

## **Notice of Review: Land South East of the Old School House, School Green, Lasswade**

### **Determination Report**

Report by Ian Johnson, Head of Communities and Economy

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade.

#### **2 Background**

- 2.1 Planning application 18/00180/DPP for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade was refused planning permission on 24 May 2018; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, issued on 24 May 2018 (Appendix D); and
  - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

#### **4 Procedures**

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

- Have scheduled an accompanied site visit for Monday 3 September 2018; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was two consultation responses and two representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received from the interested parties. All the consultation responses and representations can be viewed online on the electronic planning application/review 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 The specified matters that the LRB should consider are:
- The principle of development;
  - The siting, layout and form of the development;
  - The design of the proposed buildings and structures;
  - The proposed developments siting within the Esk Valley Special Landscape Area and the Lasswade and Kevock Conservation Area;
  - The developments relationship with neighbouring properties 3 and 3A School Green;
  - The developments impact on the setting of the listed building at 6 School Green;
  - The boundary treatment and landscaping;
  - The provision of amenity space; and
  - The access.
- 4.5 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.6 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.7 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## 5 Conditions

5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of*

*the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

***Reason:*** *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

4. 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 and a validation report confirming the works have been completed shall be submitted to the planning authority.

***Reason:*** *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.*

5. Development shall not begin until details of the provision of an electric vehicle charging station has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details.

***Reason:*** *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

6. Prior to the dwellinghouse being occupied the vehicular access arrangements detailed on drawing number LASS (LP)002 and in the Design & Access Statement shall be completed and operational.

**Reason:** *To ensure that the dwellinghouse is provided with a safe access.*

## **6 Recommendations**

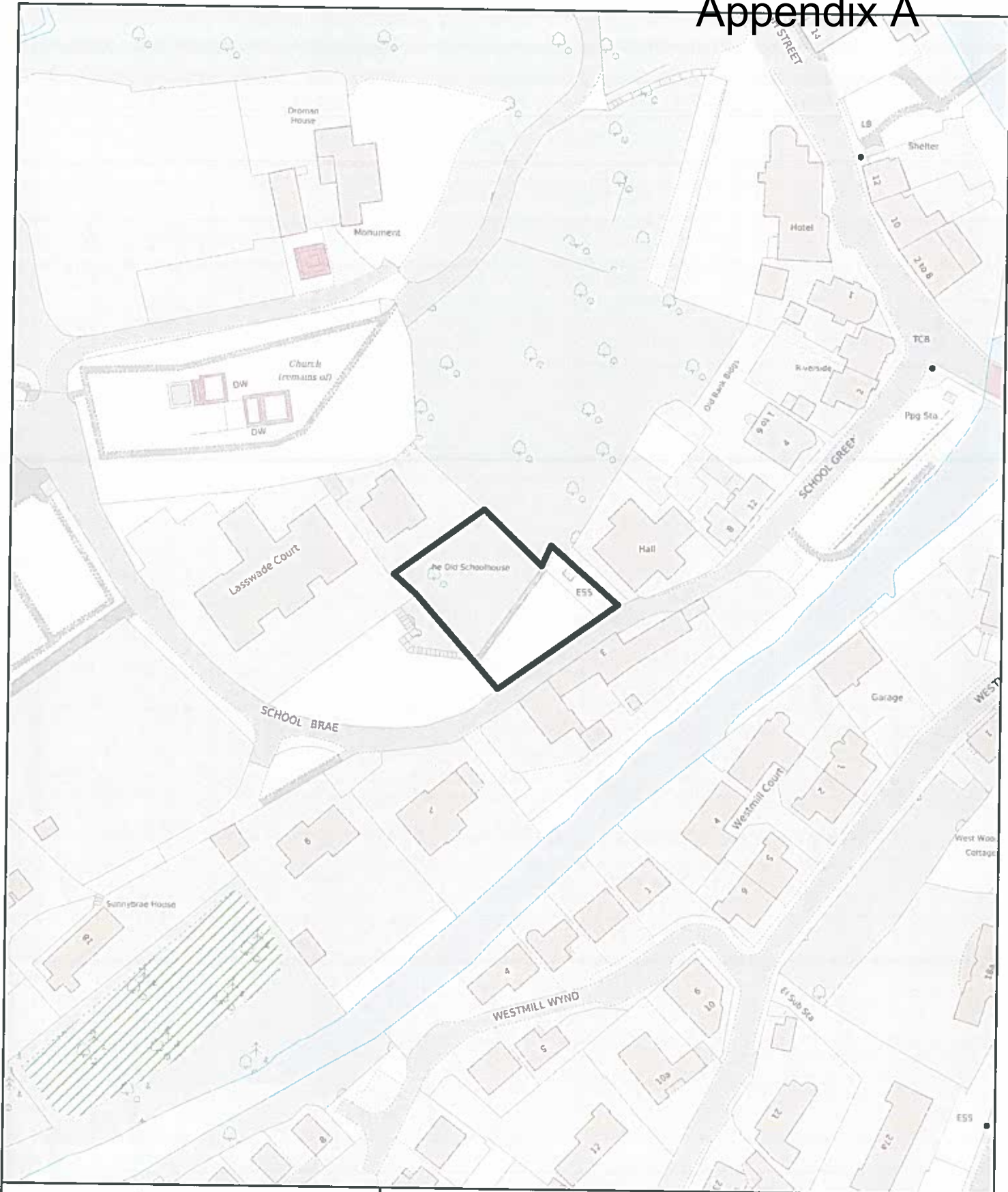
- 6.1 It is recommended that the LRB:
  - a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 28 August 2018

