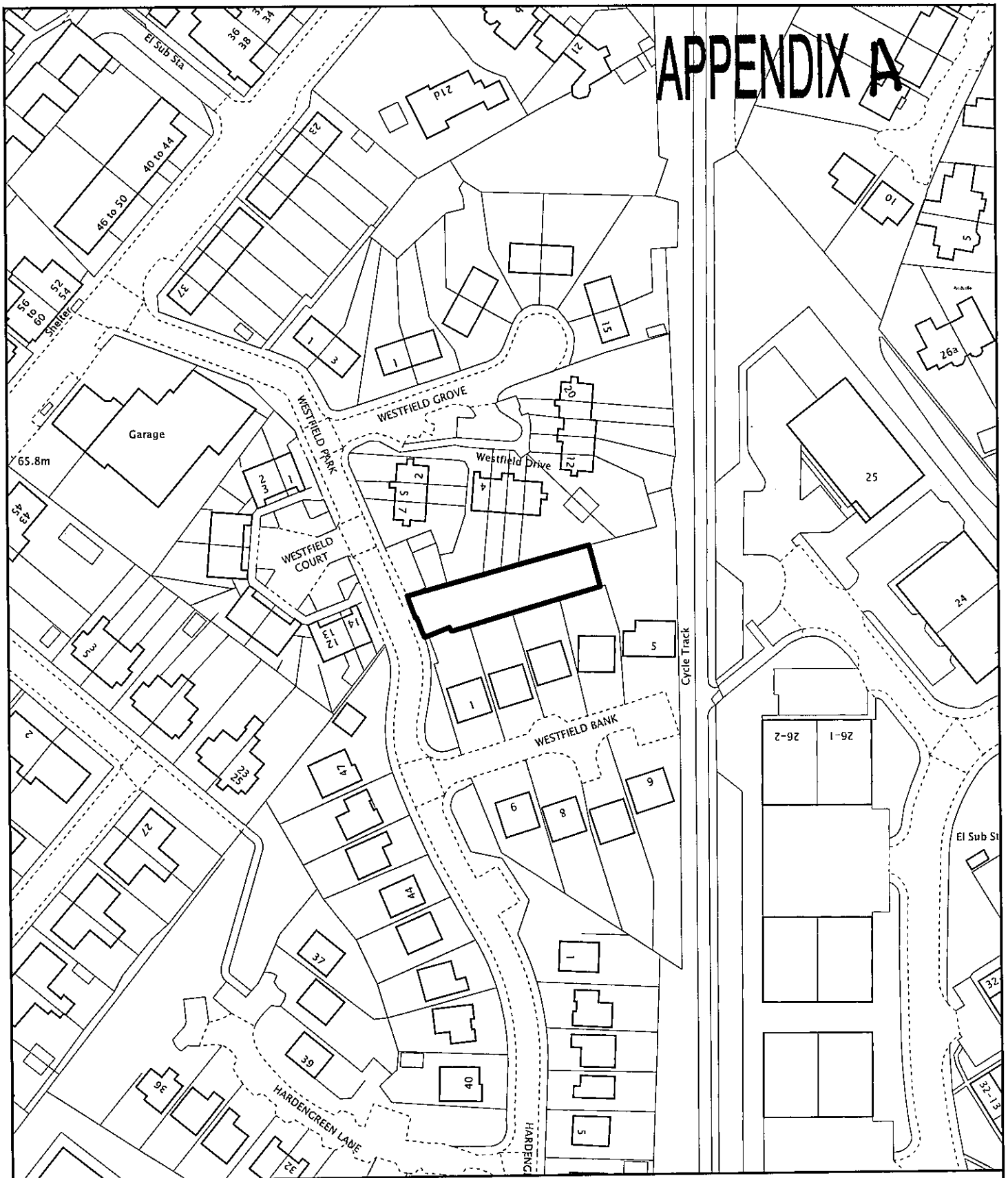


APPENDIX A



Midlothian

Corporate Resources

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

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Midlothian Council Licence No. 100023416 (2012)

Erection of dwellinghouse at Land Adjacent to 7 Westfield Park, Eskbank, Dalkeith.

File No: 11/00780/DPP

Scale: 1:1,250



NOTICE OF REVIEW

Under 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 Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr.	Ref No.	—
Forename	F.	Forename	LES
Surname	WATSON.	Surname	MCCASKEY
Company Name	—	Company Name	—
Building No./Name	5	Building No./Name	15
Address Line 1	HAWIC CRESCENT.	Address Line 1	BOSWALL TERRACE
Address Line 2		Address Line 2	
Town/City	DAZICKITH	Town/City	EDINBURGH
Postcode	EH22	Postcode	EH5 2EE
Telephone	[REDACTED]	Telephone	0131 467 0792
Mobile		Mobile	07817 809 327
Fax		Fax	—
Email	[REDACTED]	Email	lesmccaskey@blueyonder.co.uk
3. Application Details			
Planning authority		MIDLOTHIAN COUNCIL	
Planning authority's application reference number		11/00780/DPP	
Site address			
LAND ADJACENT TO — 7. WESTFIELD PARK ESKBANK, DAZICKITH, MIDLOTHIAN EH22 5JQ			
Description of proposed development			
ERRECTION OF DWELLING HOUSE			

CORPORATE RESOURCES	
FILE:	11/00780/DPP
RECEIVED	28 MAR 2012
JR	

Date of application

23-11-2011

Date of decision (if any)

20/01/2012

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application) ☒
- Application for planning permission in principle ☐
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. 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.

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

- Further written submissions ☐
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land? ☒
- Is it possible for the site to be accessed safely, and without barriers to entry? ☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

STATEMENT ENCLOSED

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1) WRITTEN STATEMENT
2) LETTERS OF SUPPORT ① + ②
3) DRAWINGS - SITE LOCATION/SITE PLAN
01A. 06A
02A 07
03A
04A 1567 ABBYESK/D3
05A 1567 ABBYESK/D2

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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 from that earlier consent.

DECLARATION

I, ~~the applicant~~/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

[Redacted Signature]

Name:

L. MCCABEY

Date:

26-3-2012

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

7, WESTFIELD PARK, ESKBANK 11/00780/DPP

STATEMENT OF SUPPORT

The applicant would provide the following statement in support of seeking a review against the refusal of planning application in respect of two storey pitched roof dwelling house.

Prior to submission of application the applicant consulted local planning officer in respect of the pitched roof proposals and in principle received a positive response.

The applicant does not accept that the proposals in respect of height, location and general design form shall result in a dominant or detrimental impact on neighbouring dwellings or street scene in general.

The applicant also disagrees that the low tiled roof pitch and design of dwelling would appear unbalanced and unsympathetic to its location.

It is applicants opinion that the proposals would in fact result in much improved building form than previously approved flat roof two storey dwelling. (ref 07/00476/FUL)

Whilst there has been a number of objections to the application there has also been a positive response from a number of surrounding property owners. (letter enclosed)

The pitched roof profile and general house design form, shall result in superior quality development and shall sit more comfortably within its surroundings and street scene generally, allowing more daylight and resulting in a less imposing impact on surrounding dwellings.

A number of objections relate to wall height and rear terrace balcony which is no different from previous approved flat roof proposal.


The footprint (ground level) of new build dwelling has been lowered in height and combined by lowering the upper floor ceiling height and incorporating low pitched tiled roof greatly reduces the box flat roof impact of previous approved application.

The applicant is confident that the proposals for pitched roof dwelling shall in fact provide a welcome addition and compliment the street scene in general.



New Building At Westfield Park, Eskbank.

Thank you for having the time to complete this form; we would appreciate if you could comment on your option for your preference on which building you would like to see in your street for the foreseeable future. Please complete the boxes below with the preference of 'A' with the flat roof or 'B' with the pitched roof.

Name	Address	Preference 'A' or 'B'	Signature
BRAND	12 WESTFIELD CT	B	
Kennedy	9 " "	B	
Martin	6 " "	B	
McLellan	3 " "	B	
JIM CLARK	9 " BANK	B	
D. ROBERTSON	47 H. GREEN LAKE	B	
H. TAIT	1 MARTIN PLACE	B	
J. Ross	6 " "	B	
OL TAYLOR	16 WESTFIELD DR	B	
M. Spethum	18 Westfield DE	B	
S. THOMSON	15 WESTFIELD GROVE	B	
C. MORRIS	7 WESTFIELD GROVE	B	
JOHN MCCARTHER	5 WESTFIELD CR.	B ✓	
D. FARQUHARSON	3 " "	B	
L. H. AND	46 Harden Lane	B	
B. Kirby	2 Harden Lane	B	
G. McDonald	41 Harden Lane	B	
J. Wilson	5 Harden Lane	B	
A. WRIGHTMAN	25 HARDEN LANE	B	

CORPORATE RESOURCES

FILE 11/00 760 DM

RECEIVED 28 MAR 2012

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 11/00780/DPP

Site Address:

Land adjacent to 7 Westfield Park, Eskbank

Site Description:

The application site is a former Council owned lock-up garage site located between the residential properties on Westfield Bank and Westfield Grove/Westfield Drive, Eskbank. The garages have been removed. The application site is long and narrow, measuring 475m² in area. The application site has a road frontage on Westfield Park. There is a mains sewage pipe running through the site in an east to west direction.

