

# Notice of Meeting and Agenda



## Local Review Body

**Venue:** Virtual Meeting,  
[Venue Address]

**Date:** Monday, 30 November 2020

**Time:** 13:00

### Executive Director : Place

**Contact:**

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: [mike.broadway@midlothian.gov.uk](mailto:mike.broadway@midlothian.gov.uk)

### Further Information:

This is a meeting which is open to members of the public.

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## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declaration of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **4 Minute of Previous Meeting**

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- 4.1** Minute of Meeting held on 27 October 2020 - For Approval. 3 - 6

## **5 Public Reports**

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Notice of Review Requests – Determination Reports by Chief Officer: Place.

- 5.1** 1-3 Buccleuch Street, Dalkeith 19/00905/DPP 7 - 28
- 5.2** 124A John Street, Penicuik 20/00185/DPP 29 - 50
- 5.3** 16 George Terrace, Loanhead 20/00002/DPP 51 - 72
- 5.4** 62 Royal Court, Penicuik 19/00977/DPP 73 - 94

## **6 Private Reports**

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No private reports to be discussed at this meeting.

## **7 Date of Next Meeting**

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The next meeting will be held on Monday 14 December 2020 at 2.00 pm.

Plans and papers relating to the applications on this agenda can also be viewed online at - <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

# Minute of Meeting



## Local Review Body

Date	Time	Venue
Tuesday 27 October 2020	1.00pm	Virtual Meeting using MS Teams

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Smail

### In Attendance:

Derek Oliver, Chief Officer Place	Peter Arnsdorf, Planning Manager
Mike Broadway, Democratic Services Officer	

## 1 Apologies

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Apologies for absence were received from Councillors Baird and Lay Douglas.

## 2 Order of Business

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The order of business was confirmed as outlined in the agenda that had been previously circulated.

## 3 Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4 Minute of Previous Meeting

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The Minute of Meeting of 18 February 2020 was submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – 8 Lasswade Court, 32 School Green, Lasswade (19/00476/DPP).	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report dated 4 September 2020 by the Chief Officer Place, regarding an application from Mr A McDonald, 8 Lasswade Court, 32 School Green, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (19/00476/DPP, refused on 7 November 2019) for the installation of replacement windows at that address.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p>		
<b>Summary of Discussion</b>		
<p>Having heard from the Planning Advisor, the LRB gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that permitting the use of UPVC windows in a Conservation Area would have in Policy terms and in terms of setting a potential precedent. The general feeling being that if going forward the use of UPVC was to be permitted in conservation areas then it would be best achieved as a result of a review of the current development plan policies. Notwithstanding this view, the LRB where of the opinion that with regards the current review request if the quality and design were of a similar standard that they complement the windows of the other neighbouring properties then, on balance it was unlikely to have a significantly detrimental impact on the amenity of those properties. It also would not undermine the spirit of those development plan policies designed to protect Conservation Areas.</p>		

## Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed replacement windows will not have a detrimental impact on the host building or the Lasswade and Kevoek Conservation Area.*

subject to the following condition –

1. Notwithstanding the plans hereby approved, details of the design and means of opening of the replacement windows shall be submitted to the planning authority for prior written approval. The windows shall be of a traditional design and means of opening to reflect the character of Lasswade Court and shall not be perceivably different to timber windows. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *For sake of clarity. The application as submitted was unclear in terms of the details of the design and opening method of the replacement uPVC windows. So as to ensure the design and means of opening of the windows reflect the character of the house and are sympathetic to its setting in a Conservation Area.*

## Action

Planning Manager

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land at 10 Kirkhill Terrace, Gorebridge (19/01025/DPP).	Peter Arnsdorf

## Executive Summary of Report

There was submitted report, dated 4 September 2020 by the Chief Officer Place, regarding an application from Mr D Liston, Liston Architects, 3F2, 33 London Street, Edinburgh seeking, on behalf of his client Mr D Allan, Nettleingflat, Heriot, Scottish Borders a review of the decision of the Planning Authority to refuse planning permission (19/01025/DPP, refused on 27 January 2020) for the erection of a dwellinghouse at land at 10 Kirkhill Terrace, Gorebridge.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

## Summary of Discussion

The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered at length the potential impact that permitting the proposed development in its current

form would have on the character and appearance of the area. Of particular concern were the departures from the previously consented house which added significantly to the scale of the development, and arguably resulted in an overdevelopment of the site, the central dormer which did not appear in either the original, nor the current scheme, and the design, which was neither traditional nor contemporary.

### Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reason:

1. *As a result of its size, massing, floor area and architectural detailing the proposed dwellinghouse is not of sufficient good design, being neither of a traditional design nor of a high quality contemporary design. The proposed dwellinghouse would not complement or enhance the character of the area, nor would the proposed materials. This is contrary to policies DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017. In addition, the lack of a high quality design-led approach is contrary to the terms of the Scottish Planning Policy.*

In addition, the LRB agreed to authorise whatever necessary follow up action was required in order to secure the removal of the unauthorised building works.

### Action

Planning Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next scheduled meeting will be held on Monday 30 November 2020 at 1.00pm.

The LRB, in welcoming the new temporary arrangements which had been put in place, agreed to remit to officers to arrange two further additional meetings – one in November and one in December.

(**NB** - Following the meeting arrangements were agreed in consultation with the Chair, Councillor Imrie, and the LRB's Planning Advisor, Peter Arnsdorf, for the additional Special Meetings of the Local Review Body to be held on - **Monday 23 November 2020 at 2.00pm** (in place of the Planning Committee Site Visits, which are cancelled); and **Monday 14 December 2020 at 2.00pm**).

The meeting terminated at 1.59pm.

## **Notice of Review: 1-3 Buccleuch Street, Dalkeith**

### **Determination Report**

Report by Derek Oliver, Chief Officer Place

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

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from restaurant (class 3) to public house (sui generis) at 1-3 Buccleuch Street, Dalkeith.

#### **2 Background**

- 2.1 Planning application 19/00905/DPP for the change of use from restaurant (class 3) to public house (sui generis) at 1-3 Buccleuch Street, Dalkeith was refused planning permission on 19 December 2019; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C); and
  - A copy of the decision notice, excluding the standard advisory notes, issued on 19 December 2019 (Appendix D).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

#### **4 Procedures**

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

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was two consultation responses and seven representations received. As part of the review process the interested parties were notified of the review. Two additional comments reaffirming their objections have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Prior to the commencement of the development, details of the proposed boundary treatment of the external seating area, including the design, dimensions, materials and finish, shall be submitted to and approved in writing by the planning authority.

**Reason:** *These details were not submitted with the application; in order to ensure any boundary treatment is in keeping with the surrounding conservation area.*

2. Prior to the commencement of the use hereby permitted, details of any proposed extract ventilation system, including a drawing showing its location, external appearance and finish, should be submitted to and approved in writing by the planning authority. The use hereby permitted shall not commence trading until the approved ventilation is operational in accordance with the details approved in writing by the Planning Authority.
3. The extract ventilation system approved in condition 2 shall be designed and installed such that cooking effluvia are ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises.

**Reason for conditions 2 and 3:** *These details were not submitted as part of the application: to protect the visual amenity of the surrounding conservation area; to protect nearby residential amenity.*

4. Prior to the commencement of development, details of measures to upgrade the sound insulation properties of the application site shall be submitted to and agreed in writing by the planning authority. This shall ensure that amplified music and vocals arising from the application site is inaudible within any neighbouring residence.
5. No amplified music or sound reproduction equipment used in association with the use hereby permitted shall be audible within any nearby residential property.
6. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR20 when measured within any nearby living apartment and no structure borne vibration is perceptible within any nearby living apartment.
7. The proposed boundary treatments approved in condition 1 shall be a close boarded fencing which shall not be removed without the prior written approval of the planning authority.
8. The external seating area hereby permitted shall only be open to the public within the following hours:

Mondays to Sundays: 11am to 9pm.

9. There shall be only be deliveries to the application within the following hours:

Mondays to Sundays: 7am to 10pm.

**Reason for conditions 4 and 9:** *To safeguard nearby residential amenity.*

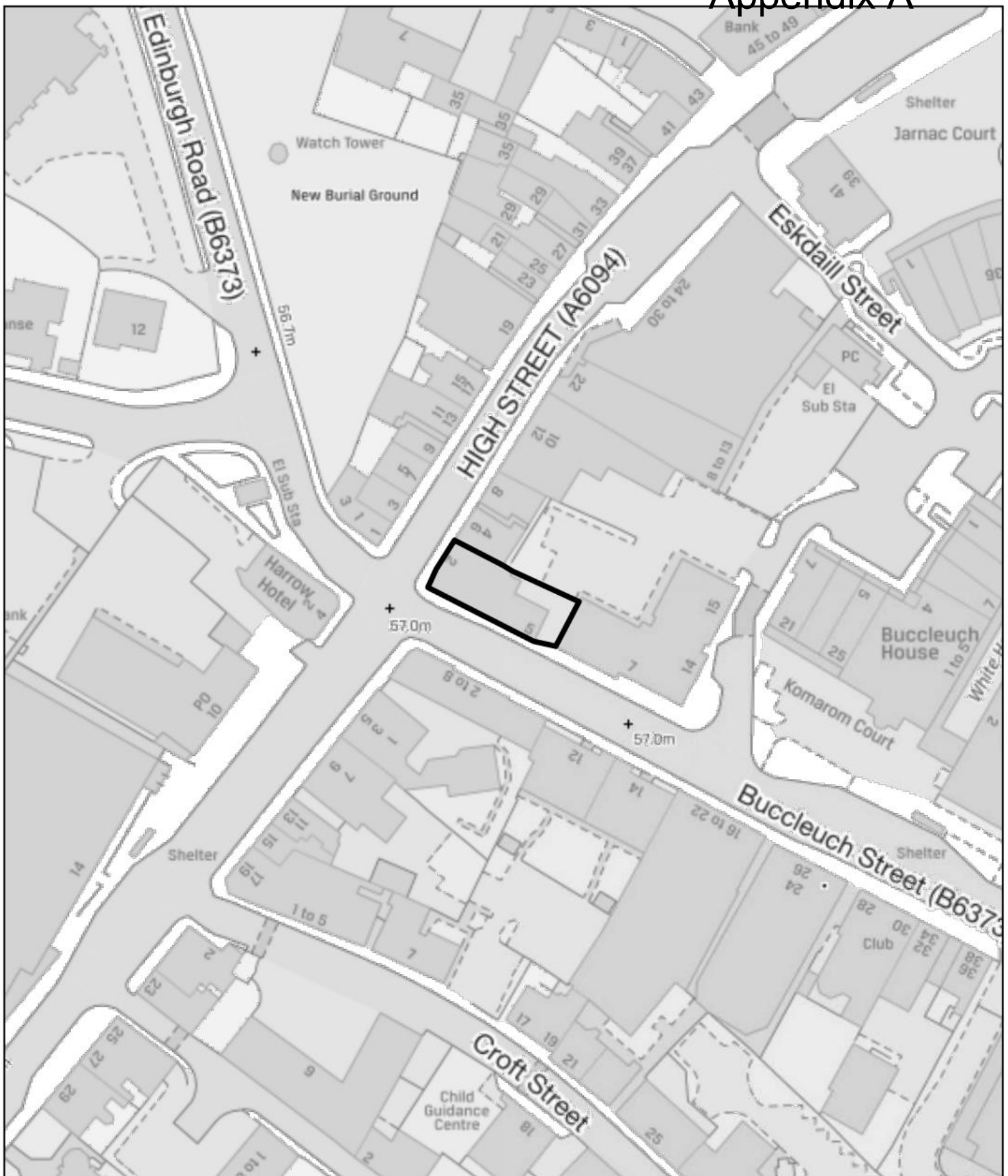
## **6 Recommendations**

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

**Date:** 20 November 2020

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

**Background Papers:** Planning application 19/00905/DPP available for inspection online.



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

Change of use from restaurant (class 3) to public house  
(sui generis) at 1 - 3 Buccleuch Street, Dalkeith

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File No. 19/00905/DPP

Scale: 1:1,000

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Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100230200-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: Format Design

Ref. Number:

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

First Name: \*

Shona

Building Name:

Last Name: \*

Mackay

Building Number:

146

Telephone Number: \*

01316617666

Address 1 (Street): \*

Duddingston Road West

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Edinburgh

Fax Number:

Country: \*

Scotland

Postcode: \*

EH16 4AP

Email Address: \*

formatdesign@aol.com

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Format Design
First Name: *	Brian	Building Number:	146
Last Name: *	Riding	Address 1 (Street): *	Holyrood Business Park
Company/Organisation		Address 2:	Duddingston Road West
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH16 4AP
Fax Number:			
Email Address: *	formatdesign@aol.com		

## Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	1-3 BUCCLEUCH STREET
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 1HB

Please identify/describe the location of the site or sites

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Northings	667187	Easting	333056
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## Description of Proposal

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

Change of use from restaurant (class 3) to public house (sui generis)

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see attached appeal statement

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

☐ Yes ☒ No

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

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

Appeal statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

19/00905/DPP

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

30/10/2019

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

19/12/2019

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

To allow us as agents to put forward the best case for the appellant

Please select a further procedure \*

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

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

To allow the Local Review Body members to view the application site and it's environs

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## Declare – Notice of Review

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

Declaration Name: Mrs Shona Mackay

Declaration Date: 31/01/2020

LOCAL REVIEW APPEAL STATEMENT  
FOR  
CHANGE OF USE FROM RESTAURANT (CLASS 3) TO PUBLIC HOUSE (SUI  
GENERIC)  
PLANNING APPLICATION REF: 19/00905/DPP  
AT  
1 - 3 BUCCLEUCH STREET, DALKEITH, EH22 1HB



30 JANUARY 2020

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## 1. Introduction

The matter for consideration is the refusal of planning permission 19/00905/DPP for "Change of use from restaurant (class 3) to public house (sui generis)" at 1 - 3 Buccleuch Street, Dalkeith. No external alterations have been proposed. The appellant is seeking a review of the case under section 43A of the Town and Country Planning (Scotland) Act 1997.

## 2. The Decision

The application was refused for the following reason:-

*"The proposed use and related external seating area would have an unacceptable detrimental impact on the amenity of adjacent residential properties and therefore does not comply with policies DEV2 and ENV18 of the adopted Midlothian Local Development Plan 2018 or adopted Supplementary Guidance on Food and Drink and Other Non-Retail Uses in Town Centres."*

The principal reasons for the refusal relate to the location of the property in relation to neighbouring residential property at 5 Buccleuch Street and 6 High Street, concluding that "The proposed use as a public house would have a significant detrimental impact on the amenity of these adjacent residential occupants, to the detriment of their amenity". This also applied to the external seating area. The Council's Environmental Health Manager advised that the proposal would result in a serious loss of amenity to neighbouring residential properties due to late night noise, disturbance from music, patrons leaving the premises during the early hours of the morning and increased taxis movements directly outside.

## 3. The Appellant's Response

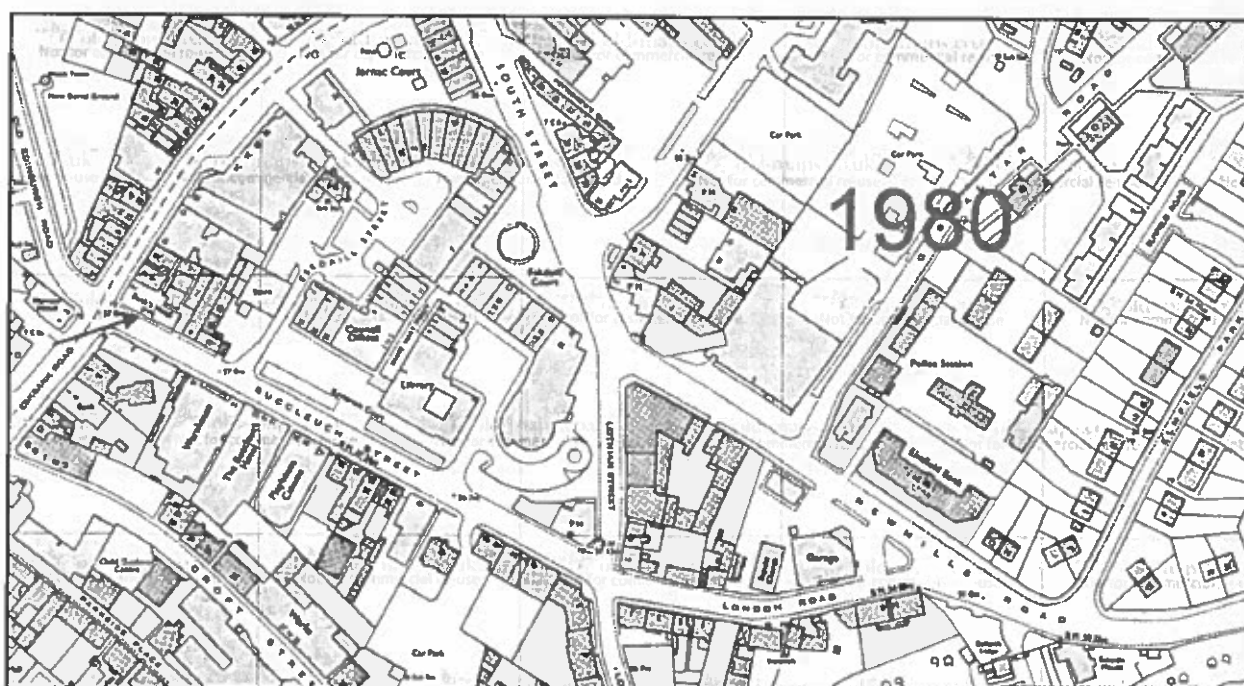
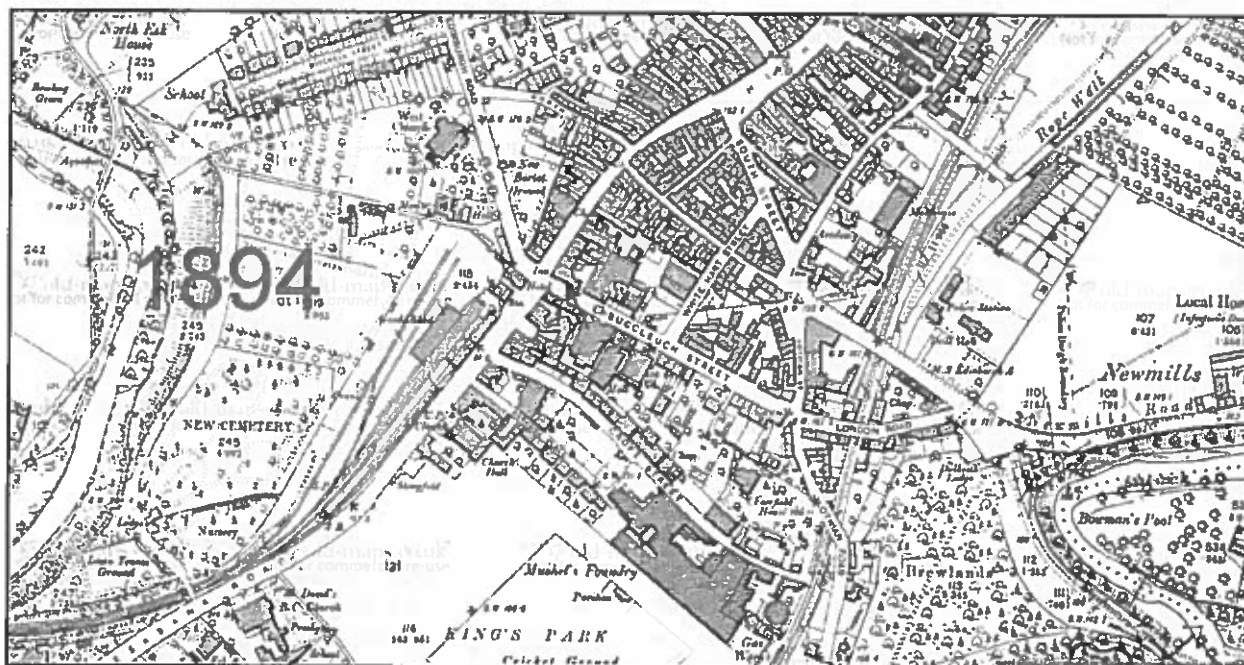
### (A) The principle and history of the use

The property is a traditional building which was purpose built as public house in 1817, known as the Buck's Head Inn. In the Dalkeith Parish list of proprietors of 1852 it was described as *"At the junction of Buccleuch and High Streets. An old established Inn with Stabling and Gigs and horses for hire, the occupier Mr Collison has license to sell all Kinds of drink"*.



