

Notice of Review: 16 School Green, 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 a dwellinghouse at 16 School Green, Lasswade.

2 Background

- 2.1 Planning application 17/00672/DPP for the erection of a dwellinghouse at 16 School Green, Lasswade was refused planning permission on 23 October 2017; 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, issued on 23 October 2017 (Appendix D); and
 - A copy of the relevant drawings/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 26 February 2018; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was two consultation responses and no representation received. As part of the review process the interested parties were notified of the review. No additional

comments have been received. All the comments can be viewed online on the electronic planning application case file.

4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:

- Identify any provisions of the development plan which are relevant to the decision;
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- Consider whether or not the proposal accords with the development plan;
- Identify and consider relevant material considerations for and against the proposal;
- Assess whether these considerations warrant a departure from the development plan; and
- State the reason/s for the decision and state any conditions required if planning permission is granted.

4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported 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 13 June 2017, 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 a revised 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 and roads 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 proposed new planting including trees, shrubs, hedging and grassed areas;
 - 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 all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 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. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

- 3. Development shall not begin until a programme of archaeological work and investigation has been submitted to and approved by the planning authority. The approved programme shall be carried out prior to the commencement of development unless an alternative phasing is agreed as part of the approved programme.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

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: 15 February 2018

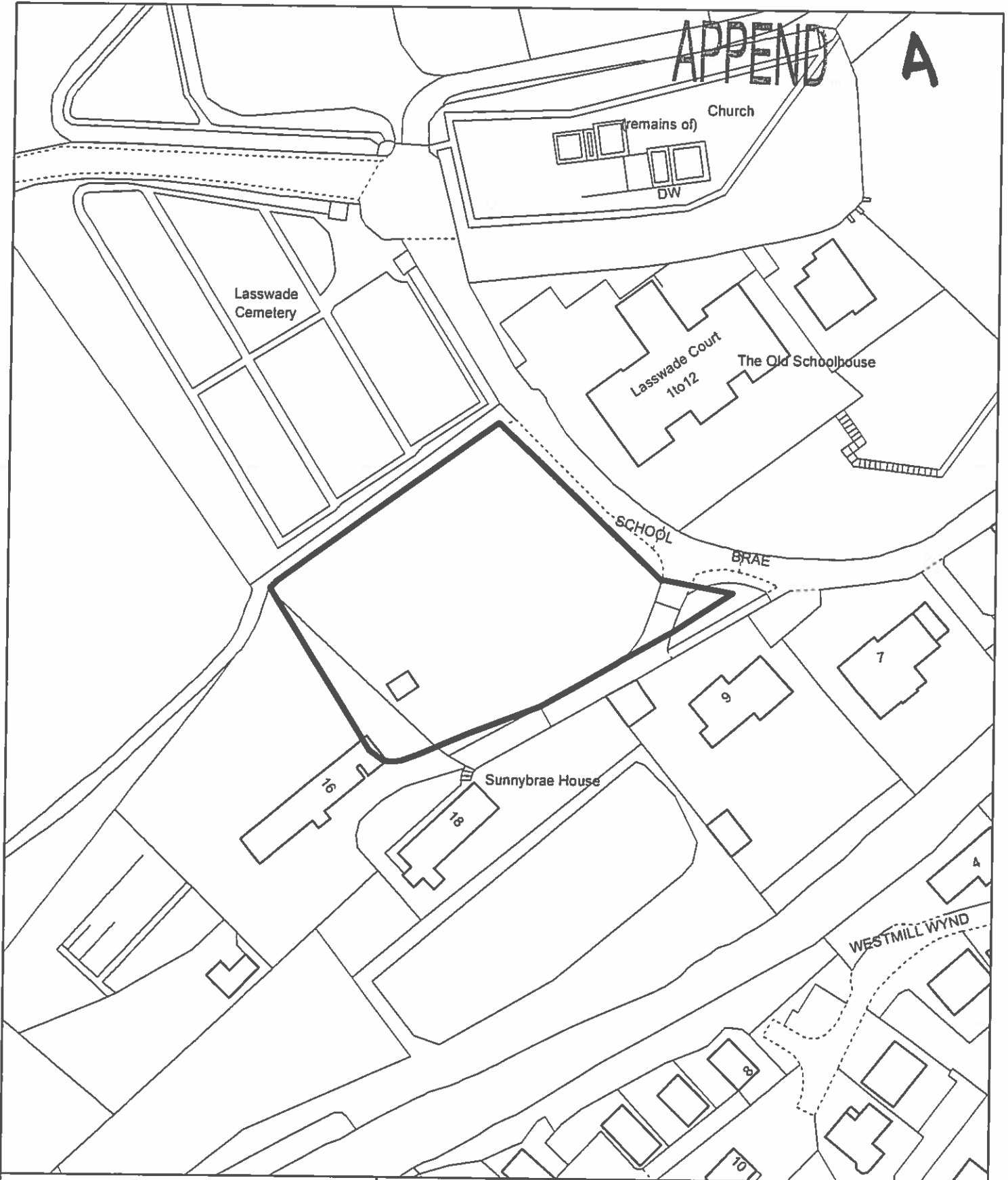
Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 17/00672/DPP available for inspection online.

APPENDIX

A



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

16 School Green, Lasswade, EH18 1NB

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File No. 17/00672/DPP

Scale: 1:1,000



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 100081059-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="apt planning & development ltd."/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Tony"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Thomas"/>	Building Number:	<input type="text" value="6"/>
Telephone Number: *	<input type="text" value="01620870371"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="East Linton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH40 3AB"/>
Email Address: *	<input type="text" value="tony@apt-plandevlop.co.uk"/>		

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: *	Colin	Building Number:	6
Last Name: *	McClung	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:	07747780852	Postcode: *	EH40 3AB
Fax Number:			
Email Address: *	tony@apt-plandevelop.co.uk		

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	SUNNYBRAE
Address 2:	18 SCHOOL GREEN
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LASSWADE
Post Code:	EH18 1NB

Please identify/describe the location of the site or sites

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Northing	665972	Easting	330156
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Description of Proposal

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

Erection of Dwellinghouse

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 accompanying Review Statement.

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

☐ Yes ☒ No

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

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

Review Statement Design & Access Statement Location Plan Site Plan Aerial Photograph Illustrative Design Visualisations
Previous Development of 16 School Brae

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00672/DPP

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

24/08/2017

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

23/10/2017

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)

We feel that a hearing would be the best vehicle by which to best understand, explore and debate the logic and justification for application 17/00672/DPP.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Tony Thomas

Declaration Date: 18/01/2018



Review Statement

On behalf of

Mr Colin McClung

Application Reference: 17/00672/DPP

Erection of dwellinghouse;

School Brae, Lasswade, EH18 1NB.