There are residential properties located to all sides of the application site.

Proposed Development:

Erection of dwellinghouse.

Proposed Development Details:

It is proposed to erect a two storey dwellinghouse on the site adjacent to 7 Westfield Park. The dwelling is to have a pitched hipped roof, with the ridge line running perpendicular to the main road. The roof pitch will be 17.5 degrees and will be finished in slate grey concrete roof tiles. The walls of the building are to be finished in a render and it will have white UPVC window frames.

It is proposed to have a recessed area to the rear of the dwelling which will serve as a balcony. The first floor accommodation will also cantilever over the front door and act as a canopy. There will be windows on the north, east and west elevations.

There will be a mono-blocked parking area to the front of the house with a long narrow garden to the rear.

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

An application was submitted in 2006 (ref. no. 06/00777/FUL) for the erection of a dwellinghouse. This scheme proposed a three storey dwelling. This application was refused due to its size and impact on neighbouring residents.

A further application was submitted in 2007 (ref. no. 07/00476/FUL) for the erection of a two storey building. This time the applicant sought permission for a two storey flat roofed dwellinghouse. The ground floor of the building provided maintenance access to the mains sewer pipe running below the house. Therefore, almost all accommodation was at first floor level. The proposed house had a modern design. This proposal was granted planning permission.

Consultations:

None required.

Representations:

There have been ten letters of objection from eight different people. There has also been a petition against the development. The petition contains nine signatures and has been organised by one of the objectors. The letters of objection and petition have been received from neighbours who share a boundary with the application site. The objectors have concerns regarding the size of the dwellinghouse and its impact on their amenity. They also have some concern about impact on their house values and over the neighbour notification procedure. The issue regarding neighbour notification is being investigated separately.

The applicant has submitted a petition of support for the proposal. It has been signed by 23 different people from the Westfield/Hardengreen Lane area. These people would prefer to see a dwellinghouse with a pitched roof rather than a flat roof. None of these people have a property which immediately adjoins the application site.

Relevant Planning Policies:

Midlothian Local Plan 2008

RP20 – Development within the built-up area

DP2 – Development guidelines

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval. The application site is located within an area covered by the Midlothian Local Plan.

The relevant Midlothian Local Plan policy RP20 seeks to protect the built-up area from inappropriate developments. This policy sets out a general presumption against new development within the built-up area where it is likely to detract from the existing character or amenity of the area. The DP2 guidelines within the local plan set out the detailed design requirements for new development.

The site is located within the built-up area of Eskbank. It is also a material consideration that planning permission has been previously approved for a dwellinghouse on the site. In principle, therefore, a residential development at this site is acceptable. It is essential to now give consideration to the detail of the proposal, compare the proposal to the earlier approval and ensure that the development does not have a significant adverse impact on the character and amenity of the area.

A number of neighbouring residents have objected to the proposed development. The objectors have raised concerns over the detrimental impact the development will have on their amenity. The objectors are concerned regarding the size and height of the dwelling and its resultant impact on their privacy and enjoyment of their properties. There is also some concern regarding the likely impact on the value of their properties, which it must be noted is not a material planning consideration.

The previously approved dwellinghouse was to be a two storey flat roofed building. The house was to be modern in style, and whilst did not look like buildings in the surrounding area was judged not to have a significant adverse impact on the character or amenity of the area. It was recognised that the house was different in character but was not unattractive. It was a good example of its type which utilised good design proportions and materials.

It was also recognised that the dwellinghouse would be a new feature in the area which would result in a change in the amenity enjoyed by residents, however it was judged that this change would not have a significant adverse impact on amenity. The position, height, design and fenestration had been discussed at length with the applicant during the application and it was considered that the proposed development could not be amended any further without potential impact on the neighbours.

The applicant has submitted a petition which he states is in support of the development. However, the petition is a list of signatories who prefer the pitched roof design to a flat roofed building. Only one signatory has a property that bounds the application site, and that person has also signed the petition against the application and has submitted their own letter of objection.

The applicant has built the house up to eaves height but has stopped before erecting the roof trusses. The partially erected house has been constructed in a slightly different position than what was previously approved. The window design is also different. These details relate to the current application.

Despite a request for drawings showing the amended position of the dwellinghouse these do not appear to have been submitted.

The applicant has argued that there were inaccuracies in the originally submitted drawings. There is some doubt over whether the revised drawings are accurate and whether the original drawings reflect more what the applicant is seeking permission for. Building warrant drawings have not been revised and still show the originally submitted scheme. However, the revised drawings have been submitted to the planning authority and must be what is assessed.

The balcony on the rear of the building was granted previously and therefore cannot be considered during the assessment of this application. However, it is a relatively narrow balcony and should not have any more of an impact on privacy than a large window on the rear elevation would have had.

Although some of the windows have been repositioned it would still be possible to ensure that where they may adversely impact on neighbouring amenity they can be glazed with obscured glass.

The revised drawings show the dwellinghouse lower in the site. Measuring directly from the revised drawings it is suggested that around 0.5m of top soil has been removed from the site. The text on the drawings suggests that 0.35m of top soil has been removed. At a site meeting on 15 December 2011 the applicant stated that top soil from the entire site had been taken off-site. Despite this statement and the information on the drawings there is no evidence to suggest that the ground level within the site has been amended. Some vegetation remains on site and there is no evidence in a drop in levels from looking at the stone walls that bound the site. Photos taken before and at the commencement of construction work also show no

alteration to the ground levels on site. In addition to this, neighbours of the site have stated that the top soil has not been stripped from the site. The evidence suggests that there has been no top soil removed from site and therefore the dwelling is not sited further down in the site than the previous scheme would have been. This also raises a concern over the accuracy of the revised drawings. And given that the revised drawings were submitted due to the original drawings being inaccurate it means the Planning Authority is in a difficult position regarding what it is assessing.

It has not been demonstrated that any top soil has been taken from the site. Therefore it must be assumed that the ground levels for the previous approval and the current proposal are the same. When a comparison is carried out between the two schemes the eaves height of the new building is lower than the previously approved dwelling, but the overall height is still higher, by over 1m. This increase in height will have an adverse overbearing impact on neighbouring residents.

In trying to reduce the overall height of the dwellinghouse the applicant has proposed a roof pitch of 17.5 degrees. Policy DP2 of the local plan states that an acceptable roof pitch, for design reasons, would be between 35 and 45 degrees. Few other dwellings in the area have a similar roof pitch. Therefore the proposed design of the house is equally as unreflective of the character of the dwellings in the area as the flat roof modern building, but with the added disadvantage of being of a poor design and having more of an impact on neighbouring residents.

In amending the design of the windows it significantly changes the appearance of the proposed dwelling. The revised window design would be unacceptable on a flat roof building.

There are a number of neighbours concerned regarding the mains sewer pipe which runs the length of the site. The applicant maintains that he has permission from Scottish Water to carry out the development. The case officer has contacted Scottish Water and, at the time of writing this report, was advised that the developer was told to stop work on site in October (work has continued on the site since October). The case officer awaits confirmation of this and an update from Scottish Water. However, the statutory determination period is close to expiring, therefore the application must be determined. The developer requires separate consent from Scottish Water and this is not material to the assessment of the planning application.