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 18/00180/DPP available for inspection online.



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

Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works at Land South East Of The Old School House, School Green, Lasswade

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

**Midlothian Council Licence No. 100023416 (2018)**

**File No. 18/00180/DPP**

Scale: 1:1,250



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100111780-001

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

## Applicant Details

Please enter Applicant details

Title:

Mr

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

Other Title:

Building Name:

First Name: \*

Stuart

Building Number:

19

Last Name: \*

Armstrong

Address 1 (Street): \*

Polton Terrace

Company/Organisation

Address 2:

Telephone Number: \*

Town/City: \*

Lasswade

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

EH18 1BN

Fax Number:

Email Address: \*

## Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

666055

Easting

330257

## 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)

New single dwelling with supporting access and hard landscaping works. Erection of fencing, gates and walls to existing substation enclosure.

## Type of Application

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

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



What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see supporting statement.

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

☐ Yes ☒ No

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

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

Review Design & Access Statement, Street Elevations, Mass & Positioning Drawing

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00180/DPP

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

16/03/2018

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

24/05/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

The review is against the reasons for refusal and their subjective nature that are not consistent with applications/ developments within the area. For this reason I feel a debate is required to best discuss the outstanding points.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mr Stuart Armstrong

Declaration Date: 28/05/2018



## SELF BUILD – SCHOOL GREEN, LASSWADE

Local Review Body Supporting Statement

### SITE ADDRESS

Land to the South East of The Old Schoolhouse,  
Lasswade, Midlothian, EH18 1NB

### Applicant

Mr Stuart Armstrong

## **CONTENTS**

**1.0 - SUPPORTING STATEMENTS (SUMMARY)**

**2.0 - REASONS FOR REFUSAL**

**3.0 - LOCAL VIEWS, OBJECTIONS, SUPPORT**

## 1.0 Supporting Statements (Summary)

1. This site has lay redundant for numerous years and is a considerable size within the conservation village – Lasswade. It is considered further neglect without development will have a negative impact on the conservation area rather than encouraging sympathetic development.
2. The applicant is the owner of the application land with no interest from any other party. The applicant and his partner have lived in the area for circa 10 years and is looking to self-build to live within the village that will see a dilapidated area rejuvenated.
3. 19 Neighbours notified with no objections from neighbours.
4. A letter of support has been received from the immediately adjoining property of The Old School House. This welcomes development to ensure this land is best used and maintained for years to come.
5. The planning authority recommended for approval 9No 3 storey townhouses to the rear of School Green. These were 4 metres higher than the proposed development and overlooked gardens of all the existing houses on School Green. It is difficult to comprehend that this application has been refused due to the scale of the building next to 6 School Green and concerns on overlooking to 3 & 3A School green from 1No 600mm window.

This is a 2 storey building split over 3 levels. Sits 4 metres lower than the townhouses detailed above and uses design features and materials found within the conservation area.

6. The officer's report persistently makes reference to the levels on the site. Retaining walls and different levels of ground are common throughout the Lasswade River valley. The house design creatively raps around these levels to provided level parking, patio, and garden areas that provide interesting features. Modern building techniques provide various options for this type of application that are used worldwide and are not considered uncommon. This application involves significantly less excavations and retaining walls to the development approved at Elm Row, Lasswade which is on the main road.
7. The existing trees on the boundary wall will be partially trimmed. It is not the applicant's intentions to remove these completely and therefore create overlooking issues. These are a prominent feature of the river valley and serve a cohesive boundary to the end of School Green street scene. These will be trimmed and managed as part of the development and there are no concerns on incoming daylight due to the vast amounts of glass on the gable elevations.

