

# APPENDIX A



## Corporate Resources

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith EH22 3ZQ

Erection of 4 dwellinghouses at Land to South of Hilltown House, Woolmet, Dalkeith


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File No: 12/00111/DPP

Scale: 1:2,500



	
Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: <a href="mailto:planning-applications@midlothian.gov.uk">planning-applications@midlothian.gov.uk</a> Planning Department Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid. Thank you for completing this application form: ONLINE REFERENCE 000035552-002 The online ref number 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.	
<b>Applicant or Agent Details</b> 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) <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Agent	
<b>Agent Details</b> Please enter Agent details	
Company/Organisation: Ref. Number: First Name: * Last Name: * Telephone Number: * Extension Number: Mobile Number: Fax Number: Email Address: *	You must enter a Building Name or Number, or both: * Building Name: Building Number: Address 1 (Street): * Address 2: Town/City: * Country: * Postcode: *
Studio DuB  Gordon Duffy 0131 668 1536    studiodub@mac.com	  17A 2 West Crosscauseway Edinburgh UK EH8 9JW
Is the applicant an individual or an organisation/corporate entity? * <input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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" value="Unit 1"/>
First Name: *	<input type="text" value="Paul &amp; Leslie"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Spoors per RSM Tonon"/>	Address 1 (Street): *	<input type="text" value="Calder Close"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text" value="Calder Park"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Wakefield"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="WF4 3BA"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

## Site Address Details

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northings	<input type="text" value="670255"/>	Easting	<input type="text" value="331211"/>
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## Description of the Proposal

Please provide a description of the 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)

Erect 4 new-build houses

## 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) – 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 of 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.

Refer statement in 'Supporting Documents' section

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

☐ Yes ☒ No

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)

Supporting statement 7/6/12  
Proposed cross sections 1:100  
Proposed elevations 1:100  
Location plan 1:2500  
Site plan 1:500  
Proposed floor plan, House type 1 1:100  
Elevations, floor plan and cross section, House type 2 1:100  
Transport assessment  
Drainage report  
Design and access statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

12/00111/DPP

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

27/02/12

Has a decision been made by the planning authority? \*

☒ Yes ☐ No

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

04/04/12

## 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 conducted by 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)

In order to ensure client position is properly understood.

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: Gordon Duffy

Declaration Date: 08/06/2012

Submission Date: 08/06/2012



Chartered Architects Interior and Urban Designers

17a/2 West Crosscauseway

EDINBURGH EH8 9JW

Tel: 0131 668 1536

e-mail: StudioDuB@mac.com

Ian Johnson  
Director of Planning  
Midlothian Council  
Fairfield House  
Dalkeith  
EH22 1AG

07/06/12

Dear Mr Johnson

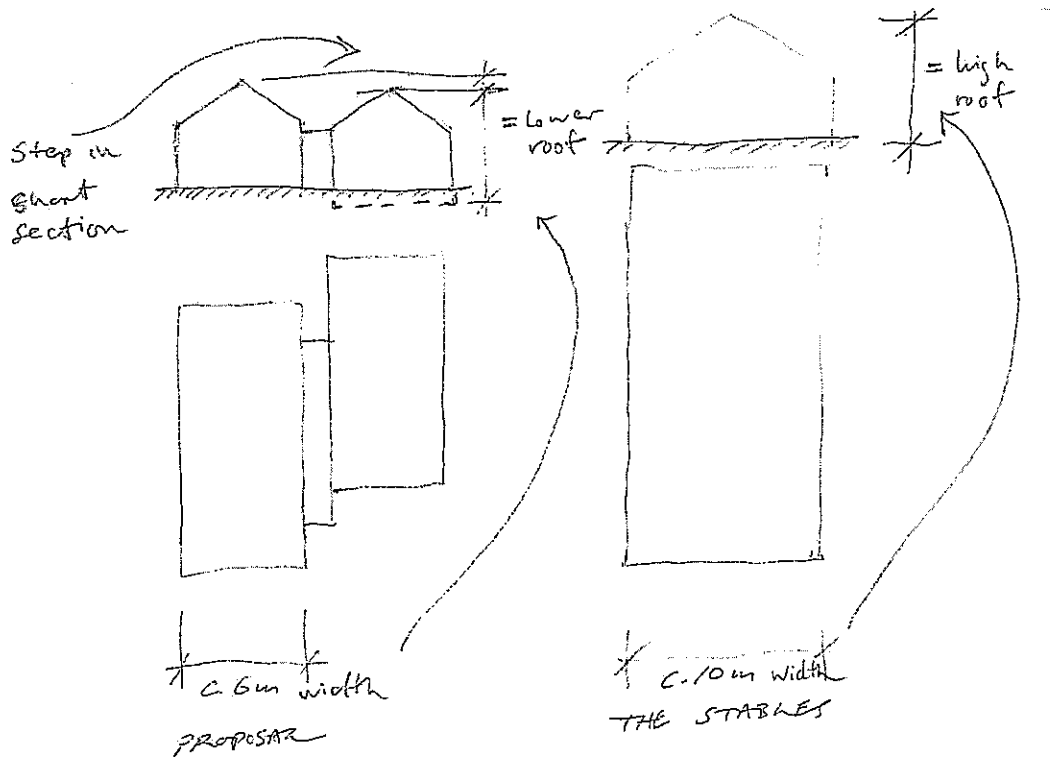
Appeal Supporting Statement: Erection of 4 Dwellinghouses at Land to South of Hilltown House, Woolmet, EH22 1SG, reg no.12/00111/DPP

To be read with previous supporting statement, original lodged drawings, contextual images and subsequent emails towards determination.

Points raised per Midlothian Council Planning refusal letter 4/4/12

“combined size and scale” of the proposed four houses:

- The combined size of the proposed **four** houses at 472m<sup>2</sup> is actually much less than that of the **three** houses on the adjoining site at The Stables of 560m<sup>2</sup> (these area figures exclude garaging for proper comparison).
- The proposed houses are **subordinate in scale** to those of Hilltown Terrace, Hilltown House and The Stables. The width of each element of the stepped plan of the proposed house type is derived from other buildings in the area and therefore sets out to respect its location. We have physically measured local buildings and used their c.6 metre width as a generator for our form as opposed to the c.10 metre width (which results in a more massive and prominent roof) of the new houses at The Stables. To make the roofscape of our proposed houses less prominent we broke each house down into two volumes.



sketch showing tactics to mitigate scale of new building c/f The Stables house type

“lack of scope for landscape mitigation”:

- If defining scope for landscape mitigation is about concealing the building from view this stance is at odds with the existing situation as all the buildings in the settlement are plainly visible ie Hilltown Terrace, Hilltown House and importantly the new elements of The Stables which are most prominent on the horizon, refer ‘view from Millerhill Road’. If it is about landscaping to augment that extant there is extensive scope for additional planting.



view of existing situation from Millerhill Road: Hilltown House left, The Stables right



“houses would not be satisfactorily integrated into the landscape”:

- The proposals have been carefully considered under PAN72 in order to integrate them into the landscape, in fact the split levels on each storey are designed in direct response to the slope of the terrain. Please refer to the long elevations on drawing 854-02 and image below. Our proposal is single storey from the approach and as the land steps down the building does as well to accommodate two storeys at the rear, yet the rear of the elevation is softened in the arrangement of bedroom and conservatory above and the step on plan and in section.