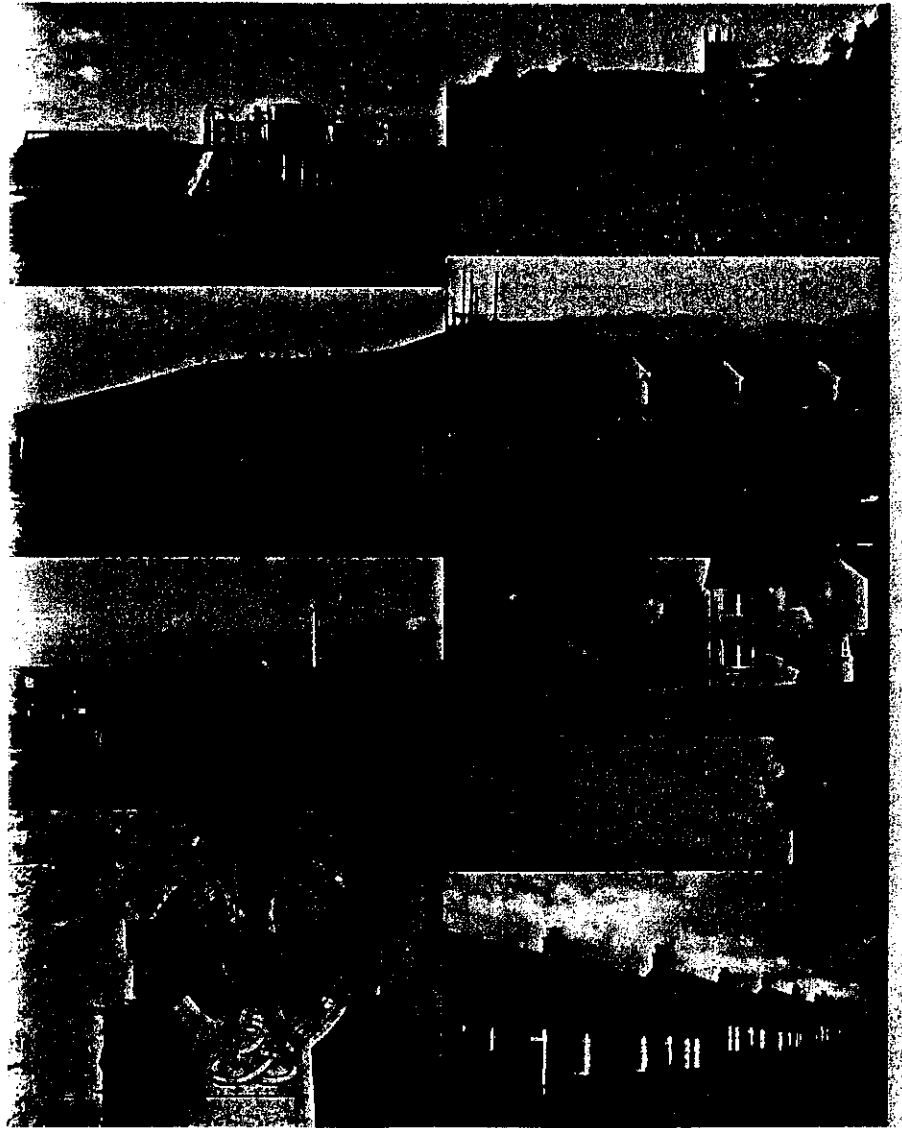
Should the applicant wish to erect a dwelling with a pitched roof, given he has stated that he has clearance from Scottish Water to have accommodation at ground floor, it would be advisable to consider a single storey building. It could occupy a slightly larger footprint on the site.

Recommendation:

Refuse

MIDLOTHIAN

APPENDIX D Midlothian Local Plan



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is "to maintain and enhance the quality of the natural heritage and built environment". In addition, the importance of good design is highlighted as a priority for the planning system, given that "mistakes cannot be easily or cheaply rectified".

2.2.2 SPP 3 *Planning for Housing* (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that "infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas". It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

4.2 Development Guidelines

DP2 DEVELOPMENT GUIDELINES

Note: Reference should also be made to Appendix 2C for the design principles and Appendix 2D for landscaping and open space requirements which apply specifically to the Shawfair new community, and expansion of Danderhall. The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

These policies apply to all proposals for development within this Local Plan area. They will form the basis for any briefs to be prepared for sites to be released for development through the Local Plan.

Developers will normally be expected to submit a statement with applications for major sites explaining their approach to the site with regards to the issue of design, sustainability, landscape and open space. The statement shall explain the way in which the Council's design criteria have been observed. If the criteria have been departed from this should be noted, together with an explanation of the circumstances requiring this.

Irrespective of support for the principle of development in this Local Plan, all proposed developments which fall within the remit of the Environmental Impact Assessment (Scotland) Regulations 1999 (Schedules 1 and 2), will require the submission of an Environmental Statement in conjunction with the planning application.

A case for modification of the private open space standards may be accepted by the Council within the Local Plan area where the sites proposed to be developed are brownfield, infill, involve less than three houses, lie within Conservation Areas, or windfall. In such cases, a determining factor will be the existing character of the area surrounding the site. This may not necessarily dictate lower space standards. For example, in some Conservation Areas, the density of housing is very low. Such existing character may dictate very generous gardens in new housing development.

1 Design

The release of extensive areas of land, through the development sites in this Local Plan, offers an opportunity to create new, interesting and attractive environments.

The Council recognises that good design can:

- a) promote sustainable development;
- b) improve the quality of the environment;
- c) attract business and investment;
- d) reinforce civic pride and a sense of place; and
- e) secure public acceptance of the need for new development.

For these reasons:

The Council will require good design in both the overall layout of sites and their constituent parts and a high quality of architecture in both the overall layout of sites and their constituent parts.

2 Sustainability

The Council will expect development proposals to have regard to the following principles of sustainability:

- a) building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and utilising natural features;
- b) fostering and maintaining biodiversity;
- c) treating and conserving water on site in line with best practice and guidance on sustainable drainage;
- d) reducing consumption of energy;
- e) recycling of construction materials and minimising the use of non-renewable resources (refer also to policy WAST4 – waste minimisation);
- f) facilitating accessibility and adaptability; and
- g) providing for waste recycling in accordance with standards which will be set out in supplementary planning guidance on waste separation, collection and recycling requirements for new developments.

3 Landscaping

All development proposals must be accompanied by a comprehensive scheme of landscaping. This will be designed to provide shelter, help create spaces, add colour and add to the interest and appearance of the development.

New tree planting will be used to define the edge of development areas within sites. The Forest Habitat Network (Forestry Commission Scotland) provides guidance in planning greenspace within new developments.

Where development sites abut the countryside, tree belts of an average of 30 metres wide will be required except where a development brief indicates a lesser figure will be acceptable. This width is required to ensure the effect of the planting is maintained as the trees mature.

Where distributor and access roads are to be tree lined as a landscape feature of the development site, space sufficient to provide for the span of the trees as they mature must be provided to each side of the road to be planted. The space to be provided will be influenced by the selection of tree species and design concept being followed.

A high standard of landscaping is required throughout sites. Tree and shrub species should be selected primarily for their good appearance, hardiness, low maintenance and suitability to the character of the site and layout design.

Indigenous species should form the basis for landscape schemes.

Finishing materials, surface textures and street furniture, together with the design of walls and fencing should combine with the landscaping to establish a theme for the development as a whole.

When submitted to the Council, detailed applications for planning permission must be accompanied by proposals indicating the character and scale of the landscaping to accompany the new development.

Landscaped areas adjoining roads will be adopted by the Council on the same basis as other landscaped and open space areas provided as a result of development.

Where possible, topsoil should be left *in situ* on development sites. Where it would be sterilised by development, topsoil should be stored in a manner which preserves its intrinsic environmental value and reused in connection with the landscaping of the development site or, if not possible, elsewhere in site restoration, landscape enhancement and/or the creation of public open space.

4 Open Space

Open space is an essential part of the built environment. It provides amenity to those whose property adjoins or is close to it. It can provide pedestrian or cycle routes. Open space allows opportunities for play and exercise whether of a formal or informal character. It gives the opportunity within settlements for the creation of natural habitats and shelter for flora and fauna. It can create the setting to important private and civic buildings and be an integral part of the character of settlements. Policies RP29 and 30 provide for the protection of open spaces. The proposed growth of Midlothian's settlements as a result of this Local Plan must be accompanied by open space provision on a scale and in a manner commensurate with its importance to the lives of future communities in these areas.

The following standards do not take account of the need for informal amenity open space, infrastructure tree planting and passive recreation areas such as parks, open spaces and footpath networks. In determining the need for such additional open space the Council will take account of the area surrounding the site. Major development sites will be subject to a brief that will identify such needs.

Open spaces designed for children's play should be large enough to absorb such activity with minimum disturbance to local residents or undue damage to grass and planted areas. Similarly, the location of pitches for older sections of the population within open spaces should take account of the potentially adverse effect on amenity if situated too close to housing.

