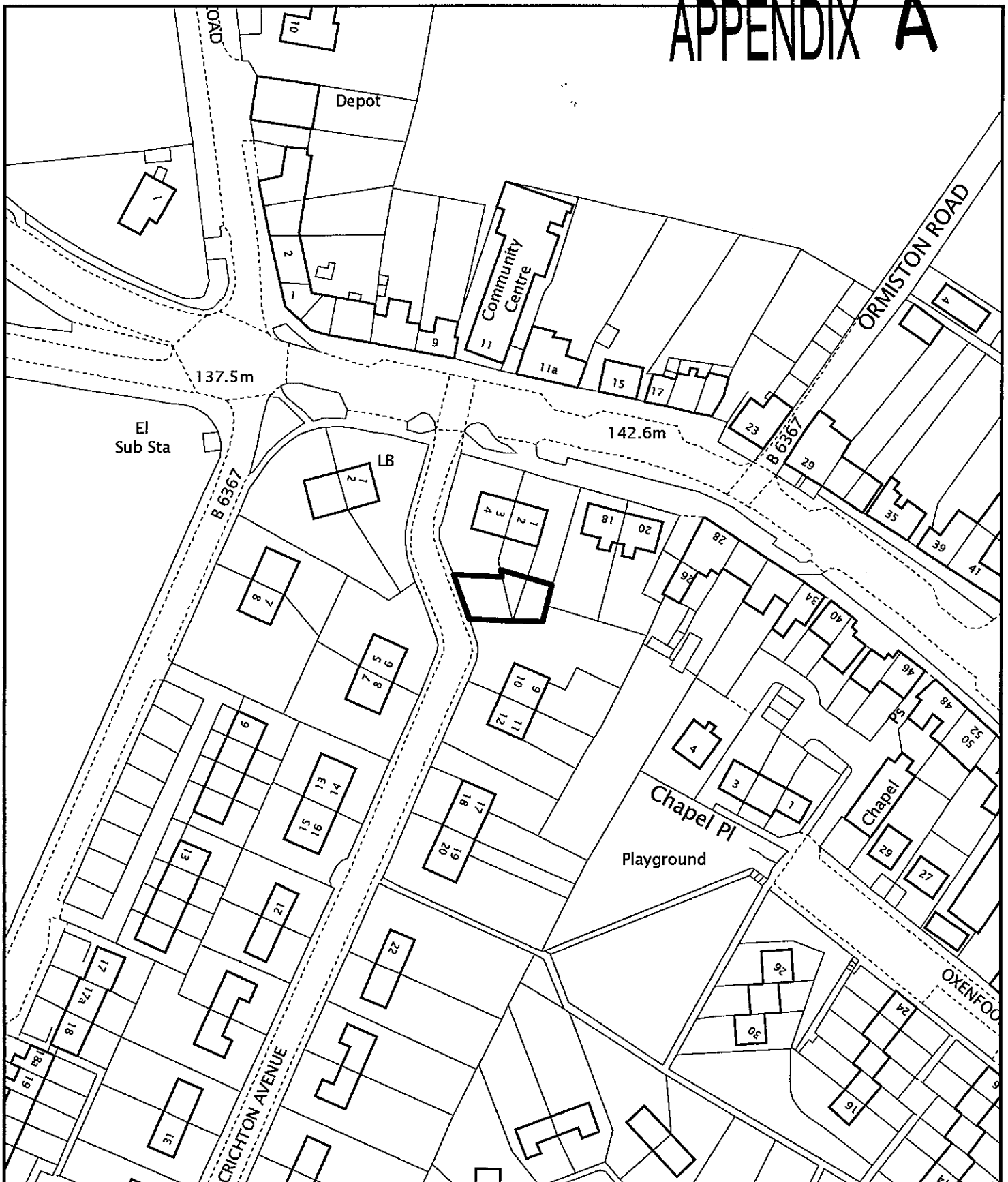


APPENDIX A



Midlothian

Ed, Comm & Econ
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZQ

Erection of dwellinghouse at Land At 2 And 4 Crichton Avenue, Pathhead

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Midlothian Council Licence No. 100023416 (2013)

File No. 13/00348/DPP

Scale: 1:1,230



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	David	Forename	Euan
Surname	McGuinness	Surname	Pearson MRTPI MRICS
Company Name		Company Name	Pearson Planning
Building No./Name	IO	Building No./Name	
Address Line 1	Hill Road	Address Line 1	PO Box 28606
Address Line 2		Address Line 2	Edinburgh
Town/City	Pathhead	Town/City	
Postcode	EH37 5RD	Postcode	EH4 9BQ
Telephone		Telephone	0131 336 1974
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Midlothian Council
Planning authority's application reference number	13/00448/DPP
Site address	
<div style="border: 1px solid black; padding: 5px;"> Land at 2 & 4 Crichton Avenue, Pathhead EH37 5QG </div>	
Description of proposed development	
<div style="border: 1px solid black; padding: 5px;"> Erection of Single Storey Dwellinghouse </div>	

Date of application

14.06.13

Date of decision (if any)

16.08.13

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.

There is a dispute about technical matters, design and policy. LRB members would benefit from a led discussion.

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:

N/A

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.

