

Notice of Review: Land West of Springfield House, Lasswade Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade.

2 Background

- 2.1 Planning application 15/00994/DPP for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade was refused planning permission on 17 February 2016; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisor notes, issued on 17 February 2016 (Appendix D); and
 - Copies of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled an accompanied site visit for Monday 6 June 2016; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that four consultation responses and 14 representations (13 objections and one support) have been received. As part of the review process the interested parties were notified of the review. Three additional comments have been received, reinforcing their objection to the application. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;

- ii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii. boundary planting along the external boundaries of the application site;
- iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii. drainage details and sustainable urban drainage systems to manage water runoff; and
- viii. proposed car park configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.*

- 2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Unless otherwise agreed the wall finish materials shall be natural stone and smooth render and the roof material shall be natural slate. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.*

- 3. Development shall not begin, including the demolition of any existing buildings, until:
 - i. an ecological report, including a bat assessment (to identify the potential for roosting bats) has been undertaken by a qualified ecologist and any mitigation measures identified are implemented in accordance with details to be submitted and approved in writing by the planning authority; and

- ii. a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development.

***Reason:** In the interests of safeguarding and enhancing biodiversity to reflect the sites location in the countryside, green belt, Area of Great Landscape Value and adjacent to a conservation area.*

- 5.2** If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision, the Borders Railway and children's play provision. The legal agreement shall be concluded prior to the issuing of the LRB decision.

6 Recommendations

- 6.1** It is recommended that the LRB:

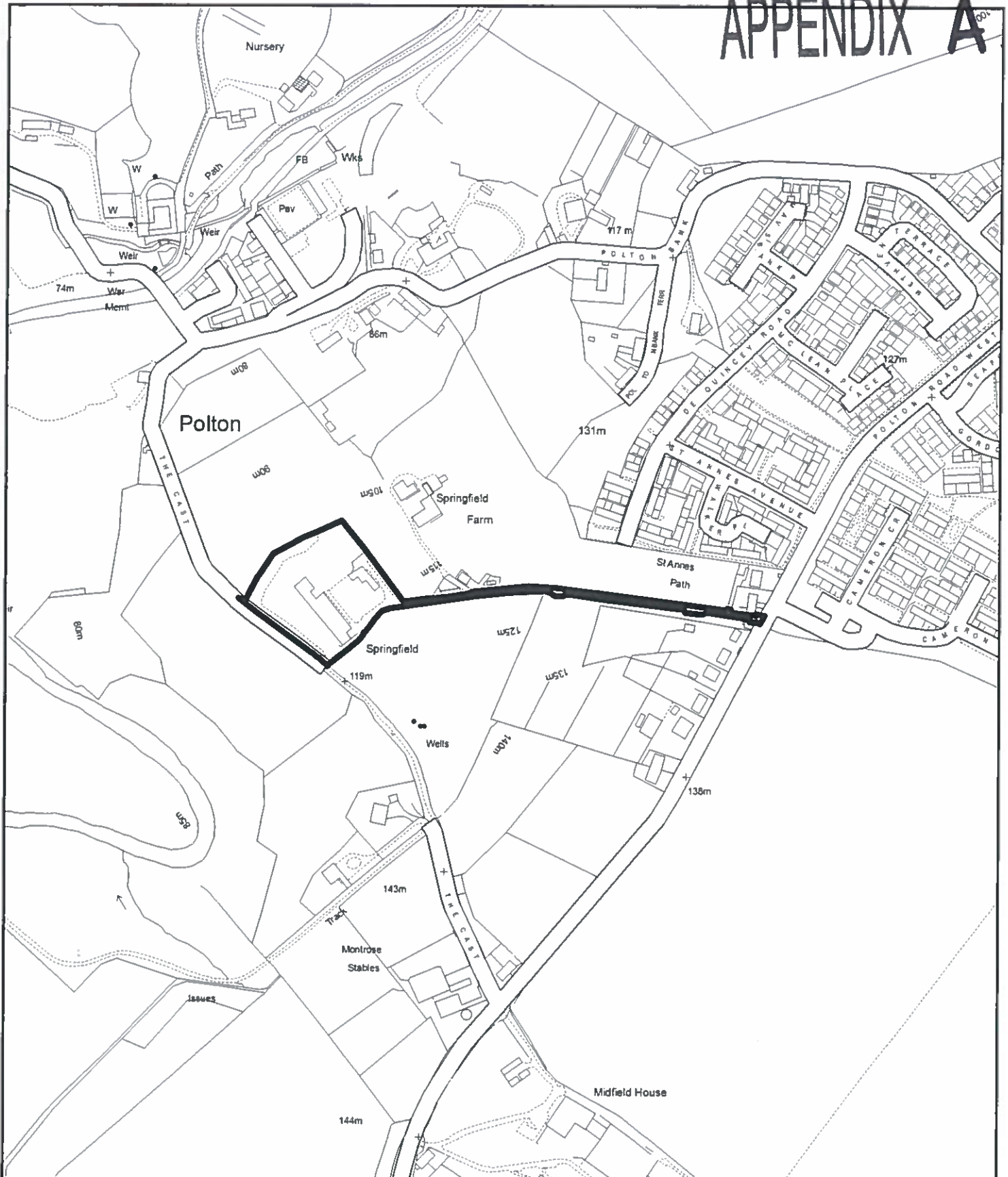
- a) determine the review; and
- b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 31 May 2016

Report Contact: Peter Arnsdorf, Development Management Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 15/00994/DPP available for inspection online.



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

**Erection of 5 dwellinghouses; formation of access road
and associated works at Land West Of Springfield House,
Lasswade**

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File No. 15/00994/DPP

Scale: 1:5,000



Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100006265-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: apt planning & development ltd.

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	6
Last Name: *	Lessels	Address 1 (Street): *	High Street
Company/Organisation	c/o apt planning & development ltd.	Address 2:	
Telephone Number: *	01620870371	Town/City: *	East Linton
Extension Number:		Country: *	United Kingdom
Mobile Number:	07747 780 852	Postcode: *	EH40 3AB
Fax Number:			
Email Address: *	tony@apt-plandevlop.co.uk		

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	JOHN LESSEL'S LANDSCAPING
Address 2:	SPRINGFIELD
Address 3:	POLTON
Address 4:	
Address 5:	
Town/City/Settlement:	BONNYRIGG
Post Code:	LASSWADE

Please identify/describe the location of the site or sites

--	--

Northing

664508

Easting

329002

Description of Proposal

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

Erection of 5 dwellinghouses, formation of access road and associated works on land west of Springfield House, Lasswade.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see Supporting Document.

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

☐ Yes ☒ No

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

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

apt037 - App15-00994-DPP - Local Review Body Support Statement - March 2016

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00994/DPP

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

22/12/2015

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

17/02/2016

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

This is the second application for a similar proposal at Springfield House (the first was withdrawn in June 2015). We feel that the circumstances of the application warrant detailed and specific consideration, and this may require a hearing to better understand and debate these key issues.

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)

The site currently accommodates an existing landscape contracting business. Access will have to be agreed in advance.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Tony Thomas

Declaration Date: 22/03/2016



Review Statement

On behalf of

Mr John Lessels

Application Reference: 15/00944/DPP

*Erection of 5 dwellinghouses; formation of
access road and associated work*

Land West Of Springfield House, Lasswade.

