

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

Determination Report

Report by Chief Officer Place

1 Purpose of Report

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

2 Background

- 2.1 Planning application 22/00811/DPP for the erection of dwellinghouse, formation of access and associated works at land north west of 4 Wadingburn Lane, Lasswade was refused planning permission on 3 March 2023; a copy of the decision is attached to this report.

- 2.2 The review has progressed through the following stages:

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

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B) – excluding the applicants appendix 4 which is a ground source heat pump brochure. Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisory notes, issued on 3 March 2023 (Appendix D); and
- A copy of the key plans/drawings (Appendix E).

- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

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

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. Development shall not begin on site until the following details have been submitted to and approved in writing by the planning authority:
 - a) Details and samples of all external finishing materials for the house;
 - b) Details of the materials of all external doors;
 - c) Details of the colour of all external doors;
 - d) Details of the proposed materials of the areas of hardstanding;
 - e) Details of the design, position, dimensions, materials and finish of all proposed walls, fences, gates or other means of enclosure;
 - f) Details of the proposed bin storage areas, including any related structures;
 - g) Details of the proposed ground air source heat pumps;
 - h) Details of the proposed solar panels;
 - i) Details of the proposed surface water management scheme; and
 - j) A landscape plan, including details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs proposed, as well as identifying all trees on site which are proposed to be removed and retained.

Thereafter, the development hereby approved shall accord with the details agreed in terms of this condition.

Reason: *These details were not submitted as part of the application: to ensure the houses are finished in high quality materials; to protect the visual amenity of the surrounding area; to ensure the houses are provided with adequate amenity; to help integrate the proposal into the surrounding area.*

3. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 2d) shall be surfaced in a porous material.

Reason: *To ensure that the site is adequately drained in the interests of the amenity of the area.*

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

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

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

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

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

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

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

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

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

11. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for

- the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

12. On completion of the decontamination/ remediation works required in condition 11 and prior to the dwellinghouse being occupied on site, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied until this report has been approved by the planning authority.

Reason for conditions 11 and 12: To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment; to ensure the remediation works are undertaken.

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

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

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

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

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

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

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

16. The works hereby approved shall not be carried out during the months of March to August inclusive, unless approved in writing by the planning authority after a check for nesting birds is completed by a suitably competent person within 48 hours of works commencing and, in the event an active nest is found, an appropriate protection zone to the satisfaction of the planning authority is in place within which there can be no works until the related chicks have fledged.

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

Reason for conditions 16 and 17: *To protect and enhance the local biodiversity of the site; there is potential for the disturbance of breeding birds at the site during bird breeding season.*

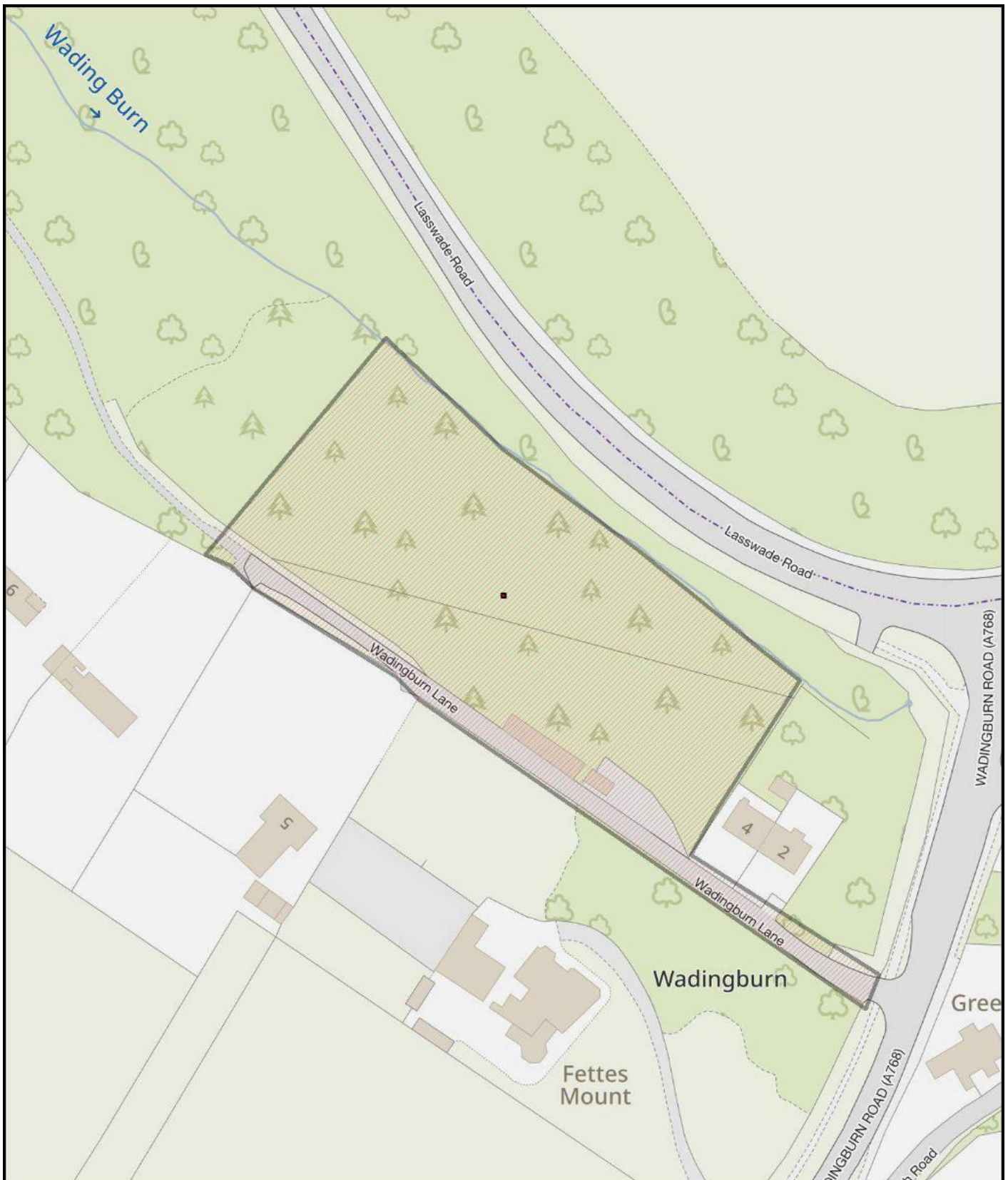
6 Recommendations

- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

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

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



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

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

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File No.22/00811/DPP

Scale: 1:1,250





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100628965-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land North West of 4 Wadingburn Lane, Lasswade"/>

Northing	<input type="text" value="666108"/>	Easting	<input type="text" value="329634"/>
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Description of Proposal

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

Erection of dwellinghouse, formation of access, landscaping and associated works

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to the supporting appeal statement and appendices enclosed.

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

☐ Yes ☐ No

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

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

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

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

Application Details

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

22/00811/DPP

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

11/11/2022

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

03/03/2023

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

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

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Sam Edwards

Declaration Date: 17/05/2023

APPEAL STATEMENT



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

WADINGBURN LANE, LASSWADE

MAY 2023

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EXECUTIVE SUMMARY

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

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1. INTRODUCTION

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

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

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

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

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

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

1.8 The remaining sections in this appeal statement comprise:

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

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

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

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

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2. SITE LOCATION, CONTEXT AND HISTORY

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

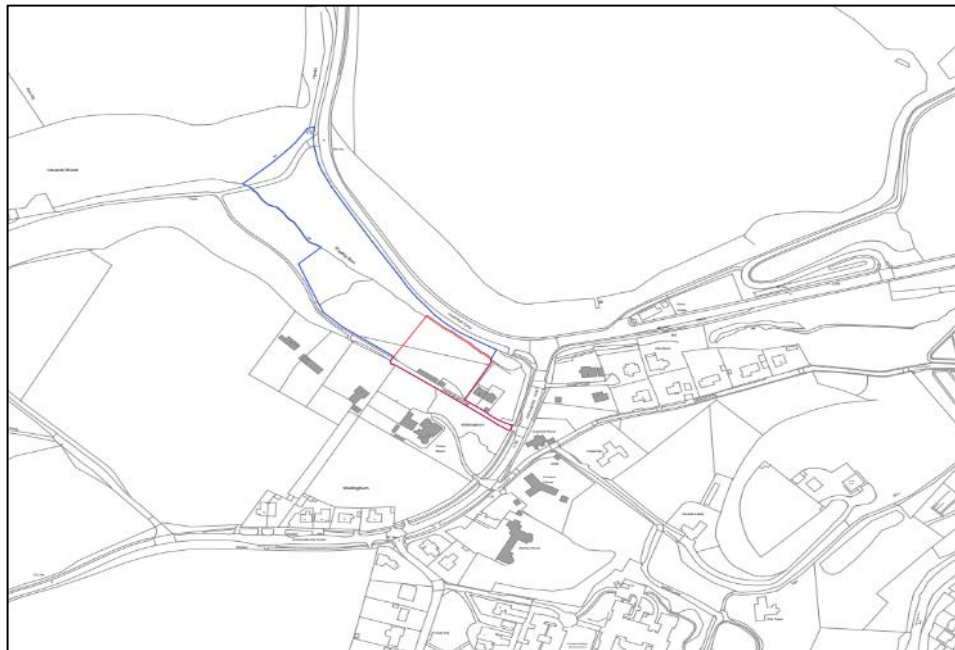


Figure 1: Site Location Plan and Red Line Boundary

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

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



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



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

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



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

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2.4 Site History

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

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

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

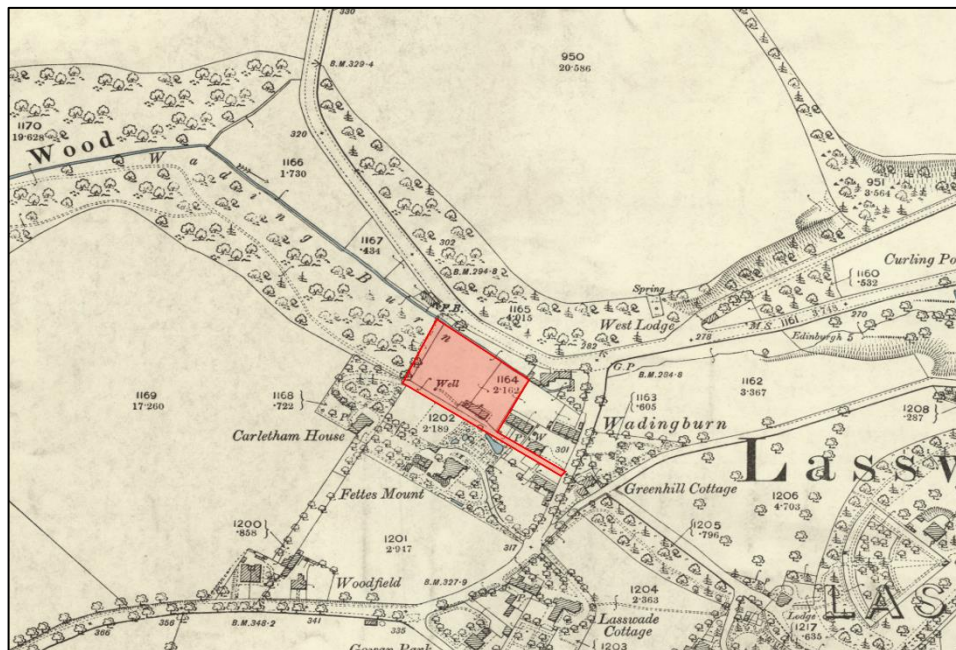


Figure 6: Historic Map c.1892-1949 (Source: NLS Maps)

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3. PROPOSED DEVELOPMENT

3.1 The proposals seek planning permission for the following:

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

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



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

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

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

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

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4. GROUNDS OF APPEAL

MIDLOTHIAN COUNCIL'S REASON FOR REFUSAL #1

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

APPELLANT'S RESPONSE #1

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

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

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

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

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

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

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

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

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

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

APPELLANT'S RESPONSE

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

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

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

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

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



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

MIDLOTHIAN COUNCIL'S REASON FOR REFUSAL #3

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

APPELLANT'S RESPONSE

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

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

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

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

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

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

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

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

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

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

MIDLOTHIAN COUNCIL’S REASON FOR REFUSAL #4

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

APPELLANT’S RESPONSE

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

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

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

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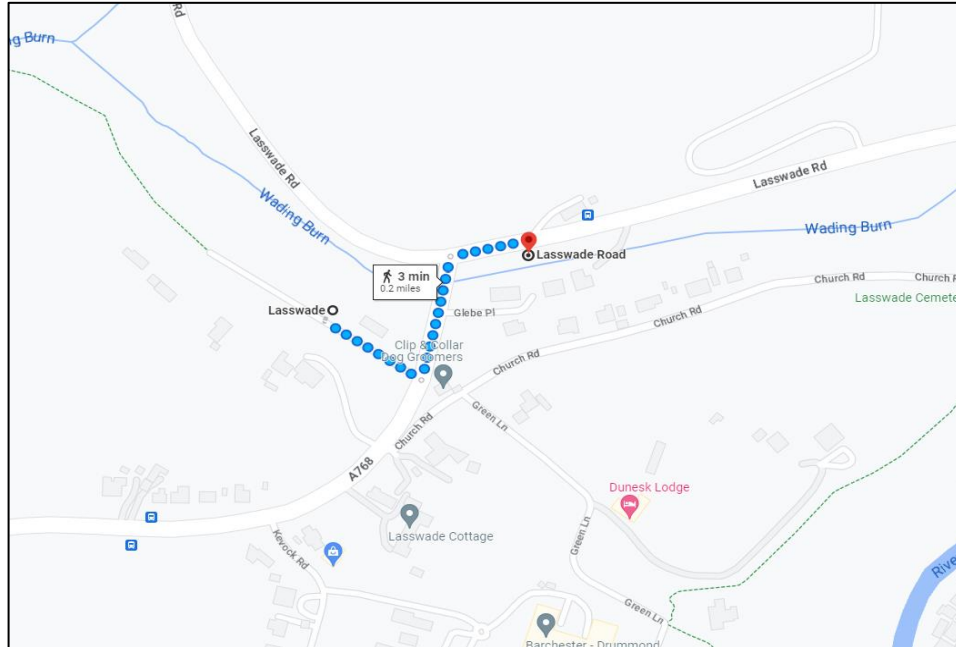


Figure 9: Walking distance from the site to the nearest bus stop on Lasswade Rd (3 mins)

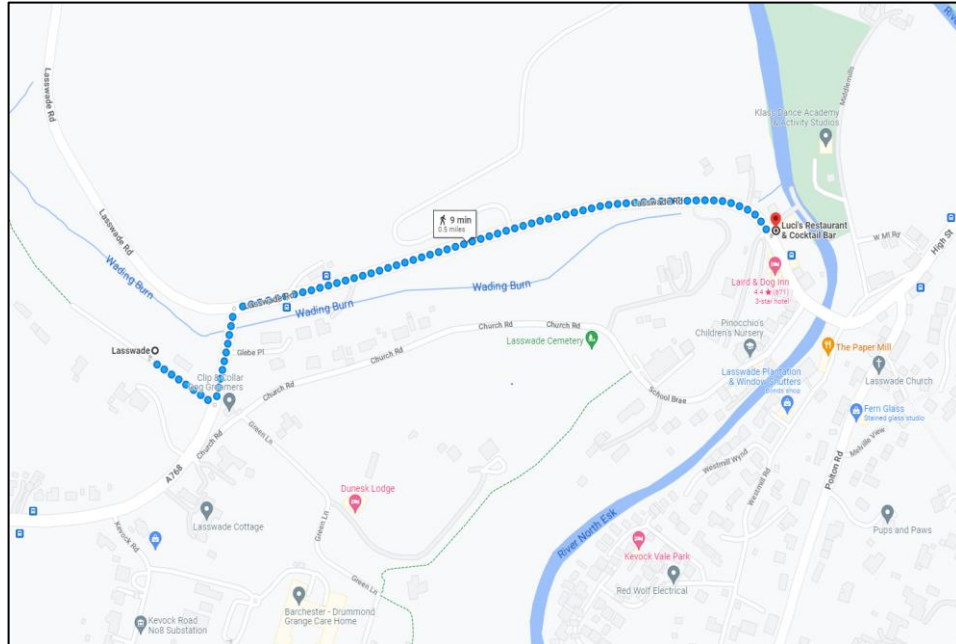


Figure 10: Walking distance from the site to the local amenities of Lasswade (9 mins)

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

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

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



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

- 4.55 NPF4 Policy 1 encourages development that, *“addresses the global climate emergency and nature crisis”*. Proposals should *“reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area”*.
- 4.56 Under Policy 1, it states that one of the policy impacts should be to support, *“compact urban growth”* and *“rural revitalisation”*. The latter is defined in NPF4 as *“sustainable development in rural areas, recognising the need to grow and support urban and rural communities together”*.
- 4.57 NPF4 seeks to *“support development that helps to retain and increase the population of rural areas of Scotland”*.
- 4.58 The sustainability credentials of the proposal, already outlined in this statement, include for the provision of new landscape proposals and a green roof to enhance biodiversity. The building has been set back from the area identified at risk of

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

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

OTHER MATTERS RAISED IN THE REPORT OF HANDLING

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

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

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

NEIGHBOUR COMMENTS

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

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

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

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

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

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5. MATERIAL CONSIDERATIONS IN FAVOUR OF THE APPEAL PROPOSALS

Other Similar Applications

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



Figure 12: Photograph of Orchard House (Now Built)

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

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

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

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



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

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

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

5.9 Assessment:

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

Other Examples Raised by Objectors

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

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

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

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6. CONCLUSIONS

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

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

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

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

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6 Wadingburn Lane, Lasswade Design & Access Statement



Bernard Flanagan

November 2022

FERGUSON
PLANNING

LBA

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

Contents

01 Introduction	5
02 The Site	9
03 Local Context	21
04 Planning Context	27
05 Emerging Proposals	35

01 / Introduction

Contents

01 / 1 *About the Project*

7



The Project

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

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

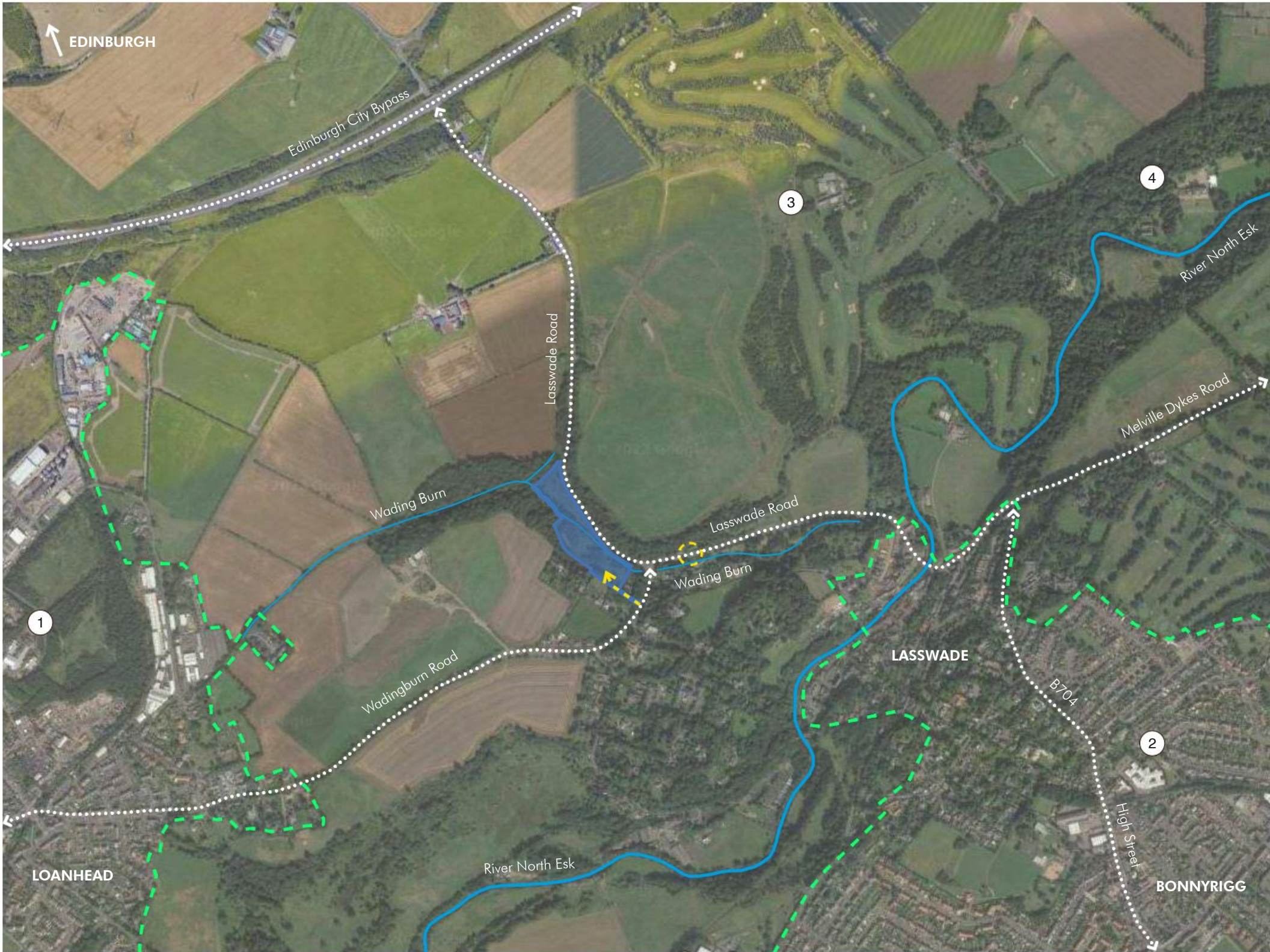
Alongside documenting the site, it's surrounding context and planning policy, this design statement explains the thought process and design-led approach that has been undertaken to create a thoughtful and considered proposal with an emphasis on creating a positive impact to it's surroundings.

*Image:
View of proposed entrance from approach*

02 / The Site

Section Contents

02 / 1 Location	11
02 / 2 The Site	12
02 / 3 Site Images	16
02 / 4 Site Analysis	20



Location

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

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

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

Key

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

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

Image:
Aerial view of site in wider context

Surrounding Context

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

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

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



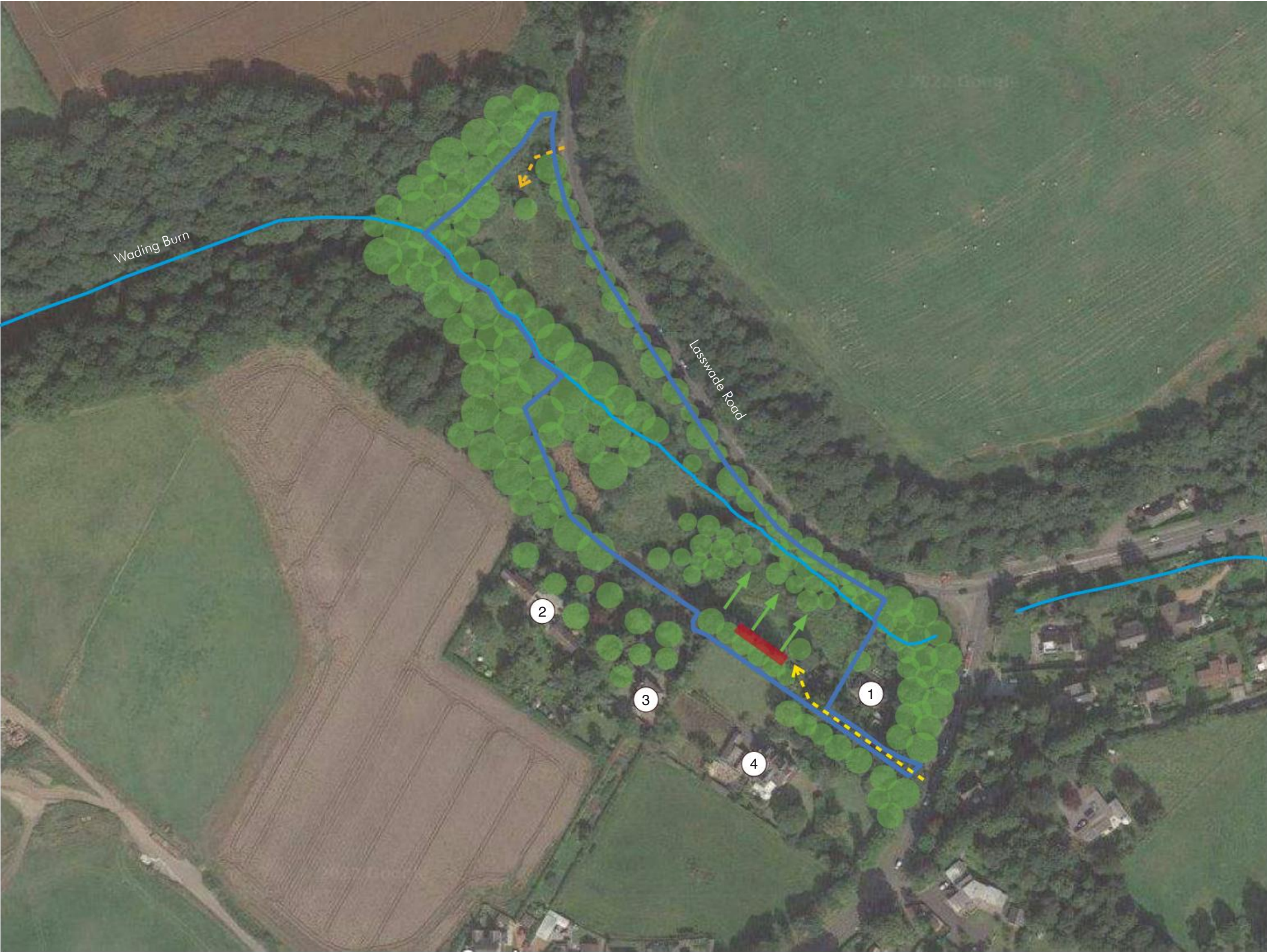
Key

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

New build dwellings granted planning permission within Green Belt:

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

Image:
Aerial view of site in surrounding landscape



The Ownership Site

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

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

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

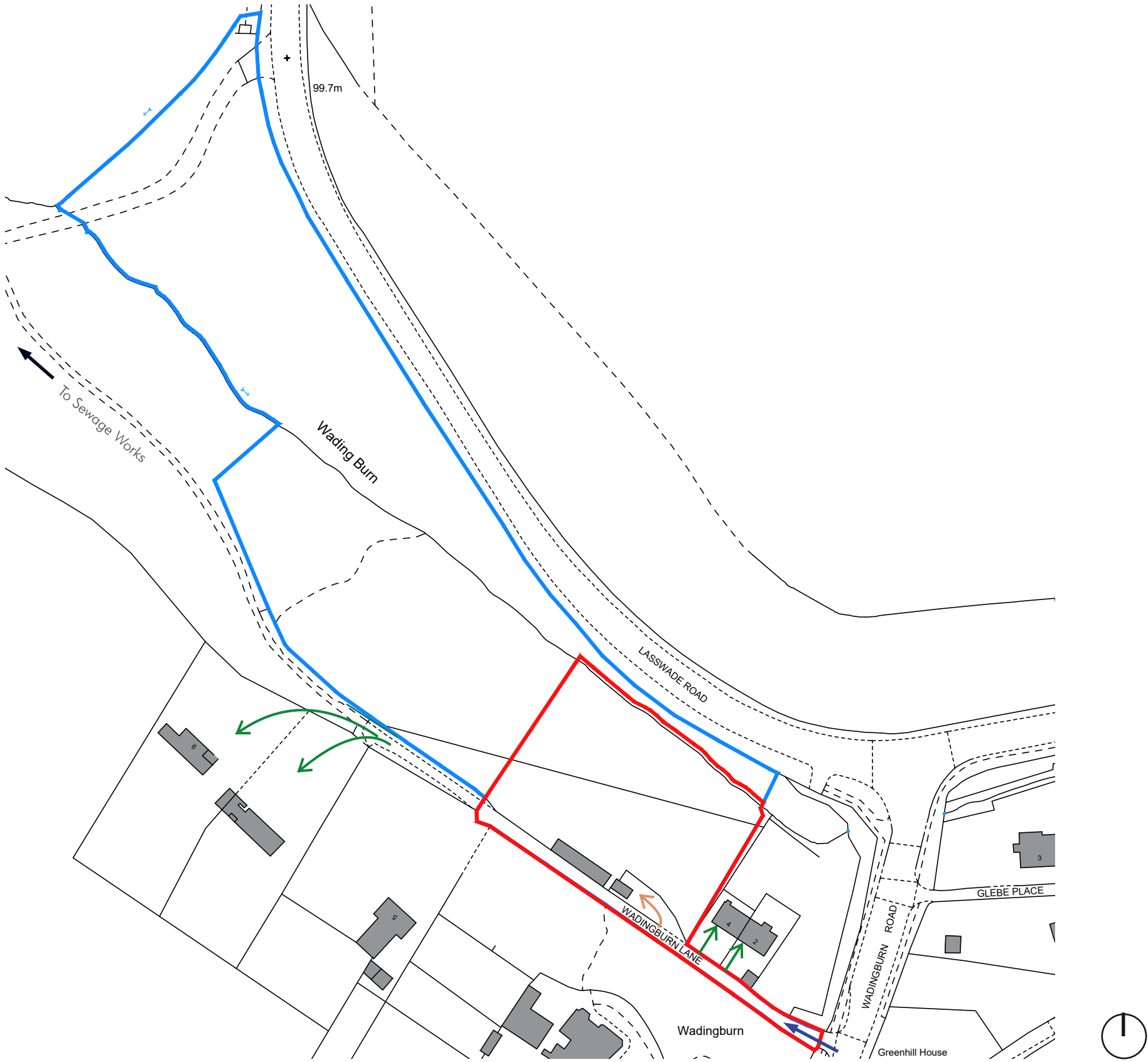
Key

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

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

Image:
Aerial view of site in surrounding landscape





The Application Site

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

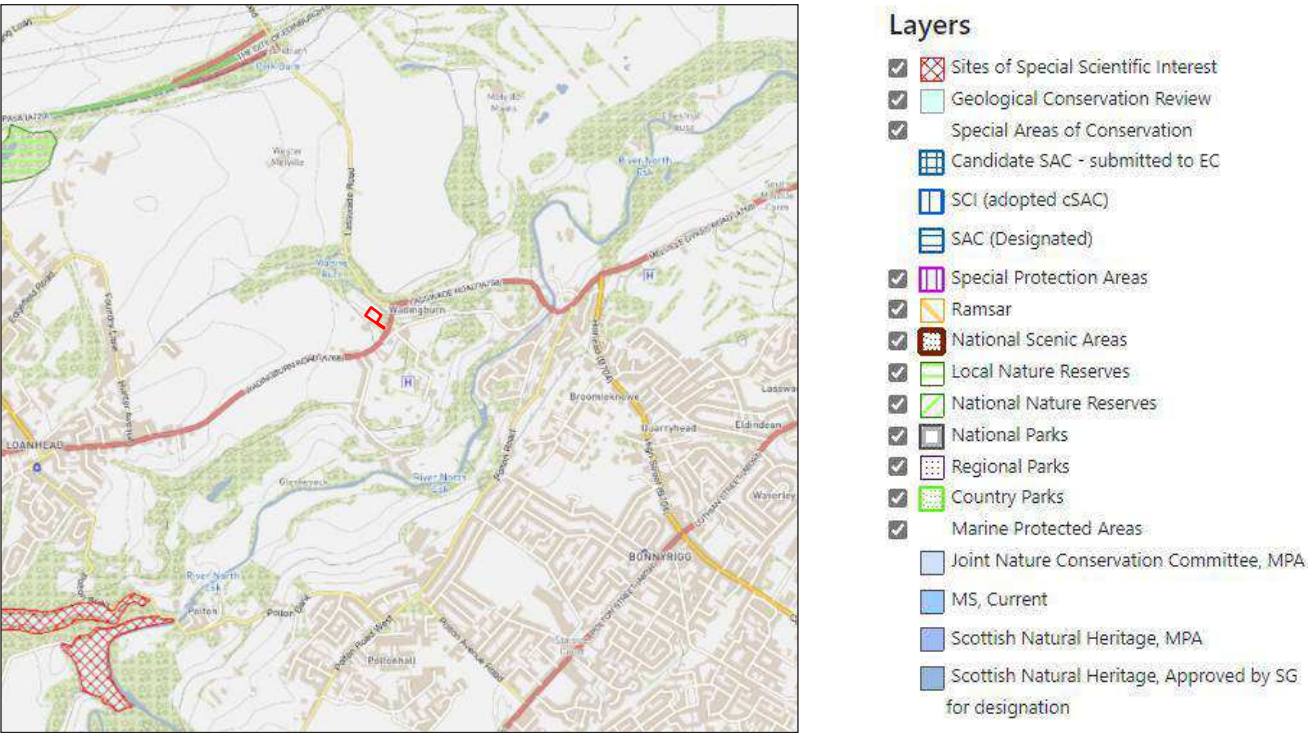
Utilising the area to the south of the burn for development takes advantage of the established woodland boundaries and sunken area of land between Lasswade Road to the north and Wadingburn Lane to the south. In this location the site slopes down to the burn, providing a further opportunity to design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

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

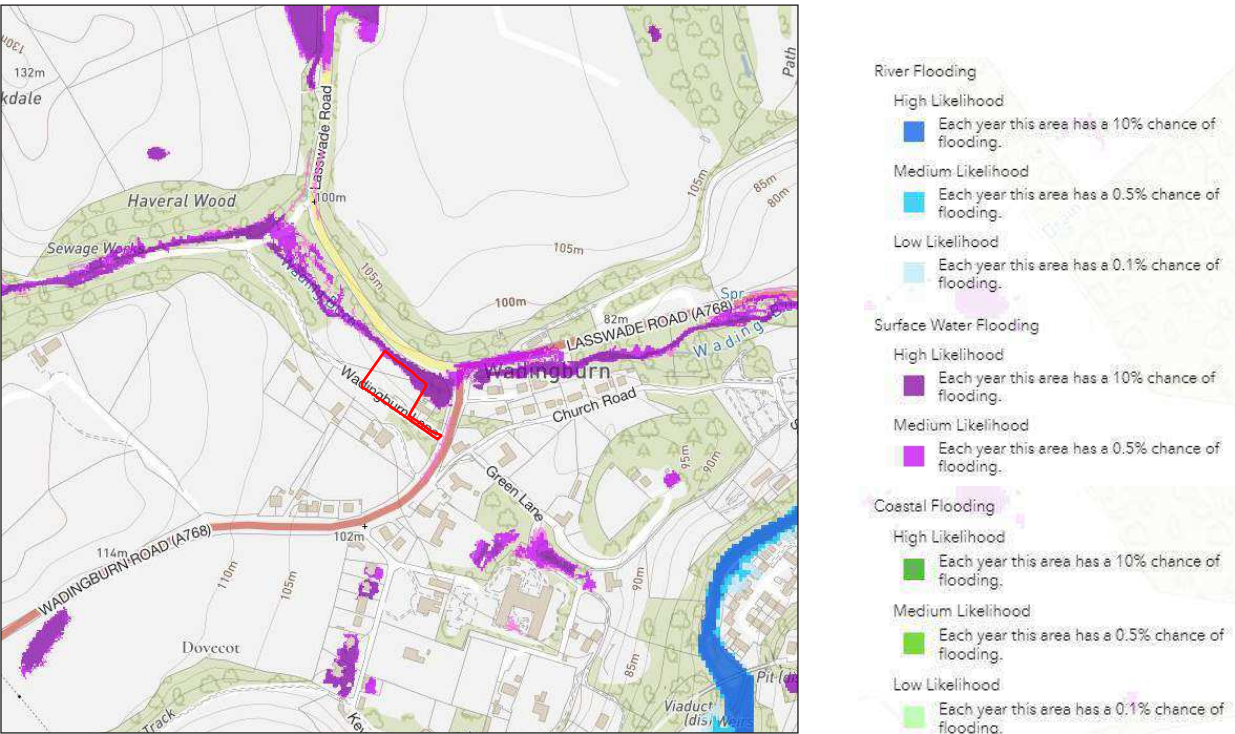
The access track is owned by the applicant up to the width indicated in the adjacent site plan, and utilised by No. 5, 7 & 9, aswell as Scottish Water to service the Sewage Works at the end of the track to the west.