view showing houses integrated into the landscape, the step in plan and elevation treatment

“unduly prominent, exposed and intrusive in the landscape”:

- The proposed houses are no taller than the rest of the buildings in the settlement ie Hilltown Terrace, Hilltown House and importantly the new elements of The Stables. It is arguable that our proposal is actually the least prominent, exposed and intrusive as it is not the tallest building or the largest building there and is viewed against the backdrop of the landscape rather than the horizon.



view of proposal from Millerhill Road integrated into landscape

“harmful to the landscape character and amenity of the area”:

- We have demonstrated that the height of the proposed development is modest in comparison with its neighbours, and the building widths respond to the local vernacular instead of being unnecessarily wide, and the houses actually engage with the topography. These are some of the ways we have set out to enhance the landscape character of the area. In terms of amenity, the land in question is not public parkland, a garden or lawn. Consent is already in place for housing so the proposal cannot be seen as harmful to the amenity of the area.



view of proposed development on approach showing single storey massing to the front face

“overdevelopment of the site”:

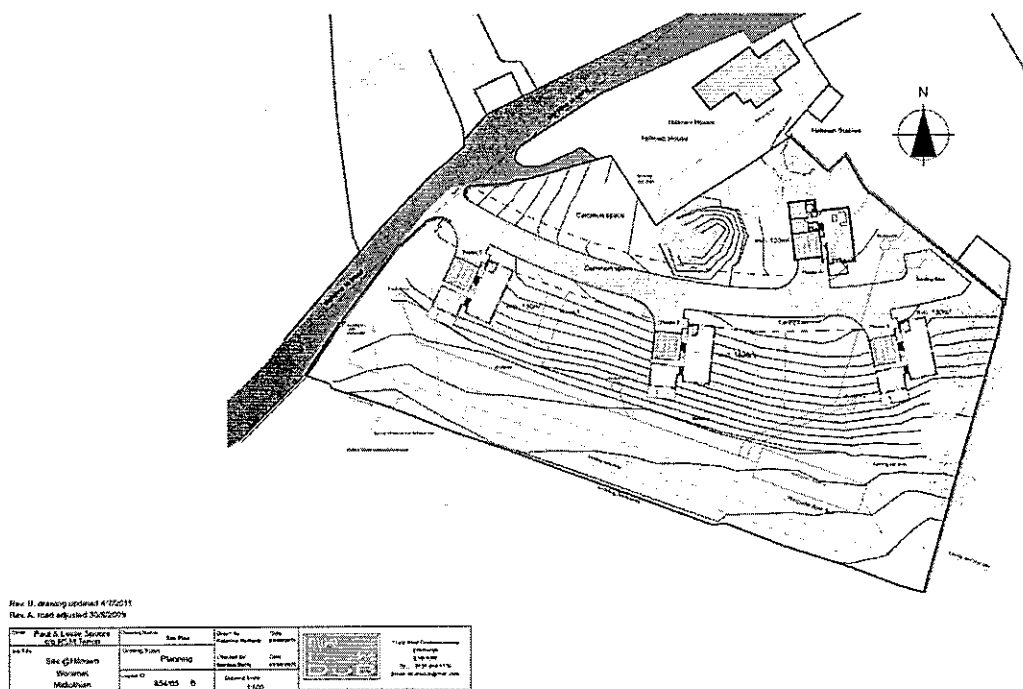
- the proposal compares favourably with the existing plot density of development at Hilltown Terrace and The Stables. For example, The Stables are nearly 120% of the size of this proposal with a smaller number of units.



overview of density of Hilltown Terrace-12 two storey flats & The Stables 3 houses  
c/f the size of application site

“deficient useable private garden ground/landscaping”; “detriment of the residential amenity of the future occupants”:

- Allowing even for the partial sloping nature of the site, there is more than adequate useable private and communal garden ground in the proposal. The minimum private garden area noted on the plans is for comparison only to the site as a whole to show how much garden ground is available.
- It’s hard to see how the proposed scheme would be to the detriment of future occupants if you compare the application site with those in the immediate area.
- Sloping sites are not precluded for use under DP2 as private garden ground.



proposed site plan: note minimum size of private garden required relative to site

“additional vehicle movements ....would have a harmful impact on road safety”:

- As per the report submitted with the application, the proposal would have little or no impact and much less vehicular impact than when Hilltown House (previously owned by applicant) operated as nursery under a change of use granted by the Council. I also re-iterate that through-traffic is prohibited ie is controlled by official signage at the approach from either end of the settlement and there have been no recorded accidents within the five year period to the date of application.



view of junction with A6106 Millerhill Road, note sign prohibiting local traffic on left

The panel will be aware that Consent was granted for two houses essentially of similar design and approach under reg. no 09/00137/FUL on the same plot. The points stated for refusal on this application submitted for review were effectively addressed in the previous application which was deemed acceptable therefore we

trust that the clarification of points for this review particularly those regarding 'overdevelopment' will allow the panel to understand our case.

In the past we have won the Midlothian Council award for Good Design and there are more nuances to the design of the proposed houses than have been discussed here which I would be keen to explain if required in person.

Yours sincerely,

Gordon Duffy, Principal

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

#### Planning Application Reference:

12/00111/DPP

#### Site Address:

Land adjacent to Hilltown House, Shawfair Road, Newton, Danderhall

#### Site Description:

The application site is a field which has been previously infilled (0012/97—see below). The site slopes down steeply (a change in some 8 metres) from north to south. There are some prominent trees on the site and a variety of boundary treatments such as stone wall, post and wire fences. Hilltown House to the immediate north is a large detached two storey stone walled house with a pitched roof clad in slates. There are 5 other houses in the area around Hilltown House which are single storey in height, one of which has accommodation in the roof space. There are three buildings (four flats in a block) to the south west of the site.

The site is currently surrounded by countryside. The land immediately to the south and east of the site is part of the larger Shawfair development site and is designated in the approved Masterplan as forming part of a linear park and associated structural landscaping as part of the overall development proposals at Shawfair.

#### Proposed Development:

Erection of four dwellinghouses.

#### Proposed Development Details:

Four identical detached dwellinghouses have been proposed. Three of the houses are positioned in a row running from east to west across the middle of the site and with their front elevation facing north onto the proposed internal access road. The fourth house is positioned in the northern extremity of the site immediately to the south of the ground of Hilltown House and with its front elevation facing south onto the internal access road. The houses are modern in style and of a split level design built into the slope. The houses each comprise two rectangular plan blocks connected by a narrow glazed link. Both blocks have a pitched roof clad in slates. The houses are single storey on the upper (north) part of the slope and two-storey on the lower (southern) part of the slope. The external walls of the buildings are finished in a mixture of render, slate cladding and glazing. There is a glazed conservatory and terrace on their south elevation. The roofs incorporate roof windows. There is a zinc clad dormer feature above the link between the two sections.

The rear garden of the proposed three houses positioned in a row running from east to west across the middle of the site are located on the south side of the houses on steeply sloping

land. The rear garden of the house in the northern extremity of the site is on the north side of the house. A communal area of amenity space is provided in the northwest corner of the site.