March 2016

apt planning &
development

6 High Street
East Linton
East Lothian
EH40 3AB

Tel: 01620 870 371

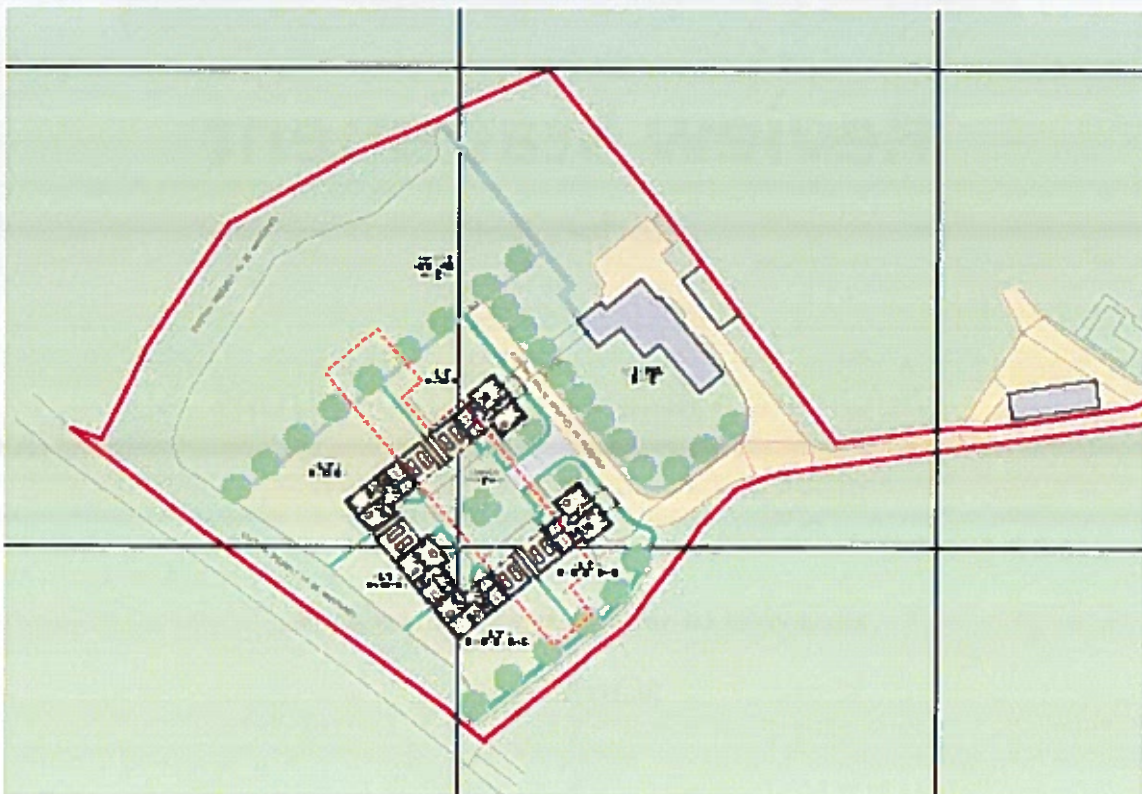
tony@apt-plandevelop.co.uk

Midlothian Local Review Body - Support Statement
Application 15/00994/DPP

Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,

Introduction

1. apt planning & development has prepared this Review Statement on behalf of Mr John Lessels with regards to application 15/00994/DPP seeking planning permission for the erection of 5 new homes on the site of the existing storage yard, previously the site of a now disused and derelict piggery, at Springfield House. The application was refused via delegated powers on 17th February 2016.
2. Mr Lessels feels strongly that the reasons for refusal (and Officers Report) takes a very inflexible and overly restrictive approach to this application and specifically the implications of development in the Green Belt and Area of Great Landscape Value and that when put in its correct context, the application should have been granted planning permission. Consequently, we are lodging this Notice of Review and supporting statement seeking a Local Review of the merits of the application and initial decision reached.
3. Application 15/00994/DPP was lodged following an earlier application (14/00939/DPP) that was withdrawn in June 2015. This application was subsequently refused on 17th February 2016.



**Midlothian Local Review Body - Support Statement
Application 15/00994/DPP**

Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,

Site Description

4. The application site lies adjacent to the existing Springfield House and is currently used as a storage yard for John Lessels Landscaping Ltd. (as per planning permission 05/00694/CL).
5. The site is well contained from the south, west and east by the natural rising landform. The proposed redevelopment would consist of a high quality rural steading conversion and be beneficial to the character and appearance of this site in its immediate context.
6. From the north, there are distant views of the site across the North Esk River Valley though any redevelopment of the appeal site would be viewed in a far wider context. The only impact the change would have would be beneficial. Existing and proposed landscaping further obscures views into and out of the site.
7. The site is surrounded by farmland except to the east where it shares its boundary with Springfield House which itself comprises the last remnants of a much larger house that stood on the site.
8. The original Springfield House was destroyed by fire in the mid-20th Century and extended to include much of the application site that later became the piggery – this is a genuine brownfield opportunity.

Existing site photos





Site History

9. The application site was formerly part of the original Springfield House, a large country house, substantially destroyed by fire in the mid-20th Century. It was a commercial piggery from 1948 until the 1970's with the landscape business being established on-site since 1979. This 'use' was confirmed by planning permission 05/00694/CL.



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Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,

10. Due to the current state of disrepair, their general inappropriateness, size and shape, the former piggery buildings are not used by John Lessels Landscaping. It is the 'curtilage' of the former piggery that is used for the storage of materials, plant, machinery and vehicles associated with the permitted use.
11. Following a series of meetings with Midlothian Council, at which the principle and detail of the application was **discussed at length and agreed**, application 14/00939/DPP was lodged in December 2014. However we were notified of a change of case officer in early February 2015 and it became clear that the application no longer had the benefit of officer support. Consequently, and having considered our position, the application was withdrawn on the 2nd June 2015. This application is very similar to the previous application and follows further meetings with Midlothian Council.

Proposed Development

12. The site lies in the Edinburgh Green Belt. It is accepted that a well-designed residential development would be a significant improvement in terms of the site's impact on and contribution to the Green Belt. Following on from the previous application, and following ongoing dialogue with Midlothian Council, **there is no dispute over the proposed layout and design of these proposals.**
13. The application promotes a limited development of **five steading style homes**, arranged around a central courtyard area and using traditional and high-quality design language and materials.
14. The northern part of the site will be returned to an area of open space or paddock, greatly improving the character and appearance of the site and the impact it has on the surrounding landscape and potentially benefitting residents who may wish to keep a horse in the adjacent field, encouraging country living and access to the countryside. The ability to live in such a location and to be able to accommodate a horse on adjacent land is difficult to achieve across the Lothian's.
15. Access will be from the existing private road into the site which currently accommodates staff and commercial vehicles associated with the landscaping business as well as the residents of Springfield House. The Council accepts that the access is appropriate and that there may well be benefits from a reduction in the volume of traffic and the type of vehicles typically using the access drive. The appellant owns land either side of the access road, and should it be deemed necessary has the ability to add passing places. To date this has not been deemed necessary.
16. The residential development will result in a **significantly reduced use of the access road.** Furthermore there are no restrictions in any potential expansion of the existing business, which would result in increased impacts on road safety and residential amenity.



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Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,

17. The landscape business uses six commercial vehicles with additional plant trailers, large tractors and trailers (approximately a combined 20 tons) and three private cars. These vehicles are directly attached to the business and can be coming-and-going frequently throughout the day (not simply a case of leaving to go to a job in the morning and returning later in the afternoon).
18. On any given day there are twelve employee vehicles – arriving/departing as well as occasional lunchtime departures and arrivals.
19. Additional traffic will include visitors to and from the office as well as heavy goods vehicles making deliveries and collections.
20. This current pattern of use is **unrestricted** and could be **intensified** either as a consequence of a different business taking on the site (within the terms of the planning permission) or if the landscaping business expanded.
21. Beyond the construction of the five houses proposed, the development would generate trips from approximately 10 private vehicles only (and assuming each house has 2 cars) a vast reduction in the intensity of the use both in terms of frequency and especially the type of vehicles involved. We would estimate that the current use of the road leads to at least 60 vehicle trips per day involving a wide range of private and commercial vehicles (about half being private trips to and from work).
22. The knock-on effect of this is that the access on to Polton Road West will be used far less frequently than at present and by smaller vehicles.
23. The resulting design, layout and day-to-day use of the site will have a **materially positive impact on the Green Belt and the surrounding area**, offering a high quality and attractive development of four-bedroom homes adding variety to the housing market in the vicinity.