02 / 2 The Site - As Existing

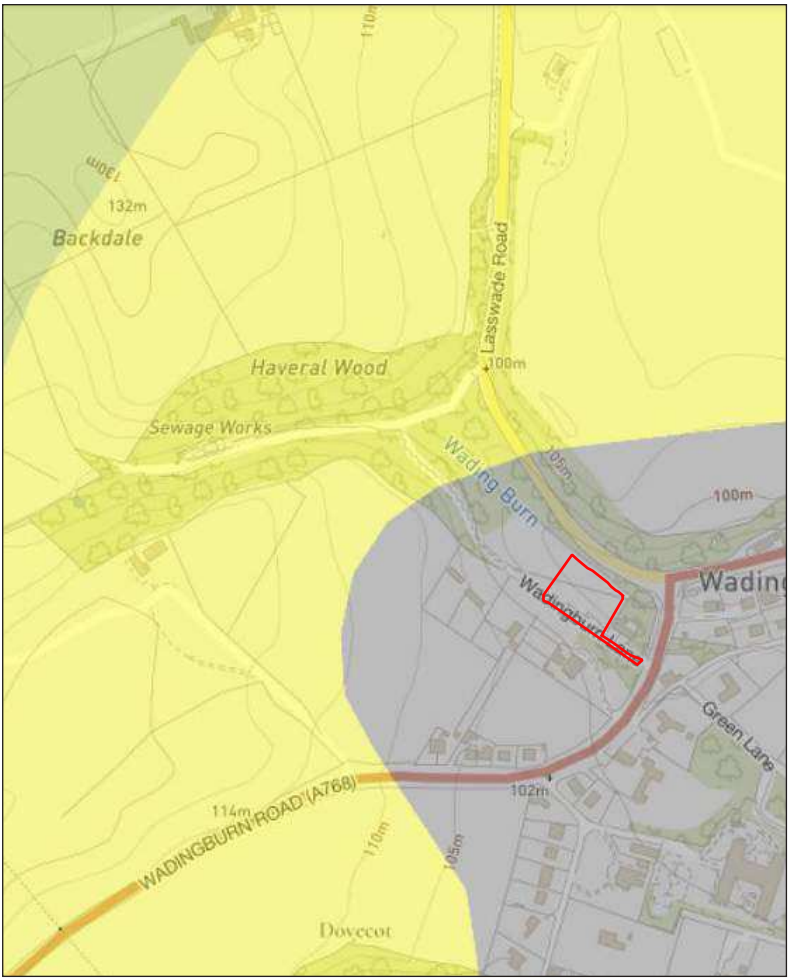
Protected Areas & Ecological Designations - No Designations



Flood Risk - High risk of Surface Water Flooding



Soil Designations - Designated as Urban



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

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

Key

Application Site Boundary

02 / 3 Site Images - Approach & Views In



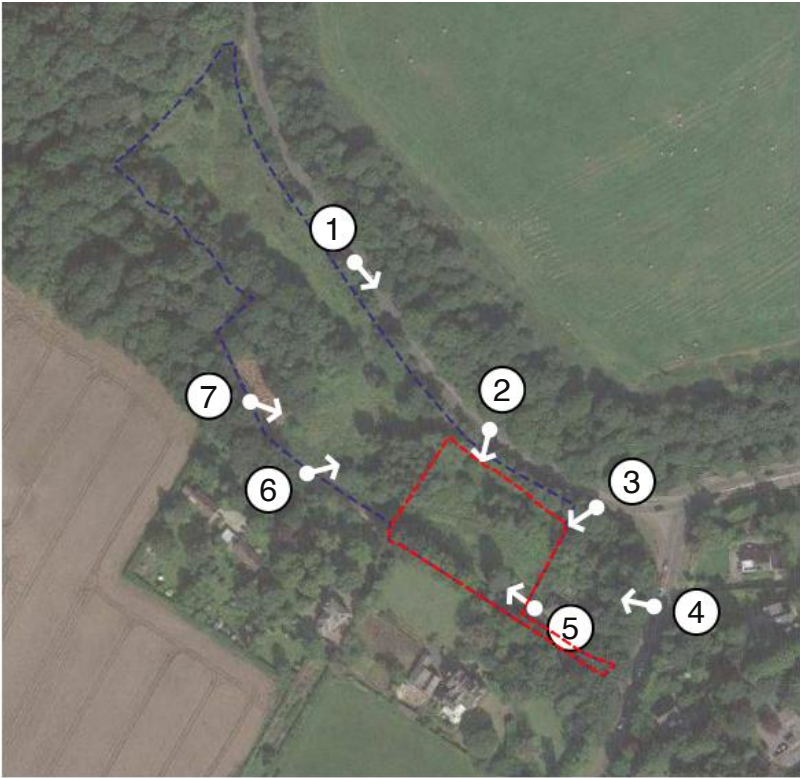
01



02



06



03



05



04



07

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

02 / 3 Site Images - Access



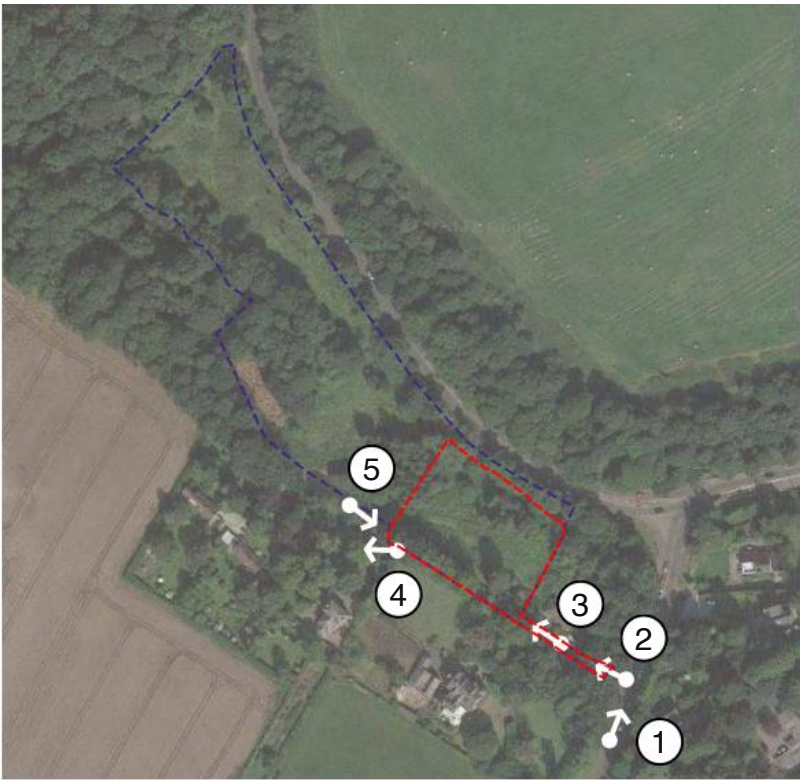
01



02



04



03



05

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

02 / 3 Site Images - Site & Views Out



01



02



03



04

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

02 / 3 Site Images - Existing Buildings



Existing Buildings

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

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

*Image:
Existing buildings to southern edge of site*



Site Constraints - Access, Vegetation, Orientation

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

Site Opportunities - Privacy, Views, Terrain

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

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

Key

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

Image:
Site analysis diagram

03 Local Context

Section Contents

03 / 1 Historic Development	22
03 / 2 Listed Buildings	23
03 / 3 Local Architecture	24
03 / 4 Local Materiality	26

03 / 1 Historic Development

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

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

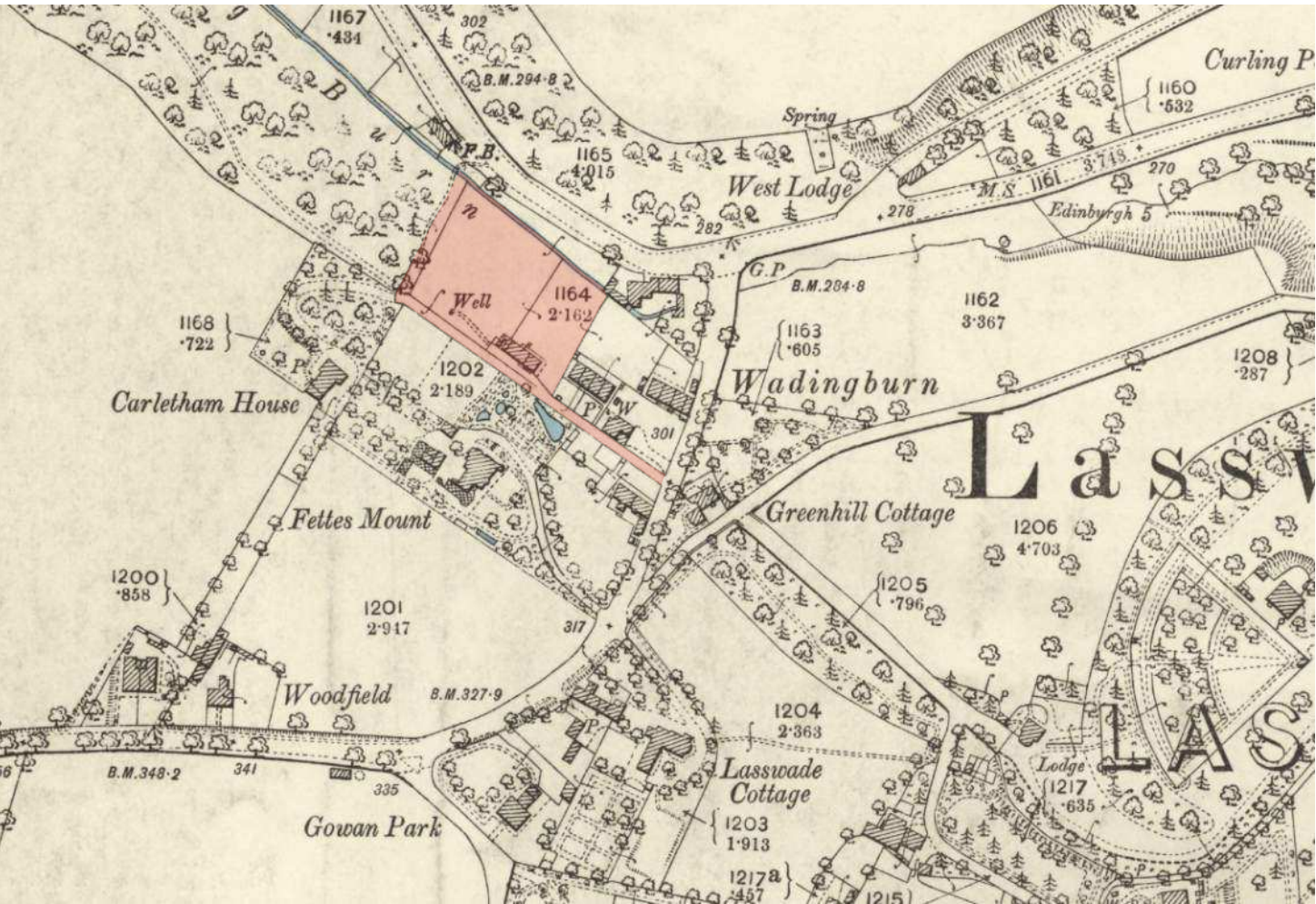


Image: OS Map, 1894

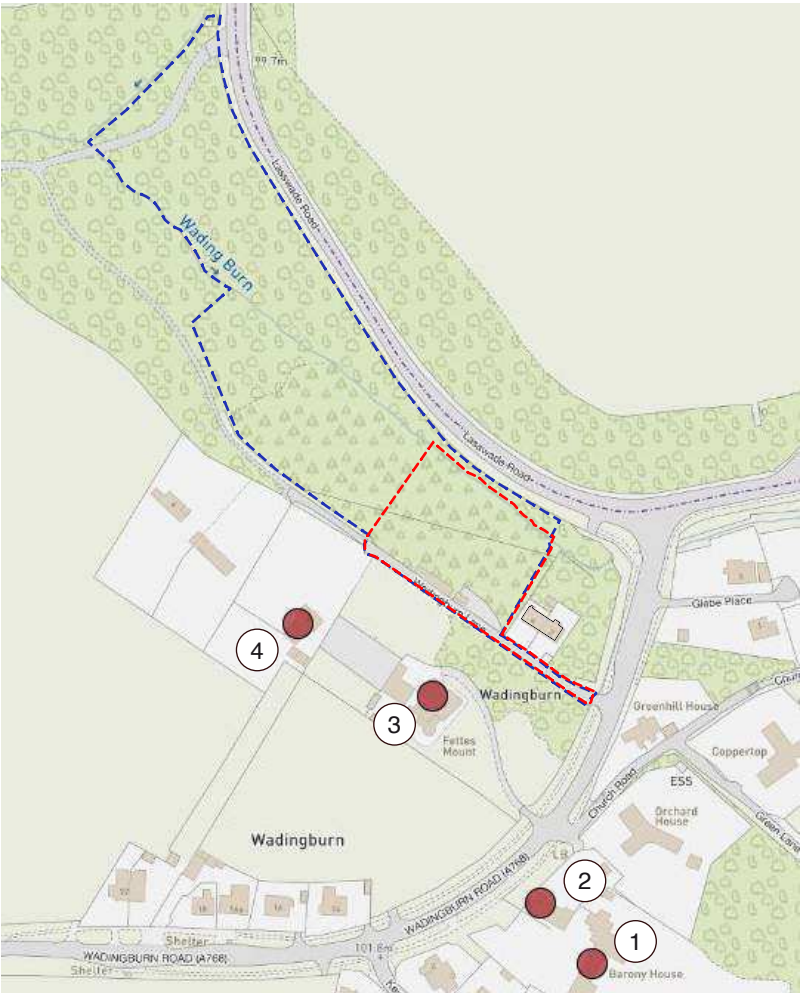


Image: Map showing areas of development and abandonment between 1900 and present day.

03 / 2 Listed Buildings

Listed Buildings in the Local Area

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



Key

Application site boundary

Ownership boundary

Listed Buildings

1. Barony House, Wadingburn Road



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

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

2. Barony Cottage and Gateway, Wadingburn Road



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

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

3. Fettes Mount, Wadingburn Lane



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

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

4. Carlethan House, Wadingburn Lane



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

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

03 / 3 Local Architecture - Traditional



Character and Appearance

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

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

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

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

03 / 3 Local Architecture - Contemporary



Eclectic Architectural Mix

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

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

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

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

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

03 / 4 Local Materiality

Roofing



Slate Roof



Pantile Roof

Walls



Natural stone walling



Render in white



Render in earth tones



Weathered larch



Western red cedar

04 Planning Context

Section Contents

04 / 1 Planning Introduction	29
04 / 2 Local Development Plan	30
04 / 3 Previous Planning Application	31
04 / 4 Nearby Planning Applications	32
04 / 5 Plot Size & Development Percentages	34



Introduction

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

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

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

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

Image:
Proposal at 16 School Green - Planning Permission Granted



Planning Policy Overview

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

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

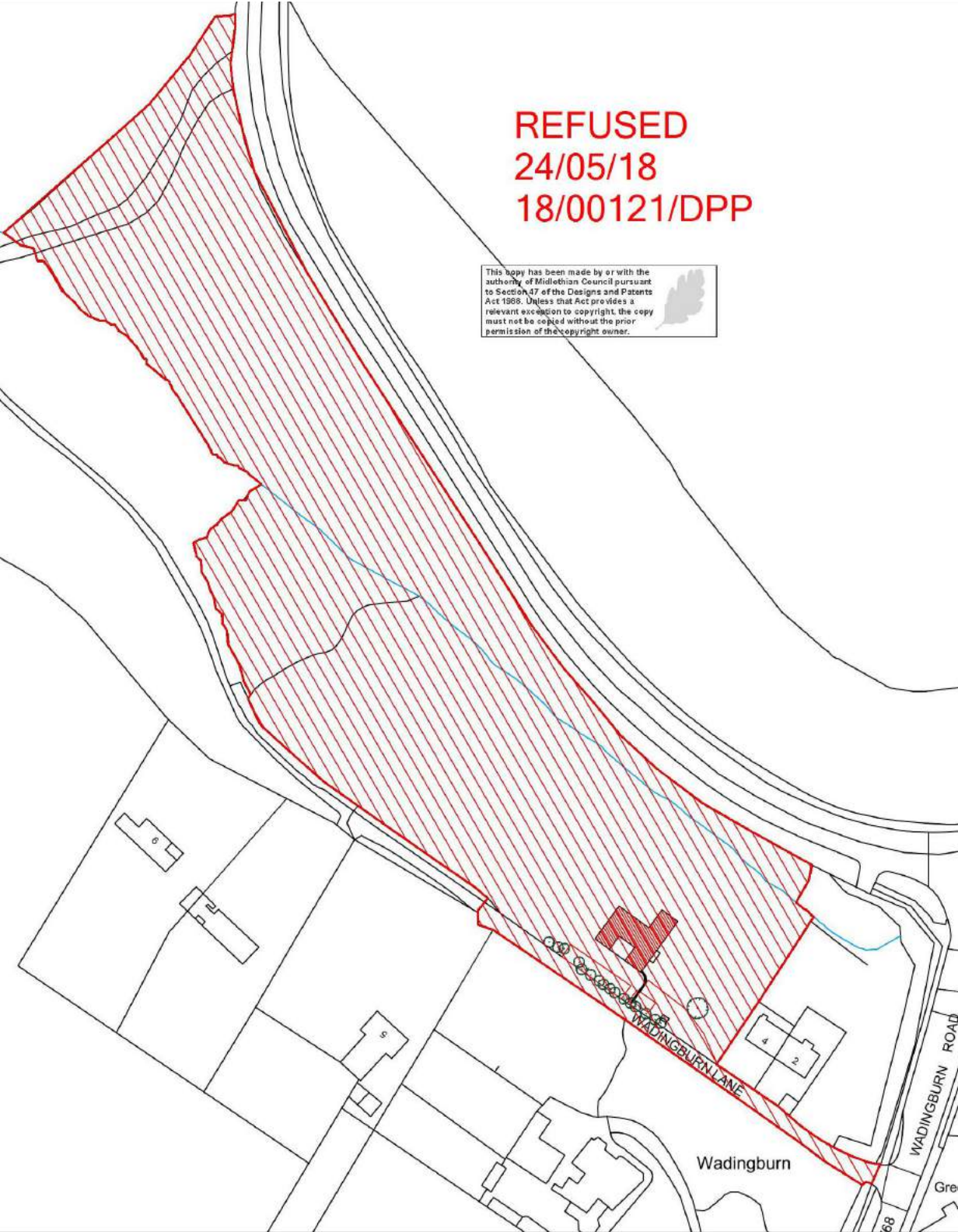
- Policy DEV5 Sustainability in New Development
- Policy DEV6 Layout and Design of New Development
- Policy DEV7 Landscaping in New Development
- Policy DEV8 Open Spaces
- Policy TRAN5 Electric Vehicle Charging
- Policy IT1 Digital Infrastructure
- Policy ENV1 Protection of the Green Belt
- Policy ENV4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

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

Key

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

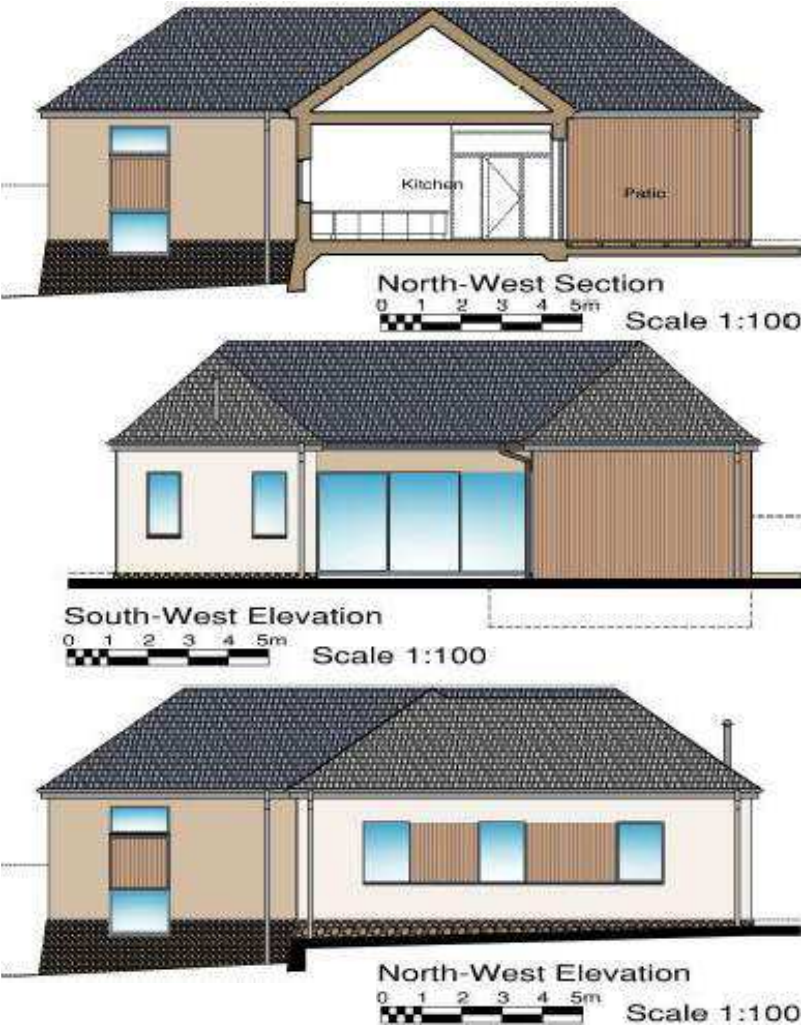
*Image:
Relevant Midlothian LDP 2017 Site Designations*



Previous Planning Application

Ref: 18/00121/DPP

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

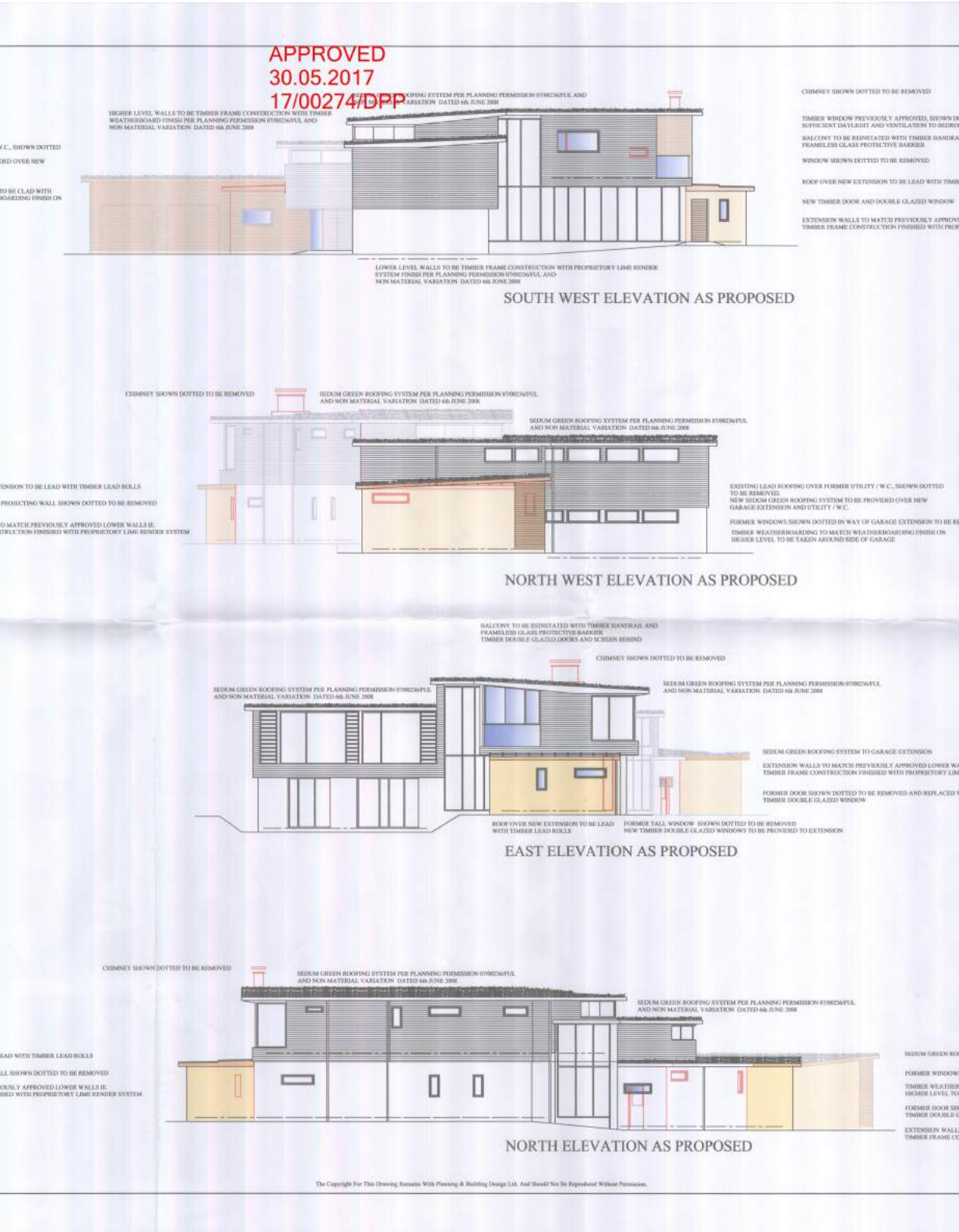


Images:
Left - Proposed Location Plan (refused)
Above - Proposed Elevations (refused)

Reasons for Refusal:

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

04 / 4 Nearby Planning Applications



Land North of Barony House (Orchard House)

Ref: 17/00274/DPP

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

30 May 2017 - Application Granted with Conditions

Reason for Approval

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

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

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

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

04 / 4 Nearby Planning Applications



Land adjacent to 16 School Green

Ref: 17/00672/DPP

Erection of dwellinghouse

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

Reason for Refusal

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

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

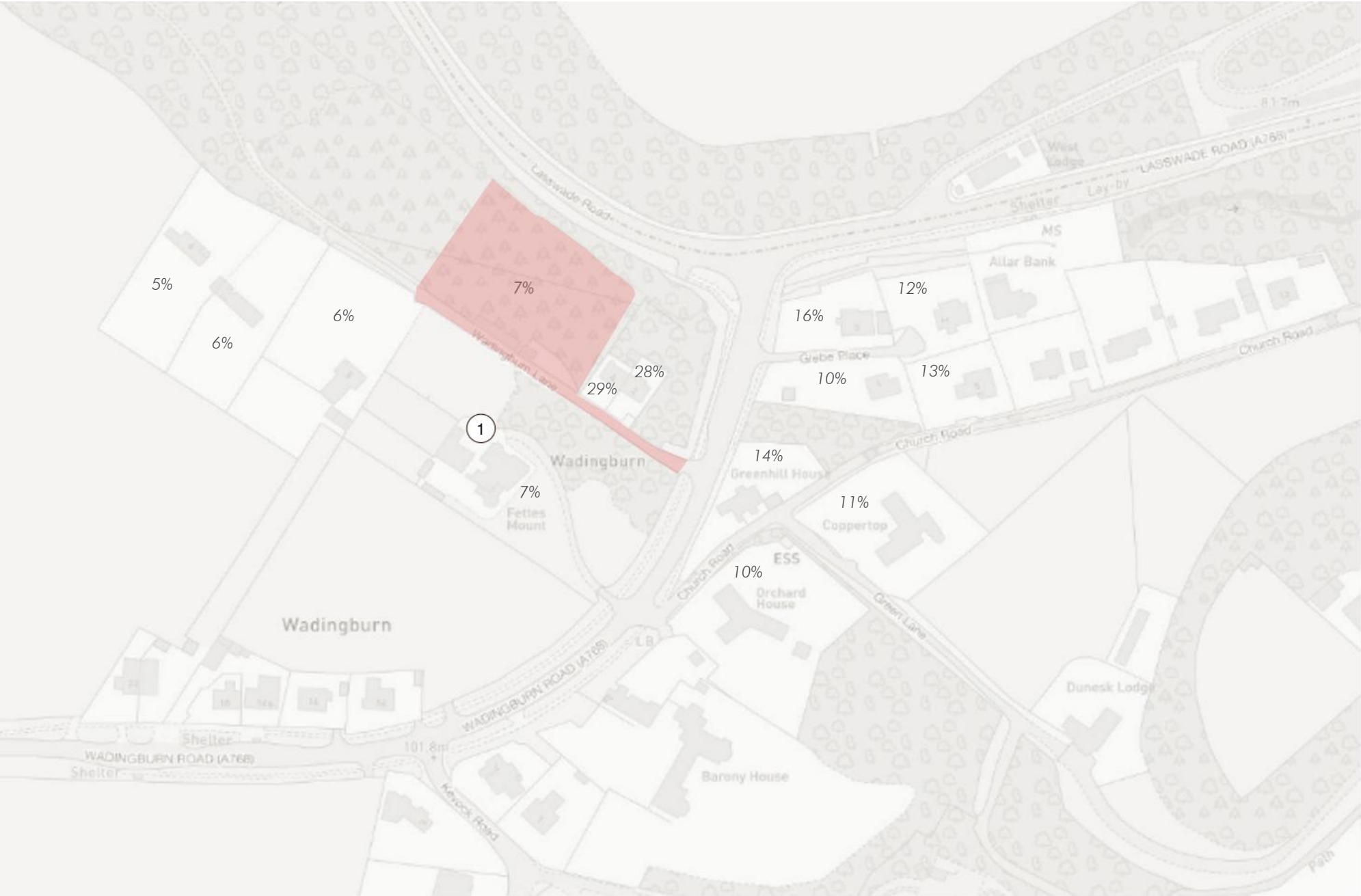
Reason for Approval

In determining the review the LRB concluded:

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

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

04 / 5 Plot Size & Development Percentages



Summary of Plot Sizes

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

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

Key

- Application Site Boundary
- 1 - Fettes Mount

Image:
Plot Sizes & Development Percentages

05 Emerging Proposals

Section Contents

05 / 1 Project Brief	37
05 / 2 Defining Key Moves on the Site	38
05 / 3 Design Principles	39
05 / 4 Emerging Location Plan	40
05 / 5 Emerging Site Plan	41
05 / 6 Emerging Floor Plans	42
05 / 7 Emerging Site Section	44
05 / 8 Emerging Elevation	45
05 / 9 Emerging Materiality	46
05 / 10 Landscaping	47
05 / 11 Ecology	48
05 / 12 Tree Survey	49
05 / 13 Environmental Considerations	50
05 / 14 Access, Parking & Site Services	51
05 / 15 Emerging 3D Image	52

05 / 1 Project Brief



Client Brief

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

The following design features are to be considered:

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



Image:
Precedent images

Key Moves

The key design moves to be explored are as follows:

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



Key

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

Image:
Existing Site Plan - Key Moves Diagram



A Dwelling Designed from the Outside-In

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

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

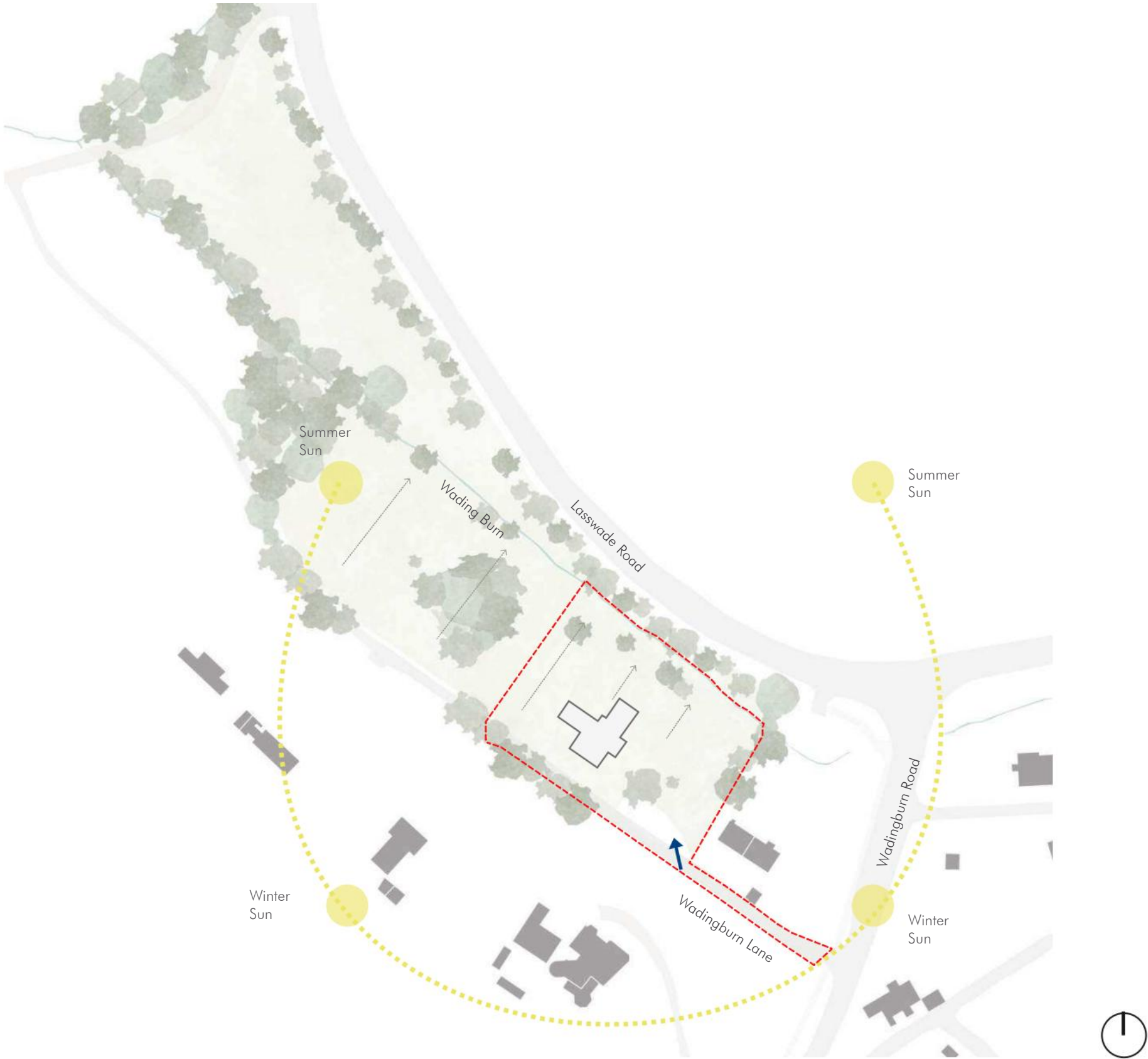
Landscape zones (1), (2) and (4) are partially enclosed by the existing site boundaries of Wadingburn Lane, trees and retaining wall to the south-west, the boundary fence and trees to the south-east and Wading Burn to the north, while zone (3) has an open connection to the surrounding landscape.