Please see Statement 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 house is required for the Applicant's elderly father who suffers from (diagnosed) medical conditions limiting mobility. This material consideration was not raised with the Planning Officer as there was no indication from her that the proposed house was being treated as a development plan departure. Local Plan policy recognises that health care provision is the responsibility of the NHS. Policy COMF3 provides positively for health care. Mr McGuinness Snr has a need for a single level house, recommended in a letter provided by his NHS doctor.

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

Please see List attached

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

10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

DECLARATION

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

Signature:

[Redacted Signature]

Name:

Euan FS Pearson

Date:

13 SEP 2013

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



Duncan Robertson
Senior Planning Officer
Planning & Development
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

Euan FS Pearson
Pearson Planning,
Chartered Surveyors
PO Box 28606
Edinburgh
EH4 9BQ

Telephone: 0131 336 1974
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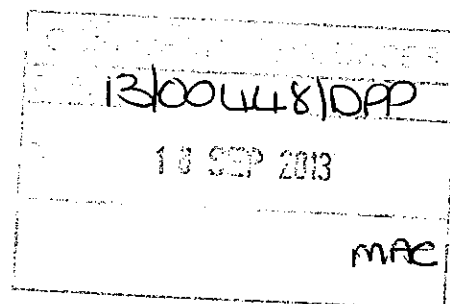
euan.pearson@pearsonplanning.co.uk

13th September 2013

Your ref: 13/00448/DPP
Our ref: EFP/DMcG

Dear Duncan

Erection of Single Storey Dwellinghouse
Land at 2 & 4 Crichton Avenue, Pathhead EH37 5QG



Further to the refusal of planning application 13/00448/DPP on 16th August 2103, my client, Mr David McGuinness, requires the Local Review Body to review this case under s43A of the Act.

A completed notice of review form & statement of reasons are enclosed, along with a compact disc containing those and the following documents:

- A1 Pre-application Consultation Response from Midlothian Council, 6th June 2012;
- A2 Withdrawn Planning Application 12/00645/DPP Drawings;
- A3 Letter that Accompanied Planning Application of 14th June 2013;
- A4 Planning Application Form & Certificate of Ownership;
- A5 Planning Application Drawing Stamped Refused;
- A6 Coal mining Risk Assessment;
- A7 Consultation Response from Coal Authority;
- A8 Consultation Response from Transportation;
- A9 Decision Letter (Backdated);
- A10 Report of Handling;
- A11 Letter from Dr I Sutherland, NHS Lothian;
- A12 Midlothian Local Plan Inset Map 7;
- A13 – A16 Midlothian Local Plan Policies RP20, HOUS3, COMF3 and DP2; and
- A17 NHS Scotland 2020 Vision.

Mr McGuinness asks that the LRB holds a hearing session and site inspection before determining the review.



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Chartered Town Planners

There are no interested parties in this case, so Mr McGuiness asks that the case be dealt with at the meeting of the LRB on 22nd October 2013.

Please acknowledge receipt.

Yours sincerely

A solid black rectangular box used to redact the signature of Euan FS Pearson.

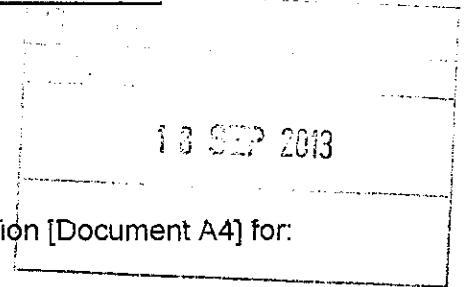
Euan FS Pearson MRTPI MRICS

encs.

Planning (Schemes of Delegation & Local Review Procedure)(Scotland) Regs.

Requirement to Review Refusal of Planning Application 13/00448/DPP

Statement of Reasons.



1.0 Description of Development

The Applicant (David McGuiness) applied for planning permission [Document A4] for:

"Erection of Single Storey Dwellinghouse"

on a rectangular plot of land (212m²) fronting Crichton Avenue.

The House whilst not rectangular carries a traditional pitched roof, part of which covers an external sun terrace [Document A5]. The house gables are far enough away from neighbouring properties to satisfy Council technical standards in Local Plan policies RP20 and DP2. The house is a one bedroom property. The curtilage includes parking for a car, and a private useable rear garden of 106m².

The South Elevation purposely includes no windows. However, windows can be introduced, and this matter can be dealt with by planning condition. Similarly, to prevent enclosure of the terrace, a planning condition can be attached removing permitted development rights.

This was a repeat application following withdrawal of an earlier application 12/00645/DPP. That proposed a two storey dwellinghouse deemed unacceptable by the Planning Officer due to amenity & layout.

2.0 Pre-application Consultation & Previous Application

The Applicant's Architect sought pre-application advice in May 2012. This was provided by letter [Document A1] discussing a proposal for a 1½ storey dwellinghouse. Although not supportive of that proposal, on technical grounds, there was no attempt to dissuade the Applicant from making an application on the basis that the Site was unsuitable for a house.

Notwithstanding this advice, an application was made for a 2 storey house [Document A2]. This is because the Pre-application letter stated that, although unlikely to support the proposal, the Council had to take account of third party views and these:

"may have a bearing on the outcome of the application".

In November 2012 the Planning Officer told the Applicant in an email that she would recommend refusal as:

"I have concerns over the amenity of the proposed and existing occupants and the layout of the development in regard to the surrounding area."

