardens as well as shared road surfaces. Provision is made for boundary treatment and common amenity space serving all dwellings.
- 3.29 House design will be traditional finished in wet render with stone features and finishes with traditional fenestration. Pitched roofs will be in Spanish Slate. There will be a high degree of privacy and security within a high quality environment.
- 3.30 Siting and orientation will mean that the houses will be designed to a high environmental standard incorporating:
- mono pitch roofs;
 - sedum roofs with photovoltaics;
 - rainwater re-cycling;
 - central ground source heat pump;
 - air to water heat pump; and
 - sunlight capture to south facing facades.
- 3.31 A separate Landscape Design Plan is submitted for indicative purposes as the basis for a Woodland Management Plan. The development seeks to maintain a wooded environment by retaining all Silver Birch, Beech and Sycamore species.
- 3.32 As the development proposal is not for more than 10 dwellings on the land there is no requirement for on-site provision of affordable housing.

4 Planning History

Introduction

- 4.33 Gorebridge has experienced large scale volume house building in recent years and, indeed, there has been development of single houses within Arniston itself. However, there is a lack of small infill sites that can support plotted or self build developments.
- 4.34 This application allows for the provision of unique homes, giving the market a choice over where to live and the style of home available. This approach supports fundamental objectives of SPP.
- 4.35 The following sections detail the planning history for the site itself, and also presents details of other relevant activity within the area.

Site Specific Planning History

- 4.36 The following site history is relevant and material to this application:
- A Certificate of Lawfulness, granted on 24 February 1998, allowed the storage of engineering equipment on the concrete hardstanding within the site.
 - 01/00820/OUT - In 2001 an application was submitted for the erection of a dwellinghouse and stables on the site. This application was refused in March 2002 on the basis of being an inappropriate isolated development in the countryside. A subsequent appeal against the refusal was dismissed.
 - 03/00341/FUL - In 2004 planning permission was approved for the creation of a new access into the site.
 - 08/00164/FUL - In 2008 a planning application for the erection of ten dwelling houses was submitted. This planning application was refused, principally due to it being development in the countryside.
 - 12/00073/PPP - In 2012 an application came forward for the erection of 6 dwellings and a wind turbine. This planning application was refused due to the proposed development being in the countryside and impact on the Conservation Area.
- 4.37 The planning history therefore indicates that certain development is permissible at this specific location. More recently, although the principle of housing development seems to have been acceptable, its relationship to the countryside policy designation has been considered by the Planning Authority as a significant restriction. Restriction enough to refuse permission. An appraisal of the site against its countryside designation is provided in Section 5.39.

Wider Planning Context

- 4.38 Work is now almost complete on the Borders Railway Line. This infrastructure project runs along the western boundary of the application site and therefore physically cuts through all of the same policy designations that cover the application site.
-

5 Planning Policy and Appraisal

Introduction

- 5.39 The purpose of this section is to establish the planning policy framework within which the Planning Authority can consider the proposed development, highlighting policies which are applicable to the proposed application.
- 5.40 The extant Development Plan which covers the Site comprises the approved South East of Scotland Strategic Development Plan (SESplan, June 2013) and the adopted Midlothian Local Plan 2008, which will be replaced by the emerging Local Development Plan which is currently at Pre Consultation Draft stage.
- 5.41 Section 25 of the Town and Country Planning Scotland Act 1997 (as amended), specifies that that determination of planning applications '*shall be made in accordance with the Development Plan unless material considerations indicate otherwise*'. It is supplemented by Section 37(2) which states that '*In dealing with an application the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations*'.
- 5.42 Under S16 (6) of the Planning etc (Scotland) Act 2006 the LDP must conform to the Strategic Development Plan (SDP). As the LDP is still progressing through consultation (Pre-Consultation Draft) it is considered that the proposal is consistent with the emerging development plan.
- 5.43 In addition to the extant Development Plan, documents reviewed in this chapter include national planning policy guidance contained in Scottish Planning Policy (SPP) and Planning Advice Notes (PANs).

Scottish Planning Policy

National Planning Framework (NPF3)

- 5.44 The third National Planning Framework (NPF3) entitled 'Ambition, Opportunity and Place' was published in June 2014 and is the spatial expression of the Government's Economic Strategy (2011) focussing on infrastructure investment. It provides a vision for strategic growth over the next 20-30 years to support economic growth and has a life-cycle of 5 years and is supported by an Action Programme.
- 5.45 NPF3 has aspirations for Scotland as a successful sustainable place; a low carbon place; a natural resilient place and a connected place. It identifies city regions, including West

Lothian, as key economic drivers and as a focus for investment.