Application 15/00994/DPP

24. **apt planning & development** Ltd. lodged application 15/00994/FUL on 22nd December 2015. The two month statutory target determination period ended in February 2016 and the application was refused through delegated powers on 17th February 2016. There are three reasons for refusal (see below) and we shall comment on each in turn.



Midlothian Local Review Body - Support Statement
Application 15/00994/DPP

Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,

Reason 1

The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.

25. Policy RP1 (*Protection of the Countryside*) has a restrictive approach to new homes in the countryside. Again we cannot conform with Criteria 'A' to 'C' though we would contend that the development would accord with criteria 'B' to 'E' that follow in that the development will be; of an appropriate scale and character; be well integrated into its surroundings (and especially when compared to the current situation); does not involve the loss of high quality agricultural land; and is at an accessible location (with public transport services on Polton Road West).
26. Policy RP2 (*Protection of the Green Belt*) - the proposals cannot accord with criteria 'A' to 'D'. We maintain our position that **this proposal warrants an exception to the policy** in significantly improving the appearance and amenity of the site. It would reduce impacts on neighbouring land and residents as well as Polton Road West and the surrounding road network through the introduction of a less intensive use.
27. In assessing the proposals against Policy RP1 and RP2 we have always acknowledged that the proposals do not strictly adhere to each policy but that the **specific circumstances of these proposals warrant an exception to policy** and that the development would be a significant improvement in the character and appearance of existing site being far more compatible with surrounding uses.
28. The proposals represent the **redevelopment of a previously developed site** and a site that currently detracts from the surrounding area (countryside/green belt) with the continued operation of what is essentially a non-confirming use in the Green Belt.
29. **Housing per se is not a non-conforming use**, homes exist throughout Green Belts. It is the development of new homes that, in normal circumstances, tends to be resisted.
30. However this application represents the opportunity to replace a use that detracts from the area with a new development that, in comparison with the current situation, would significantly enhance the location with a high-quality and appropriate residential development.
31. In this regard the proposals would conform with **DP1 Development in the Countryside, Section 1.3.....Other Redundant Non-Residential Buildings in the Countryside**, with one significant exception. The policy excludes sites in the Green Belt.

32. There is no justification given as to why the Green Belt sites are excluded (and there is no inherent difference simply because one site is deemed to be within a Green Belt allocation) and in this instance the proposals would;
- *make a positive contribution to the landscape (and especially with regards to the current situation);*
 - *be of a character and scale appropriate to its immediate surroundings (there is no disagreement over the appropriateness of the design solution proposed);*
 - *be capable of being served by an adequate and appropriate access (existing);*
 - *be easily serviced and with no concern for water servicing; and*
 - *not exceed 5 houses.*
33. Not surprisingly, it was against this context that the initial discussions with Midlothian Council identified this particular proposal as being an appropriate exception to the relevant planning policy.

Reason 2

It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RPS, RP6 and RP7 of the adopted Midlothian Local Plan.

34. Policy RP5 seeks to minimise the loss of or impact on existing woodland, groups of trees and those trees that contribute to designated landscape areas. The proposals at Springfield House represent a significant physical and visual improvement on the current situation. There will be no significant loss or damage to woodland, groups of trees, individual trees or areas forming part of any designated landscape (the AGLV in this instance).
35. From the outset this application has sought to significantly enhance both the actual appearance and the setting of this area of land. At no point during the determination of this application was this issue raised by Midlothian Council.
36. Existing boundary landscaping and trees will be retained and augmented, very much and integral part of creating an attractive development and improving the character and appearance of the site in its green belt and AGLV setting.
37. At no point in the application process (including the application submission documents) do we promote the removal of any of the boundary and landscape features (including woodland, groups of trees or even individual trees). Every effort will be made to supplement the existing boundary treatment (which is not of the highest quality).



Midlothian Local Review Body - Support Statement
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38. **Policy RP6** addresses the location of the site within the AGLV. As we have consistently stated throughout the application process, this development will enhance the character and appearance of the area and therefore the AGLV.
39. The current use and appearance of the site blights on the area both operationally and physically/aesthetically. This is an opportunity to significantly enhance the character and appearance to this small pocket of land improving views into and out of the site.
40. The development has been designed, following considerable consultation with Midlothian Council, to offer an appropriate and high-quality response to the site characteristics taking account of its setting and offering an appropriate design with a matching palette of materials and design features.
41. There have been a number of meetings with Midlothian Council, specifically to address issues relating to the design and the applicant and architect have taken all of these on board and made the necessary changes. The general layout, scale and style of housing has always been accepted (and in itself followed consultation ahead of the lodging of the first application), further discussion concentrated on some of the detailed aspects involving materials and colours on specific elevations and features.
42. Given its Green Belt and AGLV setting, we had rightly assumed that having been through this collaborative process, there were no issues of design and layout that gave the Council any concerns at all, and that the only issue giving cause for concern was the principle of development set against the key planning policies, concerns that we have continually tried to address and allay.
43. **Policy RP7** adds a further layer, most of which is covered in our response to the location of the appeal site in the Green Belt and AGLV. However, it is worth re-emphasising that it is in our interest to deliver a well-thought out, high-quality development and environment that is as attractive to those looking into the site (mainly from across the North Esk or from alongside the Cask) as for those living there, looking out.
44. In adopting a modern steading style approach to the development we have addressed its specific locational character, with the addition of the formation of an area of paddock to the south of the built form to improve the character, amenity and appearance of the site. This will be an attractive place to live, but with more relevance to the policy considerations will be a significant improvement on the current situation. It will protect and enhance the Green Belt and AGLV.

Reason 3

The development is contrary to Policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.

45. **Policy RP9** deals with the protection of the River North Esk Valley. Much of what has been said before is relevant here with regards to the enhancement of a site that is currently a significant eyesore in its immediate surroundings and from distant views across the valley. It is worth pointing out that there are very few if any distant receptors in terms of the visual impact that the site has on the North Esk river valley.
46. Overall, the development will have a minor positive impact on the North Esk River Valley. The only reason that the impact is minor (as opposed to significant) is due to the local nature of the impact, but what impact there is will be positive.
47. **Policy RP9** follows a well-trodden path in terms of the locational need for development and this is replicated in RP1 and RP2. We have addressed the issue of locational need throughout the submission but to summarise again, we contend that this proposals represents a unique opportunity due to the history, current use and current physical appearance of the site. The site's redevelopment (worth repeating that this is not a greenfield development proposal) would be a significant improvement on the current situation and should be supported.