The premises last existed as a public house in 1997, when it traded as The Stonehouse/ Club Tropicana, and prior to that it was known as Scandals (information from the Lothian Assessor's office). The Blossom Garden Chinese restaurant took over the premises in 1997 and when that business failed around 2013. For a short while it operated as Shebeens Steak House, and then it was taken over by "Anema e Core" an Italian restaurant. Despite positive reviews the restaurant closed in 2019.

The following two maps show the inn clearly on the north east corner of the junction (highlighted).



**UK Pub Industry Background** - The last few decades have seen radical changes in the pub industry, with the trade facing a wide range of social, economic and regulatory pressures. The main challenges arise from increased competition from cafes and restaurants and a linked change in the way in which the population looks to purchase and consume alcohol (i.e. increased home consumption). The decline has been significant over the last 30 years, from almost 70,000 pubs in 1982 to about 48,000 in 2013. The rate of decline over the period 2005 to 2015 varied across pub types, with tenanted pub numbers in Scotland falling 15%, and independent Free Trade pub

numbers falling by 29% compared to a fall in England & Wales of 10%. Contrary to this, the number of breweries in Scotland has risen by 229% since 2010, according to the Scottish Parliament Information Centre (SPICE), and supports more than 8,000 jobs.

As well as supporting local breweries, public houses are an important social resource and their decline is perhaps associated with the decline in the social awareness of today's society and it is important to create better opportunities for social interaction in our town and city centres, particularly as their retail functions also diminish. The opportunity to reintroduce this historic public house into its original use should therefore be strongly supported and this is an exceptional case which should give good reason to allow the proposal to proceed in the face of one or two policies which have been used to refuse this proposal.

There is no reference at all in the report of handling referring to the premise's historic use, which lasted from 1817 up until 1997.

The site is a traditional location at a major road junction in the town centre. Public houses can have an important role to play in town centres and can positively contribute to the range of uses, including community space and generally contribute to a more vibrant evening economy. The retention of traditional public houses in the towns should be high on the list of priorities for maintaining a strong and healthy town centre. The SPG on "Food and drink and other non-retail uses in Town Centres" goes as far as to advise that *"applications which would lead to the loss of a public house from a town centre must demonstrate that the premises are no longer viable as a public house and that the replacement use will either protect or enhance the vitality and viability of the town centre by providing a facility with similar opportunities for social interaction"*.

This unit has only moved slightly away from public house use, having been a licensed restaurant for the past 20 years. The restoration to its original intended use should be supported. Nothing has changed around it since it was a public house and the level of activity between the two uses will not be significantly different. Nowadays there can be little to distinguish many pubs/bars from licensed restaurants. The likes of Wetherspoons for example are very food orientated and yet operate as a public house. Many licensed restaurants become more akin to bars towards the evening. A restaurant would have a far more extensive kitchen with more intensive cooking with its associated ventilation and refrigeration units.

In many ways a public house is better suited to this location. In general, restaurants benefit more from sites with parking areas and space for children, whereas a public house relies more on customers using public transport or foot. Therefore, being on a busy traffic light controlled junction with no adjacent parking, the use as a restaurant is compromised considerably. Use as a public house would not be so effected.

## **(B) Loss of Amenity to neighbours**

As the surrounding area has not altered noticeably since 1997, it is Page 20 of 94 why there would be any significant concerns regarding the proposed use in this location. It had been a pub since 1817 and subsequently a licensed restaurant.

The site is at a busy crossroads in the town centre and it is a location where such uses would be expected, particularly given the historic use of the premises.

Ambient noise levels here are naturally high due to traffic, high street activity and due to the proximity of many other commercial uses. It is unlikely that the change from a licensed restaurant to a public house will change this significantly. There is clearly a perception that a bar/public house will be worse than a restaurant, and yet this is very dependent upon the nature of both uses and their operators. These issues should be controllable by the licensing body.

The neighbour in the flat above the premises has no objection to the proposal and is in fact supportive of it. Given these facts, along with that of it having been previously a public house then there should be no cause for concern regarding noise. Any future occupiers of the flat above (number 5) would be knowingly purchasing a property over an existing, historic pub. The adjoining

building on the High Street (2 to 6) has commercial uses at street level, and there is limited physical connectivity above this to the public floor. The walls are very thick and noise transfer is unlikely.

With regards to delivery issues, both regards traffic and noise, as agreed by the Road Safety Manager the proposed change of use would not be significantly different from the existing use.

#### 4. Conclusion

The proposed change of use would be a very positive addition to the character of the town centre and would reintroduce a historic inn to the conservation area, a building that was built for this purpose in 1817.

There is no reason why the premises should create any greater nuisance than would a licensed restaurant.

Since 1997 three restaurant business have tried to survive on this location and both have now failed despite having good reviews. It is time for the premises to revert to what would ultimately be a use far better suited to this busy town centre location, and a use that will be more economically viable. A use that would be far less dependent upon the availability of external space and parking.

Ultimately any noise issues can be controlled through licensing and Environmental Health.

Given the policies that the Council supports regarding the retention of existing public houses then surely the reinstatement of a historic pub, not that long ago lost to an alternative use, should be equally strongly supported.

It is hoped that the Council Members will see it fit to support this proposal.



V344-12

DALKEITH, HIGH STREET

RAPID PHOTO C C

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 19/00905/DPP

**Site Address:** 1-3 Buccleuch Street, Dalkeith.

**Site Description:** The application site comprises the ground floor unit of a two storey building on the corner of Buccleuch Street and High Street, with rendered walls painted cream and natural stone walls and a slate roof. The site comprises a vacant restaurant and hardstanding. There is a flatted dwelling above which does not form part of the application premises. The site is within the Dalkeith House and Park Conservation Area and the Dalkeith Town Centre. There are a variety of uses in the surrounding area, including retail, pubs, class two uses and residential properties.

**Proposed Development:** Change of use from restaurant (class 3) to public house (sui generis).

**Proposed Development Details:** It is proposed to change the use of the site from a restaurant to a public house. This would provide bar lunches and music and entertainment. The proposed hours of operation are 11am to 1am Mondays to Saturdays and 10am to 12midnight Sundays. The existing bin area would be used. The floor plan indicates an external seating area.

No external alterations are included in the application.

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

Application site

14/00254/DPP Rendering of external walls. Permitted.

14/00020/ADV Display of externally illuminated signage. Consent with conditions.

14/00013/DPP Re-rendering of external walls; alterations to chimney heights; re-slating of roof; and associated alterations to fabric and fittings of building exterior. Consent with conditions.

#### **Consultations:**

The Council's **Policy and Road Safety Manager** has no objection as it is not considered that the proposed change of use will result in any significant change in the access or servicing requirements of these premises.

The Council's **Environmental Health Manager** recommends refusal of the application. The proposed use would result in a serious loss of amenity to occupiers of the neighbouring residential properties due to late night noise and disturbance from music, patrons leaving the premises during the early hours of the morning and increased taxis movements directly outside. The proposed external seating area is

shielded from traffic on Buccleuch Street and the High Street and is relatively quieter. This area would be overlooked by the flats at 5 Buccleuch Street and 6 High Street and voices of patrons using the outside area will further detract from the amenity of these residents.

**Representations:** Seven letters of representation have been received, five objections and two support.

The objections are on the following grounds:

- The proposal would detrimentally affect the amenity of nearby residents through noise and disruption and the late operating hours;
- The proposal would exacerbate noise from existing pubs and social establishments in the area;
- It is proposed to have amplified music which would not only increase noise concerns but also result in lots of customers;
- Due to the position of the bin store, there would be additional noise from glass collection either after closing time or early in the morning;
- Increased noise if a beer garden is proposed;
- There would be a loss of privacy to nearby residential properties;
- Lack of parking for deliveries and customers, which could impact on other businesses;
- There is already a pub at this crossroads;
- The proposal would reduce the value of nearby properties;
- The proposal would reduce the perception of safety in the area; and
- Dalkeith does not need another pub.

Some objectors have stated that if planning permission is granted, there should be: a limit on opening hours to 11pm; a restriction on the hours amplified music would be played; a limit on when bin collections take place; and a requirement for door people to control anti-social behaviour. One objector makes reference to the Midlothian Council Licencing policy, mainly in regards to overprovision and public health.

The two letters of support states that the previous restaurant operations here have failed and a public house would have more longevity. This would not be overprovision of pubs given the amount of new residential developments in Dalkeith and be more benefit to local residents. One supporter also states that one of the objections about impact on guests of the Harrow Hotel is not relevant as this does not operate as a hotel. Another states the hours of operation should be limited to closing at midnight during the week.

**Relevant Planning Policies:** The relevant policies of the 2017 Midlothian Local Development Plan are;

**DEV2 Protecting Amenity within the Built-Up Area** advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

**TCR1 Town Centres** states proposals for retail, commercial leisure development or other uses which will attract significant numbers of people, will be supported in Midlothian's town centres, provided their scale and function is consistent with the town centre's role, as set out in the network of centres and subject to the amenity of neighbouring uses being preserved;

**ENV18 Noise** states the Council will seek to prevent noisy developments from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or required to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately; and

**ENV19 Conservation Areas** states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new 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.

**Supplementary Guidance on 'Food and Drink and Other Non-Retail Uses in Town Centres'** has been adopted by the Council. This states that public houses can have an important role to play in town centres and can positively contribute to the range of uses in a town centre and generally contribute to a more vibrant evening economy. Proposals for new public houses will be supported where it is demonstrated that this will not have a detrimental impact on the character or amenity of the surrounding area and residents. Particular care must be taken where there are residential properties in the surrounding area.

**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 within the built up area where there is a presumption in support of development where this does not detract from the character and amenity of the surrounding area. The site is also within the Dalkeith Town Centre where there is a presumption in support of high footfall level uses which positively contribute to the range of uses in the area and the evening economy provided this does not detract from the amenity of the surrounding area, particularly residential properties.

The proposed pub would be directly below a residential flat and immediately adjacent to other flatted dwellings. These are outwith the control of the applicant. The proposed use as a public house would have a significant detrimental impact on the amenity of these adjacent residential occupants, to the detriment of their amenity. Whilst the Planning Authority seek to support uses which increase the range of facilities in town centres, this is not at the expense of existing residential occupants. The layout of the site and the adjacent residential units are such that it would not be possible to modify the use to ensure that no unacceptable impact at sensitive receptors is generated. The proposed use would have a significant detrimental impact on the amenity of adjacent residential properties. This would still be the case if the amplified music noted in the application were removed.

These concerns over noise and disturbance also apply to the external seating area as shown on the submitted plans. This area is currently shielded from traffic on

Buccleuch Street and the High Street and is relatively quieter. The proposed external seating would be overlooked by the flats at 5 Buccleuch Street and 6 High Street and noise generated by patrons using the outside area will further detract from the amenity of these residents. This external seating area would also have a significant detrimental impact on the amenity of adjacent residential properties.

As detailed above, the Policy and Road Safety Manager does not consider the proposed change of use would be significantly different from the existing use in regards parking and deliveries.

The following addresses objectors' comments not addressed above.

Given that the site is within a busy town centre and has most recently operated in restaurant use, it is not clear how the proposed use as a public house would result in the loss of privacy to nearby residential properties compared to the existing situation or other suitable uses in this town centre.

The loss of value of properties is not a material planning consideration. The comments about overprovision of public houses appears to relate more to the Midlothian Council Licencing policy where it is a matter to be taken into consideration. This is not a material planning consideration. It is not clear how a public house would reduce the perception of safety in this town centre location.

**Recommendation:** Refuse planning permission.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 19/00905/DPP**

Mr Brian Riding  
17 Buxley Road  
Elphinstone  
Tranent  
EH33 2LW

Midlothian Council, as Planning Authority, having considered the application by Mr Brian Riding, 17 Buxley Road, Elphinstone, Tranent, EH33 2LW, which was registered on 30 October 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use from restaurant (class 3) to public house (sui generis) at 1 - 3 Buccleuch Street, Dalkeith, EH22 1HB**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	30.11.2019
Proposed Floor Plan	0992 101 A 1:100	30.11.2019

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

1. *The proposed use and related external seating area would have an unacceptable detrimental impact on the amenity of adjacent residential properties and therefore does not comply with policies DEV2 and ENV18 of the adopted Midlothian Local Development Plan 2018 or adopted Supplementary Guidance on Food and Drink and Other Non-Retail Uses in Town Centres.*

Dated 19 / 12 / 2019

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



**The Coal  
Authority**

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

Planning and Local Authority Liaison  
Direct Telephone: 01623 637 119  
Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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

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Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Informative Note is valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*



## **Notice of Review: 124A John Street, Penicuik**

### **Determination Report**

Report by Derek Oliver, Chief Officer Place

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

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from betting office to restaurant and takeaway and installation of ventilation equipment at 124A John Street, Penicuik.

#### **2 Background**

- 2.1 Planning application 20/00185/DPP for the change of use from betting office to restaurant and takeaway and installation of ventilation equipment at 124A John Street, Penicuik was refused planning permission on 3 July 2020; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C); and
  - A copy of the decision notice, excluding the standard advisory notes, issued on 3 July 2020; (Appendix D) and
  - A copy of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

#### **4 Procedures**

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

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
  - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there was two consultation responses and seven representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received at the time of drafting this report. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## 5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The use of the hot food takeaway hereby approved shall not be open to the public outwith the following hours:

Mondays - Fridays inclusive: 16.00 to 23.00,  
Saturdays and Sundays: anytime

***Reason:*** To ensure that the hot food takeaway does not operate during school hours, in order to comply with the health aims of

2. The design and installation of any plant, machinery or equipment shall be such that the combined noise level complies with NR25 (or NR20 if the noise is tonal) when measured within any living apartment and no structure borne vibration is perceptible within any living apartment.
3. Within three months from the date of this decision notice, details of the extract ventilation system, including a drawing showing its location, external appearance and finish shall be submitted to and approved in writing by the planning authority. The use shall not start trading until the approved extract ventilation system is operational.
4. The design of the extract ventilation system approved in terms of condition 3 shall either ensure that:
  - Cooking effluvia are ducted to above the level of the adjacent pitched roof of the application premises; or
  - Effluvia are expelled with a minimum upwards velocity of 15 metres per second.
5. Prior to the takeaway use being implemented the following details shall be submitted to and approved in writing:
  - a. Details of the design, capacity and location of a public litterbin to be located at the front of the premises;
  - b. Details of a maintenance schedule to ensure that the litterbin is emptied on a regular basis by the operator of the takeaway; and
  - c. Details of a litter management plan to ensure that takeaway litter within 20 metres of the boundary of the application site is cleared by the operator of the takeaway.

Development thereafter shall comply with the approved details or such alternatives as may be agreed in writing by the Planning Authority.

***Reason for conditions 2 to 5:*** *To safeguard the amenity of local residents.*

## **6 Recommendations**

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

**Date:** 20 November 2020  
**Report Contact:** Peter Arnsdorf, Planning Manager  
[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)

**Background Papers:** Planning application 20/00185/DPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Change of use from betting office to restaurant and  
takeaway; and installation of ventilation equipment at 124A  
John Street, Penicuik, EH26 8NG

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File No: 20/00185/DPP

Scale: 1:1,000  
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# 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://www.eplanning.scot>

## 1. Applicant's Details

Title	Mr
Forename	ANTONIO F
Surname	CERNICCHIARO
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

## 2. Agent's Details (if any)

Ref No.	
Forename	
Surname	
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

## 3. Application Details

Planning authority	Midlothian
Planning authority's application reference number	20-00185-DPP
Site address	

124 A John Street  
Penicuik  
Midlothian EH26 8NG

Description of proposed development

TAKEAWAY / RESTAURANT

Date of application

11-3-2020

Date of decision (if any)

3-7-2020

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

#### 4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

#### 6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☒  
☐  
☐  
☒

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

I believe new opening hours won't affect school kids as we will open 4:30-11 and our menu includes healthy options.

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

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

☒  
☒

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

### 8. Statement

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

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

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

See attached

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

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

The previous application was submitted by the former owner of the property, therefore this application is all new from myself.

## 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

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.

~~X~~ ✓

## 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:

Antonio Cernicchiaro

Date:

6/7/2020

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

## Section 8 – Statement

I have just purchased the premises which is referred to in part 3 of this document, and I am a business man with 35 years of experience in the food industry and I strongly believe that I will be an asset to the local community and not a problem. The previous application made for this premises, was submitted by the former owner, and as the new owner, I would like to explain to you why I should be considered for a licence to be granted. I have been operating in Edinburgh and West Lothian, where I have managed to build up a strong relationship with the local community and the local authorities through my good service and experience. The menu which I will use, is 50% based upon healthy foods and therefore offers a variety of healthy eating options to those who wish to eat a healthier and calorie conscious diet. We will also offer gluten free alternatives, vegan options and items which are reduced sugar and fat content, making the menu accessible and healthy for everyone. We also do not intend to sell alcohol from this premises. We would also like to clarify that this will not be a fish and chip shop as we are aware that there are already some in the street. Our new opening hours will be from 4:30pm-11pm, so there will be no clashing with school hours, as I know this was a concern of the authority who grants the licence. Opening later, means that children will be home by the time that we open, therefore we will not be encouraging younger people to eat unhealthily. We are aiming to focus our business on delivery services more than having a large footfall, therefore there will not be a large amount of people hanging around the streets outside the premises. By doing this, we cut down loitering, littering and noise in the street. We are looking to create much needed full time jobs within the local community and are looking to do this while maintaining a good relationship and cooperating with the local authorities. Regarding the number of class 3 premises per residents in the area: as we know, there is a large development in Penicuik which will bring a lot more people into the area, I therefore believe that there is a need for a new, up to date, premises with healthy and dietary options to accommodate everyone.

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Case Officer:** Graeme King    **Site Visit Date:** 18/03/2020

**Planning Application Reference:** 20/00185/DPP

**Site Address:** 124A John Street

**Site Description:** The application subjects are a single storey shop unit attached to the rear elevation of an auto centre. The walls are finished with painted render, matching that of the neighbouring auto centre. The roof is finished with roofing felt. The shop front is protected by roller shuttering. The unit is currently vacant and was last used as a betting shop.

To the North the unit is bounded by the auto centre. To the West the unit is bounded by the garden of a house. To the South the unit is bounded by a public park. The East elevation fronts onto John Street, which is the main approach to Penicuik town centre from the North; on the opposite side of John Street are residential properties. Penicuik High School and Sacred Heart RC Primary School are respectively 210m and 390m West of the application site. The surrounding area is primarily residential but does include a variety of uses including 2 pubs and a parade of shops (comprising 12 units).

**Proposed Development:** Change of use from betting office to restaurant and takeaway and installation of ventilation equipment

**Proposed Development Details:** It is proposed to change the use of the building to form a restaurant and hot food takeaway. The proposed floor plan submitted with the application shows a dining area of approximately 22sqm, a takeaway seating/waiting area of approximately 9sqm, a bar of approximately 8sqm and a kitchen of approximately 11sqm. The only external changes to the building would be a flue to serve the ventilation system. The proposed opening hours are 10am to 11pm Sunday to Thursday and 10am to 12 midnight Friday and Saturday. No allocated parking is proposed, the unit would rely on existing unrestricted on street parking.

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

0584/95 - Alterations to shop frontage to form window with roller shutter at 124A John Street, Penicuik. Consent with conditions

0585/95/A - Erection of fascia sign at 124A John Street, Penicuik. Consent with conditions.

01/00166/FUL - Installation of new shopfront at 124A John Street, Penicuik. Consent with conditions.

01/00167/ADV - Installation of illuminated fascia and projecting sign at 124A John Street, Penicuik. Consent with conditions.

**Consultations:** The Council's **Environmental Health** Manager has no comment to make on the proposal.

The Council's **Policy and Road Safety** Manager states that the proposed change of use does not raise any major road safety issues and has no objection to the proposal.