Scottish Planning Policy (2014)

- 5.46 Scottish Planning Policy (SPP, June 2014) is a statement of government policy on land use matters and relates to the development plan the design of development and determination of planning applications. It is non statutory but forms a significant material consideration and is based on sustainable development within the Town and Country Planning (Scotland)1997 Act with a presumption in favour of sustainable economic development.
- 5.47 The guidance contained within SPP relates to two Principal Policies, these being Sustainability and Placemaking. Enabling Delivery of New Homes is covered within the Subject Policy – A Successful Sustainable Place. In respect of Outcome 1 - A Successful and Sustainable Place the NPF3 objectives of creating stronger cities and towns and more vibrant rural areas is emphasised as well as *'providing choice over where to live and the style of home'*
-
- 5.48 It also relates to 4 Subject Policies which reflect the core values and outcomes expected by the planning system:
- Successful Sustainable Place.
 - A Low carbon Place.
 - A Natural Resilient Place.
 - A Connected Place.
- 5.49 In respect of Outcome 1 - A Successful and Sustainable Place the NPF3 objectives of creating stronger cities and towns and more vibrant rural areas is emphasised as well as *'providing choice over where to live and the style of home'*. This application at Arniston relates specifically to this outcome.
- 5.50 In terms of sustainability the proposal specifically supports:
- Good design and the six qualities of successful places.
 - The efficient use of land buildings and infrastructure.
 - Delivery of accessible housing.
 - Protection enhancement and access to natural heritage.
- 5.51 A design led approach has been taken to Placemaking in accordance with Policy Principles within SPP (Paras 38-40) and the qualities of a successful place (Distinctive; Safe and Pleasant; Welcoming; Adaptable; Resource Efficient; Easy to Move Around and Beyond).
- 5.52 Arniston is within a pressurised countryside area around Scotland's capital city. Para 75 of SPP suggests that the planning system should support prosperous and sustainable communities whilst avoiding suburbanisation of the countryside. However, it is recognised that

not all development can take place within or on planned extensions to settlements. The Arnistonsite has strong defensible boundaries in all directions and therefore suburban development beyond the confines of this site is not possible. The proposal therefore reflects development pressure and makes provision for small scale housing within a countryside area immediately adjacent to Gorebridge and its committed housing sites.

- 5.53 In accordance with Para 81 development is proposed adjacent to committed development site as and settlement boundary. It is a small scale clustered group of houses which takes full account of environmental policies and addresses location access, siting, design and environmental impact.
- 5.54 The development directly contributes to Enabling the Delivery of New Homes and reflects the 'innovative approach' to housing provision and requests that the Council takes a positive and flexible approach, as suggested by Para 109. Indeed, it goes on to suggest (Para 110) that the planning system should '*enable provision of a range of attractive well designed energy efficient good quality housing contributing to the creation of successful and sustainable places*'
- 5.55 The policy document goes on to emphasise that a development plan should address the supply of land for all housing and that local planning authorities should '*allocate appropriate sites to support the creation of sustainable mixed use communities and successful places and help to ensure the continued delivery of new housing*' (Para 122). This includes land for self-build plots that can contribute to the housing requirement (Para 134).
- 5.56 Under Section 25 of the Town and Country Planning Scotland Act 1997 as amended planning proposals must be determined in accordance with the development plan unless material considerations determine otherwise. In this case the development plan comprises of the SDP and the Midlothian Local Plan 2008.
- 5.57 The sections below considers the policy implications from the existing and emerging Local Development Plan.

SESplan - Strategic Development Plan (SDP)

- 5.58 The Edinburgh and Lothian Structure Plan 2015 (ELSP), has now been revoked and replaced by the Strategic Development Plan for South East Scotland (SDP). The site in question clearly conforms to a number of SDP policies. The site's location within Arniston falls within a Strategic Development Area (SDA) in Midlothian, therefore conforming to Policy 1A. SDAs have been identified in order to direct development to maximise the potential for development, meeting sustainability and environmental objectives.
- 5.59 Policy 1B states the main aims of future Local Development plans. The proposed

development will conform to these aims by ensuring no detrimental impact to the conservation designation of the area; the proposed low density of the site will be in keeping with this aim as it will ensure limited impact on existing tree lines and views.