8. There was no reference to the LRB approved development at 16 School Green within the officer's report. Although this was also within the conservation area, the site was out with the village settlement boundary and within green belt space. A brief comparison between the sites:
- The application site is within the village boundary.
  - The application site is out with the Green-belt.
  - The application site also incorporates modern building techniques and energy efficiencies.
  - The application site uses traditional and modern materials applied to traditional design forms rather than very contemporary design forms. It is considered this is applicable due to being within the village surrounded by existing dwellings.
9. The only restriction on the application site is the designated Conservation area. The proposed house reflects this and incorporates high quality materials and traditional design forms to ensure the appearance of the conservation area is not impacted. The latter was highlighted within the officer's report.
10. Midlothian Development Plan supports self-build. Government reports show continued encouragement of self-building to meet local housing demands. It is considered this application site is a direct answer to how this can be achieved with a positive approach.
11. Midlothian Council – Lasswade & Kevock Conservation Area Appraisal Document  
Paragraph 34  
*Opportunities to fill gap sites throughout the village should be taken. Sympathetic infill redevelopment will tighten the fabric of the village. –*

## 2.0 Reasons For Refusal

All reasons for refusal relate to the scale and siting of the building. With reference to supporting evidence and drawing LASS(LP)005 under the original application, a full review of the size and scale of surrounding properties was carried out at design stage. In summary the proposed house is one of the lowest compared to the following immediate adjoining properties:

The Old School House - **23%** Building to Plot Ratio (Area - 169m<sup>2</sup>)

3 School Green - **37%** Building to Plot Ratio (Area - 190m<sup>2</sup>)

3A School Green - **36%** Building to Plot Ratio (Area - 62m<sup>2</sup>)

The Nursery - **48%** Building to Plot Ratio (Area - 311m<sup>2</sup>)

Proposed House – **17.5%** Building to Plot Ratio (Area - 204m<sup>2</sup>)

Based on the above we feel the proposed scale of the building is in keeping with surrounding properties.

**Individual reasons for refusal & applicant response:**

**Reason 1:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the Midlothian Local Development Plan 2017.*

**Response:**

**As above the scale relates to existing properties within the conservation area. The proposed building is on an infill site within the village boundary and will merge within the existing built up area.**

**Reason 2:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the character and appearance of the Lasswade and Kevock conservation area. The proposal is therefore contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

**Lasswade's main feature is the random housing throughout the river valley to suit the ground level at that point. There is no common size or street scene.**

**Reason 3:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

**The proposed building utilises finishes found in the Category 'C' listed 6 School Green to enhance the street scene in this area. The building is always going to sit higher due to being on higher ground; however this is in line with all other buildings on School Green that are higher than 6 School Green. The planning authority recommended for approval 9 No 3 story townhouses to the rear of 6 School Green. These towered 5m higher than the proposed development; therefore it is difficult to comprehend that this development has a negative impact on the existing nursery building.**

**Reason 4:**

*Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

A site visit best help understand that the points made out above are not applicable. The house has ample glazing and the existing boundary leylandi has planning permission to be pruned under 17/00543/WTT. Development of this site will also ensure boundary planting is maintained rather than being left for several years which can only be of benefit to the North Esk Valley Special Landscape Area. Private outdoor space is available to West and North of the house with no concerns of overlooking from the applicants or neighbours.

**Reason 5:**

*Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

The buildings 3 & 3A School Green will be screened from the garden areas of the proposed development by a new timber fence. The entrance hall window is not considered overlooking due to this being an inhabitable space.

The only window of a habitable space is the 600mm slot window design feature from the living room. This is circa 19m from the buildings opposite and is not considered to have a detrimental impact on the existing buildings privacy.

Discussions have been held with the owners of 3 & 3A School Green and they have no objection on this.

There are building throughout Lasswade and Midlothian with larger windows within closer proximity to neighbouring dwellings.

### **3.0 Local Views, Objections, Support**

Discussions have been held with neighbouring properties with positive comments received on the design and placement of the house. There has not been one negative comments on the design, size, scale or placement.

An objection was received from Bonnyrigg & Lasswade Community Council and a letter of Neutral representation from the Lasswade Civic Society requesting the council to review the access proposals to ensure a safe solution. This has been reviewed by the transport department with no objections made.

A letter of support was received from the owners of the immediately neighbouring property – The Old School House. The owners do not own the land or have had any previous interest. The owners welcome development that will see this land maintained for years to come. The owners have been trying to maintain the land for several years to resist against fly tipping and overgrowth.





This exercise shows that the proposed house is one of the lowest in term of its footprint to plot ratio.

Key immediate neighbouring properties:

- The Nursery - 48% Building to Plot Ratio
- The Old School House - 23% Building to Plot Ratio
- 3 School Green - 37% Building to Plot Ratio
- 3A School Green - 36% Building to Plot Ratio
- PROPOSED HOUSE - 17.5% Building to Plot Ratio





## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Case Officer:** Graeme King    **Site Visit Date:** 23/03/2018

**Planning Application Reference:** 18/00180/DPP

**Site Address:** Land South East Of the Old School House, School Green, Lasswade

**Site Description:** The application site is an area of ground measuring 1075 sqm. The site is largely undeveloped, apart from a sub-station adjacent to the North Eastern boundary; historically the site was associated with the former Board School which is situated to the West of the site. The site was for many years neglected and became overgrown with bushes and self-seeded trees; the majority of the vegetation on the site has been cleared over the past year.