January 2018

apt planning &
development

6 High Street

East Linton

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EH40 3AB

Tel: 01620 870 371

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Midlothian Local Review Body - Review Statement
Application 17/00672/DPP

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

Introduction

1. apt planning & development has prepared this Review Statement on behalf of Mr Colin McClung with regards to application 17/00672/DPP seeking planning permission for the erection of a new home on the site of an existing field adjacent to the applicants current home at School Brae, Lasswade. The application was refused via delegated powers on 23rd October 2017.
2. Mr McClung and his family have lived at Sunnybrae, School Brae since undertaking a painstaking and high quality conversion and expansion of the property starting in 2003. It is now a wonderful family home and testament to the care, attention and no little cost expended ensuring that it was completed to the highest of standards, in keeping with and enhancing the immediate area. Wherever possible local materials and trades were used, a principle that Mr McClung intends to adopt should he be successful in securing planning permission for the adjoining site.



The completed Sunnybrae (2016) – the former school building on School Brae can be seen on the right hand side of the photograph. The application site sits in-between the two buildings. The photo provides important context in terms of the setting of the application site in what is essentially an urban/suburban context.

3. Sunnybrae is a substantial property and Mr & Mrs McClung no longer need the space but they want to remain in this part of Lasswade. The development of a contemporary, attractive and environmentally sustainable home next door will not only provide a new home for Mr & Mrs McClung but will also free up a wonderful family home in Lasswade.



Midlothian Local Review Body - Review Statement

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4. Mr McClung 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.
5. Application 17/00672/DPP was lodged following an earlier application 15/00753/DPP for two houses on the same application site. This application was withdrawn in December 2015. The reduction from two homes to one was as a response to advice from planning officials.

Site Description

6. As the three aerial images below illustrate, the application site is immediately adjacent to the current Lasswade village boundary and within the Lasswade and Kevoch Conservation Area. Lasswade Cemetery lies immediately to the north/northwest whilst the applicants house at 16 School Brae lies adjacent to the appeal site to the west/southwest. The former school house and other residential properties lie to the east and south.
7. The site does not lie in open countryside but rather is part of a distinguishable settlement. Several of the existing houses to the south of the site lie beyond the village boundary line, and with Mr and Mrs McClung's own current house to the west (16 School Brae) and the converted school house to the east, the site is bounded on 3 sides by residential properties.
8. The site slopes from north to south affording views across the River North Esk Valley (and as aerial image 3 below illustrates, to an area of Lasswade that has experienced significant change in the relatively recent past).
9. The appeal site also provides an excellent opportunity to design in sustainable energy initiatives to the construction of a new home on the site. In fact low waste, sustainable energy and renewable resources form an important backdrop to the rationale behind the design and proposed construction of the proposed new home. This is explained in more detail both in the accompanying Planning & Design Statement and later in this Review Statement.
10. Despite its greenbelt designation, the application site sits in amongst other residential properties and has the character of a site within, although granted towards the edge of, Lasswade. Further homes are located to the northwest and west along Church Road and Kevoch Road. As we explore later in this statement, the site does not meet the objectives of a green belt site.

Aerial 1 – looking north east



Aerial 2 – Looking southeast

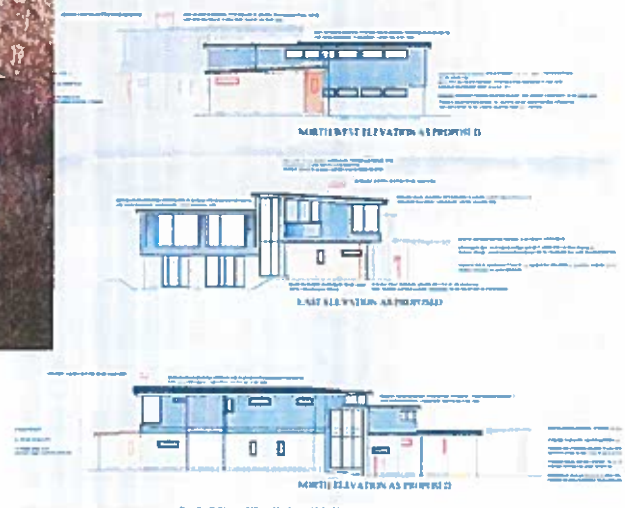


Aerial 3 – Looking south



Site History & Context

11. As stated at the outset, this site was the subject of a previous application (15/00753/DPP) for two homes. Following discussions with Midlothian Council planning officers, the application was withdrawn in December 2015 and further consideration given to the potential future development of the site.
12. This area of Lasswade does provide further planning context
 - a. Planning application 17/00782/DPP for the erection of a new home in the grounds of Coppertop, was refused in December 2017. Two reasons for refusal were given stating that the application was contrary to ENV1 (Greenbelt) and that the development would lead to unacceptable road safety impacts on Church Road.
 - b. Eighty-five meters to the west of Coppertop, planning permission has been granted for the erection of a new home in the grounds of Barony House. This permission (04/00497/FUL) has since been amended and renewed three times, most recently through permission 17/00274/DPP.
13. Within a very short distance, there have been three applications for new homes on open/garden ground. This application at School Brae and the application at Coppertop have been refused mainly based on their location within the greenbelt yet the Barony House application shares most of the same characteristics.
14. A key reason for the approval of the Barony House permission was the wish of the planning committee to support and encourage innovative, sustainable and energy efficient design and as can be seen below, the proposal is clearly very contemporary, not seeking to represent a pastiche of the Grade A listed Barony House.



Midlothian Local Review Body - Review Statement
Application 17/00672/DPP

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

15. The key difference between the Barony House application and the application at Coppertop appears to be design, with the latter being far more traditional in appearance. The implications of a greenbelt designation etc. are identical.
16. As we will explore in the next section, if we play this argument forward, the design and layout of the proposed home at School Brae represent a contemporary design solution for the site, incorporating state-of-the-art technology to ensure that it becomes an exemplar of how an attractive, high-quality, sustainable and energy efficient house can be developed.
17. Precedent is always a very contentious issue in planning. We are told there is no such thing, yet local planning authorities are always cautious about setting precedent. Again as we will state later, the development of the appeal site at School Brae would be consistent with the decision taken at Barony house (good planning and design justification to mitigate against restrictive planning policy considerations) and set a positive precedent for future planning applications. It would most certainly not mean open season on any open space within the greenbelt etc.

Proposed Development



Image 1 – Site Plan

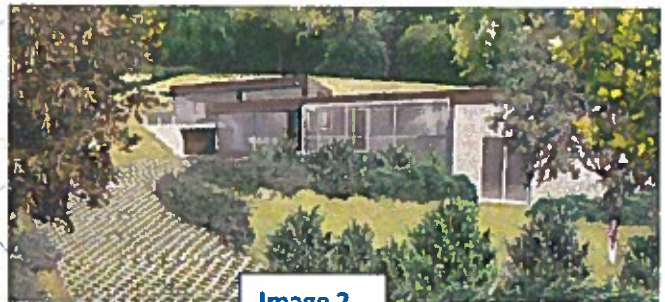


Image 2



Image 3



Image 4

18. As the application documents submitted alongside this appeal illustrate, the application was for the development of a single dwelling house on a vacant area of land immediately to the east of 16 School Brae, Lasswade.