4a Open Space required for Sport

Unless otherwise determined within development briefs for housing sites proposed in this Plan, provision for outdoor sport will be made in accordance with the National Playing Field Association's (NPFA) minimum standards and the Council's open space strategy, once approved.

4b Children's Play Space

The design and location of play spaces should be convenient to their users. They should be subject to passive supervision and open sunlight during the majority of the day. They should be fenced in order to avoid children running out of the play area and to discourage dogs making their way in.

In general terms, their design and location should accord with the advice provided in SPP 11 *Open Space and Physical Activity* and PAN 46 *Designing Out Crime*.

Provision for children's play space will normally be provided within new housing areas in accordance with the NPFA's recommendations.

This standard is currently set at 0.6 - 0.8 hectares per 1000 population. In assessing the area requirement, the potential population of a housing development will be used for the basis of calculation.

The NPFA recommends that a hierarchy of open spaces be available for children's play, the largest spaces providing for the most extensive range of equipment and facilities and combined with land used for other formal recreational use. Smaller open spaces, recommended by the NPFA at the bottom of the hierarchy perform an important visual amenity function. These spaces will normally be no less than 0.04 hectares in extent. Whether such small spaces will require any equipment placed within them is dependent on the character of housing surrounding the space and the distance to the nearest play area. In small, medium to low density developments, no equipment is likely to be required. Site and distance criteria for such spaces should be as recommended by the NPFA's *The Six Acre Standard*. Larger equipped play areas serving neighbourhoods should be provided as recommended by the NPFA. It may not always be appropriate to provide spaces to the minimum

recommended size. However, an area of open space accommodating play equipment within a housing area should not be less than 0.1 hectares.

4c Maintenance of Play Equipment and Open Spaces

Arrangements for the long-term maintenance of open spaces shall be agreed with the Council prior to consent being issued. Maintenance arrangements can be through adoption by the Council or through alternative measures, either being subject to agreement with the Council.

Acceptable provision, including long-term funding for the maintenance of open spaces, landscaping and play equipment will be a prerequisite of planning permission for new residential and other developments.

For the purposes of this section, "long-term" will typically be a period of at least 15 years.

4d Retention of Open Spaces

Public open spaces provided in association with new development will be subject to conditions and, where appropriate, agreements requiring that they continue in use as communal open space.

4e Provision of Play Facilities for Children

Equipment for communal play will be required in association with all new residential development, with the exception of housing specifically designed for the elderly.

Acceptable levels of provision are currently found to be established where the developer provides equipment to a value based on the sum of £250 per child bed space (as at 2006 price, subject to price index adjustment). The cost per child bed space figure may be subject to negotiation for larger developments where the economies of scale can be brought into effect.

Child bed spaces are the number of bedrooms in a house less the principal bedroom. In the case of houses having secondary bedrooms of exceptionally large size, it may be considered necessary to take the

view that these could be occupied by more than one child.

Where the number of houses or the application site is too small to satisfactorily accommodate children's play, an amount of equipment based on the above standard must still be provided, for installation in an existing park accessible to the new housing.

5 Housing: General Considerations

The detailed planning, layout and appearance of new housing developments must reflect national planning advice and guidance. In accordance with the encouragement therein of imaginative and innovative design, proposals showing exceptional ingenuity may be exempted from the usual space requirements, provided that the quality of public and residential amenity is demonstrably not compromised.

Many large companies use standard house types in the interests of efficiency and economy for their particular organisation. Such an approach may not always provide an acceptable design. Developers will be expected to be flexible in their use of house types and if necessary modify their range to meet the Council's requirements for specific sites.

The main aims are to achieve comfortable, safe, well-designed living environments with a distinct sense of place, and a high quality of design and finish.



5a Housing: Detailed Considerations

Care is required in grouping of buildings. The houses forming a group must relate well in terms of scale, angle and alignment of roof pitch, choice of finishing materials and detailing.

A good level of security for the residents of a scheme must be provided and in this respect attention should be paid to linking buildings together by means of walls or garages. Open spaces should be designed as features to be looked onto from the front and sides of houses as should pedestrian routes and roads. Houses should not, as a general rule, be designed to back onto such features.

Housing layouts should be designed to be convenient for pedestrians, with special attention being paid to the provision of direct footpath / cycleway links between houses, schools, shops and community facilities.

The housing layout and house types should be designed to provide for a high standard of passive energy gain; in this respect buildings should be arranged as to avoid unduly overshadowing one another.

5b Housing: Private Outdoor Space

Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Permanent overshadowing of these areas should be avoided and, wherever possible, such spaces should enjoy good access to sunlight. Where flats are proposed, such spaces should enjoy good access to sunlight and additional provision of amenity open space should be made, including sunlit areas convenient for residents to enjoy.

Private open space attached to the dwelling is required for all non-flatted properties. While recognising that individual preferences may vary, houses suitable for families should be provided with adequate usable private gardens. Such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily. It is also important to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. The usable garden area is defined as that part of the rear garden not occupied by a garage, or garage space, driveway or parking space.

For detached and semi-detached houses, private open space should be provided, as a minimum standard, on the following basis:

- a) houses of 3 apartments should have usable garden areas no less than 110m²;
- b) houses of 4 apartments or more should have usable garden areas no less than 130m²;

Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100m².

Where, particularly in the case of terraced houses because of the floor plan design, these criteria result in garden lengths in excess of the Council's requirements, smaller garden areas will be acceptable. In such cases the amount of communal open space will normally require to be increased to compensate for the reduction in private open space. In exceptional cases, this principle may also apply to other types of houses.

Garden areas referred to above should be so designed and located so that a usable part of the garden area will enjoy at least three hours of any available sunlight on 1 March.

5c Space between Houses

Spaces between houses may vary depending on the types of houses and the nature of the sites. Certain minimum standards must be observed. These are as follows:

- a) back to back distance, whether between single storey or two storey houses, of 25 metres;
- b) between gable and rear of such property 16 metres; and
- c) between the front elevations 22 metres.

Where housing is built across steeply sloping ground, the distance between buildings will require to be extended to avoid the higher properties being over

dominant. In such situations, split-level housing should be considered as a means of reducing the distance houses are set apart.

Reduction in the distance between front elevations will be possible where there are positive reasons relating to the design of the layout and where the house design ensures no material loss of privacy as a result of overlooking from windows.

The length of individual rear gardens will vary but will normally be anticipated to be at least half the minimum back-to-back distance. Exceptions to this may be acceptable where distance standards are met, minimum garden size is achieved or where the houses back onto an open aspect.

Flatted properties should be provided with a communal private open space conveniently located for the residents. The area of land supplied for this purpose should be provided to half the standard used for terraced housing.

If essential to secure an appropriate attractive and well designed development, the above space standards may be relaxed. Such relaxation is expected to be confined to sites that have some unusual characteristic.



5d House Design

The Council wishes to encourage a high standard of design. Novel architectural solutions including those which meet the need for energy conservation and sustainability will be encouraged.

Conventionally designed housing should observe the following criteria:

- a) roofs should be conventionally pitched and be symmetrical;
- b) roof pitches should be not less than 35° and not greater than 45°;
- c) there should be a dominant roof and ridge line where the floor plan is not a single rectangle as in 'L' or 'T' or other more irregularly shaped floor plans;
- d) the dominant ridge line should normally run parallel to the road;
- e) the colours of wall finishes and roof materials should be sympathetic to one another;
- f) windows should have a vertical emphasis;
- g) a variety of wall finishes on single buildings should be avoided;
- h) variety of finishes on groups of buildings should generally be avoided, interest should be achieved by the use of different architectural detailing; and
- i) underbuilding should be kept to a minimum and base courses should not be obvious if built from a different material from that of the rest of the wall.

5e Areas of Improved Quality

Within HOUS1, HOUS2 and HOUS3 sites of 15 units or more, it is desirable to seek, within limited parts of each site, an added emphasis on quality in design. This is to apply to individual buildings or groups of buildings, and in the use of materials both in finishes to dwellings (for example, slate and wet dash render, stone detailing, rosemary and clay pantiles) and also in walls and ground surfaces.

In this way development is likely to have the elements necessary to produce a 'future' conservation area. The Council expects such treatment will be applied to a minimum of 20% of the dwellings on the site and should be focused on prominent landmark groups or key individual homes.

6 Accessibility and Parking Provision

Proposals for new development will be required to:

- a) incorporate measures to enable / encourage the use of alternative transport modes to the private car;
- b) make provision for roads, lighting and parking to satisfy the Council's standards (refer to *Standards for Development Roads: A Guide to the Design and Construction of Roads for Adoption*).