The proposed four houses would be accessed from a linear internal access road off a new access at a point on the west roadside boundary of the site and off the road that presently serves the existing houses at Hilltown. That existing road is accessed from a junction off the A6106 Millerhill Road nearby to the south west of the site.

A reed bed is proposed in the south east corner of the site.

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

In December 2009 planning permission 09/00137/FUL was granted for the erection of two houses on the site. On site works have not started to erect the approved houses. Planning permission 09/00137/FUL is extant and can still be implemented.

11/00525/DPP Erection of 6 dwellinghouses. Land to the South of Hilltown House.

Application Withdrawn on 29 February 2012.

07/00879/FUL Land opposite Hilltown House Change of use from part of agricultural field to green waste storage site. Refused as contrary to policy, precedent and commercial vehicle movement.

07/00726/FUL Land adjacent to Hilltown House Erection of two dwellinghouses.

Application withdrawn.

06/00811/FUL The Stables, Hilltown Farm Erection of two dwellinghouses (amendment to planning permission 05/00717/FUL) Consent with conditions

05/00717/FUL The Stables, Hilltown Farm Erection of two dwellinghouses Consent with conditions.

02/00660/OUT Outline planning permission for residential, industrial and commercial floor space, community facilities (including new primary schools), associated landscaping with provision for sport and recreation and new transport facilities – Shawfair. Pending consideration.

02/00649/FUL Hilltown House Change of use of first floor from residential to children's nursery. Refused due to substantial increase in traffic and short term congestion, and premature in terms of Shawfair development.

0012/97 land adjacent to Hilltown House (application site) Infilling of land and change of use from agricultural land to outdoor recreation space. Approved with conditions

0574/95 Hilltown House Change of use of part of a dwellinghouse to a children's nursery, alteration to the entrance and driveway and construction of a car park. Approved with conditions.

### **Consultations:**

The Council's Education & Communities Section informs that at present there is sufficient primary school capacity for this development. However, a developer contribution will be required for additional secondary capacity at Dalkeith High School. In addition, a charge of £135 per house is raised for St David's High School. In the case of this proposed four unit development the developer contribution ignores the first 2 units. Thereby a contribution is levied for two houses only rather than 4 houses.

The Council's Policy and Road Safety Manager raises road safety concerns over the proposed development.

### **Representations:**

One letter of representations has been received. The points raised in this letter are summarised as follows:

- The existing access road is not of an adequate standard to serve the proposed development;
- Noise during periods of construction would scare horses kept nearby;
- Concerns about impact on existing water pressures;
- Would increase noise pollution; including during periods of construction;
- Harm to biodiversity;
- Harm to the visual amenity of the countryside;
- Harmful to the landscape character of the area; and,
- Negative impact on property values in the area.

### **Relevant Planning Policies:**

Midlothian Local Plan:

- RP5: Woodland, Trees and Hedges;
- RP7: Landscape Character;
- RP20: Development within the Built Up Area;
- DP2: Development Guidelines;
- HOUS3: Windfall housing sites;
- IMP1: New Development;
- IMP2: Essential Infrastructure;
- IMP3: Developer Contributions.

Policy RP5 states that development will not be permitted where it could lead directly to the loss of or damage to woodland, groups of trees, individual trees and hedges which have particular amenity to the area. Policy RP7 states development will not be permitted where it may adversely affect the quality of the local landscape. Policy RP20 is relevant for new development within the built up area and seeks to prevent any development which may detract from its character and appearance. Policy DP2 sets out detailed design guidance for residential developments that should be followed unless there is adequate justification to depart from the standards. Policy HOUS3 states that development on non-allocated housing sites is permitted where it would 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 has regard to the character of the area in terms of scale, form, design and materials, it meets traffic and parking requirements and it accords with other Local Plan policies.

### **Planning Issues:**

The existing ground conditions; including any necessary ground consolidation or the requirement for any decontamination to facilitate the proposed development, could be secured by a condition(s) on a grant of planning permission.



The proposed four houses are generally of modern style but with traditional elements such as pitched roofs and traditional external finishing materials. The architectural style, form and finishing materials of the proposed houses would not generally be unsympathetic to the character and amenity of the area.

The site is highly visible when viewed from adjacent roads. In terms of their combined size and scale the previously approved two houses the subject of planning permission 09/00137/FUL would integrate satisfactorily with the existing built form of Hilltown. The site is of sufficient size to accommodate those two houses and the planting of trees and hedges along the boundaries of their plots in order to satisfactorily integrate them into the landscape. However, there is insufficient land within the site to accommodate the currently proposed scale of development and the landscaping (trees and hedgerow) along the garden boundaries of the proposed four houses; which landscaping is essential in order to integrate the development into the landscape. Additionally, the existing soak away along the southern boundary of the site and the proposed reed bed in the south east corner of the site also restricts the potential for boundary planting. Such landscaping is required to ensure that there is a transition from the developed land of the site with the neighbouring future linear public park that will be formed to the immediate south and south east of the site, which is a requirement of the Shawfair development. In the absence of adequate boundary landscaping the combined size and bulk of the currently proposed four house development would appear unduly prominent, exposed and intrusive in the landscape, harmful to the landscape character and amenity of the area

Adopted Midlothian Local Plan Policy DP2 states that for detached houses of 3 apartments no less than 110 square metres of private usable open space should be provided, as a minimum standard. In granting planning permission 09/00137/FUL for two detached houses on the site the Planning Authority accepted that the site was of sufficient size to accommodate that level of residential development. Owing to these two approved houses each having two bedrooms; they would have the potential to be occupied by families with children. As such and given their footprint these houses require useable private garden space. Notwithstanding that the site is sloping it was accepted that owing to the large plot sizes of each of the two houses there existed ample scope for them to be terraced and landscaped in order to make them usable and thus provide adequate amenity for the future occupants of the two houses. However, the four houses now proposed on the site would each have a much smaller plot size and the land comprising their rear private garden ground is steeply sloping and would not provide adequate usable private garden ground for the houses and thus their future occupants would not be afforded adequate residential amenity.

The access road leading from the A6106 to the site is narrow and unable to accommodate two-way traffic. It has no footways or street lighting alongside it and due to its horizontal and vertical geometry, has sections of poor forward visibility. In addition, its junction with the A6106 has restricted visibility on both sides of it. In granting planning permission 09/00137/FUL the Council considered that that proposed two house development would not have a significant impact on the access road or the junction onto the A6106 in terms of traffic generation and road safety. A principal material factor in reaching this conclusion was the fact that Hilltown House located immediately to the north of the site; which is in use as a house, was some 4 years ago in use as a nursery with 30 child places and that at that time the access road and junction were operating satisfactorily. However, the same cannot be concluded for the currently proposed four house development which would result in a

significant increase in use of the substandard access road (the existing road immediately to the west of the site) and of the junction onto the A6106, resulting in potential vehicle and pedestrian safety hazards.

The unavoidable conclusion is that the currently proposed development is an overdevelopment of the site.

The Planning Authority has not been presented with any evidence that there exists any wildlife on the site worthy of protection and which would be lost as a result of the proposed development.

The scale and nature of the proposed development would be unlikely to result in extraordinary noise and disturbance during periods of construction. If noise nuisance were to arise it could be controlled through environmental health legislation.