**Representations:** The application has received 7 objections. The grounds for objection are as follows:

- Areas of Penicuik rank in the bottom 30% of health outcome and have a below average life expectancy.
- Penicuik has 1 takeaway per 1050 people. The Scottish average is 1 per 1500 people.
- The use will increase reliance on pre-prepared foods high in salt, fat and sugars, increase food poverty, and contribute further to Penicuik becoming a food desert.
- It will contribute to poorer diets, reduced health outcomes, and shortened lives.
- The best use of the property would be as a shop selling fresh foods.
- There are already 17 Class 3 businesses in Penicuik, ranging from takeaways to restaurants & pubs, within a 10 min walk of these premises. Another takeaway is not required in the town and if granted would reduce custom to these existing businesses.
- The premises are a 3-5 min walk from Penicuik High School, at a time when Scottish Government and NHS Lothian are promoting that everyone, including young people, eat healthier.
- The premises are near a pedestrian crossing, on what can be a difficult corner to cross, more parked cars would limit visibility and make this more difficult and potentially dangerous.
- The noise and smell from the ventilation system will cause significant detrimental impact on the residential amenity of the neighbouring house and the surrounding area.
- There are 2 chip shops close to the application site. Penicuik does not need another chip shop.
- The residential housing in the surrounding area is mainly occupied by elderly residents. Increase footfall within the area will increase the threat of burglaries.
- The use will result in littering which will attract seagulls and vermin.
- The use will encourage people to gather outside the unit and this will obstruct an already busy pavement.
- There are minimal healthy/alternative eating establishments in Penicuik. An additional chip shop will encourage unhealthy eating.
- The use will encourage people to gather outside the unit and this will lead to anti-social behaviour that will disrupt the amenity of local residents.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are:

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

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

Policy **TCR1: Town Centres** supports proposals for retail, commercial leisure development or other uses which will attract significant numbers of people in Midlothian's town centres, provided their scale and function is consistent with the town centre's role. In support of this policy the Council has prepared supplementary guidance on food and drink and other non-retail uses in town centres; this guidance also includes guidance in respect of food and drink and hot food takeaways outwith town centres. The guidance was adopted by the Council on 4 March 2019. Further details on the Supplementary Guidance are provided below.

Policy **TCR2: Location of New Retail and Commercial Leisure Facilities** states that the Council will apply a sequential town centre first approach to the assessment of such applications. The policy does not refer to or apply to food and drink uses or hot food takeaways.

The Council's **Food and drink and other non-retail uses in Town Centres Supplementary Guidance** (SG) was adopted by the Council on 4 March 2019. With regard to Food and Drink provision outwith town centres the SG states that it is appropriate to locate some element of food and drink provision in local centres (as identified in the MLDP), however food and drink uses will not be permitted outwith such areas unless it has been demonstrated that there will be no adverse impact on the viability of nearby town centres or where the development is required to support an existing business.

In relation to hot food takeaways in proximity to school premises the SG notes that the Council is concerned that hot food takeaways in the proximity of secondary schools encourages school pupils to eat unhealthy food. The SG states that hot food takeaways will not be permitted where they are situated within 400 metres of the curtilage of a primary or secondary school. With regard to Class 3 Uses (Restaurants, Cafes, Snack Bars etc.) the SG states that an element of takeaway trade is permitted provided that it remains clearly ancillary to the principal use of the premises for the consumption of food and drink on the premises; however such ancillary uses are not permitted within 400 metres of primary and secondary schools.

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

### Principle of development

Whilst the unit is currently vacant its established use is as betting office, Scottish Government planning regulations define a betting office as being a sui generis use which does not fall within any of the 12 classes within the Use Classes Order. There are permitted development rights which allow for a change of use from a betting office to a Class 1 (Shop) or Class 2 (Financial, Professional and Other Services) use; all other material changes of use from use as a betting office require an application for planning permission.

The proposed use is described on the application form as being a restaurant with takeaway facility. The Planning Statement submitted in support of the application describes the proposed use as both a restaurant with ancillary takeaway and a restaurant with a small takeaway element. When explaining the nature of the proposal the planning statement describes the proposed internal layout thus:

*The proposed restaurant will continue to be accessed via the existing front door which will lead into the main dining area. Offset to the left upon entering will be a small seating area where customers waiting for a takeaway can be seated. On the left hand side of the restaurant will be the bar/servery where customers can enjoy a drink while waiting to be served. Beyond the servery will be the kitchen, storage and refuse management facilities. There will also be male/female toilets and an accessible toilet.*

The proposed layout and the various descriptions of the proposal make clear that the takeaway element is an integral part of the proposal. The unit is a relatively small unit and the proposed layout dedicates approximately 20% of the public area to space for takeaway collection. Having considered these facts the Planning Authority considers that proposed use is a composite use, rather than a Class 3 use with ancillary takeaway, and as such the proposed use is considered sui generis. Whilst the established use is also a sui generis use the nature of the proposal represents a material change of use and therefore an application for planning permission is required.

The Council's Food and drink and other non-retail uses in Town Centres Supplementary Guidance (SG) is a material consideration in the assessment of the application. The SG does not permit new hot food takeaways within 400 metres of the curtilage of primary or secondary schools. The application site is 210 metres from Penicuik High School and 390 metres from Sacred Heart RC Primary School. The location is clearly contrary to the guidance in the SG and there are no material considerations that justify deviation from this element of the guidance. The proposal is contrary to the SG and therefore by association it is contrary to policy TCR1 of the MLDP.

As is noted above the Planning Authority considers the takeaway element to be an integral element of the proposal and therefore if one element is contrary to policy the whole proposal is contrary to policy. Notwithstanding this fact, if the Planning Authority were to consider using a condition to restrict the use to only that of a restaurant (or other Class 3 use) with no takeaway element then the proposal would

still be contrary to the SG due to the fact that the site is not situated within either a town centre or a local centre. The parade of shops in the surrounding area are situated 115 metres North of the application site and the intervening residential properties create a clear separation between the 2 areas. Furthermore the parade of shops is not identified in the MLDP as forming a local centre. In the absence of a Town Centre Impact Assessment demonstrating that there is no adverse impact on the vitality of Penicuik town centre, then a Class 3 (Food and Drink) use at this location is contrary to the SG and by association policy TCR1.

#### Amenity of residential properties

Restaurant and/or hot food takeaway uses can have a detrimental impact on the amenity of residential properties; ventilation systems can create disruption due to noise and/or smells, and evening opening can cause disruption. Notwithstanding this fact there are lots of examples of food and drink businesses, takeaways and pubs operating successfully in close proximity to residential neighbours. Choice of equipment; correct installation and maintenance of equipment; and effective management procedures can all help businesses operate without causing significant disruption to residential properties. The Council can control the impact on amenity via planning, environmental health and licencing powers. It must also be acknowledged that retail uses (which in this instance could be implemented without the need for a planning application) can also cause similar, or greater, impacts on residential amenity.

#### Road Safety

The Council's Policy and Road Safety has considered the proposal and is satisfied that it does not raise any major road safety issues. Whilst the application subjects does not have any allocated parking, the surrounding streets have ample areas of unrestricted parking and the existing use as a betting office would also generate regular visits. The scale of the unit is such that the proposed use would be unlikely to create any significant road safety issues.

#### Healthy Eating

The MLDP does not contain any specific policies relating to healthy eating; however the 400 metres buffer between schools and hot food takeaways that is specified in the SG is intended to discourage unhealthy eating amongst school children. Planning case law is mixed on the issue of whether or not healthy eating initiatives can be considered to be a material consideration in the assessment of planning applications.

**Recommendation:** Refuse planning permission

#### **Reason for Refusal:**

1. The building is within 400 metres of both Penicuik High School and Sacred Heart RC Primary School. Midlothian Council's Supplementary Guidance on Food and drink and other non-retail uses in Town Centres does not permit hot food takeaways within 400 metres of the curtilage of either primary or secondary schools. The proposal is therefore contrary to policy TCR1 of the

Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.

2. The building is not situated within either a Town Centre or a Local Centre, as defined in the Midlothian Local Development Plan 2017, and no evidence has been provided to demonstrate that the use will not have an adverse impact on the vitality of Penicuik town centre. The proposal is therefore contrary to policy TCR1 of the Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.

**Reg. No. 20/00185/DPP**

Bennett Developments and Consulting  
10 Park Court  
Glasgow  
G46 7PB

Midlothian Council, as Planning Authority, having considered the application by Sava Estates, 124A John Street, Penicuik, EH26 8NG, which was registered on 11 March 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use from betting office to restaurant and takeaway and installation of ventilation equipment at 124A John Street, Penicuik, EH26 8NG**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	28018 1:1250	11.03.2020
Site Plan	28018/11 1:200	11.03.2020
Existing Floor Plan	28018/1 1:50	11.03.2020
Proposed Floor Plan	28018/2 1:50	11.03.2020
Existing Elevations	28018/3 1:50	11.03.2020
Proposed Elevations	28018/4 1:50	11.03.2020
Planning Statement		11.03.2020

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

1. *The building is within 400 metres of both Penicuik High School and Sacred Heart RC Primary School. Midlothian Council's Supplementary Guidance on Food and drink and other non-retail uses in Town Centres does not permit hot food takeaways within 400 metres of the curtilage of either primary or secondary schools. The proposal is therefore contrary to policy TCR1 of the Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.*
2. *The building is not situated within either a Town Centre or a Local Centre, as defined in the Midlothian Local Development Plan 2017, and no evidence has been provided to demonstrate that the use will not have an adverse impact on the vitality of Penicuik town centre. The proposal is therefore contrary to policy TCR1 of the Midlothian Local Development Plan 2017 and its associated Supplementary Guidance.*

Dated 3 / 7 / 2020



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

## PLEASE NOTE

*If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Planning Manager, Planning, 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.*

### 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

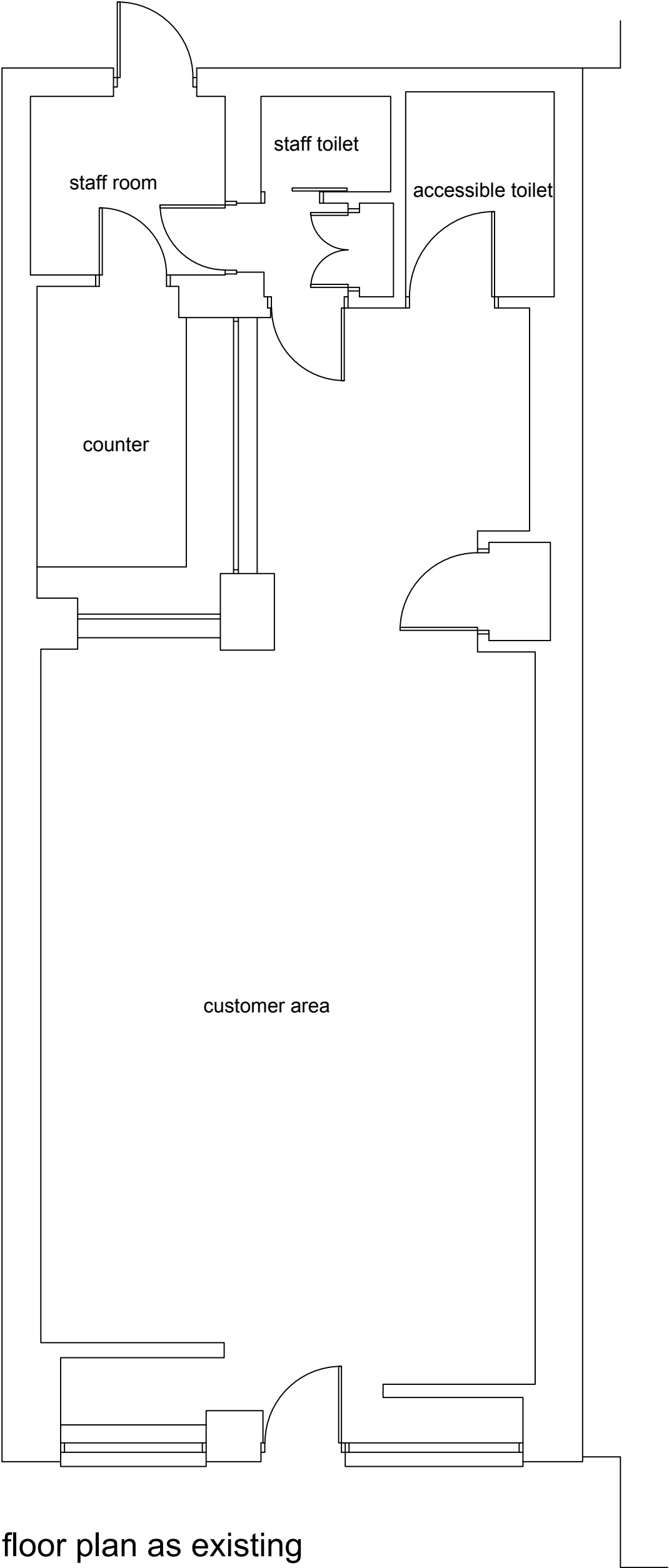
### Making an application

*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.*

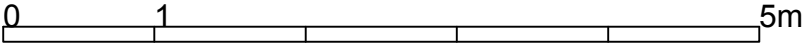
### Making comment on an application

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

*The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors 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.*

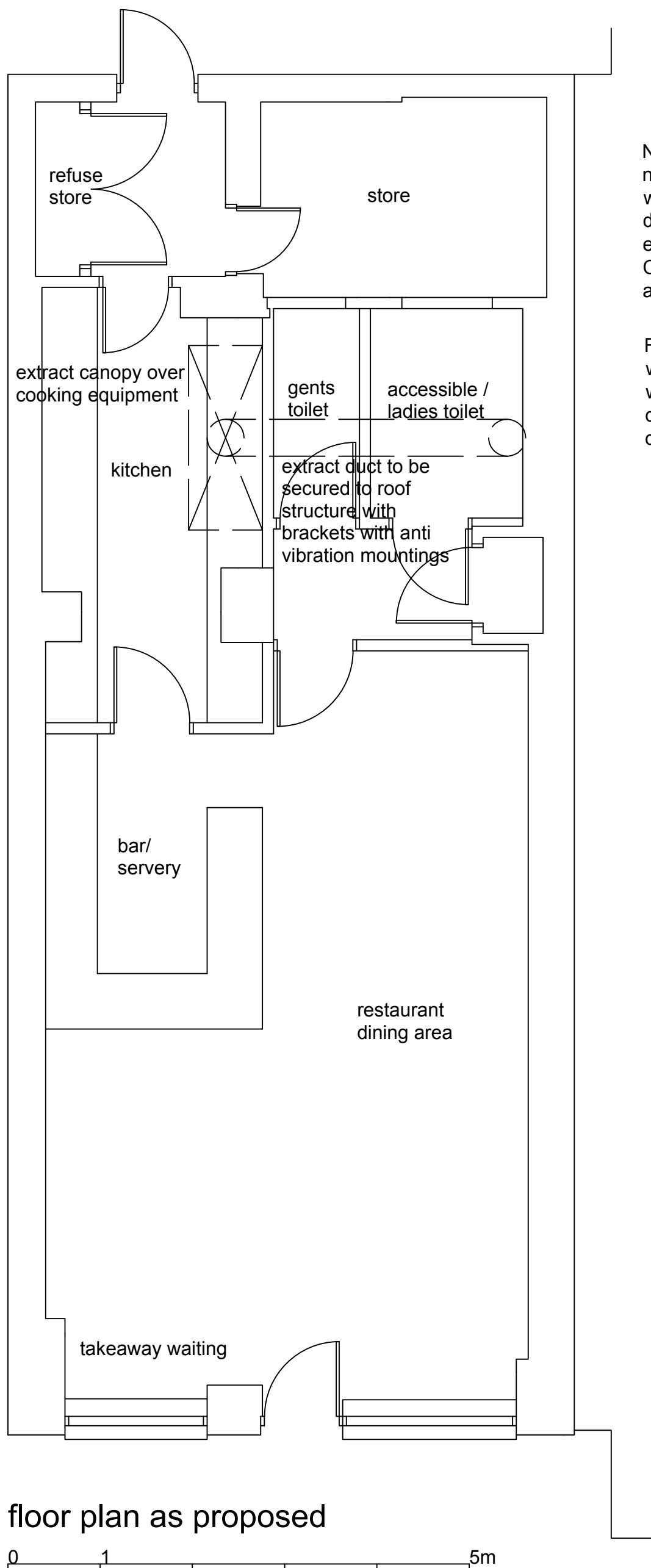


floor plan as existing



Proposals at  
124A John Street  
Penicuik  
EH26 8NG

scale 1:50 (A3)  
dwg no. 28018/1



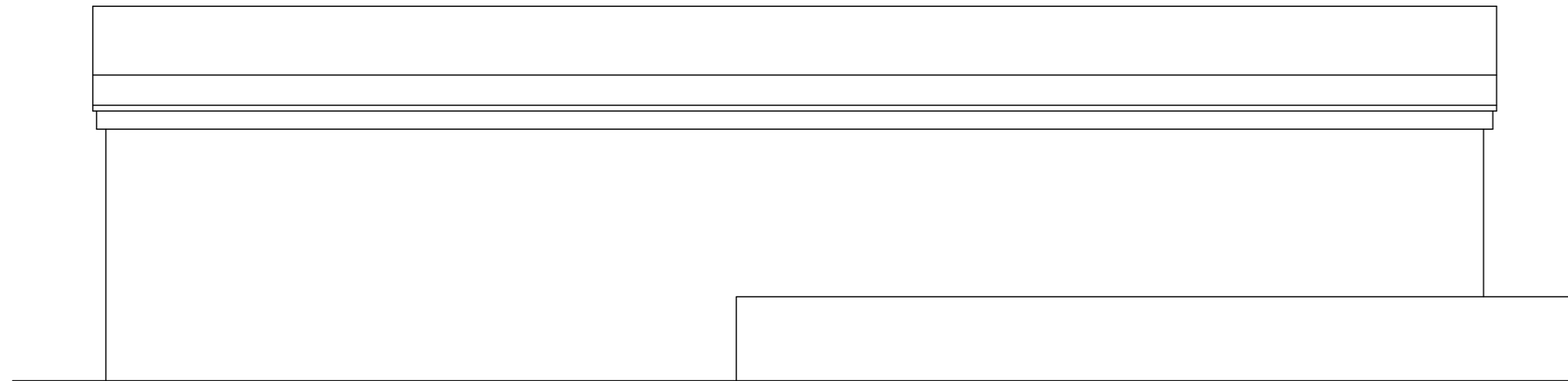
Noise associated with development to not give rise to a noise level assessed with the windows open, within any dwelling or noise sensitive building in excess of the equivalent to Noise Rating Curbe (NRC) 35 between 7am and 11pm and NRC 25 at all other times.