19. As the site plan and montages above show, the house is to be positioned towards the front of the plot, maintaining a consistent building frontage with the applicant's house next door, maintaining the integrity of the northern part of the site and minimising visual impacts from across the River North Esk valley (see below where the eye is drawn to the consistent green space stretching from left to right along the top of the site). The turf roof will further minimise the views of the building from the south.



20. Somewhat of an anomaly, the site lies in the Edinburgh Green Belt (it does not demonstrate or perform any of the characteristics or objectives of a greenbelt site). The proposals represent a well-designed site-specific solution and following ongoing dialogue with Midlothian Council, there is no dispute over the proposed layout and design of these proposals.
21. The proposal is for an innovative, bespoke, energy efficient, environmentally benign family house in a contemporary yet sensitive style.
22. The choice of natural materials; stone walls and timber cladding and its modest height are intended to reduce the physical impact the house and to harmonise with the landscape. As stated above, the low, stepped profile is designed to sit into the natural sloping contours of the site in order that it will not be overly visible from outwith the site and particularly from across the valley. The house responds therefore to both its immediate and wider context whilst being an attractive and contemporary addition to the built environment.
23. Design features such as the turf roof which will blend into the grass meadow when viewed from above, are driven by both site characteristics and sustainable good sense whereby the building will be low impact on both landscape and resources. Similarly the flat roof maintains both a low building profile and presents an unobstructed south facing roof ideal for mounting of solar/photo voltaic panels as well as the turf roof.



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Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

24. Scottish Planning Policy (SPP) supports sustainable development and encourages a design-led approach. We have no doubt that the proposal at School Brae can also meet the six qualities of a successful place (though clearly on a small scale).
- The modern, innovative design will be **distinctive**;
 - It will create a **safe and pleasant environment**, having a southerly aspect and benefitting from passive security of neighbouring homes;
 - The design will be **visually welcoming**, providing an interesting and attractive focus;
 - The new home is designed to be **adaptable**, enabling a number of layout options whilst also adapting to modern sustainable and energy efficient technologies;
 - The new home will be **resource efficient** and is designed specifically with this in mind, and with every intention of being off-grid with the potential to offload surplus energy back to the grid; and
 - Given its location, in close proximity to the centre of Lasswade, it will **encourage walking, cycling and efficient use of transport**.

Eco Design First Principals

25. The house is designed to be **truly environmental**. These eco-design principals can be described as follows and more detail is contained within the Planning & Design Statement;
- Passive Solar Gain** - the site is south facing which provides opportunity for solar gain, especially during the winter months. The new building is appropriately orientated with large areas of glazing to the main living spaces ranging from South-east to South-west and with only small, essential windows to the north. Large areas of glazing maximise internal natural day light and reduce energy consumption by artificial lighting.
 - Thermal mass** - built into the natural contours of the site, the eco-retaining walls to the north mean the house will benefit from the temperature regulation effect of the earth. Working in conjunction with solar gain, floors formed in dark coloured concrete or limecrete within the main living areas will heat up during times of low winter sunlight and allow heat to radiate gradually long into the evening when it is needed most. High thermal mass works best with a small boiler working constantly at max efficiency. The house is intended to take as much benefit from passive solar as possible with a ground source heat pump or similar being installed feeding low temperature underfloor heating boosted as required with solid fuel stoves.
 - Stack effect ventilation** - the split level arrangement encourages natural ventilation within the building as warm air will naturally move towards the parts of the building which require additional warmth. Thus bedrooms are located in the lower part of the house with main living areas on the higher level. See also thermal zoning.



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- d. **Thermal zoning** - the house accommodation has been carefully arranged along the principals of thermal zoning as far as follows:
- **Hot zone:** Bathrooms, Kitchen, drying areas, greenhouse – to the south.
 - **Warm zone** – Living, Dining, Study, Kids Bedrooms to the southwest.
 - **Cool zone** - adult bedrooms to the east and north.
 - **Cold zone** – infrequently used rooms, stores etc. to the north.
- e. **Embodied Energy** - The consideration of low embodied energy when making choices in construction materials and practice can include many factors including; recycled materials, locally sourced materials, but also use of high quality, built-to-last materials. The project proposes low embodied energy materials such as recycled local natural stone to integrate the new building into landscape and adjacent properties and local timber such as Scottish Larch from renewable and certified sources. At all times quality is paramount.
- f. **Waste reduction** - Waste reduction has also been considered from the very outset of the design. The building is generally laid-out to a standard building product grid based upon a 600mm module and as far as possible to fit standard building product such as timber sizes of 1.2/2.4/4.8\M etc. This greatly reduces waste through off-cuts, resulting in savings in energy usage, time and cost.

Application 17/00672/DPP

26. Application 17/00672/DPP on 24th August 2017. The application was refused through delegated powers on 23rd October 2017, the last day of the two month statutory determination period. There was a single reason for refusal and we address this in detail below;

Reason 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, RP2 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside and Green Belt.

27. It is worth noting that in our submission in support of the application we acknowledged the emerging local development plan, and given the relevance of its policies, assessed the application against inter alia policies ENV1 (Green Belt), ENV6 (Special Landscape Areas) and ENV19 (Conservation Areas). The Local Development Plan has subsequently been adopted by Midlothian Council (November 2017). It is fair to say however that the key issues relating to the policies outlined in the reasons for refusal are common to both Plans.



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28. **Policy RP1 (*Protection of the Countryside*)** has a restrictive approach to new homes in the countryside. We cannot conform with Criteria 'A' to 'C' though we are clear (and as outlined in detail above) that the development will 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 in that it is surrounded on three sides by other homes of mixed character and appearance;
 - will not involve the loss of high quality agricultural land; and
 - is at an accessible location (with the No 31 Lothian Buses service easily accessed on High Street/Lasswade Road).
29. **Policy RP2 (*Protection of the Greenbelt*)** - the proposals cannot accord with criteria 'A' to 'D'. We maintain our position that this proposal warrants an exception to the greenbelt policy and that the greenbelt designation, when assessed against stated objectives and characteristics is an anomaly.
30. 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.*
31. The proposals at School Brae will not compromise the aims and objectives of the Edinburgh Green Belt.
- The site does not help define Edinburgh (or Lasswade)
 - nor does it help maintain the landscape setting of Edinburgh or any other settlement.
 - The development of the site would not increase the risk of coalescence.
 - The site plays no role in providing for countryside recreation nor does it have the potential to do so.
32. In assessing the proposals against Policy RP1 and RP2 we have always acknowledged that the proposals do not strictly accord with each policy but that the specific circumstances of these proposals warrant an exception. The site does not exhibit any characteristics of a countryside/greenbelt location, being far more compatible with the urban/suburban surrounding uses and character. The development of a new home at this location would not be out of place and would be in-keeping with its immediate and wider context.