The treatment of foul and surface water drainage is controlled through legislation other than planning legislation and there is not a requirement for this to be controlled through planning legislation.

If planning permission were to be granted it would be subject to a legal agreement to secure developer contributions for essential infrastructure including education provision, children's play provision, contributions to the Waverley rail line and other contributions towards making good facility deficiencies resulting from, or exacerbated by the new development.

The following matters raised in letter of representation are not planning matters and/or material considerations in the determination of the application:

- The impact of the proposed development on existing water pressures;
- Existing problems of water pressures.

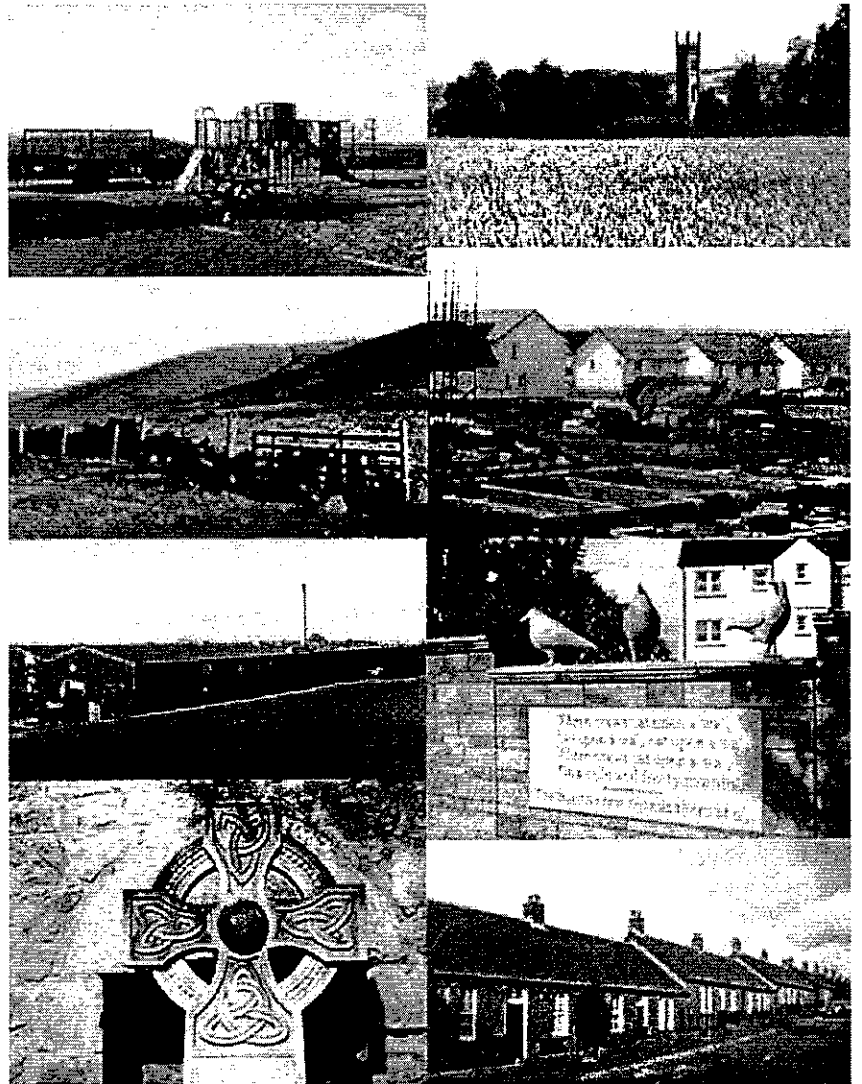
### **Recommendation:**

It is recommended that planning permission be refused for the following reasons:

1. In terms of their combined size and scale and the lack of scope for landscape mitigation the proposed four houses would not be satisfactorily integrated into the landscape; but instead, they would appear unduly prominent, exposed and intrusive in the landscape, harmful to the landscape character and amenity of the area. Thereby they are contrary to adopted Midlothian Local Plan Policies RP7 and RP20.
2. The number of dwellings proposed would result in an over development of the site, with deficient useable private garden ground and landscaping, to the detriment of the residential amenity of the future occupants of the houses, contrary to adopted Midlothian Local Plan Policy DP2.
3. The additional vehicle movements resulting from the proposed four house development would have a harmful impact on road safety within the local road network.

# APPENDIX D

## Midlothian Local Plan



Midlothian



## Policy Title

**RP5 WOODLAND, TREES AND HEDGES**

**2.1.24 National Planning Policy** Since 1954, planning authorities have had statutory responsibility for considering the protection of trees in the course of granting planning permission. More recent legislation requires that development plans include policies for the conservation of the natural beauty and amenity of the land. In addition, NPPG 14 *The Natural Heritage* requires that policies be included in local plans to ensure that new development takes full account of the potential impact on the local environment. This means that greater consideration must be given to landscape issues, including trees as part of the landscape setting, when assessing planning applications. The Scottish Government's Forestry Strategy commits to a policy of better protection for ancient and semi-natural woodland.

**2.1.25 Structure Plan Policy** One of the approved Structure Plan objectives is to protect and enhance the important settings of settlements and areas of urban green space.

**2.1.26 Local Plan Policy** Trees and hedges make an important contribution to the character and quality of Midlothian's towns, villages and countryside. Particularly notable is the woodland in the main river valleys. It is important that this valuable natural resource is not damaged by development and that developers are encouraged to protect

not only woodland but also hedges and individual smaller groups of trees, and provide appropriate management for the longer term.

**2.1.27** Long-term management will be encouraged by ensuring that any application decision takes protection and management into consideration and that there is appropriate compensation for any losses which are sustained. The Greening of Midlothian Strategy provides detailed baseline data as to the condition and significance of trees and forests throughout North Midlothian. When any planning application is made which could affect woodland, trees or hedges, the applicant must include a full appraisal in the form of a tree survey to enable proper consideration of the proposal. Proposals for development shall be accompanied by a scheme to enhance the number of trees and hedges planted on the site or, alternatively, in circumstances where this can be shown not to be warranted, in the vicinity of the site.

**2.1.28** Midlothian benefits from significant tracts of ancient and semi-natural woodland along the river valleys and these are particularly worthy of protection. Specific legislation protects trees in Conservation Areas and trees covered by Tree Preservation Orders. Current Tree Preservation Orders in Midlothian are listed in Appendix 4 (as of October 2008). New Tree Preservation Orders may also be considered in certain circumstances as a method of protecting trees at risk.

**RP5 WOODLAND, TREES AND HEDGES**

Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance.

Where an exception to this policy is agreed, any trees lost will be replaced with equivalent.

## Policy Titles

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

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

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

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

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

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

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

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

**RP6 AREAS OF GREAT LANDSCAPE VALUE**

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

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

## 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.

constituent site in the group. The usual mechanism for this is expected to be prior conclusion of Section 75 agreements by all the parties concerned.

**3.12.15** The Council has prepared a statement, which has been made publicly available, setting out the basis for the proposed developer contributions

listed in policies IMP2 and IMP3 and giving indicative costs related in scale and kind to the strategic housing sites. The Council will review the existing supplementary policy guidance on developer contributions at the earliest opportunity following the adoption of the local plan.