- 5.60 The proposed design of the housing units also conforms to Policy 1B; the proposed housing units are to be of an 'executive' eco-friendly design. This will not only ensure the use of high quality building materials and design but also incorporate the use of green technology to reduce the housing unit's effect on the environment by promoting sustainability and energy efficiency. Not only will the development produce these benefits for Midlothian but it will also promote much needed regeneration within the Gorebridge area.
- 5.61 The site is a small, infill, brownfield add-on site which has the ability to guarantee additional units towards Midlothian's housing target and most likely within a 5 year period. The Supplementary Planning Guidance produced, as Specified by Policy 5, has shown that there is a large housing demand throughout all of the 6 Local Authority areas. Thus the site will conform to both Policy 5 and Policy 6 of the SDP.
-
- 5.62 SDP Policy 7 states that Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria.
- The development will be in keeping with the character of the settlement and local area.
 - The development will not undermine green belt objectives.
 - Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.
- 5.63 Although part of the site was previously used as a gas works and will be classed as brownfield, an element of the site is greenfield. It is therefore considered that it is important that the development complies with Policy 7 of the SDP. The development is proposed to be in-keeping with the character of the settlement and local area; the development site is situated within close proximity of large scale housing developments at Dewar Park etc and thus will not be out of place within the surrounding area.
- 5.64 There may be concerns over the loss of existing trees within the site; however, there will be replacement and additional structured planting throughout the site in order to mediate any detrimental affect the housing units may have on the character of the site. The proposed development will not have a large demand or impact on the local infrastructure due to its small scale and low density.

Midlothian Local Plan (2008)

- 5.65 The Midlothian Local Plan (MLP), which was adopted in December 2008, is the extant Local

Plan for the Gorebridge area. Its aims and objectives are in conformity with the previous Edinburgh and Lothian's Structure Plan 1994 which has now been replaced by the SDP and a revised SPP. It is, however, being largely superseded by the emerging LDP making it significantly out of date. However, although this may be the case, a policy review has been undertaken for the Arniston site.

5.66 The key Local Plan policies relevant to this application are as follows:

- RP1 – Protection of the Countryside
- RP4 – Prime Agricultural Land
- RP5 – Woodland, Trees and Hedges
- RP6 – Areas of Great Landscape Value
- RP7 – Landscape Character
- RP13 – Species Protection
- RP22 – Conservation Area
- RP25 – Nationally important Gardens and Designed Landscapes
- TRAN2 – Waverley Rail Line
- NRG3 – Energy for Buildings
- IMP1 – New Development
- IMP2 – Essential Infrastructure to enable New Development
- IMP3 – Developer Contributions
- DP1 – Development in the Countryside

5.67 RP1- Protection of the countryside, under the previous structure plan Policy 3 Planning for Housing states that *"in general, rural housing should be provided in accessible locations, within or adjacent to existing settlements. This promotes a more sustainable pattern of development, making efficient use of land and buildings, safeguarding environmental resources and offering opportunities to reduce travel."*

5.68 Development of the site accords with Policy RP1 in so far as the site is partially brownfield and was previously used for development with the benefit of earlier consents. Regarding the RP1 tests (a-e) Sections 2.1.5, 2.1.6 and 2.1.7 of RP1 and also DP1 all stipulate that development may be allowed within the countryside if it is 'small scale' and also if it can relate to an agricultural use whilst also taking into regard the scale, character, landscape fit, accessibility to public transport and services; and avoid the significant loss of prime quality agricultural land.

5.69 Policy DP1- Development in the Countryside deals with housing groups and establishes a range of criteria for groupings of 5 or more houses. Whilst the previous development of the land was not for housing the same factors apply.

- 5.70 The proposed development also conforms given the scale of the development is low density; the character of the environment will be protected by additional planting of trees to mitigate initial development affects. This will also lead to a good landscape fit. In addition, the new units provide enhanced landscape and appearance and incorporate sustainable building design.
- 5.71 DP1 also refers to redundant non residential buildings. In the case of re-development of the site the proposals must:
- a. make a significant and positive contribution to the landscape;
 - b. be of a character and scale appropriate with its immediate surroundings;
 - c. be capable of being served by an adequate and appropriate access; and
 - d. only exceptionally exceed 5 houses unless the site is close to an existing settlement.
-
- 5.72 Policy RP4 Prime Agricultural Land covers the site. Although the quality of the topsoil may well be considered 'prime' the site has not, at least in recent history, been utilised for farming purposes. The loss of this land to development will therefore not have a negative economic or environmental impact on farming.
- 5.73 Within DP2 – Design of New Housing it is stated that new housing should be designed to enhance the appearance of the countryside. This should be done through high quality design and construction and, in most instances, should be traditional in nature although innovative designs will not be discouraged provided the character of the area is not affected. Again, the proposed development complies with this policy due to proposed high quality eco materials and proposed traditional facades. The proposed design of the buildings will be in-keeping with the character of the countryside and also conservation area.
- 5.74 The proposed development will not lead to a net loss (directly or indirectly) of woodland trees which conforms to RP5 'Woodland, Trees and Hedges'. The site will be subject to a new landscape design which would involve additional planting of trees, shrubs and hedges (See Design and Access Statement section on Landscape Planting).
- 5.75 Arniston has been designated as an Area of Great Landscape Value under RP6, however, the site itself has become unused and thus has become somewhat unsightly due to lack of maintenance. The proposed development will help to restore the area's scenic qualities by providing maintained landscapes that also take into consideration the local landscape character thus also conforming to RP7 'Landscape Character'.
- 5.76 The site is located to the extreme northern extent of the Temple and Arniston Conservation Area. Although the site, as it sits, offers little in the way of quality or setting to the category A Arniston House (the purpose of the Conservation Area), Policy RP22 – Conservation Areas

applies. Within section 2.2.12 of the MLP it is stated that development, including new development, within a conservation area is not necessarily opposed. Considerations of appropriate character, scale, appearance and opportunities to enhance and preserve the area must be given.