Consequently, the Applicant withdrew the application. No attempt was made by the Planning Officer to discuss changing the design & layout to overcome these issues.

There is a fuller explanation of the planning history in Document A3.

3.0 Need for the House on Medical Grounds

The House is to be occupied the Applicant's elderly father, Mr James McGuinness, who has poor mobility.

James McGuinness suffers from:

- three vessel coronary artery disease;
- Type II diabetes;
- Hypertension;
- Prostatism;
- Osteoarthritis (feet & ankles); and
- problems with vision.

A letter [Document A11] obtained from his NHS gp, Dr Ian Sutherland, makes it clear that a single level house is sensible for his patient.

The Scottish Government published its 2020 Vision (2011) for the National Health Service. The narrative [Document A17] states that:

"Our Vision is that by 2020 everyone is able to live longer healthier lives at home or in a homely setting."

James McGuinness has no desire to retreat to a Care Home. He values his independence as well as recognising that he needs assistance, especially from his family.

The proposed house provides James McGuinness with independent living in his community.

The Applicant is happy to accept a conditional planning permission, restricting occupancy. The following model condition is contained in the addendum to Circular 4/1998:

"The use hereby permitted shall be carried on only by [specify person]."

4.0 Procedure on Application

The Council received the application on 17th June. The Application was accompanied by a letter detailing the planning history and demonstrating compliance with the Development Plan [Document A3].

Regulation 24 allows the Council to request further information from an Applicant. The Planning Officer requested a Coal Mining Risk Assessment on 15th July. This was provided [Document A6] on 26th July, and cost the Applicant £600.

The Coal Authority then wrote to the Planning Officer on 30th July [Document A7] confirming that it didn't wish to be consulted and confirmed that a Coal Mining Risk Assessment was NOT required.

The only other consultation was with Policy & Road Safety, who did not object [Document A8].

The Council undertook statutory neighbour notification. No one made any representations.

There was no further contact from the Planning Officer after 29th July. The Applicant's agent left several voicemail messages for the Planning Officer during Weeks 32 & 33. Unable to speak to her, an email was sent on 12th August offering an extension of time.

The decision to refuse permission was received on 17th August 2013.

5.0 Reasons for Refusal

The decision notice gave 1 reason for refusal, interpreting the proposal as being contrary to policies RP20, HOUS3 and DP2 of the Midlothian Local Plan.

In response to this:

"significantly low levels of amenity"

The Planning Officer's criticism is two fold, according to the Report of Handling:

- (i) **"small area of garden ground";** and
- (ii) **"low level of privacy provided for the occupants"**

The garden is private and extends to 106m². The Ground Floor Plan [Document A5] shows the extent of this. This is not a house for a family, as it is one bedroom. Notwithstanding this, in the centre of the garden is a rectangular area 5m x 10m. This is sufficient for children's play etc.

The Council does not have a minimum standard for this type of house. The minimum standard, for example, for a terraced house is a garden of 100m².

There is a requirement to maintain (at least) a 16m distance between gable-to-rear so as to **"ensure no material loss of privacy as a result of overlooking"**. The Local Plan states that the length of the rear garden should be **"half the minimum back to back distance"**. *Id Est* 8m from each property to the boundary. The Planning Officer suggests that this arrangement actually results in a low level of privacy, questioning the policy approved by the Council.

What she fails to recognise is that 8m from the flats (to the north) to the boundary is typical of this neighbourhood. For example, the distance between the rear of the houses at 9-16 Crichton Road and 13-20 Crichton Avenue is 16m. This is split 8m on either side of the boundary.

The occupants of the house can further improve privacy by erecting a boundary fence. Again the Planning Officer can impose a condition requiring this if genuinely concerned about privacy.

"at variance with character of existing properties"

The House is purposely designed to be smaller than neighbouring properties. The Planning Officer previously considered that either a 2 storey or 1½ storey property was unacceptable.