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## IMP1 NEW DEVELOPMENT

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Planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for:

- A. essential infrastructure, including transport, required to enable the new development to take place (refer to policy IMP2);
- B. contributions towards making good facility deficiencies resulting from, or exacerbated by, the new development (refer to policy IMP3);
- C. affordable housing (refer to policy HOU54);
- D. landscaping, including its management for the longer term, and the retention of open spaces and amenity land;
- E. public transport connections (including financial support for services) and bus stops and shelters;
- F. parking in accordance with approved parking standards;
- G. cycling access and cycling facilities;
- H. easy and safe access and movement for pedestrians;
- I. acceptable alternative access routes or public rights of way where existing routes would be lost as a result of the development;
- J. access for people with mobility difficulties;
- K. traffic and environmental management measures;
- L. the protection and/or management of, and/or compensation measures for, any feature of the natural and built conservation interests affected by the development;
- M. site assessment, evaluation and recording of any identified site of archaeological importance which could be affected; and
- N. 'Percent for Art' and Areas of Improved Quality as identified through development briefs\*.

Development briefs or master plans will be prepared by the Council in conjunction with prospective developers for all allocated housing sites setting out the main planning and design principles upon which the development of the sites is to be based and aimed at:

- ❖ improving the quality of the built environment;
- ❖ creating an attractive sustainable place of individuality and character; and
- ❖ providing places which are safe and promote ease of movement, particularly for pedestrians.

These will address issues such as vehicle and pedestrian access, provision of public transport, house



types, density, layout, design, landscaping, open space provision, the provision and location of facilities, and energy conservation, and will be a material consideration in respect of planning applications for the detailed development of the sites.

Where relevant, reference shall also be made to the detailed development policies DP1 (Development in the Countryside), DP2 (Development Guidelines), and DP3 (Protection of the Water Environment), in particular, and any other current or future supplementary planning guidance as produced by the Council.

\* Promoters of new built developments of substantial scale and accessible to the public will be encouraged to enhance public enjoyment of them by incorporating artwork through the 'Percent for Art' scheme. A proportion of the capital budget of a building (ideally 1%) is set aside for commissioning new works by an artist, craftsperson or designer. Such a contribution can be in the form of, for example, sculpture, murals, tiling, paving design, stained glass or textiles.

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## **IMP2 ESSENTIAL INFRASTRUCTURE REQUIRED TO ENABLE NEW DEVELOPMENT TO TAKE PLACE**

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Development will not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal. Planning conditions and legal agreements will be used to secure the appropriate developer funding and the proper phasing of development.

The developer will be required to fund:

- A. the essential infrastructure including roads and schools required by the development either on-site or off-site in order for it to proceed;
- B. the protection of valuable environmental assets within or adjacent to the development site, and compensation for any losses including alternative provision, where appropriate (refer to policy RP33); and
- C. the relevant requirements of policy DP2.

The following essential requirements have been identified for the housing sites listed in proposals HOUS1 and HOUS2:

### **Dalkeith**

- ❖ extension to new primary school at Wester Cowden
- ❖ contributions to extra capacity at Dalkeith High School

### **Mayfield/Easthouses**

- ❖ extension to new primary school at Lawfield
- ❖ contributions to extra capacity at Newbattle High School
- ❖ access and junction improvements

### **Redheugh/Prestonholm new community**

- ❖ new primary school
- ❖ extension to St Andrews RC Primary School
- ❖ contributions to extra capacity at Newbattle or Lasswade High Schools
- ❖ new road junctions (subject to Transport Assessment)

**Gorebridge**

- ❖ extension to Gorebridge Primary School
- ❖ extension to St Andrew's RC Primary School
- ❖ contributions to extra capacity at Newbattle High School

**Rosewell**

- ❖ extension to new Rosewell Primary School
- ❖ contributions to extra capacity at Lasswade High School
- ❖ contributions to junction improvement at A6094/B7003 Gorton Road

**Loanhead**

- ❖ extension to primary school at Paradykes
- ❖ new Edgefield relief road

**Bilston**

- ❖ contribution to new Bilston Primary School

**Penicuik**

- ❖ extensions to either or both Cuiken and Cornbank Primary Schools
- ❖ new North West Penicuik link road

**Midlothian**

- ❖ additional denominational secondary school capacity (on Community Campus)
- ❖ water and drainage infrastructure (as required)
- ❖ contributions to Waverley rail line (A7/A68/Waverley Line Corridor only)

Note: There may be a requirement for additional works to upgrade access and junctions arrangements not specified in policy IMP2 as these may only be identified as the result of Transport Assessments. Similarly, there may be specific requirements arising from water and drainage and flood risk assessments.

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**IMP3 DEVELOPER CONTRIBUTIONS TOWARDS FACILITY DEFICIENCIES**

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In addition to the essential infrastructure requirements set out in policy IMP2, contributions will be required from proposal HOUS1 and HOUS2 developers to remedy any deficiencies in local facilities and amenities identified within the community which result from the additional housing, including leisure, local shops (subject to favourable assessments of prospects for commercial viability) and open space. Legal agreements will be used to secure the appropriate developer contributions.

For the allocated housing sites, contributions will be sought towards the following:

**Dalkeith**

- ❖ town centre improvements

**Mayfield/Easthouses/Newtongrange**

- ❖ improved library provision

**Redheugh/Prestonholm new community**

- ❖ a community/leisure facility

**Gorebridge**

- ❖ a community/leisure facility
- ❖ town centre improvements

**Rosewell**

- ❖ a community facility

**Bilston**

- ❖ a community facility/community space

**Penicuik**

- ❖ town centre improvements

**Loanhead**

- ❖ additional fitness facilities

**Pathhead and North Middleton**

- ❖ contributions towards community or leisure facilities

## 4.2 Development Guidelines

### DP2 DEVELOPMENT GUIDELINES

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

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

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

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

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

## 1 Design

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

The Council recognises that good design can:

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

*For these reasons:*

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

## 2 Sustainability

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

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

### 3 Landscaping

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

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

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

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

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

Indigenous species should form the basis for landscape schemes.

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

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

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

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

### 4 Open Space

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

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

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

#### 4a Open Space required for Sport

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

#### 4b Children's Play Space

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

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

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

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

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

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

#### 4c Maintenance of Play Equipment and Open Spaces

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

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

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

#### 4d Retention of Open Spaces

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

#### 4e Provision of Play Facilities for Children

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

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

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

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

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

## 5 Housing: General Considerations

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

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

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



### 5a Housing: Detailed Considerations

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

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

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

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

### 5b Housing: Private Outdoor Space

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

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

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

- a) houses of 3 apartments should have usable garden areas no less than 110m<sup>2</sup>;
- b) houses of 4 apartments or more should have usable garden areas no less than 130m<sup>2</sup>;

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

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

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

### 5c Space between Houses

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

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

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

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

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

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

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

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





## 5d House Design

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

Conventionally designed housing should observe the following criteria:

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

## 5e Areas of Improved Quality

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

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

## 6 Accessibility and Parking Provision

Proposals for new development will be required to:

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

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

## 7 Notifiable Installations

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

## 8 Edinburgh Airport Safeguarding Zone

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

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

## Refusal of Planning Permission Town and Country Planning (Scotland) Act 1997

**Reg. No. 12/00111/DPP**

Gordon Duffy  
Studio DuB  
17A 2  
West Crosscauseway  
Edinburgh  
EH8 9JW

Midlothian Council, as Planning Authority, having considered the application by Mr And Mrs Paul And Leslie Spoors Per RSM Tenon, Unit 1 , Calder Close, Calder Park, Wakefield, WF4 3BA which was registered on 27 February 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of 4 dwellinghouses at Land To South Of Hilltown House, Woolmet , Dalkeith,**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Proposed cross section	1:100	27.02.2012
Proposed elevations	1:100	27.02.2012
Location Plan/Inc neighbours notified	1:2500	27.02.2012
Site plan, location plan and elevations	1:500	27.02.2012
Proposed floor plan	House type 1 1:100	27.02.2012
Elevations, floor plan and cross section	House Type 11	27.02.2012
Transport Assessment		27.02.2012
Other statements	Drainage Report	27.02.2012
Other statements	Supporting	27.02.2012

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

1. In terms of their combined size and scale and the lack of scope for landscape mitigation the proposed four houses would not be satisfactorily integrated into the landscape; but instead, they would appear unduly prominent, exposed and intrusive in the landscape, harmful to the landscape character and amenity of the area. Thereby they are contrary to adopted Midlothian Local Plan Policies RP7 and RP20.
2. The number of dwellings proposed would result in an over development of the site, with deficient useable private garden ground and landscaping, to the detriment of the residential amenity of the future occupants of the houses, contrary to adopted Midlothian Local Plan Policy DP2.

3. The additional vehicle movements resulting from the proposed four house development would have a harmful impact on road safety within the local road network.

Dated 04 / 04 /2012



.....  
Joyce Learmonth  
Principal Planning Officer, 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](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*

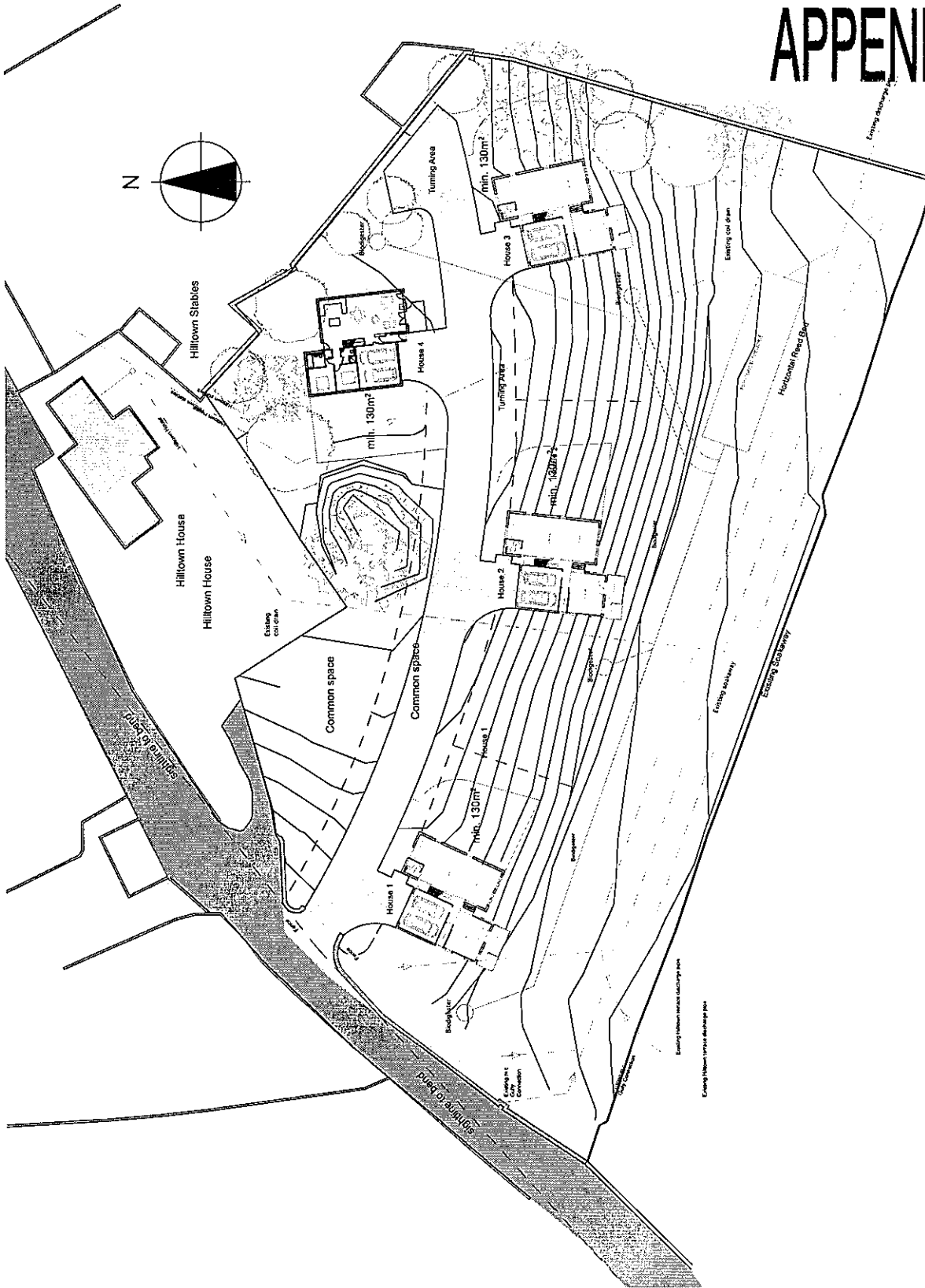
*Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.*

### *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 representatives on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.*

# APPENDIX F



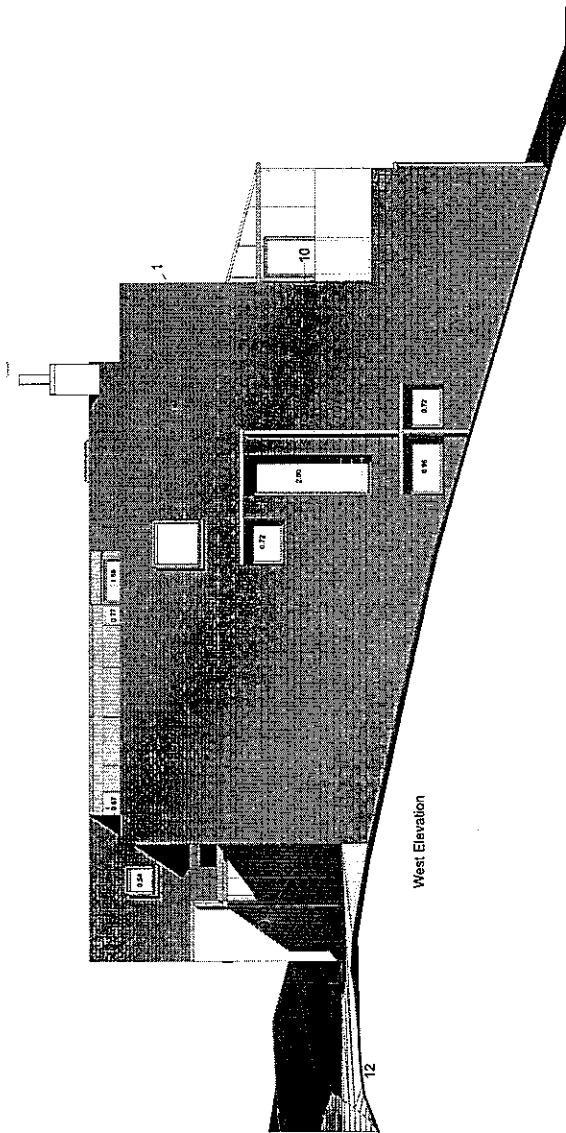
Rev. B: drawing updated 4/7/2011  
 Rev. A: road adjusted 30/6/2009