Midlothian Local Review Body - Review Statement

Application 17/00672/DPP

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

33. **Housing per se is not a non-conforming use in the greenbelt or countryside**, homes exist throughout greenbelts and across the countryside. It is the development of new homes that, in normal circumstances, tends to be resisted. However, in this instance and given the site-specific characteristics, and bearing in mind that each planning application should be judged on its own merits, we do feel that a new high-quality and appropriate residential development can be accommodated on the appeal site.
34. The new Local Development Plan has now been adopted. It represents the settled view of Midlothian Council. The plan has a number of Strategic Objectives and **the proposals at School Brae would meet many of these environmental, social and economic objectives** without requiring compromise with regards to others.
35. The proposals will comply with **Policy DEV6** of the emerging LDP (*Layout and Design of 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.**
36. 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 greenbelt. As we have identified above, **these proposals will have no impact on the overall aims and objectives of the Edinburgh Green Belt.**
37. 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.** The site presents a unique opportunity for Mr McClung to develop a new home for him and his family at an appropriate location, incorporating contemporary, high quality and environmentally sustainable design into every aspect of the proposed development and on a site that does not exhibit the key characteristics of the Edinburgh Greenbelt nor contribute to its objectives
38. 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 the single house we are proposing, **development can be permitted in the green belt if the green belt objectives are not undermined.**
39. Under normal circumstance therefore, the proposal at School Brae would not comply with Local Plan and emerging Local Development Plan policies. However the quality of the proposals coupled with the site specific characteristics provide **ample justification for a departure** from this relatively inflexible and arbitrary policy stance.



Midlothian Local Review Body - Review Statement

Application 17/00672/DPP

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

Precedent

40. 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 (see paragraphs 12-17) and provide important context and ensure consistency in decision making.
41. Second, and far more importantly, the development of land at School Brae would present a positive precedent, and given the detailed discussions over design and layout, represent an example of how high-quality, appropriate development can be achieved on a site that does not fulfil the role of or contribute to wider green belt objectives.
42. Third, permission has been granted on a site to the northwest of the appeal site (and further away from Lasswade) for the development of a contemporarily designed new home. This application must be tested against the same suite of policies as this application should have been and the contemporary nature of the proposals appears to have been a key determining factor. What Mr McClung is proposing is a very contemporary and environmentally friendly design solution to the challenges presented by the appeal site.
43. If similar, limited opportunities exist elsewhere, they should be welcomed as a positive precedent if they can accommodate sympathetically designed and limited residential development.

Summary

44. This appeal follows the refusal of planning permission (17/00672/DPP) for the erection of a new house on land adjacent to the applicants existing home at School Brae, Lasswade. The proposals are for an appropriate, high-quality residential development.
45. The development will be limited to a single dwelling, built into the slope of the site, adhering to the existing building line set by No.16 School Brae, and incorporating up-to-date best practice sustainable construction characteristics.
46. In exploring the redevelopment and transformation of Mr McClung's current home at Sunnybrae which lies adjacent to the appeal site, it is clear that he has a track record in undertaking work to the highest of standards. The development of the appeal site would create a highly attractive and sustainable new home for Mr McClung whilst freeing up a substantial family home in Lasswade.



**Midlothian Local Review Body - Review Statement
Application 17/00672/DPP**

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

47. **The planning officer's report states that the access, layout and design of the proposed house are all appropriate.** The key determining factor is the strict implementation of planning policy, chiefly the implications of the site's location within the Edinburgh Green Belt and Area of Great Landscape Value.
48. We have never tried to argue that the site complies with the stipulations of relevant planning policy but that the development of this site presents a locationally specific and unique opportunity.
49. 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 and is at an accessible location with Lasswade High Street being only 200m to the east.
50. The site will not have any impact on the wider objectives of the Edinburgh Greenbelt, will see the development of a high-quality environmentally friendly and attractive new home on this existing anomalous site in the greenbelt. Even so, housing, per se, is not a prohibited use in the greenbelt and appropriate, high-quality residential development, responding to a set of site specific circumstances should be encouraged.
51. When seen from the immediate and wider context, the site does not present itself as a countryside location. A combination of the existing sloping site characteristics and good siting and design will ensure that the new building is entirely appropriate in its surroundings and when viewed from across the River North Esk Valley.
52. **The appeal site does not display the key characteristics of a site covered by a green belt and countryside designation.**
53. 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 site, for an attractive, appropriate and high quality residential proposal **would set a positive precedent**, an appropriate example of how a site like this can be developed appropriately.
54. 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.
55. We contend throughout this submission that, given the circumstances of the site, this proposal **represents the justification for a wholly acceptable departure from extant (and recently adopted) 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.



Project PROPOSED CHANGE IN DEVELOPMENT ZONAL BOUNDARY
SUNNYBRAE GARDENS, SCHOOL BRAE
LASSWADE
MID LoTHIAN

NGP architects

www.ngparchitects.co.uk - mail@ngparchitects.co.uk

Job No 13-2

Drawing THE EXISTING ADJACENT CONVERTED STABLE BUILDING

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

Planning Application Reference: 17/00672/DPP

Site Address: 16 School Green, Lasswade.

Site Description: The site comprises an area of land associated with 16 School Green. The site is on a relatively steep slope. There is a converted former stable building to a house to the west, houses to the south and east and a cemetery to the north. The site is within the countryside, Green Belt, Lasswade and Kevoek Conservation Area and an Area of Great Landscape Value. It is highly visible from across the valley to the southeast.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to erect a dwellinghouse which has been designed to fit into the slope, with three flat roofed interconnecting sections. The house has a contemporary design with large areas of glazing. The materials are to be natural stone, timber cladding and metal walls, timber framed glazing and turf roofs. Solar panels are proposed. The existing vehicular access will be used and the driveway is to be grasscrete. The site plan shows an option to improve the existing access by moving the boundary wall 1.5 metres to improve access. Two parking spaces and an integral garage are proposed.

A retaining wall is to be formed around the house to accommodate it into the slope. A natural stone wall will be around the south of the site and entrance gates by the vehicular entrance. There will be additional landscaping, with the existing boundaries along the west and north boundaries to remain.

The applicant has submitted a design and access statement supporting the proposal.

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

Application site

15/00753/DPP Erection of two dwellinghouses, formation of areas of hardstanding. Withdrawn.

16 School Green (former stables)

16/00560/DPP Extension to dwellinghouse. Consent with conditions.

10/00451/DPP Extension to dwellinghouse. Consent with conditions.

03/00169/FUL Amendment to planning permission reference no. 02/00114/FUL to extend the approved dwellinghouse to form a garage and porch, and to alter condition no.5 to allow the removal of the gable wall at the south western end of the original stable building (retrospective). Consent with conditions.