Detailed layout designs for developments, or phases thereof, will be accompanied by statements of the design measures taken, and on-site and off-site infrastructure to be provided, in the interests of enabling and encouraging residents and visitors to use alternatives to the private car.

7 Notifiable Installations

Proposed developments should take the presence of notifiable installations into account, and planning applications for development within the consultation distances of these installations will be referred to the Health and Safety Executive (HSE), and account taken of their response, in accordance with SOEnvD Circular 5/93. Similarly, proposals to site new notifiable installations in the vicinity of existing urban development will require consultation with the HSE.

8 Edinburgh Airport Safeguarding Zone

Planning applications for certain types of development within the consultation zone* for Edinburgh Airport will be referred to the British Airports Authority (BAA) for their interest, and account taken of their response, in accordance with The Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003 (see Circular 2/2003).

*For details of types of development and extent of area, refer to Edinburgh Airport Aerodrome Safeguarding Map, available for inspection in the Council's offices.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 11/00780/DPP

Les McCaskey
15 Boswall Terrace
Edinburgh
EH5 2EE

Midlothian Council, as Planning Authority, having considered the application by Mr F Watson, 5 Hawk Crescent, Dalkeith, EH22, which was registered on 23 November 2011 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse
At Land Adjacent To, 7 Westfield Park, Eskbank, Dalkeith, Midlothian.

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	rev A 1:200,1:500	10.01.2012
Proposed floor plan	01 rev A 1:50	10.01.2012
Proposed floor plan	02 rev A 1:50	10.01.2012
Roof plan	03 rev A 1:50	10.01.2012
Proposed cross section	04 rev A 1:50	10.01.2012
Proposed cross section	05 rev A 1:50	10.01.2012
Proposed elevations	06 rev A 1:100	10.01.2012
Proposed cross section	07 1:100	10.01.2012

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

1. *The height, design and location of the proposed dwellinghouse would have a dominant and detrimental overbearing impact on neighbouring dwellings and therefore does not comply with the terms of policy RP20 of the adopted Midlothian Local Plan.*
2. *Due to the low pitch of the roof the design and form of the proposed house appears unbalanced and unsympathetic to its location and would result in a development which does not comply with the detailed design guidance as set out in policy DP2 of the adopted Midlothian Local Plan.*

Dated: 20/01/2012

A handwritten signature in black ink, appearing to read 'Peter', with a large, sweeping flourish underneath.

.....
Peter Arnsdorf
Development Management Manager
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

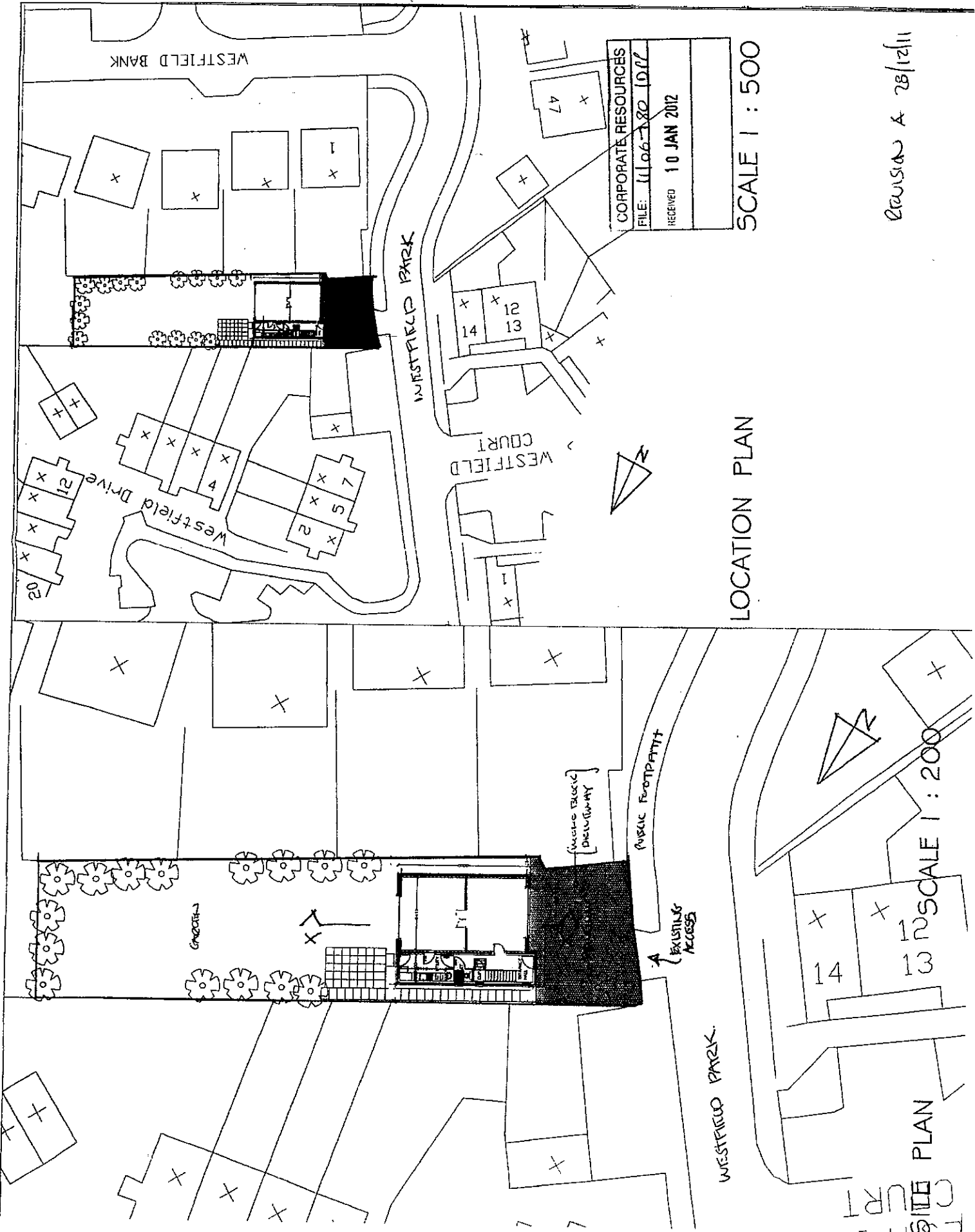
Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representatives on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.

APPENDIX F



FINISHED GROUND LEVEL
LOCATED 350mm BELOW
STREET LEVEL DATUM

CAVITY BARRIERS LOCATED
VERTICALLY AT CENTRES NOT
EXCEEDING 8m, AT EAVES CEILING
LEVELS, VERGES AND AROUND
EXTERNAL OPENINGS, REFER TO
DETAIL SHEETS

HORIZONTAL CAVITY BARRIERS
EXCEPT UNDER EAVES TO BE
PROTECTED WITH DPC TRAY WITH
MINIMUM 100mm UPSTAND

ALL CAVITY BARRIERS ARE TO BE
PROTECTED WITH DPC BETWEEN
CLADDING AND TIMBER

CAVITY VENTILATION PROVIDED BY
MINI VENTILATORS SIZE 40x102x65mm
BUILT INTO EXTERNAL LEAF AND
LOCATED AT MAX 1500mm C/C.

LOCATED IN BLOCK COURSE BELOW
DPC AT EAVES, VERGES AND
DIRECTLY BELOW SOFFIT AND
BARGEBOARDS AND ALSO ABOVE
AND BELOW HORIZONTAL CAVITY
BARRIERS