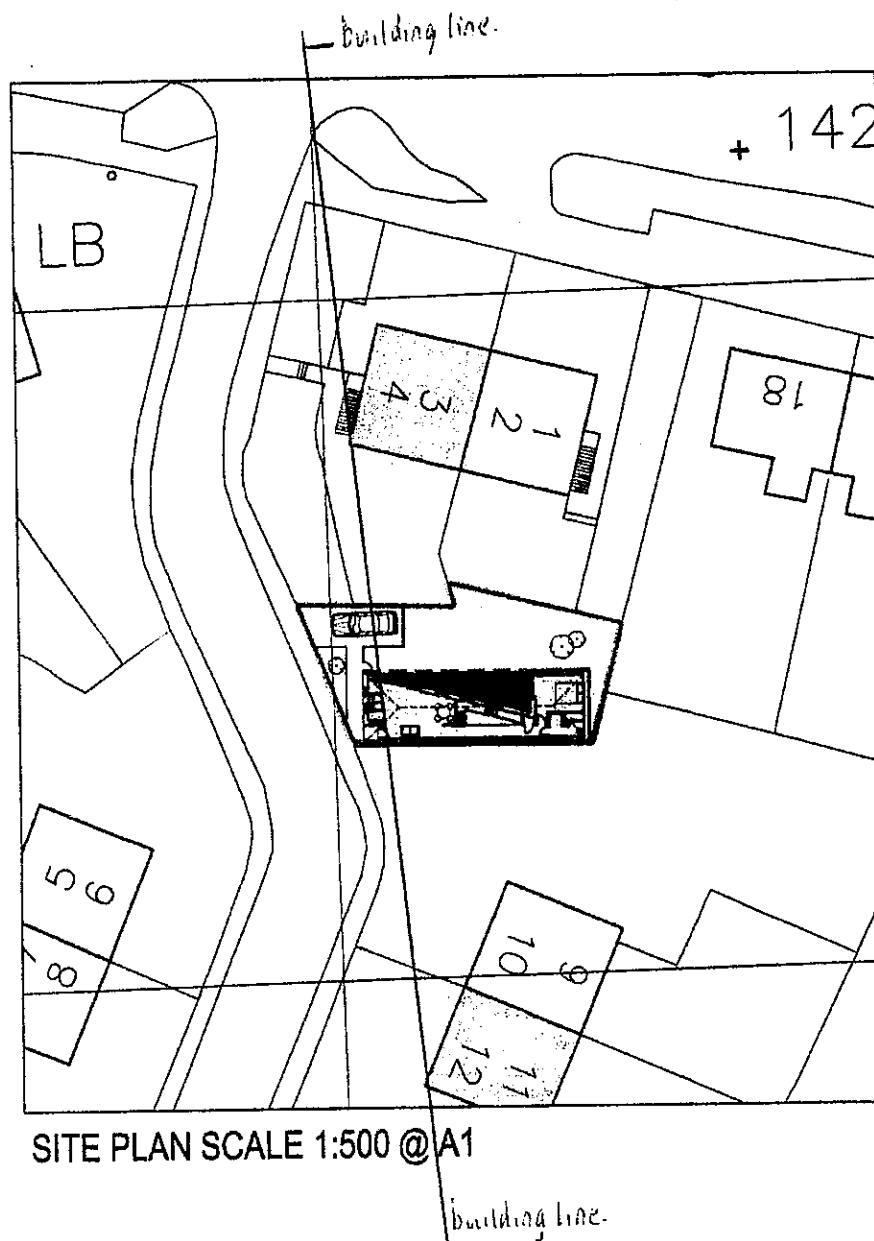
The roof is to be finished with concrete tiles. If the Planning Officer considers that slate tiles are more appropriate then this can be dealt with by condition.

"at variance with... character and pattern of the street"

The Planning Officer considers that the surrounding area has an **"attractive and regular street pattern"**. Consequently, she says the development interrupts this. In particular, her *perception is that the house is much further forward than neighbouring properties.*

The Crichton estate was a purpose built post-war social housing project. The Council excluded the area from the Pathhead & Ford Conservation Area as, on analysis, it is not considered attractive. The Estate is planned along the axes of Crichton Avenue and Crichton Drive.

The Application Site is a on a chicane in the road, just before the Avenue meets the Main Street. There is a significant gap between buildings (60m) at this point. Therefore, the building line is drawn from: the South West corner of Nos 3-4, and the same corner of Nos.11-12. This is illustrated below.



The diagram clearly shows that only one corner of house protruded slightly beyond the building line (max 2m).

The Planning Officer points out that the two elevations have no windows. In particular, no windows on the southern elevation causes detracton, leaving a visible blank gable.

There is no difficulty in including windows on that gable. Windows would not be detrimental to the privacy of Nos 9-10, as they overlook the front garden (already visible to pedestrians).

Had the Planning Officer taken the time to engage in discussion with the Applicant, this alteration would have been made.

It is open to the LRB to attach a planning condition requiring submission of revised elevational drawings to correct this.

The Planning Officer describes the dwelling as an "**unattractive looking house**".

Design is subjective. The House has been designed by a Chartered Architect utilising modern materials. A bespoke designed home doesn't make it an unattractive home. Planning Officers should not fear different design, even when immediate surroundings are dominated by Functionalist architecture.

"detrimental impact on the amenity of neighbouring residents"

There have been no objections to the application.

The Report of Handling [Document A10] states that there should be 16m between neighbouring houses to afford adequate levels of privacy and amenity. The Report also states that this technical requirement has been met.

However, the Planning Officer attempts to confuse matters by incorrectly claiming that an external terrace is "**an internal room**". The external terrace is not within the walls of the House. It is open to the elements and uninhabitable. It is agreed that if the terrace was subject to "**infill**" then the privacy distances would not be maintained.

Notwithstanding this, the Planning Officer presents a solution to her own problem: imposing a condition to remove permitted development rights. The Applicant has no difficulty with that.

There is also the suggestion that the loss of some garden ground associated with flats to the north (Nos.2-4) will result in "**detrimental impact**". The Council has approved standards for gardens for flats. The requirement is communal private open space at "**half the standard used for terraced housing**". In other words: 50m² per flat.

The flats at Nos. 1-4 will be left with: 120m², 125m², 165m² and 142m² respectively. This was explained from the outset in Document A3.

6.0 Assessment Having Regard to Primacy of the Development Plan

The Report of Handling states that the relevant Development Plan policies are: RP20, HOUS3 and DP2. The Appellant also considers that policy COMF3 is relevant [Documents A13-A16].

HOUS3

This Application Site is within the built up-area of Pathhead, as defined on Inset Map 7. [Document A12]. Policy HOU3 supports new housing on non-allocated sites within the built-up area.