- 5.77 The proposed development conforms to this policy as consideration has been given to the surrounding environment and will have a landscape management plan implemented. This has been created to mitigate any detrimental impact the development could potentially have on important views, setting and surrounding trees and vegetation. Landscaping of the site will also help to enhance the visual amenity of the area.
- 5.78 Consideration has also been given to the building quality and materials. The proposed development will be to high specification with other benefits including eco-friendly design.
- 5.79 It is recognised that the Tran 2 – Waverley Railway line is featured at the western part of the development site. This has been taken into consideration and contractors have adjusted the development boundaries and implemented a 12m buffer between the railway line and development site. Between this, trees and other vegetation will be planted. This will ensure that any environmental impact from the railway line on future housing in the site will be mitigated.

Midlothian Local Development Plan –Pre-Consultation Draft (2014)

- 5.80 In taking forward the requirements of the Planning etc. (Scotland) Act 2006, Midlothian Council has embarked on the production of a new Local Development Plan. This will replace the Midlothian Local Plan 2008 and will be shaped by the requirements of the SDP. Preparation of the new LDP will assist with the delivery of economic development for the area, whilst making sure that the quality of the built environment matches that of the natural environment.
- 5.81 The Council at its meeting on 16 December 2014 approved the Midlothian Local Development Plan Proposed Plan, Revised Environmental Report and draft Action Programme. The Proposed Plan and associated documents will be published for the statutory period for representation/ comment, and this will take place from 14 May 2015 until 26 June 2015.
- 5.82 As with the extant Local Plan, there are a number of emerging policies that will be relevant, once adopted, to the proposed development. Although these policies hold little weight in the decision making process at this time, consideration has been given to these in the development of the proposals. Relevant emerging policies are listed below.
- The application site is within the A7/ A68/ Borders Rail Corridor Strategic Development Area.

- Policy STRAT2 - Windfall Housing Sites
 - DEV5 – Sustainability in New Development
 - DEV6 – Layout and Design in New Development
 - DEV7 – Landscaping in New Development
 - DEV8 – Open Spaces
 - DEV9 – Open Space Standards
 - RD1 – Development in the Countryside
 - ENV2 –Midlothian Green Network (Green Network Zone and Strategic Network Connection)
 - ENV4–Prime Agricultural Land
 - ENV 6 – Special Landscape Areas
 - ENV7 – Landscape Character
 - ENV11 – Woodland, Trees and Hedges
 - ENV16 – Vacant, Derelict and Contaminated Land
 - ENV19 – Conservation Areas
 - ENV20 – Nationally Important Gardens and Designed Landscapes
 - ENV22 – Listed Buildings
 - IMP1 – New Development
 - IMP3 – Water and Drainage
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Planning Appraisal Summary

- 5.83 Current planning policy, whilst not wholly supportive of the type of development being proposed in this specific location, is flexible enough to recognise that many of the relevant tests and criteria are permissible in this case.
- 5.84 The new emphasis of SPP, which has influenced emerging policy in the LDP, is towards ensuring that there is a positive approach to meeting housing requirements, including innovative and choice based alternatives as part of a high quality design led approach.
- 5.85 The Arniston site and development proposal can be supported on the basis of sustainable development, including considerations regarding the location and design of new development. The proposals do not adversely affect any of the policy designations currently attributed to the site (AGLV, Countryside, Prime Agricultural Land, Conservation Area) and will positively enhance the appearance and character of this currently disused and unkempt site.
- 5.86 Such development in this location should be promoted because it:
- presents a deliverable and effective housing site to contribute towards the challenging housing land supply requirements;

- promotes regeneration and the efficient re-use of previously developed land and infrastructure;
- promotes choice and variety in the development of mixed communities;
- reduces the need to travel and prioritises sustainable travel and transport opportunities including public transport options;
- takes account of the capacity of existing infrastructure;
- promotes development and diversification in the countryside fringe;
- encourages energy efficiency through the orientation and design of buildings, choice of materials and the use of low and zero carbon generating technologies;
- supports sustainable water resource and waste management; and
- supports, protects and enhances the local landscape, natural, built and cultural heritage, biodiversity and the wider environment.

5.87 New high quality development in this location will enhance the appearance of the countryside in this location and in accordance with DP1 will improve the image of Midlothian along a main tourist route and within the SDA.