BANKS CORPORATE RESOURCES

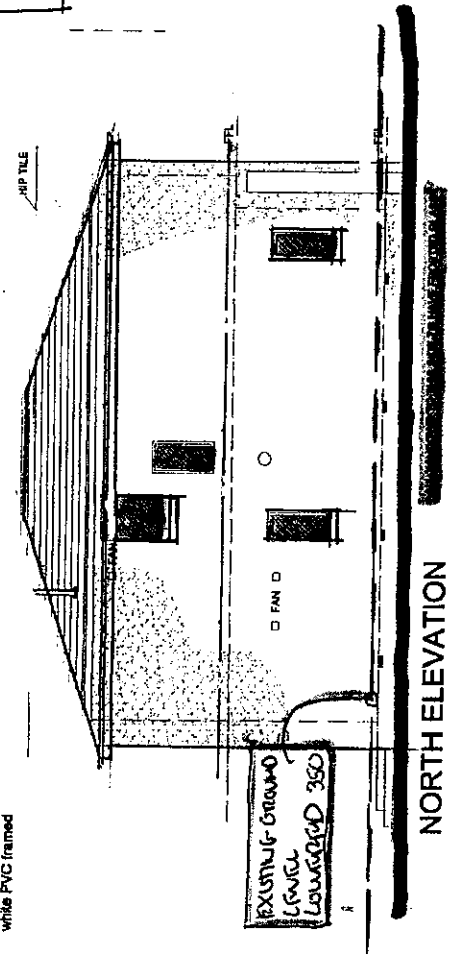
FILE: 11/00780/001
RECEIVED 10 JAN 2012

EXISTING GROUND
LEVEL 1000000

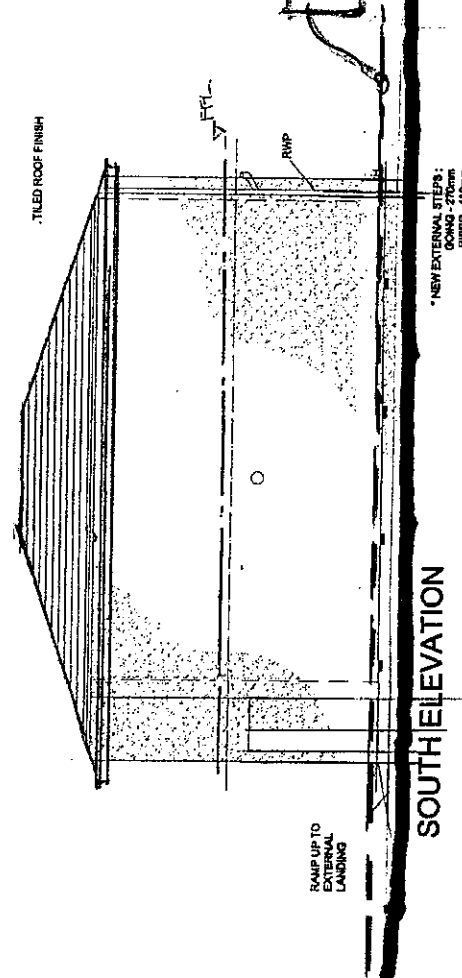
Revision A 28/12/11

7 WESTFIELD PARK ESKBANK MIDLOTHIAN	
Scale 1:100	Date DEC 2011
Drawn	08

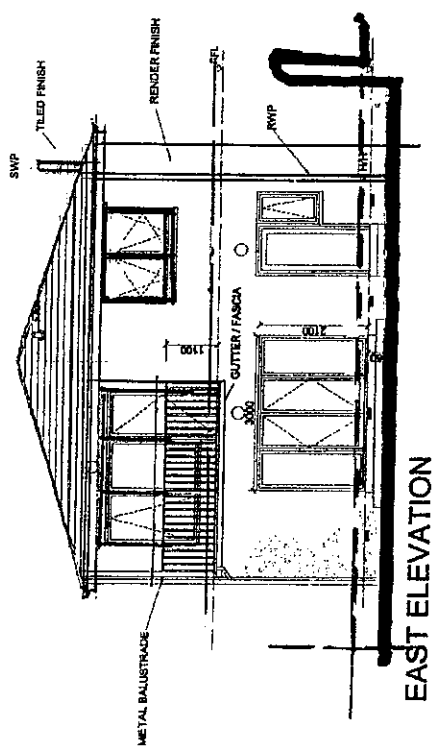
ROOF TILES
Marley modern
slate grey
WINDOWS / DOORS
white PVC framed



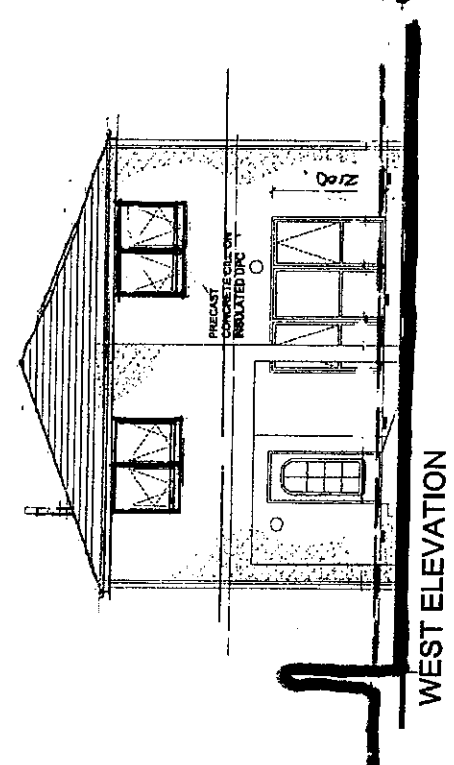
NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



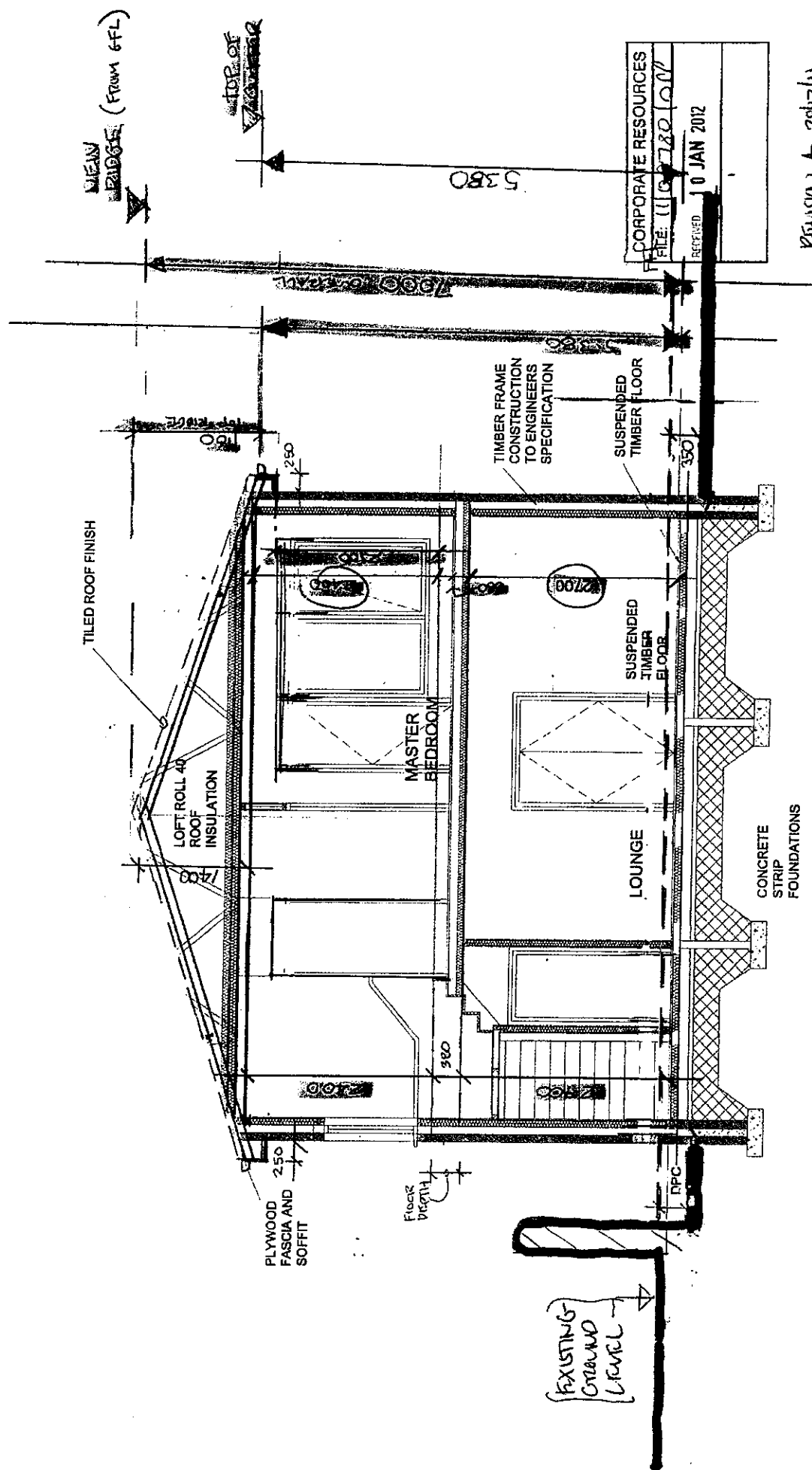
WEST ELEVATION

○ LIGHT FITTING
■ SOLIDARY VENT 150x150mm

*NEW EXTERNAL STEPS:
CONC - 270mm
RISER - 150mm

RAMP UP TO
EXTERNAL
LANDING

* ROOF TRUSSES 1.40m HIGH-
 U/S TO RIDGE PITCH 17.5°



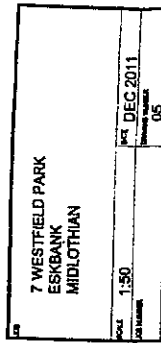
EXISTING GROUND LEVEL
 NEW FINISHED GROUND LEVEL

Revision A 28/12/11

CORPORATE RESOURCES
 FILE: 11007782 1007
 REVIEWED 10 JAN 2012

7 WESTFIELD PARK ESKBANK MIDLOTHIAN	DATE: 1:30	DATE: DEC 2011
	BY: [Signature]	BY: [Signature]

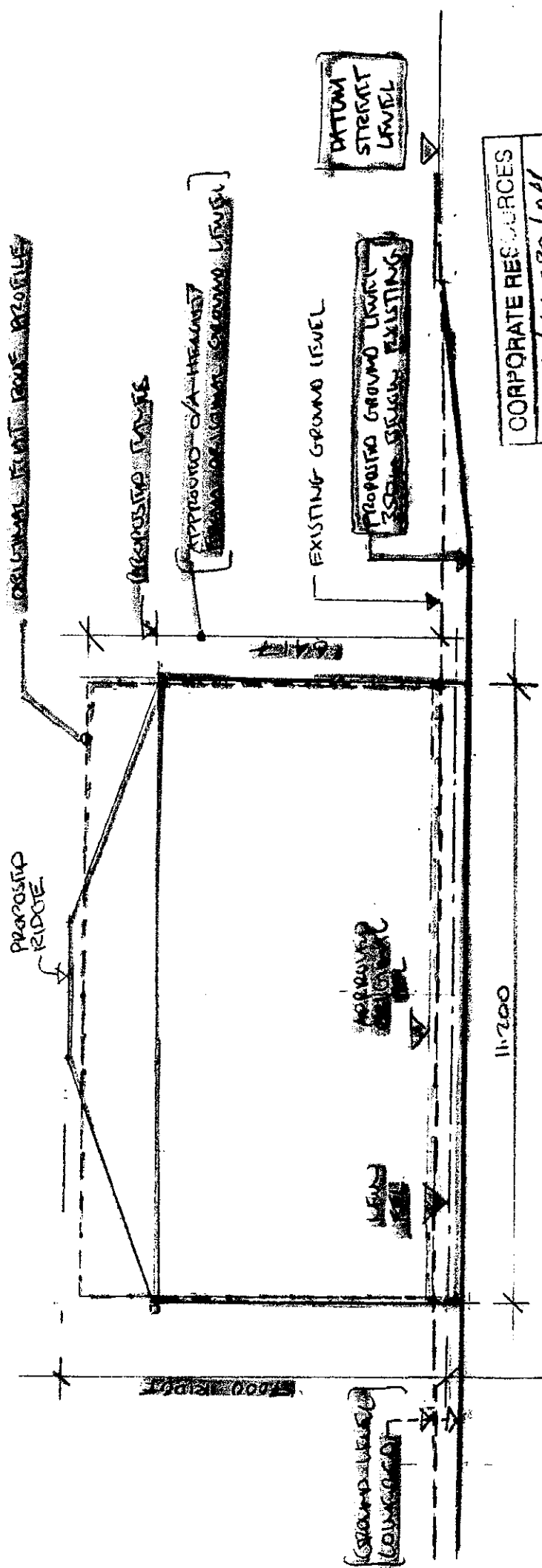
SECTION A-A



ORIGINAL GROUND LEVEL

NEW FINISHED
GRAND LEVEL

SECTION B-B



CORPORATE RESOURCES	
FILE:	4400780/pd
RECEIVED	10 JAN 2012 DK

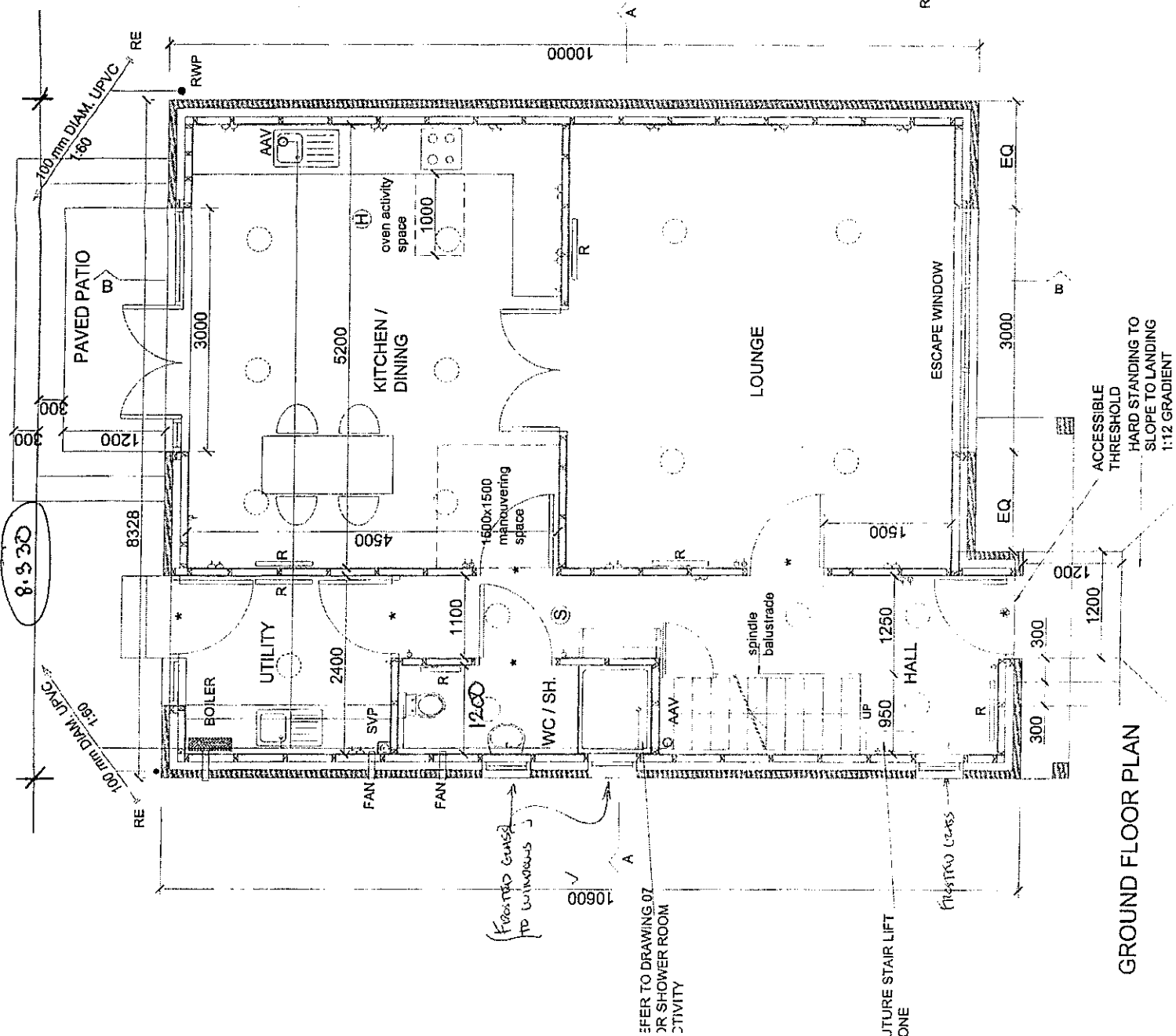
CROSS SECTION 1:100
X - X

* GROUND LEVEL LOWERED BY 350mm.
BELOW DATUM. AT STREET LEVEL
SITE ENTRANCE

- NEW BUILD PROFILE
- - - ORIGINAL APPROVED FLAT ROOF PROFILE
- NEW FINISHED GROUND WORK.