There are 5 provisions that must be met (A-E). It is considered that these are satisfied in this case:

- A. there is no loss of valuable open space;
- B. the established land use in the area is residential;

- C. minor alteration to the fenestration on one gable, and a change to slate roof tiles, makes the design etc. compatible with existing;
- D. it meets traffic & parking requirements, according to the Road Safety Officer;
- E. it accords with other Local Plan policies, including DP2.

RP20

The policy doesn't permit development within the built-up area, if it is likely to "**detract materially**" from existing character or amenity.

It has been shown that the amenity of existing neighbours and the future occupier will not be compromised. Although the new house is bespoke and single storey, the Planning Officer has repeatedly stated that a larger house of 1½ or 2 storeys (of a scale matching existing Quarter Villa blocks) is unacceptable. A planning condition(s) can be imposed to ensure the use of slate roof tiles, and introduce additional windows on the southern elevation.

Changes to the design would have been made had the Planning Officer engaged in discussion with the Applicant's agent.

DP2

DP2 is a catalogue of development guidelines that have to be carefully sifted depending on what type of residential development is proposed.

The proposed house is a 2 apartment property, with one bedroom, and single storey.

In DP2.1 the Council requires "**good design**". This is in the form of site layout and quality of architecture. The site layout produces a single house development that is amenable to the occupier, without impacting on neighbours. The design is bespoke, drawn up by an experienced Chartered Architect. Just because it is not an example of post-war *functionalism* doesn't make it bad design.

The house is 'sustainable development' (DP2.2). It is accessible; adaptable to meet James McGuinness medical needs; and will incorporate SUDS. Every effort will be made to use recycled building materials, and energy consumption will be minimised, as the design meets current Building Standards.

If the Council wishes the Applicant to introduce additional trees on the perimeter, then it can impose a condition regarding landscaping (DP2.3).

There is only a need for open space for sports (DP2.4a) on allocated housing sites, which this is not. Similarly, there is no need for any children's play space or public open space (DP2.4b – DP2.4e).

The proposed house is an example of "**imaginative and innovative design**" encouraged in DP2.5.

The proposed house & curtilage are secure with direct access from the footpath on Crichton Avenue. The garden is not subject to overshadowing. All in accordance with DP2.5a.

Detached houses are required to provide private outdoor space (DP2.5b). The house has a "**useable garden**" of 106m². This is the garden to the rear not occupied by garaging, driveways or parking. A 1 bedroom property, it is not suitable for a family, and there is no minimum standard for size of garden.

However, the size of the garden provided exceeds that required for a flat or terraced house.

There is a 16m space between the rear of Nos.1-4, and the external wall of the proposed house, in compliance with DP2.5c. The depth of the garden is at least half of this (8m).

DP2.5d encourages “*novel architectural solution*”, of which this is an example.

Notwithstanding this, the Council has included design criteria that “*conventionally designed housing*” observe (DP2.5d). In relation to the design by Architect, William Anderson RIAS:

- roof is conventionally pitched and symmetrical;
- roof pitch is 35°;
- floor plan is not rectangular, taking an L-shape;
- the ridge line runs parallel to the ridge on Nos.1-4 and the main road;
- the wall finish matches neighbouring properties, and the roof tiles can be changed to slate;
- the colour of finishes are sympathetic;
- windows have a vertical emphasis;
- only one wall finish used throughout;
- no groups of buildings involved;
- no underbuilding.

DP2.5e is only applicable to sites with 15 homes or more.

The layout includes parking for a single car. Alternative bus services are accessible from the bus stops on the A68, 60m away (DP2.6).

There is no nearby Health & Safety Executive notifiable installation (DP2.7).

The Application Site is not within the consultation zone for Edinburgh Airport (DP2.8).

COMF3

The policy specifically supports new health centre facilities, as it is the responsibility of the NHS to provide health care to local people. The Council states in the narrative that “*It will work with NHS Lothian and GPs*”. The Applicant has provided a letter from this elderly father's GP, explaining his father's medical condition. The Applicant's father needs a single level home, and the proposed house will deliver this. The NHS 2020 Vision is to allow gentlemen like James McGuinness to lead a fulfilling life in his own home, in his own community.

7.0 Conclusion & Recommendation

The Applicant's architect has listened to the previous advice given by the Planning Officer and Senior Planner, designing a bespoke single storey home, suitable for the Applicant's elderly father.

It is clear that the criticisms in the Report of Handling are either correctable through minor changes to the design (using conditions), or unfounded based on arithmetic miscalculations.

Policy supports infill housing that meets technical requirements. Design is subjective and the personal tastes of the Planning Officer doesn't mean she should fear bespoke development, especially in the part of Pathhead not included in the Conservation Area.

Therefore, the Applicant respectfully requests that the Local Review Body overturn the decision of the Officer, and grant conditional planning permission.

The Applicant is happy to accept an occupancy restriction using the model condition in Circular 4/1998. This is because the house is intended for his elderly father who has numerous medical conditions limiting mobility/vision. His father should be allowed to maintain his dignity and continue living an independent life in his community.

13th September 2013

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 13/00448/DPP

Site Address: Land at 2 and 4 Crichton Avenue, Pathhead.

