

## **Notice of Review: Land at South Melville Farm, Melville Dykes Road, 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 11 lodges and associated works at land at South Melville Farm, Melville Dykes Road, Lasswade.

#### **2 Background**

- 2.1 Planning application 24/00412/DPP for the erection of 11 lodges and associated works at land at South Melville Farm, Melville Dykes Road, Lasswade was refused planning permission on 11 October 2024; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, excluding the standard advisory notes, issued on 11 October 2024 (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](http://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 seven consultation responses, and four representations received (two objections and two neutral). As part of the review process the interested parties were notified of the review – four additional comments have been received (the Bonnyrigg and District Community Council, the Eskbank and Newbattle Community Council and the Coal Authority reaffirm their position as set out in the officers report and the neighbouring Melville Golf Centre states it agrees with the refusal of planning permission and confirm they have no interest in, or link too, 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 conditions have 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. The 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

3. Prior to the occupation of the development, a validation report(s) shall be submitted and approved in writing by the planning authority confirming that the works referred to in Condition 2 have been carried out in full in accordance with the approved scheme. The validation report(s) shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity and that the site is, or has been made, safe and stable for the approved development.

**Reason for conditions 2 and 3:** To ensure that any contamination and/ or previous mineral workings on the site are adequately identified and that appropriate decontamination/ mineral consolidation 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.

4. Notwithstanding the details shown on the approved drawing no. 24012-P01H 1:500 Rev H, no approval is given for the proposed development to be accessed/ egressed from site access shown. Prior to the commencement of development, details of a revised site access shall be submitted and approved in writing by the planning authority. The submitted details shall demonstrate that the proposed access achieves visibility splays of 4.5mx120m and is clear of any obstruction.

5. The development hereby approved shall not be occupied until the site access has been completed in accordance with the details approved under the terms of condition 4.

***Reason for conditions 4 and 5:*** *The proposed development does not achieve the visibility required to accommodate the safe operation of a junction to serve 11 lodges which represents a significant highway safety issue.*

6. Prior to the commencement of development, details of the proposed water supply connection shall be submitted and approved in writing by the planning authority. No holiday lodge shall be occupied/ brought into use until the proposed water supply connection has been installed in accordance with the approved details.

***Reason:*** *To ensure that the lodges are provided with an adequate water supply prior to occupation.*

7. Prior to the commencement of development, details of the proposed drainage and treatment of surface water shall be submitted to the planning authority for approval in writing. Unless otherwise approved in writing by the planning authority, the surface water drainage strategy shall comply with the standards detailed in the SUDS Manual. No holiday lodge shall be occupied/brought into use until the proposed means of surface water drainage and treatment has been installed in accordance with the approved details.

***Reason:*** *To ensure that the site is provided with an adequate surface water drainage facility prior to occupation.*

8. Prior to the commencement of development, details of the proposed foul drainage strategy shall be submitted to the planning authority for approval in writing. This shall include confirmation that the existing septic tank shown on the approved drawing no. 24012-P01H 1:500 Rev H and which the proposed development is to connect into, has sufficient capacity to accommodate the proposed development.

***Reason:*** *To ensure that the site is provided with an adequate foul drainage facility prior to occupation.*

9. Prior to the commencement of development, details and a sample of the external materials hereby approved shall be submitted 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:*** *To ensure the proposed materials are appropriate to site and surroundings.*

10. No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (field evaluation by trial trenching) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the planning authority.

***Reason:*** *To protect the historic environment.*

11. The development hereby approved shall be occupied solely as holiday accommodation and shall not be occupied as a sole or main place of residence or by any persons with no individual lodge occupied for periods of no more than 4 consecutive weeks by an individual occupier.

***Reason:*** *For the avoidance of doubt this planning permission relates to visitor accommodation not the provision of dwelling houses.*

12. Prior to the commencement of development, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i. existing and finished ground levels and floor levels for all buildings, open space and 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. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- v. programme for completion and subsequent maintenance of all soft and hard landscaping;
- vi. details of a scheme of biodiversity enhancements for the site, including provision of boxes for bats and birds, which have been informed by an ecological site survey(s);
- vii. details of a scheme of sustainability enhancements for the site;
- viii. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- ix. details of proposed parking and hard surfacing; and
- x. details of proposed external lighting, specifying the location and details of any proposed lighting features including proposals for directional LED lighting, to minimise light spill and disturbance of wildlife.

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 (v).

Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

**Reason:** *These details were not submitted in full as part of the application: to protect and enhance the visual amenity and landscaping of the area; to integrate the development into the area; to promote biodiversity. To ensure the development accords with the requirements of Policies DEV5, DEV6, DEV7, ENV6 and ENV7 of the Midlothian Local Development Plan 2017 and Policies 1-3 of the National Planning Framework 4.*

13. The development hereby approved shall not be occupied until details of the provision and use of electric vehicle charging have been submitted to and approved in writing by the planning authority. No holiday lodge shall be occupied/brought into use until the electric charging points have been installed 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.*

14. Prior to the commencement of development, details of superfast fibre broadband shall be submitted to and approved in writing by the planning authority. The details shall include delivery of superfast fibre broadband prior to the occupation of the first lodge. The delivery of superfast fibre broadband shall be implemented as per the approved details.

**Reason:** *To ensure the development accords with the requirements of Policy IT1 of the Midlothian Local Development Plan 2017.*

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards the A7 urbanisation infrastructure project. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

## **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

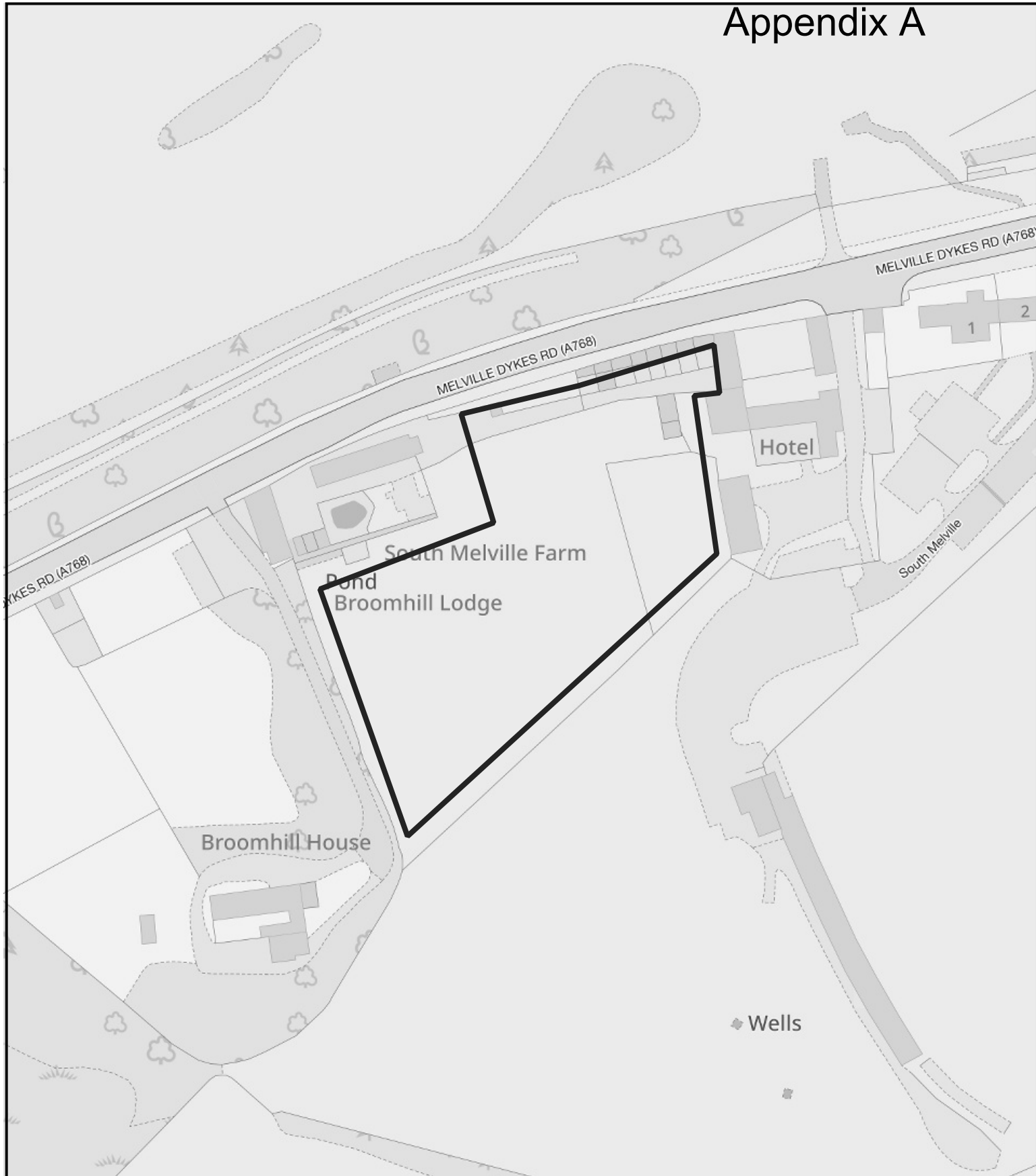
**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 5 December 2024

**Report Contact:** Eilidh Paul – Planning Officer  
[eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

**Background Papers:** Planning application 24/00412/DPP available for inspection online.

# Appendix A



## Planning Service Place Directorate

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith, EH22 3AA

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Erection of 11 lodges and associated works

South Melville Farm, Melville Dykes Road, Lasswade,  
EH18 1AN

File No. 24/00412/DPP

Scale 1:1250







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 100690425-001

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="RFA Development"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Richard"/>	Building Name:	<input type="text" value="Home"/>
Last Name: *	<input type="text" value="Finc"/>	Building Number:	<input type="text" value="48"/>
Telephone Number: *	<input type="text" value="07807027238"/>	Address 1 (Street): *	<input type="text" value="Cammo Grove"/>
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="Scotland"/>
		Postcode: *	<input type="text" value="EH48EX"/>
Email Address: *	<input type="text" value="rick.finc@rickfincassociates.com"/>		

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" value="Letham Mains"/>
First Name: *	<input type="text" value="David"/>	Building Number: <input type="text" value="12"/>
Last Name: *	<input type="text" value="McMillan"/>	Address 1 (Street): * <input type="text" value="12 Letham Mains"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="3 Walker Street"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Haddington"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value="EH414NW"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

## 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="South Melville Farm Paddock, Melville Dykes Road"/>
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Northing	<input type="text" value="666551"/>	Easting	<input type="text" value="331354"/>
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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 11 Lodges and associated works at South Melville Farm Melville Dykes Road, Lasswade, EH181AN.

## 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.

See Statement of Review and Supporting Documents. Failure to agree with the Reasons for Refusal.

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)

1. Application Form Ref- 24/00412/DPP 2. Decision Notice Ref -24/00412/DPP 3. Report of Handling Ref -24/00412/DPP 4. Statement of Review - RFA Planning October 2024 5.MLLDP 2017 6. NPF4 2023 7. Design and Access Statement (QB Wood Architects) 8. Correspondence from Agent (10 August 2024) 9. Planning Statement (Application Ref 00412/DPP) (Premier Inn-Walshingham Planning) 10.Photographic Evidence (a; b and c) 11. Midlothian Standard Planning Conditions

## Application Details

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

24/00412/DPP

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

26/06/2024

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

11/10/2024

## 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)

To assess and review the Green Belts status and Landscape / Townscape Character. To appreciate the development context and have regard for neighbouring uses. To assess the environmental and associated benefits of development. To satisfy that safe and convenient access can be achieved.

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: Mr Richard Finc

Declaration Date: 31/10/2024

# Planning Policy Statement

## Premier Inn Edinburgh A7 (Dalkeith) hotel

On behalf of Premier Inn Hotels Limited

JULY 2024

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# I INTRODUCTION

I.1 This Statement has been prepared by Walsingham Planning on behalf of Premier Inn Hotels Limited ("the Applicant"). This Statement has been prepared to assist the Council in considering the proposed development in principle, particularly concerning matters outlined within the Development Plan and national policy regarding the principle of development.

I.2 The proposed development is the following:

*“Extension to the existing hotel to provide additional bedrooms, together with alterations to the car park and other associated works.”*

I.3 The proposed development will deliver a public benefit in the form of a positive economic impact. It will enhance a key element of the area's visitor accommodation and tourist offer. It will improve the hotel's offer, addressing specific demands and operational requirements. The proposal is a sustainable form of development, conforming with the overarching objectives of the planning system and thus should be supported.

I.4 Premier Inn has identified a considerable demand for additional budget hotel accommodation in this location. It is also acting to reconfigure the restaurant proposition to ensure it best fits customers' needs in this location. This proposal for additional bedrooms and an adjusted restaurant proposition would meet Premier Inn's operational requirements at the location and address the demand for its services.



## **2 BACKGROUND**

### **SITE AND ITS SURROUNDS**

- 2.1 The application site measures 0.84 hectares in area. It is accessed from the access road to the Melville Golf Centre, which connects with Melville Dykes Road (the A768). The application site is adjacent to the A7 and close to the A720 City Bypass.
- 2.2 The application site neighbours the driving range of the Melville Golf Centre. The A768 runs adjacent to the application site, which provides a link to the A7. A major housing development (Eskbank Gardens) is near the site, within approx.—200 m (separated by the A7 and landscaping).

### **PLANNING HISTORY**

- 2.3 The existing hotel was finished by 2011 after being approved in April 2009 (08/00510/FUL). This permitted the erection of a hotel and restaurant/public house with associated access road, car parking, landscaping and the erection of a fence. Regarding the fence, planning permissions have been granted for the erection of 9m high fence (11/00246/DPP), 15m high fence (12/00131/DPP), and a 20m high fence (13/00725/DPP) in 2014.
- 2.4 In December of 2020, Full Planning Permission was granted for an extension to the existing hotel, alterations to the car park layout and associated works. The extension to the hotel would have increased the occupancy by 26 rooms. The extension, as approved, measures 27 metres long by a maximum of 17 metres wide and a height of 10 metres with a hipped roof, and it would deliver a significant uplift in built form (volume and footprint). Thus, the principle of guest accommodation and the expansion of the offering to suit customer expectations is established in the long-term character (and approvals) of the application site.

### **3 PLANNING POLICY BACKGROUND**

- 3.1 Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise.
- 3.2 The Development Plan comprises National Planning Framework 4 (NPF4) & Midlothian Local Development Plan (2017).
- 3.3 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed.
- 3.4 Having regard to the legal requirement of Section 24(3) of the Town and Country Planning (Scotland) Acts, in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & the Midlothian Local Development Plan (2017), the newer policy shall prevail.
- 3.5 A series of Supplementary Guidance documents produced by the Council aid in the interpretation of the policies of the Development Plan.

## 4 PRINCIPLE OF DEVELOPMENT

- 4.1 Beginning with the NPF4. Policy 9 of the NPF4 explains that it intends to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings, as well as to help reduce the need for greenfield development. Policy 9 has four criteria to achieve this: a) to d).
- 4.2 Policy 9(a) is of most significant relevance as it explains that development proposals that will result in the sustainable reuse of brownfield land will be supported. The proposal represents the sustainable reuse of brownfield land, hence complying with the emphasis on utilising brownfield land over greenfield land within Policy 9 of the NPF4.
- 4.3 Policy 27 explains that it intends to encourage, promote, and facilitate development in city and town centres, recognising that they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental, and societal changes and by encouraging town-centre living.
- 4.4 To achieve this, Policy 27 has a series of considerations outlined in (a) to (g). Policy 27(b) explains that development proposals must be consistent with the town centre-first approach.
- 4.5 It is recognised that the site is out with a centre. The proposed use will generate some footfall within the context of NPF4 Policy 27, although it is questionable if this in itself will be significant. Hence, it bears consideration as to whether the proposal could be implemented within a centre. In this instance, as the proposals relate to an existing well-performing site whereby sufficient demand has been identified to warrant an application seeking approval for additional rooms, it is not the case that the development proposed can be disaggregated from the existing hotel and the provision proposed to be in an alternative location.
- 4.6 Later in this Statement is a sequential assessment to establish if alternative sites exist. Noting the above and the assessment, it is concluded that there is no other suitable site for the development proposed, and accordingly, the proposal demonstrates that centre and edge-of-centre options are not available.
- 4.7 The scale of development cannot be reduced or altered to accommodate the proposal in a centre, as the proposal amounts to an extension that can not be disaggregated from the facilities and infrastructure on the existing site.

- 4.8 Finally, there would be no significant adverse effect on the vitality and viability of the centres. The application site is within a key gateway location whereby the Council considers guest accommodation can be located to benefit the offering of centres. Accordingly, Policy 27(b)ii. is satisfied.
- 4.9 Policy 29 of the NPF4 encourages rural economic activity while 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. Policy 29(a) outlines a series of criteria to guide a decision-maker on what development in the rural area is acceptable. The proposal is for the diversification of an existing business and, hence, a form of development supported by Policy 29(a)ii.
- 4.10 Turning to Policy 29(b), explains that development proposals in rural areas need to be suitably scaled, sited, and designed as well as contribute toward local living and take account of transportation considerations. The proposal would support existing jobs and employment (hence, supporting individuals living in the rural area). The proposal is (as detailed in the submission documents from technical expertise) acceptable regarding transportation considerations and is, in the view of the Applicant, suitably scaled, sited and designed. Thus, the proposal complies with Policy 29(b).
- 4.11 Policy 29 (c) and (d) are not explicitly relevant to the proposal. The proposal complies with Policy 29 of the NPF4 (where applicable).
- 4.12 The proposal is for development that will support existing guest accommodation, and Policy 30 of the NPF4 relates to tourism; thus, it is applicable.
- 4.13 The proposal will satisfy the intent of Policy 30. The proposal will facilitate sustainable tourism and benefit local people. As a later section of this Statement will illustrate, the proposal is consistent with net zero commitments within NPF4.
- 4.14 Policy 30(a) explains that development proposals for extended tourist accommodation will be supported in locations identified by Local Planning Authorities. The proposal (as will be detailed later) is within such a location as illustrated by the MLDP, considering that the Council recognises the benefits of enhancing existing facilities in rural areas and that gateway locations are important to the tourism economy.
- 4.15 Policy 30(b) articulates 7 (i-vii) criteria that a decision maker will need to take into account when being tasked with determining proposals for tourism-related development.

- 4.16 The proposed development will make a positive contribution to the local economy (i), the proposals are compatible with the surrounding area in terms of design (in the view of the Applicant) (ii), and the proposal will not detrimentally impact local communities (iii). The proposal has acceptable impacts in terms of transportation, the natural environment, and accessibility, and it takes advantage of the opportunities available to introduce measures to minimise carbon emissions (iiii, iv, v, vi and vii). The proposal thusly complies with Policy 30(b).
- 4.17 Policy 30 c), d), and e) are not explicitly relevant to the proposal. Overall, the proposal complies with Policy 30 of the NPF4 and the other aforementioned policies of the NPF4.
- 4.18 Turning to the MLDP (2017), the MLDP was adopted prior to the NPF4, while the SESplan was adopted and part of the Development Plan. The spatial strategy of the MLDP echoes that within the SESplan. Towns located along the A7 / A68 / Borders Rail and A701 Corridors comprising, amongst others the towns of Dalkeith and Bonnyrigg are considered to be the appropriate locations for new development.
- 4.19 Recognising that the application site is not within the defined settlement of either Dalkeith or Bonnyrigg or any smaller settlement, the proposal needs to be considered in the context of policies toward rural locations (the site is within the Green Belt, and considerations on this follow this section).
- 4.20 Policy RDI pertains to development in the Countryside. This policy is designed to provide a balance between development and protecting the essential characteristics of the Countryside. In general, promoters of new development must evidence the need for a countryside location. The proposed development accords with the Council's Supplementary Guidance on Development in the Countryside and the Green Belt. The proposed development is in the view of the Applicant (RD I(a)) of a scale and character appropriate to the rural area. The application site is appropriate in terms of transportation considerations (RD Ib.), the site is acceptable in terms of drainage (RD Ic.), and the proposal is accessible by means of public transportation (there are bus stops along Lasswade Road approx.. 0.5mile away from the site) (RD Id.).
- 4.21 The proposed development will enhance the rural economy. The policy explains that development opportunities that will enhance rural economic development opportunities will be permitted provided that they accord with criteria a – d. As the proposal complies with a-d as demonstrated and generates rural economic development, it is, in the view of the Applicant, a form of development appropriate to the rural area.

## GREEN BELT

- 4.22 Turning to the Green Belt and beginning with the NPF4. The protection of the Green Belt is an important material consideration, and it is recognised as fundamental to the principle of development.
- 4.23 The NPF4 contains Policy 8, which pertains to the Green Belt. Policy 8 creates a series of factors that a decision maker needs to consider when considering whether development proposals within the Green Belt can be supported. The policy has two elements: the first outlines a series of acceptable development proposals; the second is a series of requirements that an appropriate form of development needs to achieve.
- 4.24 The proposed development is the intensification of established uses, including extensions to an existing building that is ancillary to the principal use. Thus, it now considers Policy 8(ii) and the five criteria expressed.

Table I Breakdown of compliance with Policy 8(ii) of NPF4
Reasons are provided as to why a Green Belt location is essential and why it cannot be located on an alternative site out with the Green Belt;
The proposed development is for ancillary development to support a rural business that will allow the Applicant to deliver an optimum offer to suit its customers' expectations. The Applicant has established a need for the proposals; hence, this submission. The proposed built form cannot be disaggregated from the hotel operation due to the need to use existing infrastructure. Therefore, it cannot be on an alternative site outside the Green Belt.
The purpose of the Green Belt at that location is not undermined;
The policy intent explained in Policy 8 of the NPF4 is to encourage, promote and facilitate compact urban growth and the use of land around our towns and cities sustainably. Green belts should support established settlement strategies expressed in Local Development Plans and restrict development around towns and cities.

The proposal represents the reuse of previously developed land to support an existing rural business. This is expressly allowed in planning policy as a form of development that does not undermine the intention and purposes of the green belt.

The proposed development does not undermine the intention to restrict development around towns and cities. The proposal does not facilitate urban growth, noting that the proposal re-utilises previously developed land and does not result in encroachment into the green belt.

The proposal is compatible with the surrounding established Countryside and landscape character;

In the wider landscape and Green Belt beyond the site – due to the design approach, the proposal will not be experienced in a manner detrimental to the established character and appearance of the area (in the view of the Applicant).

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

It is acknowledged that it will add significant additional volume and built form to the site; however, visually, this volume will be experienced within the context of the built form on site, and it will not appear alien or visually intrusive. The design approach evidenced in the submission makes it clear that the proposal is of an appropriate scale, massing, and external appearance, which minimises the visual impact on the green belt in the view of the Applicant.

<p>There will be no significant long-term impacts on the environmental quality of the Green Belt.</p>
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<p>The proposal, as evidenced by the technical documents that accompany this application, is acceptable in terms of environmental impacts, notably in terms of surface water flooding, contaminated land, protection of arboricultural assets, and in terms of reducing the reliance on all forms of development upon non-sustainable forms of energy generation. The proposal accordingly would not compromise the environmental quality of the green belt.</p>
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- 4.25 As identified above, the proposal complies with the NPF4 regarding the Green Belt.
- 4.26 Turning to the MLDP, the Development Plan is designed to ensure the benefits of the Green Belt are safeguarded, and it explains that it is important that strong controls are maintained over the remaining designated areas. Therefore, only development which accords with the acceptable Green Belt uses, as set out in policy ENV1, will be supported.
- 4.27 Policy ENV 1 explains that development will not be permitted unless it satisfies one of the criteria in a. to e. The proposal meets an established need where no other site is available (e.) and is related to an existing use appropriate to the area's rural character (c.). The proposal also does not conflict with the overall objectives of the Green Belt, and accordingly, it complies with Policy ENV 1.
- 4.28 With regard to Green Belt considerations, the proposals comply with the requirements of the NPF4 and the MLDP. This fact, coupled with the fact that it complies with the Development Plan in terms of considerations of the Countryside and rural economic policies, results in the proposal to comply with the Development Plan.

### **Visitor Accommodation**

- 4.29 The Development Plan recognises that in addition to the provision for hotels within the built-up areas, where there are no suitable sites within the settlements, at key gateway locations in close proximity to the A720 City Bypass, applications for additional or new guest accommodation can be supported.
- 4.30 Policy VIS 2 explains that proposals for hotels at key gateway locations with ease of access to the major junctions on the A720 City Bypass may be supported where there are no suitable



sites, and the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns, or lead to coalescence.

- 4.31 As established in the following sequential assessment, there are no suitable sites for the proposal, and in the view of the Applicant, the proposal will not undermine the objectives of the Green Belt by detracting from the landscape setting of Edinburgh and its neighbouring towns or lead to coalescence. Accordingly, the proposed development complies with Policy VIS 2 of the MLDP.

## 5 SEQUENTIAL ASSESSMENT

5.1 The form of sequential assessment required for Policy VIS2 was not scoped out beforehand with the Council. However, the scope of sequential assessment undertaken in 2020 (Planning Statement for application 20/00145/DP written by Barton Willmore) is utilised as a starting point noting the similarities between proposals.

5.2 The scope of that assessment was as follows:

*“6.17 It was also agreed that the sequential assessment will be based on the ability for sites to accommodate the overall scale of a 66 bedroom hotel, along with associated dining facilities and parking / access / infrastructure. As such, sequential sites being sought will be of a size between 0.7ha and 1ha, which represents an approximate 15% degree of flexibility from the size of the existing site. This will include for any suitable and available buildings with potential for conversion. Scoping with the Council also suggested that it would be reasonable to expect a suitable alternative site to replicate the ‘key gateway’ characteristics of the proposed site. (Planning Statement, 2933/1, February 2020, page 16).”*

5.3 The three sites identified in the previous application will be re-considered; any newly available sites will also be considered. Potentially sequential sites are assessed on their suitability for the type of development proposed (for the type and scale of development as defined above) and on their availability (or potential to become available within a reasonable time).

5.4 Beginning with the three sites considered in 2020.

Salters Park
Salters Road, Salters Park, Dalkeith EH22 2NJ
<p>The site is a large greenfield strategic development site on the eastern edge of Dalkeith. This site is subject to allocation E14 in the LDP for employment land (Class 4, 5 and 6).</p> <p>A Proposal of Application Notice was submitted in January 2019 for the potential use of the whole site for a new film studio complex. Another was submitted in 2021 (21/00238/PAC) for a mixed-use development of Class 4 (light industrial/office), Class 5 (general industry) and Class 6 (storage and distribution) (Land East of Salters Road Dalkeith).</p> <p>The Premier Inn Dalkeith is ready for increased capacity within the next couple of years. Contrary to the position at Salters Road, where the position remains, there is uncertainty as to whether a suitable site will become available within reasonable timeframes.</p>

The Salters Park site requires major planning and masterplanning approval processes and considerable time remains before it progresses to a point where a site may become an option. As such, the site is considered to remain UNAVAILABLE.

#### Eskdail Court

Junction of South St and Lothian Street, Dalkeith EH22 1AG

Retrospective planning permission was obtained in 2020 for use as a community hub facility. This was approved via 20/00086/DPP.

Eskdail Court has evidence of activity in the form of a community hub operated by One Dalkeith, a charitable organisation. <https://onedalkeith.info/facilities/> This site remains **unavailable**.

#### 83 High St, Bonnyrigg

83 High St, Bonnyrigg

The application site is a cleared plot at the northern edge of Bonnyrigg town centre. The site was formerly occupied by a 2-storey retail building dating from the 1960s. The building was demolished in 2019. Full Planning permission was obtained in September of 2022 for the erection of 20 flats, office space, bin store and substation, formation of access and car parking and associated works. The scheme permitted the subject of this application is coming forward; hence, the site is **unavailable**.

- 5.5 Turning to new sites that were previously not considered.
- 5.6 The Dalkeith Hotel, 152 High Street, was on offer at the time of writing this Statement. The property is not suitable. The site is not large enough to fit the agreed criteria. It would also be inappropriate from an operational perspective as ground floor units are leased to another operator in the long term. Advertisements for the property confirm that The Restaurant (Slumdog) is leased on an FRI lease until 22nd December 2040.
- 5.7 No other sites are available from searching various sites, including a review of agent and marketing websites, which was also undertaken.
- 5.8 The proposed development represents the redevelopment of an existing and successful hotel designed to offer tourist accommodation at a key gateway location. Accordingly, it is considered to be the most appropriate location to expand and enhance Premier Inn's accommodation offer.

## 6 PLANNING BENEFITS

Table 2: Planning Benefits

### Economic

The Development Plan recognises tourism's importance to Midlothian's economic prosperity. The Development Plan acknowledges that one of the strengths of the Midlothian economy is tourism and that it will be a source of employment opportunities now and in the future. The Development Plan recognises a range of hotels, guest houses, and other accommodation that attract visitors and encourage them to stay and benefit the economy of Midlothian. Thus, there is a need to promote hotel accommodation of all types. The proposal, by supporting an existing tourism offer, will facilitate economic activity from guests, benefiting the borough's daytime and nighttime economies and benefit the borough's tourism offer. This is a **significant planning benefit**.

Beyond the benefit of facilitating economic activity and supporting tourism, the proposal supports employment opportunities that contribute to the economic productivity and prosperity of the residents of the borough. The applicant's investment in the site will safeguard existing employment positions; these are **significant planning benefits**.

The NPF4 highlights the strategic importance of supporting existing rural businesses. This is expressed in NPF4 Policy 29. The proposals will facilitate the success of the approach advocated in the NPF4, facilitating economic activity and economic generation through existing rural businesses. The proposal will support an established rural business's long-term viability, which is a **significant planning benefit**.

### Sustainability

The NPF4 and local planning policies commit to encouraging, promoting, and facilitating development that minimises emissions and adapts to climate change's current and future impacts. The proposal utilises air source heat pumps as well as high-quality fabric to achieve significant reductions in emissions and create a sustainable form of development that takes advantage of renewable means of energy generation. The proposal thusly achieves a **significant planning benefit** by being a beneficial development that contributes to the net zero target.

Sustainable development

National and local planning policies commit to sustainable development, and the NPF4 outlines 17 sustainable development goals. Several are relevant to the development proposed, and as has been established in this Statement, each of the relevant goals has been achieved. The proposal brings **significant planning benefits** and would deliver these in a manner that both local and national policy advocates as sustainable development. The proposal can only, therefore, be concluded to **be sustainable development**.

## 7 CONCLUSION

7.1 This proposed development is as follows:

*"Extension to the existing hotel to provide additional bedrooms, together with alterations to the car park and other associated works."*

7.2 We have considered the application scheme's implications and all relevant planning policies, and we have arrived at the following conclusions:

- The proposed development is sustainable development. The proposal represents the efficient use of previously developed land that will bring sustainable economic benefits and address an existing demand for guest accommodation. The proposed offer will significantly contribute to the borough's overall offer.
- In the view of the Applicant, the proposal will harmonise with the local context, topography, and views both to and from the site. The proposal will be acceptable in the context of the setting of historic assets being inappreciable in key views and vistas, in the view of Applicant.
- In the view of the Applicant, the proposal is acceptable in terms of the material considerations (details in the submission documents that accompany this submission) and that a robust submission have been provided to demonstrate this; hence, there is no material consideration which can be a reason to resist development.

7.3 This Planning Statement demonstrates a clear, strong, and justifiable case for the proposed development based on compliance with the Development Plan. The proposed development complies with the relevant Government guidance and planning policies in the Development Plan. Accordingly, per, Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. This application must be supported, and permission must be issued as soon as possible.

## Midlothian Council Local Review Board - Notice of Review

Local Review on the Refusal of Full Planning Permission for the Erection of 11 Lodges and Associated Works at South Melville Farm, Melville Dykes Road, Midlothian EH18 1AN.

Planning Application Reference 24/00 412/DPP.

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

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

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

October 2024

RFA Development Planning  


# Contents

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2. Site and Development Proposed
3. The Development Plan
4. Rebuttal and Grounds for Review
5. Material Considerations
6. Conclusion and Recommendation

## Appendices

- A. Core Documents
- B. Example of Standard Planning Conditions



# 1.Introduction and Background Context

This Local Review Statement has been prepared on behalf of Mr David McMillan in support of a Local Review, against the decision of the Midlothian Council to refuse Full Planning Permission for 11 Golf lodges at South Melville Farm, Lasswade. Mr McMillan is a well-established and experienced local developer who has previously successfully promoted conservation and development throughout the Lothians.

A FPA was submitted to the Council on the 24 June 2024 by QB Wood Architects (Dalmeny). The application was determined on the 11 October 2024 under delegated powers. During this period the Architects as, professional agents sought to furnish the Council with all necessary information as requested by the planning authority.

By virtue of its nature and scale the application is a Local Development under the Town and Country Planning (Hierarchy of Developments), (Scotland), Regulations 2009.

A full suite of supporting documentation was submitted and is available on the Midlothian Planning and Building Standards Online Service. This Statement should be read in conjunction with plans, drawings and documents submitted as part of the planning application.

A core document reference list relating to this Review is submitted as part of Appendix A.

Planning Application 24/00412/DPP comprises of the following documents/drawings:

- Location Plan 24012-E01 1:2500 (26.06.2024).
- Proposed Site Plan 24012-P01H 1:500 Rev H (20.08.2024).
- Existing Site Plan 24012-E02A 1:500 Rev A (26.08.2024).
- Context Plan 24012-P02B Rev B 1:500 (26.06.2024).
- Proposed Floor Plan 24012-P03B 1:100 Rev B (26.06.2024).
- Proposed Elevations 24012-P04A 1:100 Rev A (26.06.2024).
- Visualisation 24012-P05A Rev A (26.06.2024).
- Visualisations of Site 1 24012-P06A Rev A (26.06.2024).
- Visualisations of Site 2 24012-P07A Rev A (26.06.2024).
- Visualisations of Site 3 24012-P08A Rev A (26.06.2024).
- Landscaping plan 24012-P09 (26.06.2024).
- Design and Access Statement (26.06.2024).
- Response to Planners Comments (17.07.2024).
- Coal Mining Risk Assessment (26.09.2024).

A full chronology of correspondence reports submitted to the Council was set out by the applicant's agent in correspondence with the case officer dated the 20 August 2024.

The appointed case officer recommended that the application be refused for a range of overlapping reasons (some of which are not planning policy related). The applicant believes this decision is flawed, inconsistent and subject to conjecture rather than any clear evidence of deficiency. In particular, references to demand and business viability together with sustainability are not justified given the history of the site.

Development proposed essentially complies with the Development Plan provisions and will bring a desirable leisure/ tourism use into the area. It is compatible with existing leisure uses

and will enhance the economic potential of tourism in Midlothian in accordance with growth plans.

The Applicant is unclear as to why the Council would refuse the application when similar developments are being encouraged by planning authorities throughout Scotland during a period of recovering tourism accommodation demand. This, risks losing a valuable investment and economic benefit to neighbouring areas.

The proposed development dovetails with the Council's A7 urbanisation process. It is capable of successful delivery and implementation using planning conditions and a S75 Agreement (Planning Obligations) as suggested in the Report of Handling.

Scottish Government Circular 5/2013 Schemes of Delegation and Local Reviews confirms that where applications for local development proposals are determined by an officer, the applicant has a right of appeal to the Council's Local Review Body.

### **Structure of the Review Statement**

The purpose of this Statement is to assist Midlothian Council LRB in its decision making. It requests that a more pragmatic and realistic view of the site development is taken in accordance with the history and current uses in the area.

This Local Review Statement has the following structure:

- Introduction
- Context & Background
- Development Plan
- Reasons for Refusal and Rebuttal
- Material Considerations
- Summary and Recommendations

It should also be noted that an application for additional accommodation has been submitted by Premier Inns Ltd on the adjacent site to the East of the site (Ref 24 /00486/DPP), and is currently being determined by the Council. The proposed development would have no impact on this application, or the operational activities undertaken in relation to the Golf Centre, adjoining businesses, or the amenity of nearby residents.

## 2. Site Context and Description of Development

The application boundary and site characteristics are as largely as described within the Council's Report of Handling. It outlines the site boundaries and proximity to adjoining dwellings and uses including the Melville Golf Centre and Premier Inn Hotel with an adjoining pub restaurant. The area is signposted with a brown tourist sign from the A7 and fronts onto Melville Dykes Road (A768), which forms the southern boundary.

The red line boundary is set out in Fig 1 Location Plan within the DAS. Extensive photographic evidence as to the condition and brownfield nature of the site is provided with this Review.

Midlothian Council confirm that the site is currently vacant. The Council's Report does not advise that the site is effectively surrounded by adjoining development; it was partially brownfield (kennels and outhouses) and currently forms a vacant, disused and unmaintained paddock which together with the golf and leisure use was formerly part of an agricultural holding prior to Bovine Spongiform Encephalopathy (BSE / Mad Cow Disease).

The site itself comprises of a paddock of unmaintained grassland (bare ground), extending to approximately 0.55ha. It contains the remains of a former stone wall which has now been replaced by perimeter timber fencing for safety reasons. The intention is that the rubble wall and roadside edge can be reinstated by means of a planning consent.

The description of development being applied for is for '*the erection of 11 lodges and associated works*'. In effect the development would comprise of the complete restoration and enhancement of a previously vacant and underused site within the curtilage of a former steading. The proposed development is set out in the applicant's Design and Access Statement (DAS) as well as the plans and drawings submitted as part of the application.

For the avoidance of doubt the lodges would be let by the applicant's management company and made available for letting periods without any sale or subletting of the properties. They would be holiday lets and the use as permanent residences would be precluded by agreement or planning condition. This is entirely in accordance with the Council's own tourism and economic growth plans which identify the need for this type of accommodation but have been disregarded by the planning case officer.

Reference to planning history of the site demonstrates that three previous approvals have been granted for residential development on the site. Existing consents permit the development of a replacement farmhouse dwelling (23/00241/DPP) and the formation of an access road into the heart of the site 22/00908/DPP.

The Council's site description classifies the site as Greenbelt and part of the North Esk and Melville Castle Landscape Areas. It fails to recognise the unique characteristics of the application site which are demonstrably different in nature to the surrounding landscape and enveloped by adjoining development and remnants of previous uses. Recently completed housing adjacent to the A7 Melville Dykes Roundabout is also not referenced. Please refer to the Site Context Plan within the submitted DAS.

As a result, the Council has taken a very rigid and impractical approach to the development proposed rather than acknowledging that it can be integrated with existing uses in the vicinity. As previously intimated an adjoining application for a hotel extension adjacent to the site is currently under consideration by Midlothian Council and is seen as an entirely compatible use.

Integration with the golf facilities as a viable ongoing business is discussed later in this Statement and would be a normal progression given its proximity and attraction to golf orientated visitors.

### 3. The Development Plan

#### Statutory Requirement

This section of the Statement assesses compliance with the Development Plan. In this case the Development Plan comprises of the adopted Midlothian Local Development Plan (MLLDP) 2017, and National Planning Framework 4 (NPF4) 2023. Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), states that: *‘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 development plan unless material considerations indicate otherwise’*.

In the context of Section 25 of the Act referred to above, reference should be made to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 (SLT120). It sets out the necessary legal approach to deciding an application under the Planning Acts to identify and interpret any relevant provisions of the Development Plan, and fully consider these to assess whether they warrant a departure from the development plan.

In this case, we would submit and will demonstrate that the Council has misinterpreted the weight and balance of policy within the Development Plan and compounded this by failing to fully take relevant material considerations into account. The Reasons for Refusal are therefore flawed and unreasonable, and do not bear scrutiny in relation to the evidence or the statutory provisions within the Development Management Regulations and Procedures.

#### National Planning Framework 4

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13th February 2023 and contains 33 no. policies against which applications for development proposals now require to be assessed. As intimated it is considerably more up to date than the MLLDP with which there are also policy differences.

Section 24(3) (i) of the Town and Country Planning (Scotland) 1997 Act states that *‘in the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.’* This means that if there is anything in the MLLDP that is deemed to be incompatible with a comparable provision in NPF4, it is the provision in NPF4 that is to be taken into consideration by the Council in its decision-making, with the LDP policy in question being treated as having been effectively superseded.

In a letter dated 8th February 2023 dealing with the transitional arrangements for NPF4, the Minister for Planning and the Chief Planner of Scotland gave the following advice to decision-makers in relation to the application of NPF4. *‘Section 25 of the 1997 Act requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise. Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness. It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.’*

*Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.'*

The applicant considers that this has not been properly undertaken and that the balance of judgement is therefore invalid. We would ask the LRB to reconsider in accordance with the above principles and take into account relevant material considerations.

### **Midlothian Local Development Plan**

The MLLDP was adopted by Midlothian Council in November 2017 which makes it significantly out of date in respect to relevant policies and in relation to more progressive policies within NPF 4 which lend support to the proposed development. It is also now significantly out of line with the Council's approach to tourism growth and economic development.

The MLLDP vision recognises its responsibilities to both existing and new residents, and the Council will work with its communities and partners to ensure that prosperity, quality of life and wider sustainable development principles are central to its planning decisions.

Core aims of the plan are identified as follows:

- To implement the requirements of the Strategic Development Plan for Southeast Scotland (SESplan).

- To contribute to the delivery of successive Midlothian Single Outcome Agreements.

- To support the development of a vibrant, competitive, and sustainable local economy.

- To safeguard and enhance Midlothian's natural and built heritage, which sustains the quality of life of its communities.

- To respond robustly to the challenges of mitigating climate change and adapting to its impacts.

- To provide positively for development which secures long-term social, economic, and environmental benefits for existing and new residents, and not just short-term gain.

- To identify and implement a Green Network for Midlothian consistent with national and regional green network projects; and

- To help ensure that Midlothian is a welcoming and enriching place to live, work and visit.

Whilst elements of the MLLDP are out of date the above factors form underpin the policy intent within the LDP and form the basis of material considerations which re-enforce the policy argument in favour of the proposals before the LRB.

Land identified for development is not designated as green or open public space. The Local Development Plan Proposals Map identifies the application site within an area which is not zoned for any particular purpose but could be classed as being related to existing enclosed urban development (white land) where the principle of development may be acceptable subject to mitigation and compliance with other policies in the Development Plan.

In this case the environmental and economic benefits associated with the proposed development outweigh any perceived adverse landscape or townscape impact in respect of the Green Belt or designated landscape areas. Resistance to the application would place Midlothian and its local businesses at a competitive disadvantage and allow investment to be diverted to other parts of the Lothians where similar developments are deemed to be more acceptable.

## Summary

The Council has identified the relevant policy considerations in respect of both the NPF4 and MLLDP and these are assessed below relative to the proposed development. With regard to the seven Reasons for Refusal nine policy areas are identified as being relevant:

**Table 1 Policies Relating to MLC Reasons for Refusal**

<b>NPF4 2023</b>	<b>MLLDP 2017</b>
Policy 1 Nature and Climate Crises	ENV1 Protection of Green Belt
Policy 3 Biodiversity	ENV7 Landscape Character
Policy 8 Green Belt	ENV20 Important Gardens and Landscapes
Policy 14 Design Quality and Place	VIS 2 Tourism Accommodation
Policy 30 Tourism	

Each of the policy interpretations cited by the Council above are disputed and subject to detailed rebuttal in Section 4 of this LRB Statement. The decision to refuse the application, because of any perceived conflict with the policies as interpreted in Table 1 above, would not be warranted or in the best interests of the proper planning of the area as they are subjective and imprecise. Furthermore, the Council's assessment takes no account of the planning history, status, or material considerations in terms of potential economic, environmental, or social benefits.

When applying the principles of 'proportionality and reasonableness' and weighting factors for and against the development proposed in the balance of planning judgement, as required by the Chief Planner with reference to transitional arrangements for NPF4, the application proposal gains substantial support from other relevant policies both within the MLLDP and NPF4. By any reasonable assessment given the dubiety of the reasons given, it should therefore be granted planning permission by the Council as the decision maker.

Setting aside the disputed policies and their rebuttal the following policies within NPF4 and MLLDP are considered to be weighted in favour of the proposed development.

**Table 2 Relevant Development Plan Policies**

<b>NPF4</b>	<b>MLLDP</b>
NPF4 Natural Places	Dev1 Community Identity
NPF5 Soils	Dev5 Sustainability
NPF6 Forestry Woodland	Dev7 landscaping New Development
NPF9 Brownfield Vacant and Derelict Land	Tran1 Sustainable Travel
NPF12 Zero Waste	RD1 Development in the Countryside
NPF20 Blue Green Infrastructure	Env2 Green Network
NPF21 Play recreation and Sport	Env4 Prime Agricultural Land
NPF22 Flood Risk and Water Management	Env 8 Protecting River Valleys
NPF23 Health and Safety	Env11 Woodland Trees and Hedges
NPF24 Digital Infrastructure	Env15 Species and habitat Protection
NPF25 Community Wealth Building	Env16 Vacant and Derelict Land
NPF26 Business and Industry	Env25 Assessment Evaluation and Recording
NPF29 Rural Development	NRG3 Energy and Zero Carbon
	Imp 1 New Development
	Imp3 Water and Drainage

As with the LDP policies the Council as decision maker needs to take a balanced and reasonable approach to its planning judgement based on sustainability and proportionality when considering NPF 4 Policies. This is acknowledged in the Council's Report of Handling but not impartially applied.

On further analysis it would appear that by definition the applicant can draw on further support from NPF4 and MLLDP policies that were not used as Reasons for Refusal. This may be as an oversight or alternatively because the policy grounds were not deemed to be strong enough to warrant refusal.

In relation to NPF Policies the following are considered to be relevant by the applicant:

NPF4 Natural Places- The Council do not regard the site as a natural place.

NPF 5 Soils - Development on agricultural land is supported in favour of a small-scale development directly related to a rural business.

NPF6 Forestry Woodland and Trees- Development proposals that enhance, expand, and improve woodland and tree cover will be supported.

NPF 9 Brownfield Vacant and Derelict Land- 'Development that will result in the sustainable re-use of brownfield land including vacant and derelict land and buildings whether permanent or temporary will be supported'.

NPF12 Zero Waste- Development proposals will be supported where they re-use existing buildings and infrastructure, minimise demolition and salvage materials for reuse.

NPF20 Blue Green Infrastructure- 'Development proposals incorporating new or enhanced blue/green infrastructure will be supported'.

Policy 21 Play Recreation and Sport- Development Proposals that include new streets and public realm maximising the opportunities for informal and incidental play in the neighbourhood are supported.

NPF Policy 22 Flood Risk and Water Management- Development proposals will be supported if they can connect to the public water mains.

NPF Policy 23 Health and Safety- Development proposals that will have positive effects on health for example opportunities for exercise will be supported.

Policy 24 Digital Infrastructure

Policy 25 Community Wealth Building- Proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported (local job creation and the creation of new local firms).

Policy 26 Business and Industry- Development proposals for micro businesses will be supported where compatible and with no unacceptable impacts on amenity or neighbouring uses.

Policy 29 Rural Development- see below.

NPF Policy 29 Rural Development is worth quoting given that the development technically falls within a countryside/ rural area outwith urban boundaries.

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:



- i. Farms, crofts, woodland crofts, or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected.
  - ii. Diversification of existing businesses.
  - iii. Production and processing facilities for local produce and materials, for example sawmills, or local food production.
  - iv. Essential community services.
  - v. Essential infrastructure.
  - vi. Reuse of a redundant or unused building.
  - vii. Appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets.
  - viii. Reuse of brownfield land where a return to a natural state has not or will not happen without intervention.
  - ix. Small scale developments that support new ways of working such as remote working, homeworking, and community hubs; or
  - x. Improvement or restoration of the natural environment.
- b) Development proposals in rural areas should be suitably scaled, sited, and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

The policy intent is to respond to the rural location and support local employment at a scale that would be environmentally acceptable.

In reviewing the Council's rationale and evidence the applicant does not accept that the development is contrary to the Development Plan when taken as a whole. There may be minor discrepancies in detailed interpretation which require to be mitigated. However, when the weighted balance is applied in relation to specific policies Table 2 demonstrates that there are further NPF4 and MLLDP policies that are in the applicant's favour in this case. This constitutes more than just a quantitative assessment as the application also clearly meets qualitative planning standards.

The Council also suggests that no material considerations apply to this application which is remarkable and fully considered in the next section of this review.

## 4. Reasons for Refusal and Grounds of Appeal

In accordance with the established principles of planning legislation Reasons for Refusal must be specific and reasonable in terms of their nature and content in accordance with the Planning Acts, the relevant Development Management Regulations and Circulars. They must be legally defensible in terms of the Development Plan and Development Management Procedures (Circular 3/2022).

Given the Reasons for Refusal a strong rebuttal can be mounted against the Council's decision. No weight has been given to the planning history or principle of development forcing the Council to take a contradictory stance on the acceptability of development on site.

Section 3 of the Statement (above) demonstrates how the Reasons for Refusal are misaligned with statutory policies within the Development Plan. The following sections provide an initial rebuttal to the Council's Reasons for Refusal.

### Rebuttal – Reasons for Refusal

Reasons are unfair unreasonable not evidence or fact based and not properly interpreted. We are surprised and disappointed that the Council officials have taken such a negative stance to this small-scale tourist development which provides a range of social economic and environmental benefits.

The reason(s) for the Council's decision are set out below:

*1. The proposed development is contrary to Policy ENV1 of the Midlothian Local Development Plan 2017 and Policy 8 of the National Planning Framework 4 in that it fails to accord with the purpose and objectives of the Green Belt. The proposal is therefore unacceptable in principle and contrary to the Development Plan.*

The site is Green Belt in name only and the applicant would urge the LRB to undertake a site visit in order that it can conduct a realistic assessment of the location and appreciate the surrounding built and landscape context. The applicant would point the LRB to the wider context plan and assessment.

This Reason for Refusal is disputed by the applicant in that it is not a fair or reasonable interpretation of Green Belt Policy in this location and has been the subject of discussion and correspondence with the Council throughout the determination process. The site is Green Belt in name only and currently does not contribute to any of the principal objectives (leisure, landscape biodiversity or coalescence), and until recently acquired by the applicant was completely vacant and unmanaged.

The actual history of the site can be traced prior to the LDP when it was declared surplus to agricultural requirements following BSE disease and devoted to visitor and recreational use by the Department of Agriculture.

Due to the nature of the use proposed a Green Belt location is essential and compatible with the surrounding countryside as the visual impact is minimal and there is no detriment to environmental quality. There would be no impact in terms of coalescence or urban sprawl.

Notwithstanding this the Development Plan and NPF4 clearly supports '*the provision of outdoor recreation, play and sport or leisure and tourist uses; and development that provided opportunities for access to the open countryside*'. This effectively supersedes the MLLDP Policy ENV1 which is now out of date and overly restrictive, being inconsistent with economic and tourist strategies for Midlothian.

Even so Policy ENV1 permits development in the Green Belt which; '*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*'. In spatial terms given that there is not an alternative site within the vicinity, the proposals direct development to the most appropriate location, supports regeneration and would not encourage coalescence.

As the Report of Handling points out tourist accommodation is not specifically excluded from this type of accommodation in NPF 4, and this will clearly be operated as a tourist use. It also constitutes an intensification of existing uses in the area and is clearly linked to these by virtue of location, which will inevitably lead to a business relationship in due course therefore negating this Reason for Refusal.

The Report of Handling goes on to suggest that the area is not a gateway location which appears to be bizarre given the characteristics and accessibility of the site close to the City Bypass A702 / A7.

*2. The proposed development is contrary to Policy VIS2 of the Midlothian Local Development Plan 2017 and Policy 30 of the National Planning Framework 4 in that it fails to demonstrate that it is a suitable location for visitor accommodation in terms of scale, landscape impact, impact on the road network, and it has not been demonstrated to the satisfaction of the Planning Authority that it is for the furtherance of a viable long-term business. The proposal is therefore unacceptable in principle and contrary to the Development Plan.*

It is evident that the MLLDP 2017 and subsequent more recent Midlothian Tourism and Economic Growth plans wish to promote the economic benefits of tourism development in Midlothian. This has been narrowly interpreted as being only adjacent to the A720 City Bypass contrary to VIS 1 and VIS 2 (pg. 34-35 of the LDP). South Melville is an established signposted tourism visitor and golf destination and can be described as a gateway location close to the A720. Reference within the MLLDP is specifically made to previous consents in proximity to the A7.

Policy VIS1 in the MLLDP supports the establishment of new, or expansion of existing, tourism-related development where it improves the quality of visitor facilities or extends the tourism offering within Midlothian, subject to environmental or amenity impacts and having regard for the net economic benefit of the proposed development. The Policy VIS 1 Tourist Attractions is re-produced below:

*The establishment of new, or expansion of existing, tourism-related development will be supported where it can be demonstrated that it improves the quality of visitor facilities or extends the tourism offering within Midlothian, subject to the Council being satisfied that there are no significant negative environmental or amenity impacts and that the proposal accords with all other policies in the plan. When assessing proposals for tourism-related development due weight will be given to the net economic benefit of the proposed development.*

Policy VIS1 forms no part of the Council's reasoning on the determination of this application.

Regarding Self Catering Tourist Provision Policy VIS 2 *Proposals for self-catering tourist accommodation will be supported, provided that the proposal:*

- a. is in scale and in keeping with the character of the local area.*
- b. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable).*
- c. is well located in terms of the strategic road network and maximises public transport access.*

The proposed development complies with each of these matters and is in accordance with the following requirement, '*Proposals for self-catering tourist accommodation, including touring caravan/ camping sites, will be permitted where: the proposal is not in the Green Belt unless linked to some related existing development; the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business*'.

As demonstrated through the application process the development is clearly linked to '*some related existing development*' given the proximity of the golf facilities hotel and restaurant. There is also a requirement that the proposal is '*for the furtherance of a viable long-term business*' although there is no specific guidance as to what this actually means in practice. This requirement is not of planning relevance and does not accord with the more recent provisions of NPF4.

Nonetheless the applicant has argued that both of these requirements would be met even without any formal business collaboration, which in this case would be difficult without prior planning approval. It would appear obvious that golfing parties would use each of the neighbouring facilities (hotel, restaurant, and golf), given their facilities and proximity to the proposed lodge development.

NPF Policy 30 which transitionally supersedes the MLLDP in the event of any conflict is absolutely clear that '*Development Proposals for new or extended tourist facilities or accommodation identified in the LDP will be supported*'. This is unequivocal subject to a series of related planning factors in NPF 30(b) including economic development; compatibility and scale; accessibility; carbon emissions and access to the natural environment.

Despite providing the Council with economic justification on estimated tourist numbers and spend in addition to a developer (Section 75) contribution of almost £50,000 to the Councils A7 Urbanisation Project. This demonstrates that the site falls within the sphere of development in proximity to the A7 contrary to what is contained in other parts of the Report of Handling.

Also, remarkably the Report of Handling suggests that the location is not identified in the MLLDP. It does not agree that the specific requirements and criteria are met and suggests that there is no 'linkage' to the Melville Golf Centre. It goes on to suggest that due to a land ownership division, the proposed development cannot contribute to local diversification of the existing golf business or specifically targeted at their users which is quite incorrect. A new test of being 'explicitly linked' is then arbitrarily introduced which does not relate to policy.

A clear management/ operational proposal was outlined to the Council based on short term lets used solely as holiday lets controlled by an appropriate planning condition. Despite the acknowledged need for accommodation emphasised in the Midlothian Tourism Strategy and

Midlothian Economic Growth Plans the Report of Handling casts doubt over the level of demand in the area, suggesting that there is an oversupply of bedspaces.

The Applicant does not accept that the development is contrary to Policy VIS2 and would contend that material considerations in respect of the Growth Strategy and Economic/ Tourism Development in the area are overriding factors. There will be a significant contribution to tourism visitor spend and employment as a result of the development with attendant employment and business locally which would otherwise be lost to Midlothian.

It should also be noted that an adjacent planning application has been lodged for additional bedrooms. This is supported by a positive Demand Assessment.

*3. The scale, layout and design of the proposed development is not appropriate to its setting and will have an adverse impact on the character and appearance of the landscape and local area. The proposed layout would result in an overdevelopment of the site, and it has not been demonstrated that the proposal development can be successfully integrated into the landscape. The proposal is thereby contrary to Policies VIS2, ENV1 and ENV7 of the Midlothian Local Development Plan 2017 and Policy 8 of the National Planning Framework.*

This contention is strongly disputed by the applicant and has not previously been raised by the case officer during determination, despite contact with the architect. It is highly subjective and unduly uses multiple policies to re-enforce the officer's opinion. Given current site conditions and the small scale of development proposed, the environmental impact on the character and appearance of the landscape and local area is not adversely affected.

NPF 4 Policy 8 states that the proposal needs to be of an '*appropriate scale massing and external appearance and minimises visual impact on the Green Belt as far as possible*'. Reference to supporting documentation and plans confirms that the site can be fully integrated into the landscape, townscape and infrastructure which includes new housing development at the adjacent roundabout to the east and an extension to the neighbouring hotel.

Policy VIS 2 states that Proposals for the development of hotels or self-catering tourist accommodation will be supported, provided that the proposal; a. is in scale and in keeping with the character of the local area; b. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable); c. is well located in terms of the strategic road network and maximises public transport access.

Regarding Self Catering Accommodation proposals in the Green Belt are not specifically precluded providing that the proposal is of a character and scale in keeping with the rural setting. There would therefore appear to be no justification for this Reason for Refusal.

In relation to Policy ENV1 Protection of the Green Belt; as discussed above development is permissible given that it provides opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield and is clearly related to other uses appropriate to the rural character of the area. No other site is available, and development would not conflict with the objectives of the Green Belt. It would protect and enhance the character, landscape setting and identity Bonnyrigg and Eskbank by clearly identifying their physical boundaries and preventing coalescence.

Regarding Policy ENV 7 Landscape Character; Development would not have an unacceptable effect on local landscape character given the existence of the current leisure and golf facilities. There would appear to be a clear locational demand and need for accommodation. The

character of the lodge development proposed is compatible in terms of scale, siting and design and maintains the diversity and distinctiveness of the local landscape without adversely affecting outdoor recreational access opportunities or impact on the landscape.

*4. The proposed development will have an adverse impact on landscape designations (North Esk Special Landscape Area and the Melville Castle Designed Landscape). Thereby the proposed development is contrary to Policies ENV6, ENV7 and ENV20 of the Midlothian Local Development Plan 2017.*

The Report of Handling acknowledges that there is potential to contribute to the wider landscape setting of the area. The Applicant is therefore unclear of how the case official has come to this conclusion. The proposed development site to the north of Melville Dykes Road has its own characteristics and is generally separate and distinct to the designated areas to the south of the proposed site.

It is contended that there would be a neutral impact on the North Esk Special Landscape Area and the Melville Castle Designated Landscape. The Applicant refers the LRB to visual representations of how the site would look if approved.

MLLDP Policy ENV 6 relating to Special Landscape Areas permits development proposals where they incorporate high standards of siting and design. It does not preclude development. Given its location and separation the submitted application will clearly not have an unacceptable impact on the special landscape qualities of the area.

Policy ENV7 in respect of Landscape Character precludes development that would have an unacceptable effect on local landscape character. Development respects character and would be compatible in terms of scale, siting, and design. The new development incorporates open space and landscape proposals to maintain the diversity and distinctiveness of the local landscape.

Policy ENV 20 only precludes development which would harm the character, appearance and / or setting of Historic Gardens and Designed Landscapes. This proposed development would enhance the character, appearance and amenity of the area and not have any adverse impact on historic or designed assets.

*5. The proposed design and layout of the development fails to improve the quality of the area and does not accord with the six qualities of successful places as required by NPF4 Policy 14.*

This is again a subjective value judgement by the case officer, which does not take account of the poor environmental quality of the area in terms of baseline conditions and visual amenity. The owner is currently seeking to improve the appearance, amenity and setting of the South Melville Paddock. The Applicant has submitted photographic evidence to verify the poor quality of the previously vacant, derelict, and dangerous built environment on site.

The reason given does not specify which specific qualities of successful place are not met and in which way. Rather it relies on a generic and subjective value judgement which is not substantiated by the plans and elevations associated with the development. Again, there is a failure to fully consider policy intent as a whole as opposed to a partial opinion.

This reason as given, also contradicts the Report of Handling and suggests that the development proposals would not improve the quality of the location 'irrespective of scale.' It is adaptable and the six qualities of successful places are clearly met in terms of NPF 14 Design Quality and Place.

The qualities of successful places (Healthy; Pleasant; Connected; Distinctive; Sustainable and Adaptable), are described in the applicant's Design and Access Statement. Each of these characteristics would be achieved as part of a sustainable development acknowledged by the Report of Handling. The Applicant therefore does not accept the Reason for Refusal and contend that detailed design aspects can be effectively controlled by planning condition as suggested in the Report of Handling.

In particular, the proposed development is sustainable by virtue of its location, accessibility, and pattern of proposed usage. It is potentially a pleasant development in that it supports both natural and built spaces and is distinctive reflecting local architectural style and reinforcing local identity. It is connected and not reliant on car dependency as suggested given the proximity of local facilities and operation of the lodges (see below).

By providing opportunities for sports participation and recreation, the development will contribute to safety and physical/ mental health outcomes as required by NPF4.

*6. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development will achieve a safe access for traffic movements associated with 11 holiday lodges.*

It is clear and acknowledged that the access onto Melville Dykes Road has recently been granted by the Council through 22/00908/DPP without restriction. This fully considered road design standards (Design Manual Roads and Bridges), and road impact safety matters on the adjoining network which satisfied all visibility requirements. It also acknowledged the accessibility of the location including proximity to public transport and local facilities.

A Traffic Assessment was not required by the Council due to the small scale of the site and proposed development. Given the scale of development and the level of transport expected it is not accepted that traffic will significantly impact on the network. There is no policy justification given for this reason and it does not accord with Policy NPF13 Sustainable Transport which supersedes ML LDP policy provisions.

The Report of Handling states that '*the proposed layout is car led and the majority of trips to and from the site are likely to be done by private car.*' This is a complete misunderstanding and over exaggeration of how transport would operate. In assessing related trips and movements the Council has not fully appreciated that the development would be used by groups of golfers/ visitors using the location as a base or utilising group travel either independently or through a third-party operator. The number and frequency of trips is therefore over estimated.

Furthermore, parking provision on site is not considered as excessive and believed to be consistent with standards used by the Council itself on its own developments (Hillend Ski Centre).

In addition, these would be off peak and not at times of heavy demand or usage on Melville Dykes Road. There would be no discernible impact or risk to road safety. Management and

maintenance visits to the site would also be negligible and off peak. Contrary to this the development will improve safety and facilitate crossing and pedestrian movement by establishing a footpath along Melville Dykes Road. This would reduce the number and speed of vehicles in the vicinity of the site.

NPF4 Policy 13 Sustainable Transport supports developments such as this where developments provide pedestrian and cycle networks, incorporates safety measures low and zero emission charging points. There is convenient public transport, and the operator could implement a Travel Plan if conditioned.

*7. It has not been demonstrated to the satisfaction of the Planning Authority that the impact on biodiversity and the nature crisis have been considered and addressed. This is contrary to the overarching aims of the National Planning Framework 4 and Policies 1 and 3 specifically.*

Biodiversity on site is currently poor with areas of ground needing to be reclaimed and treated prior to achieving landscape and habitat enhancement. Walk over surveys demonstrate that there is no evidence of protected species habitats on site.

Regarding the Preliminary Ecological Assessment (PEA), no such request was made to the client during the determination process, and no regard has been taken of the PEA submitted by the same applicant / owner for the adjacent approved development site. Biodiversity enhancement through a detailed landscape scheme, SUDs and biodiversity measures is a given outcome and agreed with the case officer during determination of the application. As suggested within the Handling Report this matter could be practically dealt with by a planning condition and the Reason for Refusal is therefore unnecessary.

There has been obvious consideration of the climate and nature crises which underpins the proposals and re-uses available underused vacant land adjacent to neighbouring development. Sustainability and accessibility are key factors and there is full adaption to future climate change by retrofitting an appropriate and compatible use into the area which will avoid the need for alternative development and minimise carbon (CO<sub>2</sub>) emissions.

This is evident in terms of sustainability and information provided within the Design and Access Statement in respect of energy consumption and efficiency to minimise CO<sub>2</sub> emissions from the proposed lodges. This is entirely in line with the focus of NPF4 and therefore it is not correct to suggest that the nature crisis has not been considered as intimated.

In relation to NPF Policy 3 a recent PEA provided on adjoining land demonstrates that the site has little or no ecological value due to previous uses and potential contamination. Development would clearly contribute to biodiversity and reinstatement or restoration of degraded land and includes nature-based solutions and networks contribution to green-blue infrastructure.

It is acknowledged that the site provides an opportunity for green nature network connections. No trees are affected, and the canopy cover would be maintained and indeed enhanced by replacement planting. Significant biodiversity enhancements would be established through the detailed Landscape Framework including nature and habitat networks with resilient local community benefits. There are no adverse impacts on the natural environment and biodiversity loss would be reversed.



## 5. Material Considerations

In addition to planning policies within the development plan, it is also necessary to assess other material considerations for and against the proposal. These considerations have been outlined above in relation to the core aims and objectives of the MLLDP in the city.

Material considerations are defined in Appendix A of the Development Management Regulations 3/2022. No material considerations have been identified by the Council to suggest that this Review should not be allowed.

Inadequate weight has been given to the Principle of Development given the planning history of the site and previous approvals. The site is adjacent to the A7 'Urban Area' and has been approved previously for development as intimated in the planning history above. This Statement of Review has demonstrated that the proposal is in accordance with the Development Plan and key policy tests. Refusal is therefore inconsistent with tourism-leisure aspirations and does not acknowledge the realistic status of the land proposed for development.

### Report of Handling

On balance development complies with the Development Plan. In overall terms contrary to the Report of Handling the proposal complies with NPF4 and MLLDP policies contained in Table 1 above and cited as the Council's Reasons for Refusal. Furthermore, despite these disputed Reasons, the proposal takes support from a range of other associated NPF4 and MLLDP policies as identified in Table 2 above.

The principle of development is acceptable, the planning history and the approvals granted on Green Belt land are important material considerations.

The summary and overall conclusions within the Report of Handling appear to be inconsistent, contradictory, and unjustified given the level of compliance with the majority of planning policy requirements. Policy assessment undertaken by the Council has been partial and selective with the recommendation for refusal unnecessarily compounded by misinterpretation particularly in relation to previous use and car traffic. A balanced proportional and weighted view has therefore not been taken.

We reserve the right to respond to any further submissions made by the Council which expand upon or elaborate on its reason for refusing the application.

### Midlothian Economic Growth Strategy

The Midlothian Economic Development Strategy sets out the economic development vision and key priorities for Midlothian for the period 2020-2025.

The Midlothian Tourism Strategy and Action Plan seeks to capitalise on Midlothian's strengths and opportunities and encourage more visitors through the Midlothian and Borders Tourism Action Group (MBTAG) and Midlothian Tourism Forum. Working with Visit Scotland and Scottish Tourism Alliance on Scotland's Tourism Strategy 'People, Place, Businesses and Experiences' it seeks to grow value and increase tourism benefits Visit Scotland. It has established a marketing and promotion strategy for the future capitalising on the Borders Railway and creating new

places to visit as well as maximising opportunities for employment, business tourism and leisure .

Page 18 of the Growth Strategy states that ‘ *Tourism is one of our key industries and captures a significant amount of local activity. It is fast paced and responsive to market demand, and together with the industry, Visit Scotland and the Midlothian Tourism Forum, we will continue to build on the opportunities for Midlothian following the reopening of the Borders Railway and Midlothian and Borders Tourism Action Group’s (MBTAG) development work in events projects, travel trade development and training. New digital avenues have been explored and successfully implemented through MBTAG, including a ‘Scotland Starts Here’ mobile app that harnessed over 1,500 points of interest, 650 tourism businesses, 20 hours of audio and more than 89 routes. Through phase two of the MBTAG project, we will work with the industry to embrace the focus to digital marketing and development of a destination marketing strategy, as well as a consumer facing website ‘Scotland Starts Here’ and continue to educate the travel trade on Midlothian’s tourism product and offer. All of which will ensure our unique visitor offer is clearly on the map and grow the tourism economy through increased day spend and overnight stays.*

### **Midlothian Tourism and Action Plan**

The Midlothian Tourism and Action Plan 2016 is an important material consideration in terms of planning decisions on tourism projects. It is currently under review, but the extract below provides an indication of policy intent and priorities for investment.

STRENGTHS	OPPORTUNITIES	GAPS AND WEAKNESSES	
<ul style="list-style-type: none"> <li>• Key magnet attractions with some close to the railway</li> <li>• Activity facilities for the youth and family markets</li> <li>• Heritage properties offering accommodation and/or small scale meeting facilities</li> <li>• Major retail facilities attracting visitors into the area</li> <li>• Proximity to and ease of access from Edinburgh</li> </ul>	<ul style="list-style-type: none"> <li>• Large scale events attracted into the area</li> <li>• Sporting and active events for less committed participants &amp; spectators</li> <li>• Outdoor activities for less committed markets looking for "soft" exercise.</li> <li>• Joint marketing of heritage properties offering accommodation and/or meeting facilities</li> <li>• Food &amp; Drink: Increase participation in independent accreditation schemes and support new related events.</li> <li>• Local heritage in our towns and villages</li> <li>• Business Tourism: develop markets for conferences &amp; seminars.</li> </ul>	<ul style="list-style-type: none"> <li>• No large scale serviced or self-catering accommodation for business and leisure tourism groups</li> <li>• No dedicated and high quality meeting facilities capable of accommodating larger events of over 200 delegates</li> <li>• No dedicated indoor facilities for live indoor cultural events like theatre or music.</li> <li>• Few independent retailers and limited crafts and visual art studios and galleries.</li> <li>• Lack of a clear identity for local towns that may be viewed simply as suburbs of Edinburgh.</li> <li>• Some town centres lack animation or vibrancy to attract and retain visitors.</li> </ul>	<ul style="list-style-type: none"> <li>• Position Midlothian as an exciting destination for younger visitors and family groups</li> <li>• Activity around a "Midlothian Meetings" brand to highlight the unique heritage ambience of participating venues</li> <li>• Additional promotion of visitor facilities in the area at the main retail complexes in Midlothian.</li> <li>• Better planning, co-ordination and promotion of events to bring people into Midlothian</li> <li>• Promoting the range of food and drink establishments in operation, encouraging high standards and promoting local suppliers</li> <li>• Celebrating Midlothian's rural nature and encouraging safe access</li> <li>• Using key iconic heritage sites to draw more people to and around Midlothian</li> </ul>

The strategy highlights the need for additional tourism provision and communication within the County of Midlothian.

## Consultations

A full range of consultations was undertaken by the Council and can be summarised as follows:

Economic Development- no comment.

Coal Authority- no objection subject to condition.

Protective Services- no objection subject to a condition on contamination and a SEPA Licence for the septic tank.

Scottish water –no objection to the provision of water (Roseberry WTW) or for foul water disposal (Edinburgh PFI WWTW).

Archaeology Service- no objection subject to a programme of Archaeological Works and a Written Scheme of Investigation and Data Structure Report

Neighbourhood Services Roads –object based on junction visibility sight lines and design standards necessary to service 11 lodges.

Neighbourhood Services (Flood Risk) –no comment.

### **Third Party Representations**

As stated in the Report of Handling only 4 representations were made of which two were objections and two were neutral. Many of the objections recorded were non-material in nature and not relevant to land use planning matters or are capable of being addressed by consultations.

Bonnyrigg Community Council made an objection/ representation which was received by the Council on the 26 August and duly accepted. It raised road safety issues and other matters (water supply, management, demand for golf), that were subsequently clarified with the case officer in correspondence. The Applicant's agent has offered to meet the Community Council in order to fully brief them on these matters.

It is relevant to note that Eskbank and District Community Council were neutral in their response.

McFarlane Farming Ltd (Morton Fraser MacRoberts) as the nearest adjoining landowner submitted a neutral response with useful and practical suggestions in respect of operations management on the site including security, site management and road traffic management.

Another neighbour has objected largely on amenity grounds and again the offer of a meeting has been extended without reply.

### **Planning Conditions**

Planning permission is capable of being granted subject to the imposition of relevant conditions.

Given the nature of the issues raised by the Council it would be entirely reasonable to condition a consent to deal with the Reason for Refusal. Planning Conditions would be in accordance with Circular to accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

The conditions (Appendix B) would deal with detailed aspects relating to:

- I. Landscape and Visual Impact.
- II. Details, Materials and Finishes.
- III. Traffic Management Measures -Travel Plan.
- IV. Biodiversity Enhancement.
- V. Archaeological Works/ Scheme of Written Investigations.

An example of standard planning conditions issued by the Council in respect of a previous Local Review is provided in Appendix B.

### **Developer Contributions**

The applicant is agreeable to the proposed level of developer contributions suggested by the Council amounting to £47,658.27 (Q2 2024 BCIS Prices Factor 2) in respect of the A7 Urbanisation Project. This would be through a S75 Legal Agreement.

## 6. Summary and Conclusions

Having considered the application proposals against the terms of the development plan and all other material considerations as required under Section 25 of the Town and Country Planning (Scotland) Act 1997, the Applicant is firmly of the view that the application has significant support from the Development Plan, and that there are no material considerations which would preclude the grant of planning permission for a lodge development.

The Review Statement has addressed the proposals against the relevant policies of the prevailing Development Plan, as a rebuttal to the Reasons for Refusal given by Council officers. There is a lack of justification and the reasons given are not warranted, nor do they meet normal planning tests in terms of reasonableness. The recommended refusal out of proportion with the evidence presented by the Applicant.

This Local Review disputes Midlothian Councils Reason for Refusal of Application Ref for Eleven (11) Lodges at Melville Dykes Road, Lasswade. Given the material planning history of the site and principle of development it is considered that the Reasons for Refusal given by the Council is unreasonable and disproportionate.

It does not properly interpret the Development Plan, LDP or NPF 4 in terms of carefully assessing planning policy and coming to a balanced decision based on good planning judgement. Indeed, the decision is disproportionate to the relatively few objections to the proposal and the Reasons for Refusal bolstered by the Lead Officer (Local Developments).

- The site is Green Belt in name only and does not meet the purpose or objectives for this designation.
- It is an eminently sensible location for visitor location and already benefits from associated facilities signposted brown from the A7.
- It meets an acknowledged and established demand and can only re-enforce the viability of surrounding and other local business uses.
- The layout and siting of lodges integrates with the surrounding landscape and does not constitute overdevelopment.
- It can only improve the character and appearance of the wider area and road corridor through the proposed gateway and reconstruction of the stone boundary wall.
- There is no impact on the North Esk Landscape Area or Melville Castle Designated Landscape.
- It will definitely improve the quality of the area and promote the creation of a successful place.
- There is an approved access and junction arrangement which together with pedestrian and cycle connections will provide a safer environment.
- The site has little or no biodiversity value at present and proposals will result in a net gain which can be secured through landscape and associated conditions.

Consultations are generally favourable. Furthermore, the applicant did not have the opportunity to respond to the transport consultation which formed part of the refusal.

As indicated refusal would sterilise sustainable and available land within the area for no good planning reason without any environmental or economic benefit. As acknowledged in the Report of Handling (up to the conclusion) mitigation is possible and can be compensated.

Information provided for the original application and as part of this Local Review demonstrates that the proposal is not contrary to MLLDP ENV Policies 1;7 and 20 or NPF 4 Policies 1; 38;14 and 30. Indeed to the contrary when considered comprehensively in the round it does in fact comply with the Development Plan.

Having assessed and considered the proposed development against the terms of both the Development Plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended), the Applicant has conclusively demonstrated that the appeal should be upheld, and planning permission granted. It is not clear how any other conclusion could be reached given the weight of planning evidence and taking all relevant policy considerations into account.

There are clearly no adverse impacts which significantly and demonstrably outweigh the benefits of the appeal proposal. Reference to the underlying objectives of NPF 4 and the LDP aims suggest that material economic and business benefits will result from the tourism development if approved. Notwithstanding the policy arguments no material considerations considered by the Council indicate that the appeal should be refused.

We respectfully reserve the right to respond to any submissions on the Local Review from the Appointed Officer, Consultees or Third Parties prior to its determination. In view of the considerations outlined it is respectfully suggested that this Review be upheld, and that planning permission is granted for the proposal as applied for.

**Rick Finc MRTPI MIED**  
**RFA Development Planning**  
**October 2024**

## **APPENDIX A**

### **SOUTH MELVILLE FARM REF 24/00412/DPP**

#### **CORE DOCUMENTATION**

1. Application Form Ref- 24/00412/DPP
2. Decision Notice Ref -24/00412/DPP
3. Report of Handling Ref -24/00412/DPP
4. Statement of Review - RFA Planning October 2024
5. Midlothian Council Local Development Plan (MLLDP 2017)
6. National Planning Framework (NPF4 2023)
7. Design and Access Statement (QB Wood Architects)
8. Correspondence from Agent (10 August 2024)
9. Planning Statement (Application Ref 00412/DPP) (Premier Inn-Walshingham Planning)
10. Photographic Evidence (a; b and c)
11. Midlothian Standard Planning Conditions



## APPENDIX B

### SOUTH MELVILLE FARM REF 24/00412/DPP

#### EXAMPLE OF MIDLOTHIAN STANDARD PLANNING CONDITIONS

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 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. ii. iii. iv. the nature, extent and types of contamination and/or previous mineral workings on the site; 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; measures to deal with contamination and/or previous mineral workings encountered during construction work; and the condition of the site on completion of the specified decontamination measures.

3. 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. On completion of the decontamination/remediation works required in condition 2 and prior to the unit 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 2 and 3: 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.

4. No development shall be undertaken until details of the proposed water supply have been submitted to and approved in writing by the planning authority. If the houses are to connect to the public water supply, details of the connection shall be submitted. If the houses are to connect to a private water supply detail of the proposed supply, including capacity of the water storage tank, confirmation that the source and storage facilities are sufficient and that the supply is adequate both in terms of sufficiency and wholesomeness to service the proposed houses shall be submitted. Before the new houses are occupied the installation of the water supply hereby approved shall be completed to the satisfaction of the planning authority. Reason: To ensure that the houses are provided with adequate water supply facilities prior to occupation.



5. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority: a) b) c) d) e) f) g) h) i) j) k) l) A proposed topographical plan showing the levels of all houses, buildings, open space and roads in relating to a fixed datum; Details and samples of all external finishing materials for the houses and garage; Details of the proposed materials of the areas of hardstanding; Details of the design, position, dimensions, materials and finish of all proposed walls, fences, gates or other means of enclosure; Details of the proposal bin storage and collection arrangements; Details of the proposed ground source heat pumps; Details of the proposed solar panels; Details of the provision of superfast broadband connections for the houses; Details of the proposed electric vehicle charging point for each house; An updated phasing plan detailing the timescales and order for the development to be carried out; Details of the proposed areas of public access; and 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 rural area.

6. The external materials agreed in writing by the planning authority in terms of condition 5b) shall be natural slate roofs and either det dash or smooth render walls. Reason: To ensure the materials are high quality, natural, traditional and appropriate for the surrounding rural area.

7. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 5c) 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. The scheme of landscaping and landscaping plan required in terms of condition 5l) shall include the following to be prepared by a qualified arboricultural consultant: a) b) c) d) e) f) g) h) i) j) k)

8. A landscape plan including tree protection measures clearly indicating the construction exclusion zone in accordance with BS5837 and the separation distance zone around the high pressure gas pipeline, as well as tree protection and tree protection details to be submitted. This plan shall also indicate the accurate crown spread of the trees; Tree protection measures in accordance with BS5837; An Arboricultural Method Statement to ensure the construction works can be carried out while protecting root protection areas during construction; A tree survey of all existing trees within and adjacent to the site. This shall include all root protection areas; An Arboricultural Impact Assessment; A planting plan identifying all tree and hedge planting locations, as well as a planting schedule detailing all plant numbers, species, sizes and root condition and details of flowering lawn mix and sowing rate; Details of tree planting interspersed with native hedge planting along the boundaries of the house plots; A planting schedule; Detailed planting specification notes including ground preparation for all planting types, planting medium quality and quantity (topsoil and mulch source and depth), planting (tree pits, hedge planting) and plant protection against browsing and all landscape maintenance activities including watering; A maintenance schedule indicating the frequency of visits and activities to take place such as pruning of hedges and watering. This shall include inspection and maintenance where necessary of the existing trees on site; The landscape plan shall investigate the use of water harvesting measures and rain gardens to allow for infiltration of rainwater, such as from roofs and hard surfaces. If this is not possible, details of why shall be

provided for approval; and l) A woodland management plan. Reason: To ensure that on site contractors are fully aware of the tree protection area and prohibited activities in order to ensure trees are protected fully; to protect the trees and canopy cover in the site and wider area; to protect the rural character of the area and integrate the development into the surrounding rural area; to increase canopy cover at the site; to promote biodiversity.

9. The tree protection measures required and approved in condition 8b) shall be put in place before any works begin on site and shall be retained as approved until development on site is completed. The protective fencing shall be in accordance with BS5837 and shall include signage indicating prohibited activities within this Construction Exclusion Zone. Evidence of the signage shall also be supplied to the council. Proof of these protection measures and signage being in place shall be submitted to the Planning Authority before works begin. Reason: To ensure that any trees affected by the proposal are protected during development; to protect the trees and canopy cover in the site and wider area.

10. The separation distance zone required in condition 8b) shall be as identified in the objection letter from National Gas Transmission dated 30th May 2024. Reason: To ensure that any proposed planting does not have an adverse impact on the high-pressure gas pipeline which runs through the site.

11. Within six months of the first house either being completed or occupied, whichever is the earlier date, the landscape scheme approved under the terms of condition 5l) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged shall be replaced during the next available planting season with others of a similar size and species. Reason: To protect and enhance the landscaping of the area; to ensure that planting on the site is carried out as early as possible and has an adequate opportunity to become established.

12. No development shall take place on site until the applicants, or their successors have undertaken and reported upon a programme of archaeological (Monitored Soil Strip) work in accordance with a written scheme of investigation to be submitted to and approved in writing by the Planning Authority. Reason: To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.

13. Before the new houses are occupied the installation of the means of drainage treatment and disposal hereby approved shall be completed to the satisfaction of the planning authority. Reason: To ensure that the houses are provided with adequate drainage facilities prior to occupation.

14. Before the new houses are occupied the biodiversity measures within the house plots in the approved Biodiversity Enhancement Plan shall be completed to the satisfaction of the planning authority. Reason: To ensure that the houses are provided with adequate drainage facilities prior to occupation.

15. 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.

16. The works hereby approved shall comply with the recommendations in the approved Ecology Survey dated 12 February 2024. Reason for conditions 1 and 14: 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; in order to ensure protected species are considered and not adversely affected.

**From:** Steven Wootton  
**Sent:** 20 August 2024 09:29  
**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: 24/00412/DPP- South Melville Farm

Dear Eilidh,

Thank you for your email which is noted.

Please see the attached site plan 24012 – P01H which shows the existing private water supply. The neighbour has Scottish Water supply so this is redundant as the proposed site will connect to the Scottish Water supply also. As you can see the development does not affect this existing private water supply drain. We also amend our site plan to show the blue boundary around the existing septic tank to show right of access. Please let us know if this answers your comments on this.

I'm not sure why the management of the facility is entirely relevant to this planning application which is a land use matter. A cleaning company will be appointed to clean and check the lodges on a daily basis and deal with routine issues. A Site Manager will also make visits to the site to check on bookings (made electronically) and allow smooth operation of the golf lodges. Occupancy of the site will be subject to a Management Plan that will include site rules and contact numbers.

In response to your queries, we have now advised how the business would be linked into the existing golf centre and adjoining uses, how it would be operated including letting / management and indicated what economic development and tourism benefits would accrue. Much of this and subsequent marketing is dependent on planning consent achieved.

Melville Golf centre because of its location size and facilities particularly Toptracer, is an ideal base for touring parties coaching and academy trips not least because of easy access to over 50 golf clubs in the region. This should not only be the preserve of larger more prestigious clubs in the Lothians. It also potentially serves a non-golf family market for Midlothian facilitating outdoor and countryside visits. Contrary to an objection it will and cannot be used for short term lets.

Development is entirely in line with the Midlothian (Economic Development) Growth Plan 2020-25 and the Midlothian Tourism Action Plan which specifically seeks new accommodation and visitor numbers. There is a danger that if an overly stringent policy approach is taken to the 'Greenbelt' that opportunities such as this will be lost to neighbouring authorities such as East Lothian who have recently approved a similar development at Gifford GC.

The site has brown tourist signposting from the A7 as a preferred visitor location.

You have mentioned you are awaiting comments back from Transport and note an objection makes reference to access but the access to the site has already been approved under a separate Planning application (ref: 22/00908/DPP). This is a small-scale development with minimal traffic generation in respect of safety or the wider road network.

In relation to the Principle of Development we are surprised and disappointed to hear that you are not able to support the application regarding policy 8 and 30 in NPF4 and ENV1 & VIS2 in Midlothian Local Development Plan. We have already covered these policies in prior communications, with professional input from our Planning Consultant to ensure that these aspects are addressed.

Please refer to the previously sent information for details.

- Design and Access Statement (page 5 & 6 as highlighted addressed Policy 8, 30, ENV1 & VIS2).
- Our letter dated 15th of July (Page 2 as highlighted addresses Policy 8, 30, ENV1 & VIS2).
- Planning Consultant comments as incorporated in our email dated the 2nd of August. (This document directly addresses policy 8, 30, ENV1 & VIS2).



We also attach:

- Policy 8 from NPF4
- Policy 30 from NPF4
- ENV1 from Midlothian Local Development Plan
- VIS2 from Midlothian Local Development Plan
- The Midlothian Tourism Action Plan.

There has been a significant amount of work carried out to make sure the application is addressing the policies correctly and we would appreciate if you could review this information and see how we have dealt with these Planning policies. We will send paper copies of these attachments to your office.

We also note that the site was a small part of a larger operational farm owned by McFarlane brothers up to the outbreak and Government response to Bovine Spongiform Encephalopathy (BSE) 'mad cow disease'. This farm was then changed into a golf centre and associated course with our paddock site separated from the golf course as it contained a house on the site. Therefore, the site cannot realistically be regarded as agricultural land as it was part of the farm that has now turned into a golf course. It is not feasible or viable as an agricultural field and soil capacity is no longer 'prime' as previously explained.

Regarding your comment on determination, we do not intend to withdraw the application. After reading the attached, if you still have an issue with the proposed development, we reserve the right to have the application reviewed by the Council's Development Management Committee for balanced scrutiny. This would pragmatically look at matters in the round and assess the material considerations and obvious benefits that would accrue from the development. These developments are usually welcomed by planning authorities where they bring clear public and environmental benefits such as the rebuild of the boundary wall.

The outstanding items are listed below but we are in the process of providing the required information soon,

- We have contacted the Coal Authority so that we can have an amended CMRA that it references the proposed development.
- We have someone carrying out a topography this week so will have this for you very soon.
- We have an engineer looking at the drainage and existing septic tank and will have a response from them soon.

As we are waiting on these items, we accept your extension of the application to the 9<sup>th</sup> of September.

Kind regards,

Steven

**From:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>

**Sent:** Wednesday, August 14, 2024 9:59 AM

**To:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>

**Cc:** [REDACTED]

**Subject:** RE: 24/00412/DPP- South Melville Farm

Hi Steven,

Thank you for providing some additional detail on the business and proposed operation which is appreciated. In terms of management, I assume there would not be staff on site? We have received some representations to the application which have raised concern with management and how this will operate. A concern has also been raised with the ownership within the red line boundary- please could you confirm the site is entirely within the applicant's ownership (both land shown in red and blue on Location Plan)? I have asked for further clarity on this comment but not heard back but if you could confirm either way that

would be helpful. If any land is outside the ownership of the applicant a revised Land Ownership Certificate will be required.

Please note that the Coal Authority have objected to the application. This is on the basis that the submitted Coal Mining Risk Assessment does not cover the proposed use of the site. Please see comments below:

*'The applicant should be made aware that a Coal Mining Risk Assessment Report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development, as a whole, will be safe and stable. Therefore based on the above, we do not consider that the information as currently submitted demonstrates to the Local Planning Authority (LPA) that the proposed development (11 lodges and associated works) has been fully assessed and the site is suitable for the development and will be safe and stable.*

*The submitted information could be extrapolated and used in support of an up-to-date desk based study for the current proposal. Therefore, the applicant should seek further advice from their technical consultants (mining / geotechnical engineer); based on the information they currently have in their possession.*

*In light of the above, the Coal Authority currently **objects** to this proposal, as we do not consider that the LPA has sufficient information to determine this planning application regarding former coal mining activity at this site. However, we welcome the opportunity to review and comment on further information submitted in support of this application.'*

The above will need to be addressed prior to the application being determined. I note that we require topography details and a drawing showing the water supply pipe to be submitted. The existing septic tank should also be shown within the blue line on the location/ site plan if within the applicant's ownership and confirmation of its capacity should be provided. I am still awaiting full comments from our Transport, Environmental Health and Landscape Officers which I will chase and pass on when received. We also need confirmation from the Section 75 Planning Obligations Officers as to any developer contributions that would be required for the development if it were approved.

I appreciate there are a number of outstanding matters and that some of these require additional work/ submissions. In terms of the principle of development, I wanted to highlight this is an application that the Council would not be able to support due to conflict with adopted policy (namely Policies 8 and 30 of NPF4, and Policies ENV1 and VIS2 of the Midlothian Local Development Plan). I want to flag this prior to you commencing the additional work requested above.

In order to proceed to determination of the application, we will need all of the above outstanding matters to be addressed. Please could you let me know approximate timescales for submission of a plan with topography and water pipe, as well as a revised CMRA Report? It should be noted that as a statutory consultee the Coal Authority will need to be reconsulted on a revised CMRA. As such and based on the other outstanding matters, I would suggest an Extension of Time to Monday 9<sup>th</sup> September. Please could you let me know if this works with your anticipated timescales for collation of additional information?

Depending on when the CMRA can be provided we may need to extend this further to allow the Coal Authority sufficient time to comment and remove their objection. Alternatively, if you wish to withdraw the application due to issues with the principle of development at this location, please could you let me know by close of play on 20<sup>th</sup> August?

Kind regards,



Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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](mailto:LDP@midlothian.gov.uk)

**From:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>

**Sent:** Friday, August 9, 2024 11:17 AM

**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>

**Cc:** [REDACTED]

**Subject:** RE: 24/00412/DPP- South Melville Farm

**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.

Hi Eilidh,

Thanks for your email.

We can confirm we have submitted the revised drawing showing the proposed drainage. We are currently appointing an engineer to confirm the capacity of the existing septic tank is sufficient for 11 no. 3 bedroom lodges. We will send this information through to you as soon as we receive it. I can confirm the Client owns the existing septic tank as this is connected to the existing house on the site. As you said, the connection to the existing septic tank is within the Clients ownership boundary.

To answer your other comment regarding the operation of the lodges. For the avoidance of doubt a company Midlothian Golf Tours has been formed and would take control of the ownership of the lodges to manage the development for individual short term lets on a one off or recurring basis. The company now does not have any proposals to sell any lodges for holiday home ownership or allow subletting and this proposition was based on a flexible model adapted from elsewhere. We have uploaded confirmation of the company registration of Midlothian Golf Tours Ltd to the Planning portal and attach it to this email.

Management of the lodges and tenancy restrictions would preclude these being used as second homes and we would be happy to take a planning condition to this effect, as applied elsewhere by planning authorities in Scotland. This could potentially include a period where the site is closed in the off season / shoulder months. We assume that you have a standard condition or alternatively could suggest one that may be an appropriate safeguard.

Our more recent research shows that golf breaks in Scotland typically last longer (4 days), than normal average overnight stays (2-4 days) and this is what we would expect in Midlothian. Given the accessibility of the location.

We hope that this clarifies, and updates matters in order to confirm that this would operate and be managed as a fully-fledged tourism venture for the benefit of the local economy.

With regards to your most recent email, we are looking to appoint a consultant to carry out a topography of the site and show the water supply pipe. We will amend our site plan to show this and be in touch soon.

Kind regards,

Steven

**From:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Sent:** Tuesday, August 6, 2024 3:23 PM  
**To:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>  
**Cc:** [REDACTED]  
**Subject:** RE: 24/00412/DPP- South Melville Farm

Hi Steven,

Thank you for providing further information on the below matters and for providing the drainage information on the site plan- please could you upload this to the ePlanning Portal? Could you clarify who owns the septic tank and if you also have information to demonstrate that this has sufficient capacity to accommodate 11x 3 bed lodges? The existing connection is shown in black and it appears the connection point is within your applicants ownership (blue line).

In terms of the operation, are all lodges to remain in single ownership and be let out? I would like to clarify the statement '*luxury holiday purposes on a 12-month licence and for holiday home ownership with an ability to sublet to third parties*'. What is the maximum amount of time you are proposing these are to be let for and please can you confirm if any lodges are to be sold for holiday home ownership as stated above?

Kind regards,

Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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](mailto:LDP@midlothian.gov.uk)

**From:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>  
**Sent:** Friday, August 2, 2024 12:11 PM  
**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: 24/00412/DPP- South Melville Farm

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Dear Eilidh,

Thanks for your most recent correspondence regarding the proposed application at South Melville Paddock requesting further information on the operation of the Golf Lodges at this location. Please see our response below.

### **Drainage**

Regarding the drainage, the Site Plan on drawing 24012 – P01F shows the preliminary drainage design which notes a soakaway and existing septic tank. Both foul and surface water drainage are private connections. We attach the previous SEPA approval for this existing septic tank. We have also reached out to a Civil Engineer and they have noted that following a review of the British Geological Survey maps, the geology of the soil indicates there is potential for infiltration to the ground via soakaway. We hope this gives sufficient information to answer your drainage comments and draft an appropriate pre-commencement condition. A full drainage scheme will be carried out at Building Warrant stage with the necessary approvals and reports. With regards to Planning, we believe the initial drainage design we have shown should be sufficient. However, please let us know if you disagree and require further information.

### **Operation of Lodges**

The owners have set up a company called Midlothian Golf Tours Ltd based at South Melville which provide accommodation while offering access to golf courses. The Client is producing a brochure soon and I will send this over to you when this is ready. It is focussed on marketing the site and attracting visitors and golfers including touring parties, clubs and families to golf in Midlothian. This includes collaborating with the MCGC on tours and intensive coaching academy workshops etc.

The market for such facilities is growing and underprovided for within Midlothian. It would extend the visitor experience and result in economic, and tourist benefits for the area improving the visitor offer and experience. These benefits were clearly set out in our recent correspondence and are in line with the Visit Scotland Strategy and Local Economic / Tourism Strategies for the area. The Golf Lodges have a viable business case with resultant employment and local business benefits being important material considerations.

Holiday lodge parks offer a flexible and often scenic vacation option, combining the comforts of home-like accommodations with the amenities and social opportunities of a resort. The parks operate as a form of accommodation and leisure destination for tourists and visitors featuring a range of lodges, amenities and facilities that guests rent for short-term stays. In terms of their operation and ownership lodges would be rented by the park to groups and individuals who use them as holiday homes utilising different packages.

Park management handles maintenance, security, and guest services, also managing rental agreements, cleaning services, and sometimes property sales. It would comply with local health and safety regulations, including sanitation, fire safety, and accommodation standards. Development would also adopt sustainable practices to minimize their environmental impact, such as waste management, energy efficiency, and wildlife conservation efforts.

Reservations would be made online, via phone, or through travel agents. Parks usually offer different packages, including accommodation only, all-inclusive deals, or special themed stays depending on seasonality and occupancy (peak/ off season). This provides opportunities for collaboration with neighbouring businesses which otherwise would be displaced elsewhere in the Lothians.

Given the location the target market is aimed at golf groups but could also attract off peak visitors (individual/ family visitors) wishing to enjoy the Midlothian countryside and local facilities. Potential benefits have been clearly identified in terms of increased tourist revenue, extended stays and economic/ employment growth.

A more detailed management and operational plan involving neighbours can be produced once that there is some certainty in relation to planning.

## **Green Belt**

This site is technically on the edge of the Green Belt and the Special Landscape Area, but the land has limited value in terms of its landscape, recreational and physical characteristics previously being used as kennels, machinery storage and other miscellaneous purposes over recent years.

The proposed development provides a significant tourism opportunity Midlothian Council and local businesses which will extend and improve the tourism offer, which is well integrated and without detriment to the landscape. Development involves an investment of approximately £3M and will result an estimated total of 16,800 new visitors to Midlothian on an annual basis, spending £1.78M, with resultant local employment and business growth. It is compliant with the Development Plan and associated Council strategies and equivalent proposals are generally welcomed by planning authorities throughout Scotland.

Our covering statement and correspondence dated the 15 July 2024, clearly makes the case for a change of use to small scale low intensity leisure accommodation development which is complementary to existing uses in the area. We believe that this is in conformity with LDP policy ENV1 of the adopted Midlothian Local Development Plan and is in a preferred location for such development in accordance with LDP Policy VIS2. Physical and operational linkages are obvious given Melville castle Golf Club and neighbouring land uses adjacent to the A7 roundabout. The proposals will provide access to a growing market for recreation, leisure and outdoor sport in the Lothians. It is related to existing uses and appropriate to the character of the area, providing a sustainable location without alternative equivalent options in the local area.

The business case is based on a sustainable 'stay and play' model which provides accommodation within an established accessible location close to recreational facilities. This is an approach increasingly taken by golf clubs throughout Scotland to capture market opportunity or where dedicated accommodation does not exist.

As intimated discussions are ongoing with neighbouring uses and there are no objections to the proposed development. Indeed, there are future opportunities for collaboration and joint marketing once that a consent has been granted. The proposals would strengthen the strategic location enhance the range of tourist facilities in accordance with the Midlothian Tourism Action Plan.

In addition, these policies are supplemented by the more recent policies within NPF4 namely, NPF4 Policy 8; NPF4 Policy 29 Rural Development; NPF4 Policy30; Tourism and NPF4 Policy 9 Brownfield Vacant and Derelict Land. As you will be aware NPF4 needs to be applied as a whole and applied in a reasonable and proportional manner as part of any planning determination.

There are compelling policy, locational and operational reasons for the location of this site in terms of business development. The economic development tourism and employment benefits provide important material considerations to justify the release of this land for significant investment in the local leisure market. Development complies with the Development Plan and Midlothian Tourism Action Plan which clearly encourages accommodation developments such as this to improve and extend the visitor offer. This proposal meets the key objectives of the LDP and Action Plan. A copy of the latter is appended for your information.

Kind regards,

Steven

**From:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>

**Sent:** Wednesday, July 24, 2024 5:34 PM

**To:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>

**Subject:** RE: 24/00412/DPP- South Melville Farm

Good evening Steven,



In terms of the drainage information, we would need a preliminary drainage design. We would need to be clear how water is to be supplied to each lodge, and what the surface water and foul drainage arrangements are for the site. This includes any connection points to the mains sewers if to be used or details of connection to new or existing private drainage systems. The application form states that both water supply and drainage are to be made through private connections. We would require confirmation for both supply and drainage that there is sufficient capacity for the scale of development proposed.

Please could you provide some further information on how the lodges are to operate? It is stated that these are to be used for '*luxury holiday purposes on a 12-month licence and for holiday home ownership with an ability to sublet to third parties*'. Please clarify on what basis these are to be let/ operated? Are the lodges to sold for holiday home ownership and/or let? Given this is a holiday use, if approved their would likely need to be a condition relating to future occupancy.

I am still awaiting some consultee responses for this application. This includes Landscape, Transportation, Environmental Health, The Coal Authority and Planning Obligations. I will be in touch when they have provided comments and an assessment of all elements of the proposal can be undertaken. Nonetheless, I wanted to flag at this stage that the letter dated 15<sup>th</sup> July has been reviewed and concerns remain regarding the principle of development in respect of development in the Green Belt.

Kind regards,

Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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**From:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>

**Sent:** Thursday, July 18, 2024 12:12 PM

**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>

**Subject:** RE: 24/00412/DPP- South Melville Farm

**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.

Hi Eilidh,

Hope you are well and thanks for uploading the latest version.

We are working with an engineer regarding the drainage and they have asked what specifically you are looking for in terms of drainage? Do you need percolation tests done or is it a preliminary drainage

design? Is it for surface water and foul? Can a SWMP and percolation test be conditioned if it is approved? Sorry for all the questions, we just want to make sure we are addressing any concerns.

Thanks for your help with this.

Kind regards,

Steven

**From:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Sent:** Wednesday, July 17, 2024 3:53 PM  
**To:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>  
**Subject:** RE: 24/00412/DPP- South Melville Farm

Hi Steven,

Thanks for this. I will have this version uploaded. We will review the further information and get back to you.

Kind regards,

Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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**From:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>  
**Sent:** Wednesday, July 17, 2024 10:04 AM  
**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Subject:** RE: 24/00412/DPP- South Melville Farm

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Hi Eilidh,

Hope you are well.

Following on from my email on Monday, we attach a revised statement which has minor amendments. Apologies for the confusion.

Kind regards,

Steven



**From:** Steven Wootton  
**Sent:** Monday, July 15, 2024 5:16 PM  
**To:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Cc:** [REDACTED]  
**Subject:** RE: 24/00412/DPP- South Melville Farm

Hi Eilidh,

Thanks for your email and letting us know your initial thoughts on the application.

In response to your queries we attach the following...

- Coal Mining Report and Risk Assessment.
- Revised Site Plan 24012 – P01E which shows a bin collection at the entrance to the site. This will prevent bin lorries from entering the site.
- A statement which responds to your points regarding Green belt and Agricultural Land. Is this sufficient for addressing your comments or do you require anything specific?

Regarding the drainage strategy, we are working with an engineer and will get back you soon about this.

We have noted your separate email with the Archaeology comments and are happy for this to be conditioned.

We hope the above helps in assessing the application. Please let us know if you have further questions.

Kind regards,

Steven

**From:** Eilidh Paul <[Eilidh.Paul@midlothian.gov.uk](mailto:Eilidh.Paul@midlothian.gov.uk)>  
**Sent:** Wednesday, July 10, 2024 10:19 AM  
**To:** Steven Wootton <[steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)>  
**Subject:** RE: 24/00412/DPP- South Melville Farm

Hi Steven,

We have received the attached from Archaeology on the application. This advises that evaluation of the site would be required if consent was granted.

Kind regards,

Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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**From:** Eilidh Paul  
**Sent:** Friday, July 5, 2024 5:23 PM  
**To:** [steven@qbwoodarchitects.com](mailto:steven@qbwoodarchitects.com)  
**Subject:** 24/00412/DPP- South Melville Farm

Good evening Steven,

We have received application ref. 24/00412/DPP for the erection of 11 lodges and associated works at South Melville Farm. The consultation period has commenced and I will pass on any comments received in due course. I note that the application is located in a Coal Authority Development High Risk Area. As such a **Coal Mining Risk Assessment** for the site will be required to be submitted for this application and The Coal Authority consulted as a statutory consultee. Please could this be provided for the site? Once it has been uploaded to the ePlanning Portal could you let me know so I can formally consult The Coal Authority? They will require a period of 21 days to comment once consulted.

Further comments will be passed on as a review and assessment of the application is undertaken but in the first instance, I have a couple of comments that would need to be addressed. I have set these out below:

#### **Green Belt-**

Policy ENV1 of the Midlothian Local Plan and Policy 8 of NPF4 set out a limited set of circumstances where development will be permitted in a Green Belt location. Policy ENV1 includes where proposals provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield which is identified in the submitted Design and Access Statement.

'Outdoor sports facilities' are defined in NPF4 as (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green. The proposal is for visitor accommodation to facilitate access to nearby golf courses rather than outdoor sport directly. Clarification is required on the connection between the proposed accommodation and existing golf businesses e.g. if they are to be formally linked to a specific golf course etc.

Policy VIS2 deals directly with visitor accommodation. This states that proposals will be supported so long as they are in accordance with the below:

- A. is in scale and in keeping with the character of the local area;
- B. is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable);
- C. is well located in terms of the strategic road network and maximises public transport access; and
- D. is in accordance with one of the sections below (accommodation specific criteria).

Specifically with regard to self-catering accommodation, this states that proposals, including touring caravan/ camping sites, will be permitted where:

- . the proposal is not in the Green Belt unless linked to some related existing development;
- . the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and



- the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

In this case, the proposal is in the Green Belt which is contrary to the above criteria. One exception to this is where it is linked to related existing development; in this case I assume it is proposed a link to a nearby golf course(s). Please could you confirm if there is a formal link to be established with a specific golf course? In order to overcome such a policy requirement, it should be clearly demonstrated that there is a need for such development to be linked to an existing business/ development. In addition, information should be provided in relation to the third point above e.g. that the proposal is for the furtherance of a viable long-term business?

#### **Bin Storage/ Collection-**

I note that the form confirms that each lodge would be provided with bin/ recycling. Please could you confirm how this would be collected? Is it intended that this would be collected by the Council's waste collection service? If so, could you confirm if it is the intention that these would be collected from the front of the site at a central/ communal point rather than each lodge being served and a large refuse vehicle entering the site? A bin collection area may be required.

#### **Drainage Strategy-**

The application form states that private drainage arrangements will be in place, namely a new/ altered septic tank with discharge to land via soakaway. Further details are required on the proposed surface water and foul drainage arrangements. An existing septic tank is located outside of the red line boundary- is this to be connected to? If so, please confirm how connection is to be made and where soakaway of treated water is to take place. Are any works required outside of the red line boundary to facilitate connection and can it be confirmed that the existing tank has capacity? I note the plans also show an area for a treatment tank and soakaway within the red line boundary. Please can you provide confirmation of the drainage strategy for the site for all proposed lodges. It is stated in the Planning Statement that a proposed Drainage Strategy has been submitted along with system specification. This does not appear to be on the ePlanning portal for the application and should be provided. This should also cover the SUDS proposals for the site.

#### **Prime Agricultural Land**

The site is identified as being prime agricultural land. Information should be submitted to confirm the status of the soil/ land and/or to address the policy requirements in relation to this policy (ENV4 of the MLDP and Policy 5 of NPF4).

Kind regards,

Eilidh

Eilidh Paul  
Planning Officer  
Planning, Sustainable Growth and Investment Service  
Place Directorate  
Midlothian Council

Email: [eilidh.paul@midlothian.gov.uk](mailto:eilidh.paul@midlothian.gov.uk)

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## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 24/00412/DPP

**Site Address:** South Melville Farm, Melville Dykes Road, Lasswade, EH18 1AN

#### **Site Description:**

The application site relates to a plot of land located to the south of Melville Dykes Road, to the west of Dalkeith. It does not contain any structures or buildings at present and comprises a grassed area with an earth and stone rubble mound along the northern boundary where a traditional stone wall was previously located. The site is bound by timber fencing along its perimeter.

To the east of the site there are buildings at South Melville Farm. Beyond this, there is a residential cottage, the access to the Melville Golf Centre and a Premier Inn hotel and pub/ restaurant. The adjacent land to the west of the site has planning permission for the erection of a single dwelling (23/00241/DPP). This will replace the existing stone-built former farmhouse on this site which is due to be demolished.

To the south, the site is bound by a group of trees, beyond which there is a golf course. To the north, the site fronts onto Melville Dykes Road (A768). On the opposite side of Melville Dykes Road is an area of woodland at the edge of a golf course. The land on the north side of the road forms part of the Melville Castle Designed Landscape and the North Esk Special Landscape Area.

**Proposed Development:** Erection of 11 lodges and associated works

#### **Proposed Development Details:**

It is proposed to erect 11 lodges for use as visitor accommodation at the site.

The proposed lodges measure 14m long x 6.5m wide and are 6.5m in height. Each lodge has a pitched roof which has been designed in order to accommodate a second storey. The lodges each contain 3-bedrooms with kitchen and living/ dining area. Timber composite decking and a hot tub is provided to the rear of each lodge with a timber screen fence to maintain privacy.

The lodges are to be finished in mix of timber cladding and white render. Timber cladding is to be used for the front and rear elevations, with white render for the sides. The fenestration is proposed to take a contemporary approach with use of full height windows to the rear, and angled windows to the front. Each lodge also contains roof lights to maximise solar gain and natural lighting. Roof-mounted PV panels are included on each lodge.

The site is to be accessed from Melville Dykes Road to the north via an access track approved by application ref. 22/00908/DPP at the eastern corner. Each lodge is to

be provided with private parking for two vehicles from the internal access road running through the site. 7kw EV charging is provided at each plot.

The first 6m of the access road would be finished in a different material to the internal access road. This would have an asphalt finish to prevent any loose material spreading onto the road network.

Currently a timber fence is in place around the perimeter of the application site. Along the northern boundary, the applicant has confirmed that this is to be replaced through the reinstatement of a stone wall along Melville Dykes Road. 2m timber fencing is proposed to the west and eastern boundaries.

It is understood that the original stone wall collapsed during previous works adjacent to the site to create an access track. Since the collapse of the wall, materials have been retained on site and have been stored as a mound of stone and rubble along the road frontage. This has created an untidy appearance to the front of the site as it is viewed from Melville Dykes Road.

Tree and shrub planting is proposed along the northern boundary as well as within the site, along the central access road. A wildflower area is located adjacent to the eastern boundary. An amenity space with soakaway for surface water drainage is located to the south of the existing dwelling to the north.

A bin storage area is located to the front of the site.

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

History sheet checked.

24/00112/DPP- Erection of dwellinghouse and garage; and associated works at South Melville Farm, Melville Dykes Road, Lasswade.

23/00518/DPP- Erection of dwellinghouse and garage; and associated works (withdrawn)

23/00241/DPP- Erection of dwellinghouse at Land at South Melville Farm, Melville Dykes Road, Lasswade.

23/00032/PNDEM- Prior Notification for demolition of dwellinghouse at South Melville Farm, Melville Dykes Road, Lasswade.

22/00908/DPP- Formation of additional access to classified road at South Melville Farm, Melville Dykes Road, Lasswade.

22/00496/DPP- Extension to dwellinghouse; formation of pitched roof over existing flat roofed garage, dormer window, steps, ramp, retaining walls and areas of hardstanding; installation of gate post and replacement gates; alterations to existing garage doors; widening of existing access and increase height of existing boundary wall at Belmont, 20 Broomieknowe, Lasswade.

22/00473/DPP- Erection of garage at South Melville Farm, Melville Dykes Road, Lasswade.

22/00205/DPP- Formation of access to classified road at South Melville Farm, Melville Dykes Road, Lasswade.

### **Consultations:**

**The Coal Authority:** The Coal Authority initially objected to the application on the basis that a Coal Mining Risk Assessment had not been submitted. The applicant provided a Coal Mining Risk Assessment and The Coal Authority were reconsulted. This confirmed that The Coal Authority have no objection to the planning application subject to their suggested conditions being attached to the decision notice if the application is approved.

**The Council's Senior Manager Protective Services:** Confirmed that if the application were to be approved, planning conditions would be required to address any contamination and/ or previous mineral workings. If a septic tank is to be used, a sufficient capacity tank should be provided and registered with SEPA. If approval were to be granted, a short-term let licence would need to have been applied for and issued prior to occupation.

**Scottish Water:** Offered no objection to the proposal and confirmed there is sufficient capacity from the Roseberry Water Treatment Works to provide water supply to the development and at Edinburgh PFI Waste Water Treatment Works for foul connection.

**The Council's Archaeology Service:** Confirmed that the development site lies in an area of archaeological potential and as such, recommended that if the application were to be approved that a Programme of Archaeological Works (Evaluation) should be conditioned to mitigate impacts upon the historic environment. This would include the submission of a Written Scheme of Investigation (WSI) prior to any archaeological investigation commencing, and a field evaluation by trial trenching reported on through a Data Structure Report. Should the results of the initial investigations indicate that further work is required to mitigate the impacts of the proposed development, these would need to be carried out prior to the commencement of development.

**The Council's Senior Manager Neighbourhood Services (Roads):** Confirmed that the proposed development would not achieve the required visibility to accommodate the safe operation of the proposed junction in the location shown. Melville Dykes is a high-speed road and greater visibility and sight lines (4.5m x 120m and clear of any obstructions as per Design Manual for Roads and Bridges (DMRB)) are needed to service the level of traffic movements anticipated with the introduction of 11 holiday lodges.

**Bonnyrigg and District Community Council:** Object to the proposed development on grounds of that the development represents an overdevelopment for the small area, entry and access present potential danger to road users and occupants, and

there are no management facilities onsite. In addition, concerns were raised regarding the use of the units as 'golf lodges' on the basis that they can be let to anyone regardless of intent to play golf and that the adjacent 9-hole golf course is not of such standing to attract large numbers of tourists.

The **Council's Economic Development Manager**: No comment on the proposal.

The **Council's Senior Manager Neighbourhood Services (Flood Risk and Drainage)**: No comment on the proposal.

The **Council's Planning Obligations Officer (Section 75)**: Confirmed that based on the policy framework and assessment that the proposal would be required to make a financial contribution towards infrastructure to mitigate its cumulative impact.

### **Representations:**

Four representations to the application were received: two objecting to the proposal and two neutral representations neither supporting nor objecting to the proposal. One of the neutral representations was made by Eskbank and Newbattle Community Council. As the application site does not sit within the boundary of Eskbank and Newbattle Community Council these comments are not considered to be consultation response but rather as a representation from a neighbouring Community Council.

The comments received objecting to the application comprised the following:

- Concern over capacity of private water supply and septic tank to cater for proposed development.
- Concern over demand for accommodation at 9-hole golf course and lack of other facilities nearby.
- Concern over additional traffic generation and impact on road network.
- Concern over number of accesses onto Melville Dykes Road.
- Concern over potential for sub-letting and occupancy as permanent residential accommodation.
- Concern over site security and as to whether acceptable level of amenity in terms of noise could be achieved.
- Concern over the development of Grade 2 Prime Agricultural Land.
- Concern over waste collection within the site boundary inclusive of safe turning circle, and concern for fly tipping if adequate facilities not provided.
- Concern over building over surface coal seams.

The comments received neither in support nor objecting to the application comprised the following:

- Concern over the volume of new traffic generated by the proposal and impact on the road network.
- Concern over lack of active travel routes from the site.
- Concern over noise impact on existing uses such as the Golf Centre.

- Concern over occupancy and request for conditions to prevent the use of the lodges as permanent residential accommodation and to provide adequate protection for the local environment e.g. due to proximity to habitats to allow seasonal breeding or winter feeding.
- Request for further detail on septic tank and SUDS.
- Request for further detail on access for service and maintenance vehicles, and for information on maintenance and management of the lodges themselves.
- Eskbank and Newbattle Community Council put forward comments that access should be taken from the existing access via the driving range so that only one road is maintained for the hotel, driving range and proposed lodges.
- Comments were also made from Eskbank and Newbattle Community Council that consideration should be given to a reduction in the number of lodges as well as building line that is further from the main road and provides green spaces/ trees.

### **Relevant Planning Policies:**

The Development Plan comprises the National Planning Framework 4 adopted February 2023 and the Midlothian Local Development Plan 2017.

The relevant policies of the **National Planning Framework 4** (NPF4) are:

**Policy 1 Tackling the climate and nature crises;** 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 networks.

**Policy 5 Soils;** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land.

**Policy 7 Historic assets and places;** sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

**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 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 20 Blue and green infrastructure;** sets out to protect and enhance blue and green infrastructure and their networks.

**Policy 29 Rural development;** sets out 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.

**Policy 30 Tourism;** sets out to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

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

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

**Policy DEV7: Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment.

**Policy TRAN5: Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.

**Policy IT1: Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.

**Policy VIS2: Tourist Accommodation** supports the development of hotels or self-catering tourist accommodation provided the proposal is in scale and in keeping with the character of the local area, is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape (where applicable) and

is well located in terms of the strategic road network and maximises public transport access. **Self-catering tourist accommodation** including touring caravan/ camping sites, will be permitted where the proposal is not in the Green Belt unless linked to some related existing development, the proposal is of a character and scale in keeping with the rural setting and can be located in an unobtrusive manner; and the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

**Policy RD1: Development in the Countryside** sets out where appropriate development would be acceptable in the countryside subject to defined criteria. The policy states that proposals for development will be of an appropriate scale and character appropriate to the rural area and well integrated to the rural landscape.

**Policy ENV1: Protection of the Green Belt** advises that development will not be permitted in the Green Belt except for proposals that;

- A. are necessary to agriculture, horticulture or forestry; or
- B. provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. provide for essential infrastructure; or
- E. form development that meets a national requirement or established need of no other site is available.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt which is to maintain the identity and landscape setting of Edinburgh and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence.

**Policy ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so.

**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 ENV7: Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened.

**Policy ENV16: Vacant, Derelict and Contaminated Land** supports the redevelopment of vacant and derelict land for uses compatible with their location. Developments will be required to demonstrate that the site is suitable for the



proposed new use in terms of the risk posed by contamination and instability from historic uses.

**Policy ENV18: Noise** requires that where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of established operations is not adversely affected.

**Policy ENV20: Nationally Important Gardens and Designed Landscapes** states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape as identified in the *Inventory of historic Gardens and Designed Landscapes*.

**Policy ENV24: Other Important Archaeological or Historic Sites** seeks to prevent development that would adversely affect regionally or locally important archaeological or historic sites, or their setting.

**Policy ENV25: Site Assessment, Evaluation and Recording** requires that where development could affect an identified site of archaeological importance, the applicant will be required to provide an assessment of the archaeological value of the site and of the likely impact of the proposal on the archaeological resource.

Policies **IMP1: New Development** and **IMP2: Essential Infrastructure Required to Enable New Development to Take Place** require the developer to deliver, or contribute to, the required infrastructure to mitigate the impact of the development.

**Policy IMP3: Water and Drainage** require sustainable urban drainage systems (SUDS) to be incorporated into new development.

### **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 site is located in the Green Belt where development is limited to certain uses, and where it is demonstrated that they do not conflict with the overall objectives and purpose of the Green Belt. Policy 8 of NPF4 and Policy ENV1 of the MLDP set out types of development which could be supported in Green Belt locations as well as the further criteria that all proposals for these listed uses would need to demonstrate that they meet.

NPF4 is clear that it should be read as a whole. Accordingly, in assessing the principle of development a range of policies should be considered including those in relation to Green Belt development as well as those relating specifically to visitor accommodation.

Policy 8 of NPF4 and Policy ENV1 of the MLDP establish that development in the Green Belt will be supported where it is associated with agriculture, forestry, horticulture, provides for essential infrastructure, provides access to the open countryside, is for outdoor recreation, play and sport or leisure and tourism uses. Support is also given to residential accommodation where it is required and designed for a key worker within the immediate vicinity of their place of employment.

Of most relevance to this proposal, is '*outdoor recreation, play and sport or leisure and tourism uses*' as set out in Policy 8 of NPF4. NPF4 does not define 'tourism uses' and does not clarify whether this would extend to include tourist accommodation. The only form of overnight accommodation that NPF4 is clear that could be supported in the Green Belt is residential accommodation designed for a key worker in a primary industry and one-for-one replacements of existing permanent homes. In addition, NPF4 states that the intensification of established uses could also be supported. The proposal does not fall within any of these specific accommodation-based uses.

In any case, where development meets one of the exceptions set out in Policy 8 of NPF4 and Policy ENV1 of the MLDP, it is also required to demonstrate that it does not conflict with the overall objectives and purpose of the Green Belt. Reasons as to why a Green Belt location is essential should be provided, as well as a demonstration that it is compatible with the surrounding established countryside and landscape character, that it prevents coalescence, that it has been designed to ensure it's of an appropriate scale, massing and external appearance that minimises visual impact, and that there will be no significant effects on environmental quality of the Green Belt.

The site is located along Melville Dykes Road which is located beyond settlement boundaries and forms an area of countryside between the built-up areas of Eskbank and Lasswade. The immediate surroundings comprise former and existing agricultural buildings, open space, golf courses, and a small number dwellings. While a hotel and restaurant are located to the east, it should be noted that the MLDP provides specific support to hotel development in 'gateway' locations (considered in terms of ease of access to major junctions on A720) subject to meeting specific criteria.

The proposed scale and density of the development, combined with the size and massing of the lodges is not appropriate for its location. The proposed layout takes a largely urban form and character with 11 no. lodges measuring 6.5m in height positioned in linear rows along a central access road. This is not in keeping with the sites setting and as a result of the proposed scale and density, insufficient space has been left to provide meaningful landscaping planting and an appropriate buffer. The proposal represents an overdevelopment of the site and does not minimise visual impact on the Green Belt or local landscape character.

The site is located directly adjacent to the North Esk Special Landscape Area and the Melville Castle Designed Landscape. The site provides short to medium distance views over trees and open land to the south, which are important due to the site's location immediately adjacent the above landscape designations. The development will result in adverse landscape impacts on the setting of both these designations

due to the scale and density of the proposed lodges, lack of a significant buffer planting and proposed small size of tree stock. This contrary to Policies ENV6, ENV7 and ENV20 of the MLDP.

The development will adversely affect the integrity of the Green Belt through the infilling of this area of remaining open land along Melville Dykes Road. The development of this site could impact on the separation of Lasswade and Eskbank in the long term when travelling along Melville Dykes Road; the existing Premier Inn hotel, golf course and surrounding built development create an almost continuously developed edge from the A7 roundabout for the first 500 metres of the road when heading in a westerly direction toward Lasswade, with the proposal site representing the only break in this developed frontage.

The proposed development is therefore in conflict with the overall objectives of the Green Belt to protect and enhance landscape character and open space and prevent coalescence of towns. The development will result in an adverse local landscape and visual impact which is contrary to Policy 8 of NPF4 and Policy ENV1 of the MLDP. It has also not been demonstrated to the satisfaction of the Planning Authority that the site is the most appropriate location for the proposed development and that it could not be located elsewhere, in a non-Green Belt location.

Policy 30 of NPF4 focuses specifically on tourism. This states that development proposals for new tourist facilities or accommodation, in locations identified in the Local Development Plan (LDP), will be supported. The site has not been identified within the MLDP for tourist accommodation. Policy VIS2 of the MLDP states that proposals for visitor accommodation will be supported provided it is in scale and in keeping with the character of the local area, is sited and designed to respect its setting and is located in an unobtrusive manner within the rural landscape, is well located in terms of the strategic road network and maximises public transport access, and is in accordance with specific criteria relating to the type of accommodation proposed. For self-catering tourist accommodation, this includes where the proposal is not in the Green Belt unless linked to some related existing development and where the applicant can demonstrate that the proposal is for the furtherance of a viable long-term business.

The applicant's agent has submitted a Statement and letter with further information regarding the proposal. This states that the proposal is linked to the adjoining golf course and makes provision for the use of existing sports facilities in the area. This comprises Melville Golf Centre which includes a 9-hole golf course, driving range and practice putting green and pitch and putt area.

The site is not located within the grounds or ownership of the adjacent golf centre and confirmation has not been received from representatives of the golf centre that the proposals form part of their future business model or indeed a formal diversification of the centre. The applicant's agent has confirmed that the 'target market is aimed at golf groups but could also attract off peak visitors (individuals/ family visitors)'. The occupation of the lodges cannot be formally linked or restricted to the adjacent golf centre/ users of the adjacent golf course and would be able to be let by any members of the public. As such, the proposals are not considered to be explicitly linked to an existing development.

The submitted Design and Access Statement references 'home ownership' of the lodges with the ability to sub-let by third parties. The applicant's agent has since clarified that a company has been formed and that this would take control of the ownership of the lodges to manage the development for individual short term lets. The applicant's agent has confirmed that the company does not have any proposals to sell any lodges for holiday home ownership or allow subletting. This proposition referenced in the Design and Access Statement was based on a flexible model adapted from elsewhere. It should be noted that if the proposed development were to be approved, planning conditions would be used to ensure that the lodges could be used as holiday lets only and could not form main or sole residences.

Evidence has not been provided that there is demand for the accommodation in order to justify the scale of the proposed development which comprises 11x 3-bed lodges (33 bedrooms and potential for 66 occupants), both in the general context of the viability of visitor accommodation in this location, taking into consideration proximity to existing hotel accommodation to the east, but also in terms of demand and need to specifically to be located adjacent to the golf centre. This is not in accordance with the requirements of Policy VIS2 which requires applicants to demonstrate that self-catering proposals are for the furtherance of a viable long-term business.

Taking the above into consideration, the proposal is not supported by Policy VIS2 of the MLDP. It is also consequently not in accordance with part a of NPF4 Policy 30 as is not in a location identified or supported for tourist accommodation in the MLDP.

Policy 30 also states that proposals for tourism related development will take into account the contribution made to the local economy and compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors. The applicant has set out benefits of the proposed development including an estimated total of 16,800 visitors to Midlothian annually with a spend of £1.78 million. This will have resulting local employment and economic benefits.

Policy 30, part b is clear that the compatibility of the proposal with the surrounding area must also be taken into account in terms of the nature and scale of the activity and impacts of increased visitors. The landscape and visual impacts have been assessed above and it is concluded that the proposal will result in an adverse impact. Other impacts include those on the local road network, on the amenity of existing uses and on local drainage infrastructure.

The Council's Senior Manager Neighbourhood Services (Roads) has assessed the proposal in terms of road impacts and road safety. The development proposes to take access through an access onto Melville Dykes Road granted through application 22/00908/DPP. This was for the creation of a new vehicular access to the site in connection with an existing residential dwelling to the west. The proposed use of this access has been assessed in the context of use as access and egress for 11x 3-bed holiday lodges. This has confirmed that the proposed development would not achieve the required visibility to accommodate the safe operation of the junction for the proposed use in the location shown. Melville Dykes is a high-speed road and greater visibility and sight lines (4.5m x 120m and clear of any obstructions as per

Design Manual for Roads and Bridges (DMRB)) are needed to service the level of traffic movements anticipated with the introduction of 11 holiday lodges.

The applicant's agent has confirmed that the proposed development would connect to the public water supply. Scottish Water have confirmed that there is sufficient capacity to service the site. Originally, private water supply arrangements were proposed however the applicant's agent confirmed that this was no longer the case during the determination of the application. The applicant has submitted a plan to confirm that no built development is proposed over an existing private water pipe which crosses the site.

The proposed development will have private drainage arrangements, namely connection to an existing septic tank on the northern side of Melville Dykes Road. This is not in application boundary but is within the applicant's control and ownership. Connection into the existing private foul drainage system will be made to the north through land within the applicant's ownership (site of approved replacement dwelling house ref. 23/00241/DPP). Surface water drainage is to be provided by a soakaway provided within the site boundary. The provision of SUDS is in accordance with Policy IMP3.

Further details of the proposed foul and surface water drainage systems would be required by condition if the proposed development were to be approved. This would include confirming adequate capacity to deal with drainage across the site to fully demonstrate to the satisfaction of the Planning Authority that an acceptable foul and surface water drainage strategy can be delivered. It should be noted that if any development works outside of the red line boundary would be required to deliver an acceptable drainage strategy, that this may require planning permission.

New development should not result in adverse impacts in terms of amenity on existing neighbouring uses. Representations were received to the application concerning potential noise impacts and potential for fly tipping due to a lack of waste storage. The Council's Senior Manager Protective Services have assessed the proposal and did not raise any concerns regarding impacts on amenity. The applicant has confirmed that a bin storage area will be located to the front of the site to service the development.

Taking into account both the economic benefits and compatibility of the proposals with the surrounding area, it is considered that the proposal cannot be supported in terms of Policy 30 part b.

Overall, the proposal is not in accordance with Policies ENV1 and VIS2 of the MLDP, and Policies 8 and 30 of NPF4 and principle of development thereby is not acceptable. For completeness, the other aspects of the proposal are considered below.

#### Ground Conditions and Prime Agricultural Land

The Council's Environmental Health Team and The Coal Authority have been consulted on the application and advised that if the application were to be approved,

planning conditions would be required to deal with any contamination and/ or previous mineral workings prior to any development commencing on the site.

Policy ENV4 of the MLDP and Policy 5 of NPF4 establishes that development will not be permitted which leads to the permanent loss of prime agricultural land unless it meets certain criteria. This includes where there is a specific locational need, it forms part of an allocated site or it is linked to a rural business and essential workers. It has not been demonstrated that the proposal complies with the relevant criteria to allow for the loss of prime agricultural land however, the applicant's agent has confirmed that there has not been farming activity on the land for several years and that no cropping records exist for the site. Taking the above into consideration with the site size, it is not considered that the loss of prime agricultural land warrants a reason for refusal in this case. 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 applicant's Design and Access Statement suggests that the site comprises brownfield land. Policy 9 of NPF4 supports the sustainable reuse of brownfield land. The available planning history for the site does not indicate that it has previously had planning permission for any alternative uses and there are no existing structures on the site. As such, it is not considered that the proposal comprises the reuse of brownfield land.

### Landscape

The landscape and visual impacts of the proposed development have been considered above.

The site plan confirms that tree and shrub planting is proposed, as well as an area of wildflower seeding. The applicant's Design and Access Statement confirms that bug hotels and hedgehog homes would also be provided. The landscape proposal information submitted is limited; the planting proposed is not fully identified on the plan and tree sizes specified are extremely small, being specified as bare root specimens, and with some inconsistency on density as they are shown as individually planted on the site plan but specified as to be planted at 2 per square metre in the schedule. Bare root planting of this size and nature would normally relate to a woodland planting, whereas the individual locations shown on the plan would normally relate to larger specimen tree planting of standard, extra heavy standard, or semi mature size.

The applicant's Design and Access Statement confirms that they are happy for further landscaping detail would be provided by condition. For clarity, if the proposed development were to be approved, the landscaping information submitted would not be approved and details would indeed need to be dealt with by condition, as would biodiversity enhancement requirements. It would be expected that full landscape details would be submitted including planting plans, hard and soft landscape details, landscape specification and landscape maintenance schedules. This would be required to reflect ecological surveys and the site baseline in order to ensure that biodiversity enhancements can be achieved. It is anticipated that significant buffer planting would be required alongside the inclusion of more dense planting such as

hedgerows, woodland and woodland edge planting. Additionally, a measurement of the projected tree and woodland canopy cover to be achieved on site at Year 5 following completion should be submitted to demonstrate whether the proposal can achieve suitable canopy cover increases in accordance with Scottish Government targets and Midlothian Council's Climate Change Strategy.

### Sustainability and Biodiversity

The primary focus of the NPF4 planning policies is for developments to be sustainable and give consideration to the global climate and nature crisis.

The applicant's Design and Access Statement has confirmed that the lodges are designed to be highly insulated in order to minimise energy consumption. The proposed lodges will feature double-glazing, high-performance windows, insulated walls, ceilings, and floors, and perform above minimum requirements set by Scottish Building Standards. EV charging points are provided at each lodge and energy will be supplied by air source heat pumps and roof mounted PV panels.

While the above measures are considered to be in largely in accordance with the aims of NPF4 Policies 1 and 2 with regard to energy use and consumption, the proposed layout is car-lead and the majority of trips to and from the site are likely to be done by private car. This is not in line with NPF4's focus on sustainability.

It is noted that the submitted plans contain wood burning stoves and an associated chimney. It is noted that the New Build Heat Standard does not permit new wood burning stoves in new non-domestic buildings (review taking place for domestic properties) where a building warrant is applied for from 1 April 2024. As such, if the application were to be approved these elements would need to be amended. This could be secured by condition.

The site is located less than 300 metres from the Melville Castle Estate Local Biodiversity Area, including the North Esk riparian wooded river valley. To the south of the site is a golf course which includes a significant area of tree canopy cover, whilst to the north land is comprised of the wooded setting of a golf course and 300m north the wooded North Esk River valley. The surrounding land uses mean that there is a significant amount of existing tree canopy cover, and the proposal site presents the potential for a green network and nature network connection between the north and south, part of a more strategic ecological link between the River North Esk River South Esk riparian woodland river corridors.

The proposed development has not included a Preliminary Ecological Appraisal, related protected species surveys or Biodiversity Enhancement Proposals indicating in a quantifiable way the extent and nature of biodiversity enhancements, the reasons for the habitats retained, created or enhanced and how these can be ensured for the long-term in accordance with NPF4 Policy 3. Similarly, there is a lack of sufficient quantity and quality of proposed landscape and habitat enhancements to deliver a development that would be appropriate in this context. These details would be required by condition should the application be approved.

It has not been demonstrated that the above issues and climate and nature crisis have been considered in the development of the proposal. This is contrary to the aims of Policies 1 and 3 of NPF4.

### Design and Layout

The proposed lodges measure 14m long x 6.5m wide and are 6.5m in height. Each lodge has a pitched roof which has been designed in order to accommodate a second storey. The lodges each contain 3-bedrooms with kitchen and living/ dining area.

As described above, the massing of the lodges combined with the scale of the proposed development is not in keeping with the character of the area and will result in an adverse visual impact. The proposed layout is centred around an internal access road and all lodges are to be uniform in form and design. The proposed layout lacks interest and represents an overdevelopment of the site which has an adverse local landscape and visual impact. A reduction in scale would be required to break up the continuous linear row of uniform lodges across the site and reduce visual impact. In addition, further landscape planting would contribute to providing relief from the proposed built form within the site and contribute towards creating a more natural and attractive space that can be located in an unobtrusive manner. The proposed development is highly car-lead and the majority of trips to and from the site are likely to be done by private car which is not in line with NPF4's focus on sustainability and NPF4 Policy 14. The proposed development does not improve the quality of the area and is not in accordance with the six qualities of successful places as set out in Policy 14 and aims of Policy Dev 6 of the MLDP.

The proposed lodges are of a contemporary design. The chosen materials are to tie in with approved dwellinghouse located to the north of the site. This includes timber cladding with white render and glazed full height gable windows to the rear.

Full material details have not been provided. If planning permission were to be approved, a condition would be attached requiring samples of all proposed materials to be submitted to the planning authority for prior written approval. The chosen materials should be sympathetic to the site's character and setting.

The proposed development proposes to reinstate the stone wall along the road frontage where there is currently a timber fence in place. This is welcomed as the timber fence currently in situ is not in keeping with the character of the site. If the application were to be approved final details of boundary treatments should be submitted to the Planning Authority for prior written approval.

It is noted that the timber fence which has been constructed in place of the stone wall appears to exceed 1m in height at points along the boundary and as it is within 20m of a road, it does not comprise permitted development under Class 7 Part 2 Schedule 1 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. As such, the Planning Authority may be required to take enforcement action to ensure an appropriate boundary treatment is in place at this location.



### Drainage

Drainage and water supply has been assessed above.

### Access

Vehicle access to the site has been assessed above.

EV charging is proposed for each pod accordance with Policy TRAN5.

### Infrastructure

In accordance with Policy IT1, high speed broadband connection should be provided for the new development if the application were to be approved. This could be secured via planning condition should the application be approved.

### Archaeology

The Council's Archaeology Service has confirmed that the development site lies in an area of archaeological potential and as such, recommended that if the application were to be approved that a Programme of Archaeological Works (Evaluation) should be conditioned to mitigate impacts upon the historic environment in accordance with Policies ENV24 and ENV25 of the MLDP and Policy 7 of NPF4. This would include the submission of a Written Scheme of Investigation (WSI) prior to any archaeological investigation commencing, and a field evaluation by trial trenching reported on through a Data Structure Report. Should the results of the initial investigations indicate that further work is required to mitigate the impacts of the proposed development, these would need to be carried out prior to the commencement of development. These works could be secured via planning condition should the application be approved.

### Developer Contributions

The Council's Planning Obligations Officer (Section 75) has assessed the proposal and confirmed that the proposal would be required to make a financial contribution towards infrastructure to mitigate its cumulative impact.

The site is located adjacent to the A7 where there is a development plan requirement to improve public transport and active travel infrastructure, known as the A7 Urbanisation Project. The proposed development is therefore expected to make a proportionate contribution towards the cost of this project. This contribution would be £1444.99 per bed room (33 x £1,444.99 = £47,658.27) (Q2 2024 BCIS Prices, factor 392). The contribution would be subject to indexation uplifted to the latest price at the time of payment.

The required contribution would be secured via Section 75 Agreement should the application be approved.

**Recommendation:** Refuse planning permission.

**Reg. No. 24/00412/DPP**

QB Wood Architects  
Station Masters Office  
South Queensferry  
Edinburgh  
EH30 9JP

Midlothian Council, as Planning Authority, having considered the application by Mr David McMillan, 12 Letham Mains Holdings, Haddington, EH41 4NW, which was registered on 26 June 2024 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of 11 lodges and associated works at South Melville Farm, Melville Dykes Road, Lasswade, EH18 1AN**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	24012-E01 1:2500	26.06.2024
Proposed Site Plan	24012-P01H 1:500 Rev H	20.08.2024
Existing Site Plan	24012-E02A 1:500 Rev A	26.08.2024
Context Plan	24012-P02B Rev B 1:500	26.06.2024
Proposed Floor Plan	24012-P03B 1:100 Rev B	26.06.2024
Proposed Elevations	24012-P04A 1:100 Rev A	26.06.2024
Visualisation	24012-P05A Rev A	26.06.2024
Visualisations of Site 1	24012-P06A Rev A	26.06.2024
Visualisations of Site 2	24012-P07A Rev A	26.06.2024
Visualisations of Site 3	24012-P08A Rev A	26.06.2024
Landscaping plan	24012-P09	26.06.2024
Design and Access Statement		26.06.2024
Response to Planners Comments		17.07.2024
Coal Mining Risk Assessment		26.09.2024

The reason(s) for the Council's decision are set out below:

- The proposed development is contrary Policy ENV1 of the Midlothian Local Development Plan 2017 and Policy 8 of the National Planning Framework 4 in that it fails to accord with the purpose and objectives of the Green Belt. The proposal is therefore unacceptable in principle and contrary to the Development Plan.*
- The proposed development is contrary Policy VIS2 of the Midlothian Local Development Plan 2017 and Policy 30 of the National Planning Framework 4 in that it fails to demonstrate that it is a suitable location for visitor accommodation in terms of scale, landscape impact, impact on the road network, and it has not been demonstrated to the satisfaction of the Planning Authority that it is for the*

*furtherance of a viable long-term business. The proposal is therefore unacceptable in principle and contrary to the Development Plan.*

3. *The scale, layout and design of the proposed development is not appropriate to its setting and will have an adverse impact on the character and appearance of the landscape and local area. The proposed layout would result in an overdevelopment of the site and it has not been demonstrated that the proposal development can be successfully integrated into the landscape. The proposal is thereby contrary to Policies VIS2, ENV1 and ENV7 of the Midlothian Local Development Plan 2017 and Policy 8 of the National Planning Framework 4.*
4. *The proposed development will have an adverse impact on landscape designations (North Esk Special Landscape Area and the Melville Castle Designed Landscape). Thereby the proposed development is contrary to Policies ENV6, ENV7 and ENV20 of the Midlothian Local Development Plan 2017.*
5. *The proposed design and layout of the development fails to improve the quality of the area and does not accord with the six qualities of successful places as required by NPF4 Policy 14.*
6. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development will achieve a safe access for traffic movements associated with 11 holiday lodges.*
7. *It has not been demonstrated to the satisfaction of the Planning Authority that the impact on biodiversity and the nature crisis have been considered and addressed. This is contrary to the overarching aims of the National Planning Framework 4 and Policies 1 and 3 specifically.*

Dated 11 / 10 / 2024



.....  
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 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Informative Note valid from 1st January 2023 until 31st December 2024**

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# Appendix E

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REFUSED  
11.10.2024  
24/00412/DPP

Melville Dykes Road, Lasswade

Location Plan

EXISTING

24012 - E01

As indicated [A4]

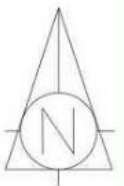
ref. SW

## Location Plan Legend

- Site Boundary
- Site Owned by Client

0 10m 20m 30m 40m 50m

SCALE 1:1250



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All works to comply in every respect with the current Scottish Building Standards Regulations (Scotland) Regulation 2004, as amended 2021.

All works to comply with the relevant Codes of Practice and British Standards and shall be carried out to the highest standard of craftsmanship by skilled and qualified persons of the respective trades and in accordance with good building practice.

The contractor shall be responsible for making contact with the respective statutory authorities and establish the location of all existing services. The contractor shall ensure compliance with the Local Authority regulations.

Do not scale from this drawing at any time. Use figured dimensions only. All setting out dimensions are to be confirmed prior to the commencement of any associated works, with any discrepancies reported to the architect immediately.

All dimensions are to the structure and exclude any plaster / plasterboard finishes.

QB Wood | architects

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Location Plan  
[1 : 2500]



Melville Dykes Road, Lasswade

Proposed Site Plan

PLANNING

24012 - P01D

1 : 500 [A3]

ref. SW

A	09.05.24	Client Comments
B	14.05.24	Soakaway Noted
C	22.05.24	More Trees Shown
D	20.06.24	PV Panels

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All dimensions are to the structure and exclude any plaster / plasterboard finishes.