Fan units to be positioned within ductwork internally within unit to be isolated from ductwork by means of flexible connections.

floor plan as proposed

Proposals at  
124A John Street  
Penicuik  
EH26 8NG

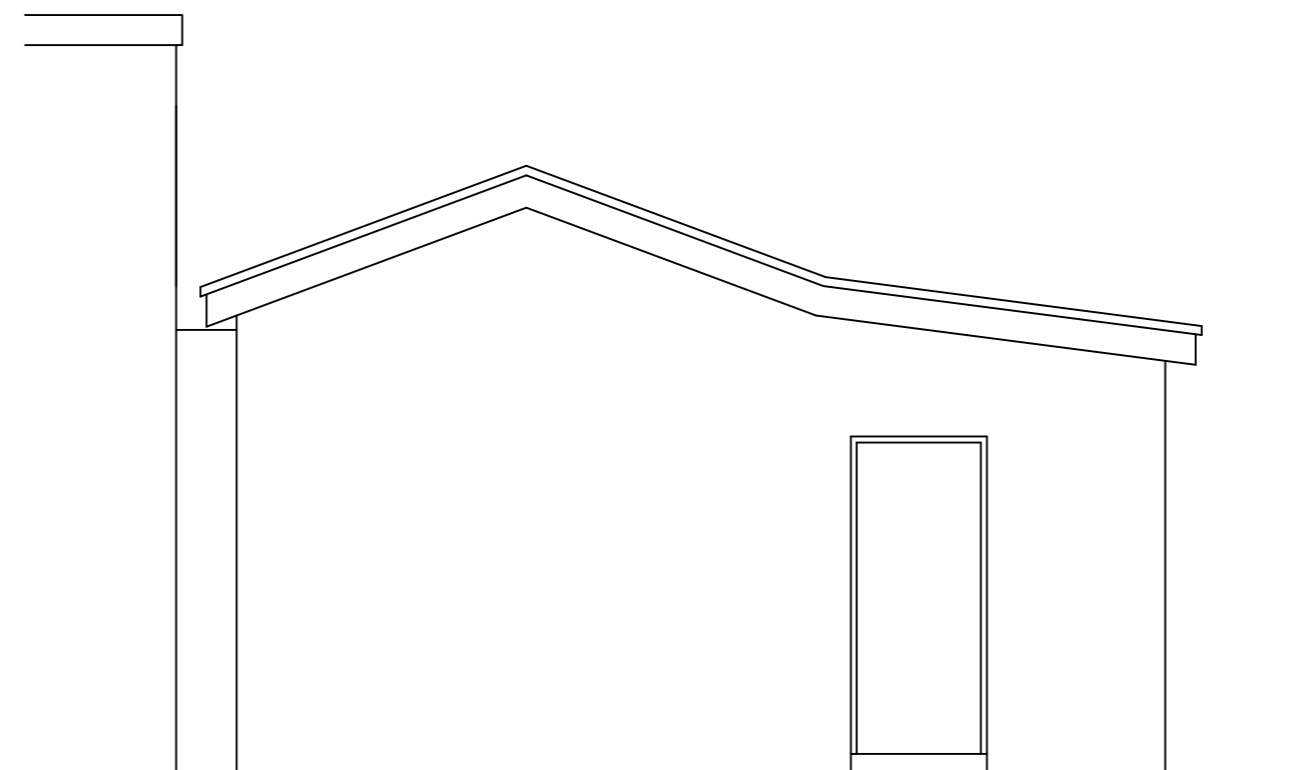
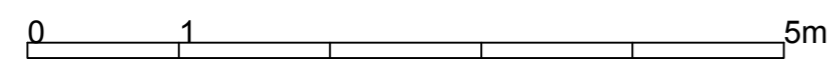
scale 1:50 (A3)  
dwg no. 28018/2



side elevation as existing



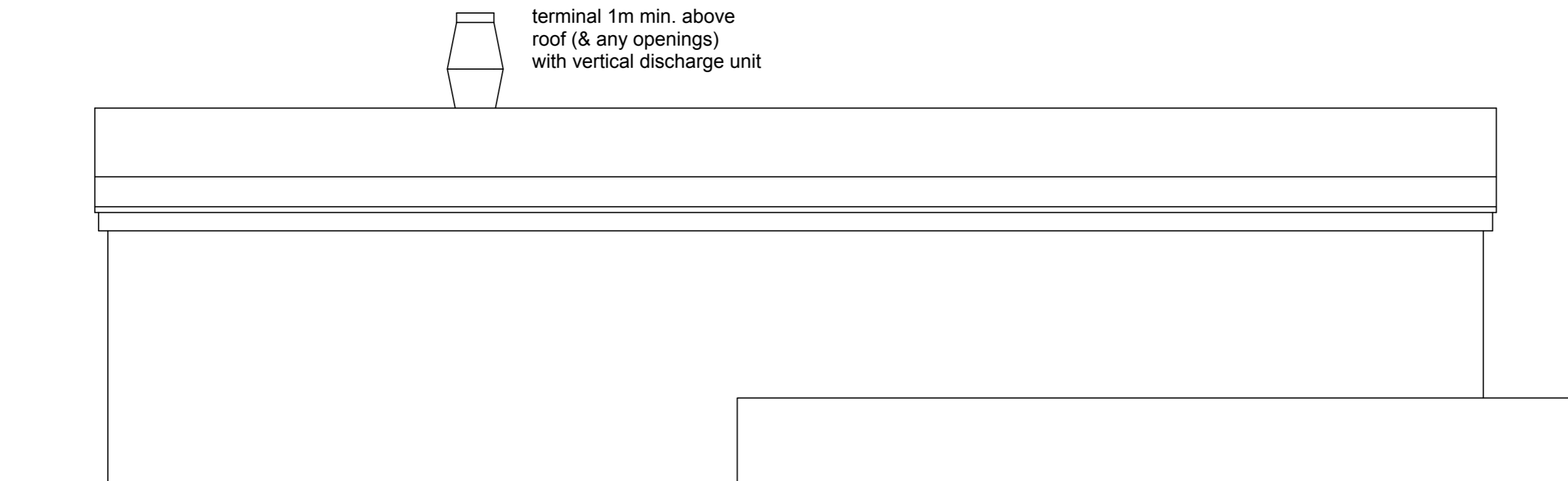
front elevation as existing



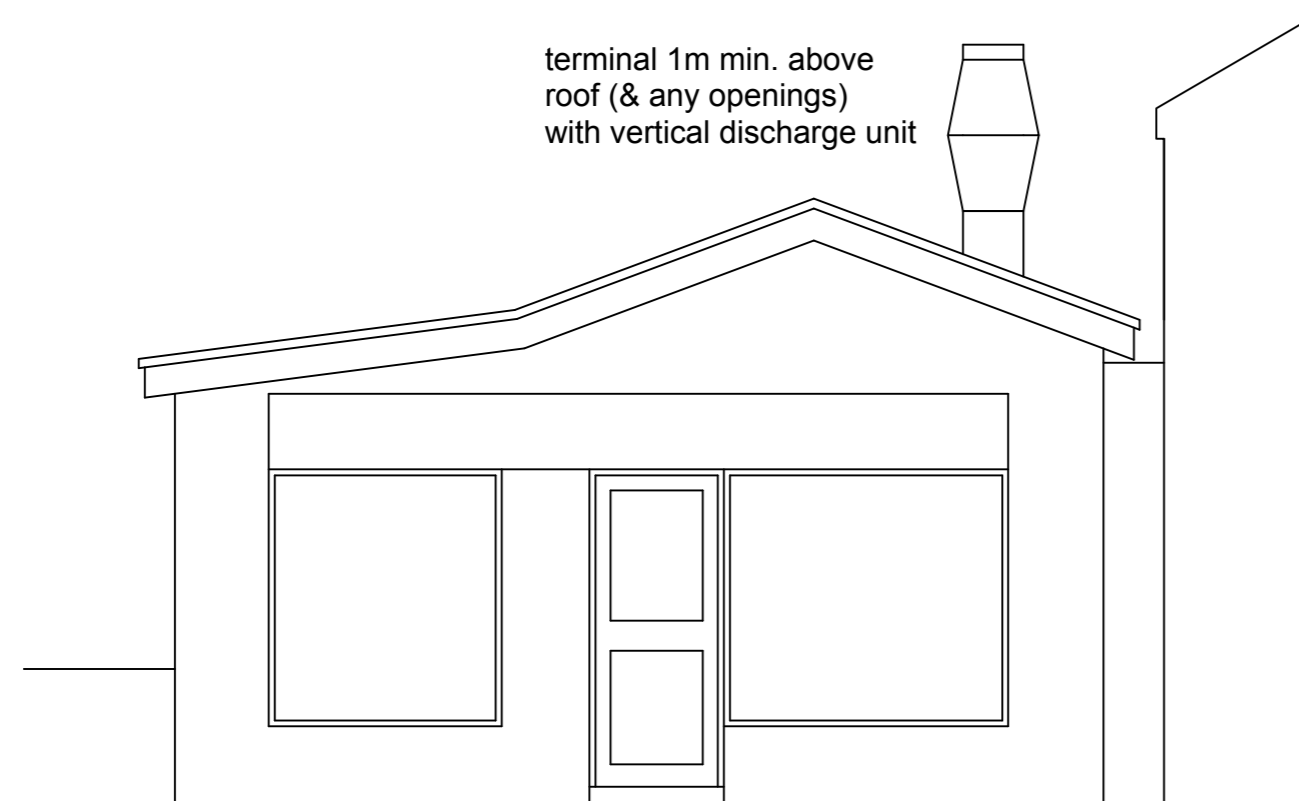
rear elevation as existing

Proposals at  
124A John Street  
Penicuik  
EH26 8NG

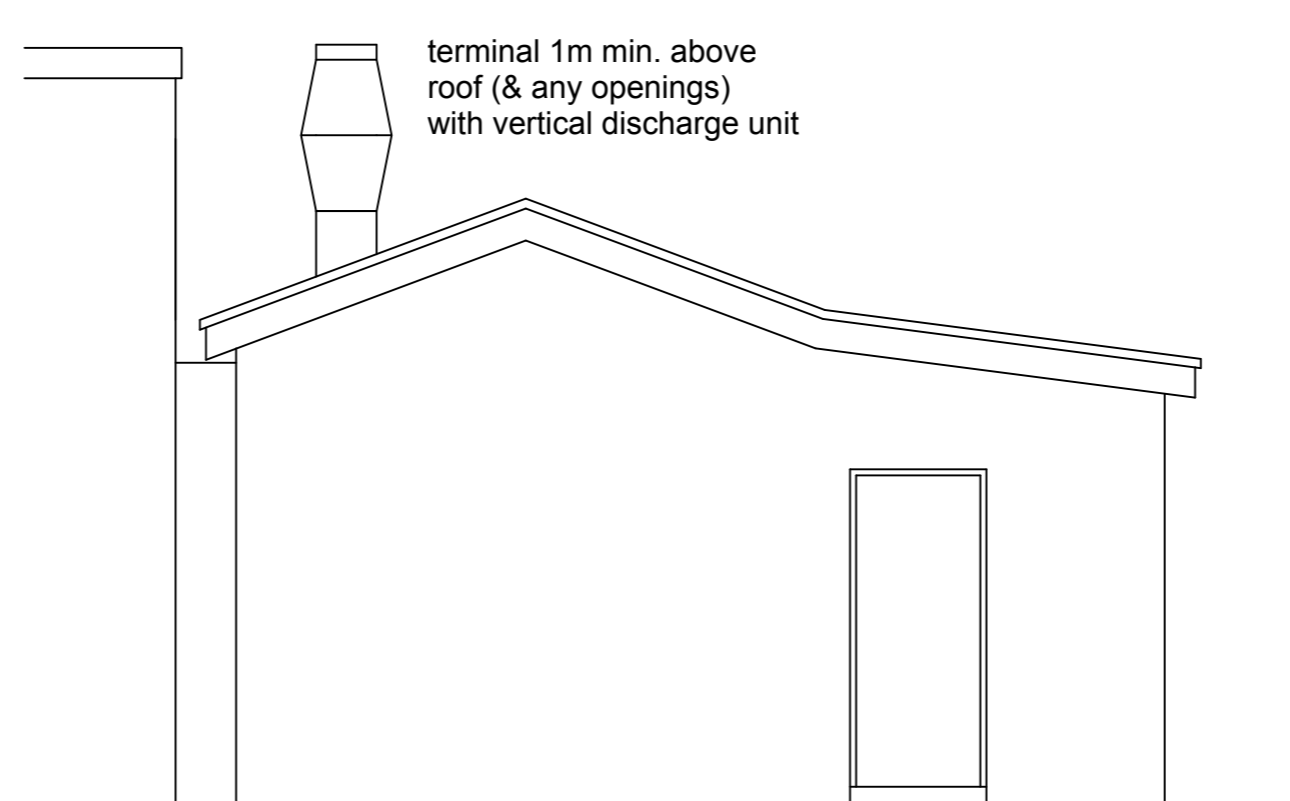
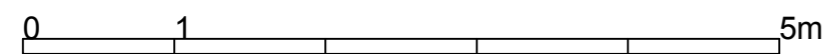
scale 1:50 (A2)  
dwg no. 28018/3



side elevation as proposed



front elevation as proposed



rear elevation as proposed

Proposals at  
124A John Street  
Penicuik  
EH26 8NG

scale 1:50 (A2)  
dwg no. 28018/4

## **Notice of Review: 16 George Terrace, Loanhead**

### **Determination Report**

Report by Derek Oliver, Chief Officer Place

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

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations at 16 George Terrace, Loanhead.

#### **2 Background**

- 2.1 Planning application 20/00002/DPP for the change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations at 16 George Terrace, Loanhead was refused planning permission on 2 March 2020; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C); and
  - A copy of the decision notice, excluding the standard advisory notes, issued on 2 March 2020; (Appendix D) and
  - A copy of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

#### **4 Procedures**

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

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
  - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there was two consultation responses and no representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received at the time of drafting this report. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
    - a) Details of the colour of the render;
    - b) Details of the colour of all window frames and doors;
    - c) Details of the materials of any areas of hardstanding; and
    - d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

The development shall be implemented in accordance with the approved details.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the existing building and surrounding area.*

## **6 Recommendations**

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

**Date:** 20 November 2020

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

**Background Papers:** Planning application 20/00002/DPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations at 16 George Terrace, Loanhead, EH20 9JZ

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File No: 20/00002/DPP

Scale: 1:1,000  
Page 54 of 94





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100240742-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Architects Designworks"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Robert"/>	Building Name:	<input type="text" value="3/4"/>
Last Name: *	<input type="text" value="Bloor"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07832956940"/>	Address 1 (Street): *	<input type="text" value="Dun-Ard Garden"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH9 2HZ"/>
Email Address: *	<input type="text" value="rob.bloor@architectsdesignworks.com"/>		

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

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Poltonhall"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Poltonhall Industrial Estate"/>
Company/Organisation	<input type="text" value="H.A. and Co Developments Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Polton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH18 1BW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="16 GEORGE TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOANHEAD"/>
Post Code:	<input type="text" value="EH20 9JZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665588"/>	Easting	<input type="text" value="327848"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

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

Change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations at 16 George Terrace, Loanhead, EH20 9JZ

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

See supporting document

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

☐ Yes ☒ No

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

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

04 Supporting Statement Drawings 3075/L(2)01, 02, 03 and 04

## Application Details

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

20/00002/DPP

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

08/01/2020

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

02/03/2020

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr Robert Bloor

Declaration Date: 13/04/2020

## Local Review Body

Refusal of Planning Consent for 16 George Terrace – 20/00002/DPP

### 1.0 Proposed Development

Change of use from shop (class One to 3 dwellings (class 9) and associated external alterations

### 2.0 Reason for Review

The proposed development will add significantly to the amenity and appearance of the surrounding area by the redevelopment of a redundant shop unit.

### 3.0 Reasons for challenging the reasons for the Council's decision:

Reason One:

*The proposed development will provide an inadequate level of amenity for future residents due to the lack of adequate private garden ground.*

The shop has been closed as there is insufficient demand for a convenience store in the area, so a commercial use of the property appears not to be viable. There is also a lack of new housing within existing towns within Midlothian. The redevelopment of existing buildings to provide housing is much more sustainable approach to providing additional dwellings.

The Supplementary Guidance - Quality of Space referred to in the MLDP 2017 has yet to published. The Planning Officer could not provide the current guidance on amenity space.

The units are single bedroom apartments, each designed for one or two persons and not for family occupation. The recently developed adjacent flats at 19 George Terrace have no private amenity space, giving approximately 19sqm/bedroom of shared outside amenity space. The proposed dwellings at 16 George Terrace will provide 18sqm per dwelling of private amenity space. Other properties on George Terrace provide a similar amount of shared amenity space.

Loanhead Memorial Park is also within 250m of the development, providing further amenity space and open space.

Reason Two

*The proposed development provides no off-street parking provision meaning that it does not comply with the Council's parking standards and could result in road safety concerns through inconsiderate or illegal parking.*

We submitted a site plan drawing 3075/L(2)04 detailing the amount of parking required by the adjacent housing within George Terrace. The parking for existing residents is a mixture of off and on-street.

We have demonstrated that there would be an over supply of 33% of car park spaces, if the shop is converted to residential units. There are 17 spaces required to meet council standards and 25 spaces provided for all properties on George Terrace including the proposed development.

There will also be a large reduction of car activity, as the shop will be replaced by 3 dwellings which will generate considerably less vehicular activity. So would refute that the development will result in road safety concerns through inconsiderate or illegal parking. There are also currently no on-street restrictions on parking.

### Reason Three

*The existing building is out of character for residential properties in the area and is not appropriate to accommodate residential units.*

This reason was not discussed the during the consultation process.

The building will be re-rendered to match the surrounding buildings and windows and doors installed appropriate for residential use. The external areas of the development will be improved with new hard landscaping and fencing to provide enclosure to the private amenity space.

### Conclusion

This development should be allowed as it will provide much needed housing for one and two person households. It will bring a property which is currently vacant back to a more sustainable use.

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 20/00002/DPP

**Site Address:** 16 George Terrace, Loanhead.

**Site Description:** The application site comprises a single storey flat roofed vacant shop unit and a small area of land to the rear of the building. The walls are brown dry dash render and most of the openings are covered by external roller shutters, with the exception of two windows which are covered by steel bars. The surrounding area is generally residential, with three storey flatted dwellings to the west and east and two storey flats to the north and south. There is a vacant clinic to the immediate north and single storey garages to the immediate west. There is informal on-street car parking in the area.

**Proposed Development:** Change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations.

**Proposed Development Details:** The application is for the change the use of the existing shop to three one bedroom dwellinghouses, with amenity space to the rear. The existing openings will be infilled and replaced with three new doors and window openings on the front and rear elevations, with no openings on the sides. The walls are to be re-rendered, the window frames will be uPVC and the doors will be timber, with a single ply membrane roof. The houses are proposed to connect to the public drainage network and water supply.

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

Application site 09/00340/DPP Change of use from bakery to hot food takeaway, alterations to shop front and installation of external extraction flue. Refused – the proposal would detract materially from residential amenity as a result of noise, disturbance, smell or litter, contrary to Local Plan policies RP20 and DP7.

#### **Consultations:**

The **Policy and Road Safety Manager** recommends refusal of the application. No resident or visitor car parking spaces are proposed. The proposal would place additional pressure on the limited number of on-street spaces presently available, which could lead to an increase in inconsiderate or illegal parking in the surrounding area.

**Scottish Water** has no objection but states that they will not accept any surface water connections to the combined sewer.

**Representations:** No representations were received.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are;

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

**DEV2 Protecting Amenity within the Built-Up Area** advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

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

**DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria;

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

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

**IMP1 New Development** seeks to ensure that appropriate provision is made for a need which arises from new development. Of relevance in this case are education provision, transport infrastructure; contributions towards making good facility deficiencies; affordable housing; landscaping; public transport connections, including bus stops and shelters; parking in accordance with approved standards; cycling access and facilities; pedestrian access; acceptable alternative access routes, access for people with mobility issues; traffic and environmental management issues; protection/management/compensation for natural and conservation interests affected; archaeological provision and 'percent for art' provision;

**IMP2 Essential Infrastructure Required to Enable New Development to Take Place** states that new development will not take place until provision has been made for essential infrastructure and environmental and community facility related to the scale and impact of the proposal. Planning conditions will be applied and; where appropriate, developer contributions and other legal agreements will be used to secure the appropriate developer funding and ensure the proper phasing of development; and

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

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

The site is small, with the boundary including a small amount of ground to the rear of the building. A material planning consideration is whether the property will provide an acceptable level of amenity for future residents of the development.

The plans show an area of approximately 16 square metres amenity ground for each unit. The required standard for terraced units is of 100 square metres. In order to make this area private, close boarded boundaries of at least 1.8 metres high are required. At only 2.5 metres from the openings on the rear elevation, these would be overbearing on the outlook of the proposed houses. These areas are to the north of the building and so there would be limited daylight to the garden space. The proposal does not provide adequate private amenity space for future residents of the proposed dwellings.

No parking is proposed within the site. A development of this size requires five off-street parking spaces, as the requirement is 1.5 spaces for a one bedroom unit. The lack of parking has been raised as a concern by the Policy and Road Safety Manager, as this places additional pressure on the limited number of on-street parking spaces in the area and could lead to an increase inconsiderate or illegal parking in the area. They do not support the application.

The applicant's agent has submitted details of the parking provision, stating there are 25 on-street parking in the area and the number required to serve the properties on George Terrace, including the proposed houses, is 17 spaces. This includes the spaces within the garages to the west of the site.

The current parking standards do not include garages as parking spaces so the number of spaces provided, according to the applicant's agent, is reduced to 20. If the current parking standards were applied to the residential units that the applicant's agent has referred to, 25 parking spaces would be required for the existing units, below that already provided. Approving three residential units, which would require 5 additional parking spaces, would exacerbate the lack of parking in the area.

The proposal does not provide parking spaces for the future occupants and there are road safety concerns.

In some cases the Planning Authority can accept reductions in levels of amenity, such as parking and amenity ground, where sites are within town centres and are otherwise afforded high levels of amenity. This is not the case in this application. This site is not within a town centre, and future occupants would have a poor outlook and a lack of natural daylight. The Planning Authority considers that there is no reason or justification to depart from the required parking or amenity standards in this case.

The planning application relates to the reuse of the existing building, with no aesthetic improvements being proposed. The existing building is of a different character to other residential buildings in the area and it does not currently make a positive contribution to the appearance of the area. The retention of the unaltered building prolongs the negative impact on the character of the area. As the building does not reflect the character of other residential buildings in the area and no significant changes are being proposed the development will be out of character in

relation to the residential properties in the area. The building is not appropriate to accommodate residential units.

Due to the number of units proposed, had the application been supported, developer contributions would have been required for one of the units.

In summary, the proposal is for a poor quality development with severely limited levels of amenity for future residents, with a serious impact on vehicle parking in the area with no benefits through the improvement of the visual amenity of the area.