Other Policy Considerations

48. Although the specific context is different, the proposals would comply with the criteria set out at **Policy HOUS3 (Windfall Housing Sites)** whilst the site would also accord with the aims and objectives of **Policy DERL1 (The Treatment of Vacant and Derelict Land)** as the site does not reflect nor use the original buildings from the former piggery. As the photos show, the site accommodates a number of vacant and derelict buildings.
49. The emerging Local Development Plan has now passed the Proposed Plan stage, it represents the settled view of Midlothian Council. The plan has a number of Strategic Objectives and the proposals at Springfield House would meet many of these environmental, social and economic objectives without requiring compromise with regards to others.
50. The proposals for the application site at Springfield House....;
 - a. Represent an appropriate design response to the site;
 - b. Enhance the countryside and rural environment (in comparison to what exists);
 - c. Carefully integrate the development into the landscape;



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- d. Seek the reuse of a brownfield site and represents the efficient use of a previously developed site;
 - e. Will help provide a mix of house types in the area;
 - f. Will support the growing economy in affording the existing business use an opportunity to relocate to a more appropriate site far better suited to its continued operation and future expansion.
51. The proposals must respond to its countryside and green belt location. Planning policy at all levels seeks to protect the integrity and role of the Edinburgh Green Belt, a role that is defined at Policy ENV2 of SESPlan as follows:
- *To maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;*
 - *To provide countryside for recreation;*
 - *To maintain the landscape setting of the city; and*
 - *To protect the setting of neighbouring towns.*
52. The proposals will not compromise any of these aims and objectives of the Edinburgh Green Belt and in its current state and appearance the site detracts from its countryside setting and the visual amenity of the immediate area.
53. The site does not help define Edinburgh (or Bonnyrigg) nor does it help maintain the landscape setting of Edinburgh or any other settlement and in its current state detracts from the landscape setting of the immediate area. The development of the site would not increase the risk of coalescence.
54. The site plays no role in providing for countryside recreation, though the high-quality redevelopment of the site will make the pedestrian/cycle/bridleway access along the Cast a far more attractive proposition than at present. The creation of a paddock will also encourage the keeping of horses and countryside access and recreational uses.
55. The proposals will comply with Policy DEV6 of the emerging LDP (*Layout and Design or New Development*) and will have an appropriate scheme of landscaping to supplement an attractive location and ensure that the redevelopment of the site will enhance the character and appearance of the site and have a beneficial impact on the surrounding land uses. The layout and design of the proposals has never been the subject of any dispute with Midlothian Council.
56. Policy ENV1, Protection of the Green Belt contains similar criteria to the 2008 Midlothian Local Plan but does state that any development must not conflict with the overall objectives of the Green Belt. As we have identified above, these proposals will have no impact on the overall aims and objectives of the Edinburgh Green Belt.

57. Furthermore, the policy states that *'housing will normally only be permitted....'* And has a description of acceptable circumstances. **What we are proposing is not a normal situation** in that the redevelopment of the existing incompatible use will be a clear improvement on the current situation and create an appropriate, high-quality, limited residential development.
58. **We are not proposing the development of a greenfield site.** We are proposing the reinstatement of a paddock/grazing area to the north of the built form, whilst overall, the proposed use will be far more compatible than the existing use.
59. In looking further at the green belt issue, a review of the 2008 Green Belt Landscape Character Assessment highlights that the Upper North Esk Valley (Reference 82) does not actually include the application site or immediate surrounds. There is no explanation as to why this study does not tie-in with the Local Plan designation but one could clearly conclude that the site is not seen as been critical to the Upper North Esk Valley designation.
60. Finally SESPlan Policy 7 provides for greenfield housing development in order to maintain a five year housing land supply. In truth this is written with larger, potentially more controversial sites in mind, but even for sites much larger than these proposals, **development could be permitted in the green belt if the green belt objectives were not undermined and the appeal site isn't even a greenfield site.**

Policy 7

MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY

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:

- a. The development will be in keeping with the character of the settlement and local area;
- b. The development will not undermine green belt objectives; and
- c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

61. We have stated consistently that the proposed redevelopment **will not undermine the green belt objectives** in any way at all, and in actual fact will significantly enhance the specific context of this site and its immediate surroundings.
62. Under normal circumstance therefore, the development would not comply with Local Plan and emerging Local Development Plan policies. However the positive physical and visual impact of the development provides ample justification for a departure from this policy stance.



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Precedent

63. The fear of setting a damaging precedent is a consistent concern of local authorities, elected members and local residents. First, and as we all know, each application must be assessed on its own merits, though previous decisions with similar characteristics can offer material considerations and provide important context and ensure consistency in decision making.
64. Second, and far more importantly, **the redevelopment of the former piggery at Springfield House would present a positive precedent**, and given the detailed discussions over design and layout, represent an example of how high-quality, appropriate (and marketable) development can be achieved in conjunction and consultation with the Council.
65. If similar, limited opportunities exist elsewhere exist, then they should be welcomed if they replace non-conforming, conflicting uses in the green belt and countryside with a sympathetically designed and limited residential development.,

Summary

66. This appeal follows the refusal of planning permission (15/00994/DPP) for five new homes on the site of an existing landscape business storage yard, containing the derelict buildings once associated with a former piggery. The proposals are for an appropriate, high-quality residential development. This would represent the reuse of a previously developed site. **This is a genuine brownfield redevelopment opportunity.**
67. The development will be limited to 5 new homes, linked around a central courtyard with large gardens and an adjacent paddock. Additional landscaping, to supplement existing boundary trees will further add to the quality of the redevelopment of this eye-sore site. Access is provided from Polton Road West via the existing private drive. There are existing bus services available on Polton Road West.
68. **The planning officer's report states that the access, layout and design of the homes are all appropriate.** The key determining factor is strict implementation of planning policy, chiefly the implications of the site's location within the Edinburgh Green Belt and Area of Great Landscape.
69. We have never tried to argue that the site complies with the stipulations of relevant planning policy but that the redevelopment of this unsightly former piggery and storage yard presents a locationally specific and unique opportunity.



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70. Whilst not conforming to the principles of Policies RP1 and RP2, the proposals do present an appropriate response to the site's characteristics, is of an appropriate size and scale, will not see the loss of any prime agricultural land (or any greenfield land at all) and is at an relatively accessible location.
71. The site will not have any impact on the wider objectives of the Edinburgh Green Belt, will see the improvement of this existing anomalous site in the green belt and any impact in the immediate locality will be positive.
72. Housing, per se, is not a prohibited use in the Green Belt and appropriate, high-quality residential development, responding to a set of site specific circumstances should be encouraged. This also summarises our response to the second and third reason for refusal citing Policies RP6, RP7 and RP9 (AGLV and North Esk River Valley).
73. But for its Green Belt location, the proposals confirm with Midlothian's policy with regards to redundant non-residential buildings in the Countryside. There is no explanation or any particular reason why an opportunity like this should be treated any differently, its location in the Green Belt (and AGLV and North Esk Valley designations) is incidental in the assessment of this site as an appropriate development site for appropriate high-quality development.
74. With regards to RP5, there will be no loss of woodland, groups of trees or individual trees of importance. No loss of trees is shown in any of the plans and drawings. The policy, whilst providing context in preparing this application, is irrelevant and should not have appeared on the decision notice. The development will seek to enhance the existing tree coverage to create an attractive setting and a harmonious place to live improving the aspect for those looking in as well as residents looking out.
75. Concern has been expressed by the case officer that because the proposed homes will be higher than the existing derelict sheds, they will have an increased and detrimental impact on the Green Belt, AGLV and river valley. As has already been stated, the design, materials, layout and access arrangements have all been agreed and deemed appropriate. The mix of materials, colours and the house design are bespoke and wholly site specific.
76. The existing and enhanced landscaping and boundary treatment will provide a significant degree of screening but we would argue that the sensitive and high-quality response to the site will result in an attractive that enhances the local role this site plays and enhances the setting of the AGLV, river valley and Green Belt. **An example of how it can be done.**
77. There are very few if any, distant receptors when considering visual impact and the impact of the distance of the views coupled with the landscape and boundary treatment and high-quality design will lead to a negligible positive visual impact.