Site Description: The application site is currently in use as garden ground for the properties at 2 and 4 Crichton Avenue. These properties are 4-in-a-block flatted dwellings (along with numbers 1 and 3) which face onto Main Street, Pathhead. There is a driveway and a number of huts within the application site. The site is within a residential area and the majority of properties are 4-in-a-block, all two storey. The application site is 0.02 hectares in area.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to erect a single storey dwellinghouse. This is to have a hipped roof which is to be concrete tiled. The walls are to be finished with render and a brick base course, and the window frames are to be uPVC. The house is to be positioned so that its long roof ridge will run perpendicular to the road. A small section of the roof is to be glazed to cover a terrace area, which will be cut out of the rectangular form of the building. A vehicular access is to be created with a parking space provided within the site.

The agent has submitted a supporting statement giving background to the design concept for the house and stating how they consider that the proposal complies with the Council's policies.

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

12/00645/DPP Erection of dwellinghouse. Withdrawn before the application was refused. Reasons for refusal – garden provision to proposed and existing houses; layout and distances between properties and out of keeping with character of surrounding area - contrary to policies RP20, DP2 and HOUS3.

Consultations: The **Policy and Road Safety Manager** has no objection subject to conditions relating to a drop kerb crossing, the dimensions and materials of the driveway and inward opening gates.

The **Coal Authority** has no objection.

Representations: No letters of representation have been received.

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

RP20 Development within the Built-up Area - states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;

HOUS3 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, including policies IMP1, IMP2, IMP3 and DP2; and

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

Scottish Government's *Designing Places* and *Designing Streets*.

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

As noted above, the application site is within the built up area and as such the principle of a residential development in this area is considered to be appropriate. However, the detailed aspects of this proposal must also be examined.

The applicant's previous attempt to gain planning permission involved a proposal for a two storey house on the same plot of land between the flats at 1-4 Main Street and 9 -10 Crichton Avenue. The applicant withdrew this scheme when he was advised that it would not be supported by the Planning Authority. In submitting the revised scheme, the applicant's agent suggests that the proposal technically complies with requirements of policy DP2, which seeks minimum standards in relation to garden ground and space between houses.

The applicant has reduced the scale of the proposed house from the previous submission. The applicant proposes the erection of a single storey dwellinghouse which has a rectangular footprint and hipped roof.

In reducing the scale of the building it has resulted in a reduction in the level of accommodation, which now includes a living room, kitchen, shower room and bedroom. In addition to these rooms is a covered terrace area, which is located within the rectangular footprint.

The covered terrace area is an attempt, by the applicant, to technically comply with one of the requirements of policy DP2 of the local plan. The policy seeks distances between the gable and the rear of neighbouring houses to be set at no less than 16 metres. This is necessary in order to afford adequate levels of privacy and amenity to neighbouring residents. Whilst the applicant has technically achieved a distance of 16 metres between the side wall of the proposed house and the rear elevation of the flatted block it is clear that the covered terrace sits within the 16 metre distance. In

reality there is very little difference between this proposed covered terrace and an internal room. Therefore the covered terrace will have a significant adverse impact on the amenity of the neighbouring residents and may also be subject to overlooking, which will result in low levels of amenity for future residents of the proposed house.

In addition, circular 1/2012, *Guidance on Householder Permitted Development Rights*, states that an enlargement of a house is defined as any development that increases the internal volume of the original dwellinghouse and includes a canopy or roof, with or without walls, which is attached to the dwellinghouse. By this definition, the proposed covered terrace is considered part of the internal volume of the house. It is worth stating that should permission be granted for this house, unless permitted development rights are removed, planning consent would not be required to infill the covered terrace area and install windows on this elevation.

A small area of garden ground is provided within the application site which measures 6.4 metres at the widest (4 metres at the narrowest) and 18 metres at the longest (15 metres at the shortest). The garden that is provided is of an unusual shape which results in there being only a small area which is considered usable. Due to the distance of 8 metres at the shortest point between the boundary of the site and the properties to the north there would be a low level of privacy provided for the occupants of the new house.

In addition to inadequate garden area being provided for the proposed house, the gardens for the properties at 2 and 4 Crichton Avenue would be significantly reduced in order to accommodate the new house. It is worth noting that although the plans do not show the existing garden ground provided for each of the four properties to the north, the site is described by the applicant's agent as land at 2 and 4 Crichton Avenue and so it is understood that the garden ground for these properties would be affected. The garden area to numbers 1 and 3, as detailed on the supporting statement, would appear to be unaffected by the proposed development. The usable private garden ground, which does not include the ground to the front of the building, for numbers 2 and 4 would be reduced significantly. The gardens remaining to these properties are long and narrow measuring approximately 5 metres wide, with the larger more usable existing gardens being lost to accommodate the proposed house. The garden space remaining for number 2 is located to the side between the house and Crichton Avenue meaning that none of the land is private. The loss of garden ground to accommodate the proposed house would have a detrimental impact on the amenity of the properties at numbers 2 and 4 Crichton Avenue.

The design of the proposed dwelling has taken in to account its close proximity to the neighbouring properties to the south. In addressing overlooking or potentially adverse impacts on privacy the applicant proposes no windows on the south or east elevations. This results in two completely blank elevations facing the properties at 9 and 10 to the south. Due to the orientation of the building and the road layout in this area the long blank south elevation will be highly visible and will detract from the appearance of the area.