**Recommendation:** Refuse planning permission.

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 20/00002/DPP**

Architects Designworks  
3/4 Dun-Ard Garden  
Edinburgh  
EH9 2HZ

Midlothian Council, as Planning Authority, having considered the application by H.A. and Co Developments Ltd, Polton Hall Industrial Estate, Polton, EH18 1BW, which was registered on 8 January 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use from shop (class 1) to 3 dwellinghouses (class 9) and associated external alterations at 16 George Terrace, Loanhead, EH20 9JZ**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	08.01.2020
Site Plan	3075/L(2)04 1:500	03.02.2020
Floor Plan	3075/L(2)01 1:100	08.01.2020
Existing Elevations	3075/L(2)02 1:100	08.01.2020
Proposed Elevations	3075/L(2)03 1:100	08.01.2020

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

1. *The proposed development will provide an inadequate level of amenity for future residents due to the lack of adequate private garden ground.*
2. *The proposed development provides no off-street parking provision meaning that it does not comply with the Council's parking standards and could result in road safety concerns through inconsiderate or illegal parking.*
3. *The existing building is out of character for residential properties in the area and is not appropriate to accommodate residential units.*
4. *For the above reasons, the proposal is contrary to policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017.*

Dated 2 / 3 / 2020

A handwritten signature in blue ink, appearing to be 'DR' with a stylized flourish.

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



**The Coal  
Authority**

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

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

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

Website:

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

### **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.

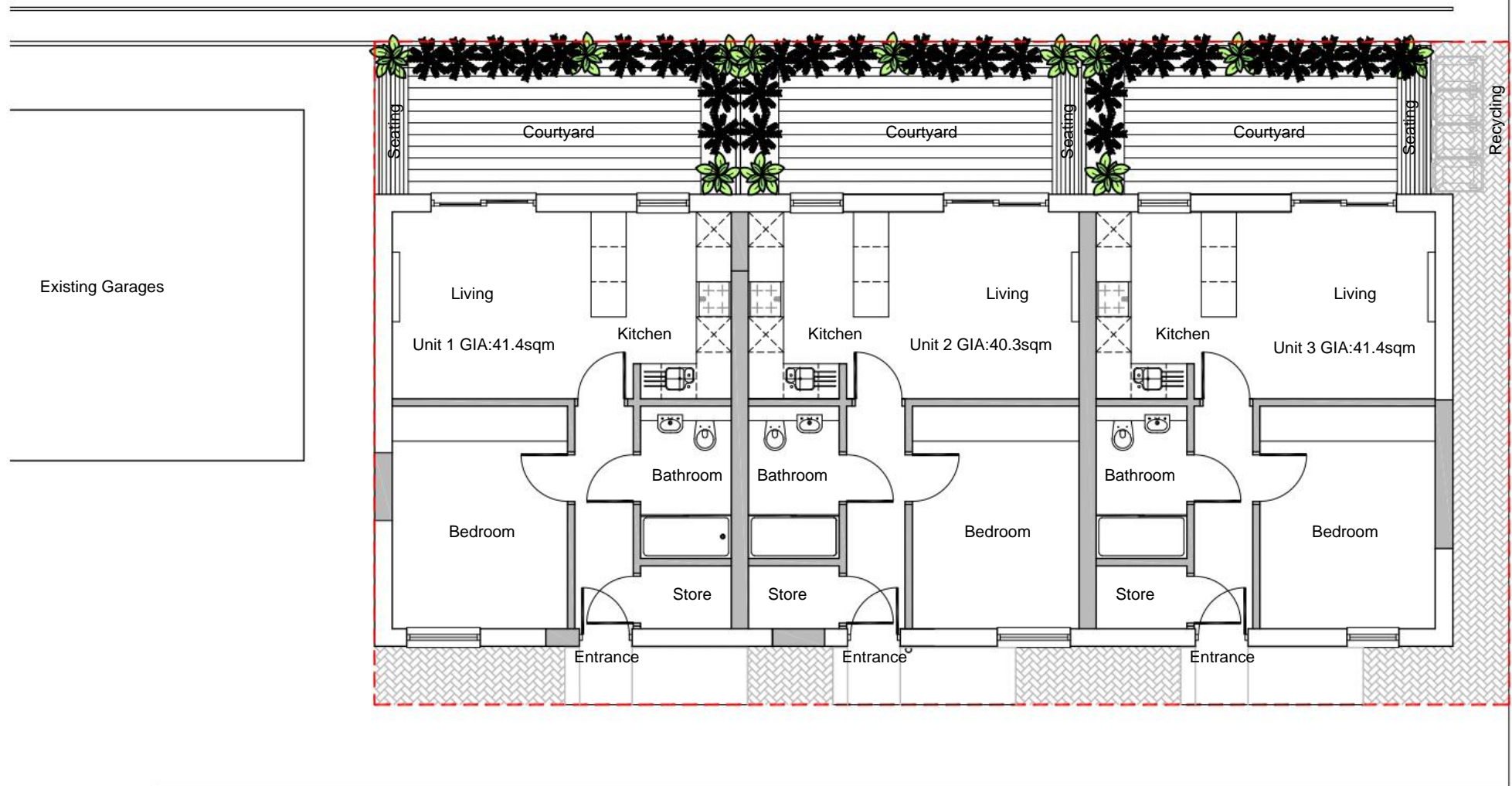
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, 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 a Coal Authority Permit 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: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

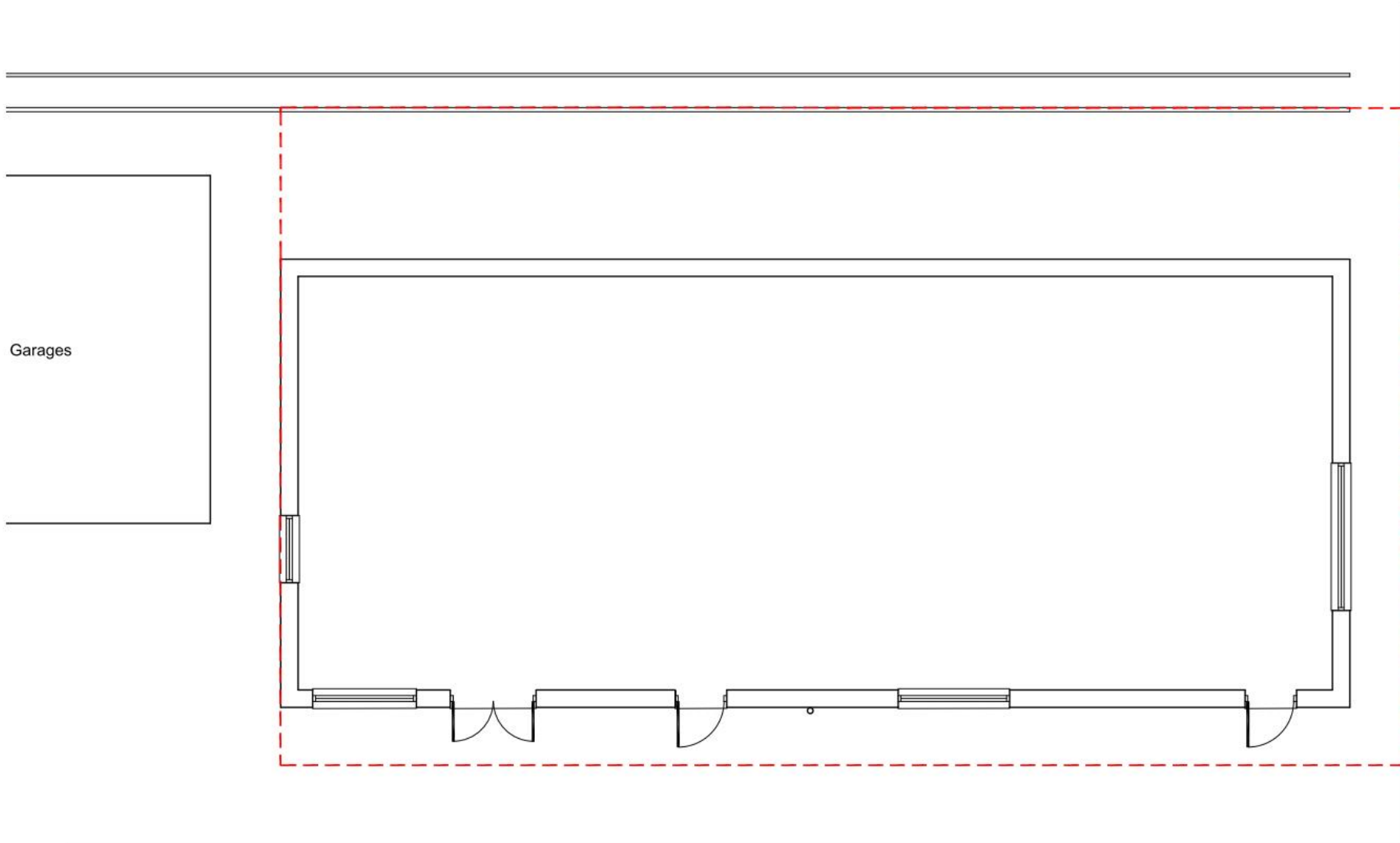
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Informative Note is valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*



Proposed Ground Floor Plan

GEORGE TERRACE

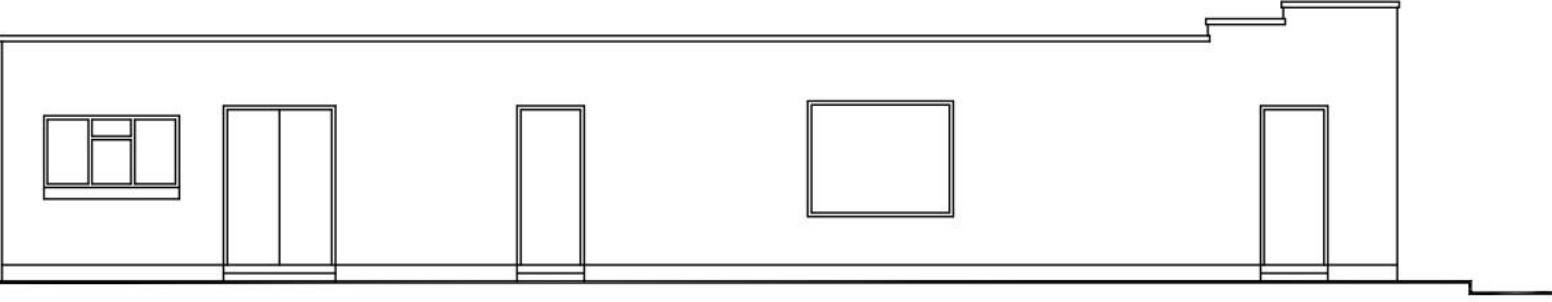


Existing Ground Floor Plan

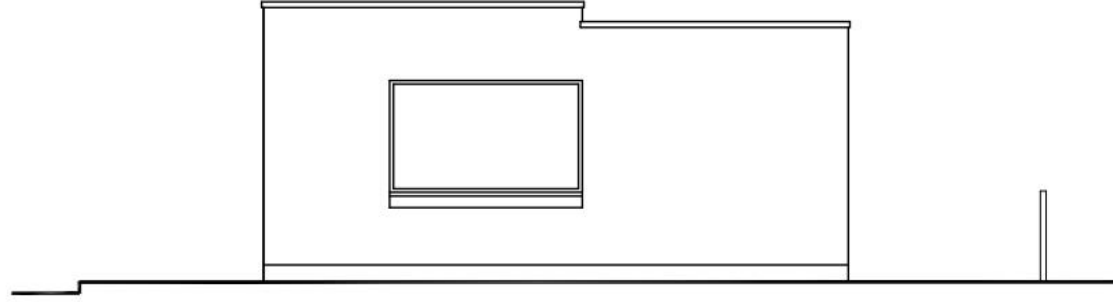
GEORGE TERRACE

## Architects *Designworks*

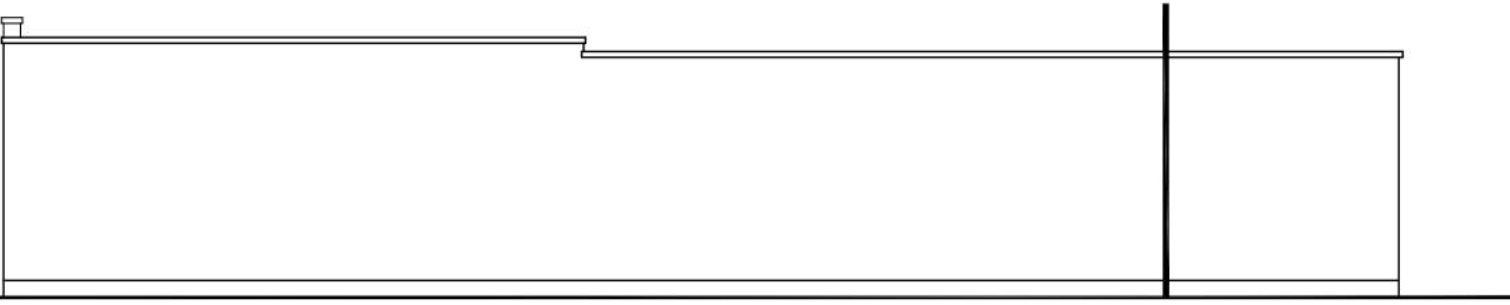
Architecture Masterplanning  
12 Dryden Place Edinburgh EH9 1RP  
T 0131 672 3609  
F 0131 662 0359  
email: [rob.bloor@architectsdesignworks.com](mailto:rob.bloor@architectsdesignworks.com)



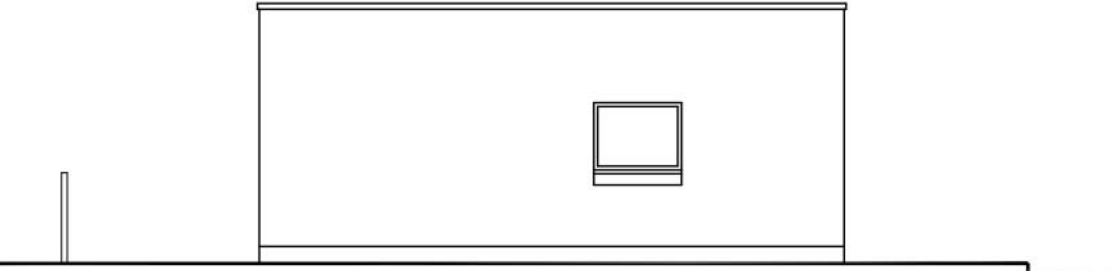
Existing South Elevation



Existing East Elevation



Existing North Elevation



Existing West Elevation

Project:  
16 George Terrace  
Loanhead EH20 9JZ

Drawing:  
Existing  
Elevations

Scale: 1:100 @ A3

Date: Dec 19

Drawn:	
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Dwg No.:

3075/L(2)02

Rev:

# Architects *Designworks*

## Architecture Masterplanning

12 Dryden Place Edinburgh EH9 1RP

T 0131 672 3609  
E 0131 662 0359

email: [rob.bloor@architectsdesignworks.com](mailto:rob.bloor@architectsdesignworks.com)

