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## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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.

R AND SIMPLER TO SUBMIT PLANNING APPLICATIONS

PLEASE	NOTE IT IS FASTER AND S	https://eplanning.scotland.gov.uk
1. Applicant's Det		2. Agent's Details (if any)
Title Forename Surname	MISG MOYRA MACKINNON	Ref No. Forename Surname
Company Name Building No./Name Address Line 1 Address Line 2 Town/City	5 LOTHIAN BANK FEKBANE DALKEITH EH22 3AN	Company Name Building No./Name Address Line 1 Address Line 2 Town/City  Postcode
Postcode Telephone Mobile Fax		Telephone  Mobile  Fax  Email
Email  3. Application D	etails	
Planning authority	s application reference number	MIDLOTHIAN  12/00486/DPP
5 L	OTHIAN BAN FUNCTION Ett2	L, ESKBANK, 2 BAN.
Description of pro	posed development	
INS	TALLATION (D)	F REPLACETIENT WINDOWS
AT	5 LOTHIAN B	ANK DALKEITH.

Date of application  (a.08.2012)  Date of decision (if any)  5, 10.2012	
Note. This notice must be served on the planning authority within three months of the date of decision refrom the date of expiry of the period allowed for determining the application.	notice or
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 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 review case.	determine
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inspection, ple	asons why you think the Local Review Body would be unable to undertake an unaccompanied site ase explain here:
8. Statemen	
opportunity to notice of review consider as pa	e, in full, why you are seeking a review on your application. Your statement must set out all matter equire to be taken into account in determining your review. Note: you may not have a further add to your statement of review at a later date. It is therefore essential that you submit with your y, all necessary information and evidence that you rely on and wish the Local Review Body to to for your review.
If the Local Re have a period of body.	riew Body issues a notice requesting further information from any other person or body, you will of 14 days in which to comment on any additional matter which has been raised by that person or
State here the continued or pr	reasons for your notice of review and all matters you wish to raise. If necessary, this can be ovided in full in a separate document. You may also submit additional documentation with this for
Sevo Que Urve Que har har be f pro	er riment to character & appearance wirding + Surrounding area, etc"  val houses in Jalhousic Read  already double glazed with  . South from Eskbank hole  Hight hand Side - at least High  le houses, very ebrianty +  Vuly Lecently. Windows to  fitted by Breane Alauns in my  perty would be exactly to Came  any matters which were not before the appointed officer at the time (Coul, and).  Was determined?  PROBABLY Yes PNO Sheet)
f yes, please ex pefore your appl	plain below a) why your are raising new material b) why it was not raised with the appointed office cation was determined and c) why you believe it should now be considered with your review.
Seu	presure it would be a sple application with none this accompanying material.

1 Fridonco	
List of Documents and Evidence	
lease provide a list of all supporting documents, materials and evidence which you wish to submit w freview	ith your notice
Note. The planning authority will make a copy of the notice of review, the review documents and an procedure of the review available for inspection at an office of the planning authority until such time addressing the determined. It may also be available on the planning authority website.	y notice of the as the review is
10. Checklist  Please mark the appropriate boxes to confirm that you have provided all supporting documents and	evidence
relevant to your review:	T7
Full completion of all parts of this form	12d
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 either 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 modi variation or removal of a planning condition or where it relates to an application for approval of matter conditions, it is advisable to provide the application reference number, approved plans and decision that earlier consent.	fication, ters specified in a notice from
DECLARATION	
I, the applicant/agent hereby serve notice on the planning authority to review the application as set and in the supporting documents.	out on this for
Signature:	.10.12
Any personal data that you have been asked to provide on this form will be held and processed in the requirements of the 1998 Data Protection Act.	accordance wi

FROM M.A. HACKINNOW as the window w siru and · hio. I could. vould be a vair improvement both from the heading and evergy saving point of view and more aesthetically pleasing. I have had no advuse coment from my neighbours regarding the mater in fact they were in favour of the installation. Referring to the fiver point made - there are a cluster of houses at The function of Dalhousie Road, helville terrace t tothean Boure also fitted with UPVEN-and the house opposite nine.

mo, 2. "The visual quality of the Gerroending area,"ett Rt 20 and Rt 22 was degraded.

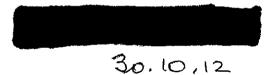
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Trubbish dump of building
makerials at the Sive of the
former Eskborne Inovet on
Dalhousic Road -alsa

- De lu requettable sivring of the new EV College on the cress of the hile at Hardengreen On the ledge of the Consuvation Overea - to Say nothing of the hideons phone masts ele. Casihe Seen from the Consuvation Overea.
- Evalé tits perpexuiq t naly mix of building Styles.
- The Proposed development of 110 houses + 30 plates dwellings On Site of demolished E.V. College (planne pennission

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touses, according to computer images, totally out of teeping (glayer with upvic?) with conservation area, -to say working of the increased boad traction which will affect in all.