The front of the proposed dwelling is at odds with the strong frontages of the neighbouring properties and the building line of the house is much further forward

than neighbouring buildings. The appearance and scale of the proposed house interrupts the attractive and regular street pattern of the area.

In general, given the applicant's desire to comply with the technical requirements of policy DP2 he has proposed an unattractive looking house, which does not positively contribute to the character or appearance of the street scene. The applicant's agent states that the proposed house is subservient to the neighbouring properties. He also concedes that the proposed dwellinghouse has been designed to appear as a row of garages. Given the lack of street frontage and quality design and adverse impact on the street scene it is considered that the proposal does not comply with policies RP20 and DP2 and the Scottish Government's policies on *Designing Places* and *Designing Streets*.

The proposed house is to have a concrete tile roof. The surrounding properties have slate roofs. The walls are proposed to be harled which is the same as the nearby properties. The design, scale, position and roof materials of the proposed house are out of keeping with the surrounding area.

The proposed development would result in there being a low level of amenity provided for the occupants of the proposed house as the house is small, and the garden is small, not private and directly overlooked. There would also be a reduced level of amenity for the occupants of the flatted properties at 2 and 4 Crichton Avenue. In addition, the design of the house is out of keeping with the surrounding area.

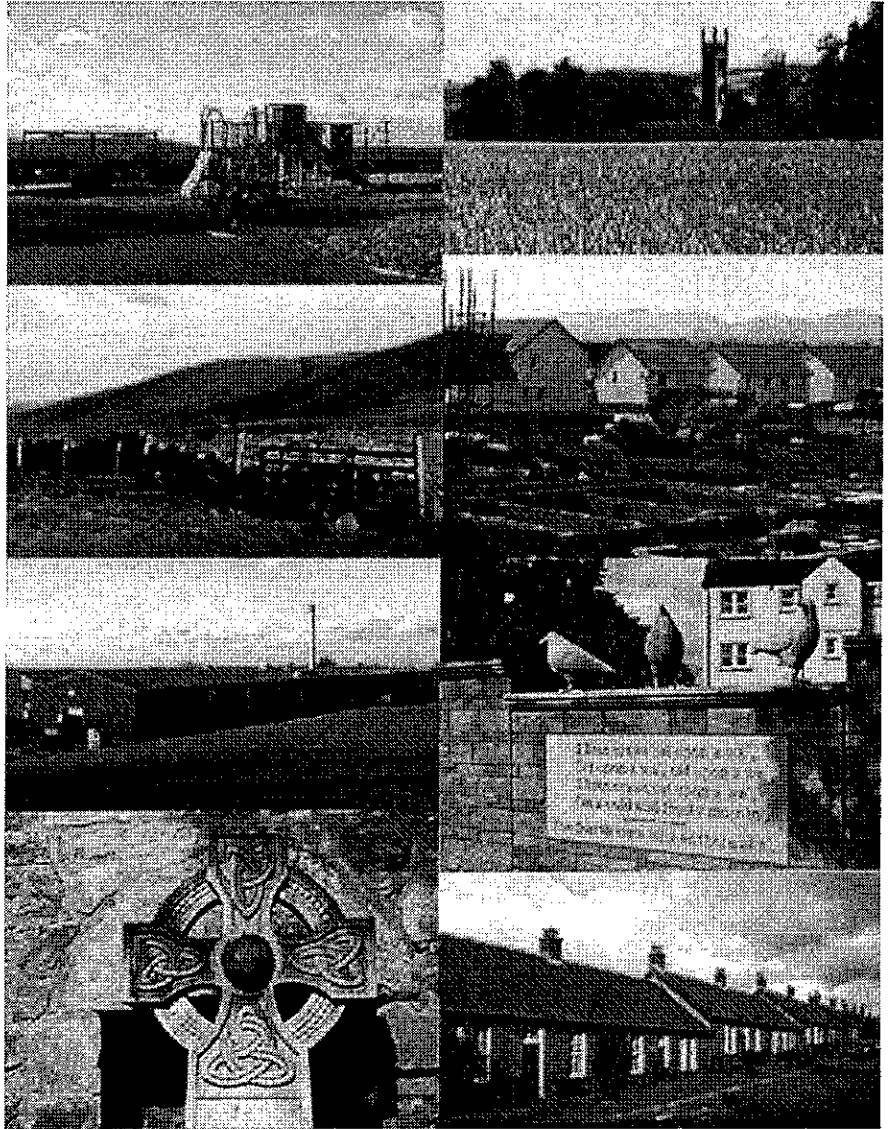
It is difficult to envisage a residential proposal for this site which would not be considered an overdevelopment.

Recommendation:

Refuse planning permission.

Midlothian

APPENDIX D Midlothian Local Plan



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

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

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

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

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

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

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

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

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

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

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

Policy Title

HOUS3 WINDFALL HOUSING SITES

3.2.39 Local Plan Policy Windfall developments are those sites and conversions that come forward for development for various unforeseen reasons through the Plan period. They tend to be infill sites within the built-up area as defined by the Local Plan Proposals Map. Such developments are likely to be acceptable, provided they are not in conflict with other Local Plan policies and proposals. The Structure Plan continues to support brownfield and windfall development within urban areas and an allowance for these is included in the calculation of the housing land requirements.