The main street frontage of the site is along the South Eastern boundary which fronts onto School Green. The majority of this frontage is bounded by a random rubble stone wall which varies in height from 0.9m to 2.1m. Access to the sub-station is via a 2.95m wide set of gates on this frontage. The section of School Green onto which the site fronts is 4.8m wide and does not have any pavement.

To the South West the site is bounded by a 1m high metal fence beyond which is a line of Lelylandii which form a high hedge with a maximum height of approximately 12m. Beyond the Leylandii is garden ground associated with the flats (known as Lasswade Court) that now occupy the former Board School building. To the North West the site is bounded by a timber fence which separates the site from the house known as The Old Schoolhouse. To the North East the site is bounded by a stone boundary wall beyond which is a vacant site that formerly housed Lasswade Primary School.

There are significant level changes within the site. The lowest point of the site, at the existing entrance from School Green, is 13.5m below the highest point of the site, at the Westernmost point where the site meets the curtilage of the former School and The Old Schoolhouse.

**Proposed Development:** Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works

**Proposed Development Details:** It is proposed to erect a detached dwellinghouse on the site. The house will be a split level 3 storey house with the 3<sup>rd</sup> storey accommodation contained in the roofspace. The front elevation of the house will have a maximum height of 10m and the rear elevation will have a maximum height of 7m.

The building will have a traditional form but with contemporary detailing and fenestration pattern; and a contemporary palette of finish materials. When viewed from the front the building will have 3 distinct elements: a stone clad gable with a

slate clad roof; a rendered pediment base; and zinc clad walls and roof running perpendicular to the slate clad roof. To the rear of the zinc clad section will be a flat roofed area and which will be mounted photo voltaic solar panels. The window frames will be metal clad timber frames.

The existing opening in the boundary wall will be widened to 4.8m in width. The widened opening will provide access to the substation and to a driveway serving the house. The house will be set back from the street frontage by 14.1m and will be situated 2.9m above the level of School Green.

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

**Application Site:**

12/00082/WTT - Felling of trees in Lasswade and Kevoek Conservation Area. Permitted.

17/00543/WTT - Felling and pruning of trees within the Lasswade and Kevoek conservation area. Permitted.

**Land to North East:**

04/00854/CAC - Demolition and site clearance of former school buildings. Permitted.

04/00880/CAC - Demolition of cottage. Permitted.

07/00728/FUL - Erection of two dwellinghouses. Refused.

16/00727/DPP - Erection of 9 dwellinghouses; formation of new access road and car parking and associated works. Refused

**Land to South East**

0072/98 Change of use of part of garage and adjoining land to cattery and conversion of garage to provide an extension to existing dwellinghouse and a detached garage in the garden area. Withdrawn.

0414/87 Conversion and alteration to former agricultural buildings to form dwellinghouse and domestic garage. Consent with conditions.

10/00299/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; erection of extensions to two existing dwellinghouses; and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Application withdrawn

14/00747/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; alterations and erection of extensions to two existing dwellinghouses and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Refused.

15/00982/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; alterations and erection of extensions to two existing dwellinghouses and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Refused.

17/00740/DPP - Extensions to two dwellinghouses; erection of two detached garages and erection of wall (part retrospective) at 3 and 3A School Green, Lasswade. Consent with conditions.

**Consultations: Bonnyrigg and Lasswade Community Council** object to the proposal. The reasons for objection are that the proposed access does not have adequate visibility and that the entrance will not be safe.

**Scottish Water** offered no comments on the proposal.

**SP Energy Networks** offered no comments on the proposal.

The Council's **Policy and Road Safety Manager** has no objection to the application. The response notes that this section of School Green is narrow with limited opportunities for vehicles to pass and has no pedestrian footpath. Due to the high boundary wall at the site frontage, visibility for drivers emerging from the site would be restricted and pedestrian and drivers coming down School Green would have limited visibility of any vehicles or pedestrian emerging from the site.

The response also confirms that a 20 mph speed limit is in force on School Green and Church Road and there has been no reported injury accidents on the School Green section during the current 3-year period. A survey was undertaken by council staff in January 2018 which indicated that the average number of vehicles using the route on a daily basis was in the order of 200 with an average vehicle speed below 20mph.

It is noted that it is intended to widen the existing access; improve the visibility by lowering a section of wall; provide adequate car parking within the site; and provide space for vehicle manoeuvring. As a single dwellinghouse the traffic generation would be of a domestic scale. As the application relates to improvements to an existing access and is for a single dwellinghouse the Policy and Road Safety manager has no objection to the application.

**Representations:** Two representations have been received; one in support of the application and one offering neutral comment on the application.

The representation in support notes that the site was for many years unmaintained and became overgrown; the self-seeded trees overshadowed the representors' property. The design of the house is sensitive to the surrounding environment and has been designed to maximise the privacy of both the new house and surrounding properties. The renovation of the boundary walls and entrance will enhance the appearance of the site. The representation states that the proposal will not significantly affect the volume of traffic and will provide improved sight lines. The representation welcomes that fact that drains serving the Old Schoolhouse and Lasswade Court will be re-laid and notes that the water supply for these properties

passes through the application site. The representation concludes by stating that the development is an appropriate use of the site and preferable to abandoning it to an unmanaged and unproductive future.

The neutral representation has been submitted on behalf of Lasswade District Civic Society. The representation raises concerns about the safety of the access to the site and queries whether the applicant has quoted the correct guidance.

**Relevant Planning Policies:** The adopted development plan is the **Midlothian Local Development Plan 2017 (MLDP)**. The following policies are relevant to this application:

**Policy STRAT2 Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals.

**Policy DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

**Policy DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

**Policy DEV6: Layout and Design of New Development** sets out design guidance for new developments.

**Policy DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.

**Policy ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.

**Policy ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.

**Policy ENV22: Listed Buildings** states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

**Planning Issues:** In dealing with a planning application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Any representations and consultation responses received are material considerations.

### Principle of development

The application site is situated within the built-up area of Lasswade and Bonnyrigg. The broad principle of development within the built-up area is acceptable, however an application will not be supported if it is likely to detract materially from the existing character or amenity of the area.

### Impact on character and setting of area

The topography of the application site is extremely challenging with a difference of 13.5m between the lowest and highest points of the site. The entire site is sloping with the slope being particularly pronounced towards the westernmost edge of the site where the slope exceeds 40%. The lowest point of the site is situated on the School Green street frontage; however the slope of School Green means that even on this frontage there is a 2.2m difference between the level of the entrance and the Southern corner of the application site. This Southern corner is at the base of a 2m high retaining wall. The majority of the ground within the site is at least 2m higher than the road level of School Green.

In order to address the severe limitations of the site the proposed house will be set back from the street frontage by 14.1m and will be situated 2.9m above the level of School Green. The dominant character for development on School Green is for buildings to be situated close to the street edge with ground floor finish levels close to that of the road level. The front elevation of the proposed building will be situated to the rear of the rear building line of the existing buildings to the North East of the application site. The ground floor finished floor level of the proposed house will be above the first floor finished level of the existing buildings to the North East of the application site.

The proposed house will relate poorly to the dominant building lines and finished floor levels for this section of School Green. It will appear as an overbearing and dominant feature in views of the North bank of the River North Esk. The proposed house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area; and on the character and appearance of the Lasswade and Kevoch conservation area.

### Impact on setting of listed building

The neighbouring building to the North East is a children's nursery. The nursery occupies a category C listed building that was originally built as a church hall. The building is single storey with a conventionally pitched roof; the maximum height of the roof is 5.4m. The proposed house will be 10m tall and will have ground floor finished floor level 4m above the finished floor level of the listed building. The proposed house will be an overly dominant feature that will have a detrimental impact on the setting of the listed building.

### Design and finish materials

The building will appear as an obviously modern building with contemporary design and finish materials. The design has consciously sought to minimise overlooking from windows and the building has a comparatively high solid to void ratio by the standards of modern designs, i.e. comparatively few windows. The principle elevation has a large 2 storey window serving an entrance hall and a narrow 0.6m wide window running the full height of the first floor and extending into the roof. While the principle elevation will appear slightly unconventional in the streetscape the use of high quality finish materials matching the colour palette of the existing buildings on School Green would ensure that the design would not have a detrimental impact on the character of the conservation area.

#### Amenity of the proposed house

The site has 2 very obvious constraints which impact on the amenity of the site. Firstly the challenging topography of the application site means that any house and garden space on the site will be overlooked by the front garden of The Old Schoolhouse and the external amenity and circulation space associated with Lasswade Court. Secondly the overgrown line of Leylandii beyond the South Western boundary of the site creates significant overshadowing of a large part of the site.

The site layout seeks to address the issue of overlooking by focussing the main windows onto the West elevation of the building in order to seek benefit from the screening provided by the Leylandii; however this means that the main windows will be overshadowed by the Leylandii resulting in a reduction in levels of sunlight and daylight. The main garden space will be situated between the Western elevation of the building and the line of Leylandii, and will be similarly overshadowed.

It is clear that the Leylandii would create a significant nuisance for any occupants of the house. While it would be possible for the occupants to seek to resolve this by applying for a high hedge notice; such an approach would, if successful, result in the owners of the hedge incurring expenses to remove the hedge and would significantly increase the level of overlooking of the application subjects. Retaining the Leylandii will provide mitigation against some, but not all, of the overlooking but will result in significant loss of sunlight and daylight to the proposed property; removing the Leylandii would provide acceptable levels of sunlight and daylight but will result in unacceptable levels of overlooking.

#### Amenity of neighbouring properties

As is noted above the proposed house has fewer windows on its principal elevation than would normally be expected on a house of this size; this is a conscious decision taken to reduce the level of overlooking of the neighbouring properties (3 and 3A School Green) on the South side of the road. The rear elevation of both properties abuts the road edge of School Green and both properties have windows on their rear elevations.

The elevated site of the proposed house and the fact that the main living accommodation is situated on the first floor of the building means that the full height 0.6m wide window that serves the living room of the proposed house will provide



elevated views into the windows on the rear elevation of the 2 affected properties. In addition to the loss of amenity from the overlooking of the 2 affected properties, the elevated site of the proposed house and the tall gable feature will be an overbearing presence when viewed from the street facing windows of the affected properties.

#### Vehicular access

School Green is a narrow road, with poor lines of visibility and no pavement for much of its length. The road does not meet contemporary standards for residential streets; notwithstanding this fact the accident figures for the street indicate that it is currently functioning safely. The house once completed will not generate significant levels of additional traffic.

The initial site preparation works will require excavation works to create a level surface for construction; in places excavation will be carried out to a depth of 3m. The construction method will require the formation of a substantial concrete platt and retaining walls. Both of these stages of development will generate increased levels of heavy vehicle movements on School Green. While there may be some localised disruption caused during construction, the size of the building will ensure that the disruption will not be a permanent issue. School Green is a public road with no restrictions on the type or size of vehicle to which it is open; it would not be reasonable for the Planning Authority to seek to restrict vehicle movements during construction.

#### Utilities

There is an existing electricity sub-station situated on the site. While the presence of a sub-station on the site would appear to be a longstanding situation, supporting information submitted with the application indicates that there is no formal lease in place; the applicant has approached SP Energy Networks to discuss formalising the situation. SP Energy Networks were consulted on the application but offered no comment.

The applicant has provided information indicating that there is Scottish Water infrastructure within the boundary of the application site. Scottish Water were consulted on the application but offered no comment. The safeguarding of the infrastructure is a private legal matter between Scottish Water and the applicant.

#### **Recommendation: Refuse Planning Permission**

#### **Reasons for refusal:**

1. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the Midlothian Local Development Plan 2017.
2. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental

impact on the character and appearance of the Lasswade and Kevock conservation area. The proposal is therefore contrary to policy ENV19 of the Midlothian Local Development Plan 2017.

3. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the Midlothian Local Development Plan 2017.
4. Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017.
5. Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 18/00180/DPP**

Mr Stuart Armstrong  
19 Polton Terrace  
Lasswade  
EH18 1BN

Midlothian Council, as Planning Authority, having considered the application by Mr Stuart Armstrong, 19 Polton Terrace, Lasswade, EH18 1BN, which was registered on 16 March 2018 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works at Land South East Of The Old School House, School Green, 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	LASS (LP)001 1:1250, 1:500	16.03.2018
Site Plan	LASS (LP)002 1:250	16.03.2018
Elevations And Floor Plans	LASS (LP)003 1:200	16.03.2018
Landscaping Plan And Site Sections	LASS (LP)004 1:2500, 1:200	16.03.2018
Site Plan	LASS (LP)005 1:500	16.03.2018
Proposed Elevations	LASS (LP)006 NTS	16.03.2018
Design And Access Statement		16.03.2018
Supporting Statement Scottish Water Capacity		16.03.2018
Supporting Statement Broadband Connections		16.03.2018
Supporting Statement Water Capacity		09.04.2018
Supporting Statement Visibility Splay		17.04.2018

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

1. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the adopted Midlothian Local Development Plan 2017.*
2. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the character and appearance of the Lasswade and Kevoch conservation area. The proposal is therefore contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.*

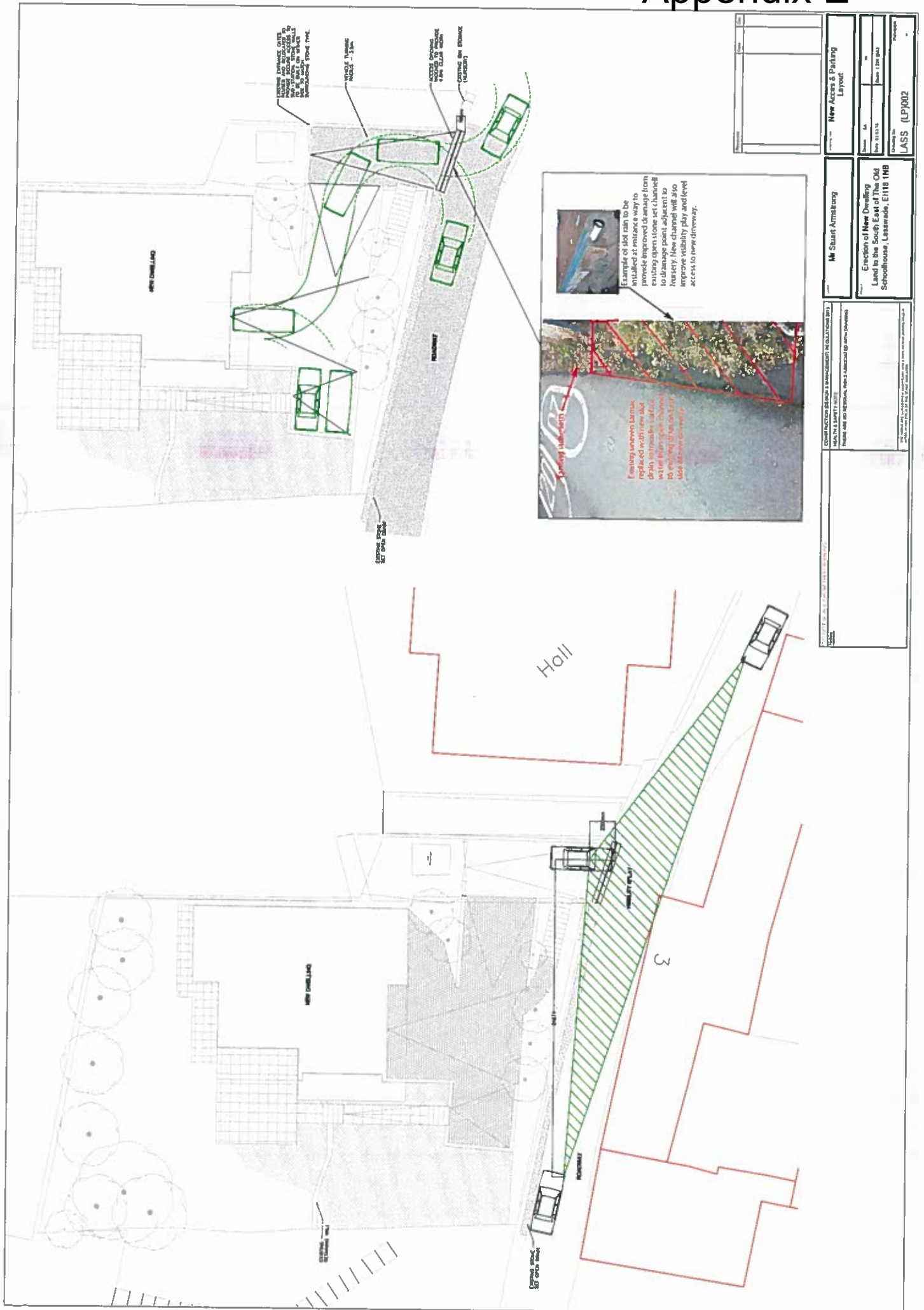
3. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the adopted Midlothian Local Development Plan 2017.*
4. *Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

Dated 24 / 5 / 2018



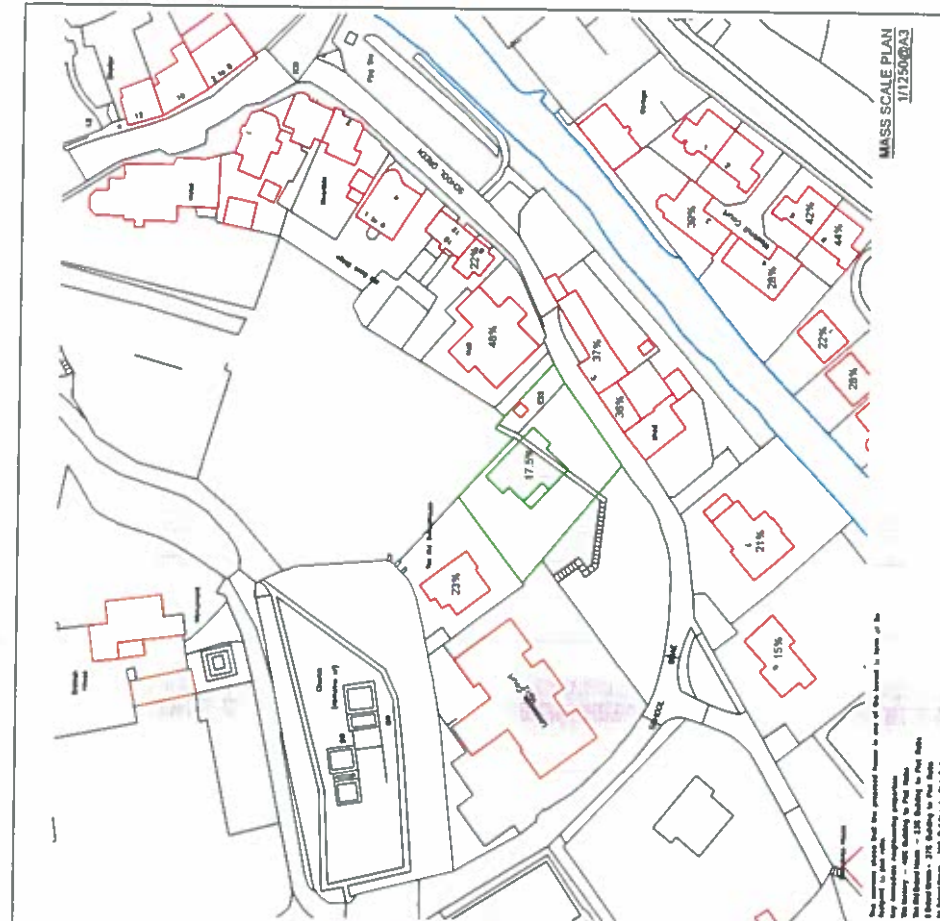
.....  
Duncan Robertson  
Lead Officer – Local Developments  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