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78. The Officer report of handling states that the current state of the yard is as can be expected of any farmyard. We don't agree with this statement, and even if this is the position of the Council, does that inherently mean that we cannot promote and consider a better option ?
79. The site is well-screened from the south, west and east whilst distant views from the north and across the North Esk river valley **would be enhanced** by a limited high-quality development and landscaping and especially when compared to the current situation.
80. **The existing site is incompatible with, and detracts from, its green belt and countryside setting.** Moreover there are no restrictions on the future growth of the existing business, expansion that would intensify impact on nearby residents and the road network and exacerbate the incompatible nature of this site in its countryside and green belt context.
81. The risk of precedent is an often stated concern. We have a site in the Green Belt, AGLV and the protected river valley landscape. We strongly contend that in developing this previously developed site, for an attractive, appropriate and high quality residential proposal and reducing the operational and visual impacts of the existing use **would set a positive precedent**, an appropriate example of how a site like Springfield can be improved from the current situation.
82. The site represents an **effective development site** (in the terms set out in PAN 2/2010) with a single owner promoting development, no insurmountable constraints and in a marketable location.
83. We contend throughout this submission that, given the unique circumstances of the site, this proposal **represents the justification for a wholly acceptable departure from extant (and emerging) planning policy** with regards to development in the green belt and countryside. It is important to remember that housing per se is not a non-conforming use in the Green Belt – there are homes all over the green belt.
84. **This application presents a set of circumstances not provided for in existing planning policy**, and a proposal that would significantly enhance a site that currently detracts from the surrounding green belt and countryside.
85. Two years ago, the case officer at the time encouraged us to lodge the first application, convinced that the proposals represented an appropriate justification for a departure from policy. Since his departure, we have been disappointed with the seemingly inflexible approach to these proposals and two years later, we now put forward the same argument and would ask that the Local Review Boy support these proposals and overturn the initial decision.

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 15/00994/DPP.

Site Address: Land west of Springfield House, Lasswade.

Site Description: The application site comprises a former piggery and yard associated with an established landscape business. The site is accessed from Polton Road West. There is farmland and some woodland in the area surrounding the site, with trees to the northwest and southwest. The land slopes up to the northeast and southeast. There is a two storey house within the site. The existing non-domestic buildings are single storey and in a state of disrepair, currently used in connection with a landscape business. The site is within the countryside, Green Belt, an Area of Great Landscape Value and is adjacent to Mavisbank Conservation Area and a designed landscape.

Proposed Development: Erection of 5 dwellinghouses; formation of access road and associated works.

Proposed Development Details: It is proposed to remove the existing piggery buildings and replace these with five dwellinghouses, set out in a courtyard formation with integral garages. The boundaries within the site are to be hedges and post and wire fences. A paddock is to be formed to the north of the proposed houses. The existing access is to be used and the agent has confirmed additional passing places can be provided if necessary. The houses are to be connected to the public drainage network and water supply.

The agent has submitted justification for the proposed development as well as details of existing vehicle levels associated with the landscape business and responses to comments from representors. The existing landscape business will be relocated from Springfield. The agent has stated that although the redevelopment of the site does not fully comply with the relevant policy, it will significantly improve the surrounding area as compared to the existing situation.

The current application is almost identical to application 14/00939/DPP (see Background section below) with the exception of some design changes and an additional supporting statement.

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

Pre-application advice was sought for residential development at the site in 2014. The initial response from the planning case officer indicated that the proposal was unlikely to be supported as the proposal did not comply with relevant planning policy. The case officer then had two meetings with the agent to discuss the proposal – there is no formal written record of either of these meetings. It appears that the case officer suggested he would review his initial recommendation subsequent to these

meetings but there was no formal commitment to support the proposed residential development. The previous application (14/00939/DPP) was initially allocated to the case officer who dealt with the pre-application enquiry, however due to long term absence the application was subsequently allocated to another officer. The agent was then invited to meet with the new officer to discuss the information provided to the original case officer in support of the proposal. Subsequently, the application was withdrawn before a decision was issued.

Application site

14/00939/DPP Erection of five dwellinghouses; formation of access road and associated parking area. Withdrawn.

05/00694/CL Application for certificate of lawfulness of existing use as a yard for purposes associated with a landscaping business. Permitted.

Land to north of access

10/00425/PPP Land adjacent to Springfield Farm Application for planning permission in principle for the erection of a dwellinghouse and stable block. Refused – no justification for a house in the green belt and countryside. Upheld at LRB.

09/00333/PPP Land adjacent to Springfield Farm Application for planning permission in principle to erect a dwellinghouse. Refused – no justification for a house in the green belt and countryside.

09/00228/OUT land to south of St Ann's Path Outline application for erection of residential development. Refused by Planning Committee - the proposal is contrary to Local Plan and Structure Plan policies as it is development in the countryside and detrimental to the landscape character and amenity of the area.

09/00012/OUT Land to south of St Ann's Path Outline application for the erection of fourteen dwellinghouses and thirty-four flatted dwellings and associated access road, car parking and landscaping. Withdrawn.

Consultations:

The **Policy and Road Safety Manager** has concerns over the proposal as the existing access is narrow and unable to accommodate a two way flow of traffic. Although it does not meet the current highway design standards, the existing access appears to be operating with the current level of traffic and there would be a concern over any proposal which would increase the current level of traffic using the access and road. However, given the agent has submitted information about a reduction in traffic generated for the proposed houses as compared the existing use, there is no objection.

The Council's **Education** team state that a development of 5 houses will result in one additional pupil for non-denominational primary place and one non-denominational secondary place.

The **Biodiversity Officer** has visited the site as part of the previous application and has no concerns over any impact on protected species.

Poltonhall and District Community Council object that even if the houses were to be of high standard, the site remains within the Green Belt and adjoins Mavisbank

Conservation Area and is not a designated housing site. The North Esk Valley is a unique and rich heritage area for the public and should be protected. The application could also be used as a precedent and spoil the unique character of the area.

Representations: There have been fourteen letters of representation, thirteen objecting and one supporting the application. The letter of support states that the proposal is well suited for the site and will enhance an otherwise unsightly part of Springfield.

The objectors raise the following concerns:

- The site is within the Green Belt, a protected river valley and Area of Great Landscape Value and adjoins Mavisbank Conservation Area and the proposals in such a sensitive location contravene Local Plan policies RP1, RP2, RP6, RP9, RP22 and RP25;
- The site is not identified as a housing site in the Local Plan;
- The North Esk Valley should be treasured and protected and approving the application may lead to further applications which will erode the North Esk Valley and the encroachment into the river valley must be resisted;
- The proposal would have a detrimental impact on the amenity of the nearby houses in the area through noise and visual impact;
- The proposed houses are not of architectural significance;
- Queries raised over the amount of vehicle movements at the existing business and over the projected amount of vehicle movements of the proposed houses;
- Traffic relating to the proposed houses and construction of these will result in disturbance to local residents and potential damage to the lodge houses;
- The access track and access are narrow with no clear sightlines onto a busy road. Objectors state the existing access should be widened to avoid congestion and there are queries if the track should be upgraded to serve the additional traffic, ie made two way, or be adopted by the Council?;
- There is no mention of the division of financial upkeep for the private access road is private;
- Water and drainage is accommodated to fulfil the needs of the proposed dwellings without affecting the other dwellings and areas;
- The site is subject to water flow to Springfield Mill and retention;
- There is no explanation of the 'associated works' mentioned on the application form;
- The claim that the existing landscape business could intensify is a threat to nearby residents;
- There has been no mention of the existing business moving away from the area so there is potential for the landscape business to remain on site;
- At present the public access to the east, to the southwest of the site, is restricted by the applicant and is not open to the public and indicated that it will be as a result of development;
- Noise from the dwellings would result in nuisance in a conservation area;
- Bonnyrigg and Rosewell have already lost a significant proportion of surrounding open space to housing and the housing most needed in Bonnyrigg is good quality social housing within easy reach of schools and other services;

- Inaccuracies in the access statement over ownership;
- Precedent for future applications, especially given the history of the area;
- The removal of the 'eyesore' of the existing buildings would benefit the area, however the proposed development may result in the remainder of the applicant's land being used for further development;
- The suggestion that the only method of improving the unsightly application site is to erect houses is incredible and if approved would set a dangerous precedent;

One objector submitted a representation to the current application, a copy of their representation to the previous application and copies of representations received from other representors for their own previous application in the area which they consider relevant to the current proposal. They also made reference to a livery business operated by the applicant which the agent has responded to and does not have a material impact on the proposal.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP1 Protection of the Countryside states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