For all these reasons, I will be most grabeful if you will give me application further consideration.



CORP	ORATE RESOURCES
FILE:	
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#### MIDLOTHIAN COUNCIL

## DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

TEAMING AT ELOATION BELLOATED WORKSTILLT.
Planning Application Reference:
12/00486/DPP
Site Address:
5 Lothian Bank, Dalkeith
Site Description:
The application site comprises a ground floor flat in a Victorian four-in a block within the Eskbank and Ironmills Conservation Area. The Building has a slate roof and smooth ashlar sandstone walls on the front elevation. The windows in each flat appear to be original and are predominantly white painted timber sash and case. There is a large bay window on the front elevation of no. 5. The windows in the bay are sash and case (1/1 pane at the sides and 2/2 panes centrally). A notable characteristic of these windows is their large size and the lightweight timberwork used for the frames.
Proposed Development:
Installation of replacement windows
Proposed Development Details:
It is proposed to replace the windows in the bay window of no.5 Lothian Bank with double glazed uPVC sash and case windows in the same configuration as the existing windows
Background (Previous Applications, Supporting Documents, Development Briefs):
No recent applications for this site or for any surrounding sites which have any bearing upon the determination of this application
Consultations:
None
Representations:
None
Relevant Planning Policies:

RP20: Development within the built-up area

RP22: Conservation Areas

#### Planning Issues:

Policy RP20 seeks to ensure that development does not have an adverse effect upon the character or amenity of the surrounding area. Policy RP22 requires that development must not have an adverse impact upon the character and appearance of Conservation Areas. Policy RP22 also requires that traditional materials are used in alterations to buildings within Conservation Areas.

No drawings showing the sections through the windows have been provided showing the thickness of astragals and frames. However, uPVC frames are generally significantly bulkier than timber frames, even more so when going from single glazed timber windows to double glazed uPVC. The installation of double glazed uPVC glazing units will therefore have a significant adverse impact upon the external appearance of no.5 Lothian Bank and also the building as a whole.

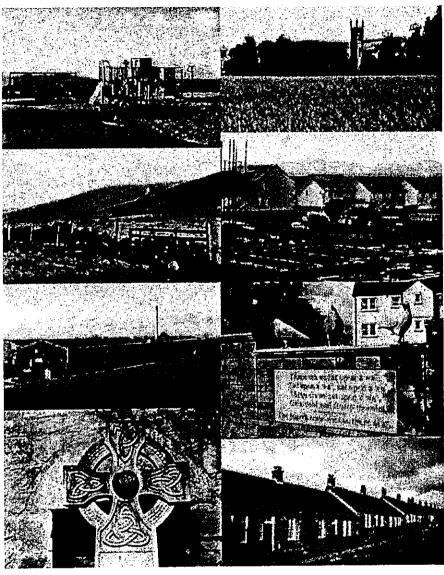
The granting of planning permission for the installation of uPVC windows would set a precedent allowing uPVC windows on properties in the surrounding area, making it difficult to prevent any future similar proposals. This would be of severe detriment to the character and appearance of the Eskbank and Ironmills Conservation area. The adverse impact upon the character and appearance of the surrounding area that non traditional window materials can cause is demonstrated on a property at the corner of Lothian Bank and Dalhousie Road. This property has a variety of window materials which combine to reduce the visual quality of the area. It must be noted that the replacement windows on this property were not the subject of a planning application.

It is possible to renovate existing timber sash and case windows to obtain significant gains in insulation. It is also possible to replace single glazed timber sash and case windows with double glazed timber sash and case windows and not have a significant impact upon the character and appearance of the building. It is acknowledged that these may be more expensive options than installation of uPVC windows, but in this case, the installation of uPVC windows would be unacceptable in terms of the impact upon the character and appearance of the Eskbank and Ironmills Conservation Area

#### Recommendation:

Refuse Planning Permission







# 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

- 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.
- Policy RP20 applies to the existing built-up 2.2.5 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 and Proposal Titles

RP22 CONSERVATION AREAS

RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)

RP24 LISTED BUILDINGS

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

- 2.2.10 Structure Plan Policy Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENV1 and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.
- 2.2.11 Local Plan Policy Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.
- 2.2.12 Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

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

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

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

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

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

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

#### RP22 CONSERVATION AREAS

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

#### New Buildings, Extensions and Alterations

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

#### Demolition

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

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

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

### **Refusal of Planning Permission**

Town and Country Planning (Scotland) Act 1997



Reg. No. 12/00486/DPP

Bryant & