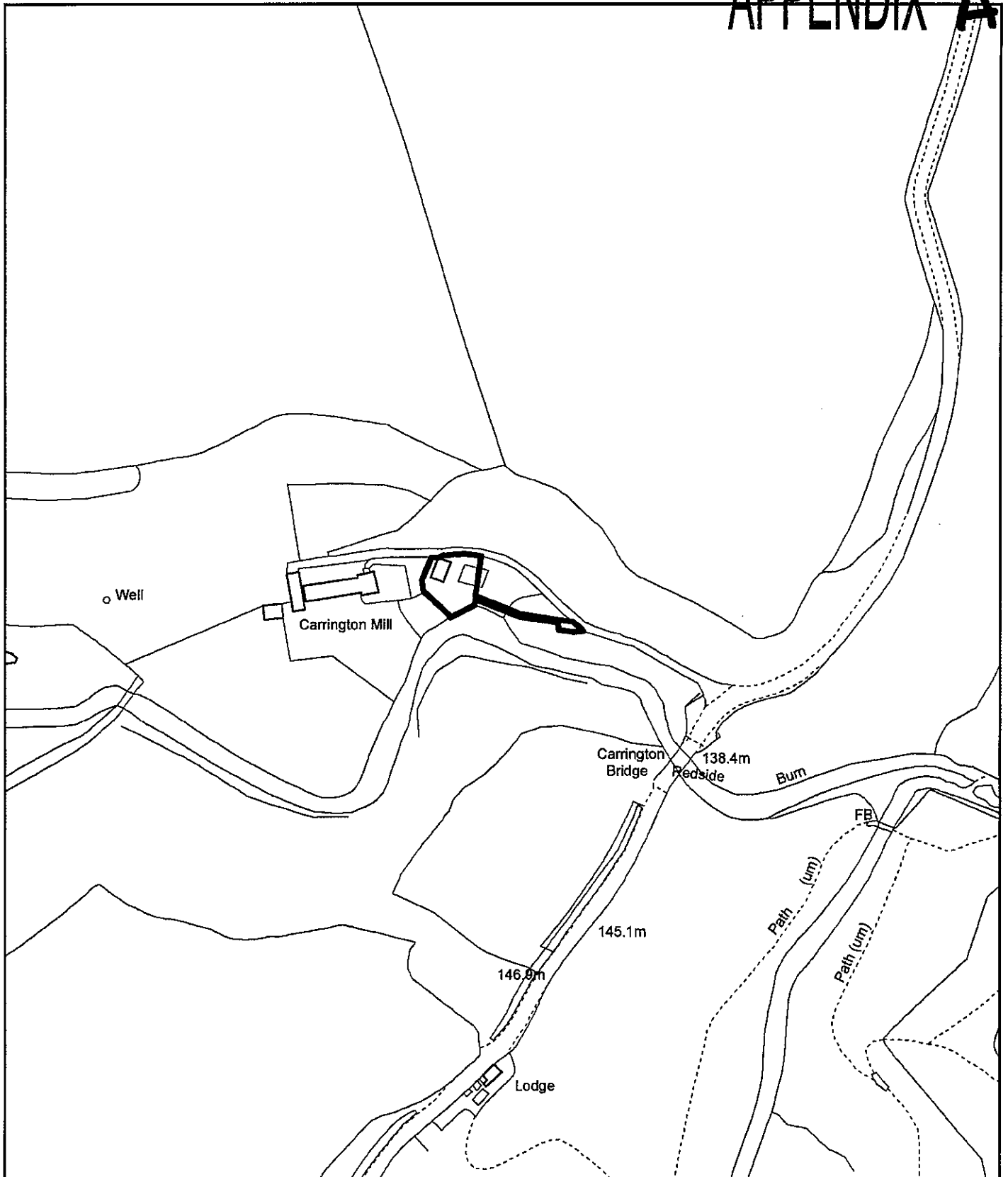


# APPENDIX A



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

Change of use of store building to form dwellinghouse and associated external works; including re-roofing, formation of door and window openings, installation of window and doors, erection of balcony, formation of access path and car parking area at Carrington Mill Gorebridge

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Midlothian Council Licence No. 100023416 (2014)

File No. 13/00736/DPP

Scale: 1:2,500



## 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 of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**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	Ms	Ref No.	
Forename	J	Forename	
Surname	Mercer	Surname	
Company Name		Company Name	Niall Young Architecture Ltd
Building No./Name	Carrington Mill	Building No./Name	32/12
Address Line 1	Carrington	Address Line 1	Hardengreen Bus. Pk
Address Line 2	Gorebridge	Address Line 2	Dalhousie Road
Town/City		Town/City	Dalkeith
Postcode	EH23 4SJ	Postcode	EH22 3NX
Telephone		Telephone	0131 660 6599
Mobile		Mobile	
Fax		Fax	0131 663 8771
Email		Email	info@nyarchitect.co.uk
<b>3. Application Details</b>			
Planning authority		Midlothian Council	
Planning authority's application reference number		13/00728/DPP	
Site address			
Carrington Mill, Carrington, Gorebridge. EH23 4SJ			
		CORPORATE RESOURCE	
		FILE:	
		RECEIVED - 7 MAR 2014	
Description of proposed development			
External and Internal alterations to store building associated with change of use to form dwellinghouse, including reroofing, formation of door and window openings, installation of windows and doors, erection of porch, erection of balcony at Carrington Mill, Gorebridge, EH23 4SJ			

Date of application	07-06-2013	Date of decision (if any)	06-12-2013
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**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.

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**4. Nature of Application**

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
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)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

---

**5. Reasons for seeking review**

Refusal of application by appointed officer	<input type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input checked="" type="checkbox"/>

---

**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	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input checked="" type="checkbox"/>

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?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" type="checkbox"/>

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.

We are appealing Condition 6 of the Planning Permission which refuses the corner section of the roof of the proposed dwelling to be glazed for the reason it would be out of keeping with the character of the building and would have significant adverse impact on the appearance.

The mill dates from late 18th Century and is set within a steep hillside. Currently there is very little architectural merit to the building. There are very few openings echoing the industrial functional requirements of this mill. The stonework is not decorative and the building is generally in a poor state of repair.

To convert the disused mill to a dwelling, the work involves significant alteration to the appearance of the building. The spacial arrangement and the organisation of proposed windows for a dwelling have been developed with consideration for the views to the stream and the South aspect.