Client Paul & Leslie Spoor c/o RSM Terton	Drawing Name Site Plan		Drawn by Katarina McNabb	Date 03/06/2011
	Drawing Status Planning		Checked by Gordon Duff	Date 03/06/2011
Job Title Site @ Hilltown Woolmet Midlothian	Layout ID 854/05 B		Drawing Scale 1:500	

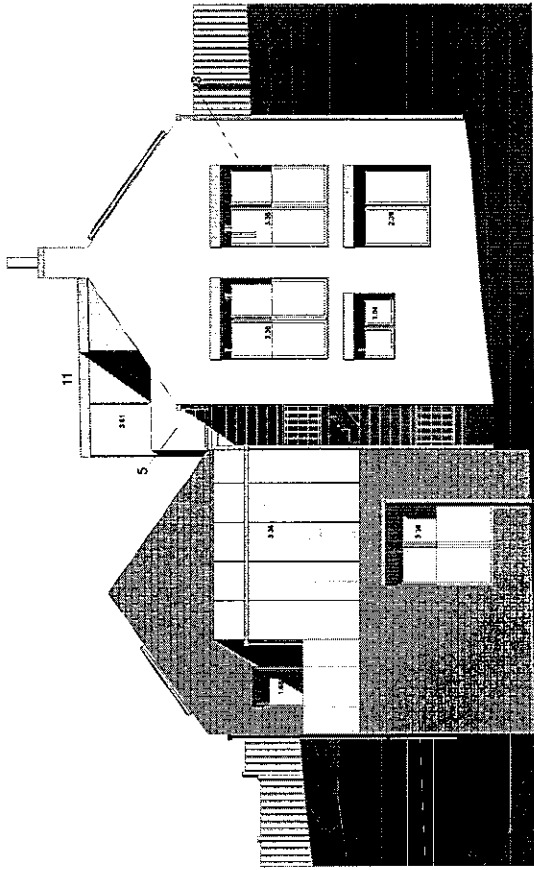


1752 West Crosscouseway  
 Edinburgh  
 EH4 5W  
 Tel: 0131 668 1538  
 Email: studiodug@mac.com

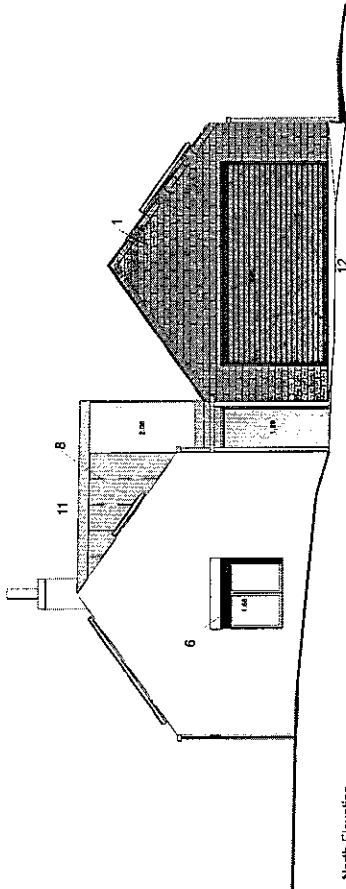
unauthorised use / copying of this drawing in whole or in part prohibited, subject to local & national law