6 Summary and Conclusions

- 6.88 Proposed development of the old gasworks site at Arniston has significant planning benefits for the local area. It is hoped that Midlothian Council can appreciate the benefits that this type of housing can provide in terms of choice and variety and in relation to bringing sustainable economic benefits.
- 6.89 The plans submitted as part of the application are in conformity with the Development Plan, notably Policies 1A 1B and Policy 7 of the SDP in terms of location, and in relation to the scale and character of the settlement. In addition the proposals are acceptable in terms of utilising a brownfield site which, currently, has a countryside designation but is unkempt and unmanaged.
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- 6.90 The Arniston site and development proposal can be supported on the basis of Local Plan policy, particularly relating to sustainable development, including considerations regarding the location and design of new development. The proposals do not adversely affect any of the policy designations currently attributed to the site (AGLV, Countryside, Prime Agricultural Land, Conservation Area).
- 6.91 Indeed, it is considered that given the current state and limited environmental value of the site, the design will enhance the character, appearance and value of this extreme edge of the Conservation Area (RP22). Furthermore, development of this scale and quality will conform to the criteria in RP1.
- 6.92 Previous felling operations undertaken by the Forestry Commission have left the site in an unmanaged state and unsuitable for safe recreational activity. The site is currently fenced off and inaccessible to the general public. Development will not only provide a beneficial use but will also allow recreational use and access to the surrounding countryside. In relation to Policy RP5 there will be a net gain of trees with sustainability and bio-diversity benefits.
- 6.93 The development proposals essentially constitute rounding off and infill development of a previously used site. High quality housing will be set into an improved semi rural environment enhancing the views and amenity of the A7 corridor in accordance with Policies DP1 and DP2.
- 6.94 Midlothian Council is therefore respectfully requested to grant permission and approve the application on planning policy and design grounds.

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Planning Application Reference:**

15/00335/PPP

Site Address:

Former Arniston Gas Works Site, Gorebridge

Site Description:

The application site is located to the west of the A7, opposite Engine Road, Gorebridge. Access to the site is currently taken directly from the A7, adjacent to Kirkhill Lodge. The application site was previously a gas works.

The application site comprises a parcel of land approximately 1.30ha in area. The site is enclosed by mature trees to the north, south and west and by the main A7 road to the east. The new Borders railway line is immediately to the west of the site. An access track, which previously led to Carrington but is now bisected by the railway, is located just beyond the trees to the north of the site. Beyond this track is an area of open farmland.

The closest residential property is Kirkhill Lodge, a category C(s) listed property, which is located immediately to the north east of the application site. The application site is located within the designed landscape associated to Arniston House.

Proposed Development:

Application for planning permission in principle for the erection of 10 dwellinghouses; formation of access and associated works.

Proposed Development Details:

This is an application in principle for the erection of ten detached dwellinghouses. As it is an application in principle there is only a very limited level of detail contained within the submission. However, the application is accompanied by an indicative site layout drawing and a Design and Access Statement.

The applicant's supporting statement describes the proposed dwellings as large executive two storey eco-houses. The site is accessed from the track to the north of the site. The dwellinghouses are to be arranged around, and face onto, a central courtyard. There is to be some landscaping to the north, south and west boundaries of the site.

The houses are described as being finished in wet dash render and stone, with traditional fenestration and the pitched roofs finished in natural slate.

The applicant has suggested that the eco-houses will utilise the following technologies and features: mono-pitched roofs; sedum roofs with photovoltaic panels; rainwater recycling; Structural Insulated Panels; ground source heat pump; air to water heat pump; and, sunlight capture.

The applicant has identified that the development will also contain a communal open space, a play area and SUDs pond.

There is to be no provision of affordable housing.

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

A certificate of lawfulness, granted on 24 February 1998, allowed the storage of engineering equipment on the concrete apron within the site. This is the area which was previously used as a gas works until the late 1960's.

In 2001 an application was submitted for the erection of a dwellinghouse and stables on the site. This application was refused by the Planning Committee on 28 March 2002 on the basis of being an inappropriate isolated development in the countryside, contrary to the development plan. The proposal was also refused as it had an unsatisfactory access. The applicant's appeal against the refusal was subsequently dismissed.

In 2004 planning permission was approved for the creation of a new access into the site.

In 2008 a planning application for the erection of ten dwellinghouses was submitted. This planning application was refused for a number of reasons, but principally due to it being an unjustified development in the countryside.

Again, in 2012, a planning application for a residential development on the site was refused. This application was for six dwellings and was refused for the following reasons:

1. The proposed development is sited outside any identified settlement boundary and without a proven agricultural, forestry, countryside recreation, tourism or waste disposal need the development is contrary to policies RP1 and DP1 of the Midlothian Local Plan which seeks to protect the countryside.
2. The proposed development would lead to the direct and indirect loss of trees and woodland within a conservation area, to the detriment of the character of the locality, and as such the development is contrary to Midlothian Local Plan policies RP5 (Woodland, trees and hedges) and RP22 (Conservation areas).
3. The proposal is contrary to adopted Midlothian Local Plan policy RP22 Conservation Areas which seeks to protect the character and appearance of conservation areas. Also, the indicative layout of the proposal does not comply with the terms of policy DP2 Development Guidelines, which seeks a high standard of development with access to open space and play facilities.
4. The access to the proposed development is potentially sub-standard. The applicant has not demonstrated that an acceptable access could be created to serve this

development. The use of this access would potentially cause a hazard to the safety and free flow of traffic.

5. The proposal takes no cognisance of the Waverley railway line, in terms of providing for its construction and for protecting the amenity of the dwellings proposed to be in close proximity to it.
6. Allowing the proposed development will jeopardise the implementation of the restocking notice, served by the Forestry Commission. The required planting of trees supports the aims and objectives of policies RP5, RP7 and RP22 of the Midlothian Local Plan, which seek to protect woodland to the benefit of the countryside and to maintain the high quality of the environment.

Consultations:

Scottish Water does not object to the development but has stated that there may be capacity issues with water supply and treatment and that the developer should discuss these matters with them.

SEPA suggest that finished floor levels are raised above ground level to prevent any surface water runoff from surrounding roads impacting on properties. SEPA are satisfied that waste water from the development will be directed to the public sewer, but that Scottish Water should be consulted on this. Scottish Water comments are noted above.

Historic Scotland have not objected to the planning application but have suggested that the tree belts around the site be protected and retained, as they help to delineate the boundaries of the designed landscape in this area and screen views in to the site from the A7.

Network Rail have requested that drainage from the site on to the railway be taken in to consideration. They suggest that a SUDs scheme should not be sited within 10m of railway infrastructure. Network Rail also request that secure fencing be installed to prevent unauthorised access to the railway. Network Rail also raise concerns regarding the impact of noise and vibration on neighbouring residential units and the potential for leaf fall from a landscape scheme to impact on the railway. They also identify a concern that construction work at the site may impact on the railway.

The Council's **Education Section** has provided details on local school capacity and what contributions will be required towards infrastructure improvements should the development proceed.

The Council's **Policy and Road Safety Team** has indicated that they have concerns regarding the proposed development. They are concerned about the width of the access and the lack of visitor parking. They have stated that vegetation may have to be removed to accommodate the vehicle access and visibility splay.

The Council's **Biodiversity Officer** has requested that an ecological report be produced that should cover protected species/habitats.

Whilst not commenting on this particular application the Council's **Environmental Health Team** have previously raised concerns regarding the lack of information regarding the potential contamination of the site.

Whilst not making any comment on this particular application **The Forestry Commission** have previously stated, in connection with the earlier application, that the site is the subject of an enforcement notice served on the applicant. This notice was served following non-compliance with a tree restocking notice after it was established at the Sheriff Court that the trees in the area had been felled without licence in contravention of the Forestry Act 1967. The Forestry Commission state that the applicant has failed to comply with the requirements of the enforcement notice and this is likely to be considered as a further offence, with high likelihood that further legal action will be taken to secure the restocking of the area. The Forestry Commission request that the Council consider the requirements of the Scottish Government Policy on the Control of Woodland Removal when assessing this planning application.

Moorfoot Community Council object to the planning application. They are concerned that the applicant is seeking planning permission for site which is not allocated for housing in the current local plan or emerging Local Development Plan. They consider that there are a number of protective designations which should restrict development of the site. In addition, the community council have concerns that the site does not benefit from good public transport links and there is too great a reliance on private car. They also highlight that there have not been any significant changes in circumstances since the refusal of two earlier planning applications for similar developments at this site. While being concerned regarding the principle, and some of the detailed aspects, of the proposed development the community council does support the use of energy saving technologies and sustainability features as proposed. (Report amended on 3/8/15 to correct omission of community council comments. Comments were taken in to account in Planning Issues section of report)

Representations:

There have been no letters of representation.

Relevant Planning Policies:

RP1 – Protection of the countryside
RP4 – Prime agricultural land
RP5 – Woodland, trees and hedges
RP6 – Areas of great landscape value
RP7 – Landscape character
RP13 – Species protection
RP22 – Conservation area
RP25 – Nationally important gardens and designed landscapes
TRAN2 – Waverley Rail Line
NRG3 – Energy for buildings
IMP1 – New development
IMP2 – Essential infrastructure required to enable new development to take place
IMP3 – Developer contributions towards facility deficiencies
DP1 – Development in the countryside

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 application site is located within an area covered by the Midlothian Local Plan. A significant material consideration in the determination of this application is the planning history of the site.