The glazing has been concentrated sculpturally at the corner, which in turn preserves, as far as possible, the character of the building to the rest of the South, East and North elevations. Utilising existing openings and choosing a palette of suitable materials reference has been made to the building's former use as a mill.

The glazed section is only a small part of the overall corner feature and will not be detrimental to the overall character of the building, nor will it have an adverse impact on the appearance.

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 your 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

Statement of appeal.  
Original application.  
Drawings 1327(PA)01D & 1327(PA)02D.  
Decision Notice.

**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:

Name:

NIALL YOUNG.

Date:

05-03-14

NIALL YOUNG / AGENT

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.

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 13/00728/LBC and 13/00736/DPP

**Site Address:** Carrington Mill, Gorebridge.

**Site Description:** The application site comprises a stone-built mill building and associated garden ground. The building is built over two levels, taking into account a drop in ground levels within the site - on approach the building appears single storey. The roof is finished with cement sheets and the window frames are timber.

The surrounding area is covered with woodland. There is a cottage to the west which is also stone-built but has a slate roof. Both the mill building and cottage are C listed. The River South Esk runs along the south of the site, at a lower ground level than the building.

#### **Proposed Development:**

13/00728/LBC External and internal alterations to store building, associated with change of use to form dwellinghouse, including reroofing, formation of door and window openings, installation of windows and doors, erection of porch and balcony.

13/00736/DPP Change of use of store building to form dwellinghouse and associated external works, including reroofing, formation of door and window openings, installation of window and doors, erection of balcony, formation of access path and car parking area.

**Proposed Development Details:** It is proposed to change the use of the existing vacant mill building to a dwellinghouse. A number of internal alterations are proposed to accommodate a house including the erection of partition walls.

A number of external alterations are proposed. These include the formation of new window and door openings and alterations to existing openings. All windows are to be replaced. Some of the new windows are to be timber sash and case with others being timber framed. All window frames and doors are to be coloured grey. The window surrounds are to be cement with concrete cills and lintols. Some areas of natural stone or zinc infill are proposed around existing openings.

The existing southeast corner of the building is to be removed and replaced with glazing and zinc over both floors. A balcony is to be formed on the upper level of accommodation which is to be galvanised steel with a glass balustrade. Part of this removal of the building includes the corner of the roof being glazed.

It is proposed to erect a timber porch, with a pitched natural slate roof, on the front elevation. A flue is to project 0.4 metres above the hip of the roof. The rainwater goods are to be cast iron coloured to match the window frames and doors. The roof

of the main building is to be finished with pantiles. A rooflight is proposed on the north elevation. The site plan states a bin store is to be formed beside the porch but there are no details of this. A tree close to the front elevation is to be removed. An area of gravel is to be formed by the east of the building.

Two parking spaces are provided approximately 60 metres from the mill building linked by a path.

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

13/00435/LBC External and internal alterations to store building associated with change of use to form dwellinghouse, including reroofing, formation of door and window openings, installation of windows and doors, erection of porch, erection of timber decking and erection of balcony.

13/00436/DPP Change of use of store building to form dwellinghouse, and associated external works including reroofing, formation of door and window openings, installation of windows and doors, erection of porch, erection of timber decking, erection of balcony and formation of access path and car parking area.

Both of these applications were withdrawn after the planning authority recommended refusal due to the detrimental impact the proposed alterations would have on the character and appearance of the listed building.

**Consultations:**

**The Policy and Road Safety Manager** has no objection.

**The Flood Officer** has no objection.

**Scottish Water** has no objection.

**Archaeology** has no objection subject to conditions relating to a Historic Building Recording.

**Representations:** No letters of representation have been received.

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

**RP1 Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

**RP6 Areas of Great Landscape Value** which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;

**RP9 Protection of River Valleys** requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities;

**RP24 Listed Buildings** states that development will not be permitted where it would adversely affect the setting of a Listed Building. In regards to change of use, this will

only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building. Also, any alterations to listed buildings will only be permitted where their setting, scale, design, materials and detailing do not detract from, and where appropriate, enhance the original character of the building.

**DP1 Development in the Countryside** gives guidance on new buildings in the countryside. It is divided into 4 sections - Section 1.3 Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside is relevant. This states where it is demonstrated that farm steadings or other non-residential buildings have become redundant that support will be given to their conversion or, where justified and not in the Green Belt, redevelopment. There are various provisions contained within the policy explaining circumstances where there is support for such development; and

**DP2 Development Guidelines** sets out guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

**Historic Scotland - Scottish Historic Environment Policy** - states that in assessing applications for listed building consent, the planning authority is required to have a special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. There is a presumption against works which adversely affect the special interest of a listed building or its setting.

**Historic Scotland - Managing Change in the Historic Environment Guidance Notes – External walls:** The position and size of openings within the wall may be important indicators of the building's age, purpose, status or development through time. In regard to new openings, care should be taken to ensure that the cumulative effect of these does not harm the special interest of the building.

**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 principle of changing the use of this building to a dwellinghouse is supported by policy DP1 as it is a redundant building within the countryside. There is also support for its conversion as the building makes a significant and positive contribution to the landscape and its retention is considered beneficial to its surroundings – this is also reflected in it being listed as a building of local significance by Historic Scotland. As such, the basic principle of the conversion of this building to a dwellinghouse is considered acceptable.

Policy DP1 states that the building should be capable of conversion without requiring any alterations or extensions other than of a minor nature and provided that any alteration or extension does not detract from its character or attractiveness. Policy RP24 states that the change of use of listed buildings will only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building. As the building is a former mill, any new openings and alterations should reflect that the



building was not originally domestic but be in keeping with the industrial use of the building.

The proposed window openings and alterations are non-domestic in character and appearance and will result in the building retaining the appearance of a converted mill, whilst allowing alterations for it to be changed into a dwellinghouse. The plans state that banding around the windows are to be cement and the lintols and cills are to be concrete. These materials are not sympathetic to the character and fabric of this important listed building and are therefore considered unsuitable for use in the conversion. It would be appropriate to condition that the banding be smooth render and the lintols and cills natural stone.

The proposed porch is to be timber clad and traditional in style. It is in keeping with but will read as a later addition associated with the change to a house and is therefore acceptable. Replacing the existing roof with pantile is considered to enhance the appearance of the building. Due to its size and position, the flue would not detract from the appearance of the listed building. In addition, due to the size and position the proposed rooflight it would not detract from the appearance of the listed building.

The removal of the stone section of the south east corner of the wall and replacement with largely glazed areas with zinc cladding and the glazing of the corner of the roof have been discussed at length between the planning authority and the agent. The local plan policy and Historic Scotland policy and guidance are clear in that alterations to listed buildings which would not detract from and enhance the appearance of the building would be acceptable and that the special interest of the building shall not be affected by the proposed alterations.

The previously withdrawn applications at the site proposed a larger area of wall removal with the same amount glazing to the roof. Concerns were raised by the planning authority over the impact this would have on the character and appearance of the listed building. The agent submitted a number of amended plans before the current applications were submitted. The area of stone removal was reduced and the glazing simplified to an amount which the planning authority considered will not detract from the character and appearance of the listed building. Further details are required to show how the balcony is to be fixed to the building. However, the planning authority has consistently resisted the removal of an area of roof, and its replacement with glazing.

At present the building appears as a traditional mill with few openings and a plain, functional appearance and Historic Scotland consider the mill is in good condition and as such it is C listed. The simple design and form of this traditional building, and in particular its very simple roof design, is an important factor in creating its character. As noted above, careful consideration has been given to the proposed alterations to the building to retain the industrial mill appearance of the building through the conversion to a house. The proposed removal of a corner of the traditional roofplane would significantly alter the traditional form and appearance of the building. The historic character and attractiveness of this former mill building would be lost as a result and the alterations would detract from the traditional form

and appearance of the former mill. As such, the proposed glazing of part of the roof is not considered acceptable and will be conditioned out of any permission granted.

With regards to the proposed internal alterations, there are no features of architectural or historic merit within the building which would be lost as a result of the proposal.

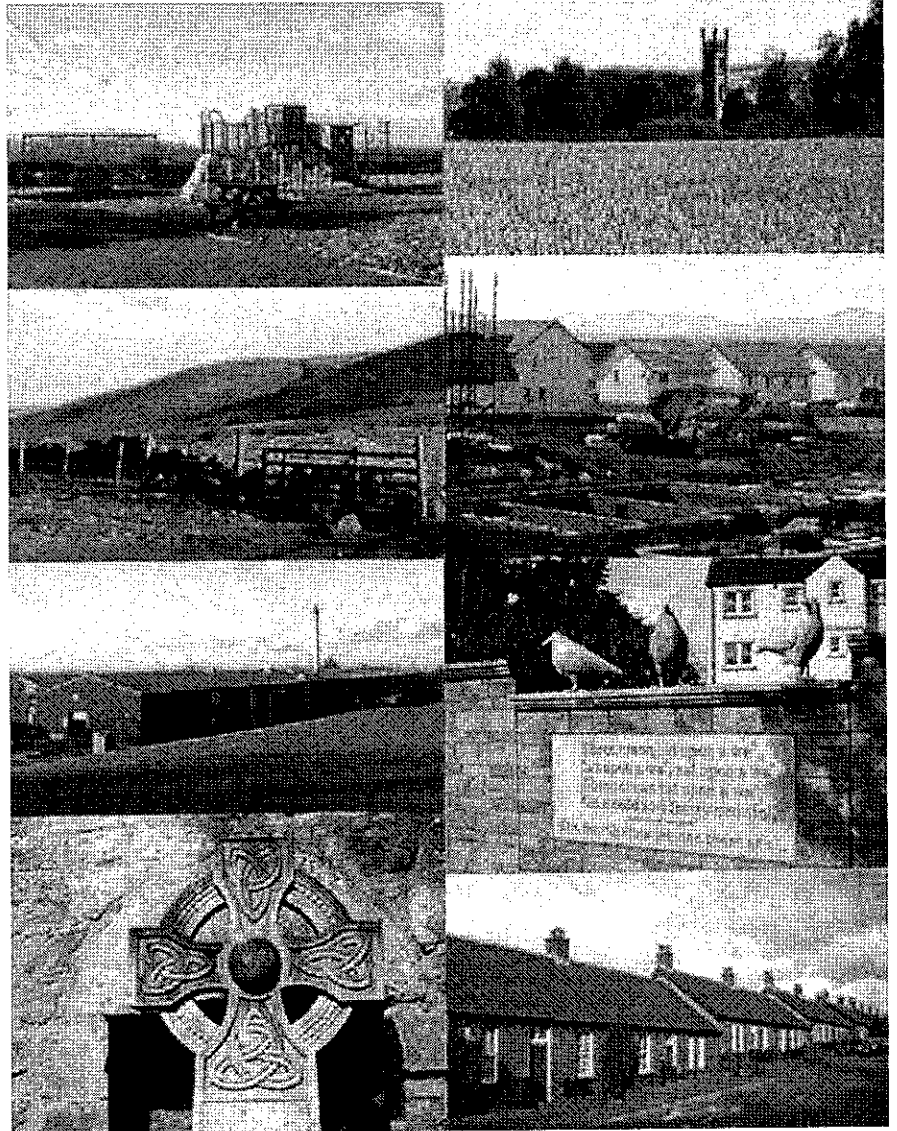
Sufficient garden ground would be provided through the clearing of an area of vegetation. This garden ground would be at a lower level than the access road to the cottage. No details of proposed boundary treatments have been submitted however careful consideration should be given to this to protect both the privacy of the garden ground and the setting of the listed building. Two parking spaces are proposed approximately 60 metres from the building which are to be accessed by a path. This is considered acceptable subject to details of the proposed hardstanding materials being submitted.

Although the site is located in an area covered by the protection of river valley, it is proposed to change the use of an existing building. The Flood Officer has no objection to the proposals and the site sits on a higher level than the building. As such the proposal is not contrary to this policy.

Overall, the principle of converting the former mill building to a dwellinghouse and most of the proposed alterations are considered acceptable. The works will result in the reuse of a vacant listed building which is welcomed.

**Recommendation:** Grant planning permission and listed building consent.

# 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

## 2.1 The Natural Heritage

### Policy Title

#### RP1 PROTECTION OF THE COUNTRYSIDE

**2.1.1 National Planning Policy** National policy on development in the countryside is set out in SPP 3 *Planning for Housing* (now replaced by SPP3 *Planning for Homes* – refer to para. 3.2.6) and SPP 15 *Planning for Rural Development*. SPP 3 *Planning for Housing* stipulates that, in general, rural housing should be provided in accessible locations, within or adjacent to existing settlements. This promotes a more sustainable pattern of development, making efficient use of land and buildings, safeguarding environmental resources and offering opportunities to reduce travel. Traditionally, planning policies have sought to restrict new houses in the countryside, to maintain rural character and amenity and safeguard agricultural production. SPP 3 sets out the case for some small-scale housing in rural areas to assist in the regeneration of the rural economy where this can be justified through local plans.

**2.1.2** SPP 15 *Planning for Rural Development* confirms that most development will continue to be met within or adjacent to existing settlements in the more accessible and densely populated areas. Once again, it suggests that there may be scope in rural areas for some small-scale housing development and for businesses to diversify where there is access to public transport and services, or where these may be provided at reasonable cost.

**2.1.3** SPP 3 and SPP 15 highlight the need for high quality development that fits in the landscape and further guidance is provided in PAN 72 *Housing in the Countryside*. Advice on rural diversification is set out in PAN 73 *Rural Diversification* which addresses issues such as sustainable diversification, accessibility, infrastructure, scale and design, and the need to respond to individual circumstances.

**2.1.4 Structure Plan Policy** The Structure Plan strategy for countryside areas is to strike a balance between protecting the character of the countryside from development pressures whilst allowing some limited and appropriate development. Midlothian's countryside falls within the Areas of Restraint referred to in para.1.2.19. ELSP policy ENV3 allows for acceptable development in the countryside where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside

development includes agriculture, horticulture, forestry and countryside recreation. Other types of development may be allowed including tourism and other recreational uses, the reuse of redundant rural buildings that make a positive contribution to the landscape, and agricultural diversification of an appropriate scale and character. Such developments must be justified in local plans and must:

- ❖ be well integrated into the rural landscape;
- ❖ reflect its character and quality of place; and
- ❖ not result in a significant loss of prime agricultural land.

Any additional infrastructure required as a result of such development must be either committed through the ELSP Action Plan or funded by the developer.

**2.1.5 Local Plan Policy** Local Plan policy for protecting Midlothian's countryside follows both national and Structure Plan guidance and makes provision for acceptable countryside development. It allows some scope for rural development opportunities related to specific countryside activities including farm diversification, tourism and waste disposal (where this is essential as a method of site restoration). Provision is made for appropriate development within the areas identified as non-conforming land uses in the Green Belt, where such development satisfies policy RP3, and for development in accordance with the detailed provisions for development in the countryside as set out in policy DP1.

**2.1.6** In all such cases development must demonstrate the need for a countryside location; have due regard to scale, character, landscape fit, accessibility to public transport and services; and avoid the significant loss of prime quality agricultural land.

**2.1.7** In certain locations some limited and controlled development related to low density housing, new or expanded businesses, the winning of mineral resources, renewable energy and tourist accommodation may be acceptable and specific provisions are set out in proposal ECON1 and policies HOU55, ECON7, ECON8, MIN1 and NRG1. In such circumstances, these policies take precedence over the provisions of policy RP1. For countryside areas that are also Green Belt, policy RP2 takes precedence. Additional limited development may be acceptable where it satisfies the particular provisions of policy DP1, for example, in respect of the reuse of redundant non-residential buildings in the countryside.

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**RP1 PROTECTION OF THE COUNTRYSIDE**

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Development in the countryside will only be permitted if:

- A. It is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or
- B. it is within a designated non-conforming use in the Green Belt; or
- C. it accords with policy DP1.

All such development will need to:

- A. demonstrate a requirement for a countryside location;
- B. be of a scale and character appropriate to the rural area;
- C. be well integrated into the rural landscape;
- D. avoid a significant permanent loss of prime quality agricultural land; and
- E. take account of accessibility to public transport and services (where appropriate).

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).

## Policy Titles

**RP6 AREAS OF GREAT LANDSCAPE VALUE****RP7 LANDSCAPE CHARACTER**

**2.1.29 National Planning Policy** SDD Circular 2/1962 introduced the concept of Areas of Great Landscape Value (AGLVs), requiring local authorities to define their boundaries and to exercise careful control over development proposals in order to safeguard these areas. Particular reference was made to their importance as a tourist resource. In addition, Scottish Natural Heritage (SNH) and Historic Scotland have produced *Guidance on Local Landscape Designations* which promotes the adoption of an 'all-landscapes' approach, within which landscapes of particular value that warrant safeguarding are designated. NPPG 14 *Natural Heritage* requires that policies be included in local plans for the conservation and enhancement of landscape character. In addition, SNH has produced *The Lothians Landscape Character Assessment*, which provides valuable local guidance on the character of Midlothian's landscape and its capacity to accommodate new development. The Conservation (Natural Habitats and Conservation) Regulations 1994 also expect policies to encourage the management of features of the landscape, which are of importance for wild flora and fauna, by maintaining their function in assisting the migration, dispersal and genetic exchange of wild species.

**2.1.30 Structure Plan Policy** ELSP policy ENV1D continues to safeguard AGLVs or other local landscape designations from inappropriate development. The extent of the areas of landscape interest should

be defined in local plans, and policies included for their protection and enhancement. In addition, ELSP policy ENV4 requires local plans to take account of landscape designations in accordance with new guidance produced by SNH.

**2.1.31 Local Plan Policy** It is essential not only to maintain the distinctiveness of Midlothian's landscape character, and its diversity as a whole, but also to recognise that there is a need to give particular protection to certain areas considered to be of outstanding local landscape value and attractiveness. These are identified as AGLVs which are areas sensitive to any developments that could potentially damage their special scenic attraction. For example, the widespread planting of conifers would be considered inappropriate within AGLVs, especially in open moorland or in "wild" landscapes.

**2.1.32** The Local Plan Proposals Map identifies the following areas as AGLVs:

- ❖ the rolling hill country of the Pentlands, Moorfoots and Lammermuirs;
- ❖ the incised river valleys of the North and South Esk and the Tyne;
- ❖ the estate landscapes of Penicuik, Arncliffe and Vogrie; and
- ❖ Gladhouse, Edgelaw, Glencorse, Rosebery, Loganlea and North Esk reservoirs.

**2.1.33** In addition, many localities contain areas of a diverse yet distinctive landscape character which enhance the attractiveness of Midlothian as a whole. Policy RP7 aims to afford protection to these local landscape character areas and to provide support for landscape planning and management.

**RP6 AREAS OF GREAT LANDSCAPE VALUE**

Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).

The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.

## Policy Title

**RP9 PROTECTION OF RIVER VALLEYS**

**2.1.41 National Planning Policy** NPPG 14 *Natural Heritage* recognises the natural heritage value of ancient and semi-natural woodlands and watercourses, both as important wildlife habitats and as valuable landscape features. Local authorities are required to protect these. The National Planning Framework for Scotland requires that development plans consider the distribution of development near watercourses to take account of the forthcoming River Basin Management Plans, in order to ensure that there is an integrated approach to water management. PAN 65 *Planning and Open Space* highlights the value of promoting and consolidating high quality networks of open spaces, including river corridors.