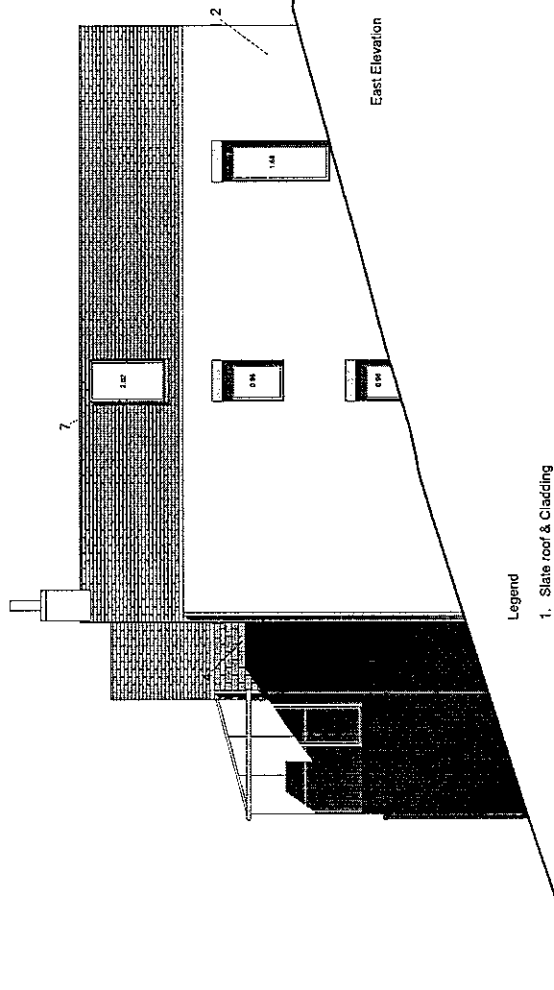
West Elevation



South Elevation



North Elevation



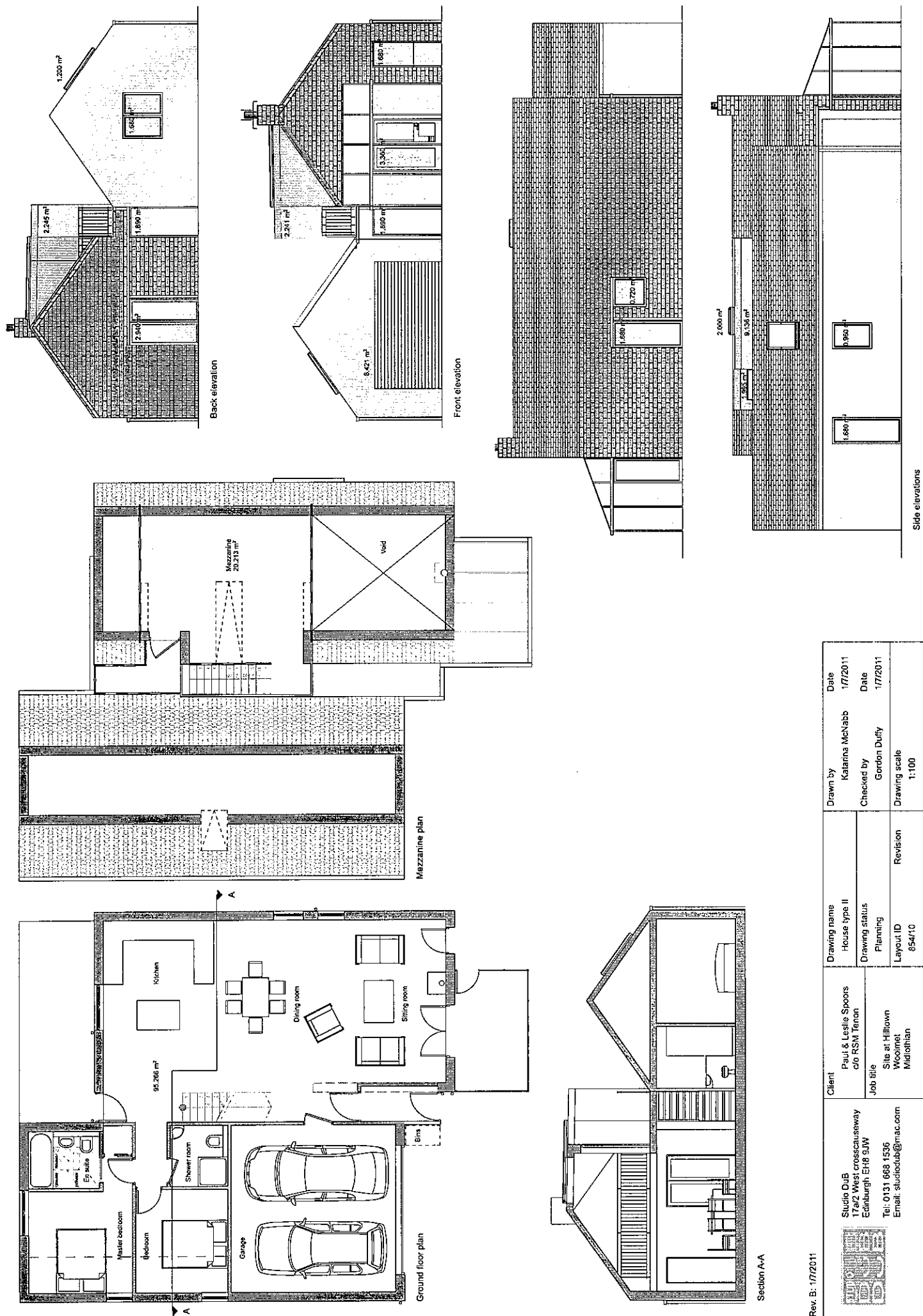
East Elevation

# Legend


1. Slate roof & Cladding
2. Render
3. Painted Timber doors and windows
4. Atrtec rainwater goods
5. Glass balustrading
6. Stone dressing
7. Low profile rooflight
8. Zinc Clad dormer
9. Reglit Panels
10. Conservatory
11. Photovoltaic panels on platform roof
12. Porous driveway pavoids

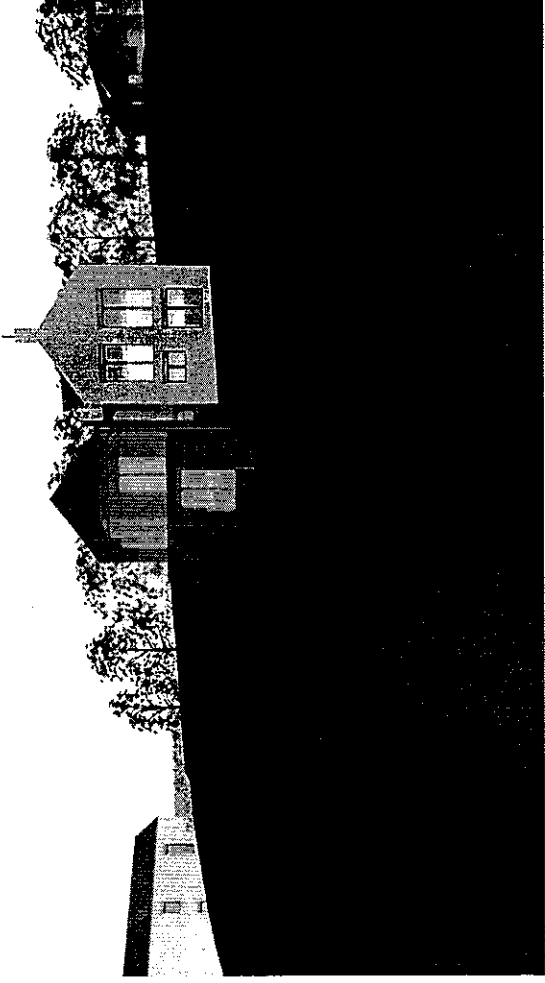
Rev. B Drawing updated 4/7/2011


Client	Paul & Lesite Spoor c/o RSM Tenon	Drawing Name	Elevations	Drawn by	Katarina McHabb	Date	08-06-11
Job Title	Site @Hilltown Woolmet Midlothian	Drawing Status	Planning	Checked by	Gordon Duffy	Date	08-06-11
		Layout ID	854-02 B	Drawing Scale			1:100
				<p>17A/2 West Crosscauseway Edinburgh EH8 9JW Tel: 0131 668 1538 Email: studiedu@nmc.com</p>			



Rev. B: 1/7/2011

 Studio DuB 17a/2 West crosscauseway Edinburgh EH8 9JW Tel: 0131 668 1536 Email: studioudub@mac.com	<b>Client</b> Paul & Leslie Spoons c/o RSM Tenon		<b>Drawing name</b> House type II	<b>Drawn by</b> Katarina McNabb	<b>Date</b> 1/7/2011
	<b>Job title</b> Site at Hilltown Woolmet Midlothian		<b>Drawing status</b> Planning	<b>Checked by</b> Gordon Duff	<b>Date</b> 1/7/2011
			<b>Layout ID</b> 854/10	<b>Drawing scale</b> 1:100	
			<b>Revision</b>		




Client Paul & Leslie Spoor c/o RSM Tenon	Drawing Name Perspective		Drawn by Katarina McNabb	Date 08/06/11
	Drawing Status Planning		Checked by Gerron Duffy	Date 08/06/11
	Layout ID 854-06 B		Drawing Scale NTS	
<div><div>1742 West Crosscraighway Edinburgh EH8 9JW Tel : 0131 668 1536 Email: studio@mac.com</div></div>				
Job Title Site @-hilltown Woolmet Midlothian				
Unauthorised use / copying of this drawing is strictly prohibited, save to read & archive for legal purposes				





Rev. A: drawing updated 1/7/2011

Client	Paul & Leslie Spoors c/o RSM Tenon	Drawing Name Proposal montage	Drawn by Katarina McNabb	Date 06/02/12		17a/2 West Crosscauseway Edinburgh EH8 9JW Tel.: 0131 668 1536 Email: studiodub@mac.com
Job Title	Site @Hilltown Woolmet Midlothian	Drawing Status Planning	Checked by Gordon Duffy	Date 06/02/12		
		Layout ID 854-09 A	Drawing Scale N/A			
					unauthorised use / copying of this drawing in whole or in part prohibited, issue is not a license for such	