RP2 Protection of the Green Belt advises that Development will not be permitted in the Green Belt except for proposals that

- A. are necessary to agriculture, horticulture or forestry; or
- B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt;

RP5 Woodland, Trees and Hedges states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance;

RP6 Areas of Great Landscape Value which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;

RP7 Landscape Character which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;

RP9 Protection of River Valleys requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development

must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities;

RP22 Conservation Areas seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas including sites adjacent to Conservation Areas. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings; **IMP1 New Development** advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure, community facilities and services (see list in local plan);

IMP2 Essential Infrastructure Required to Enable New Development to Take Place aims to ensure that development does not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal, imposed through planning conditions and legal agreements to secure the appropriate developer funding and the proper phasing of development;

DP1 Development in the Countryside is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections: Single Houses (not related to Housing Groups/Farm Steadings); Housing Groups; Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside; and Rural Buildings of Value. The section on Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside is relevant to this proposal. This states that where it can be demonstrated the non-residential buildings have become redundant, support will be given to their conversion or redevelopment. Sites within the Green Belt will not be permitted for redevelopment, only conversion. Redevelopment of sites will only be permitted where the proposal meets the following criteria: the resulting buildings will make a significant and positive contribution to the landscape; they will be of a character and scale appropriate to its immediate surroundings; be capable of being served by an adequate and appropriate access; and be capable of being serviced at a reasonable cost; and only exceptionally exceed 5 houses, unless the site is close to an existing settlement; and

DP2 Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

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 Planning Authority's local plan contains restrictive policies relating to proposals for new housing developments within the countryside and green belt. These policies aim to prevent the creeping suburbanisation of the Green Belt and countryside, which is under significant pressure due to the convenient commuting distance to Edinburgh. There are also some enabling policies, within the adopted Midlothian Local Plan, which support residential developments within the countryside in some limited circumstances.

Policy RP1 of the local plan sets out the terms for acceptable forms of development in the countryside. The policy aims to restrict development to that required for the furtherance of an established, and acceptable, countryside activity or business. Residential development is not specifically supported by this policy unless it complies with the terms of policy DP1 and some specific criteria relating to the siting and design of the development.

Policy RP2 of the local plan seeks to protect the Green Belt from development unless it is necessary for an acceptable countryside use or provides for opportunities to access the countryside for sport or recreation. Developments for other uses may be considered acceptable where they are appropriate to the rural character of the area. Residential development is not specifically supported by this policy unless it complies with the terms of policy DP1 and specific criteria which ensures development does not conflict with the overall objectives of the Green Belt.

As noted in the paragraphs above it is clear that in order for the development to comply with the development plan it is essential that it accords with the terms of policy DP1.

Policy DP1 sets out the circumstances under which residential development may be supported in the countryside and Green Belt. Policy DP1 contains a section specifically related to the conversion or redevelopment of redundant farm steadings and other redundant non-residential buildings in the countryside, subject to criteria being met. This policy clearly provides support for the conversion, but not redevelopment, of such buildings within the Green Belt. Policy supports only the renovation and conversion of existing redundant buildings within the Green Belt. The applicant has proposed the complete removal of the existing buildings and the redevelopment of the site, which is contrary to the terms of policy DP1.

The site is located within the river valley protection area of the River North Esk and is, therefore, covered by policy RP9. This policy states that there should be a locational need for the development in the river valley protection area. There is no specific locational need for the development at this site and so the proposal is contrary to policy RP9.

As can be seen in the 'Background' section above, there have been numerous applications for residential development in the surrounding area. All were refused as there was no justification for such development within this countryside and Green Belt area. One of these decisions was determined and refused by Planning Committee and another was reviewed and application refused by the Local Review Body. Residential development in this area has been consistently resisted by the Council.

The encroachment of residential development in to this area could undermine the objectives of the Green Belt by threatening the physical boundaries of the settlement.

Given that the proposed development is contrary to the policies of the local plan it is necessary to give consideration to the applicant's justification for departing from the planning policies.

The applicant's agent has submitted supporting information acknowledging that the proposal does not fully comply with planning policy but he offers his justification regarding improvements the development would have on the surrounding area. The applicant's agent asserts that the site is in such poor condition that its redevelopment would realise a significant improvement in terms of the impact on the landscape. He also states that the site is exceptional in its current and potential state detracting from the surrounding area and that the proposed development is of such high quality that it should be considered an exception from adopted policy. In addition he states that should there be an intensification of the existing 'yard' use it would have an adverse impact on the character and appearance of the area.

The applicant's main justification for not complying with the planning policies is the claim that the proposed development will lead to the improvement of an unattractive site which is having an adverse impact on the character and appearance of the area.

The site contains a collection of buildings, which are utilitarian in appearance and in a state of disrepair. Given that the buildings were originally in use in connection with a piggery business they are reasonably low-level and not widely visible. The site does not positively contribute to the landscape setting but is also not of an appearance that would be unexpected in an agricultural context. Given the nature of work on an agricultural unit (the most likely land use in the Green Belt), and the type and size of equipment used, it would not be unusual for farm yards to have a similar appearance to that of the application site.

While the site has not been maintained, it does not have such an exceptionally bad impact on the character and appearance of the area that it would justify the erection of five houses which would otherwise be contrary to the planning policies. It would be an undesirable precedent to set where any untidy or unattractive site within the Green Belt could be developed for residential use with the justification that the development will tidy the site up.

The agent has stated that the use of the site as a yard could intensify and have a more significant impact on the surrounding area whilst complying with the established use of the site. The use of the site as a yard associated with a landscape business was accepted through the certificate of lawfulness and is an established use. The reuse of areas, like the application site, in the countryside and Green Belt are necessary for locating some businesses that are appropriate for these areas and cannot be accommodated elsewhere. Although these may have an adverse visual impact on the surrounding area, subject to them complying with the established use of the site the continuation of a business use of the site would be acceptable. The agent's claim that the potential intensification of the site, in connection with either the existing or a new business, is not sufficient to justify a departure from policy. It is beneficial for such sites to be retained to allow businesses to relocate and develop, in compliance with relevant policies.

Although the principle of residential development at the site is not accepted and the agent's justification for not complying with planning policy is also not accepted it is necessary to fully assess the detailed aspects of the application, as well as taking the objectors' comments into consideration.

The proposed houses are proposed to be positioned in generally the same footprint as the existing buildings. The proposed houses are set out in a courtyard style with private garden ground around the outside of the buildings and hardstanding within the courtyard. The design of the houses would not detract from the surrounding area and are of a design and scale which is to be found in the countryside. The proposed layout and design of the houses are traditional in appearance, form and scale and take into account this sensitive site within an AGLV and adjacent to a conservation area. The proposed materials are largely traditional, with the exception of reconstituted stone. Natural stone would be required on this development in order to ensure that the houses do not detract from the area. There are also concerns over some details of the proposed houses, namely the colour of the window and door frames and the window details including timber areas above openings.

Sufficient garden ground will be provided for each of the houses. The proposed courtyard layout limits any overlooking from houses to neighbouring garden ground. It is proposed to locate hedges and post and wire fences along the boundaries of the site, which are in keeping with the character of the surrounding area, depending on their position. There are adequate distances between the properties within the site ensuring there is no overlooking or impact on privacy. There is parking provided for the houses within existing integral double garages as well, as hardstanding within the courtyard. The layout is designed with the private garden ground outwith the courtyard. It appears effort has been made in order to ensure that the majority of parking is provided in areas out of view from public areas, limiting its visual impact.

There have been a number of objections regarding the existing access. The Policy and Road Safety Manager had some concerns over the proposal but overall has no formal objection further to considering the objectors' comments and information submitted by the agent. It is difficult to compare the existing amount of traffic generated by the site to the proposed traffic levels, however the existing use is a landscaping business with larger than domestic vehicles using the access on a daily basis. Taking this into consideration, it is reasonable to assume that there would be a reduction in traffic number and size of vehicles using the existing access as a result of the proposed development.