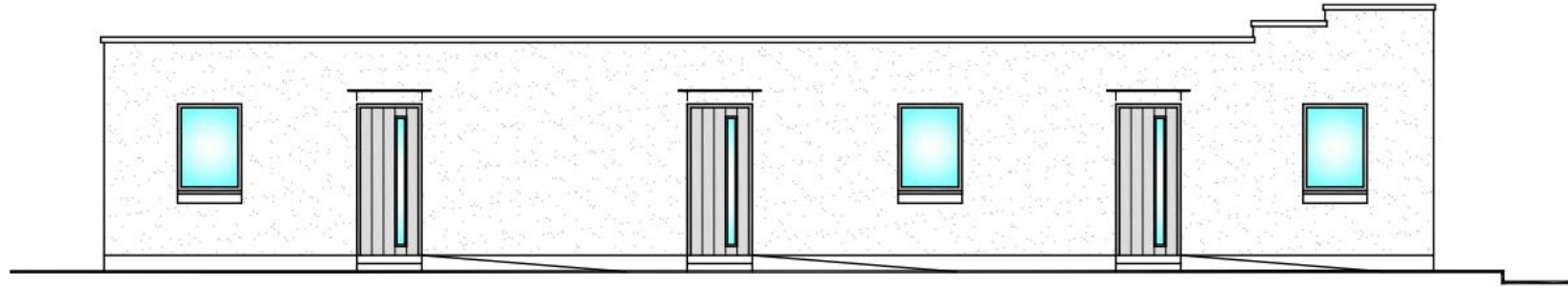
## External Materials

Walls: Walls overclad insulation with 2 coat render finish

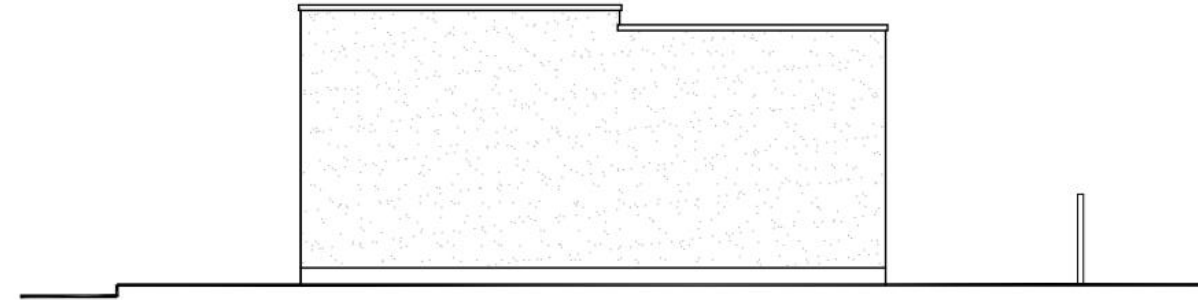
Windows: upvc double glazed

Doors: Timber painted

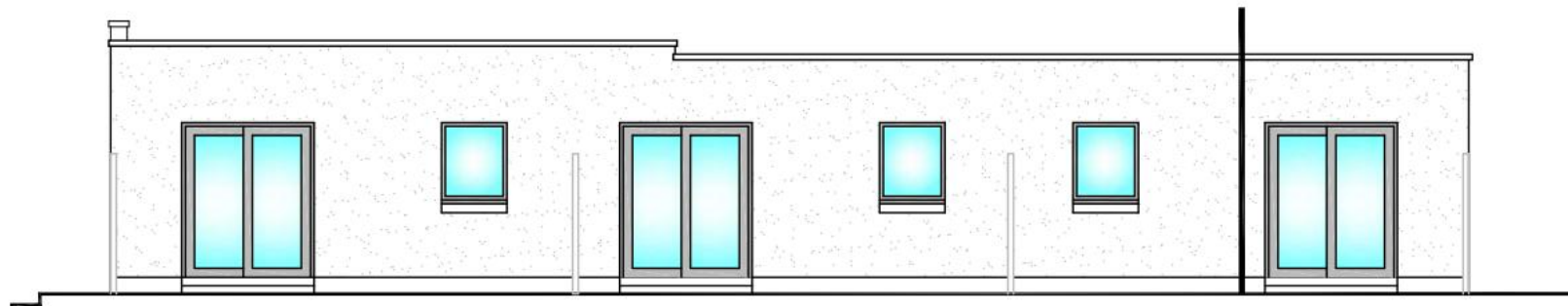
Roof: Single ply membrane



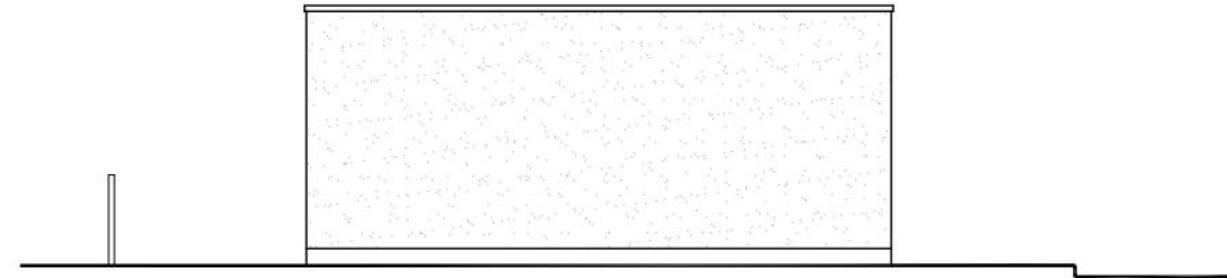
### Proposed South Elevation



Proposed East Elevation



### Proposed North Elevation



Proposed West Elevation

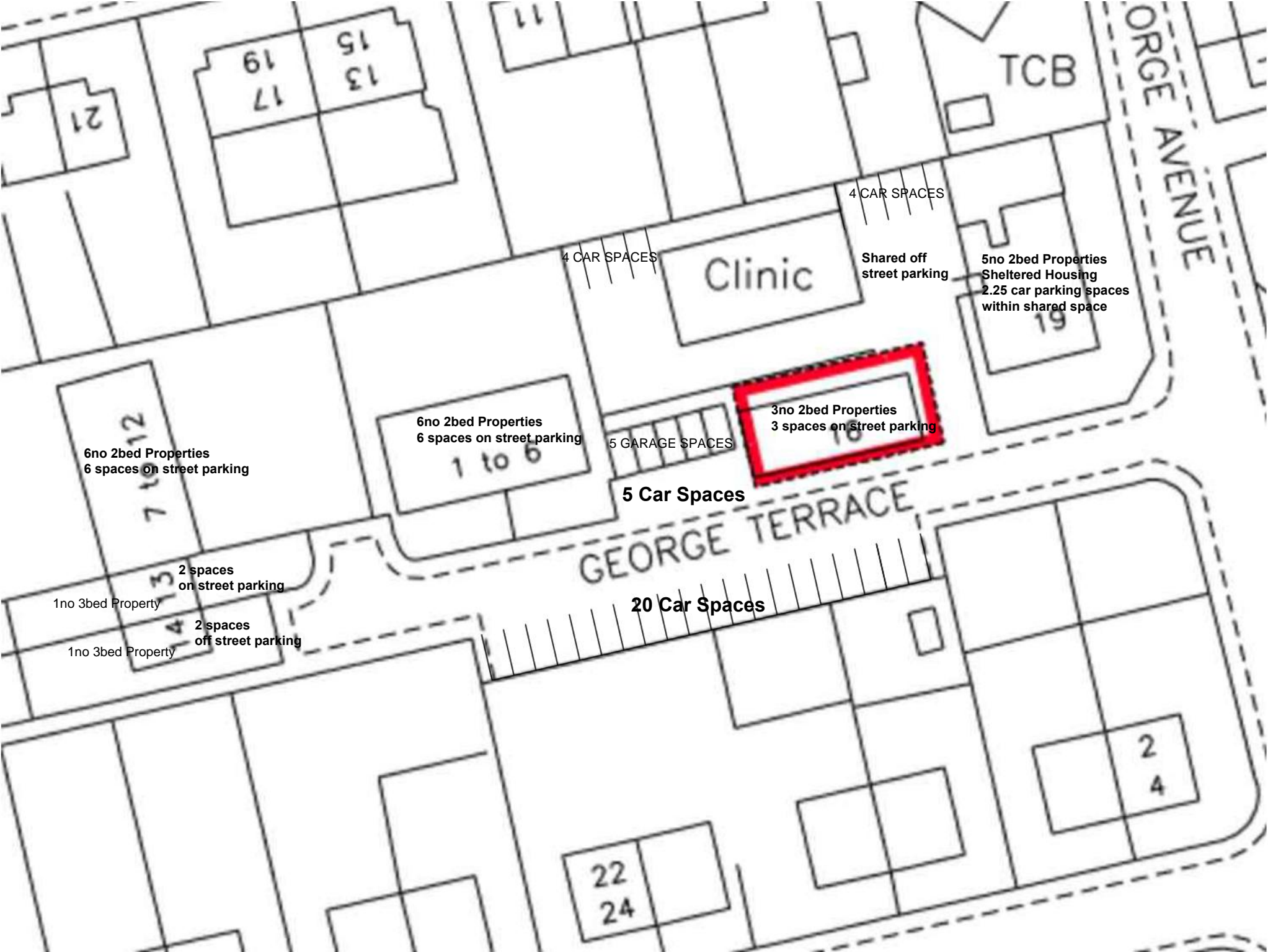
Scale: 1:100 @ A3

Date: Dec 19

Drawn:	
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Dwg No: 2025/11/20/003

Rev:



Site Plan

Existing On Street Car Parking

- 1, 2, 3, 4, 5 & 6 George Terrace 2 Bed properties 1 space per dwelling
- 7,8,9,10,11 & 12 George Terrace 2 bed properties 1 space per dwelling
- 13 George Terrace 3 Bed property 2 spaces
- 14 George Terrace 3 Bed Property 2 spaces provided within curtilage
- 16 George Terrace Proposed 3no 2bed properies 1 space per dwelling
- 19A, 19B, 19C, 19D & 19E George Terrace Sheltered Housing 2.25 spaces provided within shared off street area

**Total on street existing parking : 25 Car Spaces**  
**Total on street parking required: 17 Car Spaces**

## Notice of Review: 62 Royal Court, Penicuik

### Determination Report

Report by Derek Oliver, Chief Officer Place

#### 1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a two storey extension to dwellinghouse and erection of fence at 62 Royal Court, Penicuik.

#### 2 Background

- 2.1 Planning application 19/00977/DPP for the erection of a two storey extension to dwellinghouse and erection of fence at 62 Royal Court, Penicuik was granted planning permission subject to conditions on 7 January 2020; a copy of the decision is attached to this report. Condition 1 on planning permission 19/00977/DPP subject to review is as follows:

1. The proposed new fence along the west side of the application property is not approved.

**Reason:** *The enclosure of this area and the erection of the fence would have a detrimental impact on the visual amenity of the area contrary to policy DEV 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

The applicant is requesting that this condition is removed from the grant of planning permission.

- 2.2 The review has progressed through the following stages:

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

#### 3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisory notes, issued on 7 January 2020 (Appendix D); and

- A copy of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **4 Procedures**

- 4.1 In accordance with procedures (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:
- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
  - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that no consultations were required and no representations have been received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission (condition 1 is on planning permission 19/00977/DPP which the applicant has not requested to be removed/amended).

1. The colour, size, texture and profile of the roof tiles on the extension shall match those of the roof tiles on the existing building.

**Reason:** *To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.*

2. Details of the colour of the proposed fence shall be submitted to the Planning Authority and the fence shall not be erected until this detail has been approved in writing by the planning authority.

**Reason:** *To safeguard the visual amenity of the surrounding area.*

## **6 Recommendations**

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

**Date:** 20 November 2020

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

**Background Papers:** Planning application 19/00977/DPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Two storey extension to dwellinghouse and erection of fence  
at 62 Royal Court, Penicuik, EH26 0JH

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File No: 19/00977/DPP

Scale: 1:1,000

Page 76 of 94





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100206660-002

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="David Paton Building Consultancy"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David Paton"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Building Consultancy"/>	Building Number:	<input type="text" value="13"/>
Telephone Number: *	<input type="text" value="0131 440 1213"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Loanhead"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH20 9RH"/>
Email Address: *	<input type="text" value="davidpatonbc@btconnect.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text" value="62"/>
Last Name: *	<input type="text" value="Muirhead"/>	Address 1 (Street): *	<input type="text" value="Royal Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Penicuik"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 0JH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="62 ROYAL COURT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PENICUIK"/>
Post Code:	<input type="text" value="EH26 0JH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="661048"/>	Easting	<input type="text" value="322955"/>
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## Description of Proposal

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

2 storey extension to dwelling house and erection of fence

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

see attached supporting statment

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

☐ Yes ☒ No

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

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

Drawing which was used in Planning Application Supporting Statement Alternative Approach

## Application Details

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

19/00977/DPP

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

22/11/2019

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

07/01/2020

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr David Paton Building Consultancy

Declaration Date: 16/03/2020

ERECTION OF 2 STOREY EXTENSION TO SIDE OF DWELLING HOUSE AND ERECTION OF  
FENCE IN DIFFERENT POSITION FROM EXISTING AT;  
62 ROYAL COURT, PENICUIK. EH26 0JH  
APPLICATION NO. 19/00977/DPP  
APPROVED 7 JANUARY 2020

Introduction

On behalf of our client Mr & Mrs Muirhead, we would like to appeal against Condition 1 of the above permission which reads as follows;

1. The proposed new fence along the west side of the application property is not approved.

*Reason: The enclosure of this area and the erection of the fence would have a detrimental impact on the visual amenity of the area contrary to Policy Dev 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built up area*

Reason for Review

Permission has been granted for a 2 storey extension to the side of the house which takes it up to the existing Fence line on the property (this is not the boundary). Beyond the existing fence there is a piece of land owned by the applicant which bounds a pathway which runs between Royal Court and Rullion Green Crescent. This piece of land is landscaped. It is also overgrown, unsightly and an area where rubbish collects. Our proposal to move the fence line to the boundary would tidy this area up, allow the applicant to be able to access the rear garden of their property and also provide an area within the garden that can be landscaped properly to enhance this area.



Looking at Pathway from opposite to site



On Pathway towards Rullion Green Crescent

## Planning Issues

It is argued by the Planning department that Landscape / open space is important because it enhances the general environment. This example does neither all that has been created is a narrow, overgrown pathway that gives poor visual amenity of the locality. Across the street from the applicant site between 53 & 54 Royal Court there is much more open pathway with no landscaping whatsoever. You also only have to walk down Royal Court to find communal landscaping which is unsightly, unkept and unacceptably narrowing the pavement. There are also examples on this estate of pathways between properties with no landscaping.

It is also argued that by allowing permission here it would cause a precedent for the house on the other side of the path to do the same. I would suggest given what exists at present is a dark narrow pathway, allowing a fence on the boundary would in fact open this pathway up to allow a much more open and lighter pathway to be used and in fact would be an enhancement to the local Amenity and is in keeping with other areas within the estate. It is also worth pointing that there were no objections to this application.



Pathway between 53 & 54 Royal Court



Pathway elsewhere on estate



Examples of unkept Landscaping within the estate

## Alternatives

After receiving the Planning Permission with condition attached we approached the appointed Planning officer as the applicants are keen to work with the council to find an acceptable solution which will allow access between the front and back gardens, and had first of all offered that the new fence would not go forward of the front building line and also we came up with a sketch (the planner didn't want to see it) showing an alternative which would benefit all parties with the new fence line far enough away from the extension to allow rear access to the garden, this would also allow a certain amount of landscaping to be kept to the pathway side as the Planning Department want. We were told that there is no compromise to the position of the fence line. Copy of this alternative plan is attached.

## Conclusion

When this estate was built in the late 80s / early 90s, you can understand that forming landscape areas to soften the development and give an element of greenery was the correct thing to do. In reality though what we have all these years later is a pathway which is not open space as has been described or gives any great landscape value to the wider estate. What we have is a narrow, dark, messy unkept area that would benefit from what we have suggested in either original form or as amended.

With the above in mind we ask that condition 1 is removed from the permission.

David Paton Building Consultancy  
13 High Street  
Loanhead  
EH20 9RH

March 2020

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 19/00977/dpp

**Site Address:** 62 Royal Court, Penicuik

**Site Description:**

The application property comprises a semi-detached two storey dwellinghouse and its associated garden located within a residential area. There is a conservatory at the rear of the house and a shed at the side. The house is finished externally in brick with brown upvc framed windows and red/brown concrete pantiles. There is a footpath link to the west side of the application site with a 1.9m high boundary fence set back from the footpath between 1m at the rear of the site and 2m approx at the front of the site with planting on the outer side of the fence.

**Proposed Development:**

Two storey extension to dwellinghouse and erection of fence

**Proposed Development Details:**

It is proposed to erect a 2.8m wide two storey extension at the side of the house continuing the form of the existing building. External materials are to match existing. It is also proposed to erect a new 1.65m high boundary fence hard up to the footpath at the side including forward of the front building line of the house.

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

History sheet checked.

402/87 – Erection of 44 dwellinghouses (amendment to previously approved house designs) at Phase 2, Rullion Road, Penicuik

07/00784/ful – Erection of fence at 4 Rullion Green Crescent, Penicuik – refused  
06.02.08

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

### **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 design of the extension is in keeping with the character of the existing building and will not have a significant impact on the visual amenity of the street scene.

Sufficient garden area would remain after the erection of the extension. Existing off street parking unaffected.

Planning permission was granted for this estate in the late 1980's. The design of the estate was open plan at the front. Planning permission was granted subject to conditions including a restriction on the erection of walls or fences other than those shown on the approved plans. The reason for the condition was "to ensure that the subsequent erection of fences does not detract from the appearance and amenity of the development". There is no objection per se in principle to the erection of walls and fences subject to the impact on the visual amenity of the area and an appropriate design. Planning permission has previously been refused for a 1.8m high fence at the side of no 4 Rullion Green Crescent, which is within the same housing estate, adjacent to a footpath link on the grounds of its detrimental impact on the visual amenity of the area.

The footpath along the west side of the application property is characterised by planting including shrubs and trees on both sides with the boundary fences set back behind the fences as per the originally approved plans for this housing estate. The proposed fence would enclose an area of land which originally formed part of the landscape provision at this estate. Landscape/open space is important as it enhances the general environment. This area whilst owned by the applicant contributes to the character and visual amenity of the locality, adding interest and enhancing the appearance and users experience of the footpath link and contributes to the overall character and visual amenity of the estate both for residents and visitors. Whilst it is acknowledged that the planting is somewhat overgrown this is a maintenance issue and not justification for the erection of a fence hard up to the boundary. As a result of the removal of the existing planting on the outer side of the fence and enclosing this area with a 1.65m high fence the visual benefits would be lost, with the fence being a dominant feature, with an overall detrimental impact on the visual amenity of the area including wider views from an area of open space to

the north of the site. Approval could also be seen as setting a precedent for the removal of the planting on the other side of the path and the erection of a fence resulting in a comparatively harsh boundary treatment along the footpath link rather than planting. Also whilst it is acknowledged that the existing fence projects forward of the house by 5.8m, its appearance is softened by the existing planting. With the removal of the existing planting the erection of a 1.65m high fence forward of the front building line would appear very prominent and incongruous and detract from the character of the area. It is acknowledged that there are other examples of fences hard up to pavements in the surrounding area (including at nos. 53 and 54 opposite albeit set back behind the front building line) however this should not be seen as justifying the degradation of the existing visual amenity of the area.

The proposal will not have a significant impact on the amenity of neighbouring properties.

As intimated above the proposed extension is acceptable. Planning permission could be granted for the extension subject to a condition not approving the proposed new fence.

**Recommendation:**

Grant planning permission subject to conditions.

## Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00977/DPP



David Paton Building Consultancy  
13 High Street  
Loanhead  
EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by, Mr and Mrs D Muirhead, 62 Royal Court, Penicuik, EH26 0JH, which was registered on 25 November 2019, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

### **Two storey extension to dwellinghouse and erection of fence at 62 Royal Court, Penicuik, EH26 0JH**

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Elevations	19-64-ex 1:1250 1:50	25.11.2019
Site plan, Location Plan and Elevations	19-64-PL1 1:1250 1:200 1:50	25.11.2019

This permission is granted for the following reason:

*The extension will not have a significant impact on the character of the existing building, the visual amenity of the surrounding area or the amenity of neighbouring properties and complies with the aims of policy DEV 2 of the adopted Midlothian Local Development Plan 2017 in these respects.*

Subject to the following conditions:

1. The proposed new fence along the west side of the application property is not approved.

**Reason:** *The enclosure of this area and the erection of the fence would have a detrimental impact on the visual amenity of the area contrary to policy DEV 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

2. The colour, size, texture and profile of the roof tiles on the extension shall match those of the roof tiles on the existing building.

**Reason:** *To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.*

Dated 7 / 1 / 2020

A handwritten signature in blue ink, appearing to be 'DR' with a stylized flourish.

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



**The Coal  
Authority**

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

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

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

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

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

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, 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 a Coal Authority Permit 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: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

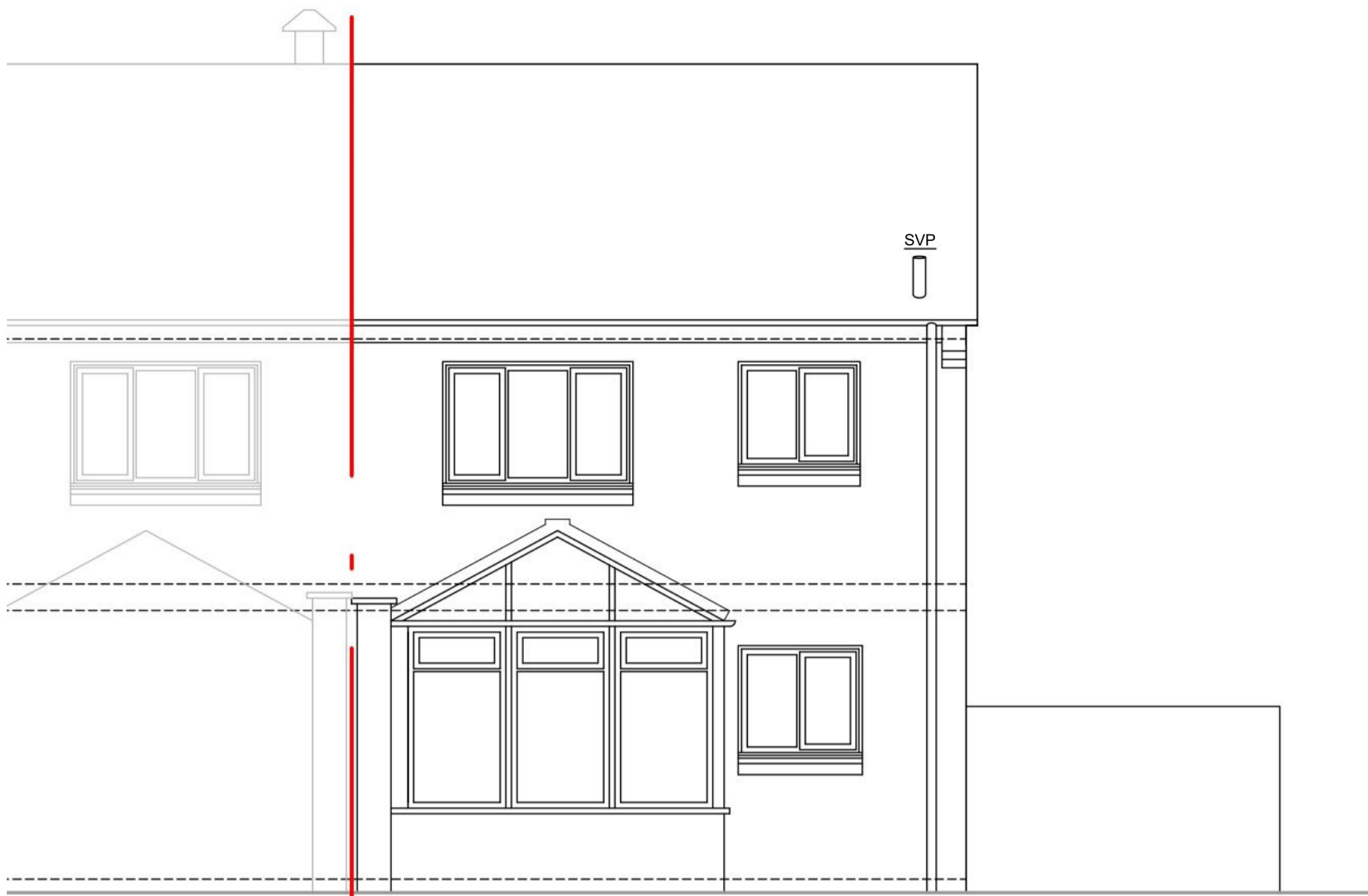
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