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

Key

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

Image:
Proposed Site Plan - Design Principles Diagram



Location Plan

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

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

Key

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

Image:
Proposed Location Plan



Site Plan

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

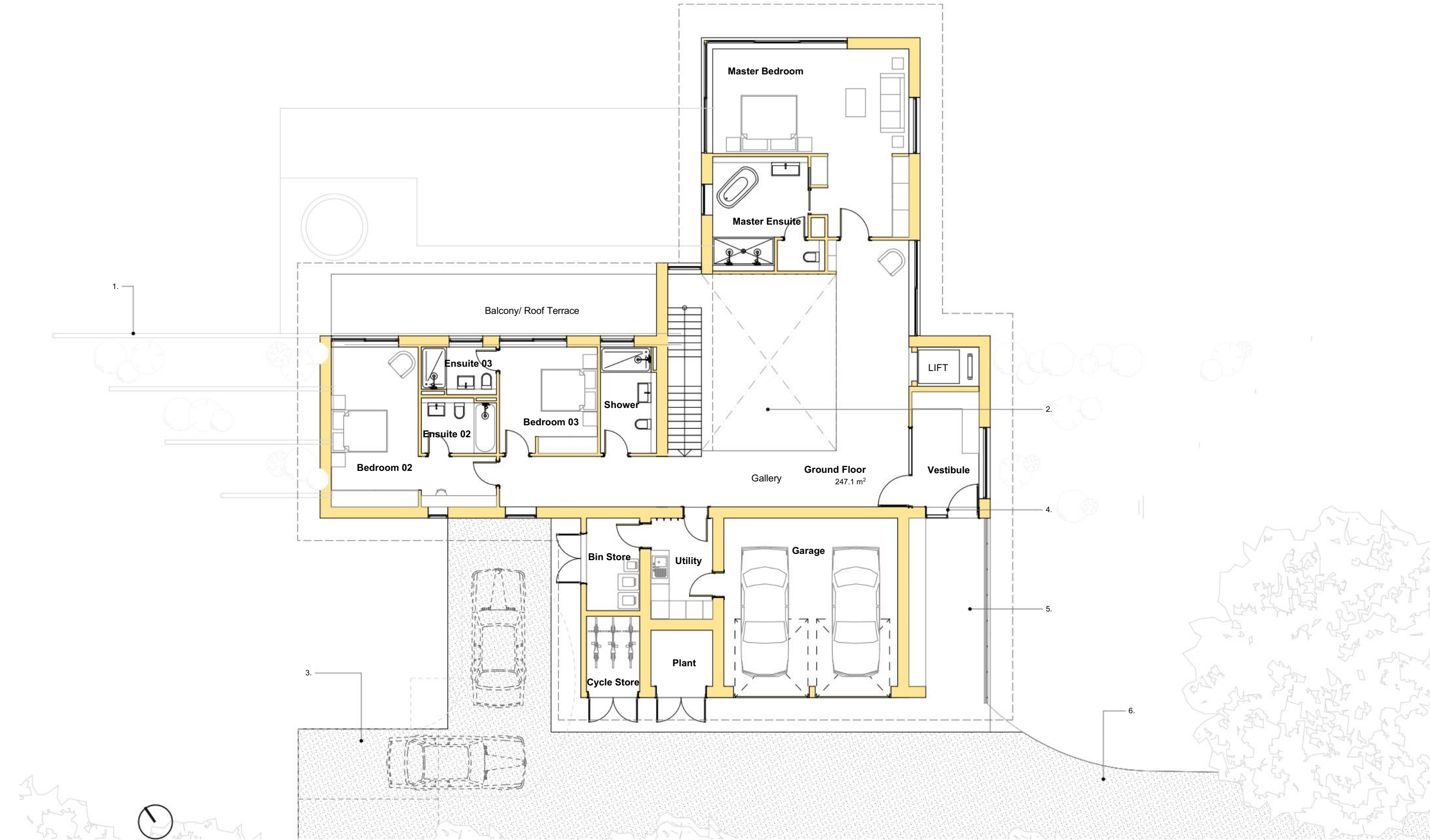
On the ground floor level, the private garage and discreet entrance vestibule opens onto an impressive double height gallery space which reveals the kitchen area nestled into the hillside below. The second and third bedrooms face towards Wading Burn, while the master bedroom has a panoramic view of the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

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

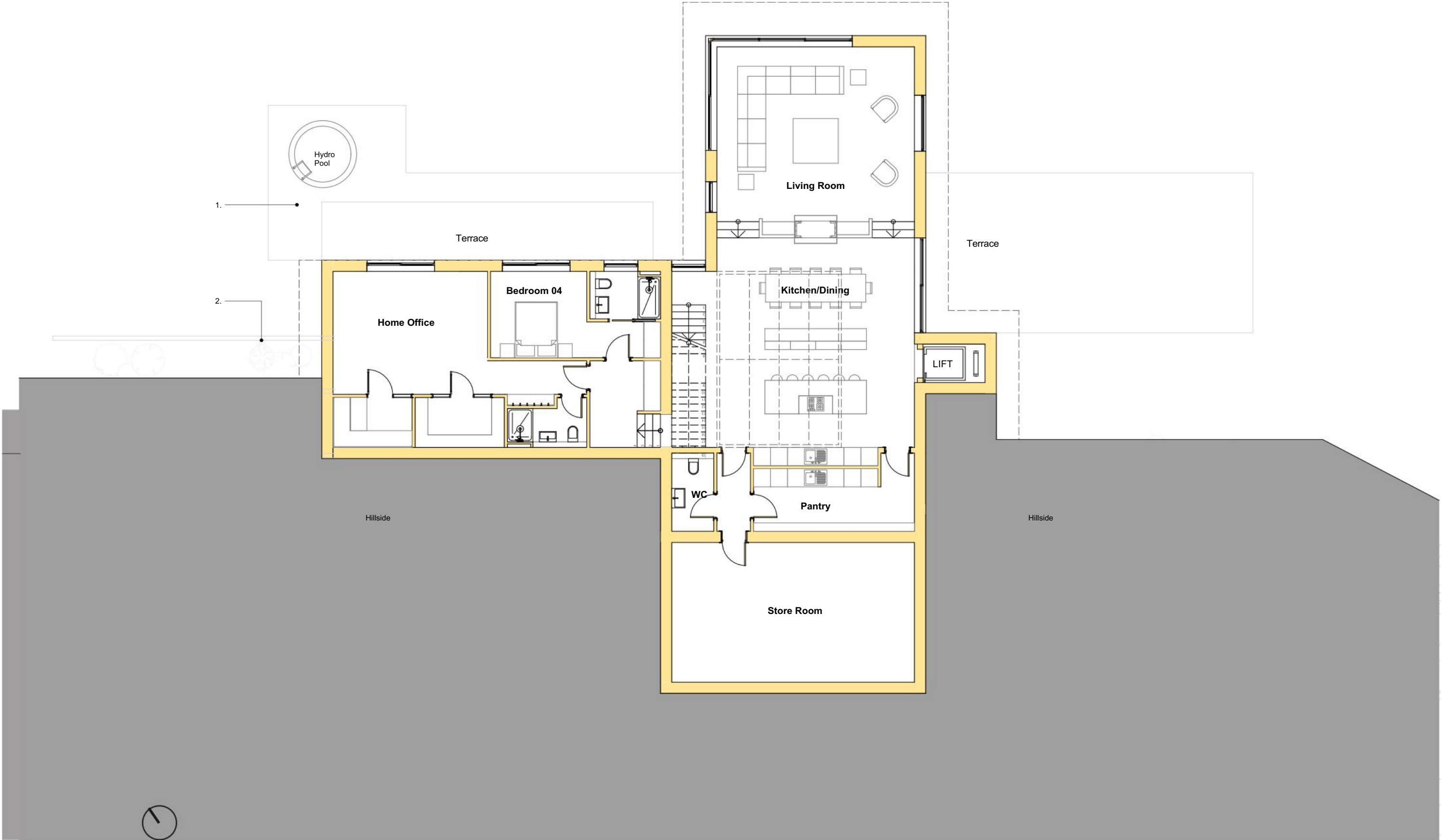
- Key
- Application Site Boundary
 - Existing Combined Sewer
 - Existing Surface Water Pipework
 - Existing & Proposed Access

Image:
Proposed Site Plan & Site Section Diagram

05 / 6 Proposed Floor Plans - Ground Floor



05 / 6 Proposed Floor Plans - Lower Ground Floor



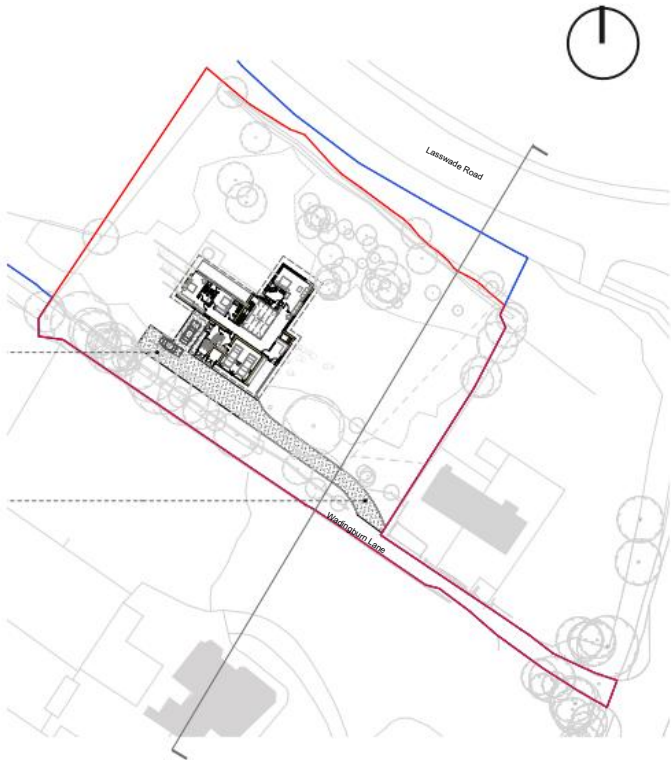


Image:
Proposed Site Section

05 / 8 Proposed Elevation

Trees are to be retained to reinforce the local landscape character and retain ecological and biodiversity benefits.

Landscaping treatment has been selected to define spaces of differing external characters to which internal spaces connect.

The topography of the site is utilised to maximise double-height views of the surrounding landscape.

The dwelling is designed to sit within the landscape with its green roof and use of natural materials, including weathered larch and stone gabion walls.

On arrival the dwelling appears as a single storey home which responds in proportion and position to the immediate neighbouring properties.



Image:
Proposed North-West Elevation

05 / 9 Emerging Materiality

Exterior



Weathered larch



Stone Gabions



Large Format Cladding Tiles



Dark Metal Roof & Window Profiles



Glazing

A Considered Approach to Quality Materials

Architecture

Quality of materials and detailing will create a locally distinctive feel to the development, whilst being rooted to the characteristics of the site and the surrounding natural landscape, and referencing the local rural vernacular.

The general approach to materiality across the site will be developed in more detail as the project progresses. However, overall it is clear the proposed emerging materiality will take a sensitive and high-quality approach, in-keeping with the character and natural environment of the setting.

Landscape

From a landscape perspective, a soft approach will be taken across the site with the aim of maximising the amount of greenery and planting, and existing trees on site will be retained where possible.

Green Roof



Green Roof & Soft Landscaping

Boundary Treatments

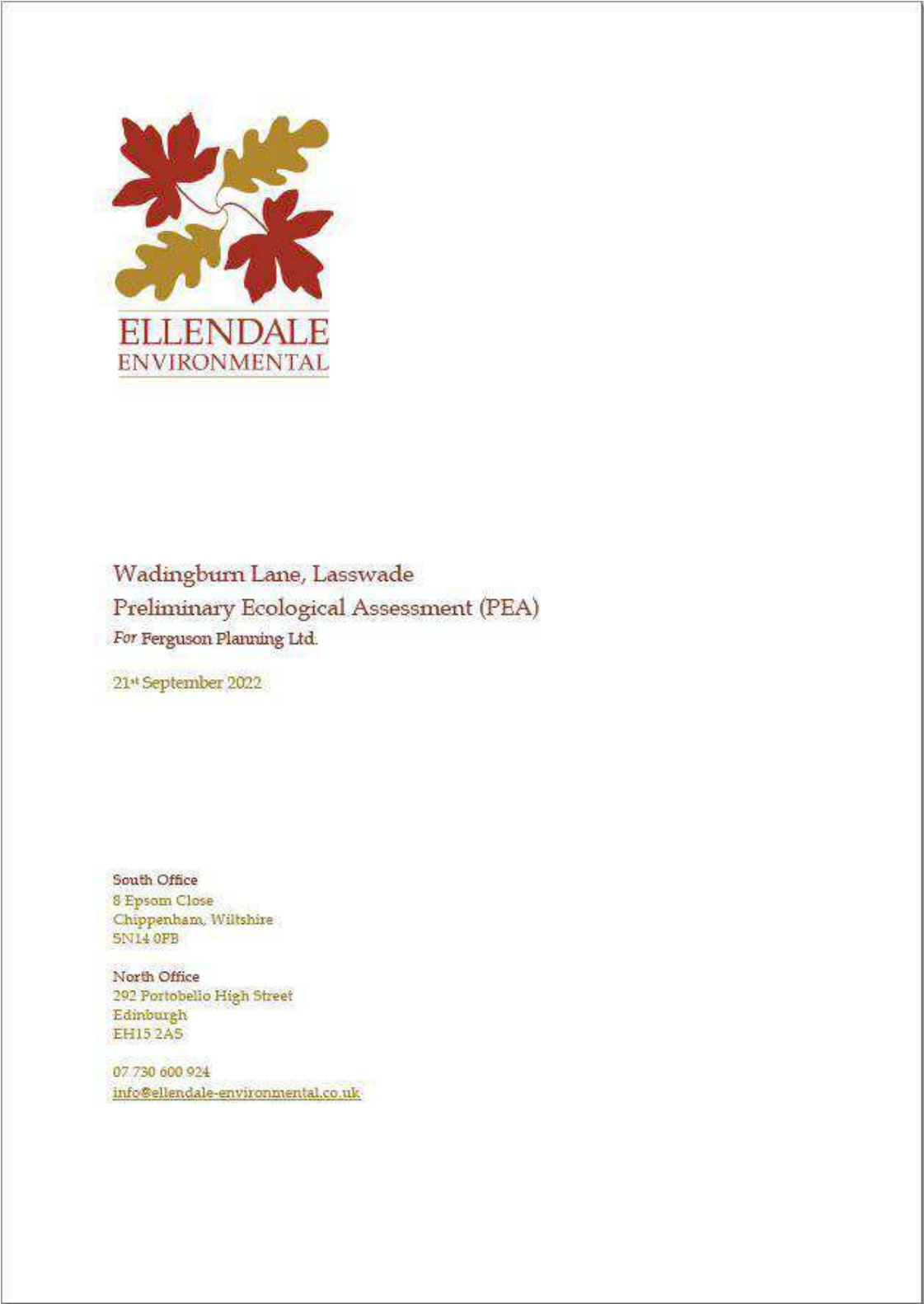
The application site is enclosed on three sides by the existing boundaries of Wadingburn Lane, trees and 2m retaining wall to the south-west, the boundary fence and trees to neighbouring properties to the south-east and Wading Burn to the north, while the boundary to the north-west will be formed with soft landscaping to maintain a soft and open connection to the surrounding landscape.



- Landscape Character Zones:
- 1 - Driveway Entrance
 - 2 - Natural Landscape
 - 3 - Landscaped Garden / Seating Area
 - 4 - Lawned Garden

Image:
Proposed Site Plan - Landscaping





Ecological Assessment

A Preliminary Ecological Assessment has been carried out for the site which identifies an area of semi-improved grassland, tall ruderal, broadleaf woodland, a pond area, the burn and old stables. Overall the site has been assessed as providing low suitability to support protected species, and no evidence of protected species was identified at the time of the survey.

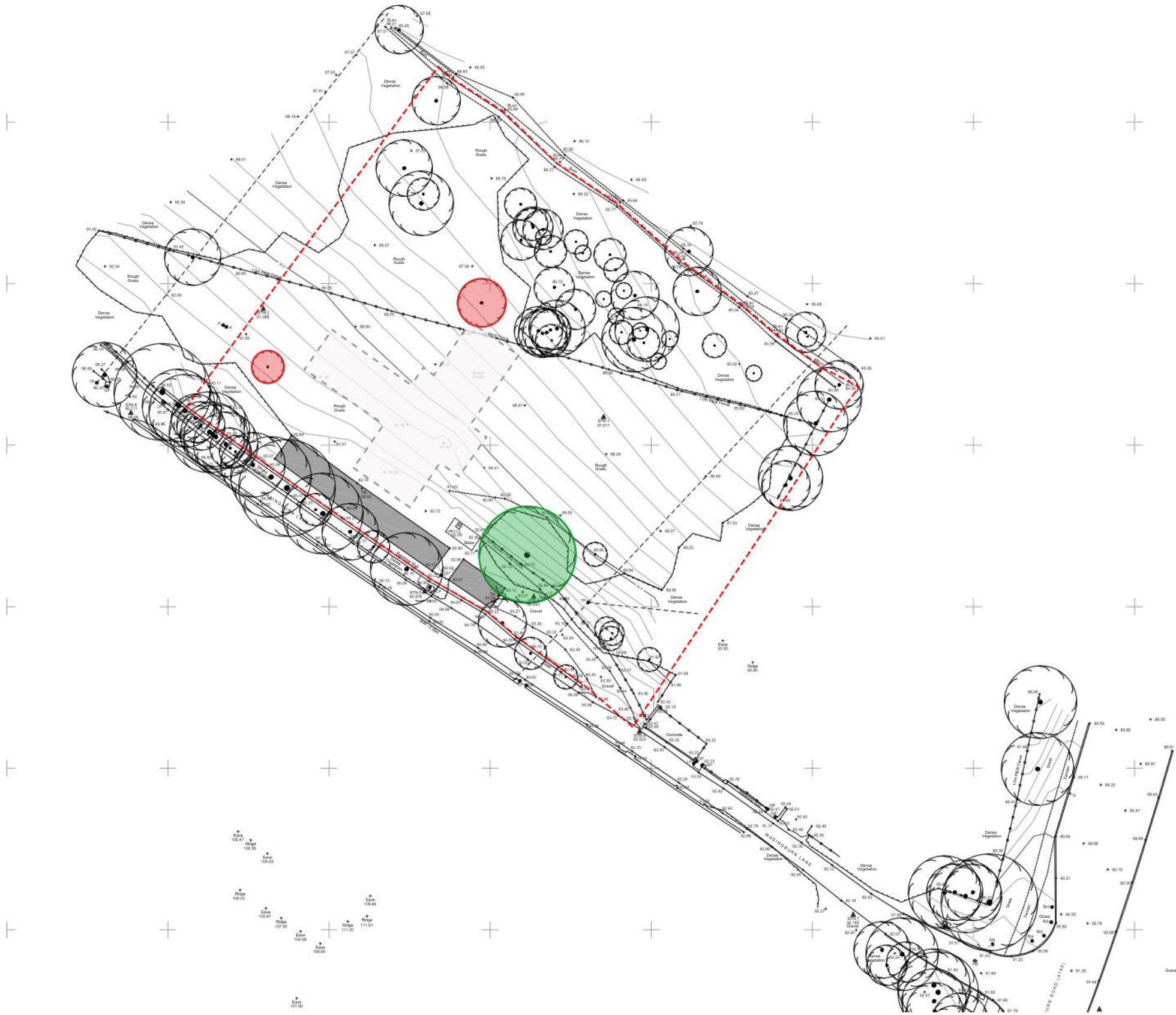
Recommendations have been made for post-construction ecological enhancements which will be explored by the Client including:

- Planting of native shrubs in appropriate areas of the site to bolster the existing habitat and provide connectivity between existing habitats;
- Clearing of vegetation and selective replanting at the pond and burn to provide habitat for a number of species including invertebrates, small mammals, common reptile and common amphibian species;
- Bird nesting boxes placed within the woodland to create nesting opportunities for small bird species;
- Bat boxes placed around the site boundary to create roosting opportunities for bat species.

Planting

The Client has begun to undertake planting within the ownership boundary to enhance the ecology surrounding the site, species include the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquif. Alaska
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

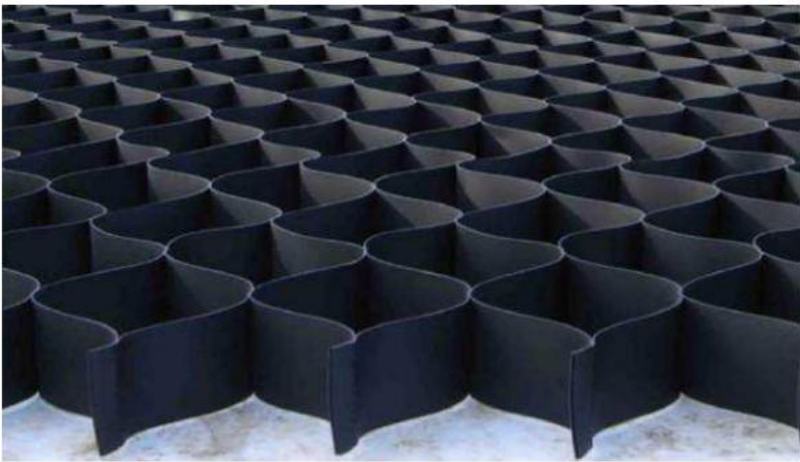


Tree Retention

As can be seen from the topographical survey which identifies the location of all existing trees on the site, we are proposing to retain all trees, including a mature sycamore tree located at the main site access point, except for the removal of 2no. immature trees. The trees being removed will be replaced with suitable native species, sited in a more appropriate location.

No site excavations will occur within the RPA's of retained trees. Protection methods will be in line with those proposed by the Project Arboriculturist.

In addition, the upgraded track to form the main driveway will be constructed using a cell web trackway to protect the RPA of the adjacent trees.



Key

- Application Site Boundary
- Proposed Dwelling
- Tree to be Removed
- Significant Tree to be Retained



Environmental Considerations and Renewables

Biodiversity

The existing biodiversity on the site will be supported by the inclusion of landscaped areas using native plant species, and a green roof. Low cost items such as areas of wildflower can increase the biodiversity of the site and respect the rural context in which the site is located.

Building Fabric

The dwelling will be highly insulated so that the construction make up of walls, floors, roofs and glazing will maximise the performance of the building fabric. Materials and components will be carefully selected to reduce thermal transmittance. This will result in less demand for heating, thus improving energy efficiency and reducing running costs.

Renewable Technologies

While the orientation of the building has been designed to maximise views out, solar PV panels will be located on suitable areas of the green roof to provide a sustainable source of energy to power / heat the dwelling.

GSHP

A Ground Source Heat Pump (GSHP) is proposed to be installed. GSHPs are a low carbon heating alternative which work by extracting heat from the ground and transferring it into the home, providing heating and hot water from the energy stored in the ground. Heat pumps are very efficient and have the potential to significantly lower energy bills.

Key

- Indicative location of SUDS soakways and detention basins
- Indicative location of GSHP
- Indicative location of Solar PV
- Green Roof

Image:
Proposed Site Plan - Environmental Considerations



Servicing Strategies

Access / Road
The existing site access located off Wadingburn Lane will be upgraded to provide suitable private driveway access to the dwelling. Wadingburn lane itself, providing access to 5 other properties, will remain as exiting.

The applicant will provide a Construction Management Plan pre-commencement on site which will detail access arrangements, site set-up and making good proposals to the track access.

Parking
2no. resident parking spaces are provided for the 4 bedroom property. The dwelling has a double garage which provides additional secure parking provision. An electric charging point will be provided, along with secure and covered cycle storage.

Refuse
Private and covered bin storage is provided behind the garage / plant room, out of site on approach to the dwelling. Bins will be presented road side for safe collection.

- Key
- ➡ Main Access Route
 - Bin Storage
 - Bicycle Storage
 - Resident Parking (2 no.)

Image:
Proposed Site Plan - Services



Image:
View on approach from Wadingburn Lane

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PLANNING STATEMENT

ERECTION OF A NEW DWELLING, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE

LAND NORTH WEST OF 4 WADINGBURN LANE, LASSWADE

NOVEMBER 2022

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1. INTRODUCTION

- 1.1 We write on behalf of Mr Bernard Flanagan (the applicant) in support of a planning application for planning permission for the *“Erection of a new dwelling, associated landscaping and infrastructure”* on land north west of 4 Wadingburn Lane.
- 1.2 The application has been submitted electronically via E-Planning (100606547-001) along with the following supporting information.

Submission Documents	Consultant
E-Planning Forms and Certificates	Ferguson Planning Ltd
Planning Statement	Ferguson Planning Ltd
Design and Access Statement	LBA
Architectural Drawings	LBA
Preliminary Ecological Assessment	Ellendale Environmental
Tree Survey and Impact Assessment	ROAVR Group

- 1.3 This report is set out in the following order:

- Section 2 describes the site, site context and relevant planning history
- Section 3 details the application proposals
- Section 4 provides a summary of the relevant planning policy context and sets out our assessment of the proposal against relevant planning policy
- Section 5 sets out our assessment of the proposal against relevant material considerations; and
- Section 6 provides a summary and conclusions.

- 1.4 The information included within this planning statement should be read in the context of all supporting drawings and documents submitted with this application and listed in full at Appendix A..

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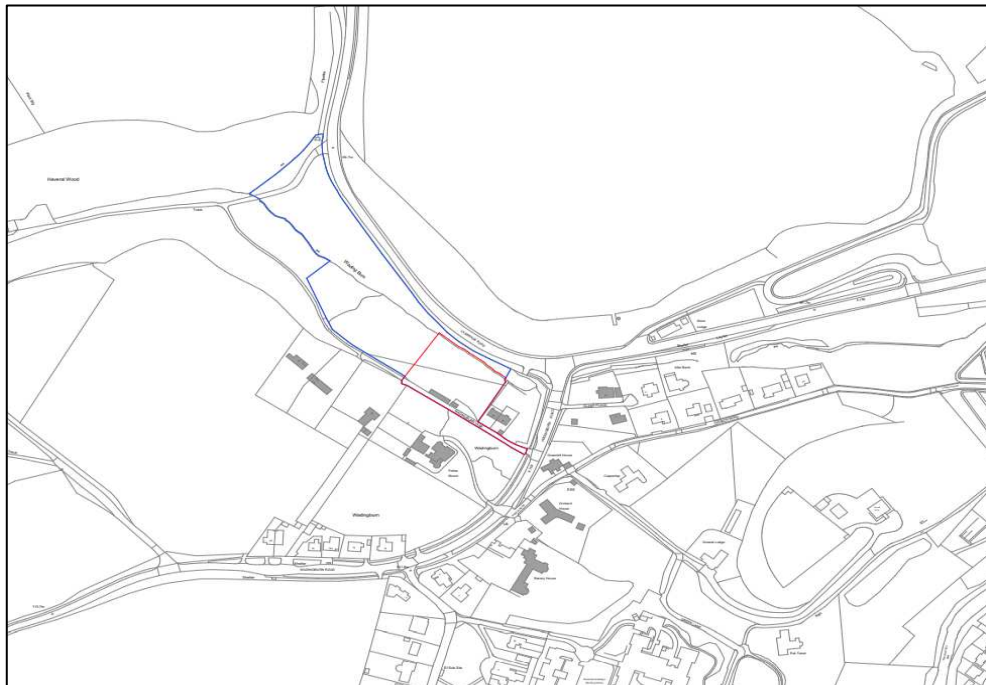
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2. SITE CONTEXT AND PLANNING HISTORY

The Site

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



- 2.3 The site is currently occupied by a timber shed and summer house, and the remainder is grass and vegetation including several well-established trees. Whilst the applicant's wider land holding is covered in dense woodland, the proposed development site provides a suitable clearing. It is however, bound on all sides by

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mature trees, which the client proposes to retain to provide an attractive landscape setting, and substantial screening for the for the new dwelling, as can be seen in the series of images below.



Figure 1: View of site from south west (Google Earth)



Figure 2: View of site from south east (Google Earth)

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Figure 3: View of site from north (Google Earth)

Planning History – 18/00121/DPP

- 2.4 The previous owner of the site submitted a planning application in February 2018 for the erection of a new dwelling. This was subsequently refused in May 2018. The reasons for refusal are outlined below, and we have highlighted how we have addressed those issues through this revised application:

Officer Comment	New Application - Response
The site is within an area identified as prime agricultural land which would be permanently lost because of development.	The red line boundary has been amended and reduced significantly. The proposals now sit within the 'urban' classification and entirely outwith the prime agricultural designation, which begins further to the west. The proposed development would no longer result in the loss of prime agricultural land.
The house design is neither traditional nor contemporary, appearing as a sprawling suburban bungalow which is not reflective of the area.	The new dwelling has been designed by LBA to deliver a high quality, contemporary and sustainable forever family home for the applicant. It uses the slope of the site to create a dwelling which nestles into the hillside. The dwelling utilises traditional materials

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	(seen elsewhere in Lasswade) with a modern interpretation (as supported on other new dwellings in Lasswade, in the Green Belt - refer to Section 5 for details).
The house is not of significant high-quality design for what would be a relatively prominent building within the Green Belt.	The applicant is seeking to deliver an exemplar modern family home, which draws upon the existing natural landscape of the site. We consider that the dwelling sets a high bar in terms of quality and design, which provides the exception for development in this Green Belt location.
The submitted plans show the site covering a large area extending to Lasswade Road and further north. It is not clear how much land is to be developed along with the house, whether this be a small area around the house or the whole site	The overall site area has now been significantly reduced. Only c.24% of the applicant's land holding is now proposed for development, to include the new dwelling and both formal and informal garden areas, supported by new landscape proposals and additional planting.
Development of the whole site as identified on the location plan would not be acceptable. The loss of this to become garden ground would significantly change the character of the area, making a substantial transformation from a rural character to a more developed and suburban feel which would have a significant detrimental impact on the area.	The proposed development area is now restricted to a much smaller area. The plot size is now much more akin to surrounding properties, and the plot density is now c.7% (as shown on Pg 34 of the DAS), which is in keeping with the development percentages of neighbouring plots. The rest of the applicant's land holding will be unaltered and the rural character of this approach to Lasswade will therefore be retained.
Although at present there are houses adjacent to the site, their associated garden grounds are constrained and appropriate to the surroundings, rather than extending to a large extent which could have a significant adverse visual impact on the area.	The proposed development area is now constrained to an area which is not dissimilar to other larger properties in the immediate area. The plot will be demarcated by existing and proposed tree planting to create a clear distinction between the dwelling and associated garden ground, and wider Green Belt designation.
The proposal also has potential to have a significant impact on wildlife in	The applicant has submitted a Preliminary Ecological Assessment with

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<p>the area. Although representors have stated that several species would be affected if the whole site were developed, the Council's Biodiversity Officer considers if development were contained to an area around the proposed house, there would be limited impact. However, if it were extended to the whole application site, a biodiversity survey would be required to assess the wildlife impact, particularly badgers.</p>	<p>the application. Overall, the site was assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.</p> <p>Recommendations have been made for several ecological enhancements at the site, including planting of native shrubs, bird nesting boxes and bat boxes.</p> <p>These recommendations have been taken on board by the applicant and are outlined in the DAS and submitted landscape drawing.</p> <p>The reduction of the development area also means that the remainder of the site will be unaffected, taking on board the Council's previous recommendation.</p>
<p>The submitted plans appear to show that the existing landscaping along Wadingburn Lane is to be removed and replaced by new hedging. This landscaping reflects the rural character and makes a positive contribution to the surrounding area. The loss of this landscaping would have a detrimental impact on the rural character of the area.</p>	<p>The existing landscaping along Wadingburn Lane will now be retained.</p>
<p>The mature tree within the site which is to be retained is to be positioned within the proposed driveway and very close to the proposed retaining wall. It is highly likely that the roots of this tree would be affected by the creation of this retaining wall which could significantly damage the health of the tree. This tree adds to the landscape character and its loss should be avoided.</p>	<p>The mature sycamore tree at the entrance to the site will be retained. The Tree Survey submitted with the application, recommends that the upgraded track to form the main driveway to the site is constructed using a cell web trackway to mitigate against any potential damage to root protection areas.</p>
<p>Overall, there is no policy support for a dwellinghouse at this site within the Green Belt, nor are there any material</p>	<p>We consider that the proposed revisions to the application, since the previous submission and the high quality and</p>

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planning considerations which would otherwise justify approval.	contemporary nature of the family home, together with the material planning considerations outlined in Section 5 of this report, would allow for a departure from the Green Belt policy and justify approval.
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3. PROPOSED DEVELOPMENT

3.1 This section sets out details of the proposed scheme which forms the subject of this planning application. The description of development is as follows:

“Erection of a new dwelling, associated landscaping and infrastructure”

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



Figure 4: 3D Image provided by LBA - View on approach from Wadingburn Lane

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

- A contemporary family home with four bedrooms, and open plan living areas to accommodate a young family and modern lifestyle.
- A dwelling which utilises the existing topography of the site, with one and two-storey elements stepping down the hillside, including double height windows to take advantage of the rural views.
- Two new car parking spaces will be provided, with an electric charging point and secure covered cycle storage.

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- High quality natural materials including timber and landscaped surrounds to create a dwelling which sits comfortably within its surroundings and is screened from view, protecting both privacy of the applicant in their new family home and existing neighbours.
- A focus on sustainability through choice of building fabric, use of solar PV panels, ground source heat pump and new landscaping to include SUDS and planting to enhance biodiversity.

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4. POLICY CONTEXT AND PLANNING ASSESSMENT

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states: 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.'