The existing access onto Polton Road West does not comply with current road safety requirements. Any improvements to this are restricted by the two lodge houses on either side of the access. The existing access currently appears to be operating adequately and given that the likely reduction in traffic generated from the houses it is considered acceptable for the proposed development. There is no requirement for the existing access road to the site to be either upgraded to accommodate a two way flow of traffic or for additional passing places to be installed. Any damage to existing properties as a result of development is a private legal matter between the applicant and the owner of any properties being affected, as it the maintenance and upkeep of the private road. There is sufficient room for vehicles to use the existing access without damaging the lodge houses.

The site is located within an undulating landscape on the slopes of Roslin Glen and the existing buildings are accommodated in a dip in the land which has previously been levelled. There are shelterbelts along the northwest and southwest boundaries of the site comprising of a mix of deciduous trees, with the section along the southwest comprising mainly coppiced trees. These trees form important screens for views in and out of the site from the south, west and northwest with the existing farmhouse screening views from the north, east and southeast. The proposed houses will be higher than the existing buildings and therefore will have a more prominent landscape impact than existing. The coppiced section of treebelt is along the rear of plots 2, 3 and 4. Coppiced trees are less stable than non-coppiced trees and it is not advisable for development to be in such close proximity to such trees. It is likely that these trees will require to be either felled or re-coppiced in the future, therefore this shelterbelt cannot be relied on as a permanent screen. The combination of the increased height and visibility of the proposed houses, the proximity of trees to the houses and the potential loss of existing trees with inadequate proposed replacement landscaping would result in the proposed development having a detrimental impact on the landscape character of the area.

No details of materials of hardstanding area have been submitted. Should permission be granted, it would be conditioned that all areas of hardstanding constructed with porous paving and further details of the treatment of surface water run-off and drainage be submitted and approved by the planning authority. This would address any concerns regarding drainage and potential flooding. The agent has confirmed that the proposed houses will connect to the public water supply.

With regards to the IMP policies referred to earlier in this report, developer contributions are required for three of the proposed houses, should permission be granted. Developer contributions would be required towards education infrastructure, Borders Rail and play provision.

The following section responds to comments made by representors not addressed above. Sites do not require to be identified as housing sites in the Local Plan to be subject of applications. Each application is considered on its own merits and so the determination of the current proposal would not guarantee that a precedent would be set for future development. Disturbance to residents as a result of construction traffic is generally covered by non-planning legislation. The potential for noise as a result of the development is not considered to raise significant concerns for the planning authority given the proposed works and also in comparison to the existing situation on site. The inaccuracies over ownership relate to labelling within a plan of neighbouring land and does not relate to the ownership of the application site. The 'ancillary works' described in the application form appears to relate to the works related to the construction of the proposed houses.

The agent has confirmed that the landscape business will no longer operate from Springfield. In any case, the area of land permitted to be used as a yard in association with a landscaping business lies wholly within the current application site. Therefore, should the applicant decide to relocate the business to another site in the surrounding area, planning permission would be required and a full

assessment of any application would be made, including transportation issues and impact on the surrounding area.

Although the agent has had detailed pre-application discussions with a case officer and submitted a formal application with supporting information and a generally attractive proposal, the site is within the countryside and Green Belt and the principle of development is not in compliance with relevant policy nor is it considered that there has been adequate or sufficient material planning considerations which would indicate that the application should be dealt with otherwise.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00994/DPP

APT Planning and Development
6 High Street
East Linton
EH40 3AB

Midlothian Council, as Planning Authority, having considered the application by Mr John Lessels, C-O Apt Planning And Development Ltd, 6 High Street, East Linton, EH40 3AB, which was registered on 22 December 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 5 dwellinghouses; formation of access road and associated works at Land West Of Springfield House, Lasswade.

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14081(OS)100-B 1:2500	22.12.2015
Site Plan	14081(PL)100-B 1:500	22.12.2015
Site Plan	14081(01)001-A 1:500	22.12.2015
Proposed floor plan	14081(PL)001-B 1:200	22.12.2015
Proposed floor plan	14081(PL)002-B 1:200	22.12.2015
Roof plan	14081(PL)003-B 1:200	22.12.2015
Proposed floor plan	14081(PL)010-B 1:200	22.12.2015
Proposed floor plan	14081(PL)011-B 1:100	22.12.2015
Proposed floor plan	14081(PL)012-B 1:100	22.12.2015
Proposed floor plan	14081(PL)013-B 1:100	22.12.2015
Proposed floor plan	14081(PL)014-B 1:100	22.12.2015
Proposed floor plan	14081(PL)015-B 1:100	22.12.2015
Proposed elevations	14081(PL)020-B 1:100	22.12.2015
Proposed elevations	14081(PL)021-B 1:100	22.12.2015
Other statements		22.12.2015
Design and Access Statement		22.12.2015

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

- The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.*
- It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not*

have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.

3. *The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.*

Dated 17 / 2 / 2016



.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

ELEVATION G

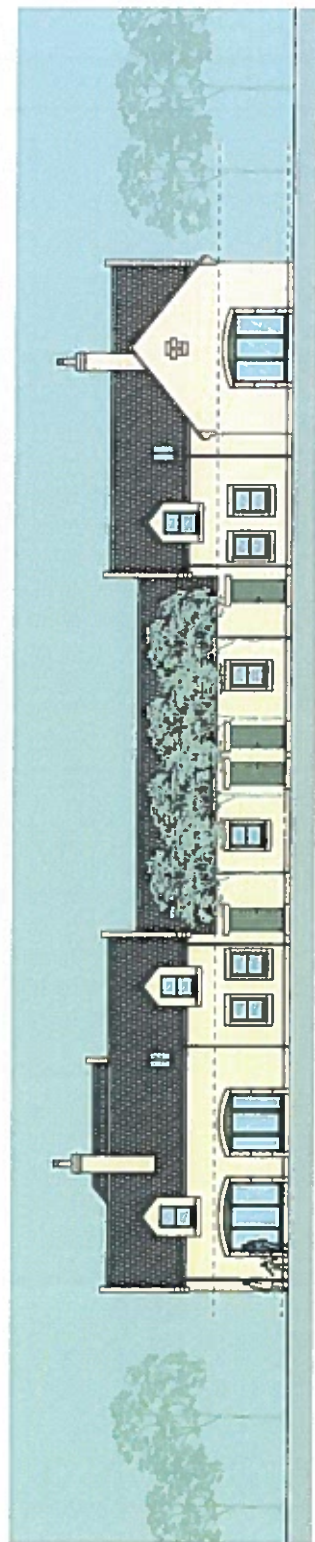


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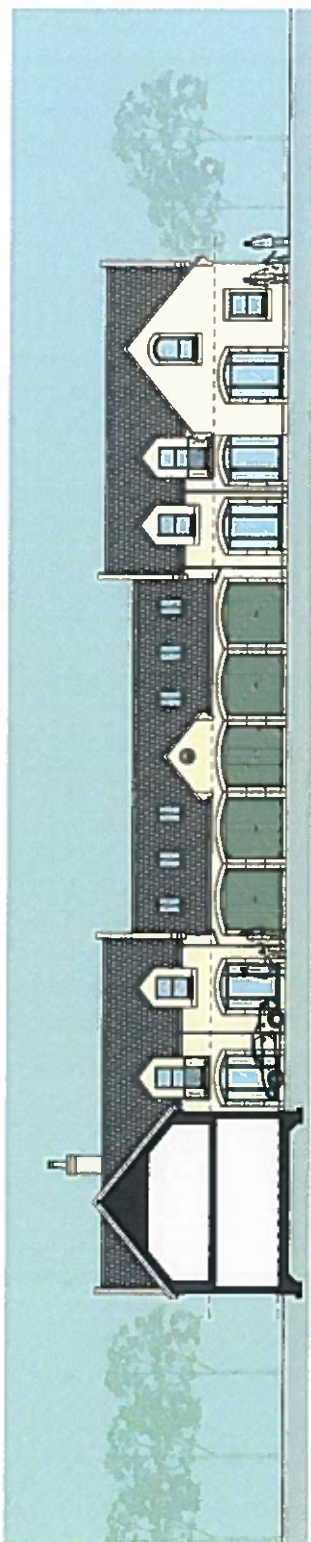
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LATE AFTERNOON SCHEDULE