**2.1.42 Structure Plan Policy** The ELSP 2015 requires local plans to define areas of local value in terms of natural and built heritage (policy ENV1D). One of its objectives is to protect the natural environment from inappropriate or damaging development.

**2.1.43 Local Plan Policy** The river valleys of the North and South Esk and the Tyne unify some of Midlothian's valuable landscapes. They have great importance to Midlothian for their visual amenity, their rich habitats, and for providing recreational opportunities for local residents. The Local Plan defines a protection area for the North and South Esk on the Local Plan Proposals Map based on a landscape study *Esk River Valleys: Landscape Partnership Initiative* prepared for The Esk River Valleys Partnership by Land Use Consultants. It is intended to similarly define the protection area for the Tyne Valley in due course.

**2.1.44** The valleys are distinctive and attractive landscape features running through Midlothian. In the past, the management and protection policies

of the various estates has played a key role in their preservation and enhancement. The river valleys have a variety of protective policy designations scattered along their lengths, including AGLVs, SSSIs, and nationally important gardens and designed landscapes. However, the purpose of these policies does not provide a consistent and comprehensive basis for protecting each valley as a coherent entity. There is increasing concern about the negative effect that inappropriate development could have on the valuable amenity and access contribution made by the river valleys to Midlothian as a whole. Policy RP9 provides a unifying policy to control development in the vicinity of Midlothian's main river valleys.

**2.1.45** In recent years, enhancement work has been carried out in the valleys. Such work has focused on improving access through schemes such as the Esk Valley Way. Future enhancement is likely to focus on tree planting. The valleys are home to semi-natural and ancient woodlands that have enormous value in terms of biodiversity, and some are indeed designated as SSSIs. This policy will support the objective of environmental improvement by resisting inappropriate development, which could frustrate such schemes. Where dereliction occurs within the river valleys, redevelopment schemes which achieve environmental enhancement and landscape improvement will be supported, provided they are in accordance with other policies and proposals of the Local Plan. For example, the former Springfield Mill site is being treated and a local wildlife site created under the auspices of the Springfield Mill Action Group.

**2.1.46** It is the intention of the Council to apply to the Scottish Ministers for the designation of an Article 4 Direction Order to complement this policy. Removing permitted development rights for specific types of development should reduce the risk of the landscape being harmed by new developments such as visually prominent agricultural structures.

**RP9 PROTECTION OF RIVER VALLEYS**

Development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne will not be permitted unless there is a specific locational need for the development.

Where the locational requirement has been established, development must demonstrate that:

- A.** it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities; and
- B.** it is not in conflict with other relevant Local Plan policies (in particular the Water Environment policies).



## Policy and Proposal Titles

RP22	CONSERVATION AREAS
RP23	CONSERVATION AREAS – AMENDMENTS (PROPOSAL)
RP24	LISTED BUILDINGS

**2.2.9 National Planning Policy** Special controls in respect of buildings and areas of special architectural or historic interest are brought into force under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under this Act, the Scottish Ministers are required to compile a list of buildings of special architectural or historical interest (listed buildings). Local authorities are required to determine if there are areas of special architectural or historic interest (conservation areas) and if so, to designate these. Both are afforded additional protection through development plan policies seeking to preserve and enhance their character and appearance whilst taking into account that such areas must function successfully as places for social and economic activity. Guidance is set out in NPPG 18 *Planning and the Historic Environment* and in Historic Scotland's *Memorandum of Guidance on Listed Buildings and Conservation Areas*.

**2.2.10 Structure Plan Policy** Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENV1 and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.

**2.2.11 Local Plan Policy** Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.

**2.2.12** Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

and identify where there is scope for enhancing any special qualities.

**2.2.13** Minor changes to properties, which normally would not require planning consent, could erode the character and appearance of a conservation area. In Midlothian's Conservation Areas, the Council has put in place Article 4 Direction Orders to remove permitted development rights in order to ensure control over all changes. Requirements specific to individual Conservation Areas (Newtongrange, Broomieknowe and Lasswade & Kevoch) are contained in detailed policy DP5. Supplementary planning guidance specific to other Conservation Areas may be approved during the lifetime of the Plan. Work is currently in progress to prepare Conservation Area appraisals for all of Midlothian's Conservation Areas and, when approved as supplementary planning guidance, these will assist with planning decisions relating to development proposals and also help to guide any future enhancement schemes. Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups.

**2.2.14** There are twenty designated Conservation Areas in Midlothian, three of which are classified as outstanding for grant purposes. Defined on the Local Plan Proposals Map, their locations are: Borthwick & Crichton (outstanding), Broomieknowe, Carrington, Dalkeith (outstanding), Dewartown, Edgehead, Eskbank & Ironmills, Fala, Fala Dam, Gorebridge, Howgate, Lasswade & Kevoch, Mavisbank (outstanding), Newbattle, Newlandrig, Newtongrange, Pathhead & Ford, Penicuik, Roslin, and Temple & Arniston. The Local Plan makes provision for the designation of a new Dalhousie Conservation Area, the boundary for which is shown on the Local Plan Proposals Map. In addition, amendments are to be made to the boundaries of the Lasswade & Kevoch, Mavisbank and Penicuik Conservation Areas (policy RP23) to ensure that they better reflect the architectural and historic significance of these areas. Statutory procedures are required to implement these proposals, and to update the Article 4 Direction Orders applicable within the Conservation Areas.

**2.2.15** In conjunction with the Dalkeith town centre regeneration project, the Council is proposing a Townscape Heritage Initiative within the Dalkeith Conservation Area. This is a Heritage Lottery-funded grant initiative which supports schemes led by partnerships of local, regional and national interests that aim to regenerate the historic parts of their towns and cities. The proposed project focuses on:

- ❖ protecting the historic/architectural fabric of Dalkeith;
- ❖ enhancing the Conservation Area and improving the quality of the public realm;
- ❖ encouraging additional investment in the social and economic infrastructure of Dalkeith, including the reuse of historic buildings; and
- ❖ promoting greater awareness of conservation and the historic environment.

The initiative seeks to involve all sections of the local community in the project and has attracted initial support from the local business community. The Council will seek developer contributions from the proposal HOUS1 sites in Dalkeith as part of the project partnership (refer to policy IMP3).

## RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

### New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

### Demolition

- A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
  - ❖ the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
  - ❖ the Conservation Area will be enhanced as a result of the redevelopment of the site; and
  - ❖ there is no alternative location physically capable of accommodating the proposed development.
- B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

## **RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)**

The following changes will be made to Conservation Areas, as defined on the Local Plan Proposals Map:

- ❖ amendments to the boundaries of the Conservation Areas at Lasswade and Kevoek, Mavisbank, and Penicuik;
- ❖ the designation of a new Dalhousie Conservation Area.

Policy RP22 shall apply within the new/amended boundaries.

## **RP24 LISTED BUILDINGS**

Development will not be permitted which would adversely affect the character or appearance of a listed building, its setting or any feature of special or architectural or historic interest that it possesses.

### **New Development**

Development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.

### **Demolition**

Demolition will only be permitted in exceptional circumstances where:

- A. the proposed demolition is of an addition to the building which is of little architectural or historic value and its removal would result in an improvement to the quality of the original building; or
- B. there is an overriding requirement in the public interest to allow the redevelopment of the site, the proposed use cannot physically be accommodated elsewhere and the listed building is incapable of adaptation without material loss to its character or appearance; and in either case
- C. there are approved plans for the future development of the site and agreement has been reached on the timescale for demolition and redevelopment.

### **Extensions and Alterations**

Proposals for extensions and/or alterations to a listed building will only be permitted where their siting, scale, design, materials and detailing do not detract from and, wherever appropriate, enhance the original character of the building.

### **Change of Use**

The change of use of a listed building will only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building.

## 4.1 Development in the Countryside

### DP1 DEVELOPMENT IN THE COUNTRYSIDE

#### 1 New Housing

##### 1.1 Single Houses (not related to Housing Groups/ Farm Steadings)

New houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity (see policy RP1 - Protection of the Countryside and policy RP2 - Protection of the Green Belt for definition of respective acceptable countryside activities). Applicants will be required to show that the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long-term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements.

In approving the new house, the Council will require that it, and any other houses within the control of the applicant related to the same countryside activity, will be subject of an occupancy condition and/or a legal agreement. It will generally be the case that a legal agreement will be required. This will relate to the employment of the occupiers of the house or houses, and tie the new dwelling to the landholding associated with the countryside activity in question.

Any single new dwelling shall:

- a) fit in the landscape and be of a character appropriate to existing houses in the local area;
- b) be capable of being served by an adequate and appropriate access;
- c) be capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses;
- d) be no larger in size than required to fulfil the purpose for which the development has been allowed; and
- e) incorporate sustainable building design.

##### 1.2 Housing Groups

Where there are clearly identifiable groupings of 5 or more houses in close proximity, already located in the countryside and outwith village envelopes, it may be possible to supplement these with a limited number of additional dwellings subject to the following criteria:

- a) the location is outwith the Green Belt;
- b) the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period;
- c) the location is close to local services (school, shops) and/or has access to a regular public transport service giving access to such facilities;
- d) the new units fit in the landscape and are of a character and scale appropriate to the existing units;
- e) the new units are capable of being served by an adequate and appropriate access;
- f) the new units are capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoid unacceptable discharge to watercourses;
- g) the new units incorporate sustainable building design;
- h) the new units enhance the landscape and appearance of the existing group of buildings; and
- i) the new units will not result in ribbon development and the plot size/width should be similar to other units within the group.

Housing groups to which this policy may apply must form a cohesive entity. The new unit should generally be located within gaps in the group.

Supplementary planning guidance will be prepared identifying house groups to which this section of DP1 should apply. The success or otherwise of the new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.

### 1.3 Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside

Where it can be demonstrated that farm steadings or other group/s of non-residential buildings have become redundant, support will be given to their conversion or, where justified and not in the Green Belt, redevelopment. Where buildings are capable of renovation and conversion, and are examples of traditional, architectural or historic interest, their demolition and redevelopment will be resisted. Premature demolition of such properties, in advance of approval for replacement buildings, will be likely to result in the Council considering the replacement buildings proposal in terms of policy DP1 Section 1.1. Any increase in the footprint of the existing buildings shall require to be justified as being necessary to the overall quality of the development. In the case of conversion, the proposal shall meet the following criteria:

- a) the building makes a significant and positive contribution to the landscape and its retention is considered to be beneficial to its surroundings;
- b) the building is capable of conversion without requiring any alterations to its external appearance or any extensions other than of a minor nature, and provided that any such alteration or extension does not detract from its character or attractiveness;
- c) the building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding;
- d) the building is capable of being served by an adequate and appropriate access;
- e) the building can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- f) the conversion of the building to such use is, in the particular circumstances of the case, the most satisfactory means by which it may be retained.

In the case of redevelopment, the resulting buildings will:

- a) make a significant and positive contribution to the landscape;
- b) be of a character and scale appropriate to its immediate surroundings;
- c) be capable of being served by an adequate and appropriate access;
- d) be capable of being serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- e) only exceptionally exceed 5 houses, unless the site is close to an existing settlement;

and, in both circumstances (conversion and redevelopment), criteria B, C and F of policy COMF4 will apply.

### 1.4 Rural Buildings of Value

There are a number of large rural non-residential buildings that are either listed or of other value to the local landscape and whose current use has or may become redundant. As a means of retaining or enhancing the building (and associated structures), and proposals being restricted to such properties lying outwith the Green Belt, there could be scope for some additional new development not normally supported in these locations if fully justified as necessary to enable the conversion/restoration.

The additional new development shall:

- a) only be that necessary to effect the conversion/ restoration and the new development is the only practical means by which the conversion/ restoration can be achieved;
- b) not detract from the character of the original building of value;
- c) be of a scale and design to complement the original building;
- d) be capable of being served by an adequate and appropriate access;
- e) take cognisance of proximity to public transport services and other community facilities in considering the number of new dwellings; and
- f) be capable of being serviced at reasonable cost and avoiding unacceptable discharge to watercourses.

Rosslynlee is a potential candidate for supporting such development. As a means to enable the conversion of the C(s) listed house, once it is no longer required for healthcare use, options will be considered for alternative use of the building along with some new development within the grounds that is required to support the agreed conversion. The site includes areas where redevelopment could be acceptable as a means to replace buildings that do not enhance the setting of the listed building. The site has a number of limitations, principally its remoteness from community facilities; lack of public transport provision; and substandard road access. Any conversion/partial redevelopment would have to be of a scale and design to address these issues appropriately. The Council will continue to work with interested parties to achieve an acceptable scheme for the Rosslynlee site.