02/00114/FUL Change of Use from stables to one dwellinghouse, including the erection of two storey extension, conservatory and garage (amendment to planning permission 01/00358/FUL). Consent with conditions.

01/00358/FUL Change of use from stable to one dwellinghouse. Consent with conditions. Road safety concerns highlighted but conditions attached to consent to address these, referred to in Committee Report.

00/00753/FUL Change of use of stables to dwelling. Withdrawn – proposal acceptable in principle but scale too large, extensions and alterations required to be reduced to comply with policy. Road safety concerns highlighted.

Land at house to south.

00/00754/OUT Erection of dwellinghouse. Withdrawn – did not comply with policy, road safety concerns highlighted.

Consultations:

The **Policy and Road Safety Manager** has some concerns over the proposal as this would increase traffic levels on School Green. However they acknowledge that the proposal is for one house accessed from an existing junction. They consider that the increase in traffic levels from this proposal should be relatively minor and overall have no objection.

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

Representations: No representations have been received.

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

RP1 Protection of the Countryside states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, 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 states that development will not be permitted except for proposals that are: necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or accord with policy RP3 (Major Non-Conforming Land Uses in the Green Belt), ECON1 (Strategic Economic Land Allocations proposal), ECON7 (Tourist Accommodation) or DP1 (Development in the Countryside);

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt to: maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence; provide countryside for recreation and institutional purposes of various kinds; and maintain the landscape setting of the city and Midlothian towns;

RP6 Areas of Great Landscape Value states development will not be permitted where it may adversely affect the special scenic qualities and integrity of AGLV. The siting, scale, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse impact on the AGLV;

RP7 Landscape Character states development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement. Any new developments will incorporate proposals to: maintain the local diversity and distinctiveness of landscape character including natural and built heritage features such as woodland, hedges, ponds, stone walls and historical sites; and enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features;

RP22 Conservation Areas states development will not be permitted which would have any adverse effect on its character and appearance. 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 will be used in new buildings;

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 of which the relevant is *Single Houses (not related to Housing Groups/Farm Steadings)*. This states new houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity. Applicants will be required to show that the need for the new dwelling is permanent, cannot be met within an existing settlement, and that the occupier of the property will be employed full time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements; 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.

The relevant policies of the **2014 Midlothian Local Development Plan Proposed Plan** are;

DEV6 Landscape and Design of New Development is similar to policy DP2 of the 2008 Local Plan;

ENV1 Protection of the Green Belt is similar to policy RP2 of the 2008 Local Plan;

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

ENV19 Conservation Areas is similar to policy RP22 of the 2008 Local Plan;

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 proposed development would result in a new house within the countryside. The applicant has not suggested or demonstrated that this is required in connection with the furtherance of an established countryside activity. Therefore there is no support for the proposal in terms of policy RP1 of the adopted Local Plan.

The proposed MLDP is expected to be adopted by the end of 2017 and removes the site from the countryside, whilst retaining it within the Green Belt. The applicant made representation during the consultation period for the MLDP for the site to be moved from the Green Belt into the built up area. This was not accepted by either the Planning Authority or the Reporter and so the site remains within the Green Belt and therefore must comply with the relevant policies of the MLDP.

It is acknowledged that there are buildings on three boundaries of the site. Due to the applicant's representation to the MLDP, the planning status of the site has been assessed very recently by the Planning Authority. It was considered that the site is an integral part of the Green Belt and was worthy of retention. This position was supported by the Reporter and it is therefore considered that the site, although small with buildings bounding, plays an important part of the Green Belt and should be retained as such. 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 or Local Development Plan policy. This could lead to encroachment of the built up area into the very areas the related policies seek to protect.

The agent has stated that it is highly likely that there were buildings on site in the past. There are no buildings on site at present and the potential for properties to have been on the site historically is not a material planning consideration.

Notwithstanding the lack of policy support for a house at the site, the detailed aspects of the application shall be assessed below.

The proposed house is contemporary in design and treatment of materials, clearly designed to fit the site. This site is highly visible on the side of a valley and the house has been designed so to minimise the visual impact on the area, through the low scale development, lightweight large areas of glazing and materials sympathetic to this prominent location within a conservation area, AGLV, countryside and Green Belt.

Sufficient garden ground is provided for the house. Additional landscaping is proposed to help integrate the house and associated works into the surrounding area.

In previous applications, road safety concerns were raised over additional properties being accessed by School Green which have been echoed in the consultation response by the Policy and Road Safety Manager. However, the proposed house will be accessed by an existing vehicular access which has previously been improved. Taking this into consideration, the Planning Authority considers that this will have a relatively minor increase in traffic on this road that will have a limited impact on road safety.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00672/DPP

NGP Architecture Ltd
Federation House
222 Queensferry Road
EDINBURGH
EH4 2BN

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Colin and Jane McClung, Sunnybrae Gardens, 16 School Green, Lasswade, EH18 1NB, which was registered on 24 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at 16 School Green, Lasswade, EH18 1NB

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL-100 1:1250	24.08.2017
Site Plan	PL02-1 1:500	24.08.2017
Site Plan	PL02-2B 1:500	24.08.2017
Proposed Floor Plan	PL03B 1:100	24.08.2017
Proposed Elevations	PL04 1:100	24.08.2017
Proposed Elevations	PL05B 1:100	24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Design And Access Statement		24.08.2017

The reason 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, RP2 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside and Green Belt.

Dated 23 / 10 / 2017

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

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

The applicant has proposed to carry out alterations to the access, including moving the existing eastern boundary wall to provide better visibility. The Policy and Road Safety Manager welcomes this but his comments that the access is acceptable are based on the existing situation and not on the proposed improvements which he does not consider necessary to make the proposal acceptable. The proposed alterations to the wall could potentially have a detrimental impact on the character and appearance of the surrounding area and the introduction of a footpath at this area of School Green would be out of character with the area.

The applicant makes reference to another housing development in the area, adjacent to Barony House to the west. This was approved in 2005, where it was acknowledged in the Planning Committee Report and minutes that it was a departure from policy: the Planning Committee felt that the innovative design and sympathetic siting of the house on site were important mitigating circumstances and, on balance, these particular circumstances pertaining in the application resulted in the house being approved. Two further applications have been approved to slightly amend the design of the house, which is nearing the end of construction.

It is clear that the previous application was approved as an exception to planning policy given the design of the house, not to be seen as a precedent for other houses contrary to policy in the area. Although the design of the currently proposed house is innovative and sensitive to the site, it is clear that the Planning Authority considers this to be an important part of the Green Belt where development should be resisted.

Overall, there is no policy support for a dwellinghouse at this site within the countryside and Green Belt, nor are there any material planning considerations which would otherwise justify approval.

Recommendation: Refuse planning permission.



APPENDIX E

NGP architecture ltd.