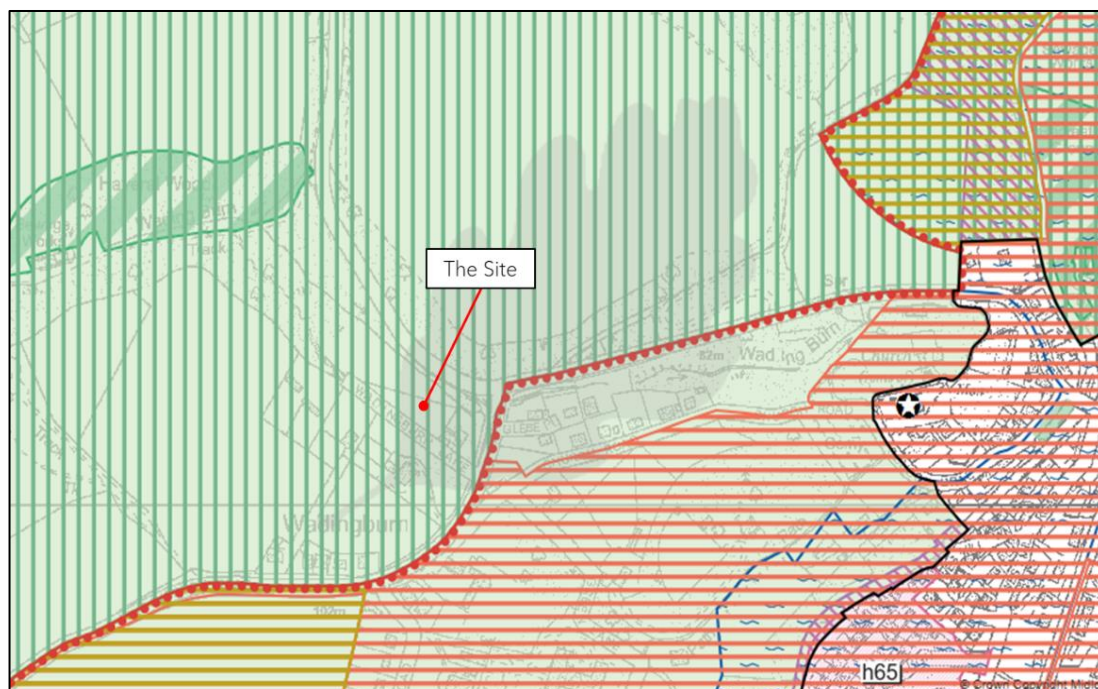
4.2 Within this context, the Development Plan covering the properties comprises the:

- SESplan Strategic Development Plan (2013); and
- Midlothian Local Development Plan (2016)

4.3 As the proposals are not of a strategic nature, we have not considered the SDP policies in further detail. We assess the proposals in line with the relevant Local Development Plan policies below.

ASSESSMENT OF PROPOSALS - DEVELOPMENT PLAN

Site Specific Policies



4.4 Within Midlothian Council's Local Development Plan (LDP) (2017) the site is shown to be located within the Green Belt (ENV1) and Prime Agricultural Land (ENV4).

4.5 Our review of other relevant designations relating to the site conclude that:

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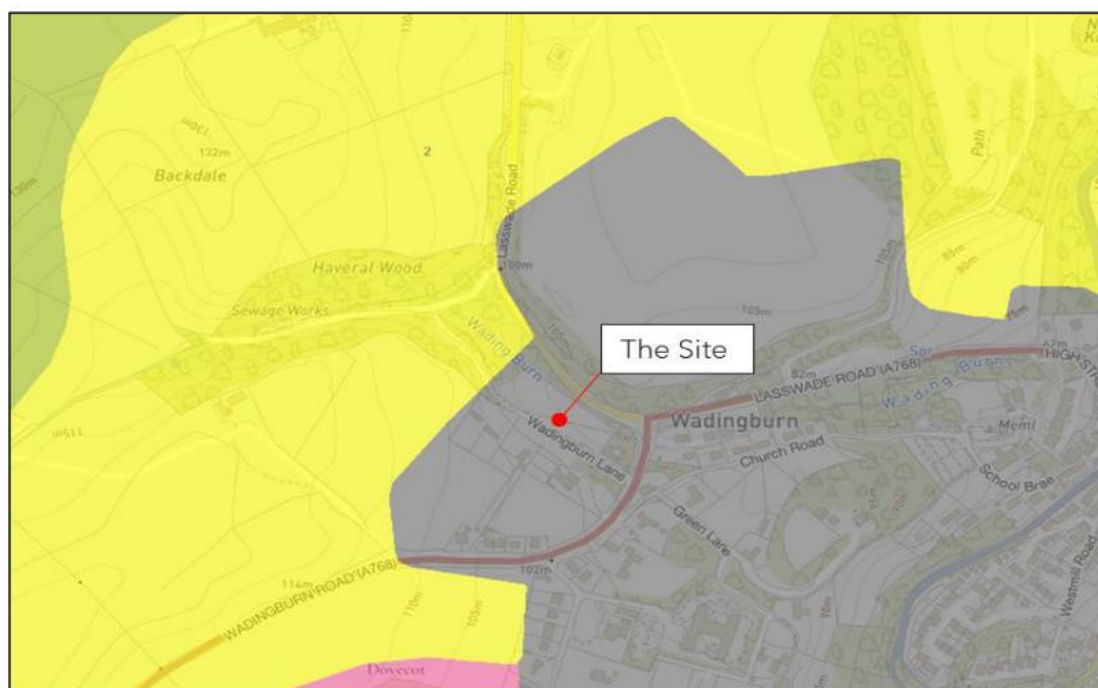
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- The site is not within a Conservation Area.
- There are no statutorily listed buildings on site.
- The SEPA flood risk maps show that part of the site is at risk of surface water flooding – concentrated in the north eastern portion of the site around the Wading Burn.
- Wadingburn Lane is identified as a Core Path.

Principle of Proposed Development

- 4.6 **Policy ENV4 (Prime Agricultural Land)** states that, “development will not be permitted which leads to the loss of prime agricultural land (Class 1, 2 and 3.1)”.
- 4.7 **Assessment:** Whilst the site is identified within the LDP Proposals Map as prime agricultural land, the ‘land capability for agriculture’ map available through [Scotland’s environment map](#) shows that this in fact only affects the western part of the site (yellow shading). The proposed development area identified by the red line boundary on the site location plan, falls entirely within the area classed as urban land (grey shading). This policy is therefore not considered applicable as it will not lead to the loss of prime agricultural land.



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4.8 **Policy ENV1 (Protection of the Green Belt)** states that *“Development will not be permitted in the Green Belt except for proposals that are necessary to agriculture, horticulture or forestry...”*. It goes on to say that *“Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which are to:*

- *Direct development to most appropriate locations and support regeneration.*
- *Protect and enhance the character, landscape setting and identity of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence; and*
- *Protect and provide access to open space”.*

4.9 **Assessment** – We accept that the proposal does not fulfil the necessary criteria of an established Green Belt activity. However, the reason for the Green Belt location, is the applicant’s wish to live near Lasswade and amenities, whilst retaining a sense of rural living. The site offers a fantastic opportunity to deliver a landscape-led design solution for a bespoke family dwelling, which complements, rather than competes with the existing landscape character and can deliver the flexible open plan living/work/leisure space that a growing family now desires in a post-pandemic world.

4.10 The development area of the site has been specifically restricted to that part which is closest to the existing dwellings. It is therefore atypical of a more traditional green belt site, in that the new dwelling will appear as a continuation of development on Wadingburn Lane. The rest of the site will remain untouched. We therefore do not consider that the development will impact upon the three overall objectives of the Green Belt outlined above.

4.11 The proposed development site is an appropriate sustainable location for a new family home, on the edge of the existing settlement, within easy walking distance of local amenities of Lasswade High St, and the nearest bus stop on Lasswade Road, providing public transport to and from Edinburgh City Centre.

4.12 The site appears as a logical extension to the existing cluster of residential dwellings which both overlook and are accessed via Wadingburn Lane. The proposed development boundary has been deliberately contained within the eastern part of the wider land holding, which allows for most of the site (c.75%) to remain undeveloped, preserving its landscape setting and character. The proposed development also includes for additional tree planting along the boundary to

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enhance this further. The proposal will therefore not adversely impact upon the physical boundary of Lasswade or lead to coalescence.

- 4.13 The site is currently private and is not public open space. It will have no impact upon the designated Core Path which runs along Wadingburn Lane, or on users of the path. Due to the design of the new dwelling, it will sit discretely in the hillside and will be largely hidden from view owing to the existing tree cover, stepped nature of the building and green roof which will blend it into the surroundings.
- 4.14 On this basis, we do not consider that the proposals conflict with the aims of Policy ENV 1 and this should be a material consideration in support of an exception to this policy.
- 4.15 In the officer's report for the previous application (Ref 18/00121/DPP) they stated, that where housing in the rural area is accepted, the planning authority would generally expect the design solution to follow one of the three approaches:
1. Reflect the scale and character of buildings in the immediate vicinity
 2. Reflect the traditional vernacular design and detailing of buildings in the local area; or
 3. Be of a high-quality contemporary design which significantly contributes to the visual amenity and interest of the area.
- 4.16 We consider that the revised design meets criteria 3 above and is clearly a high-quality contemporary design. Whilst the proposal will not necessarily be visible from many locations due to the surrounding natural vegetation. In glimpses of the proposal during winter from Lasswade Road, the development will significantly contribute to the visual amenity and interest of the area, as do the existing contemporary developments which have already been permitted in Lasswade.

Sustainable Place-Making Policies

- 4.17 Policy DEV 5 (Sustainability in New Development) states that, *"the Council will expect development proposals to have regard to the following principles of diversity (A-I)"*. We address each in turn below.
- 4.18 **Assessment:** The building utilises the natural topography of the site, to create a stepped dwelling that appears as a single storey building from Wadingburn Lane to a double height space to the north, to take advantage of views (Criteria A). The new landscape proposals and green roof will foster and maintain biodiversity (Criteria B). SUDS will be provided to manage surface water (Criteria C). The

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building will be highly sustainable and accommodate a GSHP and Solar PV (Criteria D). Natural materials will be used where possible including timber (Criteria E). The dwelling will provide a new family home, with level access at ground floor from Wadingburn Lane. The internal layout gives scope for the dwelling to accommodate a growing family and multi-functional spaces (Criteria F). Waste recycling will be provided and the storage area is shown on Drawing PL(2-)101 Proposed Ground Floor (Criteria G). The dwelling will provide for a modern new family home and accommodate the necessary digital connections (Criteria H). The building has been set back from the area identified at risk of surface water flooding (associated with Wading Burn) and the proposal includes for SUDS to manage run-off (Criteria I). Overall, the proposals are therefore considered compliant with Policy DEV 5.

4.19 Policy DEV 6 (Layout and Design of New Development) states that *“the Council will require good design and a high quality of architecture, in both the overall layout of development proposals and their constituent parts”*.

4.20 **Assessment:** The DAS provides detail on the design rationale for the new dwelling. The scheme offers a high quality and contemporary design, which is fitting for the context of the site. The quality of architecture, embodied sustainability principles and landscape design should be considered as a permissible exception to the Green Belt policy, in line with other proposals that have been granted on such grounds by the Council previously (refer to Section 5 for examples).

4.21 Policy DEV 7 (Landscaping in New Development) states that, *“the Council will require development proposals to be accompanied by a comprehensive scheme of landscaping”*.

4.22 **Assessment:** New landscaping proposals are outlined on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104). The applicant wishes to enhance the natural setting of the site with new native tree planting, to supplement the existing trees on site. In addition to natural informal areas of landscaping, more formal garden areas are proposed adjacent to the dwelling itself. We consider the proposals will provide significant biodiversity benefits as well as providing natural screening and privacy.

Heritage Protection Policies

4.23 Policy ENV 7 (Landscape Character) states that, *“development will not be permitted where it may have an unacceptable impact on local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design”*.

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- 4.24 **Assessment:** The proposed development site is not within a Special Landscape Area. However, the site does contribute to the local landscape character due to its natural vegetation. For that reason, the proposal has been designed to nestle within topography of the landscape, so it reads as part of the hillside. Visibility of the dwelling will be limited itself due to the existing woodland surrounding the site, and for those reasons, we consider the scale, siting and design of the proposal is compatible. Most of the applicant's landholding (c.75%) will remain undeveloped, and the character of the area will therefore be largely unaffected. The proposals are considered compliant with Policy ENV 7.
- 4.25 **Policy ENV 9 (Flooding)** states that, *"Development will not be permitted which would be at unacceptable risk of flooding, or would increase the risk of flooding elsewhere", "Sustainable drainage systems will be required for most forms of development, so that surface water run-off rates are not greater than in the site's pre-developed condition"*.
- 4.26 **Assessment:** The SEPA flood map indicates that the site is not at risk of flooding. As described in the Design and Access Statement, an indicative location of a SUDS soakaway and detention basin has been identified. A green roof is also proposed. The proposal can achieve compliance with Policy ENV 9.
- 4.27 **Policy ENV 10 (Water Environment)** states that, *"new development should pass surface water through a sustainable drainage system (SUDS) which ameliorates the water to an acceptable quality prior to release to the wide water environment"*.
- 4.28 **Assessment:** As above, the proposed location for SUDS provision is identified in the DAS (Page 50). The applicant would anticipate a planning condition which required further details of these measures to be submitted in due course, should planning permission be granted. The proposals present no conflict with Policy ENV 10.
- 4.29 **Policy ENV 11 (Woodland, Trees, and Hedges)** states that, *"Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural or historical value or are of other importance"*.
- 4.30 **Assessment:** As outlined in the Tree Survey and Arboricultural Impact Assessment, the design of the new dwelling has been revised during discussions with the arboriculturist to allow for the retention all trees on site (including the existing beech trees on Wadingburn Lane and a mature sycamore tree located at the main site access point) except for the removal of two immature birch trees. The trees being

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removed will be replaced with suitable native species, and additional boundary planting to the edges of the site, as shown on the Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104). The report identifies several measures that will need to be undertaken during construction to protect the existing trees on site and we would expect that the Council apply a condition requiring a tree protection plan and arboricultural method statement, that the applicant would be happy to provide. The proposals are therefore considered compliant with Policy ENV 11.

4.31 **Policy ENV 15 (Species and Habitat Protection and Enhancement)** states that, *"Development that would affect a species protected by European or UK law will not be permitted". "Development proposals will be expected to demonstrate compatibility with the aims and objectives of the Midlothian Local Biodiversity Action Plan and related plans, by identifying appropriate measures to protect, enhance and promote existing habitats and/or the creation of new ones, and provide for the effective management of these habitats"*.

4.32 **Assessment:** The applicant commissioned a Preliminary Ecological Assessment which has been submitted with the application. Overall, the site has been assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The report recommends several measures to provide ecological enhancements, and these have been incorporated into the development proposal including:

- Planting of native trees and shrubs
- Provision of bird and bat boxes
- Provision of green roof to the new dwelling

4.33 Please refer to the DAS and Proposed Landscape Plan (Drawing Ref 22049-PL (2-)104) for further details. These proposals will also make a positive contribution to achieving the biodiversity actions outlined in the Midlothian Biodiversity Action Plan, and specifically the creation of pollinator habitats, and homes for wildlife. The proposals are therefore considered compliant with Policy ENV 15.

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5. MATERIAL CONSIDERATIONS AND PLANNING ASSESSMENT

5.1 Other documents relevant to the planning policy context, forming 'material considerations' comprise:

- Housing Development in the Countryside and Green Belt SG
- Revised National Planning Framework 4 (2022)
- Neighbouring Applications (Precedent)

Housing Development in the Countryside and Green Belt SG

5.2 The document describes how the proximity of Midlothian to Edinburgh creates development pressure for housing developments of all types, including in the countryside. This has resulted in a concentration of urban development at the northern edge of the county with concerns frequently raised about the loss of countryside, the increase in coalescence between settlements and the consequential loss of identity for communities. As a result, the countryside in this area is covered by the Green Belt policy to protect the setting of urban areas, prevent urban sprawl, and manage and protect agricultural, forestry and recreational uses and discourage inappropriate development.

5.3 As outlined in our assessment of the proposals in relation to Policy ENV1 in Section 4, we do not consider that the development harms any of the Green Belt objectives outlined above. In fact, with the design of the new dwelling and the landscape proposals, which include for additional tree planting, the proposals could be argued to enhance this area of countryside.

Revised National Planning Framework 4 (2022)

5.4 Draft Policy 8 (Green Belt) says that the policy intent is, *"to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably"*.

5.5 It says that policy outcomes will be where, *"development is directed to the right locations, urban density is increased, and unsustainable growth is prevented; the character, landscape, natural setting and identity of settlements is protected and enhanced; and nature networks are supported, and land is managed to help tackle climate change"*.

5.6 **Assessment:** We have outlined elsewhere, why the applicant is seeking to develop in this location. Whilst a new dwelling of this nature does not meet one of the acceptable uses in the Green Belt, we consider that the proposal should be

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considered as an exception to this requirement. Not least because the proposal provides an exemplar of a sustainable, high quality and contemporary family home, but also because it has no impact upon any of the Green Belt policy intent or outcomes outlined in NPF4 for the reasons outlined elsewhere in this statement. We therefore consider that there is no conflict with NPF4 in this regard.

Other Applications - Precedent

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



Figure 5: Photograph of Orchard House (Now Built)

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Figure 6: Location of Orchard House in relation to the Proposed Development Site

- 5.9 Planning permission was granted for a dwellinghouse at the site in 2005. The design of the house was modern in design and materials, including areas of glazing, cladding and harling with a sedum roof. In the assessment of the application, the Council recognised that the proposal did not accord with the development plan but believed that there were sufficient grounds for a justified departure from planning policy. The innovative design and also the sympathetic siting of the new dwellinghouse provided strong grounds for supporting the proposed house. The proposed design was considered to be of extremely high quality proposing a strong modern detailing and complementing materials which overrode the non-compliance with policy in this instance.
- 5.10 An amendment to this design was approved in 2007 which retained much of the form and scale of the house but reduced its size by removing a previously approved garage, reduced the amount of glazing and altered some design details and materials. Although arguably this weakened the design somewhat, it was considered that the house would still retain a sufficiently high-quality contemporary feel like the original scheme, and this was considered acceptable.

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5.11 The principle of a house of a particularly high-quality design has been established at the site through the previous approvals. The proposed house is largely similar in scale, form, and design to the previously approved properties, with some changes to the fenestration and two single storey extensions. These amendments reflect the character and appearance of the main section of the house and the design ethos of the building. The proposed changes arguably strengthen the design of the house approved through the 2007 permission.

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

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



Figure 7: Proposed Site Plan for dwelling in the Green Belt adjacent to 16 School Green

5.13 Planning permission was sought for the erection of a dwellinghouse at 16 School Green, in August 2017. This site is within the countryside, Green Belt, Lasswade and Kevoch Conservation Area and an Area of Great Landscape Value. It was considered



by the Council to be highly visible across the valley to the southeast. The planning officers refused the application, due to its Green Belt status. However, this decision was subsequently overturned by the Council's Local Review Body.

- 5.14 The LRB however, were of the view that the proposed dwelling by means of its siting, form, design, and materials fits into the landscape and would not be detrimental to the green belt, special landscape area or conservation area and as such would not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.
- 5.15 **Assessment:** Whilst we understand that each case is assessed on its own merits, the cases above clearly demonstrate the tests which Midlothian have applied when permitting exceptions to their Green Belt policy. In both cases, the high-quality design of the buildings, the siting of the buildings and mature vegetation (in the case of Orchard House) were also considered sufficient to allow an exception to Policy ENV1. We ask that a consistent approach is applied in the consideration of this proposal, which equally demonstrates the exact same positive attributes to justify another permitted exception.

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6. CONCLUSIONS

- 6.1 This statement is prepared to support an application for the following development: *“Erection of a new dwelling, associated landscaping and infrastructure”* on land north west of 4 Wadingburn Lane.
- 6.2 The revised proposals seek to address and overcome the officers’ concerns from the previous application, as outlined in Section 2. The key reasons why this application should be supported are summarised below:
- Whilst the site is within the Green Belt, it will have no impact upon the character of the Green Belt itself.
 - The proposals will create an exemplar high-quality family home of contemporary design which contributes to the visual amenity and interest of the area.
 - Development will be contained within the eastern part of the site. Existing established trees will be retained, and new boundary planting is proposed to provide enhanced biodiversity benefits, along with bird and bat boxes.
 - The new boundary planting will clearly demarcate the development site from the wider Green Belt designation. It will also provide screening and privacy for the new family dwelling, and existing neighbours.
 - The proposals will not result in the loss of prime agricultural land.
 - The proposals will not affect wildlife on site.
 - Whilst it is acknowledged that each planning application is different and must therefore be considered on its own merits, recent approvals of other dwellings within the Green Belt are considered to set a clear precedent for the acceptability of such use in this location in similar circumstances.
- 6.3 It is considered that whilst the proposal is a modest infringement of the Green Belt policy, it accords with all other relevant adopted policy of the Local Development Plan and is supported by several material considerations. It is respectfully requested that planning permission is granted.

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Appendix A – List of Supporting Information

Document	Author
Planning Statement	Ferguson Planning
Design and Access Statement	LBA
001-01 Wider Context Location Plan	LBA
002-01 Location Plan	LBA
003-01 Existing Site Plan	LBA
100-01 Proposed Site Plan	LBA
102-01 Proposed Lower Ground Floor Plan	LBA
103-01 Proposed Roof Plan	LBA
104-01 Proposed Landscape Plan	LBA
200-01 Proposed Elevations East & West	LBA
200-01 Proposed Elevations North & South	LBA
300-02 Proposed Site Section	LBA
Preliminary Ecological Assessment	Ellendale Environmental
Tree Survey and Impact Assessment	ROAVR

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Project: 22_5837_09_40
Site: Wadingburn Lane, Lasswade, EH18 1HP
Client: Samantha Edwards



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Document Title:	Tree Survey & Arboricultural Impact Assessment
Document Author:	Matt Harmsworth
Project Title:	Wadingburn Lane, Lasswade, EH18 1HP

Revision History.

Date:	Version number:	Summary of changes:
6/10/2022	1.0	First Draft (issued initial advice regarding layout changes to safeguard trees)
25/10/2022	1.0	First Issue (following revised proposals)

Distribution.

Approved by:	Signature	Date:	Version:
Matt Harmsworth	MWH	25/10/2022	1.0
Samantha Edwards	SE	25/10/2022	1.0
			Reviewed before issue.

Re-Survey Date.

Survey Type:	Lifecycle:	Re-survey Date:
BS5837: 2012	Planning Only	N/A

FAO: Samantha Edwards

eMail: sam@fergusonplanning.co.uk

Summary:

This is a BS5837 compliant arboricultural assessment report providing detailed and sufficient information for the Local Planning Authority to be able to consider the effect of the proposed development on local character and amenity from a tree perspective.

Our brief has been to obtain details of the tree population on site with a view to assessing any arboricultural constraints.

This report was commissioned in relation to the proposed development at Wadingburn Lane, Lasswade, EH18 1HP.

The report details all trees over 75mm at 1.5m above ground level that are relevant to the siting of the proposed development. The position of the trees on the site is illustrated on the tree constraints plan and information about the tree stock and its current condition is given within the arboricultural data tables.

It will assist the planning process by discussing the impact that the proposals will have on the existing tree stock.

An Arboricultural Impact Assessment is included at Section 4 which details the constraints placed on the proposed development from the rooting area of the trees below ground and above ground by virtue of their size and position.

Report Author.

ROAVR (ROAVR Group) was formed in 2010 and since then has carried out arboricultural consultancy Nationwide with directly employed consultants. Our consultants are all individual members of the Arboricultural Association and the report author is listed in the document control sheet.

Validation Statement for the Local Planning Authority.

This report includes the following for LPA validation purposes:

- A **tree survey and tree constraints plan** showing the existing trees, their category rating and above and below ground constraints shown on an OS extract OR a topographical survey
- An **arboricultural impact assessment** which describes how the development will affect local character from a tree perspective
- An **appendices** highlighting tree related information including the **arboricultural data tables**

Table of Contents

1	Scope
2.	Site Conditions & Site Surroundings
3.	Drawings
4.	Arboricultural Impact Assessment - Site Specific
	Appendix: BS 5837: 2012 – Guidance Notes
	Stage 1: Survey Details and Notes
	Appendix: Survey Methodology
5.	Limitations
	Appendix 1 – Site Location
	Appendix 2 – Arboricultural Data Tables
	Appendix 3 - Tree Plans

Tree Survey & Arboricultural Impact Assessment to BS 5837 2012 of trees at: Wadingburn Lane, Lasswade, EH18 1HP.

1 Scope

- 1.1 We have recently been instructed to undertake an appraisal of mature tree cover at Wadingburn Lane, Lasswade, EH18 1HP.
- 1.2 The data was collected to the British Standard BS5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' 2012.
- 1.3 The survey has been commissioned to offer guidance on the arboricultural constraints with a view to the future development of the site.
- 1.4 The trees were inspected on the 3rd October 2022 following the guidance in the British Standard by myself. The crowns and stems were inspected from the ground using the 'Visual Tree Assessment (VTA)' method; non invasive techniques were used at this stage. Although a sounding hammer was used to determine the presence of any decay.
- 1.5 The site was assessed and data was collected on all woody vegetation falling within the scope of the British Standard. Trees were grouped or designated woodlands as per the allowance in the British Standard when the area in question was uniform in terms of species, age or geography.

Photographic Plates.



Photographic plate looking eastwards toward the site entrance with tree T73 centre left of shot.



Photographic plate looking westwards with the line of old stable blocks sitting below the beech tree feature adjacent to the road clearly visible.



Photographic plate looking westwards toward the site entrance with tree T73 centre right of shot.



*Photographic plate showing the gap and drop off from the public roadway to the site below.
(circa 1.5m drop)*



Photographic plate showing the old retaining wall. The road is above and the occluded stems of trees T82 and T83 can be seen growing out of the wall. The rooting areas of these trees are extremely complex.



Photographic plate showing the old retaining wall. The road is above. The rooting areas of these trees are extremely complex.



Photographic plate looking eastwards along the tarmac road which is supported by a retaining wall left of shot on which the mature trees are growing.

2. Site Conditions & Site Surroundings

- 2.1 The site is situated in Lasswade in the Midlothian Council control area. The site is located on the northwest wide of the village and has a rural feel.
- 2.2 The plot is ex-grazing land with a row of derelict stables on the southern boundary line. It is accessed from the eastern corner of the site via an established trackway.
- 2.3 The wider locality is predominantly rural. The site is bordered to the south by a thin tarmacked road that serves further residential properties. The road is supported on its northern edge by an old stone retaining wall and it is on this wall that a lapsed beech hedge has grown into a linear feature of mature trees.
- 2.4 A desktop assessment has highlighted that site is not within a Conservation Area nor are there any TPO protected trees on or adjacent to the plot.
- 2.5 All desktop assessment data was cross checked and validated on the 7/10/2022 using the web portal provided by the local planning authority.

https://www.midlothian.gov.uk/info/200167/planning_applications/273/tree_conser_vation_and_tree_works/2



Image plate showing the desktop analysis results of the surveyed plot.

- 2.6 Works to protected trees require consent from the local planning authority. In the case of TPO's an application must be made. In the case of conservation areas a notification must be made. TPO applications take up to eight weeks, conservation area notifications take six weeks.
- 2.7 Certain exemptions apply; for example the removal of deadwood. In the case of dangerous trees 5-days written notice should be given to the local authority (in the cases of immediate danger the work should proceed, but the local authority contacted as soon as possible afterwards) with the works evidenced by photographs and video where possible. You should also check to ensure the works are exempt from the requirements of a felling licence.
- 2.8 It should be noted that planning consent overrides protected trees, where the works or removal are necessary for development to proceed and have been highlighted in the tree survey documents.
- 2.9 Bats. Under current legislation it is an offence to 'intentionally or recklessly disturb a bat' or 'damage, destroy or block access to the resting place of any bat'. For further details consultation must be made with the Statutory Nature Conservancy Organisation. Where relevant any current ecological surveys for the site will take precedence in this matter.
- 2.10 Birds. It is an offence to kill, injure or take any wild bird; or take, damage or destroy the nest of any wild bird while it is in use or being built. Therefore work likely to disturb nesting birds must be avoided from late March to August.

3. Drawings

- 3.1 Appended to this report is a tree constraints plan and a tree assessment plan.
- 3.2 The tree constraints plan has been produced using a topographical survey supplied by the client. Tree positions and data have been applied using our survey handset as an onsite exercise with the constraints plan being produced as a PDF through Auto CAD.
- 3.3 An autoCAD .dwg file of the tree constraints is available on request for project stakeholders to utilise.
- 3.4 The *Tree Constraints Plan* shows the existing layout. For each tree the stem location is indicated and scaled according to its diameter, the canopy is indicated according to measurements taken along the four cardinal points of the compass. Root protection areas (RPAs) are indicated which are calculated according to the guidelines within BS 5837 (2012).
- 3.5 Where appropriate, the shapes of the RPAs have been amended to reflect actual site conditions or where trees have been heavily pruned. The 'original' RPAs are indicated as a dashed line whereas the amended RPAs are indicated as a solid line. Any variation to this approach will be highlighted on the appropriate plans.
- 3.6 The *Tree Assessment Plan / Arboricultural Impact Assessment* indicates the tree constraints with the proposals overlaid. Where applicable, this plan shows where works are proposed in Root Protection Areas and which trees are to be pruned or removed. This plan accompanies the Impact Assessment which is to be found in Section 4.

4. Arboricultural Impact Assessment - Site Specific

Tree Quality Statement.

The tree cover at the site is a mix of self-set birch and associated deciduous regen to the north of the site and more mature beech and sycamores to the south. The linear feature of beech trees on the southern boundary are outgrown hedging and have complex rooting areas. The southern boundary trees offer useful screening and have high amenity and landscape value.

4.1 Description of The Proposed Development

The drawings listed in the table below were used by ROAVR to produce the Arboricultural drawings referenced in this report. If your plans change (either before or after planning submission), then the tree drawings will require updating. This report cannot be submitted in support of a scheme that varies from the drawing reference number shown in box one below as the Impact Assessment (Section 4) will not be valid.

Drawing Name / No.	Date Issued To ROAVR	ROAVR Drawings Issue Date:
22049-PL(2-)100-01 - WIP-Proposed Site Plan 1_500	20/10/2022	25/10/2022

4.1.1. It is proposed to construct a new residential dwelling house in an ex-equine facility field.

4.1.2. The appended AIA plan clearly shows and discusses areas of conflict and suggests solutions.

4.2. Tree Removal.

4.2.1. All trees to be removed are indicated on the Tree Removal Plan and are listed below:

Tree	Cause For Removal
W1	Several small silver birch stems are required to be removed to safeguard the higher quality trees to the south.

4.2.2. Details specific to each tree can also be found in the Tree Data Schedule.

4.3. Mitigation Planting.

4.3.1. The trees to be removed are of such low amenity value that no mitigation planting is considered necessary. However, there is ample scope to plant one or two more trees within the site to mitigate against tree loss.

4.4. Impact on Tree Canopies.

4.4.1. Some crown lifting will be required to the linear feature of beeches to the south of the site. This work would be inline with generally acceptable cyclic arboricultural work.

4.5. Impact on Tree Roots.

4.5.1. Please refer to the appended AIA plan for a graphical representation of the conflicts and solutions.

4.6 Changes in Ground Levels.

4.6.1. It is unclear at this time what if any levelling operations are required. No excavation within the RPA of the retained trees would be possible.

4.7 Soil Compaction.

4.7.1 The majority of tree roots lie within the upper soil horizons. This is because the availability of oxygen decreases with depth and roots need to breathe to stay alive. In addition, nutrients are more readily available in the form of organic matter close to the soil surface.

4.7.2. Healthy soils contain about 25% air space between solid particles. Increased loading of the soils caused by construction activity causes air to be squeezed out as the soil becomes compacted preventing roots from breathing. Even an increase in pedestrian activity may cause some soil compaction.

4.7.3 It is important therefore that ground compaction and soil disturbance over Root Protection Areas should be avoided during the construction phase. This may be done by installing protective fencing and ground protection measures as recommended within the tree protection plan.

4.8 Demolition Activities.

4.8.1 The tree protection measures to be specified within a TPP should be installed prior to the commencement of all demolition activities (including soil stripping) to prevent any detrimental impact on tree health. Where this is not practicable, demolition of structures within Construction Exclusion Zones shall be undertaken very early on in the demolition phase and the protective barriers installed immediately thereafter.

4.9. Hazardous Materials.

4.9.1 All hazardous materials (including cement and petrochemical products) will need to be controlled according to COSHH regulations in order to ensure there is no detrimental impact on tree health. Provision shall need to be made to ensure that cement and cement run-off are contained outside of all Root Protection Areas.

4.10. Cabins and Site Facilities.

4.10.1. Consideration should be given to the location of any site welfare facilities in terms of potential impact on trees. Where it is proposed to install cabins or site facilities in Root Protection Areas, the appointed arborist should be consulted and approval obtained from the local authority.

4.11. Boundary Treatments.

4.11.1. No changes are proposed to the existing boundary features that might impact on trees.

4.12. Impact of Retained Trees on the Development.

4.12.1. Adequate space has been allowed between all retained trees and the proposed development works. Consequently the proposal shall not result in increased pressure to remove or prune any of the retained trees beyond some initial crown lifting work.

4.13. Summary.

4.13.1. The initial scheme would have brought undue pressure on a high quality feature of beech trees to the south of the site. Through consultation and design changes the footprint has been moved norwards to facilitate retention of all the mature trees at the site inline with local policy and BS5837.

This is welcomed but it cannot remove the risk entirely. The access to the site is narrow and well established and will need 'beefing up' to enable both construction access and long-term residential driveway use. As such a cell web trackway will need to be installed with NO excavation under arboricultural supervision before any works commence on site.

The trees on the southern boundary are set on a retaining wall on a higher level than the site and so the root morphology at the site is complex and a 2D tree constraints plan does not tell the full story.

I believe this AIA demonstrates the project is feasible and following the planning award a condition should be applied for the production of a tree protection plan and arboricultural method statement. That document cannot be provided at this stage as insufficient detail exists of service runs and soft landscaping.

Appendix: BS 5837: 2012 – Guidance Notes

This Standard prescribes the principles to be applied to achieve a satisfactory juxtaposition of trees and structures. It sets out to assist those concerned with trees in relation to design, demolition and construction to form balanced judgements.

It acknowledges the positive contribution trees may offer to a site, as well as the negative aspects of retaining inappropriate trees. It addresses the negative impacts that construction activity may have upon trees and offers mitigation strategies to minimise these impacts.

The Standard suggests a three stage approach to ensure best practice is followed when developing close to trees:

Stage 1: Survey Details and Notes

A ground level visual survey was undertaken. No climbing inspections or specialist decay detection were undertaken. Only trees with a stem diameter over 75mm, which lie within the site boundary or relatively close to it, were included.

Where applicable, trees with significant defects have been highlighted and appropriate remedial works have been recommended. However, this report should not be seen as a substitute for a full Safety Survey or Management Plan which are specifically designed to minimise risk and liability associated with responsibility for trees.

Wherever practicable dimensions were obtained using diameter tapes, logger's tapes, distometers and clinometers. Where obstacles prevent accurate measurement, dimensions are estimated. Trees of privately owned third parties are surveyed from the best available vantage point and observations relating to the condition of these trees should be treated accordingly. All height measurements should be regarded as approximate.

Stage 2: Arboricultural Impact Assessment

After the initial survey and the production of the Tree Constraints Plan, arborists and designers are encouraged to work together to establish a design proposal with minimal impact on the high quality trees. An assessment should be made of all possible impacts including the impact that the trees may have upon the proposal.

The arborist may recommend mitigation strategies to minimise these impacts and help achieve a more harmonious juxtaposition between buildings and trees and will offer advice in relation to the best chances of success at planning.

Stage 3: Arboricultural Method Statement (Section 5 -10 where applicable and commissioned)

This type of report specifies the measures necessary to protect trees against damage from construction activity. The Method Statement should be written in a manner that it may be conditioned and enforced by the local authority upon granting of planning permission. Many trees get damaged on development sites due to the AMS being overly complicated or unreadable from the perspective of practical implementation.

The site manager must be familiar with all aspects of the Method Statement and should ensure that all persons working on the site are aware of those aspects which are relevant to their work. This includes service installation engineers and operators of plant machinery.

Appendix: Survey Methodology

Ground level visual surveys are carried out using the Visual Tree Assessment technique described by Mattheck and Broeler (1994) and endorsed by the Arboricultural Association (LANTRA Professional Tree Inspection course, 2007).

Structural condition is assessed by inspecting the stem and scaffold branches from all angles looking for weak branch junctions or symptoms of decay. Particular attention is paid to the stem- base. Cavities are explored using a metal probe in order to assess the extent of any decay. If this is not possible further inspection is recommended in the form of a climbing inspection or using specialist decay detection equipment.

The physiological condition is assessed by inspecting the stem, branches and foliage for symptoms of disease. The overall vigour of the tree is also taken into account.

Where significant defects are observed, recommendations are made according to a scale of priority in order to reduce the likelihood of structural failure. The position of the tree and its potential targets are taken into account.

Measurements are obtained using a diameter tape, clinometer, distometer and loggers tape.

Where this is not practical measurements are estimated.

Some trees are surveyed as groups, though this is usually avoided close to areas likely to be developed.

5. Limitations

- 5.1 ROAVR has prepared this Report for the sole use of the above named Client/Agent in accordance with our terms of business, under which our services were performed. No other warranty, expressed or implied, is made as to the professional advice included in this Report or any other services provided by us.
- 5.2 This Report may not be relied upon by any other party without the prior and express written agreement of ROAVR. The assessments made assume that the land use will continue for their current purpose without significant change. ROAVR has not independently verified information obtained from third parties.
- 5.3 This report, video walkthrough, data tables and raw data remain the copyright of ROAVR until such time as any monies owed are settled in full and the report may be withdrawn at any time.
- 5.4 This report, site visit, plans and conclusions are proportional to the proposals and in some cases a simple plan based impact assessment may be all that is required.

Should you require any further information, please do not hesitate to contact us at any time.

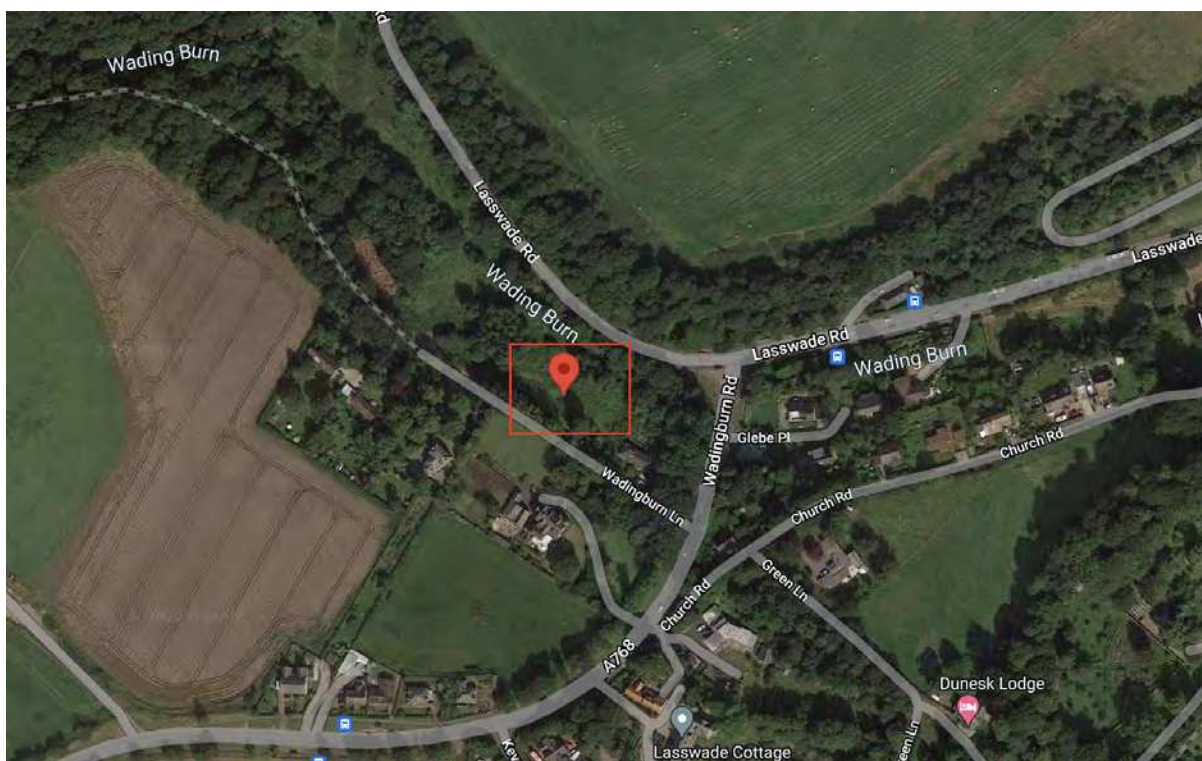
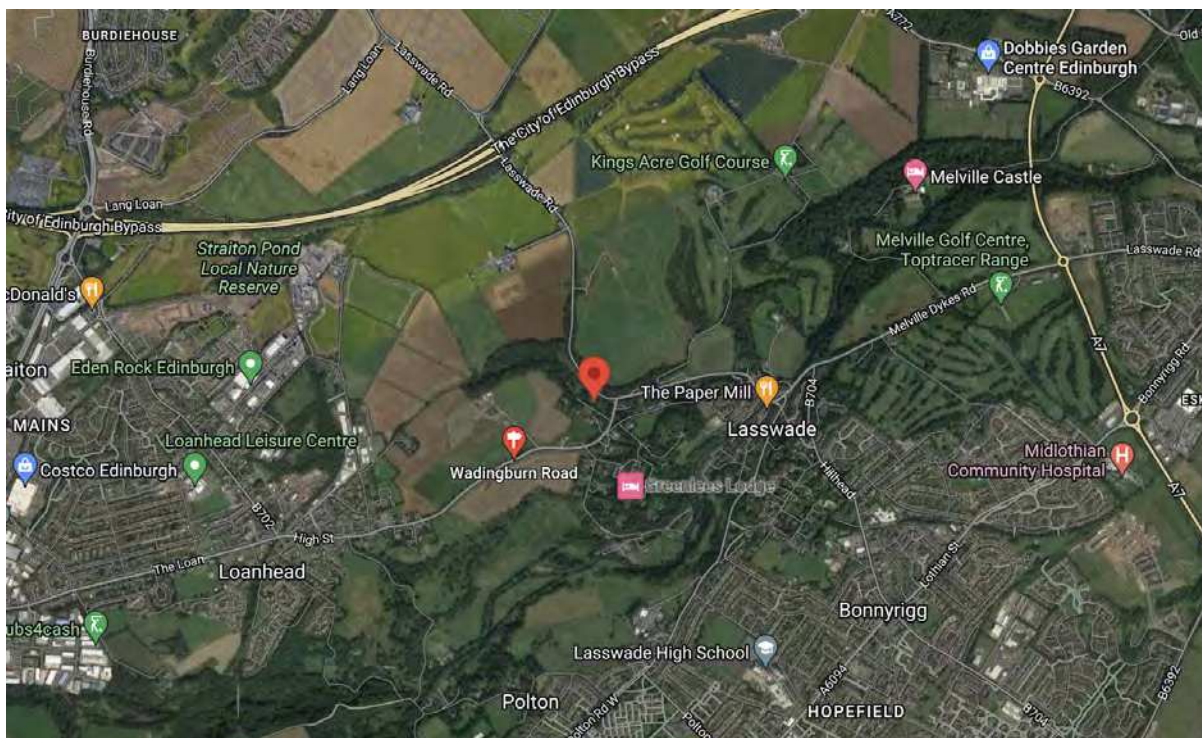
Matt Harmsworth
Lead Consultant



MW Harmsworth

Prepared by: Matt Harmsworth
Checked by: Peter Haine

Appendix 1 – Site Location



Appendix 2 – Arboricultural Data Tables

Tree Number [tag]	Species	Age Class	DBH	Height (crown height)	N	E	S	W	Condition	Life Expectancy	Physical Description	Managment Recommendations	RPA offset from stem.	Category Rating
T73	Acer pseudoplatanus (Sycamore)	M	1050	18(1.5)	8	6	7	6	Good	40+	Located on edge of entrance track to old stable ground; good vitality; various pieces of wire occluded within lower stem; grounds slopes steeply to the north; crown height over entrance track is 1.5m.	Remove broken/damaged branches. Crown lift to 5m.	12.6	B1
W1	Betula pendula (Silver Birch),Ilex aquifolium (Holly),Fraxinus excelsior (Ash)	EM	150	15(0.5)	3	3	3	3	Good	40+	Area of predominantly early mature silver birches; even aged ground kept mown; good vitality.	Thin to best stems.	1.8	B3
T74	Fagus sylvatica (Beech)	M	707	18(2)	6	6	9	6	Good	40+	Located above site on edge of roadway and retaing wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	8.48	B1
T75	Fraxinus excelsior (Ash)	SM	300	9(4)	1	2	3	2	Poor	<10	Small stunted stem with ash die back and bias to thegsouth.	Recommend removal.	3.6	C1
T76	Fagus sylvatica (Beech)	M	778	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaing wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	9.34	B1
T77	Fagus sylvatica (Beech)	M	778	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaing wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	9.34	B1
T78	Fagus sylvatica (Beech)	M	679	18(2)	10	11	9	8	Good	40+	Located above site on edge of roadway and retaing wall; good vitality; extremely constrained and complex RPA.	Sever Ivy. Remove Ivy. Inspect stem/basal area. Remove ground suckers. Remove epicomics. Remove major deadwood. Remove broken/damaged branches. Crown lift to 5m over road.	8.15	B1

[illegible]

Arboricultural Data Tables Terms.

Tree ID	Reference no. T1, T2 etc. for trees; H for hedgerows; G for Groups and W for woodlands.
Tag Number	If the tree has been tagged with an 'arbo' tag then the physical tag number is listed in this column.
TPO Number	If the tree is subject to a TPO and it is known to us this will be recorded here.
In Conservation Area	Y/N - If the tree is located within a Conservation Area we may confirm that here.
Tree Type	Beech, Oak etc.
Common Name	Common Beech, Evergreen Oak etc.
Latin Name	Fagus sylvatica; Quercus robur - Latin names.
Maturity	The estimated age class of the tree (relative to species) o Y - Young o SM - Semi-mature o EM - Early-mature o M - Mature o OM - Over-mature or V - Veteran
Potential for Bat Habitat	Y/N - if the tree has cracks, cavities or suitable bat habitat it may require further ecological surveys and form a constraint on development.
Measurements Estimated (Y/N)	Y/N - if the tree is off site, covered with ivy, or some other restriction the British Standard allows for measurements to be estimated.
Height	Height of the tree in metres.
Height & Direction of 1st Significant Branch	Recorded to consider access.
Number of Stems	Number of clear stems.
Diameter at Breast Height	Diameter of stem (mm) at breast height (1.5 metres above ground).
Crown Spread	The maximum spread of the tree's canopy measured from the stem in four directions (North, East, South, West).
Canopy Height	The height between ground level and the lowest part of the canopy when considering access.
Crown / stem / Basal Condition	Good, Fair, Poor condition comments.
Category	Tree categorisation based on section 4.5 of BS 5837 (2012) Trees in relation to design, demolition and construction – Recommendations. Four categories are used (A, B, C, U) with categories A, B & C being assigned one of three separate sub categories (1, 2 or 3): A – Trees of high quality with an estimated remaining life expectancy of at least 40 years. B – Trees of moderate quality with an estimated remaining life expectancy of at least 20 years. C – Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm
Life Expectancy	Estimated safe, usable life expectancy.

Sub-Category	Subcategories: 1: Mainly arboricultural & aesthetic qualities 2: Mainly landscape qualities 3: Mainly cultural values, including conservation U – Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years
Physical Condition	Good, Fair, Poor condition considering the tree structure, form and vitality.
Management Recommendations	Recommendations (regardless of the development proposals if available) for removal, retention and/or remedial arboricultural works.
Comments	A brief description of the tree which refers to tree form, condition, health and significant defects. Comments regarding environmental conditions affecting the tree (e.g. ground conditions) will also be included where relevant.

Arboricultural data tables are essentially an asset register of the trees and tree cover on and adjacent to a development site. The information included within the tables is used to produce a tree constraints plan (TCP) which shows in 2D the constraints and opportunities on a particular site.

Appendix 3 – Arboricultural Plans

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.
The original of this drawing was produced in colour; a monochrome copy should not be relied upon.
All rights reserved.



Key

- Trees**
Showing Canopy extents, category colour and tag number (with category).
- Category A**
Trees of high quality with an estimated remaining life expectancy of at least 40 years.
- Category B**
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
- Category C**
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
- Category U**
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
- BS 5837:2012 Root Protection Area**



1:400
0 10 20m

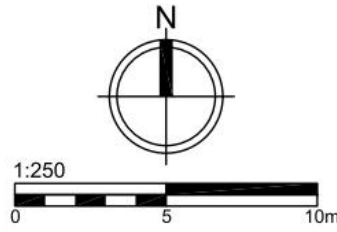
Drawing Title			
Tree Constraints Plan			
Client			
Ferguson Planning			
Site/Project			
Wadingburn Lane, Lasswade, EH18 1HP			
Scale/Sheet	Date		
1:400 - A2	04/10/2022		
Drawing No	Rev	Drawn By	Chk'd By
22_5837_09_40	1	CS	MH
 ROAVR GROUP ROAVR Environmental The Green House, Beechwood Business Park North, Inverness, IV2 3BL. Office: 01463 667302 environmental@roavr.co.uk www.roavr-environmental.co.uk			

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
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Key

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- Category B**
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
- Category C**
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
- Category U**
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
- BS 5837:2012 Root Protection Area**



Drawing Title
Tree Assessment Plan

Client
Ferguson Planning

Site/Project
Wadingburn Lane,
Lasswade, EH18 1HP

Scale/Sheet
1:250 - A2

Date
24/10/2022

Drawing No
22_5837_09_40

Rev
1

Drawn By
CS

Checked By
MH

ROAVR | GROUP
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www.roavr-environmental.co.uk

General Notes
Do not scale off drawing - refer to the tree data schedule for accurate crown spread measurements.
Depictions of tree canopies are based on measurements taken to four cardinal compass points.
No liability of any kind is accepted for any omissions or inaccuracies in respect of this plan.
The original of this drawing was produced in colour; a monochrome copy should not be relied upon.
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Service Runs & Construction Access:

Problem:

To access the site for construction and to deliver materials the existing track will need to be utilised. This means compaction and erosion could potentially increase as a result.

Solution:

The trackway / drive must be created using a no-dig solution such as cell web back filled with a granular fill and topped with a porous tarmac. This must be in place before any other works commence on site and should be constructed under ACoW supervision.

Service runs - no details exist at this time for assessment. Service runs should avoid RPAs.

Problem:

Radial RPA and physical stems of several self-set birch within W1 conflict with the proposed footprint.

Solution:

These trees are young and easily replaceable. Moving the footprint northwards into conflict with these stems has protected the higher quality trees to the south. Fell to facilitate the project.

PLAN BASED ARBORICULTURAL IMPACT
ASSESSMENT - 25TH OCTOBER 2022.

Problem:

Radial RPA of trees T74 to T82 conflict with proposed drive way and crowns conflict with proposed property.

Solution:

Trees are on a much higher level than the proposed. There were existing buildings in this area so the actual rooting area is complex.

The crowns sit higher than the proposed and only minor facilitatory crown lifting would be required.

The trackway can be constructed with cellweb and the pressure to the adjacent trees is not likely to increase.







Problem:

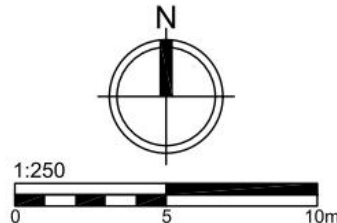
Radial RPA of tree T73 conflicts with the proposed upgrade to the track for construction and residential access. The crown sits low across the existing track. Small incursion into RPA from southern built footprint.


Solution:

On our advice the property has been moved to further protect this tree which is welcomed. The tree can be sensitively crown lifted for construction access and the trackway upgraded using geo web. The slight footprint incursion is considered tolerable given the available rooting area.

Key

-  **Trees**
Showing Canopy extents, category colour and tag number (with category).
-  **Category A**
Trees of high quality with an estimated remaining life expectancy of at least 40 years.
-  **Category B**
Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.
-  **Category C**
Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.
-  **Category U**
Trees in such a condition that they can not realistically be retained as living trees in the context of the current land use for longer than 10 years.
-  **BS 5837:2012 Root Protection Area**



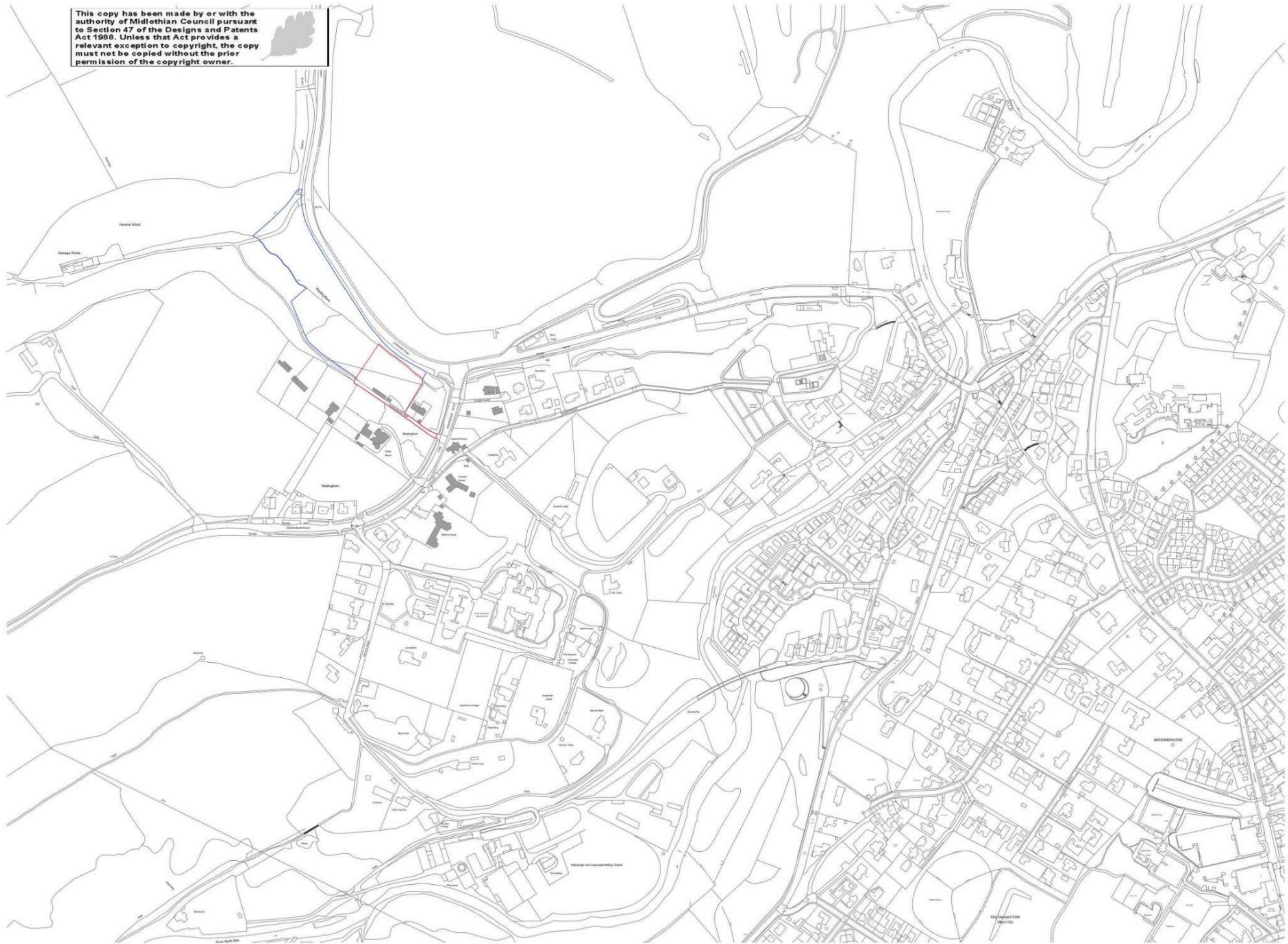
Drawing Title			
Tree Assessment Plan			
Client			
Ferguson Planning			
Site/Project			
Wadingburn Lane, Lasswade, EH18 1HP			
Scale/Sheet		Date	
1:250 - A2		24/10/2022	
Drawing No		Rev	Drawn By / Checked By
22_5837_09_40		1	CS / MH
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Issues			
01	09.11.22	ED	Planning First Issue

Changes on Sheet



KEY	
—	Site Boundary
—	Ownership Boundary

- GENERAL NOTES:**
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:5000 0 100 200m

Project Title	Drawing	Drawing No.	Revision
Lasswade Wadingburn Lane	Wider Context Location Plan	22049 - (2-)001	- 01



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Issues

01 09.11.22 ED Planning First Issue

Changes on Sheet

KEY

- Site Boundary
- Ownership Boundary

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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- To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

Project Title

Drawing

Drawing No.

Revision

A4 1:1250 0 30 60m

Lasswade
Wadingburn Lane

Location Plan

22049 - PL(2)-002

- 01

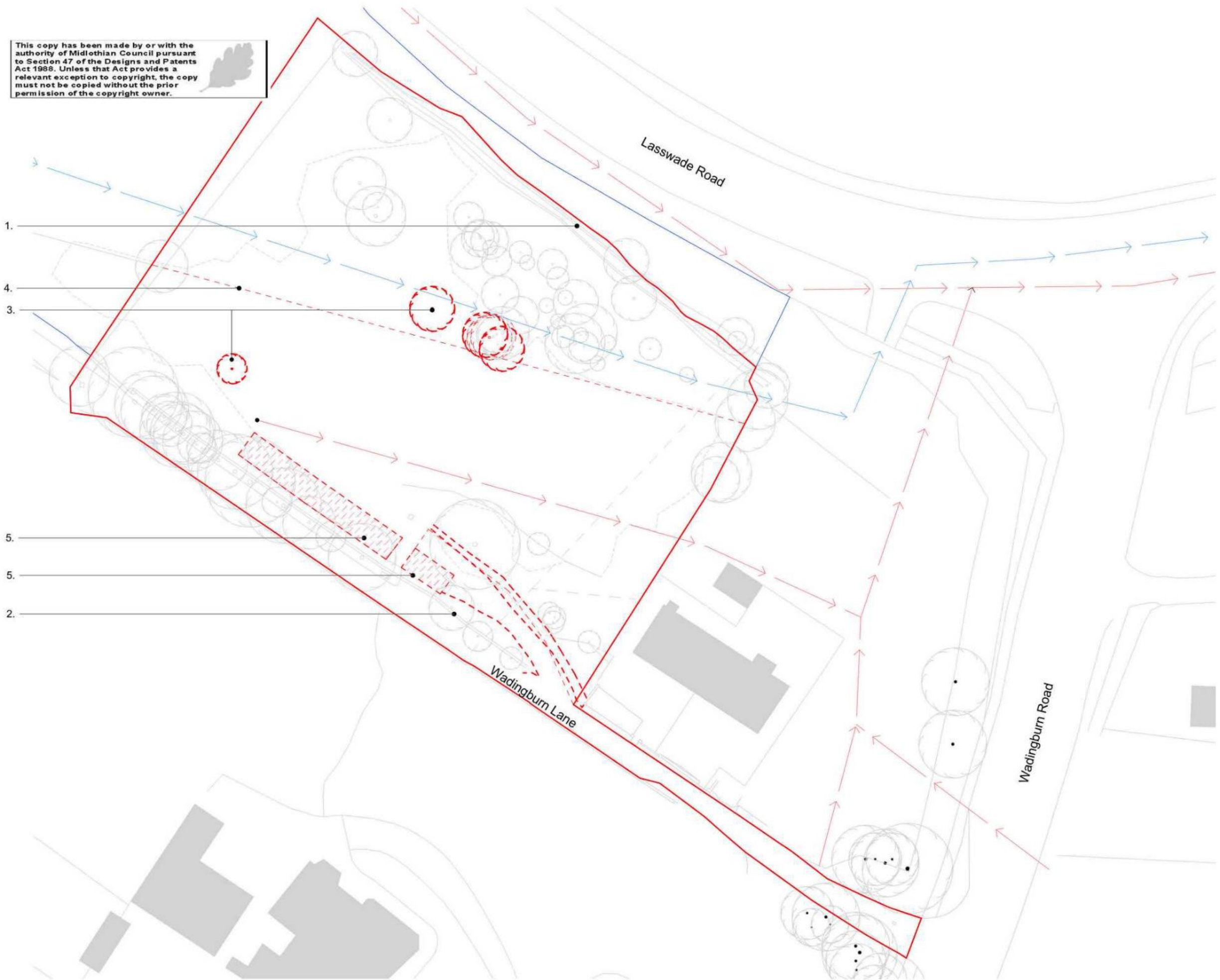
LBA

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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary
--- Indicates Demolition
--- Existing Combined Sewer
--- Existing Surface Water Pipework

Notes:
1. Existing burn.
2. Existing wall.
3. Existing trees to be removed.
4. Existing fence to be removed.
5. Existing dilapidated shed to be removed

GENERAL NOTES:
• All work to comply with the Building (Scotland) Regulations 2004 as amended
• All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
• All products to be installed per manufacturer's recommendations
• All dimensions in mm & are to be verified on site
• To be read in conjunction with other contract drawings, schedules & specifications.
• To be read in conjunction with structural engineer's drawings.



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A3 1:500 0 12.5 25m



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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary

Notes:
1. Proposed driveway to connect to Wadingburn Lane.
2. Parking for 2nr. vehicles

GENERAL NOTES:
• All work to comply with the Building (Scotland) Regulations 2004 as amended
• All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
• All products to be installed per manufacturer's recommendations
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• To be read in conjunction with other contract drawings, schedules & specifications.
• To be read in conjunction with structural engineer's drawings.



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A3 1:500 0 12.5 25m

Project Title
Lasswade
Wadingburn Lane

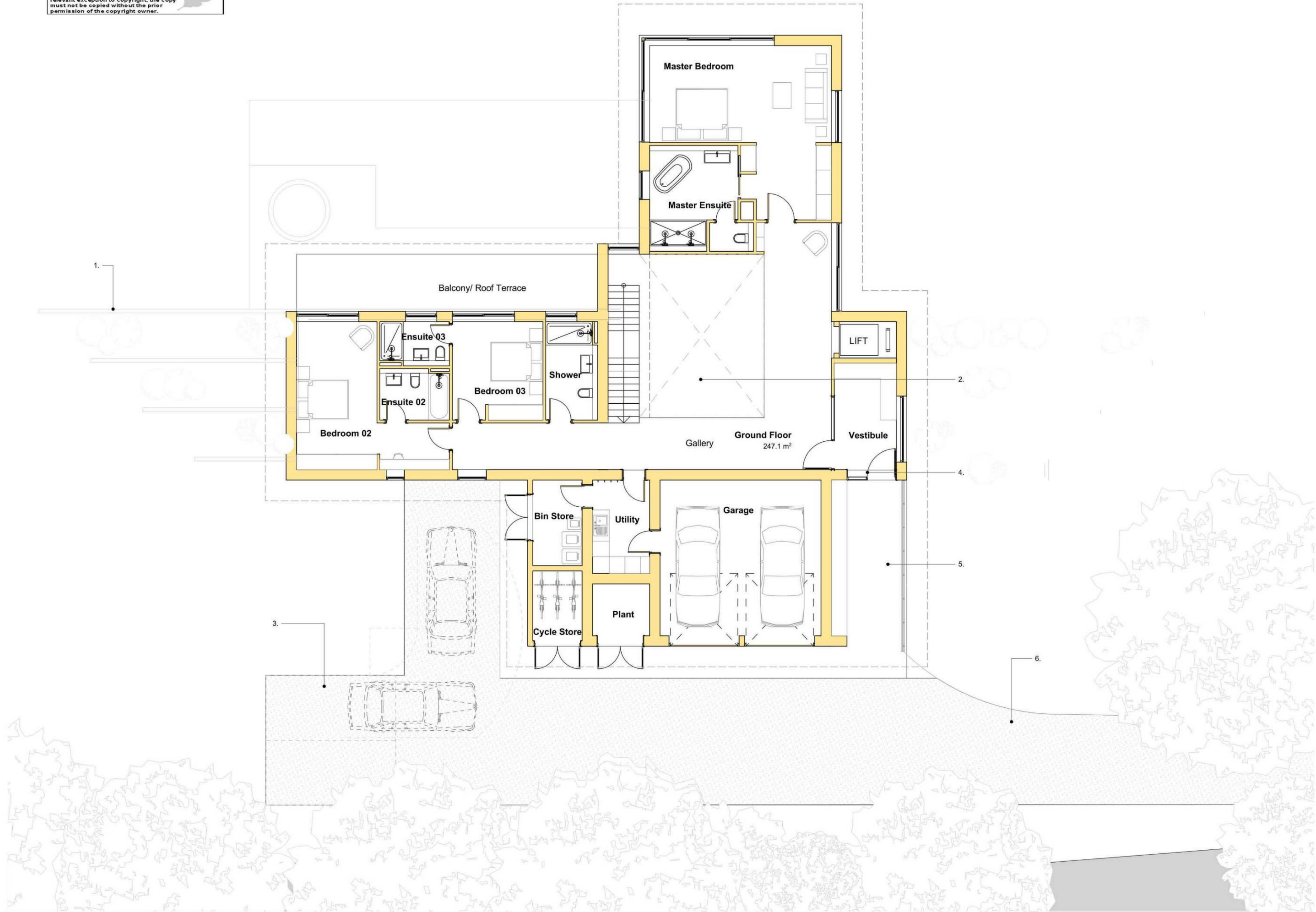
Drawing
Proposed Site Plan

Drawing No.
22049 - PL(2-100

Revision

01

LBA



Notes:

1. Landscape embankment to suit site topography.
2. Void to below with skylight above.
3. 2 No. Parking spaces and turning head.
4. Front entrance.
5. Covered Entrance Canopy.
6. New & extended driveway access from Wadingburn Lane - sub formed from Cellweb TRP with gravel infill.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.





Notes:

1. External terrace
2. Landscape embankment to suit site topography.

GENERAL NOTES:

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- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



1.

2.

3.

Notes:

1. Green roof
2. Solar PV panels
3. Roof light to atrium below

GENERAL NOTES:

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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY

- Site Application Boundary
- Ownership Boundary
- Bird Box
- Bat Box

Notes:

1. Tree and shrub planting to Western edge of application boundary. Mixed species.
2. Tree planting to Northern edge of application boundary. Mixed species.
3. Landscaped garden & seating area.
4. Lawned Garden.
5. Green Roof to Dwelling.
6. Natural Landscape with wild flowers.
7. Gravel and cellular driveway.
8. Tree and shrub planting to Eastern edge of application boundary. Mixed species.

Proposed Planting to enhance the ecology surrounding the application site includes the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquifolium
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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A3 1:500 0 12.5 25m

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Issues			
01	09.11.22	ED	Planning First Issue

Changes on Sheet



1.East Elevation

1:100



2.West Elevation

1:100

Materials

	A. Weathered Larch.
	B. Stone Gabions.
	C. Dark Metal Roof & Window Profiles.
	D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

Notes:

1. Green roof.
2. Entrance Canopy.
3. Ground level entrance
4. Landscape embankment to suit site topography
5. Wadingburn Lane.
6. Existing retaining wall.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
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Issues				
01	09.11.22	ED	Planning First Issue	

Changes on Sheet



1.South Elevation

1:100



1.North Elevation

1:100

Materials

- A. Weathered Larch.
- B. Stone Gabions.
- C. Dark Metal Roof & Window Profiles.
- D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

Notes:

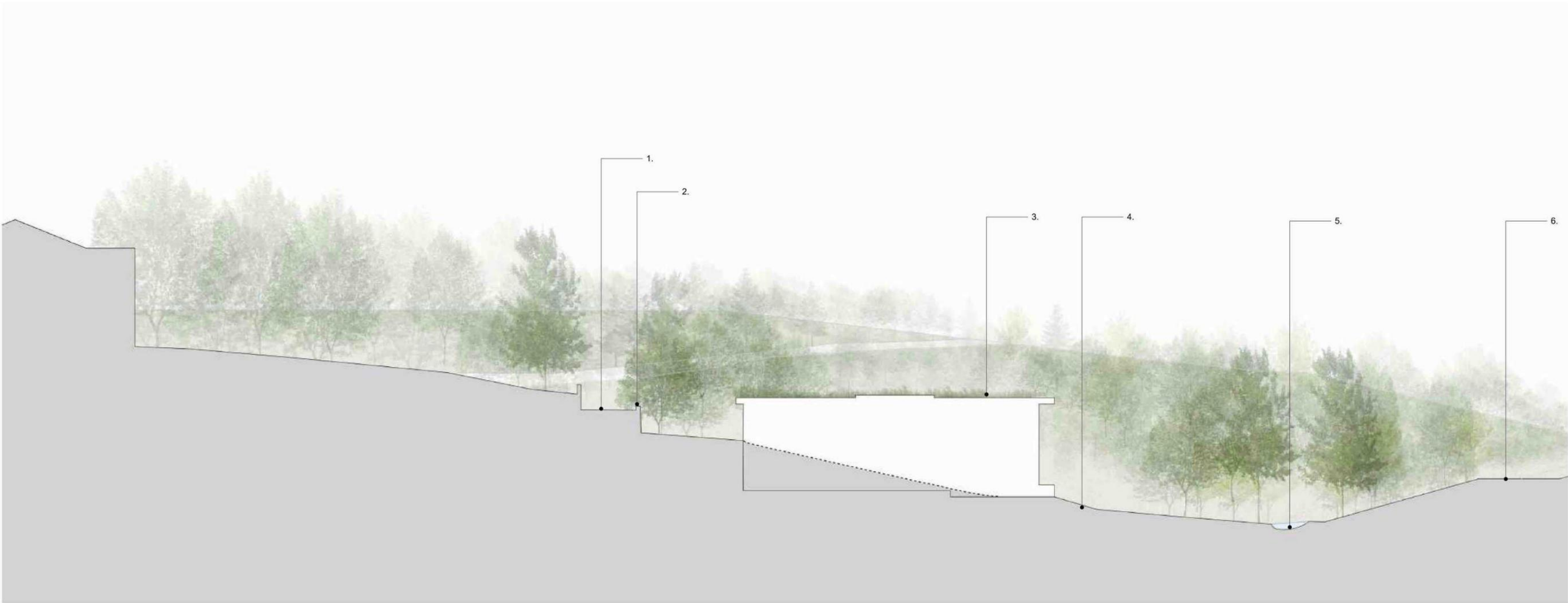
1. Green roof.
2. Double garage.
3. Ground level entrance.
4. Lower ground access to garden.
5. Terraced landscaping

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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Issues				
01	09.11.22	ED	Planning First Issue	
02	14.11.22	ED	Planning Second Issue	

Changes on Sheet



KEY

— Indicates section line through the site.

- - - Indicates topography of site in front of building.

Notes:

1. Wadingburn lane.
2. Existing retaining wall along Wadingburn Lane.
3. Proposed green roof to increase biodiversity and reduce visual impact from wadingburn lane.
4. Landscaped embankment to suit site topography.
5. Existing burn.
6. Lasswade Road.

GENERAL NOTES:

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Wadingburn Lane, Lasswade
Preliminary Ecological Assessment (PEA)
For Ferguson Planning Ltd.

23rd December 2022

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Version

VERSION	DATE	AUTHOR	REVIEWED	APPROVED
CIC v1.0	19/09/22	Stewart Parsons	Emma Parsons	21/09/22
CIC v1.1	22/12/22	Stewart Parsons	Emma Parsons	23/12/22

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The report, and the information contained in it, is intended to be valid for a maximum of 12 months from the date of the survey, providing no significant alterations to the site have occurred.



Contents

1.	Executive Summary	4
2.	Introduction.....	6
2.1	Commission.....	6
2.2	Site Details	6
2.3	Survey Objectives	7
3.	Methodology	8
3.1	Data Search.....	8
3.2	Phase 1 Habitat Survey	8
3.3	Preliminary Protected Species Walkover.....	8
3.4	Survey Area.....	9
3.5	Survey Limitations	9
3.6	Surveyor.....	9
4.	Results	10
4.1	Desk Study.....	10
4.2	Phase 1 Habitat Survey	11
4.3	Preliminary Protected Species Walkover	16
5.	Conclusions	18
5.1	Conclusion.....	18
5.2	Mitigation	19
5.3	Suggested Biodiversity Enhancements	19
5.4	Generic Mitigation Measures.....	20
6.	Target Notes	22
6.1	Botanical Target Notes (TN)	22
6.2	Animal Target Notes (AN).....	22
7.	Extended Phase 1 Habitat Map	24



1. Executive Summary

Ellendale Environmental Limited was commissioned by Ferguson Planning Ltd., on behalf of their client, to undertake a Preliminary Ecological Assessment (PEA) for an area of land at Lasswade Road, Loanhead, Midlothian, EH18 1HG ('the site'). It is proposed to develop a residential property on the site ('the proposed development').

Surveys undertaken at the site as part of the PEA included a Phase 1 Habitat survey and a protected species walkover. The Phase 1 Habitat survey was undertaken following a Phase 1 survey methodology (JNCC, 2010) to list the plant species associated with each habitat. The preliminary protected species walkover was conducted for the site and the surrounding area.

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A ponded area and burn are also present but both were dry at the time of the survey.

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

No evidence of common reptiles or amphibians was found during the survey and no suitable refugia or hibernacula were present. The grassland may provide some limited foraging habitat.

The scrub and woodland within the site provides the most suitable nesting habitat for a range of common bird species; however, no nests were recorded at the time of survey. The trees and hedgerow do not provide habitat for roosting bats but may provide some foraging and commuting habitat.

The old stables present along the southern boundary of the site are not assessed as providing suitable habitat for bat species. The roof and much of the walls have collapsed and the wooden structure was found to be wet and rotten in places.



No crevices or loft space was found that would provide habitat for bat species and no evidence such as droppings, feeding remains or staining was found. No further surveys for bats are recommended.

Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.

Recommendations have been made for modest post-construction ecological enhancements at the site that are proportionate with the low level of environmental impact from the proposed development.



2. Introduction

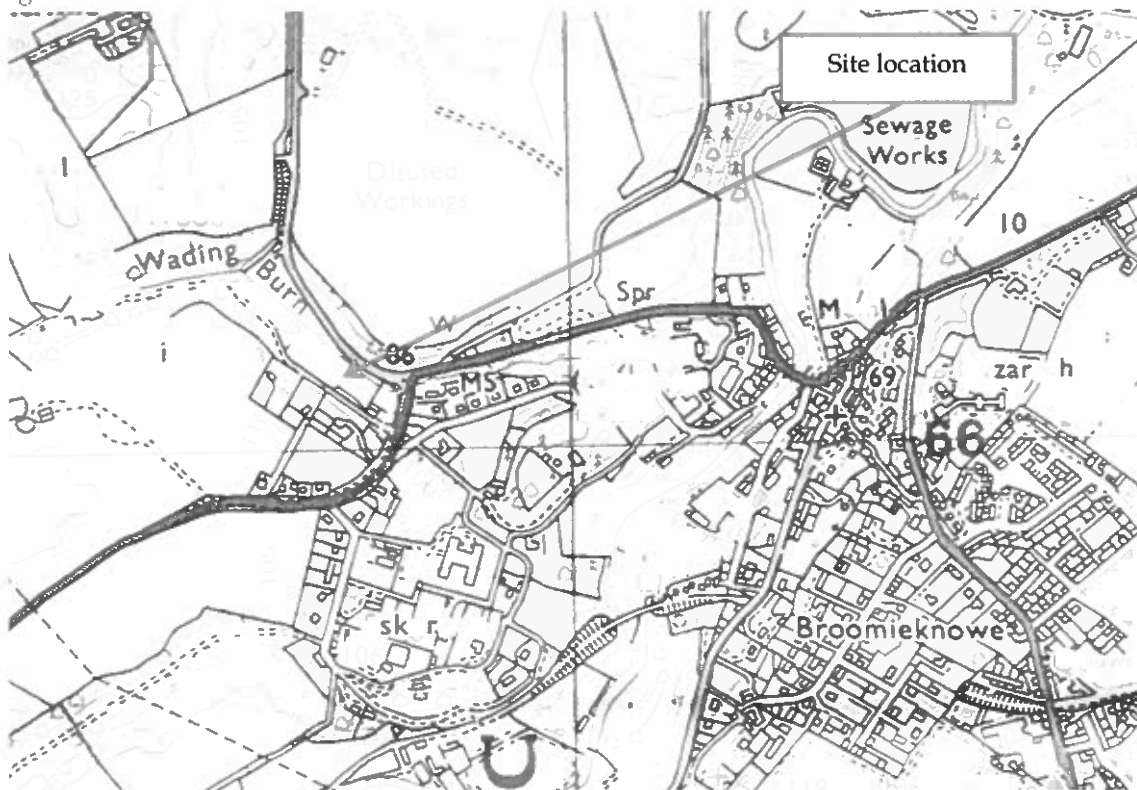
2.1 Commission

Ellendale Environmental Limited was commissioned by Ferguson Planning Ltd., on behalf of their client, to undertake a Preliminary Ecological Assessment (PEA) for an area of land at Lasswade Road, Loanhead, Midlothian, EH18 1HG ('the site'). It is proposed to develop a residential property on the site ('the proposed development').

2.2 Site Details

The site is located north of Wadingburn, a town in Midlothian, in a commuter belt to the south of Edinburgh, and close to Roslin, Bonnyrigg and Dalkeith, at OS grid reference NT 29561 66193.

Figure 1: Site location



©



2.3 Survey Objectives

On the basis of the brief provided by the client, Ellendale Environmental conducted an ecological survey of the site and a 50m buffer (where accessible and appropriate) to fulfil the following needs:

- Obtain baseline information on the current habitats and ecological features in and around the site;
- Identify any further specialist surveys that may be required;
- Identify the presence (or potential presence) of any protected species whose disturbance may require consent under The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) or the Wildlife and Countryside Act, 1981 (as amended); and
- Identify any species or habitats which may require special mitigation during the development of the site.



3. Methodology

3.1 Data Search

Publicly available databases, including NatureScot Sitelink, MAGIC and the NBN Atlas, were consulted for historical evidence of:

- Statutory land-based designations;
- Non-statutory land-based designations; and
- Protected and notable species.

The data search was conducted within a 2km radius of the site boundaries (and was extended to 5km for bats).

Due to the size of the site a data search from The Wildlife Information Centre (TWIC) was not undertaken. No evidence of badger or badger activity was found during the survey.

3.2 Phase 1 Habitat Survey

A Phase 1 Habitat survey of the site area was undertaken, and the habitats present on the site were mapped following the Phase 1 survey methodology (JNCC, 2010), listing the plant species associated with each habitat. This methodology was a Phase 1 habitat survey, whereby all habitats were surveyed and recorded onto a base plan, and any habitats that were considered to be of potential interest to nature conservation were recorded through the use of target notes to annotate a Phase 1 habitat map.

3.3 Preliminary Protected Species Walkover

The site and surrounding areas were examined for signs of protected species, particularly European badger *Meles meles*, as it was considered that the site had the greatest potential to support this species.

The presence/potential presence of protected or notable species of conservation concern was recorded using target notes, following the Chartered Institute of Ecological and Environmental Management guidance (CIEEM, 2012).



3.4 Survey Area

The survey covered the entire site and areas within 50m (where accessible and appropriate).

3.5 Survey Limitations

The aim of this survey was not to record every species present on the site, as one survey acts as a snap-shot, recording only those species which are present at the time or whose presence can be indicated through the occurrence of field signs, such as feeding remains, droppings or places used for shelter or foraging.

Evidence collected has been used to draw conclusions about the flora and fauna within the boundary of the site and to provide an assessment of their ecological and nature conservation value.

Weather was not a limiting factor to the survey. The prevailing conditions at the time of the survey are summarised in Table 1.

Table 1: Survey weather conditions

SURVEY DATE	TEMPERATURE (°C)	WIND SPEED (MPH)	CLOUD COVER / PRECIPITATION
12/08/22	20.6	0.0 Avg. 0.5 Max.	0% cloud cover, dry and warm and still.

3.6 Surveyor

The survey was undertaken by Stewart Parsons, Director and Principal Ecologist of Ellendale Environmental, who is a full member of CIEEM and a chartered environmentalist (CEnv). Stewart has over 18 years' professional experience of undertaking ecological surveys across the UK.



4. Results

4.1 Desk Study

A 2km data search for existing designated sites and biological records was undertaken from NatureScot Sitelink, MAGIC and the NBN Atlas (National Biodiversity Atlas (NBN) Atlas (<https://ror.org/00mcxye41>) at <http://www.nbnatlas.org>. Accessed 17 September 2022).

Statutory Designated Sites

The following statutory designated sites are located within 2km of the site boundaries:

- Bilston Burn Site of Special Scientific Interest (SSSI) is located 1.4km south-west of the site boundary; and
- Hewan Bank SSSI is located 1.4km south-west of the site boundary.

Non-Statutory Designated Sites

The following non-statutory designated sites are located within 2km of the site boundaries

- Straiton Pond Local Nature Reserve (LNR) and Local Biodiversity Site (LBS) is located 1.5km north-west of the site boundary;
- Burdiehouse Burn Valley Local Nature Reserve (LNR) is located 2km north of the site boundary;
- Bonnyrigg to Rosewell Disused Railway Local Biodiversity Site (LBS) is located 350m to the east of the site;
- Mavisbank Local Biodiversity Site (LBS) is located 950m to the south of the site; and
- Springfield Mill and the Maiden Castle Local Biodiversity Site (LBS) is located 1.9km to the south of the site.

Protected and Notable Species

The following protected species were identified within 2km of the site boundaries by the data search:



- Great crested newt *Triturus cristatus* (two records, the closest of which is 1.5km west of the site, the most recent recorded in 1996);
- Eurasian otter *Lutra lutra* (one record, 1.5km south-west of the site, recorded in 1991); and
- European badger (nine records, the closest of which is 350m north-west of the site, the most recent recorded in 2019).

Bat Species

The following bat species were identified within 5km of the site boundaries by the data search:

- Daubenton's bat *Myotis daubentonii* (seven records, the closest of which is 2.3km south-west of the site, the most recent recorded in 2013);
- Natterers bat *Myotis nattereri* (two records, 3.5km east of the site, the most recent recorded in 2020);
- Noctule bat *Nyctalus noctule* (one record, 4km south of the site, recorded in 2020);
- Common pipistrelle bat *Pipistrellus pipistrellus* (77 records, the closest of which is 1.5km east of the site, the most recent recorded in 2021);
- Soprano pipistrelle bat *Pipistrellus pygmaeus* (157 records, the closest of which is 1.5km east of the site, the most recent recorded in 2021); and
- Brown long-eared bat *Plecotus auritus* (12 records, the closest of which is 2.6km west of the site, the most recent recorded in 2009).

Bird Species

Approximately 105 bird species have been recorded within 2km of the site and are shown on the NBN Atlas; however, none of these records are within the site boundaries.

4.2 Phase 1 Habitat Survey

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A pond and burn is also present but both were dry at the time of the survey.



To the north of the site is Lasswade Road and to the east there are residential properties. To the south there is Wadingburn Lane, beyond which is a residential property and to the west there is an area of broad-leaved woodland.

There are six Phase 1 habitat types, including boundary features, recorded on site, namely:

- A2 Scrub (Dense/continuous);
- J3.6 Built-up areas (Building);
- B6 Poor semi-improved grassland;
- C3 Tall ruderal;
- A1 Broadleaved woodland (Semi-natural); and
- G1 Water (Pond and running water).

A2 Scrub (Dense/continuous)

The site is accessed from Wadingburn Lane along a short track which is lined on either side by dense scrub.

Photograph 1: showing a view of the site entrance





Species including buddleia *Buddleia davidii*, sycamore *Acer pseudoplatanus* and elder *Sambucus nigra* are present along the boundaries. In addition, ivy *Hedera helix*, crocosmia *Crocosmia sp.*, bramble *Rubus fruticosus agg.*, broad-leaved dock *Rumex obtusifolius*, common nettle *Urtica dioica* and dandelion *Taraxacum officinale agg.* are all present.

Along the western boundary of the site there is a former hedgerow now dominated by dense bramble scrub. Occasional hawthorn *Crataegus monogyna* is present.

13.6 Built-up areas (Building)

Along the southern boundary of the site there is a former stable building that is approximately 20m long by 5m wide. The barn is constructed from a wooden frame covered with wooden spats. The roof is pitched and covered with an external layer of roofing felt. The barn was noted to be in a poor condition with much of the roof having fallen in. Beyond the stable building there is a row of beech *Fagus sylvatica* trees along the road boundary.

Photograph 2: showing a view of the former stables





B6 Poor semi-improved grassland

The main area of the site is dominated by poor semi-improved grassland that slopes towards the north of the site. The ground was noted to have been mown at the time of the survey and it is understood that the ground was previously grazed. Through lack of management some ruderal species were noted to be present in the grassland including broad-leaved dock, common nettle, creeping buttercup *Ranunculus repens*, soft rush *Juncus effusus*, horsetail *Equisetum arvense*, meadowsweet *Filipendula ulmaria* and cow parsley *Anthriscus sylvestris*.

Photograph 3: showing a view of the poor semi-improved grassland



C3 Tall ruderal

Tall ruderal vegetation is present around the boundaries of the site with species present including willow herb *Epilobium sp.*, broad-leaved dock, common nettle and burdock *Arctium minus*.



A1 Broadleaved woodland (Semi-natural)

At the north of the site there is an area of broad-leaved woodland with species present including silver birch *Betula pendula*, sycamore, alder *Alnus glutinosa*, beech and holly *Ilex aquifolium*. The area is wet with wading burn present along the boundary of the woodland. Ground flora includes common nettle, bramble and male fern *Dryopteris filix-mas*.

Photograph 4: showing a view of the woodland



G1 Water (Pond and running water).

Wading burn is present along the north of the site. The survey followed a period of hot weather, and no water was found to be present. A ponded area is present in the north-east corner of the site and was also dry at the time of the survey. The pond was dominated by butterbur *Petasites hybridus*.



Photograph 5: showing a view of the pond area



4.3 Preliminary Protected Species Walkover

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. It is understood that the grassland was formerly managed through grazing. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

No evidence of common reptiles or amphibians was found during the survey and no suitable refugia or hibernacula were present. The grassland may provide some limited foraging habitat. Evidence of rabbit *Oryctolagus cuniculus* was noted throughout the site with droppings and grazing found. Evidence of deer species was also noted with areas of flattened grass present.

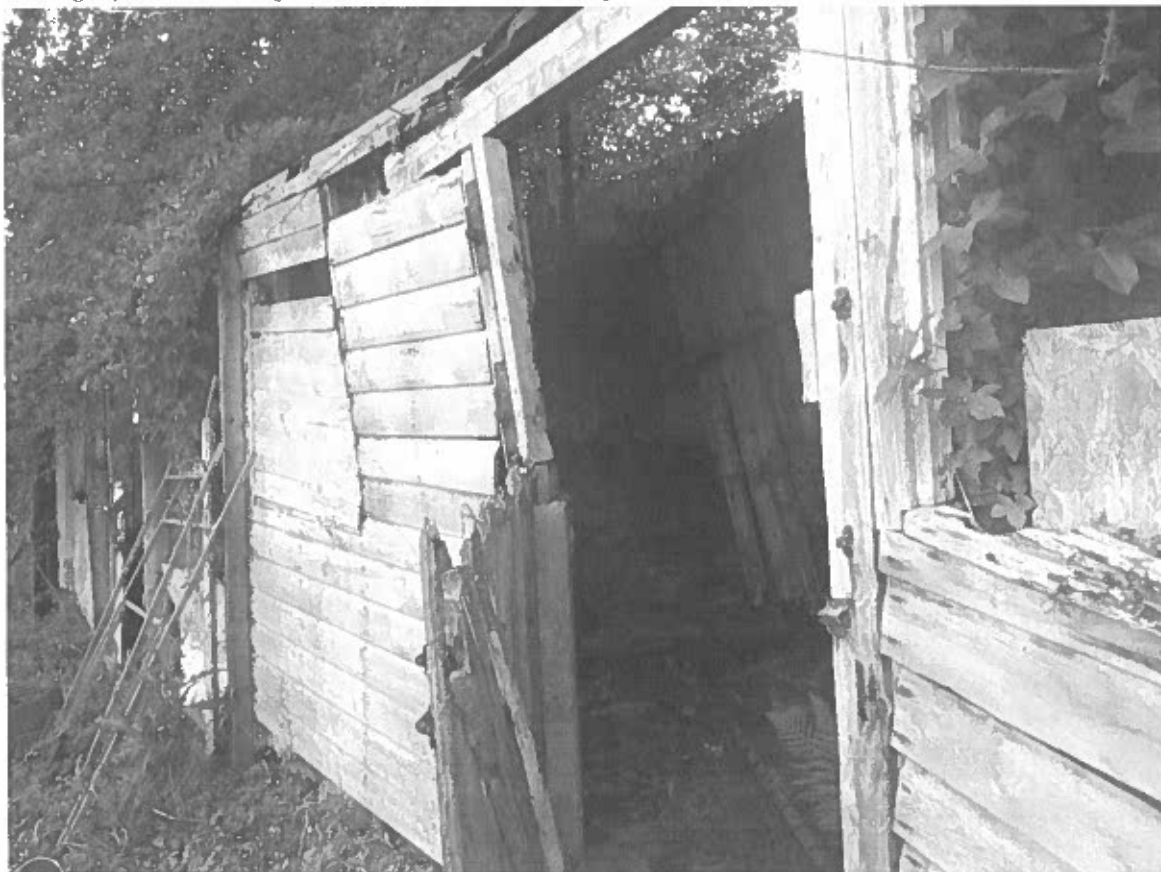
No evidence of badger, such as sett entrances, digging or latrines, was found during the survey and the species is not considered to be present.



The scrub and woodland within the site provides the most suitable nesting habitat for a range of common bird species; however, no nests were recorded at the time of survey. The trees and hedgerow do not provide habitat for roosting bats but may provide some foraging and commuting habitat.

The old stables present along the southern boundary of the site are not assessed as providing suitable habitat for bat species. The roof and much of the walls have collapsed and the wooden structure was found to be wet and rotten in places. No crevices or loft space was found that would provide habitat for bat species and no evidence such as droppings, feeding remains or staining was found. No further surveys for bats are recommended.

Photograph 5: showing a view inside the building



Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5. Conclusions

5.1 Conclusion

The site is located to the north of Wadingburn and is approximately 0.7 hectares in size. It comprises an area of poor semi-improved grassland, tall ruderal, old stables and broadleaf woodland. A pond and burn are also present but both were dry at the time of the survey.

The main area of the site is dominated by an area of poor semi-improved grassland dominated by ruderal species that have established through a lack of management. At the time of the survey the grassland had been recently mown and had a short sward height. This limits the suitability for protected species that require vegetation for foraging and predator avoidance.

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Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.



5.2 Mitigation

Nesting Birds

Should any vegetation around the boundaries of the site require removing, this should be undertaken out with the breeding bird season (March – August, inclusive), as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

If works are undertaken within this period, a nesting bird survey would be required no more than 24 hours prior to the works. If nesting birds were found, these areas of the site would need to be protected from disturbance until the young have fledged naturally.

Common Reptiles and Amphibians

Poor semi-improved grassland present within the site provides limited habitat for common reptile and common amphibian species.

To minimise the risk of killing or injuring reptiles during the development of the site, the legislation effectively requires the displacement of individual common reptile and common amphibian species from the site to alternative habitat. The grassland within the site shows signs of management through mowing and this should be continued. Common reptile and common amphibian species use vegetation for predator avoidance, foraging and for regulation of their own body temperature; areas of short vegetation with no cover are therefore likely to be avoided.

Any areas of tall vegetation should be cleared slowly to encourage common reptile and common amphibian species to move out of the area of their own accord prior to works starting in these areas.

5.3 Suggested Biodiversity Enhancements

It is recommended that an ecologist contributes to any detailed landscape designs, planting lists and post-construction management to ensure a biodiversity net gain for the site.

It is important that, where possible, opportunities to create new ecological features or enhance existing ones are fully explored. The following measures would benefit the development by introducing ecological enhancements and should be encouraged:



- Planting of native shrubs in appropriate areas of the site such as along the southern boundary of the site will bolster the existing habitat and provide connectivity between existing habitats. Species beneficial to wildlife include hawthorn, hazel *Corylus avellana*, alder, wild cherry *Prunus avium*, dog-rose *Rosa canina* and guelder-rose *Viburnum opulus*.
- The pond and burn habitat should be enhanced through clearance of vegetation and selective replanting with marginal vegetation and shrubs. This will provide habitat for a number of species including invertebrates, small mammals, common reptile and common amphibian species and foraging birds and bats.

The following recommendations are also made for modest post-construction ecological enhancements at the site which are proportionate with the low level of environmental impact from the proposed development.

1] As part of the design and layout considered, bird nesting boxes (both small-hole and open-fronted) should be placed within the site, if possible, in suitable areas such as the woodland. This will create nesting opportunities for small bird species as part of the overall design;

2] As part of the design and layout considered, bat boxes should be placed on or around the site boundaries, if possible, in suitable areas such as the woodland. This will create roosting opportunities for bat species as part of the overall design; and

3] Bat tubes could be incorporated into the structure of the new building to provide roosting opportunities for bat species as part of the overall design.

5.4 Generic Mitigation Measures

The following mitigation shall be complied with across the project and will be continued throughout the construction period to protect common reptiles and amphibians and mammal species:

- Site personnel are to remain vigilant for signs of wildlife during the works;
- A suitably qualified and experienced ecologist will remain available to the site during the initial clearance of the site to ensure no animals are harmed during the works;



- If any trenches are left open overnight, they will be inspected every morning for trapped animals. All excavations will have 'escape route' provision so that should an animal fall in they would be able to escape;
- Materials storage will be on areas of hard standing in preference to vegetated areas. Where vegetated areas are used for the storage of materials these will be regularly mown to dissuade animals using them during the period of the construction works. Materials will be stored off the ground to avoid creating refugia for animals;
- Containers or storage sheds will be closed when not used to prevent entry by wildlife;
- Ground levelling will not create any areas of refugia during the construction phase that could be used by animals; and
- Vehicle movement will be restricted to the construction site ensuring that other areas are not affected.



6. Target Notes

6.1 Botanical Target Notes (TN)

TN1 – An area of ephemeral/short perennial vegetation at the entrance to the site. The area is used for access and car parking.

TN2 – A shed present at the entrance to the site.

TN3 – An area of dense scrub at the entrance to the site the extends along the road boundary.

TN4 – Old stable present on site were found to be in a poor condition with much of the roof and walls having collapsed.

TN5 – An area of dense scrub and beech trees extending along the road boundary.

TN6 – A strip of broadleaved woodland extending along the road boundary.

AN7 – An area of poor semi-improved grassland managed through regular mowing.

AN8 – A strip of tall ruderal vegetation along the burn.

AN9 – The Wadding burn was dry at the time of the survey.

AN10 – An area of broadleaved woodland.

AN11 – A pond area that was dry at the time of the survey and densely covered by butterbur.

AN12 – A strip of tall ruderal vegetation along the boundary of the site.

AN13 – Dense scrub along the boundary of the site.

6.2 Animal Target Notes (AN)

AN1 – Dense scrub provides foraging and nesting habitat for bird species.

AN2 – The shed present on site does not provide habitat for protected species.

AN3 – The old stables present on site do not provide habitat for roosting bats.



AN4 – Dense scrub provides foraging and nesting habitat for bird species.

AN5 – A strip of broadleaved woodland provides foraging and nesting habitat for bird species.

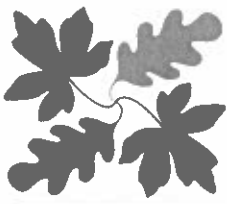
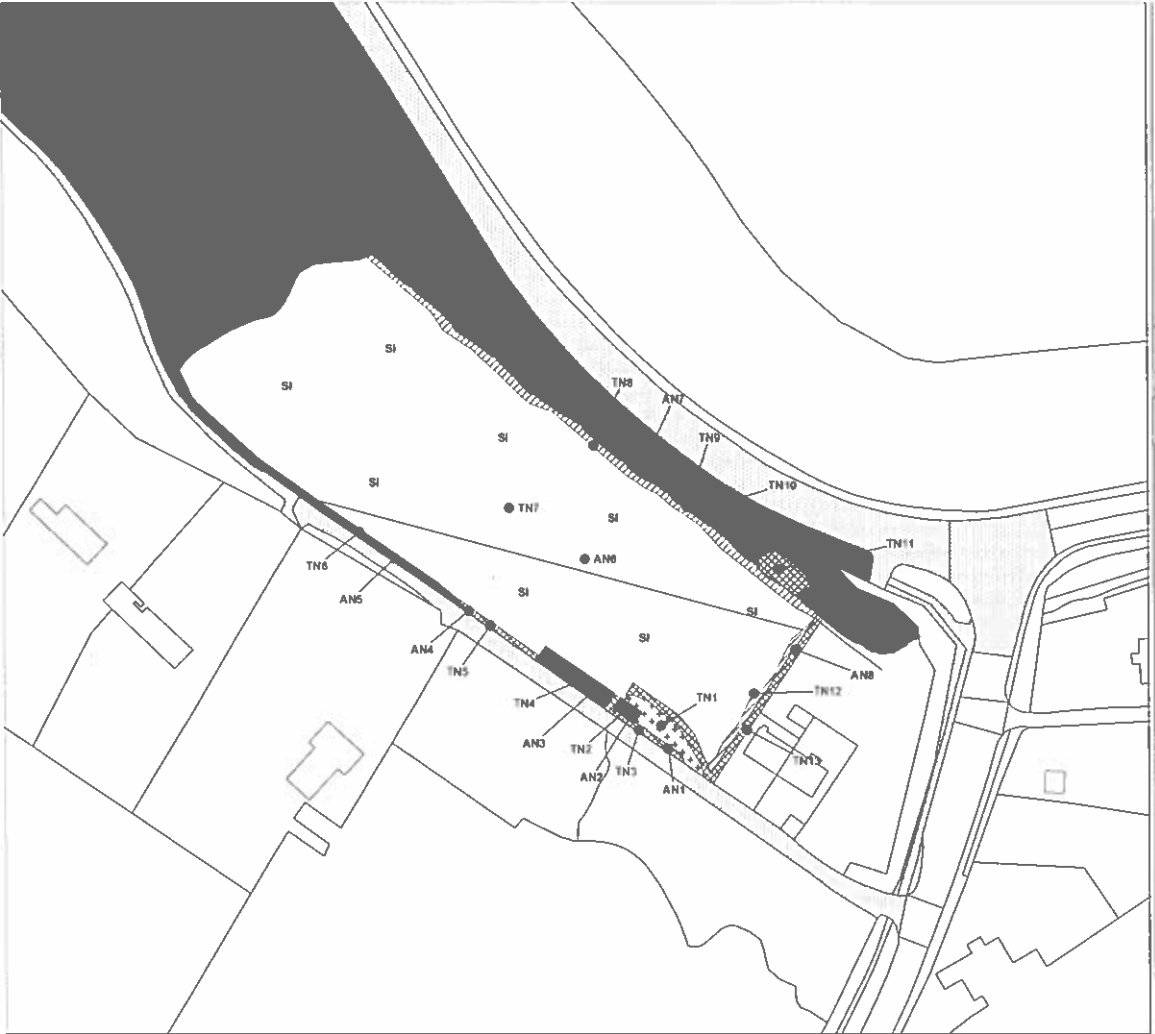
AN6 – The grassland habitat is managed and is therefore limited in its potential to support protected species.

AN7 – A strip of broadleaved woodland provides foraging and nesting habitat for bird species.

AN8 – Dense scrub provides foraging and nesting habitat for bird species.



7. Extended Phase 1 Habitat Map



ELLENDALE
ENVIRONMENTAL

Drawing Title;
Wadingburn Lane, Lasswade
Extended Phase 1 Map

Client;
Ferguson Planning Ltd.

Date;
21/09/22

Drawn By;
SP

Project Number;
EEL520

Version Number;
v1.0

- Target Note**
● TN
- Animal Note**
● AN
- Water**
— Dry Ditch
▨ Dry Pond
- Built-up Area**
— Hard Standing
— Building
- Woodland and Scrub**
▨ Dense Scrub
— Broad-leaved Woodland
- Tall Herb and Fern**
▨ Tall Ruderal
- Miscellaneous**
▨ Ephemeral/Short Perennial Vegetation

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APPENDIX 1 – SOIL MAPS

GALASHIELS

Shiel House, 54 Island Street
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NORTHERN IRELAND

61 Moyle Road, Ballycastle, Co. Antrim,
Northern Ireland BT54 6LG
T: 07960 003 358

WWW.FERGUSONPLANNING.CO.UK

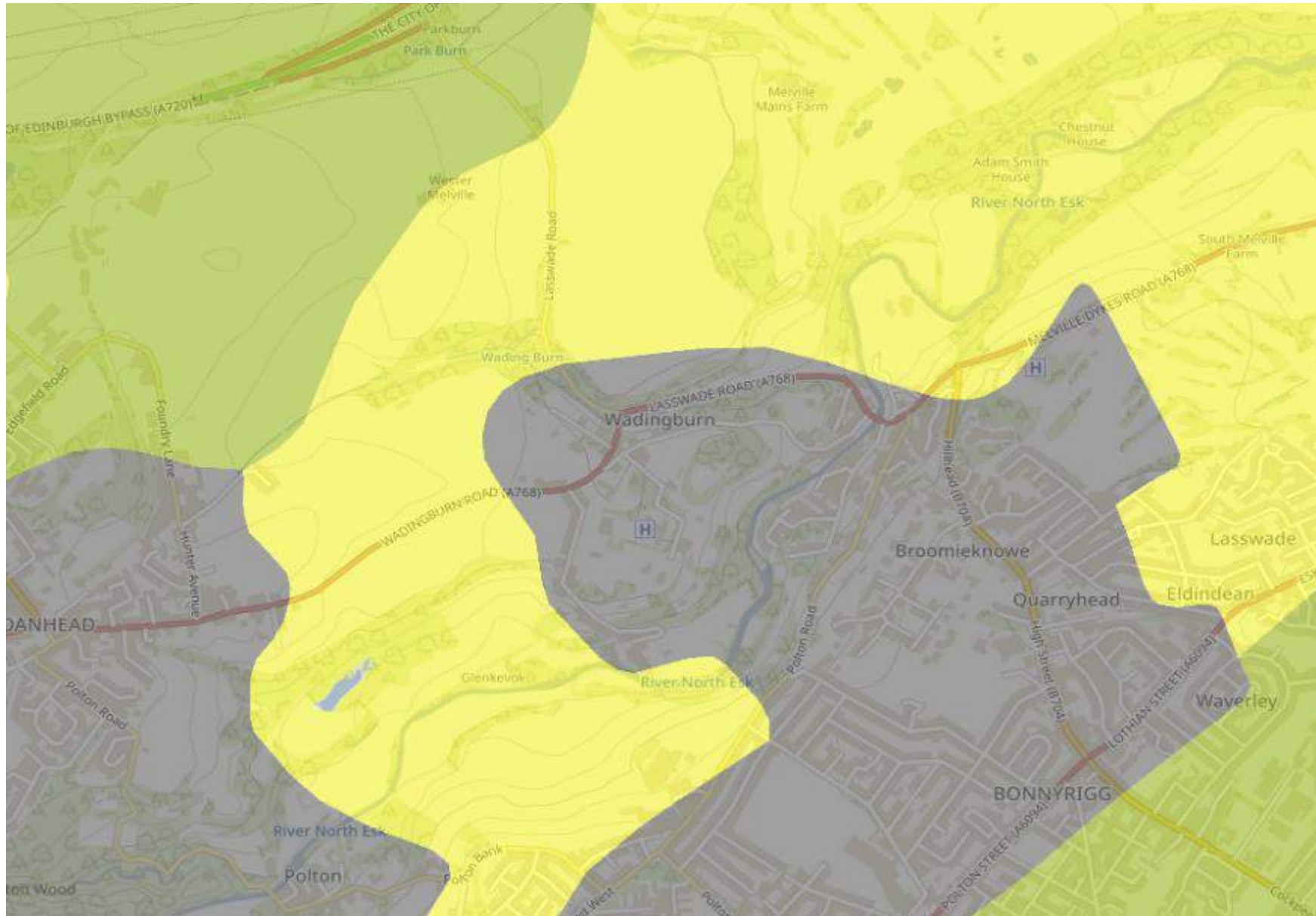


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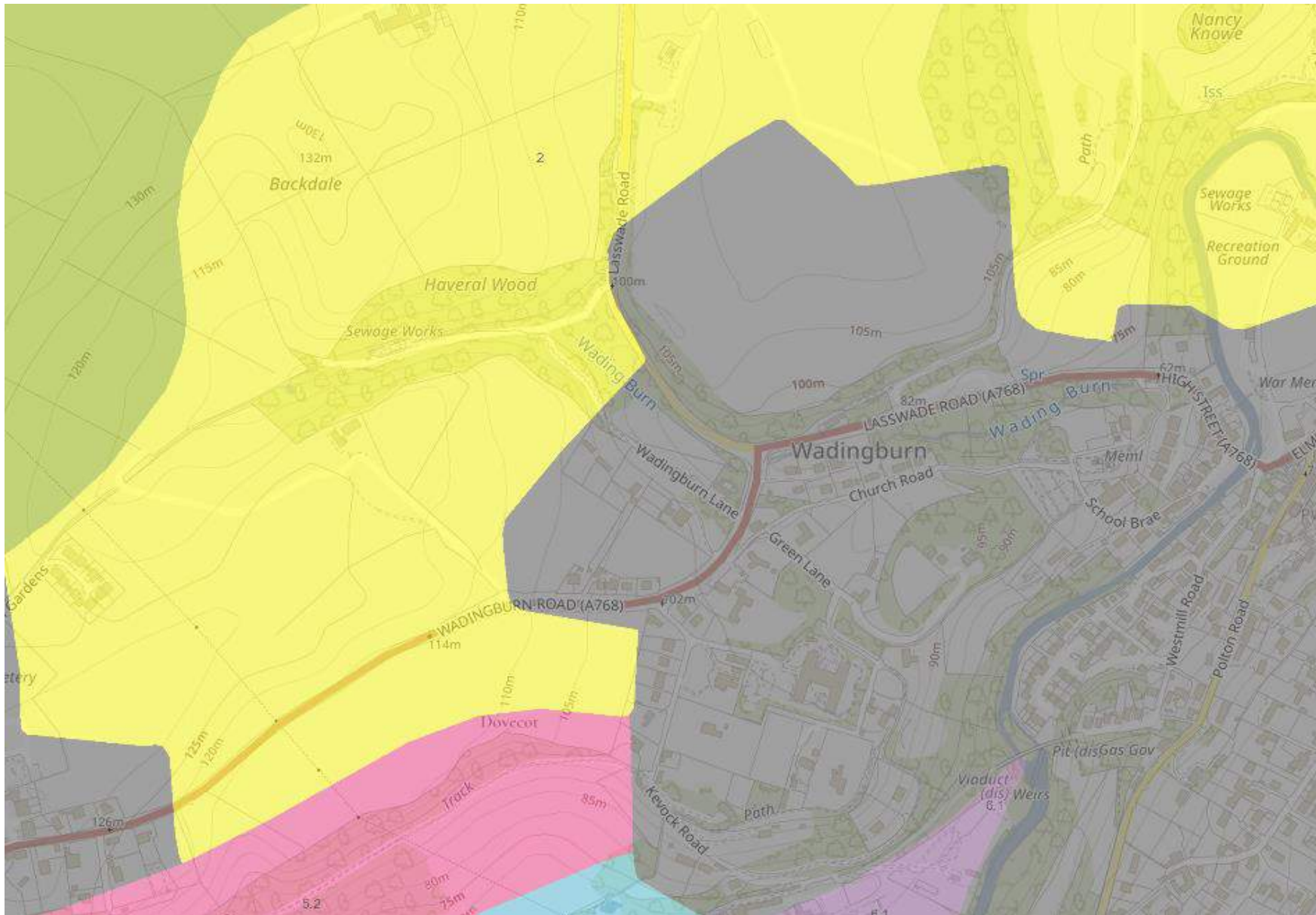
Map 1: National Scale Land Capability for Agriculture 1:250,000

Yellow area is identified as Class 2. Green area is Class 3.1 which are considered to be prime. The site is located within the grey area which is 'Urban Area'.



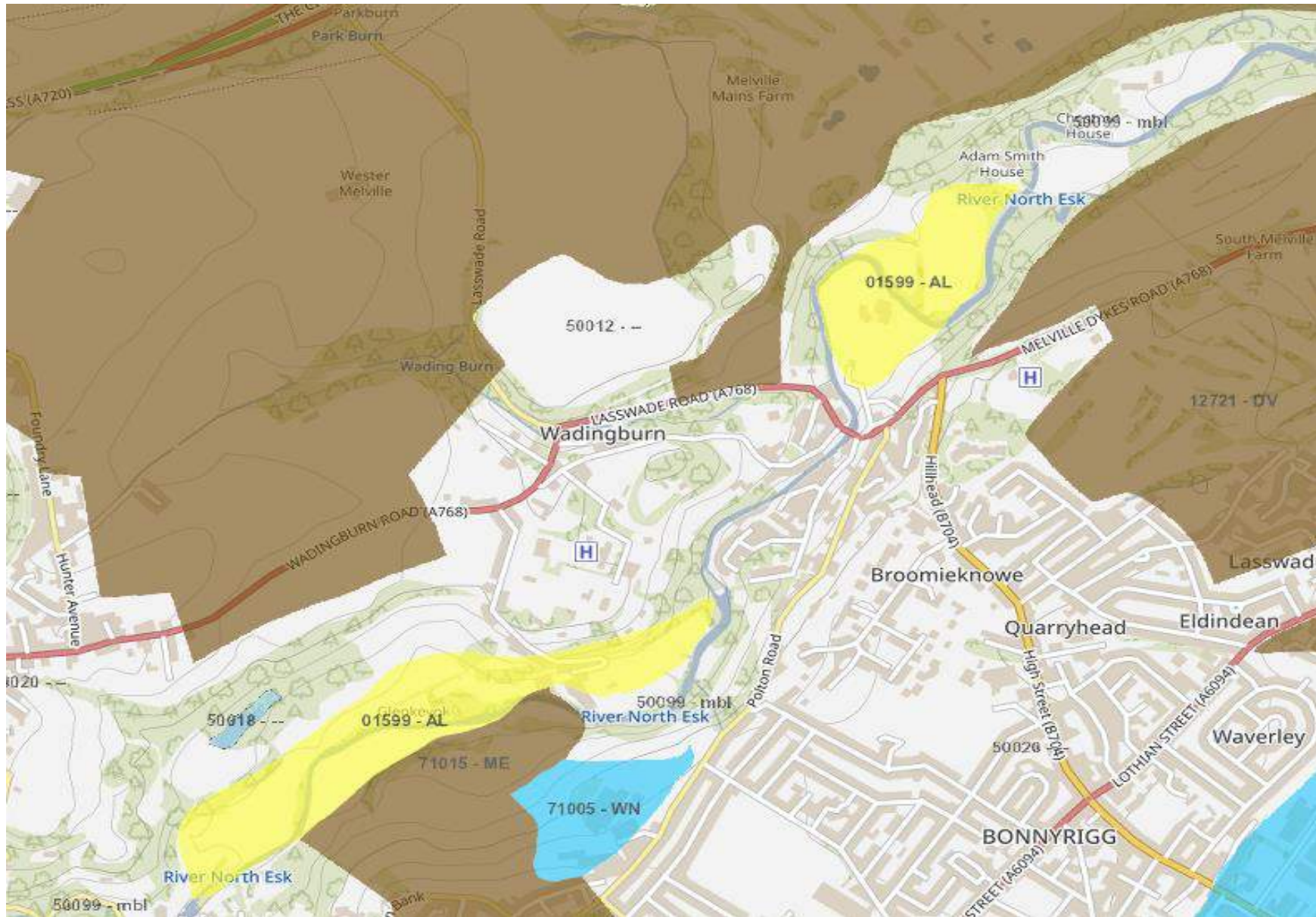
Map 2: Land Capability for Agriculture (Partial Cover) - 1:50,000

Yellow is Class 2, considered to be prime. The site is located within the grey area which is the 'Urban Area'.



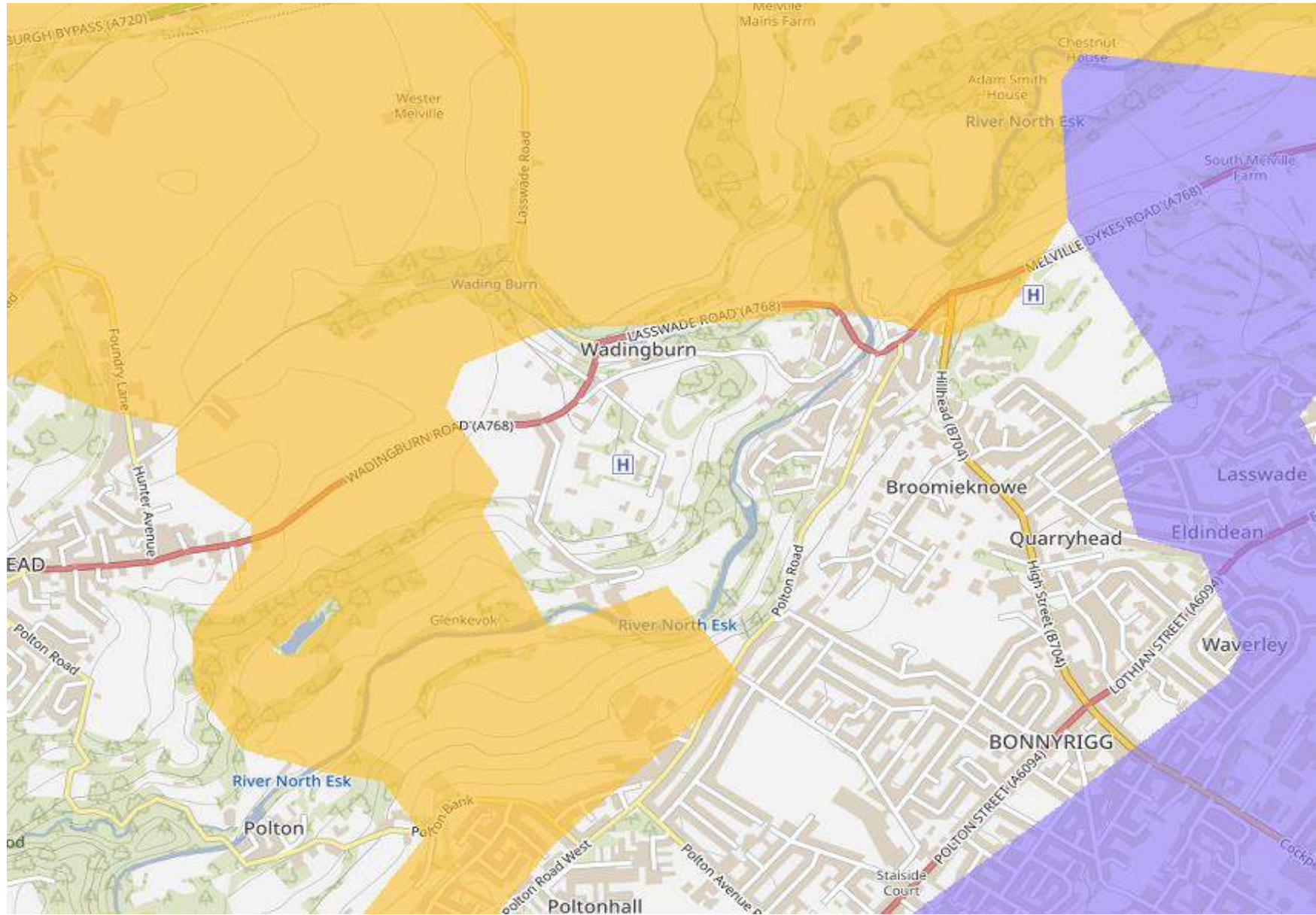
Map 3: Soil Map of Scotland (Partial Cover)

Brown shaded area is identified as Darvel - brown soils (brown earths). The site has no particular classification because it is 'urban land'.



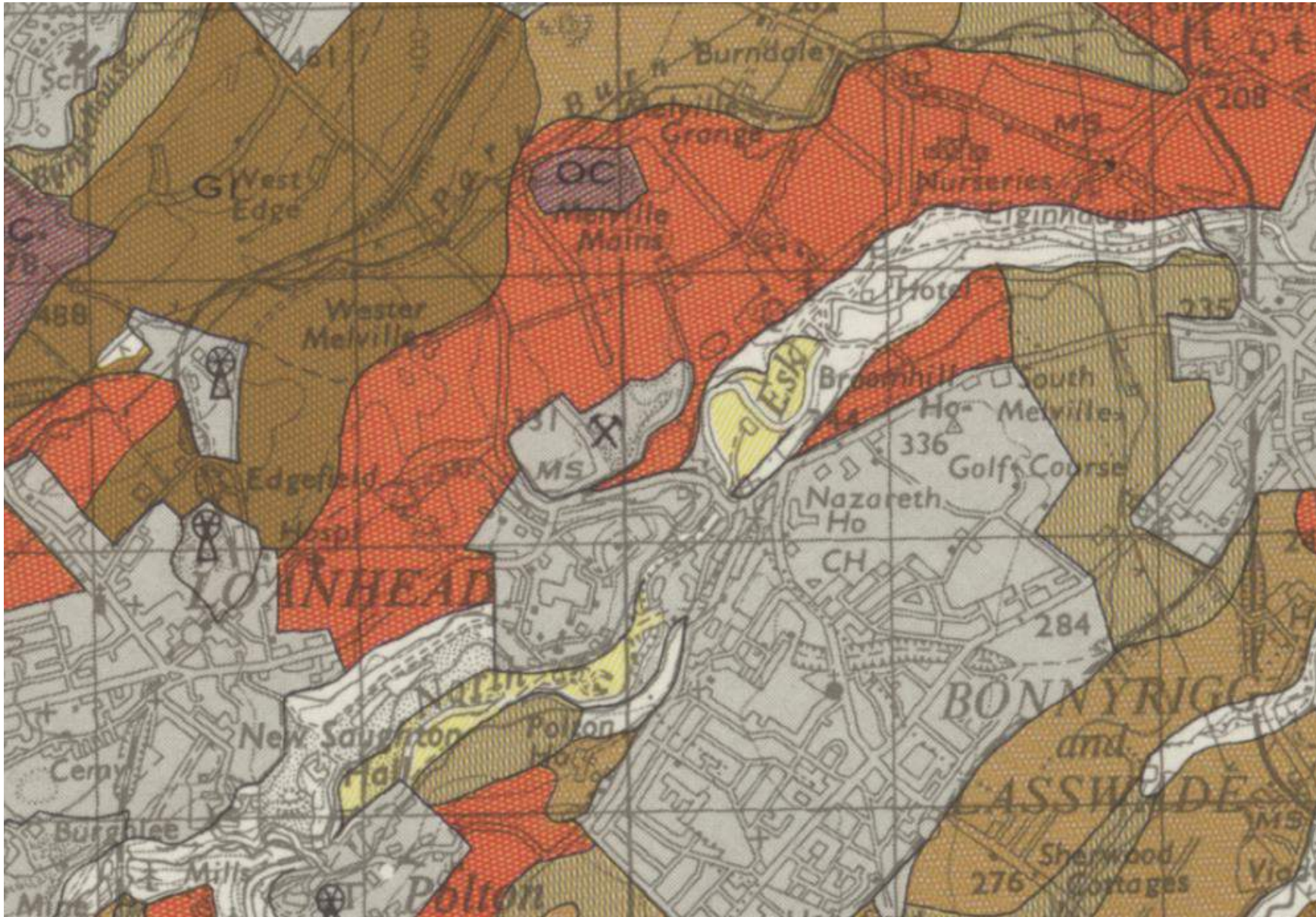
Map 4: World Reference Base Soil Map

Orange shaded area is identified as Cambisol. The site has no particular classification because it is 'urban land'.



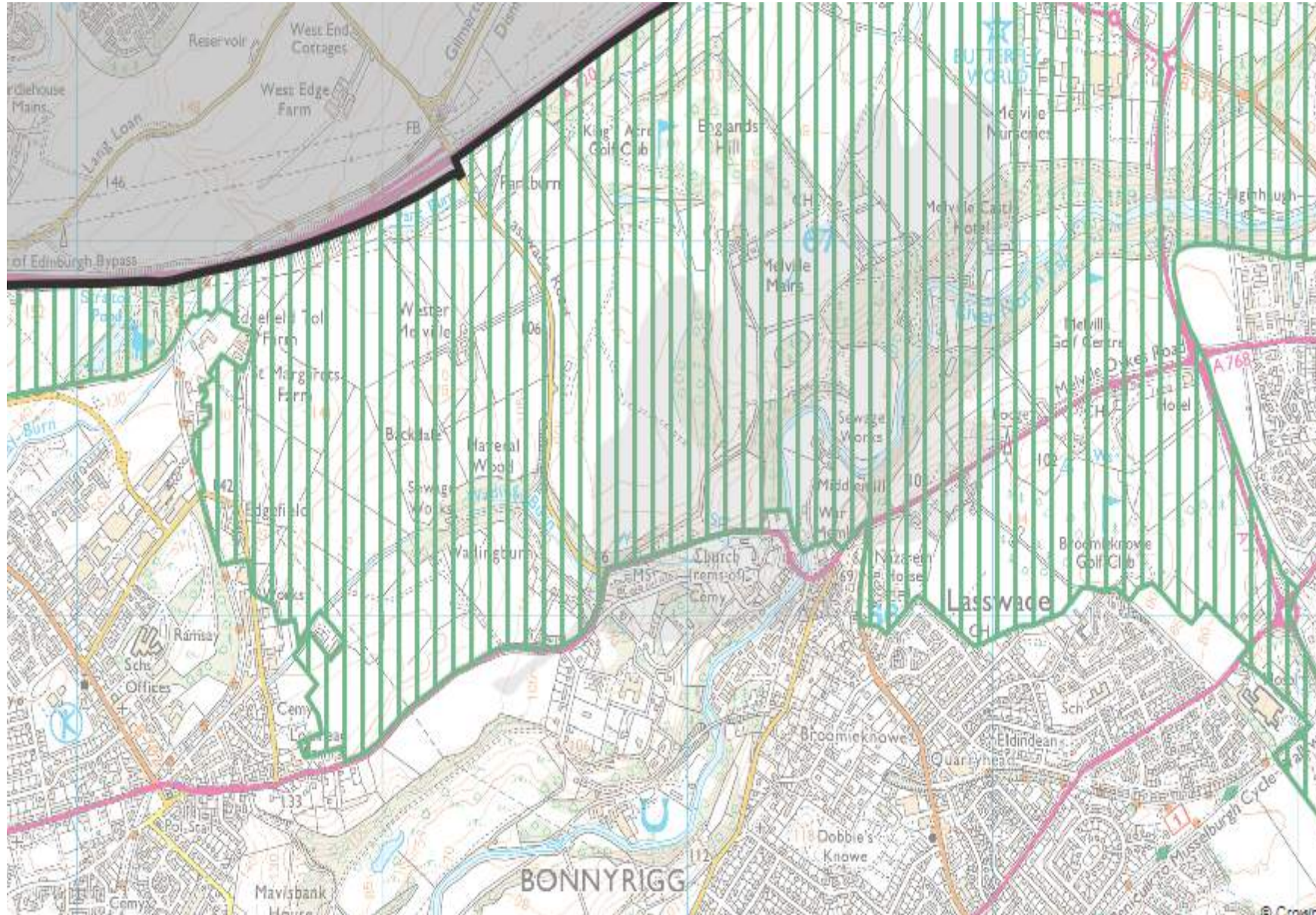
Map 5: Soil Survey of Scotland 1950-1980s

Orange shaded area is identified as 'Darvel' soil. Proposed site is within the defined 'built-up area' - grey shading



Map 6: Midlothian Council Local Development Plan Proposals Map

The green hatched area is to show 'prime agricultural land'. This does not reflect any of the national data set of soil or agricultural land upon which it is supposedly based.



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APPENDIX 2 - EMAIL FROM MIDLOTHIAN COUNCIL RE AGRICULTURAL LAND STATUS AND MAPPING

GALASHIELS

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T: 01896 668 744

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Sam Edwards

From: Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>
Sent: 12 May 2023 16:04
To: Sam Edwards
Subject: RE: Planning application 22/00811/DPP Land North West of 4 Wadingburn Lane, Lasswade

Good afternoon Sam,

I refer to your email below and apologise for the delay in responding to you. My colleagues have been working on events for the new MLDP and so have been quite busy and out of the office the last couple of weeks.

They have looked into your query and have confirmed that the current MLDP is out of date in regards to this application site and its prime agricultural land designation. This application site is not prime agricultural land and so policy ENV4 of the current MLDP does not apply.

I hope this clarifies matters and apologise for the delay in responding.

Regards,

Mhairi-Anne

Mhairi-Anne Cowie
Planning Officer: Planning Applications
Planning, Sustainable Growth and Investment Service
Place Directorate
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Tel: 0131 271 3308
Fax: 0131 271 3537
Web: www.midlothian.gov.uk
Email: Mhairi-Anne.Cowie@midlothian.gov.uk

Please note that I am currently working remotely so there may be some delays in my accessing telephone messages or submissions submitted to the office.

We are reviewing the Midlothian Local Development Plan [Midlothian Local Development Plan 2 | Development plans and policies | Midlothian Council](#)

If you have any questions about the review, or would like to be added to our MLDP2 mailing list, please email LDP@midlothian.gov.uk

From: Sam Edwards <sam@fergusonplanning.co.uk>
Sent: 09 May 2023 09:27
To: Mhairi-Anne Cowie <Mhairi-Anne.Cowie@midlothian.gov.uk>
Subject: RE: Planning application 22/00811/DPP Land North West of 4 Wadingburn Lane, Lasswade

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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APPENDIX 3 - EMAIL FROM APPELLANT'S ARBORICULTURIST

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61 Moyle Road, Ballycastle, Co. Antrim,
Northern Ireland BT54 6LG
T: 07960 003 358

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Sam Edwards

From: Sam Edwards
Sent: 05 May 2023 00:44
To: Sam Edwards
Subject: FW: Fwd: Lasswade Planning

From: ROAVR Group <support@roavrgroup.freshdesk.com>
Sent: Friday, April 21, 2023 2:09 PM
To: matt@roavr-group.co.uk
Cc: Sam Edwards <sam@fergusonplanning.co.uk>
Subject: Re: Fwd: Lasswade Planning

Hi Sam,

The root systems of trees do not generally show the same sort of symmetry seen within the crown.

In the case of the linear feature of beech trees at Lasswade, they are well adapted to their situation. The effects of the proposals on this feature has been assessed as part of the arboricultural impact assessment.

During our initial feedback we suggested that the development was moved away from the trees and this advice was taken on board. This has led to proposals that are largely sympathetic to the tree population bordering the site.

An assessment of trees is only ever a snapshot in time and they cannot be preserved for time immemorial in the same state and condition. The feature at this site is an outgrown hedge and regardless of the proposals is likely to require work in the future.

The majority of the root mass of trees T74-T83 is almost certainly offset to the south but this cannot be quantified without invasive site investigation techniques.

The British Standard says (in relation to stability) -

Trees that have good health and stability are well adapted to their surroundings. Any development activity which affects the adaptation of trees to a site could be detrimental to their health, future growth and safety. Tree species differ in their ability to tolerate change, but all tend to become less tolerant after they have reached maturity or suffered previous damage or physiological stress.

Planning and subsequent site management aims need to minimize the effect of change.

The part of a tree most susceptible to damage is the root system, which, because it is not immediately visible, is frequently ignored. Damage to, or death of, the root system affects the health, growth, life expectancy and safety of the entire tree. The effects of such damage might only become evident several years later. Damage can be the result of a number of minor but compounding factors that accumulate over time. Materials such as uncured concrete, diesel oil and vehicle washings can all damage roots and lead to adverse impacts on the tree.

It is my professional opinion that these concerns have been addressed as part of the arboricultural advice package and that as such, concerns about the effect of the proposals on the stability of trees on the southern boundary is unfounded.

All other tree related matters can be conditioned within an arboricultural method statement.

KR, Matt.

Matt Harmsworth

Director | Chief Pilot | Lead Consultant at [Roavr-Group](#)

Address ROAVR Group, Marr House,
Beechwood Business Park,
Inverness, IV2 3BW

Phone +44 (0)1463 667302

Website <http://www.roavr-group.co.uk>

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00811/DPP

Site Address: Land North West of 4 Wadingburn Lane, Lasswade.

Site Description: The application site comprises an area of land adjacent to Lasswade Road, which slopes down from south to north. There are sheds/workshops and stables at the south, with grassed land and the Wading Burn to the north. There are houses to the east and south and countryside and woodland to the north and west. The site is within the Green Belt. Wadingburn Lane is a core path.

Proposed Development: Erection of dwellinghouse, formation of access, landscaping and associated works.

Proposed Development Details: The existing buildings are to be removed and a dwellinghouse erected in the southern part of the site. This is to be split level built into the slope, appearing as single storey from Wadingburn Lane and two storey from Lasswade Road. The house is of modern design with a flat roof and large areas of glazing. The walls are larch and metal clad with stone gabions and the window frames with dark grey aluminium. A balcony on the north elevation has a glass balustrade. There will be a green roof with solar panels and a large rooflight.

The existing vehicular access is to be retained with a cellweb and gravel driveway between the house and the southern boundary leading to two parking spaces. A number of trees will be removed with new planting proposed. The house will connect to the public drainage and water supply.

The submission includes a Design and Access Statement, Tree Survey and Arboricultural Impact Assessment, Planning Statement and Preliminary Ecological Assessment. It is stated that the location and context of the site, along with this being a high quality house that fits into the landscape, means this will not have a detrimental impact to the character of the Green belt or undermine the spirit of the relevant planning policy. These consider the history of the site and surrounding area and that the removal of the existing buildings will improve the area. A Ground Source Heat Pump and SUDs are referred to in the Design and Access and Planning Statements but are not included on the submitted site plan.

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

Application site
18/00121/DPP Erection of dwellinghouse. Refused – not required in Green Belt; loss of agricultural land; poor design of house; suburbanisation of Green Belt; impact on protected species loss of landscaping; contrary to policies DEV6, DEV7, RD1, ENV1, ENV4, ENV7, ENV11 and ENV15 of the MLDP.
07/00224/FUL Erection of workshop (retrospective). Consent with conditions.

6 Wadingburn Lane

19/00915/LBC Installation of secondary glazing. Consent with conditions.

18/00774/LBC Installation of secondary glazing. Refused.

5 Wadingburn Lane

20/00141/LBC Internal alterations. Permitted.

10/00279/LBC Formation of new and alteration to exiting door and window openings, installation of replacement windows, replacement of existing chimneys and demolition of timber framed lean to conservatory. Consent with conditions.

10/00278/DPP Replacement of chimney stacks. Consent with conditions.

4 Wadingburn Lane

05/00272/FUL Formation of parking area. Permitted.

Consultations:

The **Bonnyrigg & District Community Council** provided neutral comments and make the following point:

- The site does not enhance the entrance to the built up area from the Green Belt and does not serve to prevent coalescence of settlements;
- This does not have any recreational use and is not fit for agriculture, horticulture or forestry;
- The semi-rural character of the area is large dwellings in large gardens with large trees is exactly what is proposed. Policy ENV1C permits development appropriate to the area;
- If housing is the national requirement that has allowed such big areas of prime agricultural land to be used for new housing estates around the town, windfall sites such as this at least need to be considered;
- The proposal would not result in the loss of agricultural land as the paddock is too small for traditional agriculture and too wet for stock keeping. The environmental survey submitted was carried out in a very dry period when the burn was completely dry. Local opinion is that the site is more usually boggy;
- The house appears to sit well within the site but this should be well screened from the road with appropriate local species of hedging and trees;
- The core path along Wadingburn Lane must not be obstructed;
- The lane is rural in character and should remain so;
- To maintain the rural character there should be no lighting except at the house and driveway, which should be motion sensor activated;
- Care needs to be taken with drainage as the Wading Burn goes into a culvert under the Wadingburn to Loanhead road to Lasswade. There has been flooding at the low point of the road at the centre of the village and heavy rain has been known to lead to sewage overflow which enters the North Esk. There are reports of sewage issues in the Wadingburn area. It is expected that enquiries into the suitability of the site for development will include consultations with Scottish Water on the present state of the drainage and sewerage facilities in this area;
- Impact on wildlife and wildlife corridors as the ecological survey only covers the site and not the wider area; and

- Any new development in this area must provide hedges and trees of suitable native species and enough cover to attract a good mix of wildlife. This should enhance the nature of this area and not reduce its existing valued qualities.

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection.

The Council's **Biodiversity Consultant** has considered the submitted information and considers this satisfactorily addresses protected species. The recommendations in the survey should be complied with.

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

Representations: Twelve letters of representation have been received, five objecting and seven supporting. The objections are on the following grounds:

- The proposal is contrary to the MLDP as this does not comply with ENV1;
- Approval would set a precedent and lead to the submission for more applications which would destroy the precious and characterful Green Belt;
- The application ignores the function of Green Belt law as a key piece of legislation in maintaining the balance between the built and natural environment;
- There is no attempt to argue the proposal complies with the requirements for building a dwelling within Green Belt;
- The historical precedent for a house illustrates why Green Belt legislation came into existence. The proliferation of housing since 1894 in what had been open countryside is clearly illustrated. The 'urban sprawl' leading to increasing pressure on green space in and around urban environments was one of the main reasons for Green Belt legislation. With the increasing importance of green space as contributing to improvements in air quality and biodiversity, it is important it is retained;
- The proposal is essentially the same as that previously refused with a change in siting and design;
- The submissions for support are based on the design of the house and other approvals in the area. These do not refer to a refusal in 2019 of a house in the area which has more similarities to the proposal than the approvals referred to;
- If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted, the Green Belt will be filled in one development at a time which is not in the spirit of the legislation, nor the National Planning Framework where reuse of vacant and derelict land should be the priority within settlements and stronger measures should be put in place to minimise use of greenfield sites. It would mean only those affluent enough to afford bespoke design and construction can build in Green Belt;
- With every new house comes destruction of wildlife habit and light pollution;

- It should never be a planning consideration that what is proposed is somehow "better" than what is there already; and
- There are hundreds of new builds in the area.

The supporting letters are on the following grounds:

- Regulations and initiatives designed to protect local environments are welcome and necessary but will not work where there is neither the willingness nor desire to invest the effort and cash required to preserve and enhance these special places. Doing nothing is common and often reflects a shameful degree of societal complacency;
- The application site is in a neglected, abandoned state and is an eyesore at the entrance to Lasswade;
- The site is not prime agricultural land;
- Refusing the application is not the preservation of Green Belt or agricultural land but a slow decline in the site which may impact on access along Wadingburn Lane or infrastructure, such as utility cables, pipe works, fencing;
- The SG provides for new houses within housing groups which the site fits;
- It would appear that the application meets the desired objective for re-use of vacant and derelict land within settlements in NPF4;
- A single well designed, energy-efficient, family home would be better use of the site, especially as this is among the first buildings on approach to Lasswade from the north;
- The proposal would enhance and improve the appearance of the area without significant negative impact on the local environment;
- The application is an opportunity to enhance the amenity, public access and ecological services provision in the area;
- The proposal takes care to reflect the sensitivities of the site in terms of its rural and Green Belt location;
- There is a desire by the applicant to implement the aims in the Planning and Design and Access Statements;
- The development of this plot would not have any adverse impact on the Green Belt designation when the remainder of the landholding will be left untouched and the new dwelling will be largely hidden from view;
- Some would rather see private members of the public build interesting, efficient houses rather than the swathes of cheaply built, less environmentally friendly buildings being erected in the Lothians;
- Improved access along Wadingburn Lane would help local businesses and farmers who use the lane;
- The trees are an important part of the environment, landscape and local amenity which is reflected in the Tree Survey and Arboricultural Impact Assessment. If the proposal is not sufficient to meet the concern over future development, the Council might consider applying conditions or to strengthen the protection of the land, countryside and landscape thought to be at risk. This could be through a revised and stronger designation, such as a Special Landscape Area or, combined with Haverall Wood, a Local Nature Reserve;
- The proposed and existing tree planting will not only screen the building but improve the appearance of the site and create new wildlife habitats, preserving the woodland and wildlife in the area;
- The site includes a wide range of wildlife which goes further than the details in the ecological survey submitted which should be protected. However it is not

considered the proposal represents a threat to this if the applicant follows their declared intentions;

- The proposal includes solar panels and a ground source heat pump which is commendable and should be supported given the current climate emergency;
- Conditions should be attached to any permission to allow access for local residents during and after development, that the lane and any related pipework be restored and resurfaced and invasive species managed according to legislation;
- There should be no future development beyond that proposed;
- Developments to bring young families to the village and clearly care about having an overall positive impact on the local area should be supported;
- There are differences between the most recently refusing housing application at Green Lane and the current proposal and so is not comparable; and
- The proposal addresses the reasons for refusing the previous application.

Relevant Planning Policies:

The relevant policies of the National Planning Framework 4 are:

- Policy **1 Tackling the climate and nature crisis** sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis;
- Policy **2 Climate mitigation and adaptation** sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change;
- Policy **3 Biodiversity** sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature network;
- Policy **4 Natural Places** sets out to protect, restore and enhance natural assets making best use of nature-based solutions;
- Policy **5 Soils** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development;
- Policy **6 Forestry, woodland and trees** sets out to protect and expand forests, woodland and trees;
- Policy **8 Green belts** sets out to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably;
- Policy **9 Brownfield, vacant and derelict land and empty buildings** sets out to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development;
- Policy **11 Energy** sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS);
- Policy **13 Sustainable transport** sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably;
- Policy **14 Design, quality and place** sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle;

- Policy **15 Local Living and 20 minute neighbourhoods** sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options;
- Policy **16 Quality homes** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland;
- Policy **17 Rural homes** sets out to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations;
- Policy **20 Blue and green infrastructure** sets out to protect and enhance blue and green infrastructure and their networks;
- Policy **22 Flood risk and water management** sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding;
- Policy **23 Health and safety** sets out to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing;
- Policy **24 Digital infrastructure** sets out to encourage, promote and facilitate the roll-out of digital infrastructure across Scotland to unlock the potential of all our places and the economy; and
- Policy **29 Rural development** seeks to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

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

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

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

DEV7 Landscaping in New Development states development proposals will be required to be accompanied by a comprehensive scheme of landscaping. This should:

complement the existing landscape within and in the vicinity of the site; create landmarks in the development layout and use the landscape to emphasise these;

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

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

ENV1 Protection of the Green Belt states development will not be permitted in the Green Belt except for proposals that: are necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or provide for essential infrastructure; or form development that meets a national requirement or established need if no other site is available. Any development proposal will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the identity and landscape setting of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence. This policy states that housing will normally only be permissible where it is required for the furtherance of an established Green Belt activity, as detailed above. The applicant will be required to show the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity;

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

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

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

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

Supplementary Guidance for Housing Development in the Countryside and Green Belt has been adopted which expands policies RD1 and ENV1 and the criteria to be met in such proposals. This provides some support the development of one house where there is a group of 5 or more existing dwellinghouses. However this only applies to sites covered by RD1. Sites within the Green Belt are covered by ENV1 which does not make provision for development at housing groups, therefore

proposals in such location will not be considered in accordance with the plan. The SG details the criteria for groups to meet before a site can be considered.

Planning Issues: The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

Principle of Development

The Green Belt surrounding Edinburgh plays an important role in safeguarding and maintaining the landscape settings of the city and the individual settlements of Midlothian. The Green Belt helps to maintain the character and identity of individual settlements by restricting coalescence of neighbouring settlements. In order to ensure that the Green Belt is maintained and that settlements avoid coalescence planning policies do not support development within the Green Belt except where it is required for the furtherance of existing acceptable uses. The primary aim of Green Belt policy is to maintain separation between settlements.

The proposed development would result in a new house within the Green Belt. The applicant's agent has not suggested or demonstrated that the proposed house is necessary in relation to any of the requirements for houses in the Green Belt detailed in NPF4 policy 8 or MLDP policy ENV1.

The applicant's agent has made the following comments:

- *They accept the site is in the Green Belt and does not meet one of the acceptable uses in these policies but that the proposal be considered an exception to these policies.*
- *This has no impact upon any of the Green Belt policy intent or outcomes in these policies and there is no conflict with these.*
- *This is a well connected site, at a sustainable location at the edge of the settlement and in easy walking distance to Lasswade and public transport.*
- *There are houses in the area and the position of the proposed house has been chosen to form a group with and be a continuation and logical extension of these.*
- *The site is well screened by landscaping and the proposal is design and landscape led, with the house a bespoke design to complement the area and be sustainable.*
- *The applicant wishes to live close to Lasswade but retain a character of rural living.*
- *There have been two new houses recently granted planning permission in the wider area of similar design.*

The Planning Authority acknowledge there is a history of development within the Green Belt in this area of Lasswade, however a significant portion of this predates the adoption of modern Green Belt policies. The sporadic infill ribbon developments of the 1960's and 1970's, such as those on the North side of Church Road, have diminished the sense of separation in this area of Midlothian. The proposal would be a continuation of this. The generous plot sizes and extensive areas of woodland mean that the area retains a distinctly non-urban character that warrants inclusion within the Green Belt.

The decisions of the past should not be used to justify further development today. It is clear that the previous applications for houses at land at Orchard House and School Green, referred to by the applicant's agent, were approved as exceptions to policy given the design of the houses, not to be seen as a precedent for other houses contrary to policy in the area. Whilst these were approved at Planning Committee and Local Review Body, these were ultimately the decisions of the Council. Two more recent applications for single houses at Church Road were refused as these did not comply with Green Belt policy, one of which was upheld by the Local Review Body.

The surrounding Green Belt is a sporadic, well-spaced area which helps create a balance between the built and natural environment. The development plan states the Green Belt plays an important role in protecting the landscape setting, character and identity of areas, both the City and the settlements in Midlothian. The proposal for a further house in the area would undermine the characteristics of this area of the Green Belt.

A number of supporters have stated that the house should be approved as this has a positive impact on the area and has been designed to complement this. If the quality of the design of the house and surrounding landscaping is the only factor used to determine whether an application is refused or granted the Green Belt will be filled in one development at a time. This is why the Green Belt policy is so restrictive to development, to ensure that only development which complies with the relevant criteria is approved. There is no support for the proposal in terms of the Green Belt policies, nor are there material planning considerations to support the proposed house.

There is policy support in the MLDP for additional houses within housing groups where these meet particular criteria. This relates to sites within the countryside. The MLDP and related Supplementary Guidance are explicit that this does not apply within the Green Belt. This is therefore not relevant to this proposal.

The fact that there may have been houses here historically, in the late 1800s, does not mean that houses would be acceptable here again.

The site is within an area identified as prime agricultural land which would be permanently lost as a result of development. It has not been demonstrated that the proposal complies with the relevant criteria to allow the loss of prime agricultural land. It is accepted that the site is not in agricultural use at present, however it falls under this designation and needs to be assessed in line with this. If the applicant wishes for this classification to be removed, they should submit comments in relation to the preparation of MLDP2 for this to be considered.

The planning authority has not identified the site as vacant or derelict land. While there are redundant buildings at the site at present, the overall appearance does not detract from the character and appearance of the Green Belt at this entrance to Lasswade. It does not follow that because some feel the site is an eyesore, any development should be allowed.

With regard to NPF4, the site is within the Green Belt and so by this and its location this is not a sustainable location. Although there are footpaths and public transport links in the area, the majority of trips are likely to be done by private car which is not in line with NPF4's focus on sustainability.

Design

There are a variety of housetypes in the surrounding area, meaning there is no fixed character of development in the immediate area. The site is outwith the Lasswade and Kevock Conservation Area. The proposed house is contemporary in design and treatment of materials. The proposed house has clearly been designed to fit into the site having been set into the existing ground levels. The design and integration into the ground would minimise the visual impact on the area, through relatively low scale development, lightweight large areas of glazing and materials sympathetic to this location within the Green Belt and a prominent site at the entrance to Lasswade.

While this architectural approach is distinctly different to the design of some of the neighbouring houses, this solution was clearly arrived at in order to respect the scale of buildings in the surrounding area, to accommodate the change in ground levels and ensure that the resultant building would not be overly dominant to the surroundings. It is clear that the site's context has been considered and a design solution proposed which ensures that the impact on the character and appearance of the area is minimal whilst creating an interesting and innovative building. The Planning Authority consider that the proposed development, in terms of its design, would not have a detrimental impact on the character and appearance of the surrounding area.

Landscape

The submissions include information on trees and landscaping, as well as details of how the design and layout has been altered to accommodate as many existing trees as possible. Where trees are to be lost, these will be replaced elsewhere. Additional planting is also proposed within the site.

The site extends across an area of the Lasswade Green Belt that is characterised by grassland and native woodland, comprising both mature and young self-set trees along the course of the Wading Burn. This makes a significant contribution to the local landscape character and rural setting of the northern settlement edge of Lasswade. This is visible in approaches along Lasswade Road and the tree cover, albeit deciduous, provides a level of screening. These natural landscape features notably contrast with those parts of the burn corridor that have become characterised by residential development, such as to the east of the Wadingburn Road junction. Within this context, the site and the other land under the control of the applicant have a key role in maintaining the blue/ green network connectivity between Haverall Wood and the River North Esk, while also supporting diverse habitat for wildlife.

The trees within the site are generally in good condition. While some information has been submitted, it has not been demonstrated that the works can be carried out without the loss of some of these important features. In particular, there are a number of trees along the lane by the retaining wall and no assessment of the stability of these has been submitted. These are within falling distance to the proposed house. These may be lost if it is found that these are no longer stable after

the works are carried out. Also these may come under pressure to be felled in the future due to concerns over fall distance to or, being to the south of the house, causing overshadowing to the house and garden and overhanging the house.

It has not been demonstrated to the satisfaction of the planning authority that the proposals would not result in the loss of landscaping within the site which would have a significant detrimental impact on the landscape character of this Green Belt area. Also the proposed development would result in further pressure on the remaining undeveloped parts of the burn corridor, narrowing of the existing green network connection and wider Green Belt area which would also have a significant detrimental impact on the surrounding area.

Japanese knotweed is present within the wider ownership boundary. The applicant should ascertain if this is present within the site and any ensure existing infestations are treated appropriately, without causing further spread of this invasive species.

Amenity for occupants and neighbours

Sufficient garden ground will be provided for the proposed house.

The distances between the proposed and existing surrounding properties meets the required standards.

While there may be some overlooking from the proposed house to the garden serving 4 Wadingburn Lane, this is already overlooked by number 2 and is largely open to view from Lasswade Road and Wadingburn Road. The proposal would not be significantly worse than the existing situation.

Road safety

No road safety issues have been raised by the consultee.

The proposed works are fully within the site and would not impact on the core path.

Any works to the lane, including repairs and resurfacing, would be a private legal matter between interested parties.

Other matters

The supporting information makes reference to solar panels, Ground Source Heat Pumps and SUDs, however these are not shown on the submitted plans. These features would help with the climate crisis in terms of energy and water run off which is welcomed. However there can be noise issues with domestic Ground Source Heat Pumps and so details of this should be submitted for consideration to ensure this does not impact the amenity of neighbouring properties.

The proposal includes bat and bird boxes, as well as replacement planting and a wildflower area which will enhance biodiversity in the site and area. The submitted information assessed species within the site and also the wider area to ensure that any routes are not affected by the proposal. The impact on protected species has been satisfactorily considered and the recommendations in the submitted survey should be implemented if permission is approved.

Part of the site is within an area of high likelihood of surface water flooding on the SEPA flood maps. The flood map indicates this area only covers the northern part of the site and does not extend to the proposed footprint of the house. The submitted documents indicate SUDs at the north of the site, by the burn, but this is not shown on the site plan so it is difficult to tell if this is within the flood risk area. The proposals appear to comply with the standing guidance for surface water flooding issued by SEPA. Should permission be approved, details of this shall be required to ensure this is appropriate given the location to the burn and surface water flooding risk area. This should also include details of how the SUDs would affect the burn through the site and ensure there is no flood risk from these works.

The potential impact on Scottish Water assets needs to be assessed by the applicant to ensure this is resolved. This is not a planning matter but any necessary changes may require an alteration to the layout.

Recommendation: Refuse planning permission.

Reg. No. 22/00811/DPP

Ferguson Planning Ltd
37 ONE
37 George Street
Edinburgh
EH2 2HN

Midlothian Council, as Planning Authority, having considered the application by Mr Bernard Flanagan, 58 Carnethie Street, Rosewell, EH24 9AN, which was registered on 21 November 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse, formation of access, landscaping and associated works at Land North West of 4, Wadingburn Lane, Lasswade

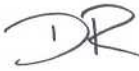
In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	22049 - (2-)001 – 01 1:5000	21.11.22
Location Plan	22049 - PL(2-)002 – 01 1:1250	21.11.22
Site Plan	22049 - PL(2-)003 – 01 1:500	21.11.22
Site Plan	22049 - PL(2-)100 – 01 1:500	21.11.22
Proposed Floor Plan	22049 - PL(2-)101 – 01 1:100	21.11.22
Proposed Floor Plan	22049 - PL(2-)102 – 01 1:100	21.11.22
Roof Plan	22049 - PL(2-)103 – 01 1:100	21.11.22
Proposed Elevations	22049 - PL(2-)200 – 01 1:100	21.11.22
Proposed Elevations	22049 - PL(2-)200 – 01 1:100	21.11.22
Proposed Cross Section	22049 - PL(2-)300 – 02 1:250	21.11.22
Landscape Plan	22049 - PL(2-)104 – 01 1:500	21.11.22
Design and Access Statement		21.11.22
Tree Survey and Arboricultural Impact Assessment		21.11.22
Planning Statement		25.11.22
Ecology/Wildlife Report/Survey		09.01.23

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

1. *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to Policy 8 of the National Planning Framework 4 and policy ENV1 of the adopted Midlothian Local Development Plan 2017.*
2. *The proposed development would result in the permanent loss of an area of prime agricultural land without justification and does not fulfil the requirements of related Policy 5 of the National Planning Framework 4 or policy ENV4 of the adopted Midlothian Local Development Plan 2017 which seeks to protect such areas.*
3. *The loss of landscaping as a result of the proposal would have a significant detrimental impact on the character and appearance of this rural area which would be contrary to Policies 6 and 20 of the National Planning Framework 4 and policies ENV7 and ENV11 of the adopted Midlothian Local Development Plan 2017.*
4. *It has not been justified that the proposed development has been sited in a sustainable location and it fails to address the global climate crisis in this respect. Therefore the proposed development does not comply with the aims of NPF4 and policy 1 of NPF4 specifically.*

Dated 3 / 3 / 2023



.....
Duncan Robertson

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison
Direct Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

Development Low Risk Area- STANDING ADVICE

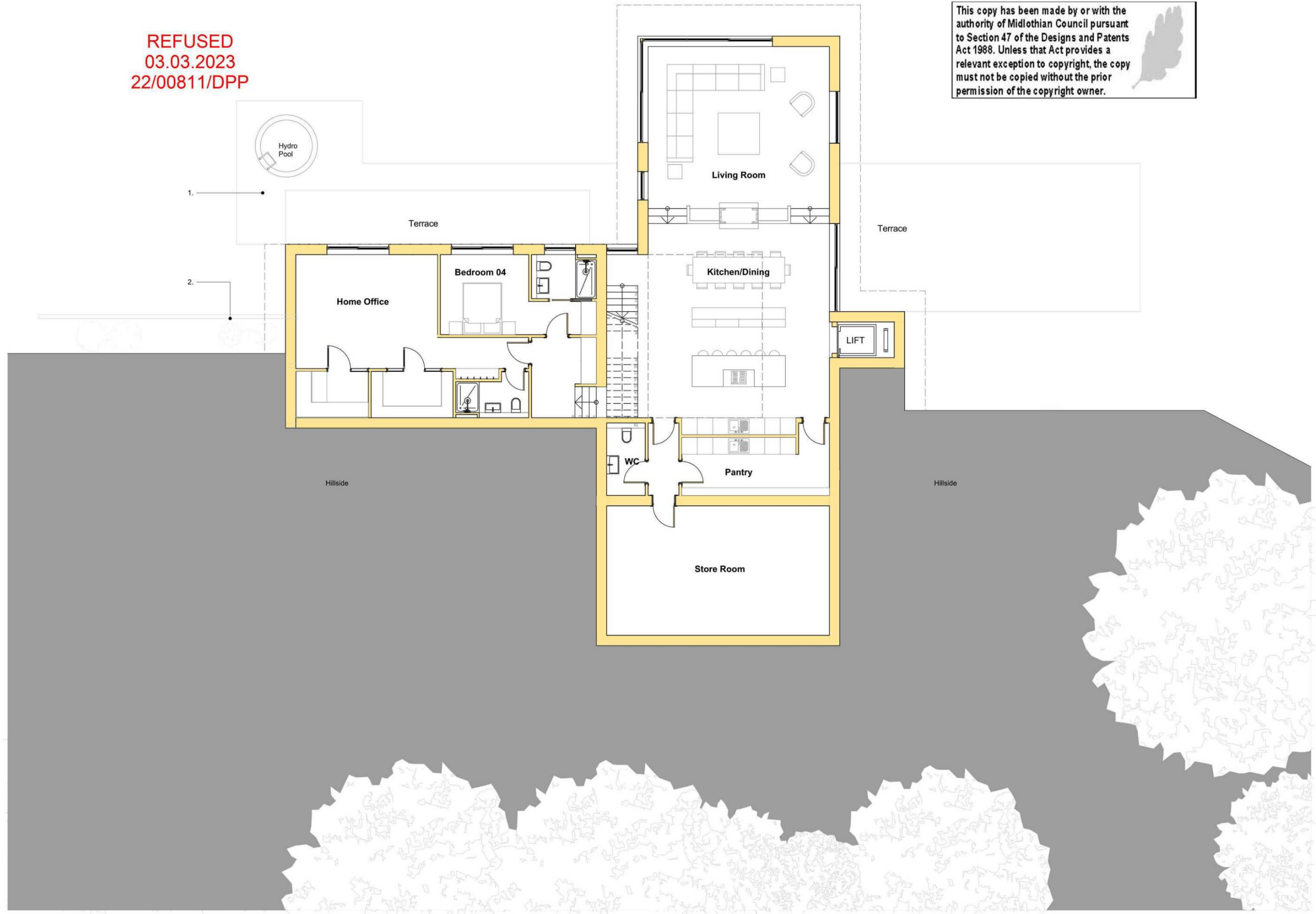
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Standing Advice valid from 1st January 2023 until 31st December 2024

REFUSED
03.03.2023
22/00811/DPP

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Changes on Sheet

Notes:

1. External terrace
2. Landscape embankment to suit site topography.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



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22/00811/DPP

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Issues			
01	09.11.22	ED	Planning First Issue

Changes on Sheet

KEY	
	Site Boundary
	Ownership Boundary

- GENERAL NOTES:
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:5000 0 100 200m

Project Title	Drawing	Drawing No.	Revision
Lasswade Wadingburn Lane	Wider Context Location Plan	22049 - (2-)001	- 01



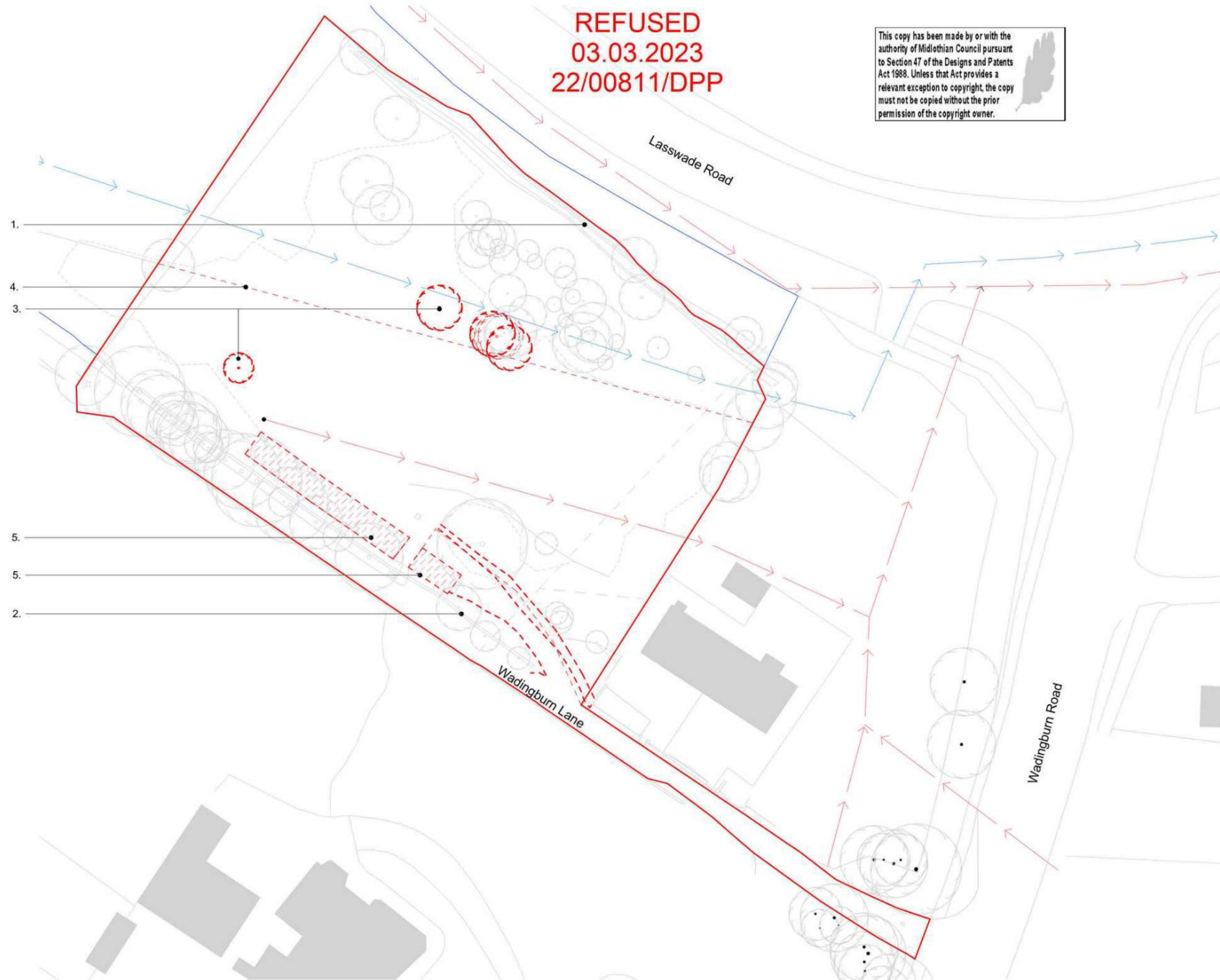
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY

- Site Application Boundary
- Ownership Boundary
- Indicates Demolition
- Existing Combined Sewer
- Existing Surface Water Pipework

Notes:

- Existing burn.
- Existing wall.
- Existing trees to be removed.
- Existing fence to be removed.
- Existing dilapidated shed to be removed

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:500

0 12.5 25m

Project Title

Lasswade
Wadingburn Lane

Drawing

Existing Site Plan with
demolitions

Drawing No.

22049 - PL(2)-003

Revision

- 01

LBA

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03.03.2023
22/00811/DPP

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Issues

01 09.11.22 ED Planning First Issue

Changes on Sheet

KEY

- Site Boundary
- Ownership Boundary

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

Project Title

Drawing

Drawing No.

Revision

A4 1:1250 0 30 60m

Lasswade
Wadingburn Lane

Location Plan

22049 - PL(2)-002

- 01

LBA

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REFUSED
03.03.2023
22/00811/DPP



1. East Elevation

1:100



2. West Elevation





1:100

Materials	
	A. Weathered Larch.
	B. Stone Gabions.
	C. Dark Metal Roof & Window Profiles.
	D. Glass Balustrade.

- General:
- All new windows to be Aluminium framed, dark grey.
 - All rainwater goods to be round and gutters to be half round.
- Notes:
1. Green roof.
 2. Entrance Canopy.
 3. Ground level entrance
 4. Landscape embankment to suit site topography
 5. Wadingburn Lane.
 6. Existing retaining wall.

- GENERAL NOTES:
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
 - To be read in conjunction with other contract drawings, schedules & specifications.
 - To be read in conjunction with structural engineer's drawings.

Materials

- A. Weathered Larch.
- B. Stone Gabions.
- C. Dark Metal Roof & Window Profiles.
- D. Glass Balustrade.

General:

- All new windows to be Aluminium framed, dark grey.
- All rainwater goods to be round and gutters to be half round.

- Notes:
- Green roof.
 - Double garage.
 - Ground level entrance.
 - Lower ground access to garden.
 - Terraced landscaping

- GENERAL NOTES:
- All work to comply with the Building (Scotland) Regulations 2004 as amended
 - All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
 - All products to be installed per manufacturer's recommendations
 - All dimensions in mm & are to be verified on site
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 - To be read in conjunction with structural engineer's drawings.

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22/00811/DPP

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1.South Elevation

1:100

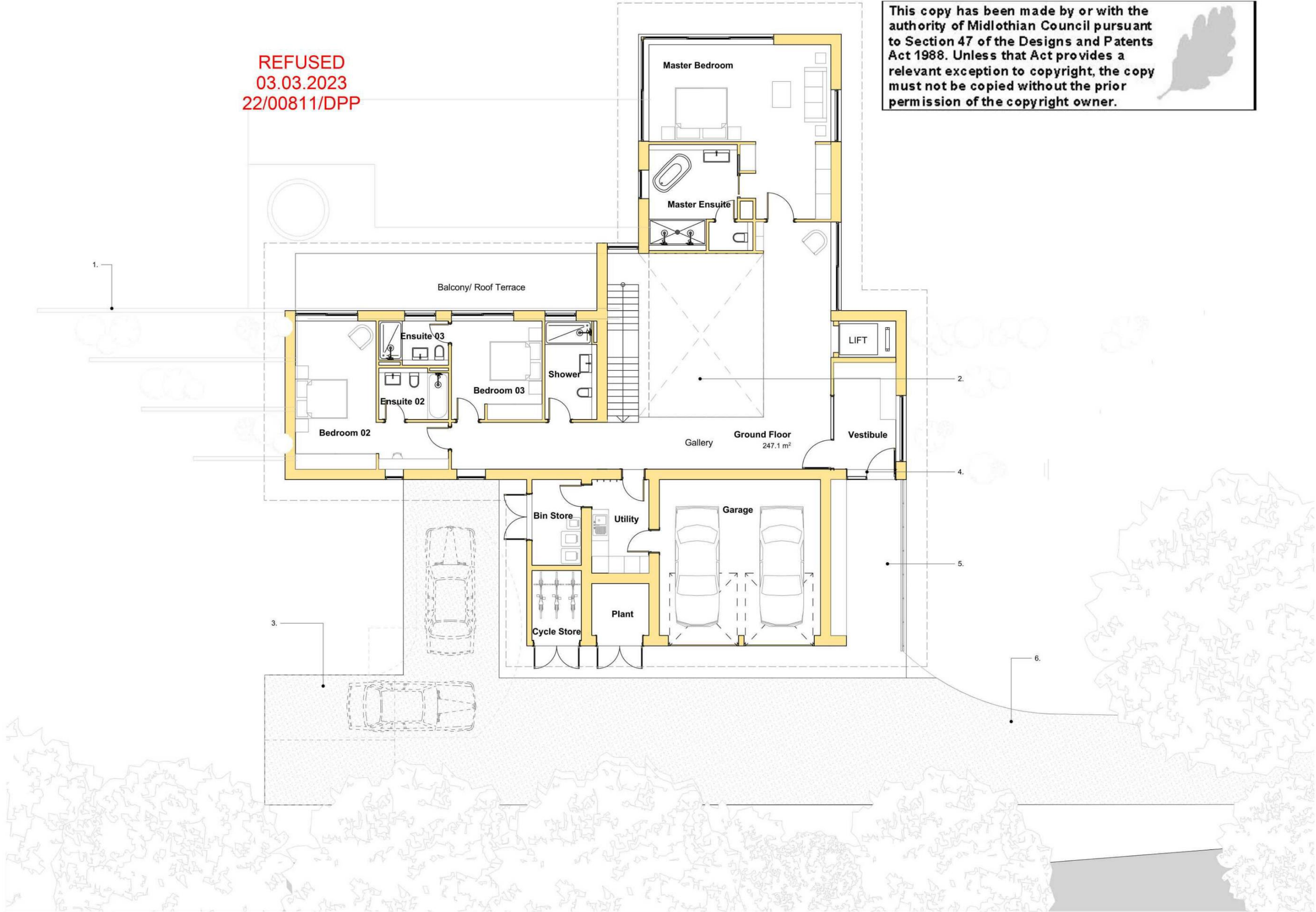
1.North Elevation

1:100

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REFUSED
03.03.2023
22/00811/DPP



Notes:

1. Landscape embankment to suit site topography.
2. Void to below with skylight above.
3. 2 No. Parking spaces and turning head.
4. Front entrance.
5. Covered Entrance Canopy.
6. New & extended driveway access from Wadingburn Lane - sub formed from Cellweb TRP with gravel infill.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
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- To be read in conjunction with structural engineer's drawings.



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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet

1.
2.
3.
4.
5.
6.
7.
8.

KEY
Site Application Boundary
Ownership Boundary
Bird Box
Bat Box

Notes:

1. Tree and shrub planting to Western edge of application boundary. Mixed species.
2. Tree planting to Northern edge of application boundary. Mixed species.
3. Landscaped garden & seating area.
4. Lawned Garden.
5. Green Roof to Dwelling.
6. Natural Landscape with wild flowers.
7. Gravel and cellular driveway.
8. Tree and shrub planting to Eastern edge of application boundary. Mixed species.

Proposed Planting to enhance the ecology surrounding the application site includes the following:

- Alnus Glutinosa
- Betula Pendula
- Cotoneaster Cornubia
- Ilex Aquifolium
- Pinus Sylvestris Scotica
- Prunus Rotundifolia
- Taxus baccata
- Tilia Cordata

GENERAL NOTES:

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- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
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18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:500 0 12.5 25m

Project Title

Lasswade
Wadingburn Lane

Drawing

Proposed Landscape
Plan

Drawing No.

22049 - PL(2)-104

Revision

- 01

LBA

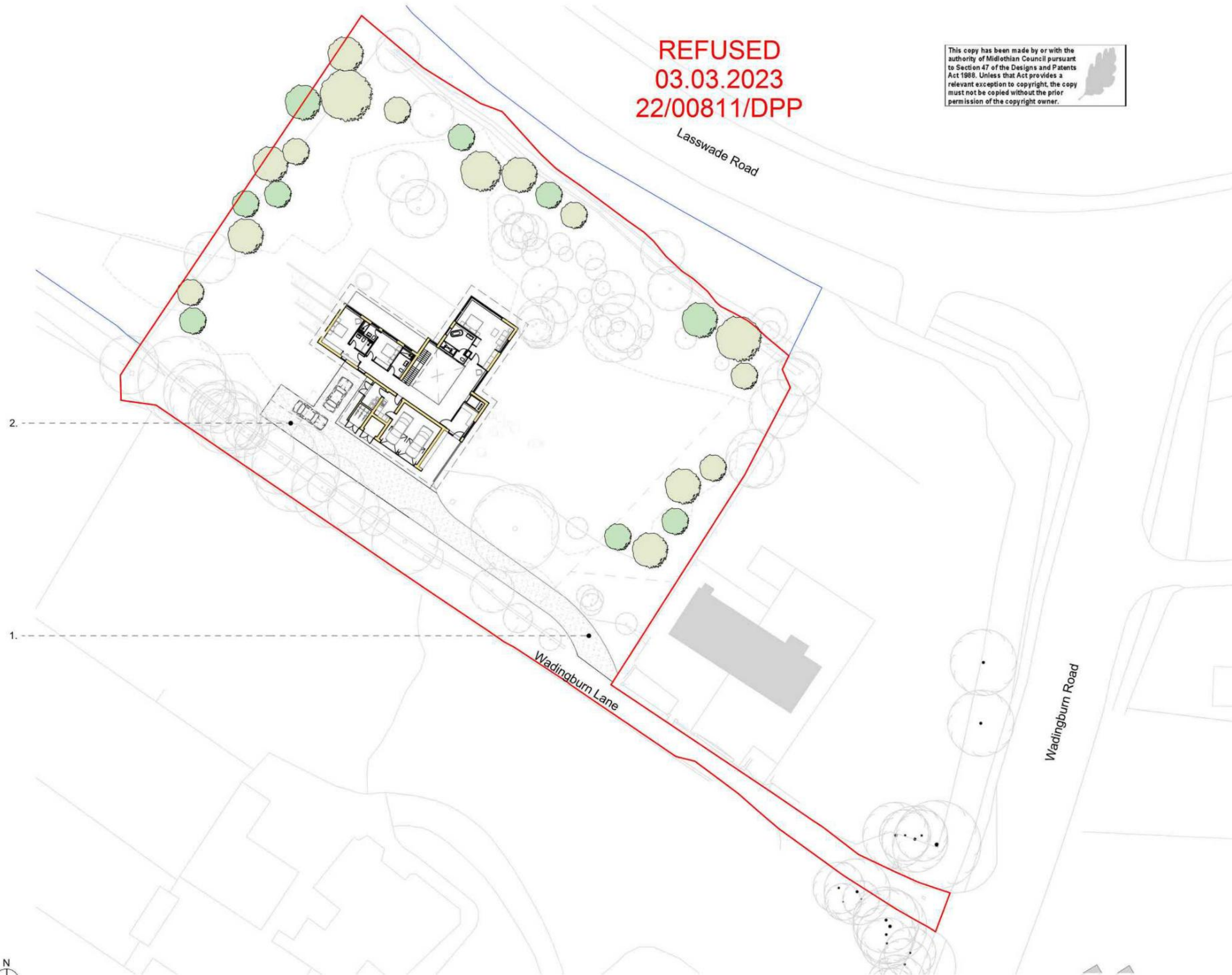
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Issues
01 09.11.22 ED Planning First Issue

Changes on Sheet



KEY
— Site Application Boundary
— Ownership Boundary

Notes:
1. Proposed driveway to connect to Wadingburn Lane.
2. Parking for 2nr. vehicles

GENERAL NOTES:
• All work to comply with the Building (Scotland) Regulations 2004 as amended
• All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
• All products to be installed per manufacturer's recommendations
• All dimensions in mm & are to be verified on site
• To be read in conjunction with other contract drawings, schedules & specifications.
• To be read in conjunction with structural engineer's drawings.



18 WALKER STREET EDINBURGH EH3 7LP mail@studioLBA.co.uk

A3 1:500 0 12.5 25m

Project Title
Lasswade
Wadingburn Lane

Drawing
Proposed Site Plan

Drawing No.
22049 - PL(2)-100

Revision

01

LBA

REFUSED
03.03.2023
22/00811/DPP

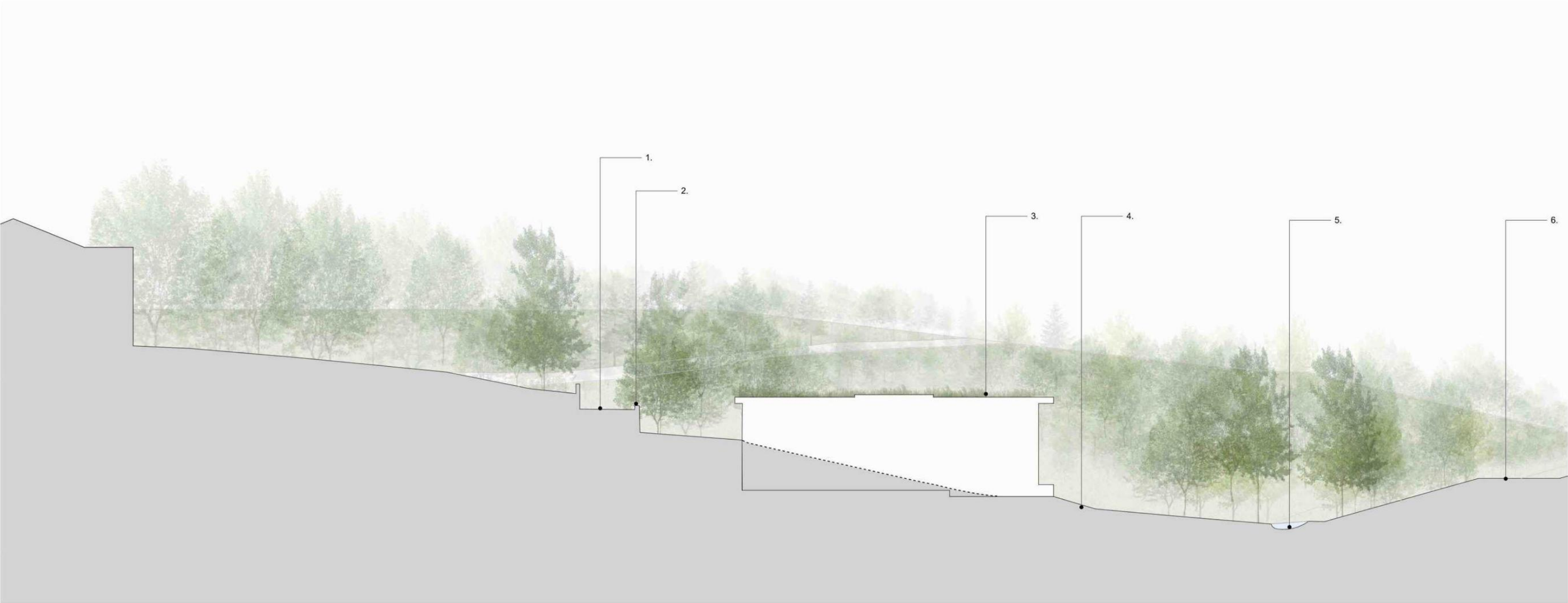
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Issues				
01	09.11.22	ED	Planning First Issue	
02	14.11.22	ED	Planning Second Issue	

Changes on Sheet



KEY

— Indicates section line through the site.

- - - Indicates topography of site in front of building.

Notes:

1. Wadingburn lane.
2. Existing retaining wall along Wadingburn Lane.
3. Proposed green roof to increase biodiversity and reduce visual impact from wadingburn lane.
4. Landscaped embankment to suit site topography.
5. Existing burn.
6. Lasswade Road.

GENERAL NOTES:

- All work to comply with the Building (Scotland) Regulations 2004 as amended
- All site works to be in accordance with the Construction (Design and Management) Regulations 2015.
- All products to be installed per manufacturer's recommendations
- All dimensions in mm & are to be verified on site
- To be read in conjunction with other contract drawings, schedules & specifications.
- To be read in conjunction with structural engineer's drawings.