In addition (and as an exception), to enable restoration/improvement to the fabric of Dalkeith Palace and/or the listed or other important structures within the grounds of Dalkeith Estate, consideration will be given to appropriate proposals within Dalkeith Estate that are complementary and associated with its current historic/tourist functions.

## 2 Design of New Housing

New houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and will in most instances be traditional in nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of high quality external finishing materials will be required. On open sites, or within areas of established sensitivity, such as Conservation Areas, Areas of Great Landscape Value or along the main tourist routes, new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes.

## 3 House Extensions

Extensions to existing dwellings which could be used to provide a second dwelling will only be allowed if subject to a legal agreement preventing future subdivision. (Refer also to detailed development policy DP6 - House Extensions.)

## 4 Replacement Houses

The demolition of an existing dwelling in the countryside and its replacement by a new house on the same site will be permitted where:

- a) the proposal relates to a complete dwelling (i.e. not the plot of a previous, now demolished, house); and
- b) it can be demonstrated that the existing dwelling is incapable of renovation or improvements to allow its continued habitation; and
- c) the size of the proposed dwelling is not significantly larger than the existing dwelling; and
- d) the appearance of the new dwelling is a significant improvement on the existing property and therefore enhances the environment of the area; and
- e) the existing dwelling is served by an adequate and appropriate access and is already serviced at reasonable cost with an acceptable discharge to local watercourses or to mains drainage; and
- f) sustainable building design is incorporated.

## 5 Appearance of All Buildings

All new buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape, conform with the countryside policies, and incorporate sustainable building design.

## 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 110m<sup>2</sup>;
- b) houses of 4 apartments or more should have usable garden areas no less than 130m<sup>2</sup>;

Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100m<sup>2</sup>.

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.

# Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 13/00736/DPP

Niall Young Architecture Limited  
32/12 Hardengreen Business Park  
Dalhousie Road  
Eskbank  
EH22 3NX

Midlothian Council, as Planning Authority, having considered the application by Ms Joan Mercer, Carrington Mill, Gorebridge, EH23 4SJ, which was registered on 14 October 2013, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

**Change of use of store building to form dwellinghouse and associated external works; including re-roofing, formation of door and window openings, installation of window and doors, erection of balcony, formation of access path and car parking area at Carrington Mill, Gorebridge, EH23 4SJ**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	1327(PA)02D 1:1250 1:500	14.10.2013
Elevations	1327(PA)01D 1:100 1:50	14.10.2013

This permission is granted for the following reason:

*The proposed development relates to the redevelopment of a redundant building in the countryside and, with the exception of the glazing of the roof, the proposed alterations would enhance the appearance of the building and as such complies with policies RP1, R6, RP24 and DP1 of the adopted Midlothian Local Plan.*

Subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
  - a) Details and a sample of all roof materials;
  - b) Details and a sample of all wall materials;
  - c) Details of the colour of the flue;
  - d) Details of the appearance of the bin store;
  - e) Details of all hardstanding materials, including paths and parking areas;
  - f) Details of the appearance, size, position and materials of all proposed walls, fences, gates and other means of enclosure; and
  - g) Detailed plans to a scale of 1:20 showing how the balcony is to be fixed to the existing building.
2. Unless otherwise approved in writing by the planning authority the roof material approved in condition 1a) above for the porch shall be natural slate.
3. Unless otherwise approved in writing by the planning authority the wall materials

approved in condition 1b) above shall be natural stone, zinc and timber cladding.

**Reason: for conditions 1 - 3:** *These details were not submitted with the original application and are required in order to protect the character and appearance of the listed building and the surrounding area of great landscape value.*

4. The use of cement banding and concrete cills and tiles around the openings are not approved: unless otherwise agreed in writing by the planning authority, the banding shall be smooth render, colour to be agreed by the Planning Authority, and the cills and lintels shall be natural stone.

**Reason:** *To ensure traditional materials are used to protect the appearance of the listed building.*

5. The rooflight hereby approved shall be installed in a manner which ensures that its upper surface is as near flush as possible with the upper surface of the roof into which it is to be installed and with minimal flashing. A detailed section drawing or manufacturer brochure showing this shall be submitted for the prior written approval of the Planning Authority.

**Reason:** *To protect the character and appearance of the listed building.*

6. The proposed glazing of the southeast corner of the building is not approved: this area shall be finished in pantiles to match the proposed reroofing of the building.

**Reason:** *For the avoidance of doubt: the proposed glazing of this part of the roof would be out of keeping with the character of the listed former mill building and would have a significant adverse impact on its appearance.*

7. No development shall take place on site until the applicants or their successors have submitted a programme of archaeological evaluation, including a historic building report and methodology for a watching brief, which has been approved in writing by the Planning Authority. This programme shall be undertaken by an archaeologist or archaeological organisation approved by the Planning Authority. A written report of the evaluation and investigation shall be submitted to the Planning Authority, including recommendations for any archaeological protection or mitigation measures required. The applicants or their successors shall implement these measures throughout the course of the development, and shall afford access at all times to the approved archaeologist/archaeological organisation in order to recover or record any archaeological finds discovered.,

**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.*

Dated 6 / 12 / 2013



.....  
Duncan Robertson  
Senior Planning Officer; Local Developments,  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal  
Authority**

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison:

Direct Telephone: 01623 637 119

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

Website: [www.coal.decc.gov.uk/services/planning](http://www.coal.decc.gov.uk/services/planning)

### **INFORMATIVE NOTE**

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

*This Informative Note is valid from 1<sup>st</sup> January 2013 until 31<sup>st</sup> December 2014*

## PLEASE NOTE

This permission does not carry with it any necessary consent or approval to the proposed development which may be required under the Building (Scotland) Acts and Regulations or under any other Statutory Enactment.

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](http://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.

### Duration of Planning Permission and/or Listed Building Consent

The permission hereby approved lapses on the expiration of a period of either:

- a) three years from the date of this decision notice, if the permission is for **detailed planning permission (DPP)** or **listed building consent (LBC)** as specified in Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006); or
- b) two years from the date of approval by the planning authority of the last application for matters specified in conditions to be approved if the permission is for **planning permission in principle (PPP)** as specified in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006). Applications for approval of matters specified in conditions shall be made to the planning authority within three years from the date of this permission.

Prior to any work taking place on site all pre commencement conditions attached to a grant of planning permission must be agreed in writing with the planning authority. Failure to do so could result in any development works taking place being unauthorised and undertaken at your own risk and expense.