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222 Queensberry Road
Edinburgh EH4 2BN
Telephone 0131-603 7540
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Date	By
11/11/11	

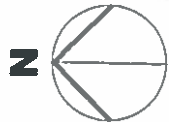
1:500 @ A3	March 2016	AN
No	Drawing no	Rev

Project
Proposed Eco House
Sunny Brae Gardens
16 School Green
Lasswade
Drawing
Block Site Plan as Existing

Revisions

Planning

Drawing Category:



EXISTING SITE AREA
2815M² = 0.2815 hectare
30623 sq/ft = 0.7030 acre
NEW HOUSE FOOTPRINT = 284M²
= 10% OF TOTAL SITE AREA

0 25
Metres
Scale in metres (1:500)

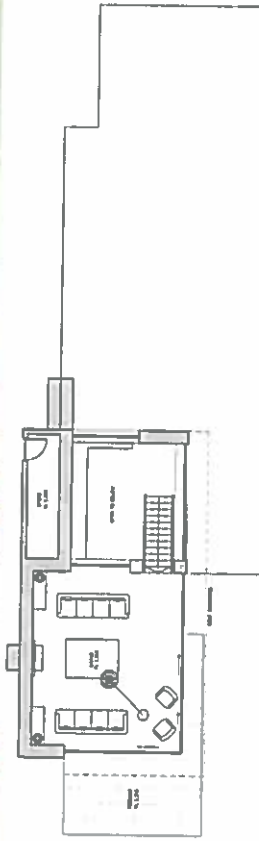
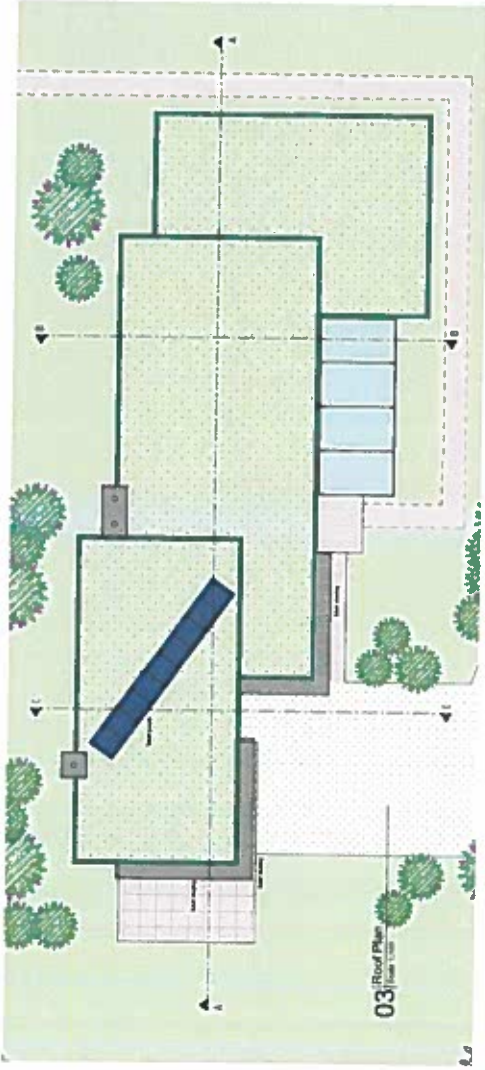
Rev B - 11-07-17 Hedging added to East boundary
Proposed planting increased
Front area external paving altered

Rev A - 13-03-17 House moved on site
Landscaping and access road updated

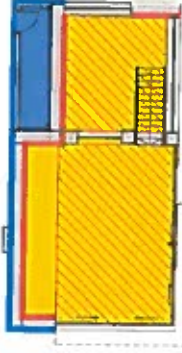
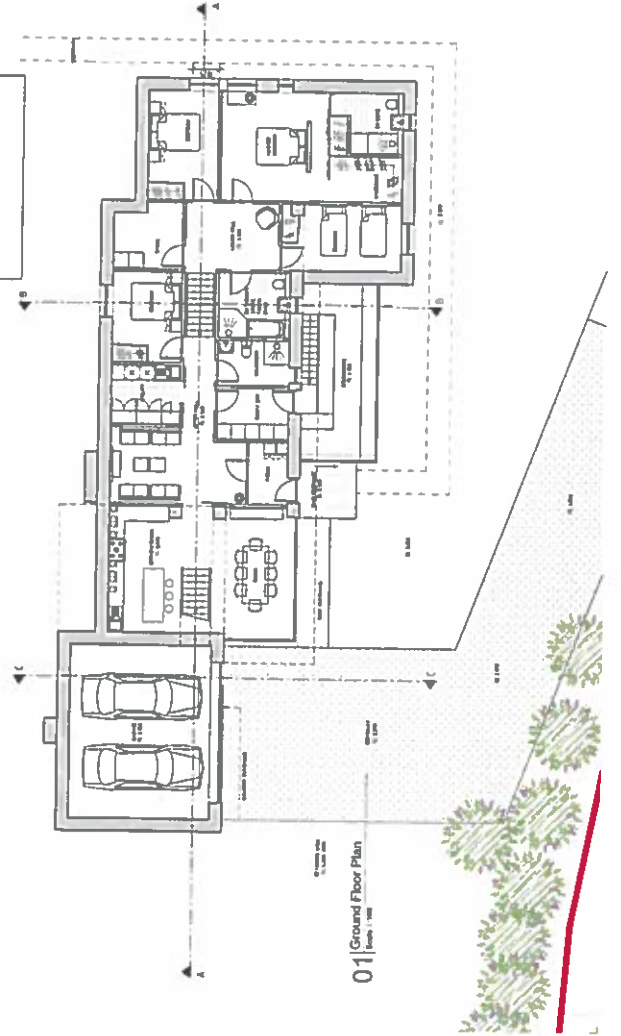
NGP architecture ltd. Federation House 222 Queensberry Road Edinburgh EH4 2BN Telephone 0131-603 7540 mail@ngparchitects.co.uk www.ngparchitects.co.uk			
Scale	1:500 @ A3	Date	March 2016
Job No	15-020	By	AN
		Drawing no	PL02-2
		Rev	B

Project Proposed Eco House Sunny Brae Gardens 16 School Green Lasswade Drawing Block Plan	
Drawing Category:	Planning