RECEIVED 10 JAN 2012
CORPORATE RESOURCES
FILE: 11 00780 QM

⑤	smoke detection
④	heat detection
③	light fitting
②	double power outlet
①	light switch
	radiator
✱	minimum clear door opening width 800mm
✱	minimum clear door opening width 775mm
	New stair minimum clear width 900mm wall to handrail
⑥	Escape window maximum 1100mm from floor to bottom part of opening part

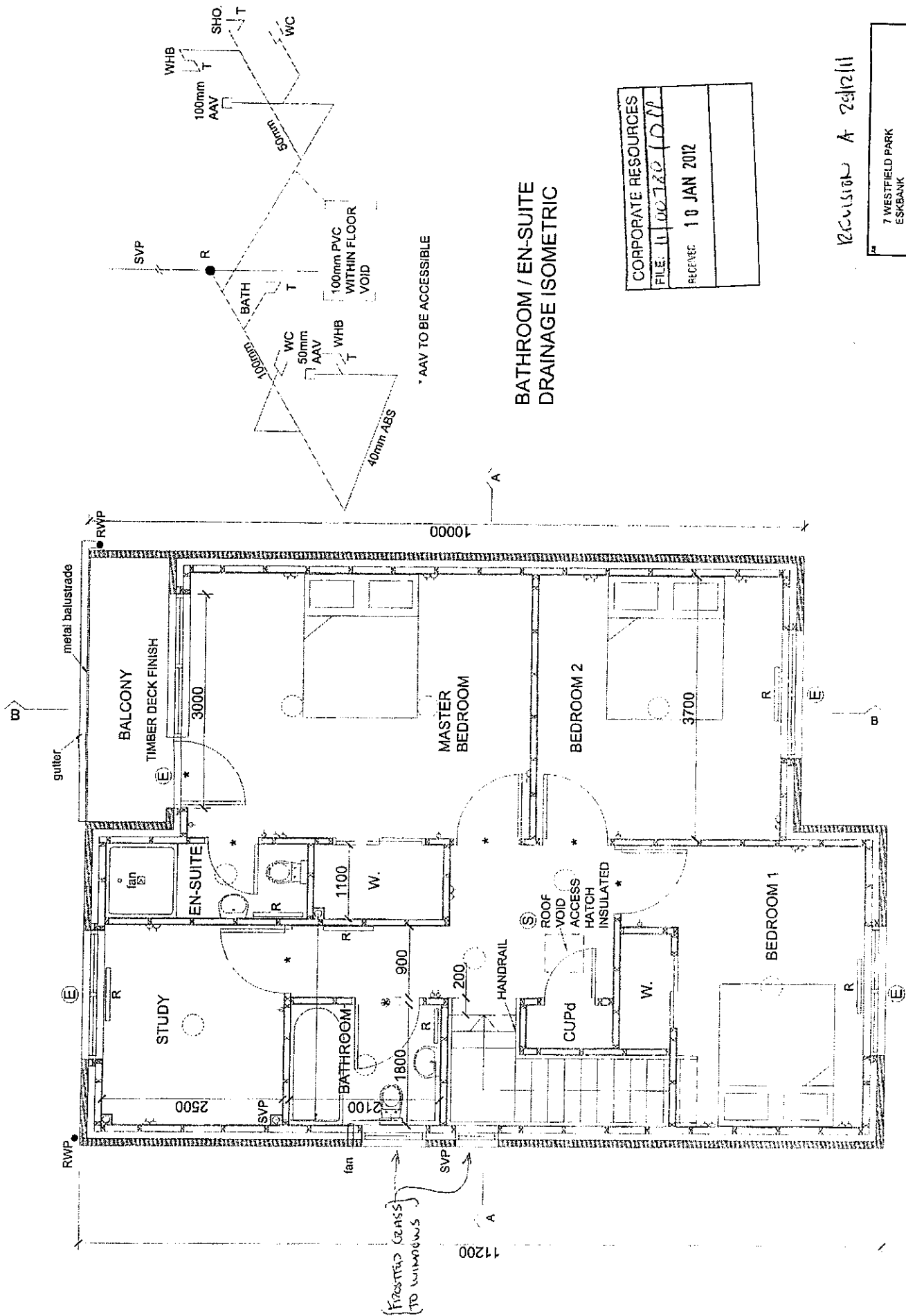


WHB 40mm ABS WASTE/TRAP
SHO 40mm ABS WASTE / ACCESSIBLE TR
SINK 40mm WASTE / ACCESSIBLE TRAP
RE = RODDING ACCESS
T = TRAP

Review 2-8/12/11

7 WESTFIELD PARK
ESKBANK
MIDLOTHIAN

WC/UTILITY
KITCHEN
DRAINAGE
ISOMETRIC

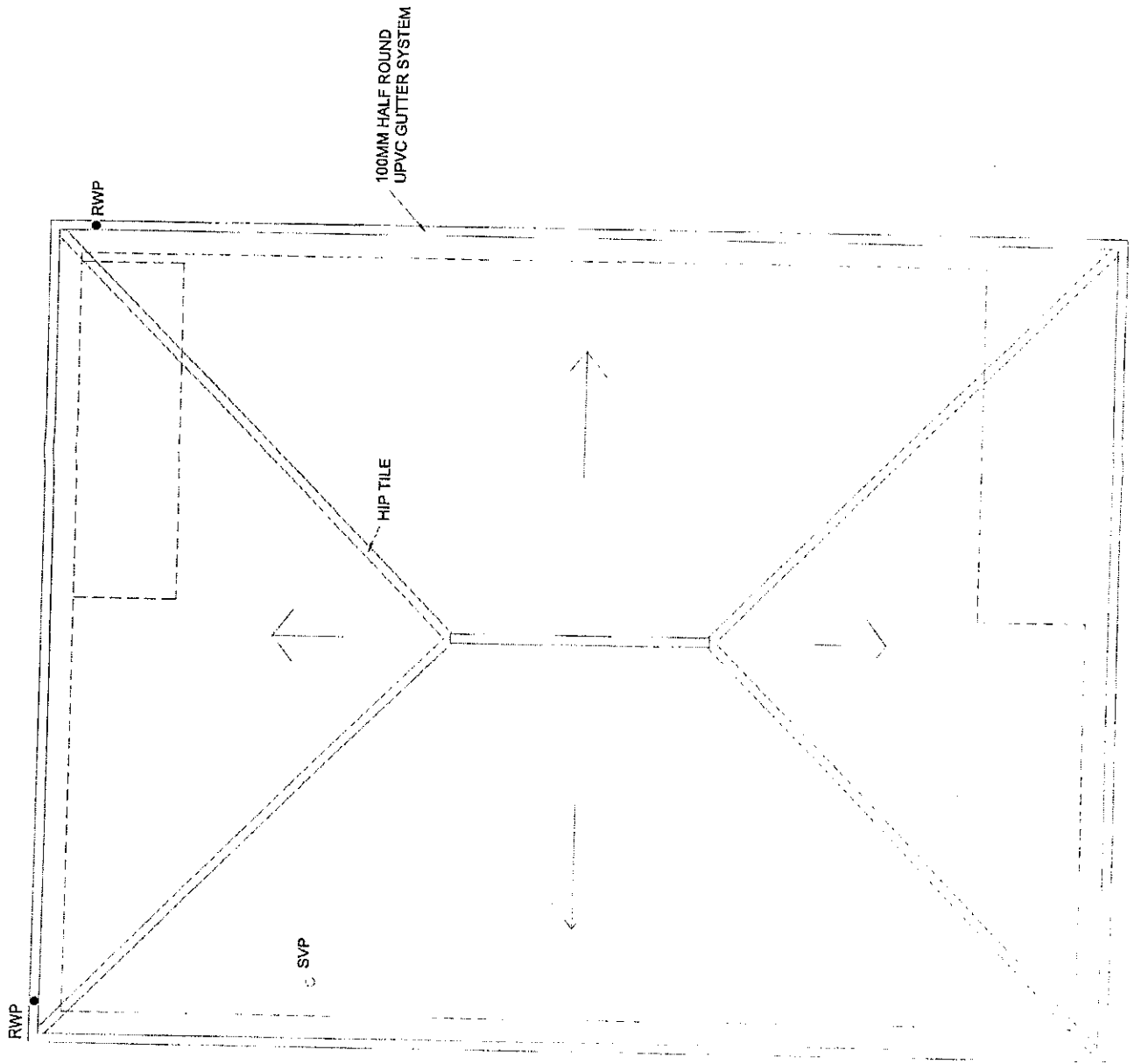


FIRST FLOOR PLAN

Revision A 2015/11/21

CORPORATE RESOURCES
 FILE: 44-38861-1088
 RECEIVED: 18 JAN 2012

7 WESTFIELD PARK
ESKBANK
MIDLOTHIAN



ROOF PLAN

CORPORATE RESOURCES	
FILE: 11-00780	10M
RECEIVED 10 JAN 2012	

Revised A 29/12/11

7 WESTFIELD PARK ESKBANK MIDLOTHIAN	
DATE: 15/01/2012	BY: J. M. J.
DEC 2011	
03	