### The Felling of Trees

Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers should note that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended).

Developers should note that any felling carried out without either a licence or other valid permission is an offence. This can mean, on conviction, a fine of up to £2,500 (level 4 on the standard scale) or twice the value of the trees, whichever is higher with the conviction being recorded.

Contact your local Forestry Commission Scotland Office if you are not certain whether exemptions apply. You can get an application form for a felling licence from the Forestry Commission website [www.forestry.gov.uk](http://www.forestry.gov.uk) or any Forestry Commission Scotland Office.

### 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](http://www.midlothian.gov.uk)

## IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

### Making an application

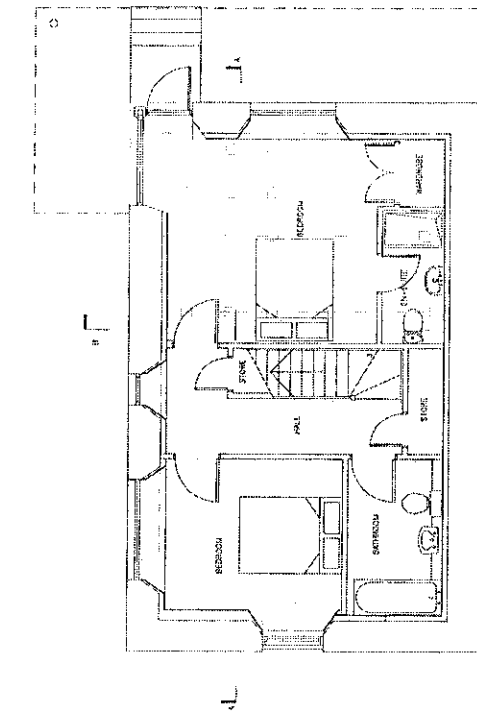
Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

### Making comment on an application

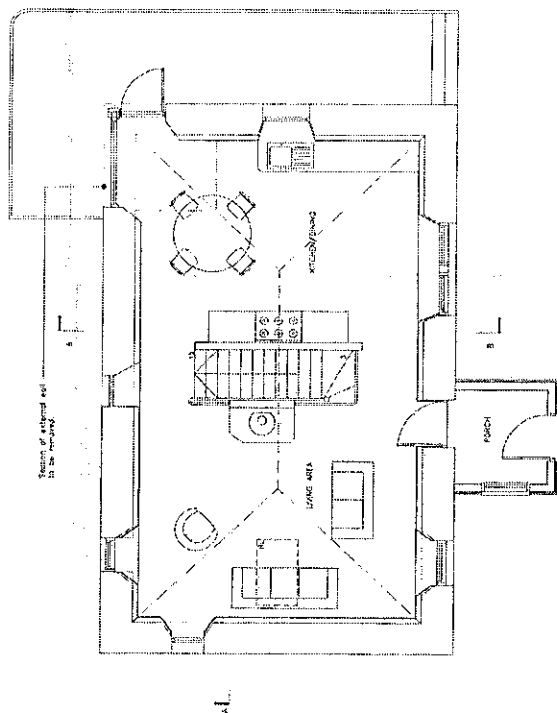
Please note that any information, consultation response, objection or supporting letters submit in relation to a planning application, will be published on the Council's website.

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.

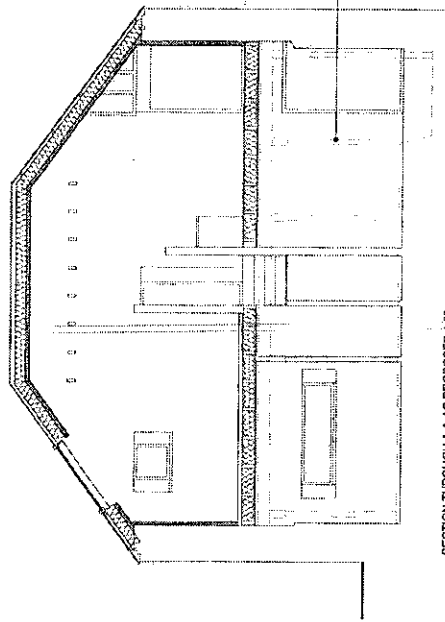




LOWER LEVEL PLAN AS PROPOSED 1:50

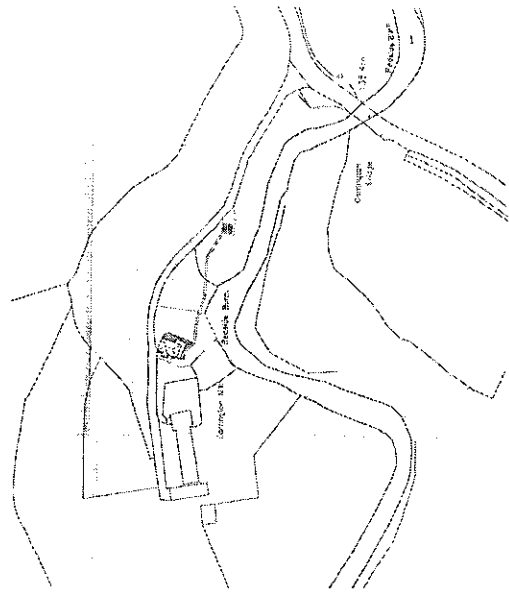


UPPER LEVEL PLAN AS PROPOSED 1:50



SECTION THROUGH AA AS PROPOSED 1:50

SITE PLAN AS PROPOSED 1:500



SITE LOCATION PLAN 1:250

PROJECT: RESIDENCE	DATE: 14 OCT 2010
REF: 135/500/12509A1	DO NOT SCALE
DATE: 14 OCT 2010	DATE: 04.06.12

Revised: 14.10.12. Revised after planning.  
 Date: 14.10.12. Revised after planning.  
 Date: 14.10.12. Revised after planning.  
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 Date: 14.10.12. Revised after planning.

PLANS AS PROPOSED  
 SECTIONS AS PROPOSED  
 SITE PLAN AS PROPOSED  
 SITE PLAN AS PROPOSED

MRS J MERCER  
 PROPOSED DWELLING  
 CARRINGTON MILL, MIDLOTHIAN, EH23 4 SJ

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 2023 Hawthorn Business Park  
 Edinburgh, EH23 3JX  
 Tel: 0171 662 5999  
 Fax: 0171 662 5977

135/500/12509A1  
 DO NOT SCALE  
 DATE: 04.06.12

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