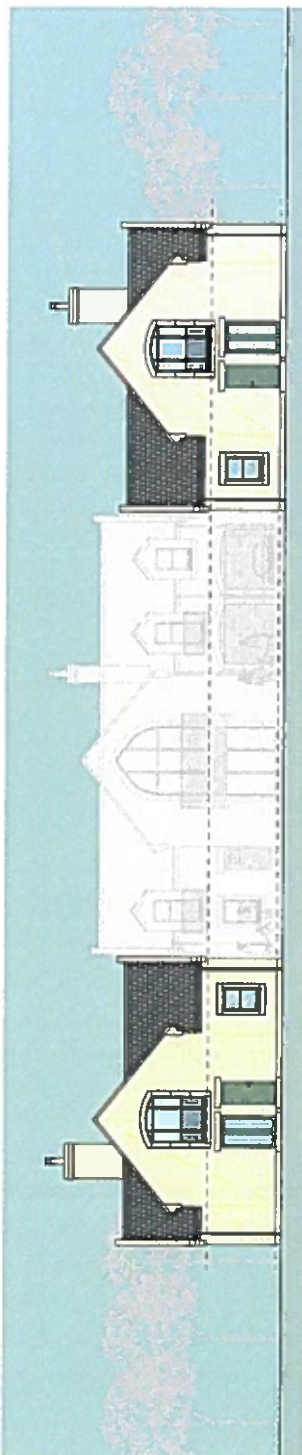
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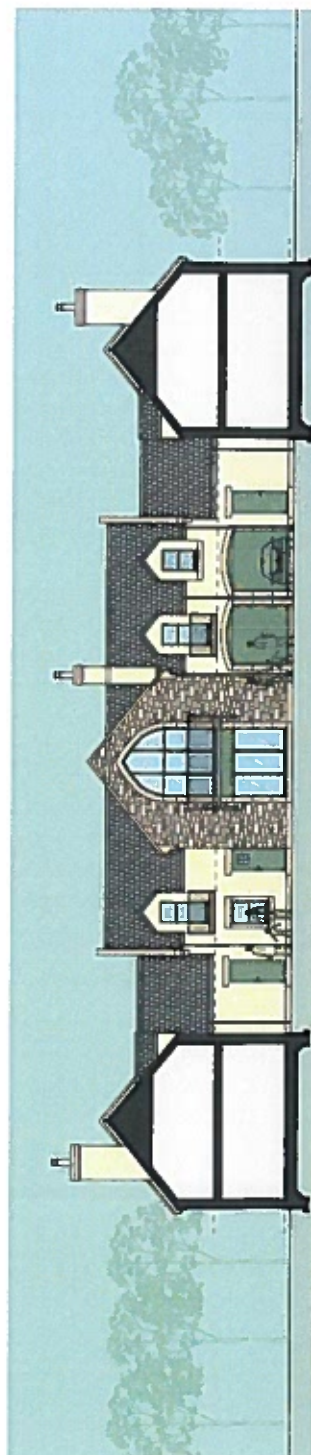
ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION 0

ema

ARCHITECTURE + DESIGN

John Lesseets Limited
Springfield, Bonnyrigg

ELEVATIONS A, B, C & D

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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14081(PL)020-B

NAME	DATE
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CHARTERED ARCHITECTS

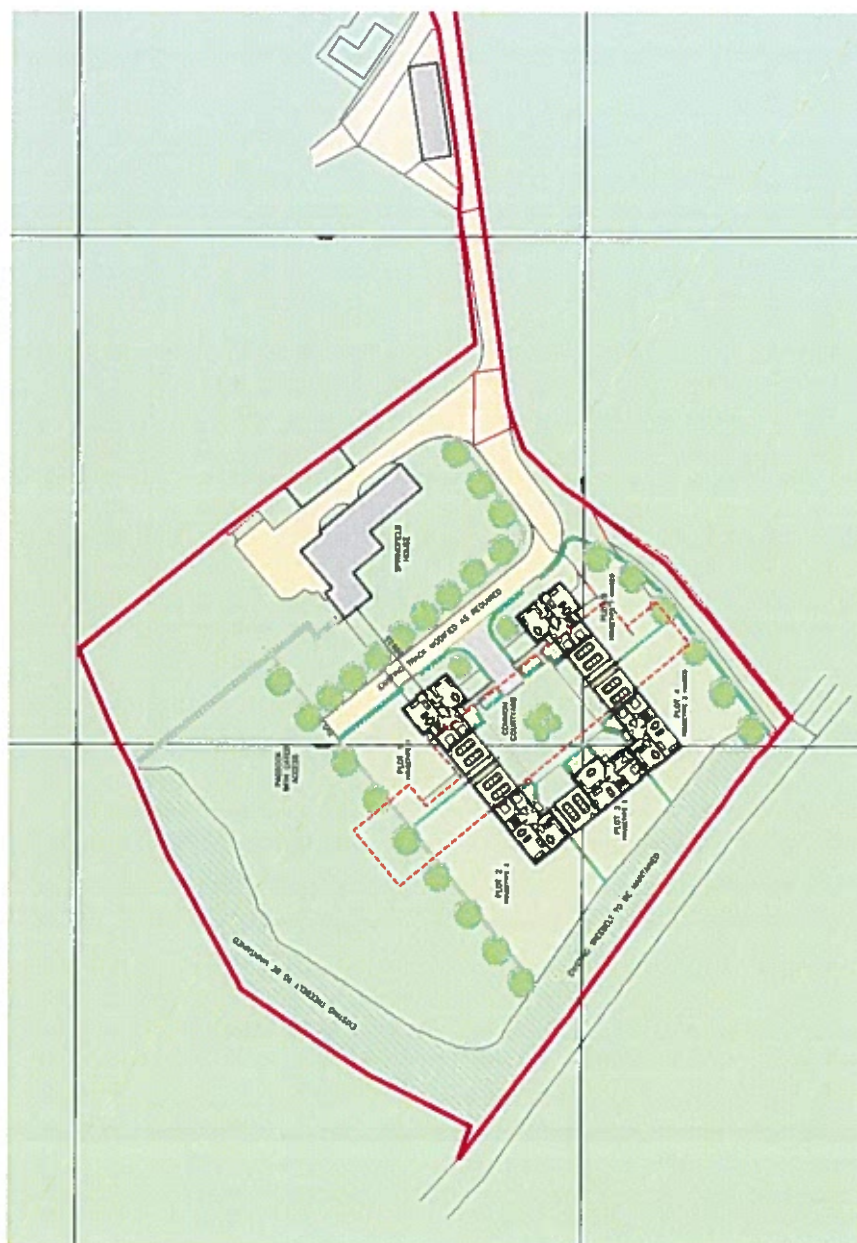
The Stinkies, 30 Beverly Road,
Cranston, R.I. 02906

COMPOSITION (wt %)

F: 011 469 6594
E: info@emo-proflecta.co.uk

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	APPLICATION SOUNDLY	POSITION OF (RIGHT) T
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PROPOSED SITE LAYOUT

ema
ARCHITECTURE + DESIGN
John Leases Limited
Springfield, Bonnyrigg

SITE LAYOUT

DATE	NO	DATE	NO	DATE	NO
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1993 126			1994 127		
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