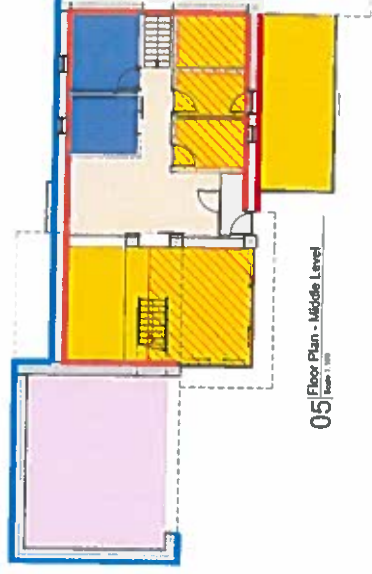
Revisions



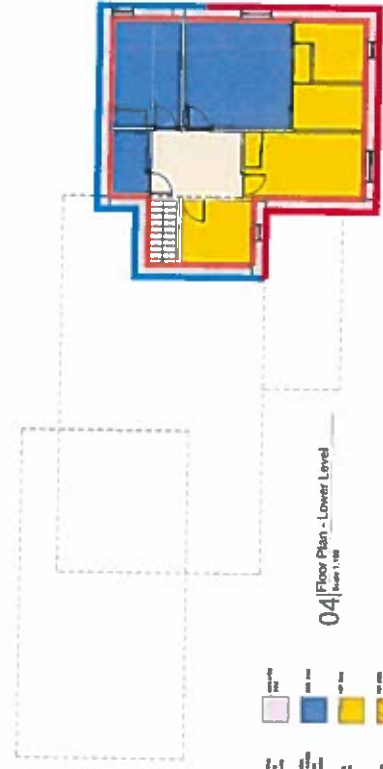
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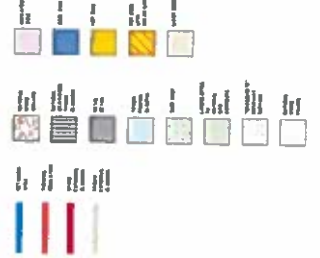
06 Floor Plan - Upper Level
Scale 1:100



05 Floor Plan - Middle Level
Scale 1:100



04 Floor Plan - Lower Level
Scale 1:100



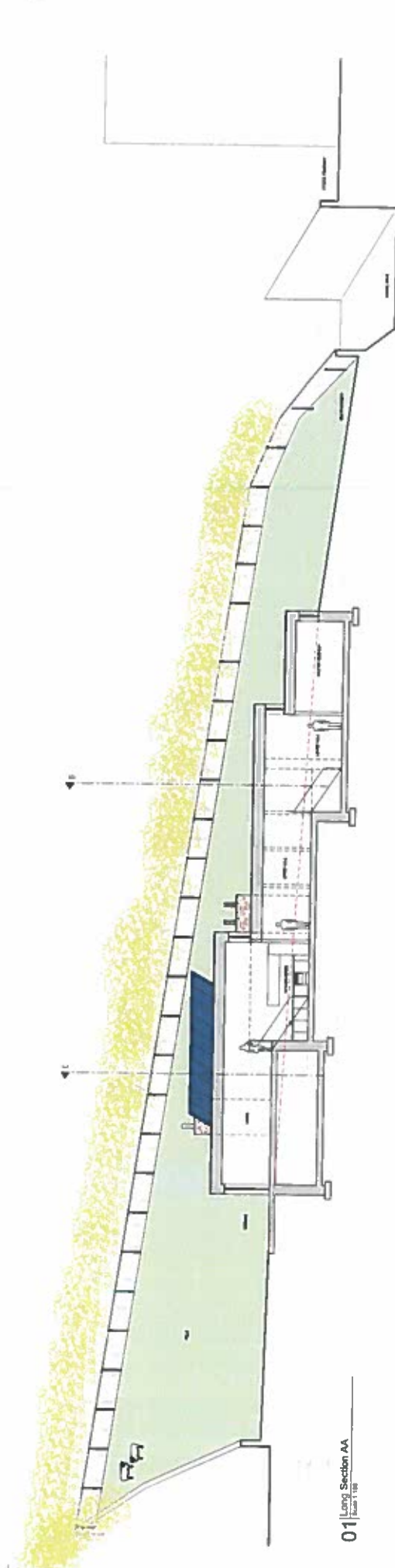
Project: PROPOSED ECO-HOUSE
18 SCHOOL GREEN
LASSWADE EH18 1HB
Planned by: PLANS AS PROPOSED

Client: NGP architecture Ltd.
1102 B A1
15-020
PL03
B

Drawn: 15-020
Date: 15-02-20

Scale: 1:100

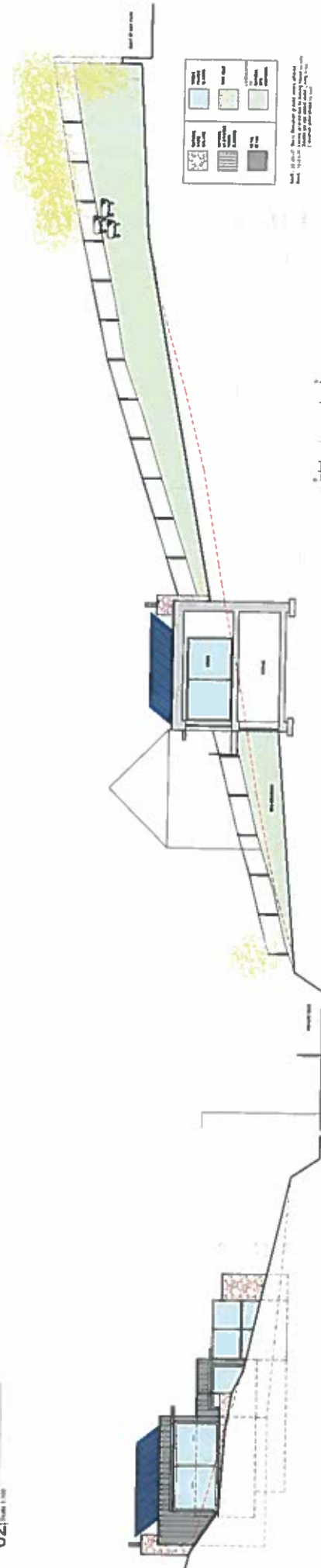
Project: PROPOSED ECO-HOUSE
18 SCHOOL GREEN
LASSWADE EH18 1HB
Planned by: PLANS AS PROPOSED