3.2.40 Small infill sites have not been identified in this context, but a number of such opportunities may exist. An assessment has been undertaken of all the villages and smaller settlements in Midlothian to assess if there could be opportunities for windfall housing. Some opportunities exist for limited development to provide for small-scale housing developments that would bring variety and choice, whilst not 'swamping' these small settlements. In some instances, there are brownfield opportunities for development within existing village envelopes, for example, at Cousland and Temple (vacated primary school sites), Howgate and Fala (redundant schools) and Edgehead (redundant farm steading). In other cases, the settlement boundaries have been adjusted to include identified opportunities. For example, at Newlandrig, a redundant poultry farm site in the centre of the village has been included, where some housing could be acceptable, along with the development of a village green/open space



to provide a village focal point. At Cousland, land at Airybank has been included in the village envelope. This land could accommodate a development of a maximum of four houses without having a negative impact on the setting of the village, subject to the retention of the peripheral landscaping. At Dewartown, the opportunity has been taken to extend the village envelope northwards, contained within the boundary provided by the Dewar Town Burn.

3.2.41 Outwith the built-up areas, there is a general presumption against housing development (see Resource Protection section). There is, in particular, no locus in the approved Structure Plan for releasing new sites in the Green Belt. However, policy DP1 makes provision for limited development outwith built-up areas. This could provide other opportunities just outwith the village envelopes to help to provide scope for new housing or other facilities in these communities, for example, at Newlandrig (derelict poultry farm), and Edgehead and North Middleton (vacated primary school sites). Any such proposals will be considered under the terms of policy DP1.

HOUS3 WINDFALL HOUSING SITES

Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that:

- A.** it does not lead to the loss or damage of valuable public or private open space;
- B.** it does not conflict with the established land use of the area;
- C.** it has regard to the character of the area in terms of scale, form, design and materials;
- D.** it meets traffic and parking requirements; and
- E.** it accords with other relevant Local Plan policies and proposals, including policies IMP1, IMP2, IMP3 and DP2.

4.2 Development Guidelines

DP2 DEVELOPMENT GUIDELINES

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

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

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

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

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

1 Design

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

The Council recognises that good design can:

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

For these reasons:

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

2 Sustainability

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

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

3 Landscaping

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

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

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

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

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

Indigenous species should form the basis for landscape schemes.

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

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

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

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

4 Open Space

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

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

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

4a Open Space required for Sport

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

4b Children's Play Space

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

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

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

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

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

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

4c Maintenance of Play Equipment and Open Spaces

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

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

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

4d Retention of Open Spaces

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

4e Provision of Play Facilities for Children

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

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

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

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

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

5 Housing: General Considerations

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

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

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



5a Housing: Detailed Considerations

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

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

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

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

5b Housing: Private Outdoor Space

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

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

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

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

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

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

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

5c Space between Houses

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

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

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

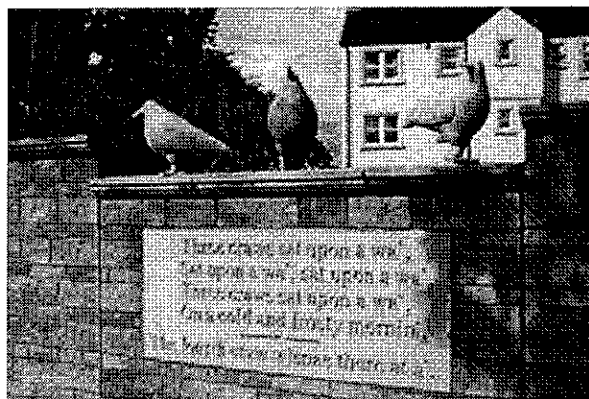
dominant. In such situations, split-level housing should be considered as a means of reducing the distance houses are set apart.

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

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

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

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



5d House Design

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

Conventionally designed housing should observe the following criteria:

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

5e Areas of Improved Quality

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

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

6 Accessibility and Parking Provision

Proposals for new development will be required to:

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

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

7 Notifiable Installations

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

8 Edinburgh Airport Safeguarding Zone

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

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

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 13/00448/DPP

Pearson Planning
PO Box 28606
Edinburgh
EH4 9BQ

Midlothian Council, as Planning Authority, having considered the application by Mr David McGuiness, 10 Hill Road, Pathhead, EH37 5RD, which was registered on 17 June 2013 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at Land at 2 and 4, Crichton Avenue, Pathhead

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	0297(PL)003 B 1:1250 1:500 1:100	17.06.2013
Other Statements		17.06.2013

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

- The proposal would result in an unacceptable development with significantly low levels of amenity and appearance, at variance with the character of the existing properties in the area and character and pattern of the street and with a detrimental impact on the amenity of neighbouring residents. As a result the proposed development is contrary to policies RP20, HOUS3 and DP2 of the adopted Midlothian Local Plan.*

Dated 15 / 8 / 2013



.....
Duncan Robertson
Senior Planning 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 Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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

Prior to Commencement (Notice of Initiation of Development)

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

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

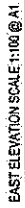
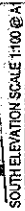
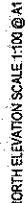
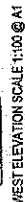
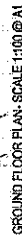
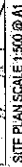
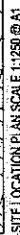
Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

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

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

COMMUNIST PARTY
 MAY 13 1964
 MAY 17 1964

[illegible]

Unit 16 David McGaughey,
Joe Cox. Proposed dwelling on gasline ground of
2 and 4 Christian Avenue
Pathhead
EH17 5Q3

[illegible]