The application site is located within the countryside, as indicated in the Midlothian Local Plan. Therefore, any development on this site must comply with the Protection of the Countryside policy (RP1) of that local plan. Development will not be permitted in this area unless it is essential for the furtherance of agriculture, forestry, countryside recreation, tourism or waste disposal. The policy does not provide for residential developments in the countryside. The houses are not required in connection with an established countryside use.

The applicant has argued that the site is adjacent to a large residential development. The residential development relates to a site which was allocated through the local plan process. However, the application site still remains in the countryside. To allow residential development in this location could set a precedent for allowing residential developments on the edges of towns and villages, which is not in compliance with local plan policy.

The applicant's agent has submitted a document to support the planning application. This document contains numerous incorrect assertions and factual inaccuracies. In para. 4.36 of the statement the agent provides a summary of the planning history of the site, which includes the refusal of three separate residential proposals at the site (one also dismissed at appeal). The reasons for the refusal of these applications is clear, they are unacceptable in principle. Despite this the applicant's agent states, in para 4.37, that *the principle of housing development seems to have been acceptable*. This is not the case. The 2012 application was an application in principal and was clearly refused. There is no support, in principle or otherwise, for a residential development on this site.

While there is national support for house building in a sustainable way, the Council's policies take account of this and aim to direct new residential development to sustainable sites which limit the impact on the environment.

The issue of mature trees having been felled on site has been of particular concern. The application site area is currently the subject of a tree restocking notice, served on the land owner by the Forestry Commission Scotland. There is no evidence of activity to replant the area. The Forestry Commission has previously requested that serious consideration be given to the implications of approving development on this site. The felling of the trees on site also breached planning controls as it took place within a designated conservation area without the necessary consent.

Given that the Forestry Commission has pursued the issue of the illegally felled trees to the point of serving a restocking notice indicates that the quality of the woodland environment is an important consideration. If the application is approved the site could not be restocked in the way required by the Forestry Commission.

The applicant's agent states that *previous felling operations undertaken by the Forestry Commission have left the site in an unmanaged state and unsuitable for safe recreational*

activity. This is fundamentally incorrect. The owner of the site undertook illegal felling of the trees on the site, not the Forestry Commission. The owner of the site is responsible for the state of the site. The implication of the agent's statement is that a site can be managed in to a state where it has an adverse impact on the appearance of an area and therefore the only route to a beneficial use is for the Planning Authority to support a residential development. This approach has the potential to set an undesirable precedent and has no merit in the assessment of this application, which is contrary to the aims of the Council's planning policies.

The applicant's agent states that should the Planning Authority support the application there *will be a net gain of trees with sustainability and bio-diversity benefits.* However, in reality, had the owner of the site complied with the Forestry Commission restocking notice there would be no need to allow a ten house residential development on the site to secure the provision of the small number of trees being proposed.

The permanent loss of the woodland on site would be contrary to the terms of local plan policies RP5, RP6 and RP7. The woodland forms part of the Gore Glen woodland setting and is part of the screening of the proposed Borders railway line, the setting of Gorebridge and the designated designed landscape.

There is also concern regarding the impact of the Borders railway line on the proposed dwellings. Some of the dwellings are proposed to come within close proximity to the line of the railway. No details have been submitted to show how the proposed dwellings will deal with noise generated from the Borders rail line. The lack of light and impact from noise would result in the dwellings having depleted levels of amenity. In addition to this some of the proposed houses are too close to the Borders rail line to accommodate screen planting. It is not clear that the proposed SUDs scheme will be outwith the buffer zone from the railway infrastructure.

The proposed vehicular access is narrow and unable to accommodate the two-way flow of traffic. Some of the existing trees would need to be removed to accommodate a wider access road. Accommodating an appropriate access will have a detrimental impact on the character and appearance of the area.

The site has poor cycling and pedestrian links with Gorebridge. It is also remote from good Public Transport routes, with potential residents being required to cross the A7 to access the main bus routes through Gorebridge. Given the poor pedestrian, cycling and public transport links it is likely that the majority of trips from the development would be made by private car. This conflicts with the applicant's, self-stated, environmentally friendly credentials.

There is little information within the submitted application to suggest that the proposed development would be sufficiently environmentally friendly so as to merit being approved despite the planning policy position. The indicative layout suggests heavy reliance on cars and the orientation of the buildings appears to take no account of solar gain.

The application site is located within a conservation area, designed landscape and immediately adjacent to a listed building. No account has been taken of these designations.

The indicative site plan does not show a children's play area (the agent suggested that one would be provided on-site) and it is difficult to envisage one on the site which would not impact on the amenity of any of the dwellings. In order to access a suitable play area children

are required to cross the busy A7. For this reason the development is not in compliance with the guidance on proposed residential developments set out in policy DP2 of the local plan.