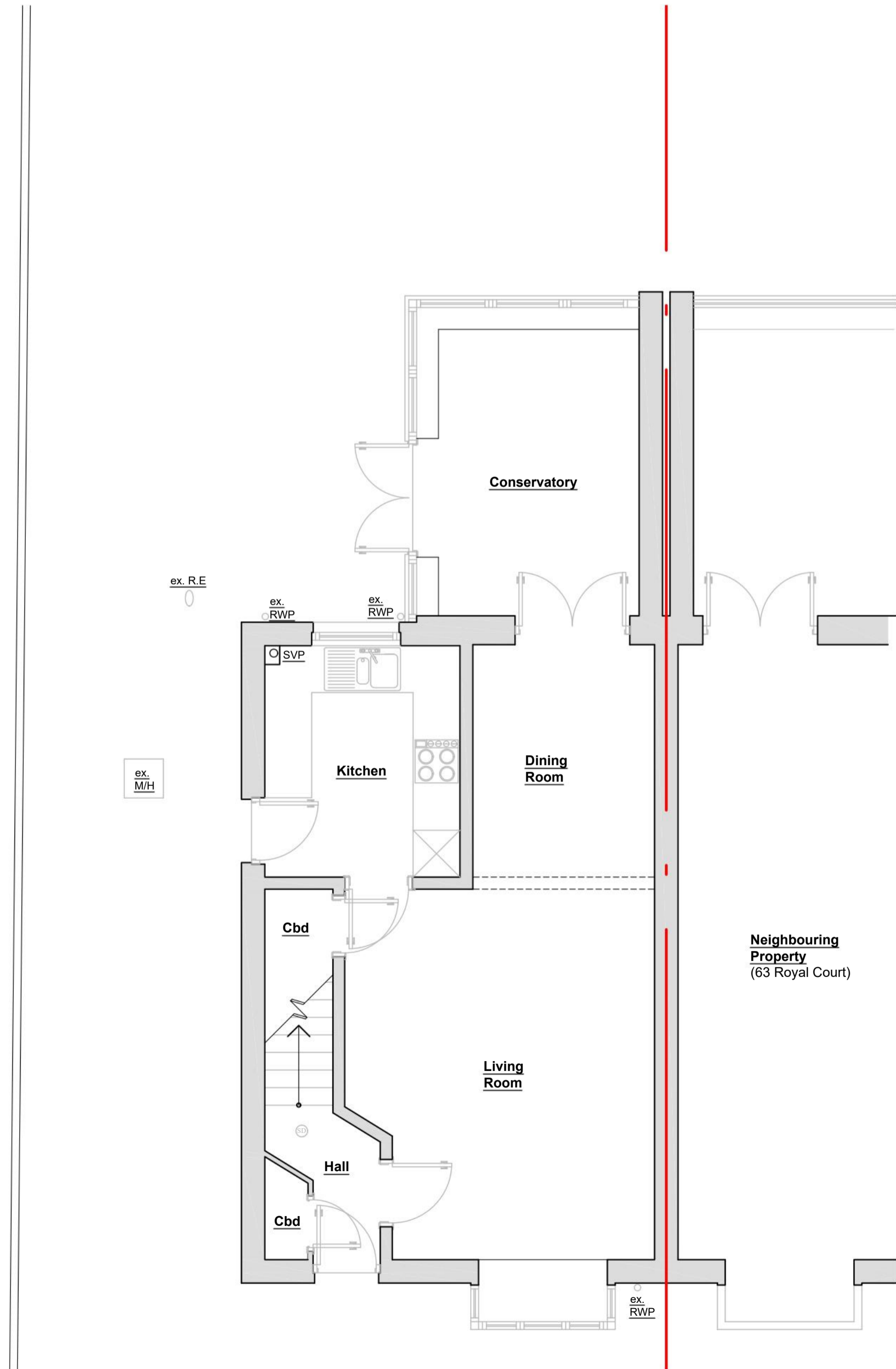
*This Informative Note is valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*



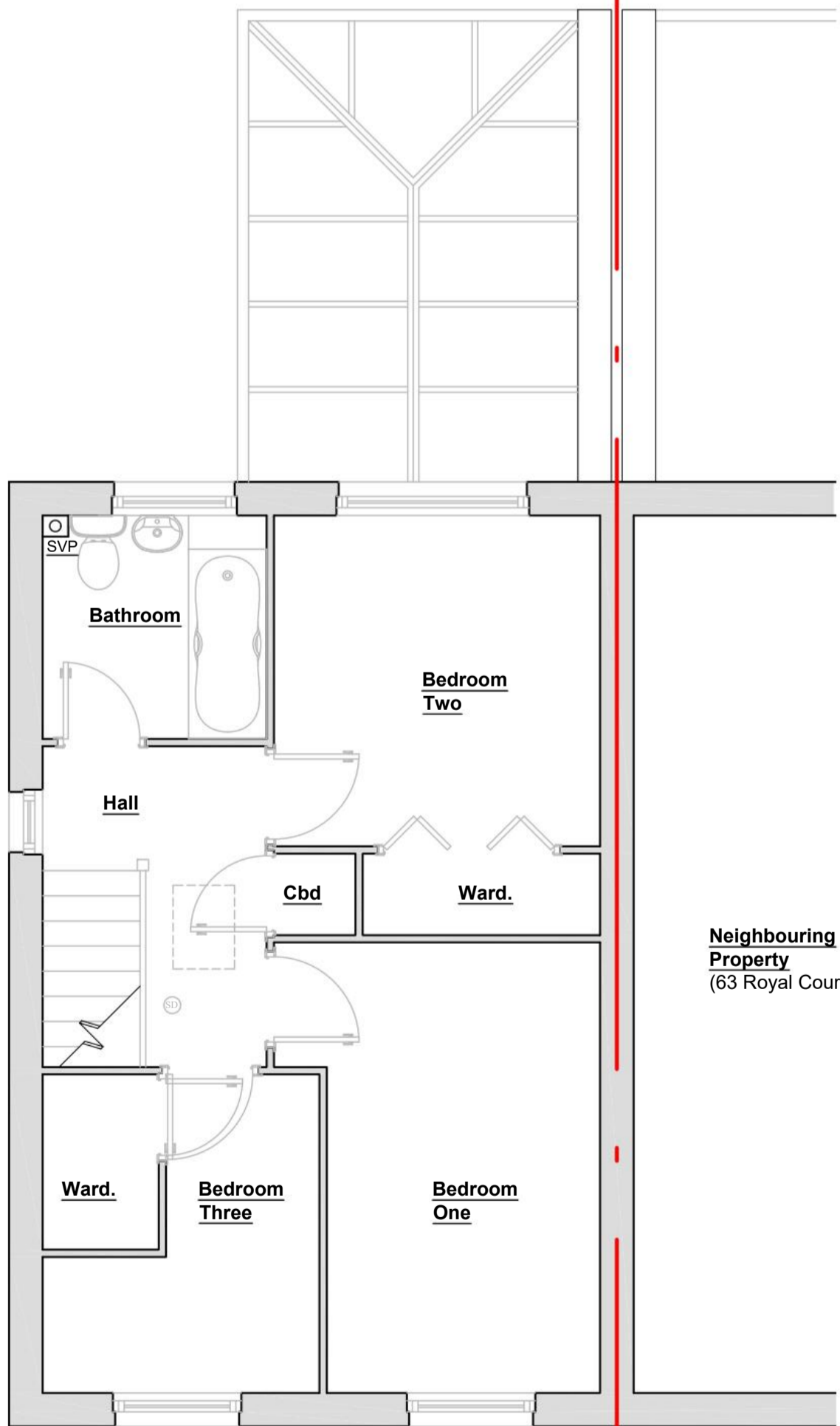
1:50 SCALE FRONT ELEVATION



1:50 SCALE REAR ELEVATION



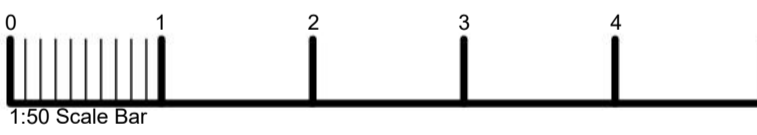
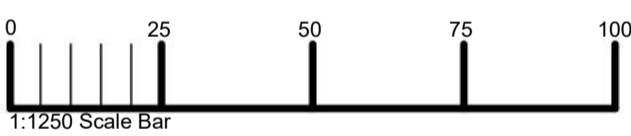
1:50 SCALE GROUND FLOOR PLAN



1:50 SCALE FIRST FLOOR PLAN



1:1250 SCALE LOCATION PLAN



REVISIONS					

CLIENT Mr and Mrs Muirhead	PROJECT Extension to Dwelling House at: 62 Royal Court Penicuik EH26 0JH	
	DATE October 2019	
DRAWING TITLE Existing Ground Floor & First Floor Plans, Front & Rear Elevations, Sections and Location Plan	DRAWN SA	
	SCALE 1:50 @ A1	

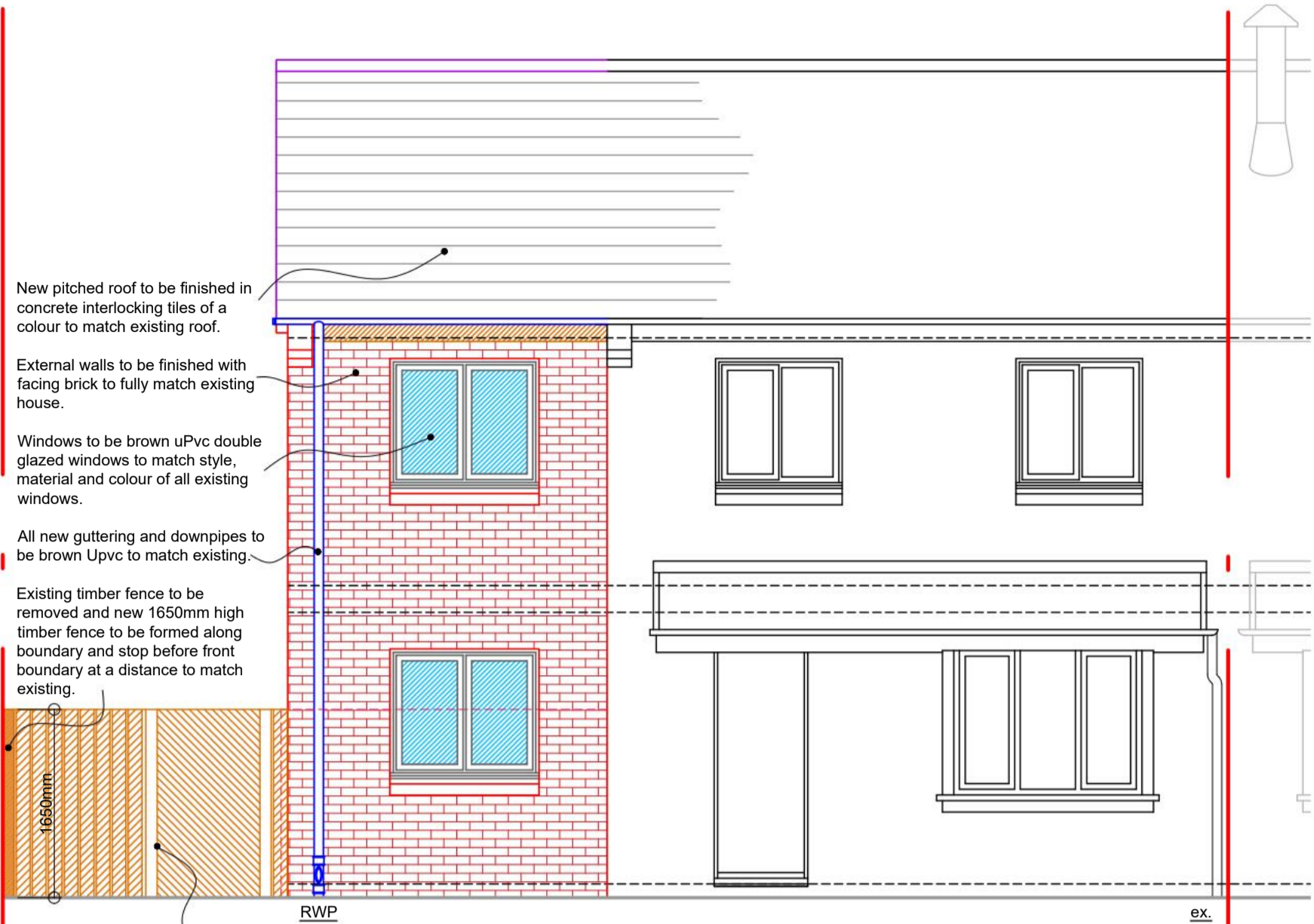
**david paton building consultancy**  
Architectural Services & Building Consultants  
Established in 1981 by David Paton  
13 High Street, Loanhead, Midlothian, EH20 9RH.  
Tel : 0131 440 1213 website : [www.davidpatonbc.co.uk](http://www.davidpatonbc.co.uk)  
e-mail : [davidpatonbc@btconnect.com](mailto:davidpatonbc@btconnect.com)

Members of  
the Chartered  
Institute of  
Architectural  
Technologists

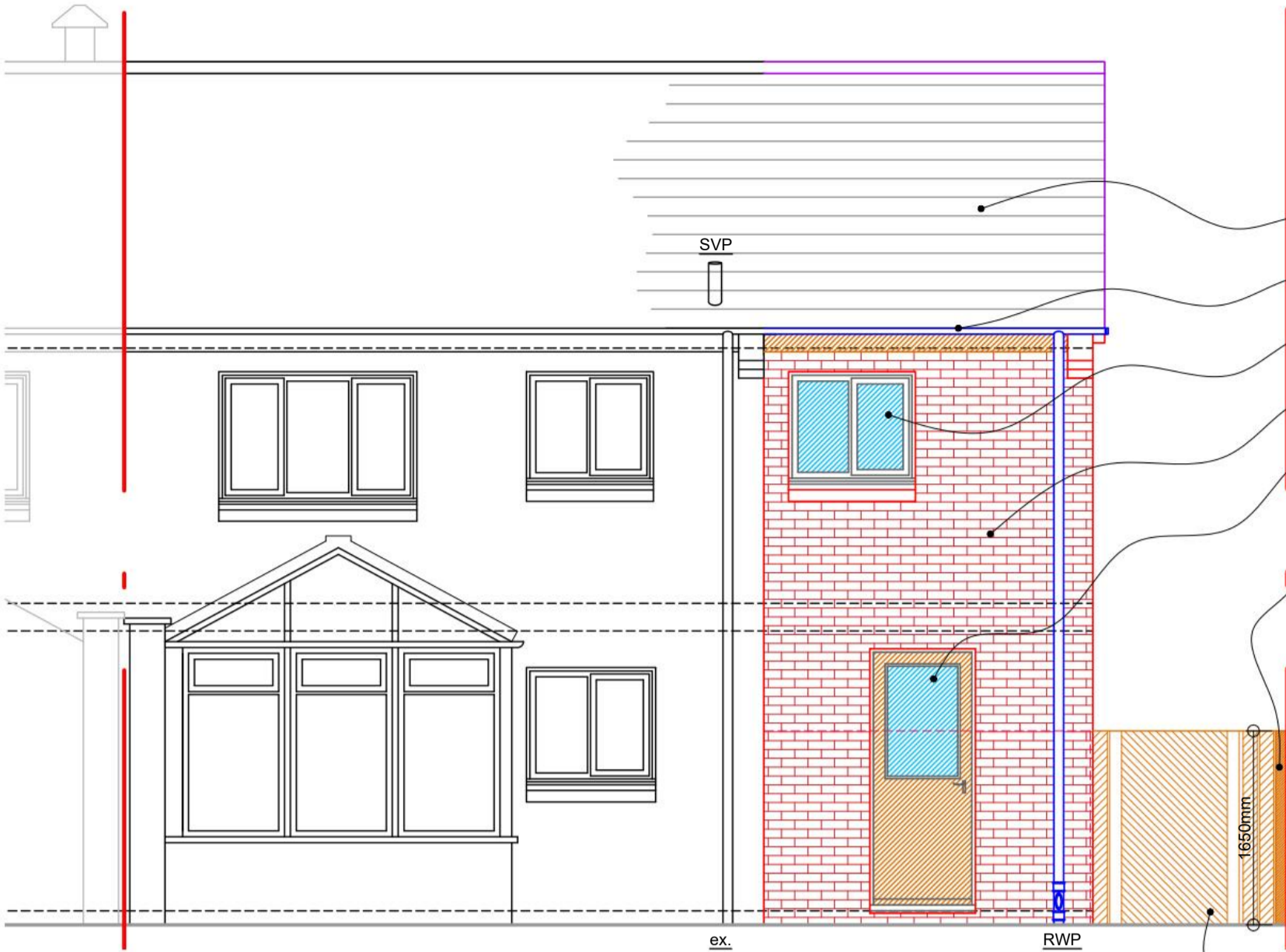


DRAWING NO.  
**19-64-ex**

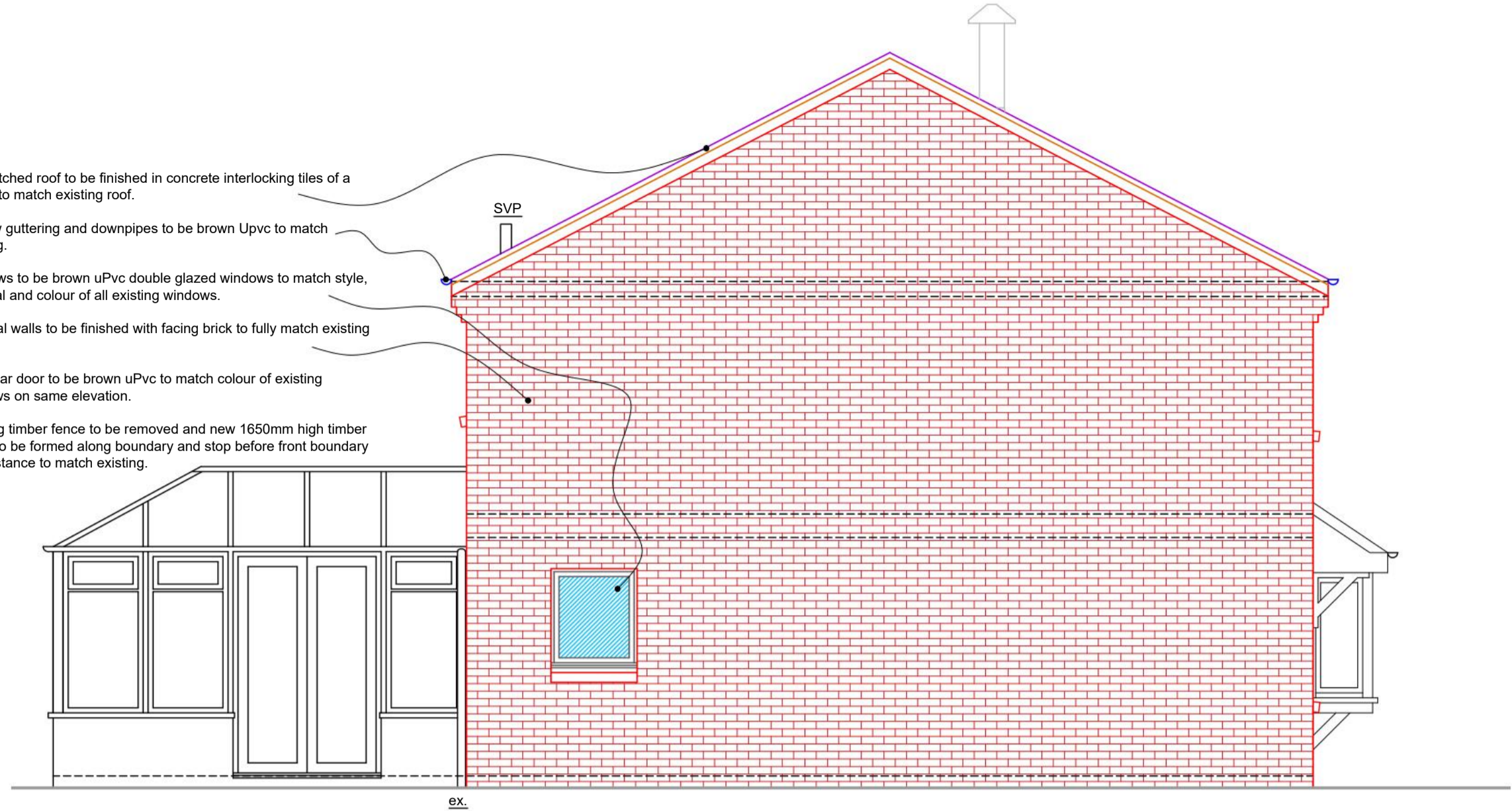
REVISION	
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1:50 SCALE FRONT ELEVATION