Site Plan  
[ 1 : 500 ]



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## Landscape Legend

- Soft Landscaping
- Roadway Construction (First 6m of Access Road):
  - 40mm hot rolled asphalt wearing course with 20mm black pre coated chippings (clause 910).
  - 60mm base course specification (clause 906)
  - 100mm road base specification (clause 903)
  - 275mm granular sub-base type 1 specification (clause 803)
  - Capping layer as required
- Roadway Construction (Generally):
  - Top layer of 18mm diameter crushed aggregate spread to a thin layer (about 1 or 2 stones thick) on
  - Minimum of 100-150mm deep subgrade of tightly compacted aggregate base course (ABC) on
  - Min. 150mm deep soil, existing, supplemented, or brought to site, blended to optimal moisture content and compacted on
  - Undisturbed native soil
- Driveway Construction (Generally):
  - Top layer of 18mm diameter crushed aggregate spread to a thin layer (about 1 or 2 stones thick) on
  - Minimum of 100-150mm deep subgrade of tightly compacted aggregate base course (ABC) on
  - Min. 150mm deep soil, existing, supplemented, or brought to site, blended to optimal moisture content and compacted on
  - Undisturbed native soil
- Communal green area - Potential planting for wild flowers to improve biodiversity
- Communal green area - Shared space between pods and potential playground area. Soft landscaping.
- Timber Composite decking for each lodge
- Provisional location of tree as noted below in the tree planting schedule.
- Provisional location of shrub or hedge

## Tree Planting as well as Landscape Maintenance Schedules

Tree Planting (to BS 3936-1 and BS 4428)					
Species	Size (cm)	Type	Density	% Operations	
Alnus incana	60-80	1u1 BR	2/m2	50.0	Existing vegetation to be cleared prior to planting operations
Betula pendula	60-80	1u1 BR	2/m2	20.0	
Salix caprea	60-80	1u1 BR	2/m2	10.0	
Sambucus nigra	60-80	1u1 BR	2/m2	5.0	Plant trees with 600mm/38mm spiral guards in planting pits backfilled with topsoil / slow release fertilizer
Prunus avium	60-80	1u1 BR	2/m2	10.0	
Quercus robur	60-80	1u1 BR	2/m2	5.0	
Alnus and Betula species evenly spread with other species planted in groups of 3 to 7					

Landscape Maintenance Schedule (two-year establishment period to BS 7370-3 & 4)		
Type Maintenance Operations		
Tree and Shrub Planting	Weed tree and shrub planting circles at 250mm radius	Twice per year
	Ensure that tree guards are securely fixed and upright.	Once per year
	Replacement of plants that have failed to survive.	Once per year

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Melville Dykes Road, Lasswade

Proposed Elevations

PLANNING

24012 - P04A

1 : 100 [A3]

ref. SW

A 20.06.24 PV Panels

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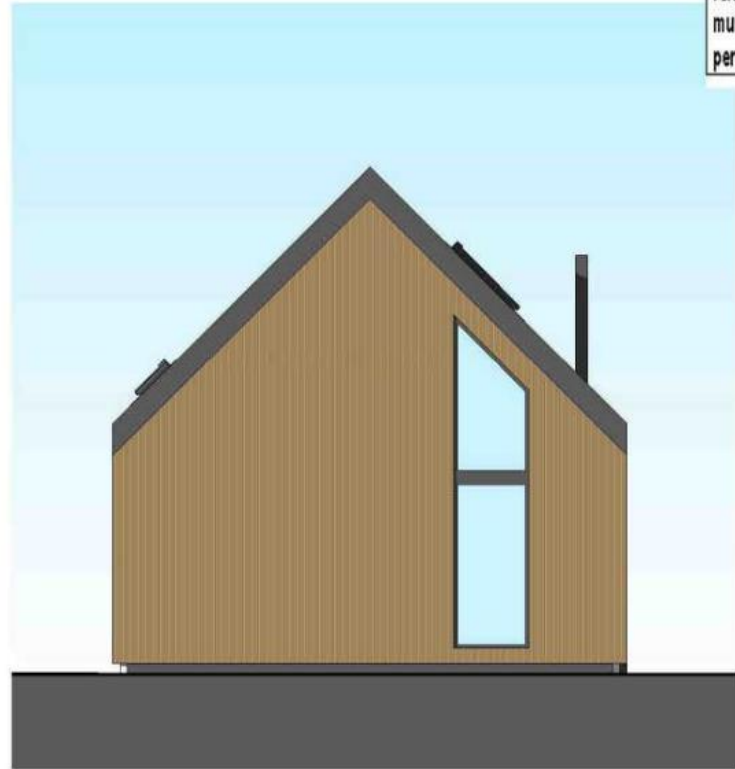
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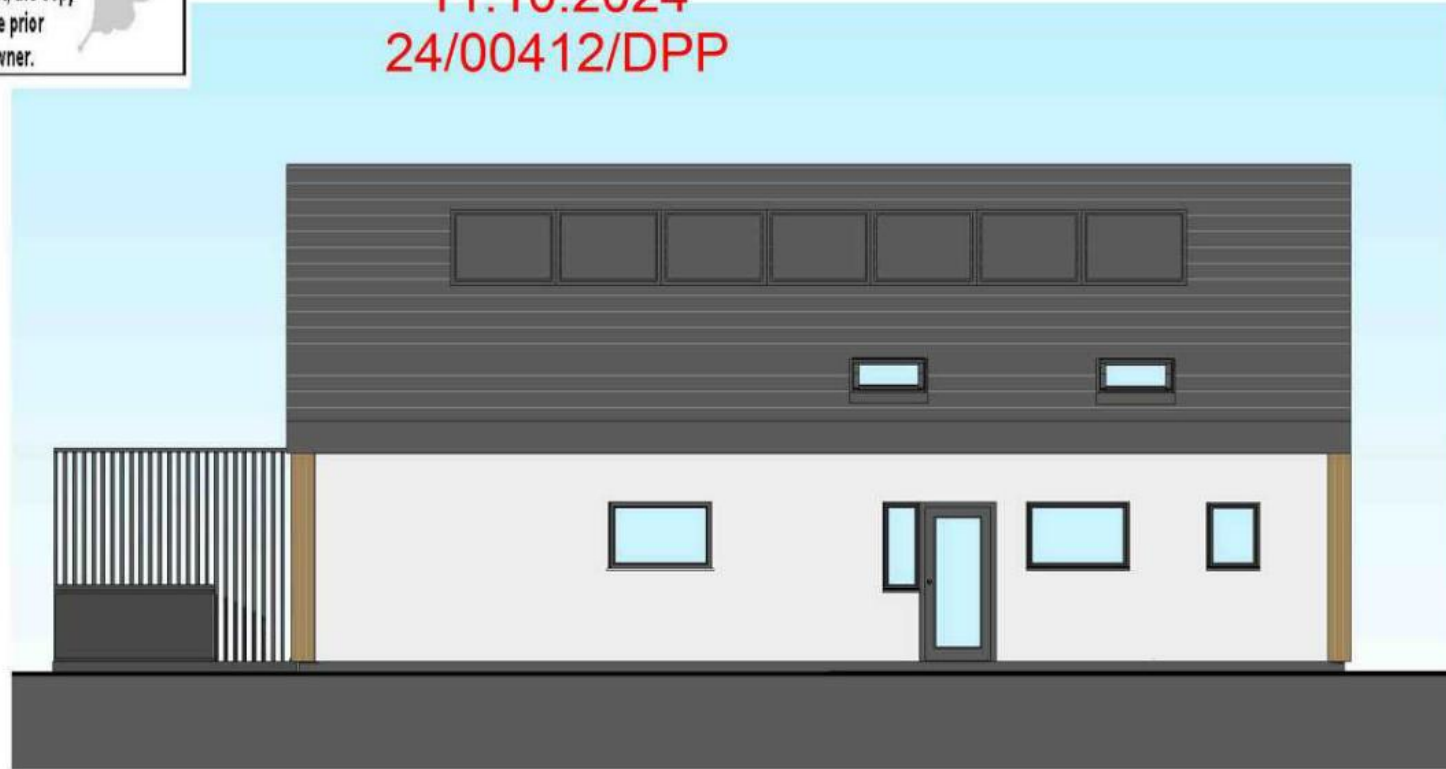
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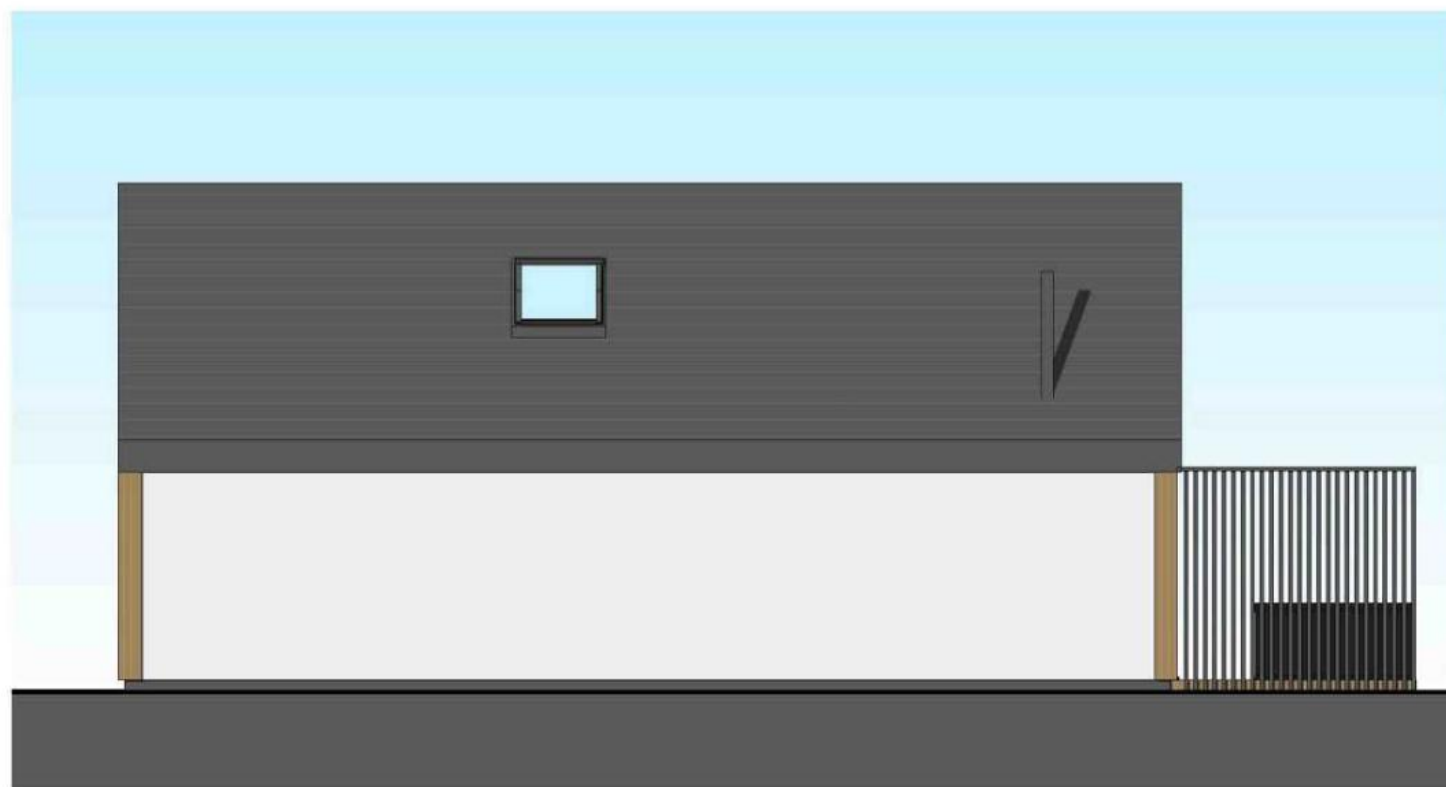
Front Elevation  
[ 1 : 100 ]



Side Elevation (Entrance)  
[ 1 : 100 ]



Rear Elevation  
[ 1 : 100 ]



Side Elevation  
[ 1 : 100 ]



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Melville Dykes Road, Lasswade	project
Visualisation	title
PLANNING	status
24012 - P05A	drawing
NTS [A3]	scale
ref. SW	ref.
A 25.06.24 Scale note altered	revisions
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Melville Dykes Road, Lasswade

Proposed Floor Plans

PLANNING

24012 - P03B

1 : 100 [A3]

ref. SW

A	28.05.24	Dimensions Added
B	20.06.24	PV Panels

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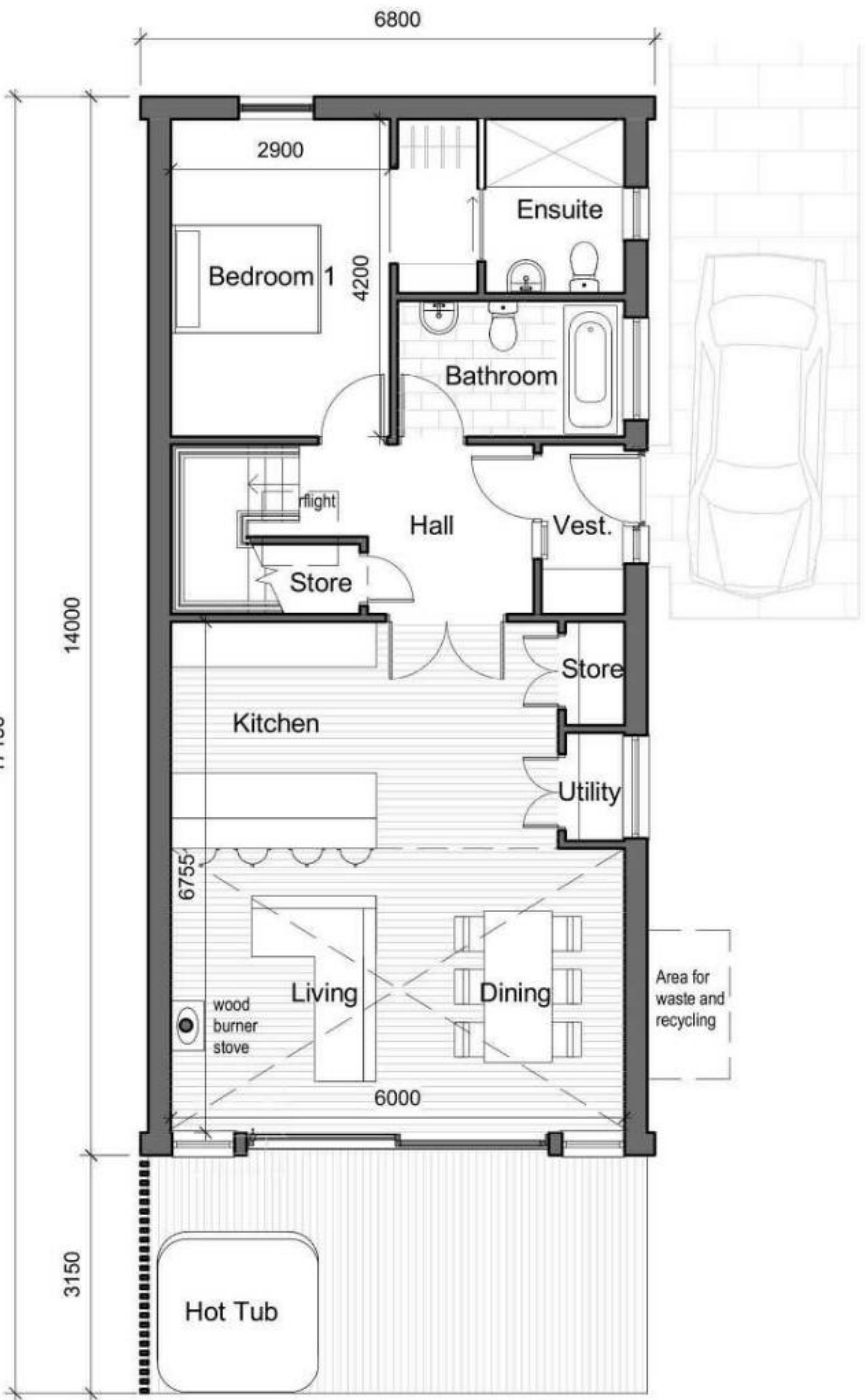
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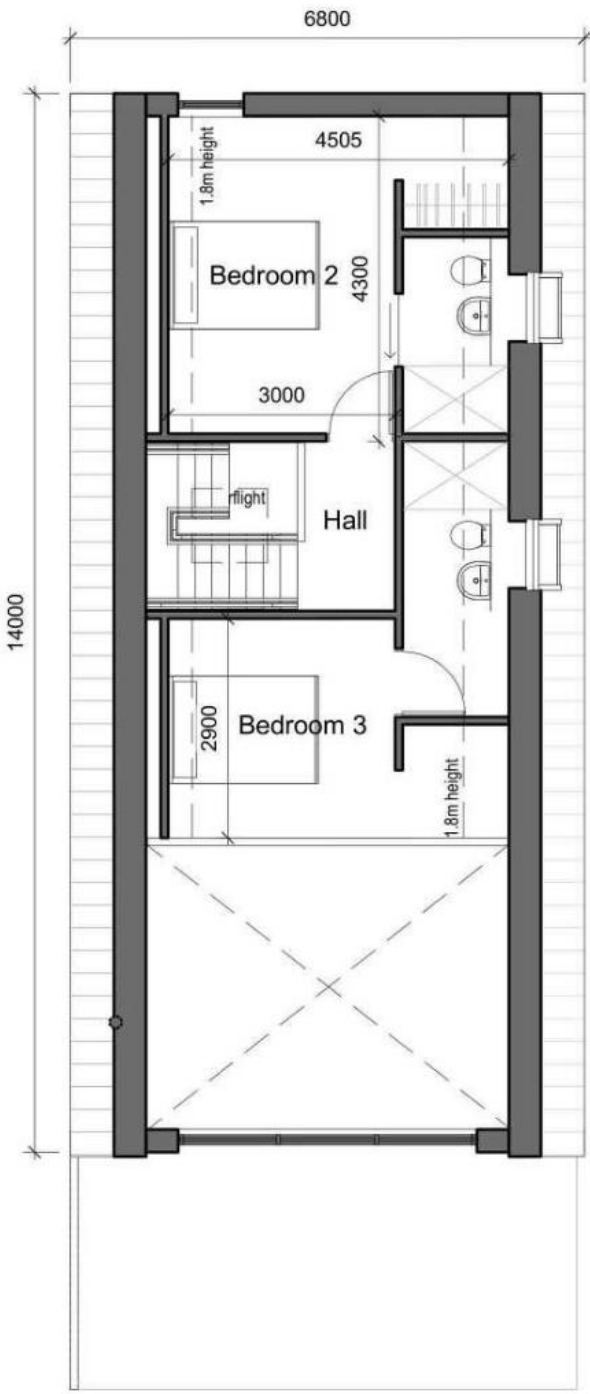
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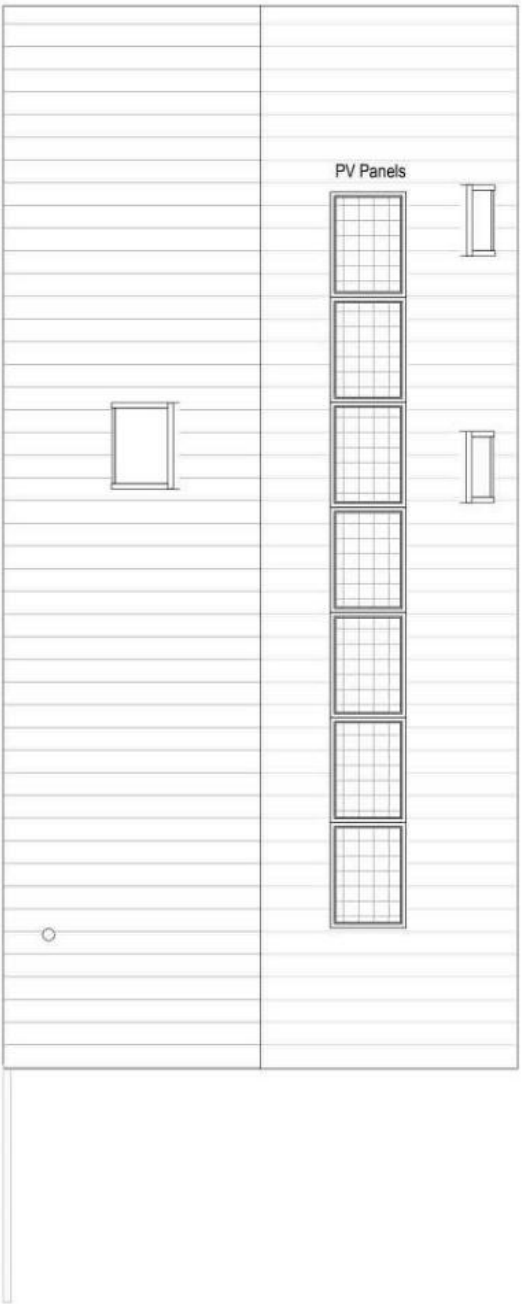
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Ground Floor Plan  
[ 1 : 100 ]



First Floor Plan  
[ 1 : 100 ]



Roof Plan  
[ 1 : 100 ]



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#### Context Plan Legend

- Areas of Housing
- Housing
- Neighbouring Paddock
- Paddock
- Golf Course
- Driving Range
- Major Road (A7)
- Road
- Significant Building
- Site Boundary
- Site Owned by Client

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Context Plan

PLANNING

24012 - P02B

1 : 5000 [A3]

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A	09.05.24	Client Comments
B	22.05.24	Houses Shown

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Context Plan  
[ 1 : 5000 ]



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Visualisation of Site	title
PLANNING	status
24012 - P06A	drawing
NTS [A3]	scale
ref. SW	ref.
A 25.06.24 Scale note altered	revisions

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Melville Dykes Road, Lasswade

Visualisation of Site

PLANNING

24012 - P07A

NTS [A3]

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Visualisation of Site 3

PLANNING

24012 - P08A

NTS [A3]

ref. SW

A	25.06.24	Scale note altered
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