Given that some of the site was previously used as a gas works it can be expected to be contaminated to some extent. No site investigation report has been submitted with the application. It has not been indicated how the applicant proposes to deal with the contamination, however it is known that the planting of trees can be an effective way of improving soil conditions.

Survey work has found there to be badger activity on the site. The extent of their activity must be fully established prior to the approval of any scheme, given that they are a protected species. There would also be a requirement for bat survey work. The applicant has not provided any supporting information to demonstrate that this has been dealt with, despite this issue being raised during the previous application.

The indicative housing layout, submitted by the applicant, aims to demonstrate a form of development which could accommodate ten dwellings. Comment has been made above regarding some detailed aspects of the proposal. In addition to those comments it appears that a number of the proposed houses will rely on very small and shaded gardens, with very low levels of amenity. Some of the houses are located within the fall distance of the surrounding trees. It is likely that many trees will need to be removed to accommodate the development, thereby further degrading the landscape character of the area. There is a risk that the proposed development will have a significant adverse impact on the privacy and amenity of the existing neighbouring listed lodge house. For these reasons the proposed layout appears to be an overdevelopment of the site.

The previous planning application for six dwellinghouses was refused. There has been no material change in circumstances since that decision was issued by the Council. The proposal constitutes a departure from local plan policies. There is no reasonable justification to allow a departure in this case.

Recommendation:

Refuse

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00335/PPP

Kenneth Reid Architects
39 Braid Farm Road
Edinburgh
EH10 6LE

Midlothian Council, as Planning Authority, having considered the application by Mr Alan McCulloch, Office 5, Dalhousie Business Park, Carrington Road, Bonnyrigg, EH19 3HY, which was registered on 22 April 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Application for planning permission in principle for the erection of 10 dwellinghouses; formation of access and associated works at Former Arniston Gas Works, Gorebridge,

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1021 P(2-) 001 1:2500	22.04.2015
Location Plan	1021 P(2-) 002 1:1250	22.04.2015
Site Plan	1021 P(2-) 003 1:500	22.04.2015

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

- The proposed development is sited outside any identified settlement boundary and without a proven agricultural, forestry, countryside recreation, tourism or waste disposal need the development is contrary to policies RP1 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside.*
- The proposed development would lead to the direct and indirect loss of trees and woodland within a conservation area, to the detriment of the character of the locality, and as such the development is contrary to adopted Midlothian Local Plan policies RP5 (Woodland, trees and hedges) and RP20 (Conservation areas).*
- The indicative layout of the proposal does not comply with the terms of policy DP2 Development Guidelines, which seeks a high standard of development with access to open space and play facilities. The proposed indicative layout does not adequately demonstrate that ten dwellings can be accommodated within the application site and therefore constitutes an over-development.*
- As a result of the loss of trees and the density of the proposed development the proposal will have a significant adverse impact on the character and appearance of the conservation area and is, therefore, contrary to adopted Midlothian Local Plan policy RP22 Conservation Areas which seeks to protect the character and appearance of conservation areas.*

5. *The access to the proposed development is potentially sub-standard. The applicant has not demonstrated that an acceptable access could be created to serve this development without adversely impacting on the landscape character of the area. The use of this access would potentially cause a hazard to the safety and free flow of traffic.*
6. *The proposal takes little cognisance of the Borders railway line, in terms of providing for its safe operation and for protecting the amenity of the dwellings proposed to be in close proximity to it.*
7. *Allowing the proposed development will jeopardise the implementation of the restocking notice, served by the Forestry Commission. The required planting of trees supports the aims and objectives of policies RP5, RP7 and RP22 of the Midlothian Local Plan, which seek to protect woodland to the benefit of the countryside and to maintain the high quality of the environment.*
8. *It has not been demonstrated, to the satisfaction of the Planning Authority, that the proposed development will not have a significant adverse impact on protected species. Therefore the proposed development is contrary to policy RP13 of the adopted Midlothian Local Plan.*

Dated: 30/06/2015

Adam Thomson

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Adam Thomson
Senior Planning Officer
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison
Direct Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

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

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

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

PLEASE NOTE

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

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

Prior to Commencement (Notice of Initiation of Development)

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

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.



PENDIX E

- ECO - HOUSES:**
- MONO PITCH ROOFS.
 - SEDUM ROOFS WITH PHOTO VOLTAIKS PANELS.
 - RAINWATER RECYCLING (GREY WATER).
 - SLEP P. WALL AND ROOF MAKE UP.
 - CENTRAL GROUND SOURCE HEAT PUMP.
 - AIR TO WATER HEAT PUMP.
 - SUNLIGHT CAPTURE TO ALL SOUTH FACING FACADES.

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KENNETH FIELD				
SITING PLAN				
ARNISTON HOUSING				
FORMAL				
ALLAN Mc CULLOCH				