## Appendix E

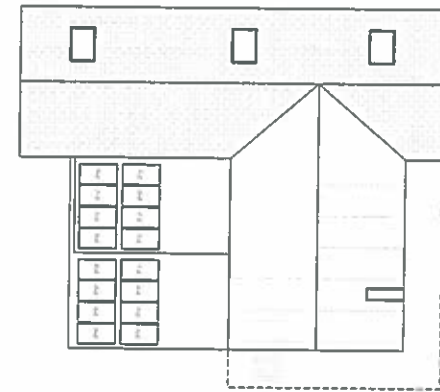








<b>PROPOSED MASSING &amp; KEY VIEW POINT VIEWS</b> Drawing No. _____ Date: 03/13/15 Scale: 1/12500 Project: LASS (LPI)005		<b>MR. Stuart Armstrong</b> Erection of New Dwelling Land to the South East of The Old Schoolhouse, Laswade, EH18 1NB	
<b>CONSTRUCTION ORDER / MANAGEMENT REGULATION 811</b> WITHIN A SAFETY ZONE Public and no vehicles, heavy machinery or other vehicles		Drawing No. _____ Date: 03/13/15 Scale: 1/12500 Project: LASS (LPI)005	



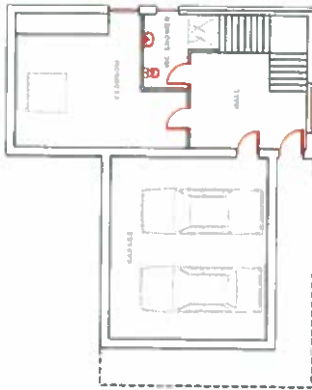
ROOF PLAN



SECOND FLOOR



FIRST FLOOR



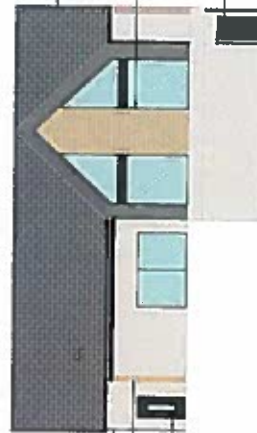
GROUND FLOOR



EAST ELEVATION



SIDE ELEVATION



WEST ELEVATION



FRONT ELEVATION



LOCATION PLAN  
1/2500 @ A3

CONSTRUCTION OF ROOF & WALLS WITH INSULATION TO BE HEALTH & SAFETY CODE TRADING AND NO INSULATION WITH INSULATION TO BE	
Mr Stuart Armstrong Erection of New Dwelling Land to the South East of The Old Schoolhouse, Lasswade, EH18 1NB	
Proposed Floor Plans & Elevations	Drawing No. LASS (LP)003
Date 01/01/10	Scale 1:250
Drawn by SA	Checked by SA
Date 01/01/10	Date 01/01/10





Proposed Street Elevations & Digital Visuals	
Drawn: J.A.	Scale: 1/8" = 1'-0"
Date: 03.15.15	Date: 03.15.15
Drawn: J.A.	Scale: 1/8" = 1'-0"
Date: 03.15.15	Date: 03.15.15
LASS (LP)006	

Mr. Stuart Armstrong	
Erection of New Dwelling	
Land to the South East of The Old Schoolhouse, Lesswade, EM18 1NB	

CONSTRUCTION OF NEW & MODIFICATION REGULATIONS 2015	
HEALTH & SAFETY 2015	
FINDING AND NO HARMFUL, NEARLY ASSOCIATED WITH PROPOSED	

LASS (LP)006	
LASS (LP)006	