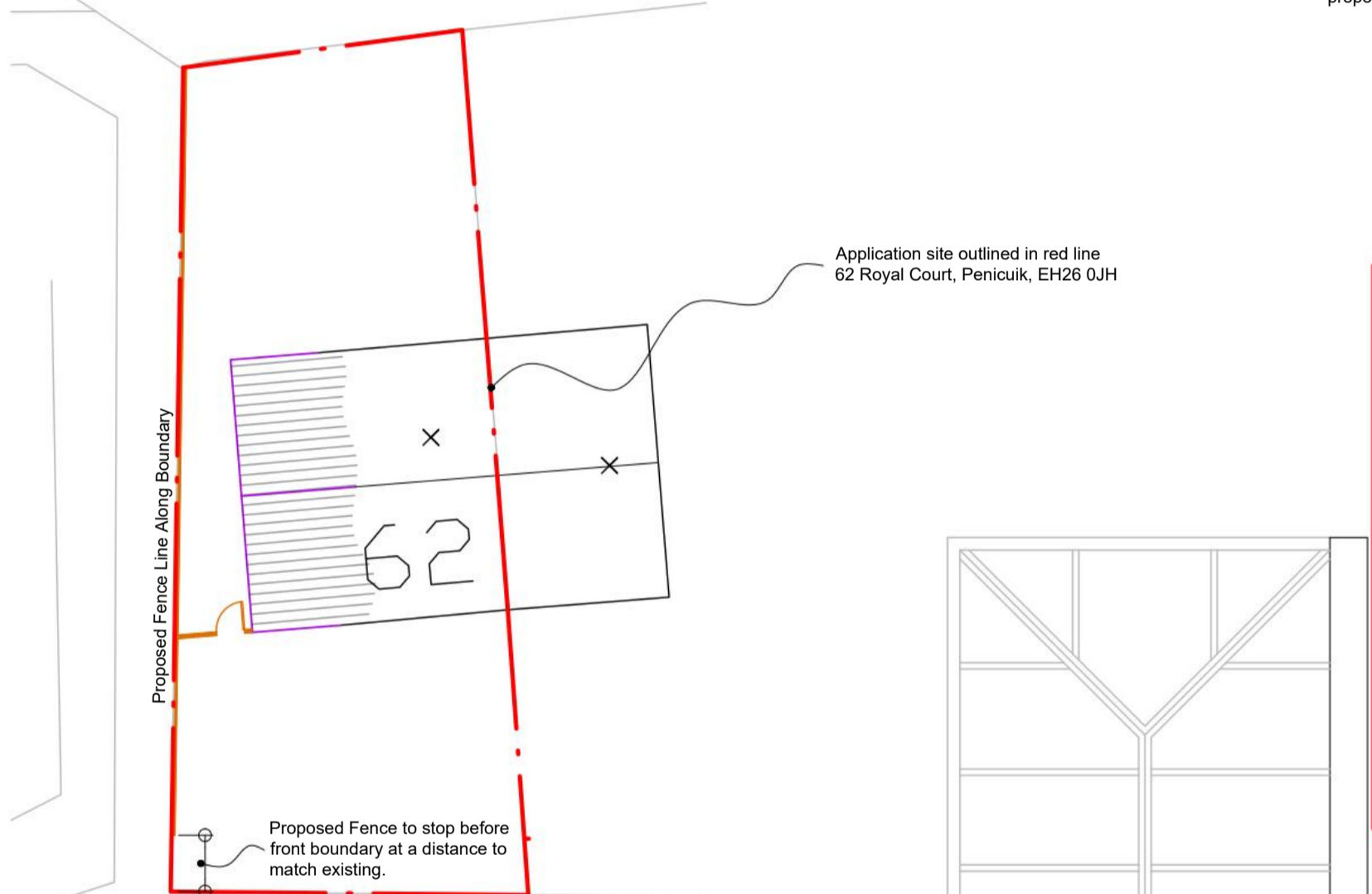
1:50 SCALE REAR ELEVATION



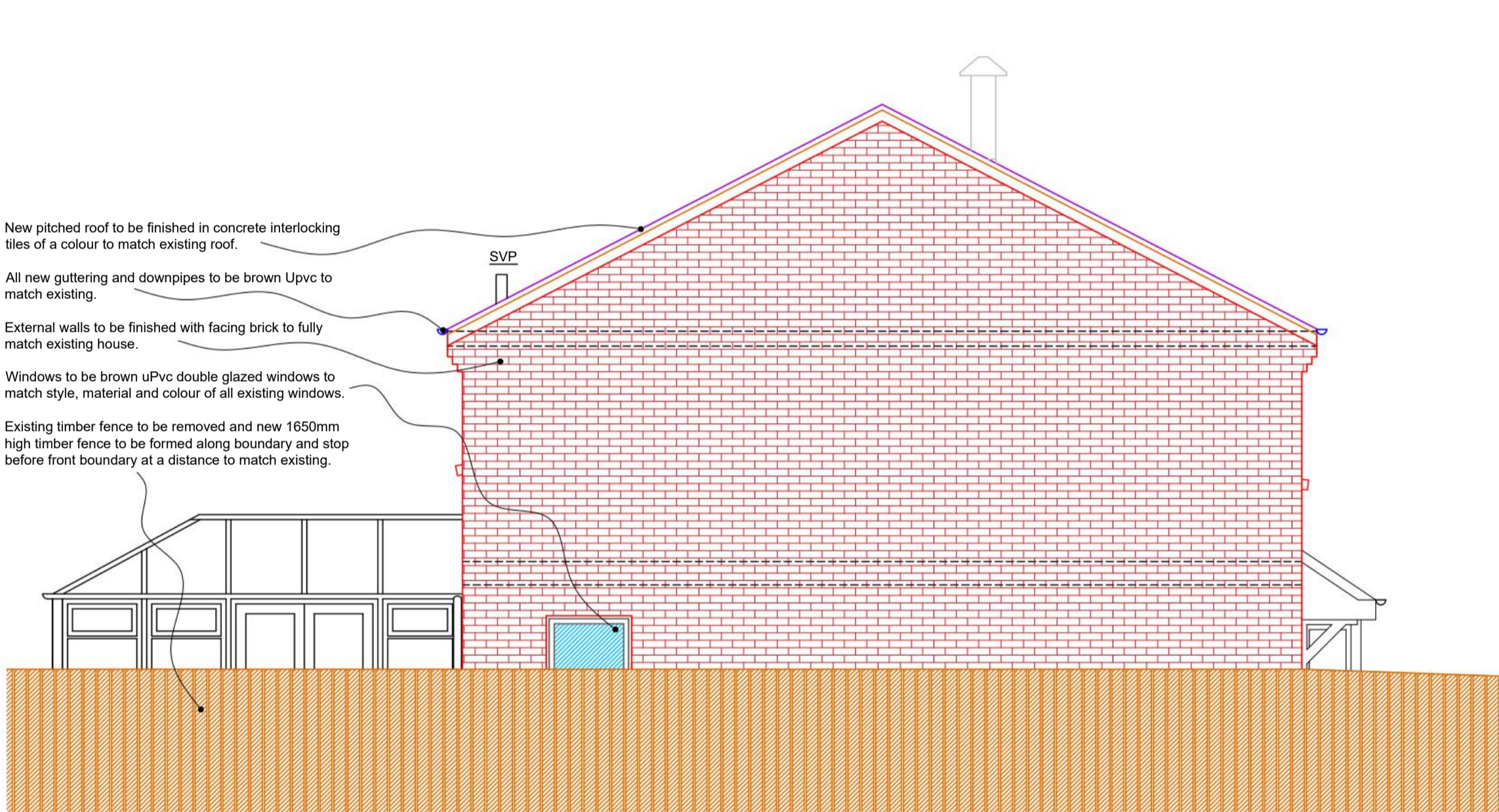
1:50 SCALE SIDE ELEVATION

GENERAL MATERIAL SPECIFICATION

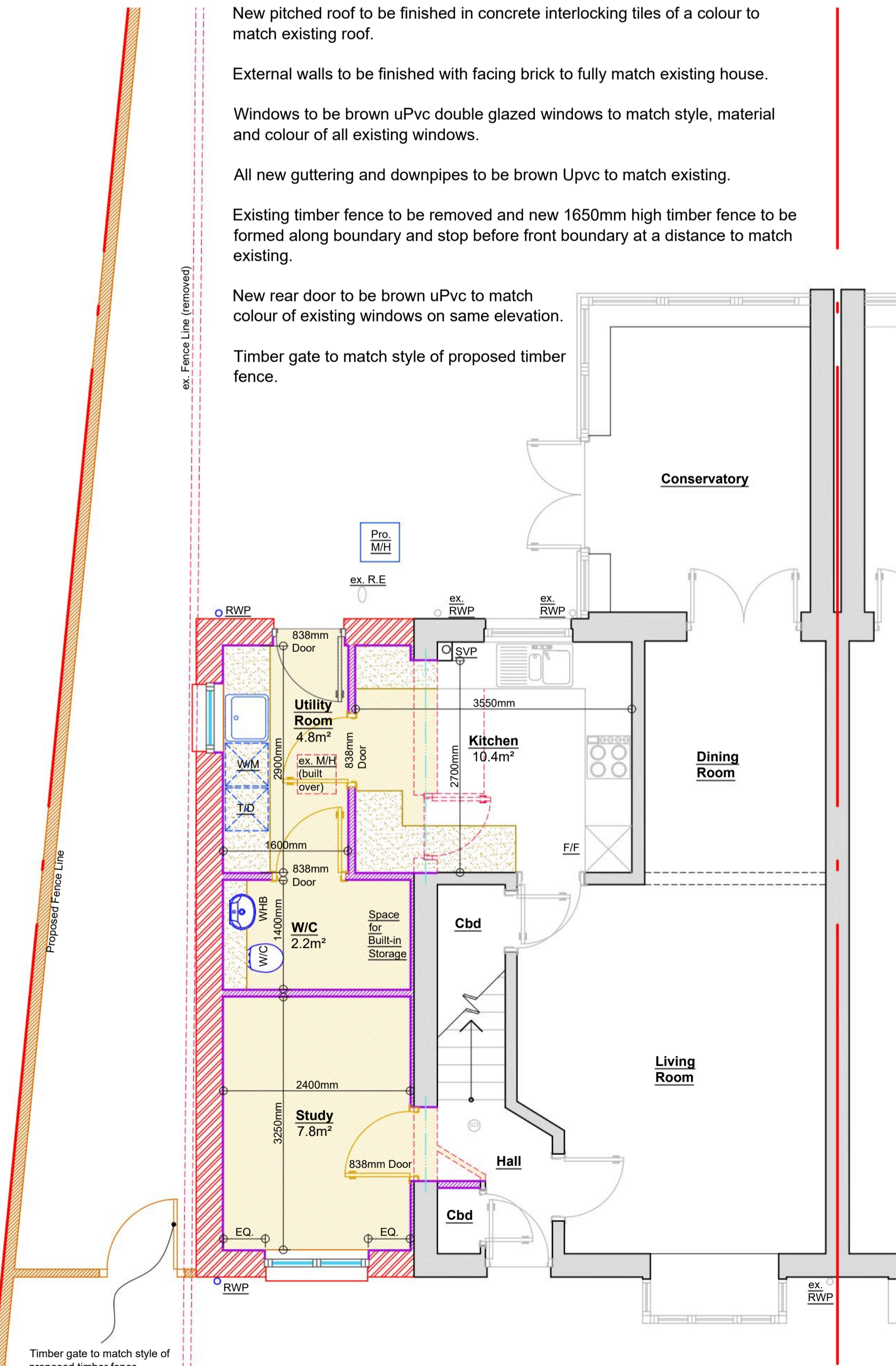
- New pitched roof to be finished in concrete interlocking tiles of a colour to match existing roof.
- External walls to be finished with facing brick to fully match existing house.
- Windows to be brown uPvc double glazed windows to match style, material and colour of all existing windows.
- All new guttering and downpipes to be brown Upvc to match existing.
- Existing timber fence to be removed and new 1650mm high timber fence to be formed along boundary and stop before front boundary at a distance to match existing.
- New rear door to be brown uPvc to match colour of existing windows on same elevation.
- Timber gate to match style of proposed timber fence.



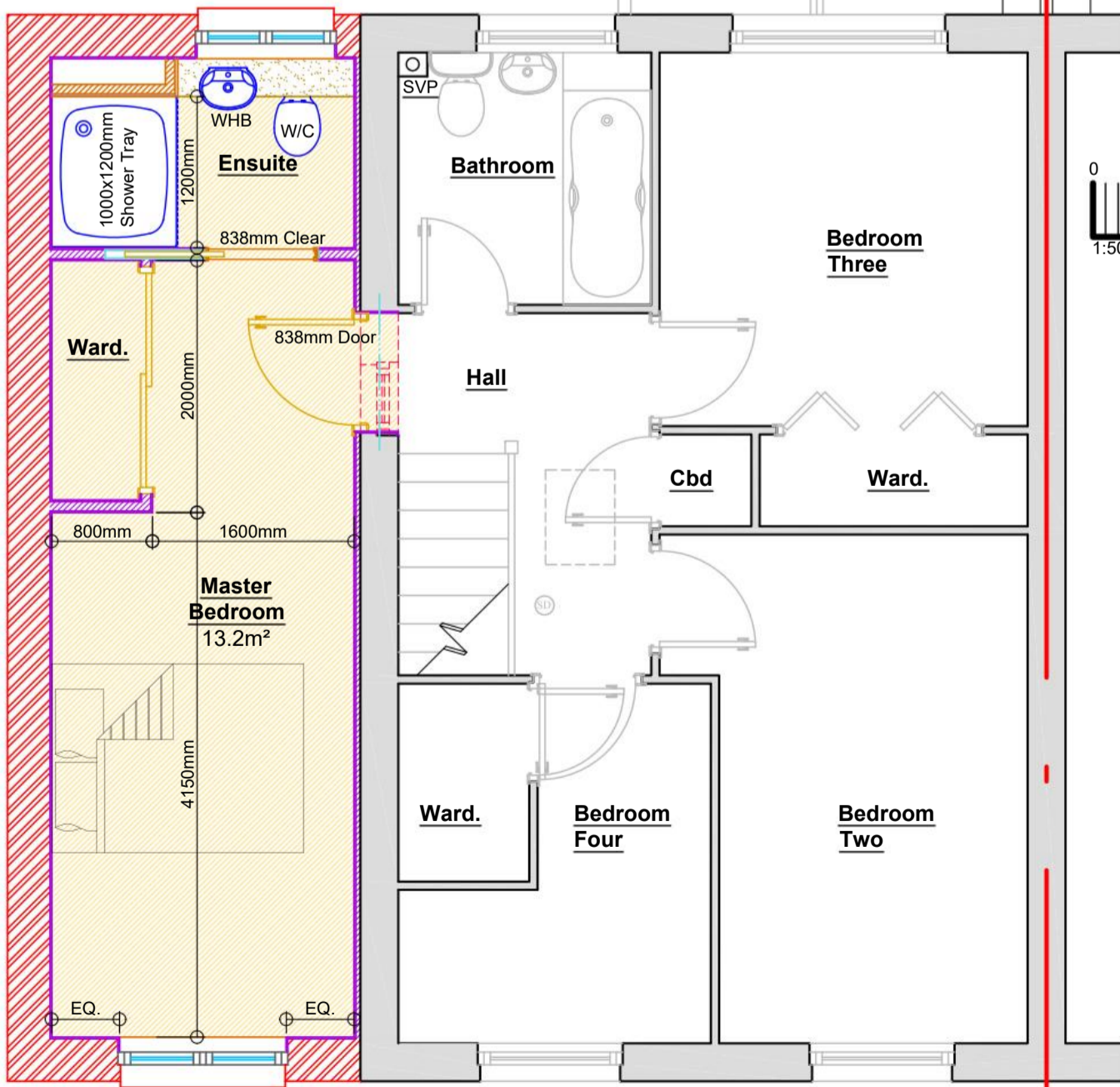
1:200 SCALE SITE PLAN



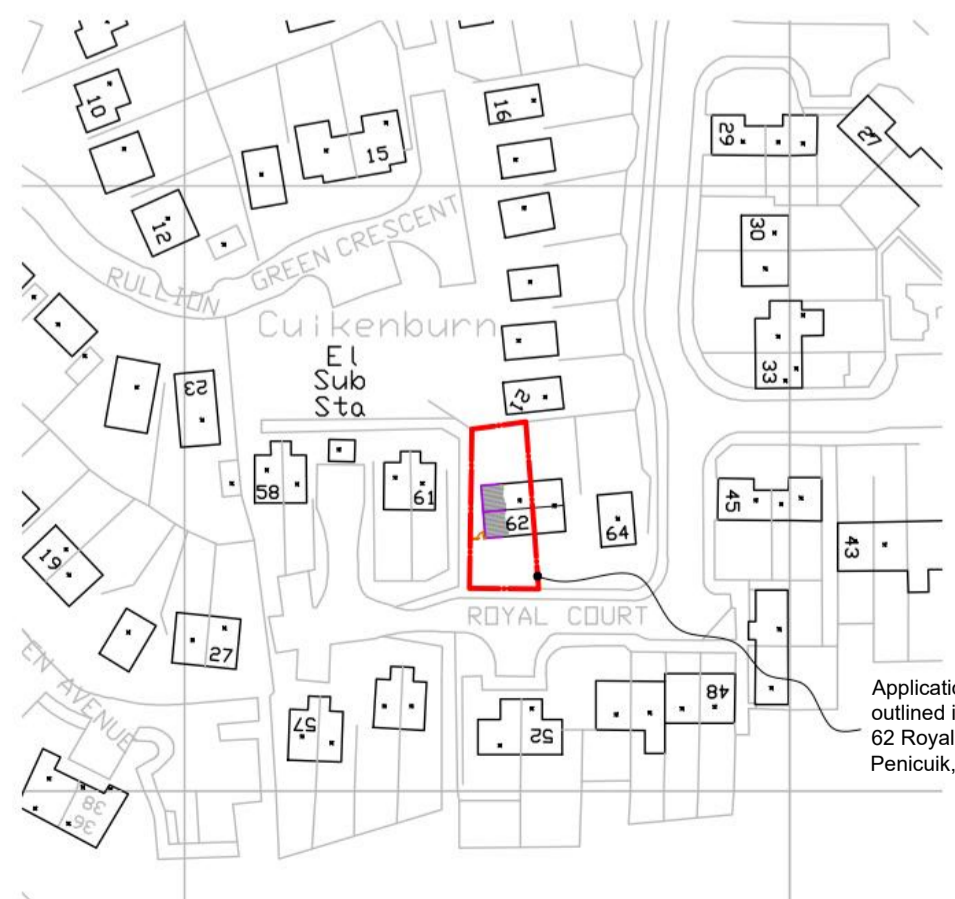
1:50 SCALE SIDE ELEVATION (including proposed fence)



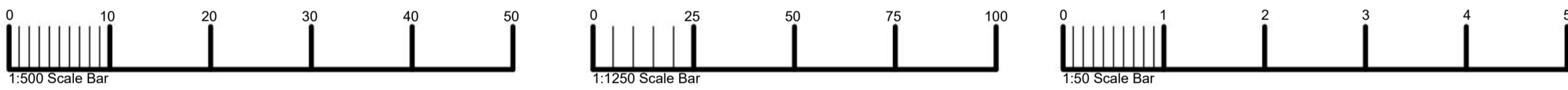
1:50 SCALE GROUND FLOOR PLAN



1:50 SCALE FIRST FLOOR PLAN



1:1250 SCALE LOCATION PLAN



PLANNING APPLICATION DRAWING

REVISIONS	
CLIENT	PROJECT
Mr and Mrs Muirhead	Extension to Dwelling House at: 62 Royal Court, Penicuik, EH26 0JH
DRAWING TITLE	DATE
Proposed Ground Floor Plan, First Floor Plan, Front Elevation, Rear Elevation, Side Elevation, Location Plan and Site Plan	November 2019
DRAWN	SA
SCALE	1:50 @ A1
david paton building consultancy	
Architectural Services & Building Consultants	
Established in 1981 by David Paton	
13 High Street, Loanhead, Midlothian, EH20 9RH.	
Tel : 0131 440 1213 website : www.davidpatonbc.co.uk	
e-mail : davidpatonbc@btconnect.com	
Members of the Chartered Institute of Architectural Technologists	DRAWING NO.
	19-64-PL1
REVISION	

Timber gate to match style of proposed timber fence.

Conservatory

Dining Room

Living Room

1:50 SCALE GROUND FLOOR

ex. Fen

Pro.  
M/H

ex. R.E

ex. RWP

ex. RWP

RWP

1100

838mm Door

SVP

3550mm

Utility Room  
4.8m<sup>2</sup>

Kitchen  
10.4m<sup>2</sup>

ex. M/H  
(built over)

2700mm

2900mm

1600mm

838mm Door

W/HB

W/C  
2.2m<sup>2</sup>

Space for  
Built-in  
Storage

Cbd

1400mm

W/C

2400mm

3250mm

Study  
7.8m<sup>2</sup>

838mm Door

Hall

Cbd

EQ.

EQ.

EXISTING  
FENCE TAKEN  
DOWN

Timber gate to match style of  
proposed timber fence.



Proposed Fence Line

ALTERNATIVE NEW FENCE LINE

PLANTING TO BACK