01 Long Section AA
Scale 1:100



02 North West Elevation
Scale 1:100



03 South West Elevation
Scale 1:100

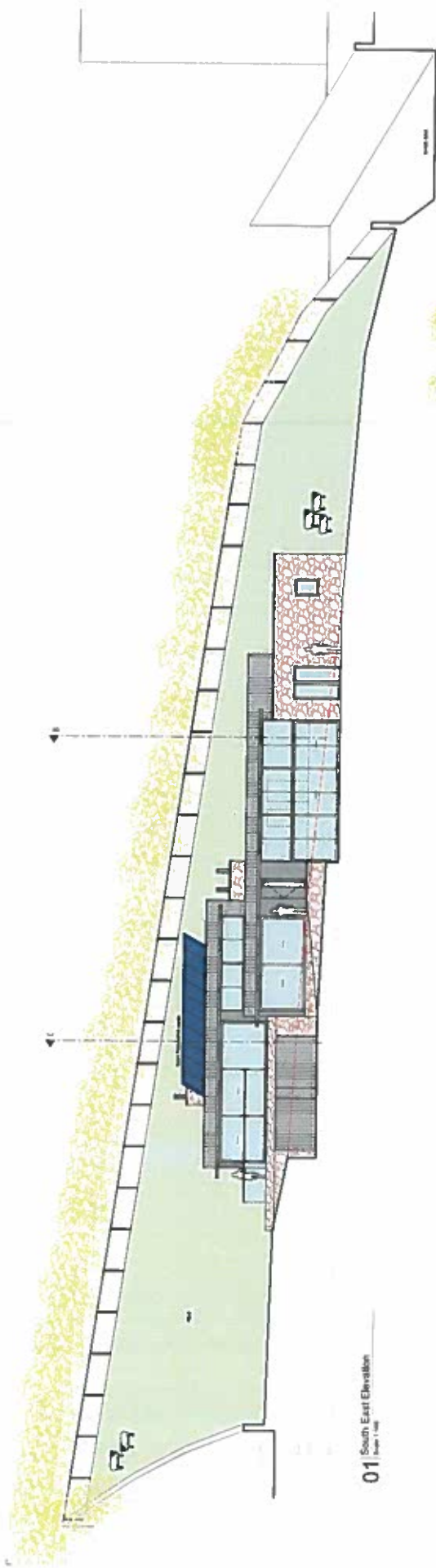
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Material	Color	Texture
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Brick	Red	Brick
Wood	Light Brown	Wood
Roof	Blue	Roof
Landscaping	Yellow	Landscaping

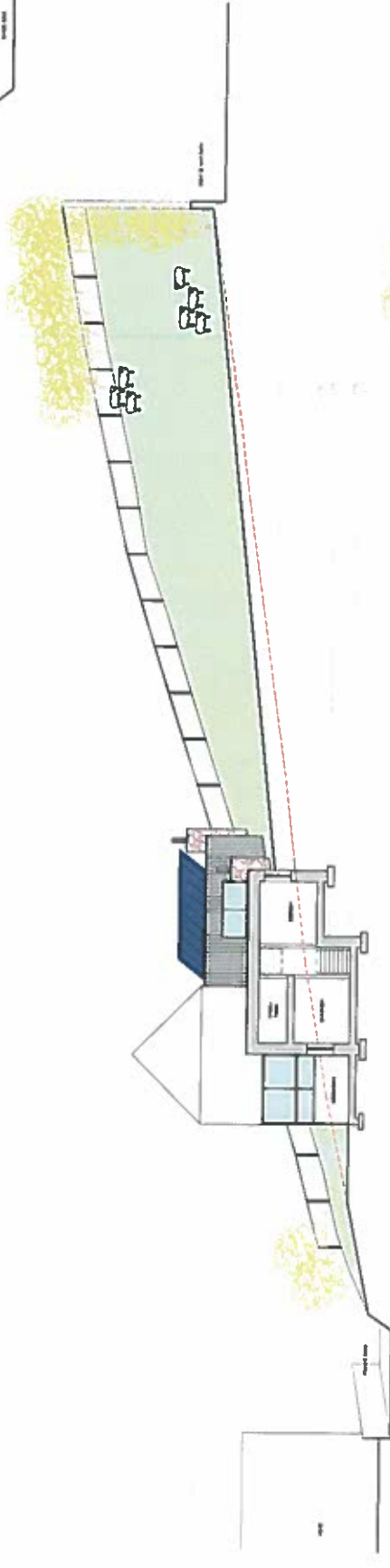
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North Arrow
Date: 15/03/2015
Author: NGP

PLANNING	
Project Name	PROPOSED ECO-HOUSE
Project Address	SUNNY BRIDE GARDENS
Project Location	WINDY HILL GREEN
Project Description	LASSWADE ENV 116
Project Status	AS PROPOSED 2
Project Date	15/03/2015
Project Author	NGP
Project Reviewer	PL06
Project Status	B

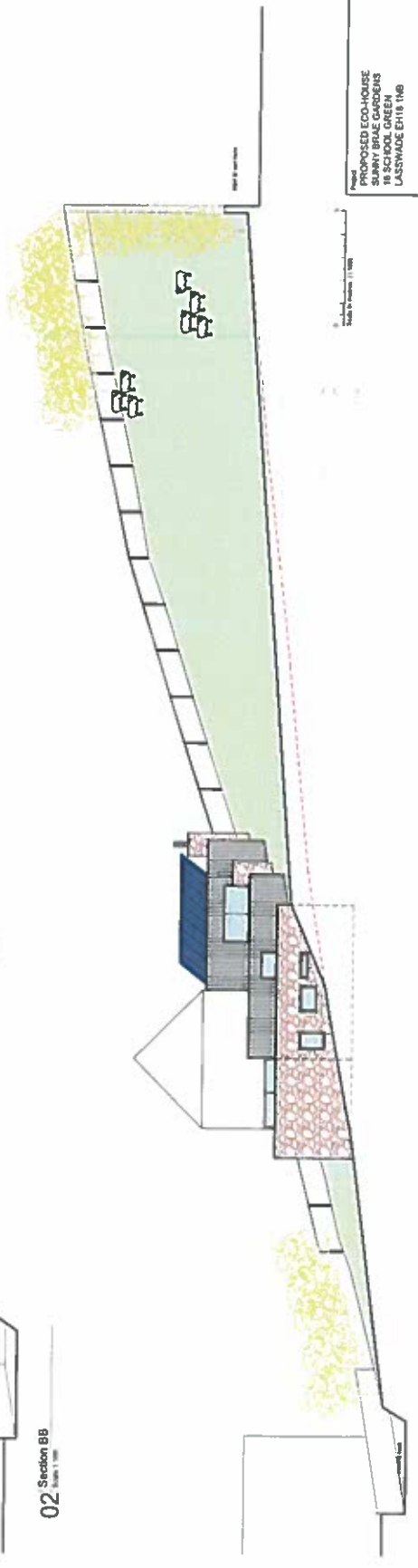
NGP architecture ltd.
222 Clarendon Road
Edinburgh EH4 3JF
Tel: 0131 555 1111
Email: info@ngparch.co.uk
www.ngparch.co.uk



01 South East Elevation
Scale 1:100



02 Section BB
Scale 1:100



03 North East Elevation
Scale 1:100



Arch: 01-01-17 Rev: 01-01-17
Arch: 01-01-17 Rev: 01-01-17
Arch: 01-01-17 Rev: 01-01-17

PLANNING			
NGP architecture Ltd.			
Project Name	15 SCHOOL GREEN	Ref	15-020
Client	NGP architecture Ltd	Date	15-02-2015
Location	15 SCHOOL GREEN	Scale	PL04
Drawn by	15-02-2015	Rev	B

PROPOSED ECO-HOUSE
15 SCHOOL GREEN
LASSWADE EH18 1NB
ELEVATIONS AND SECTIONS
AS PROPOSED 1

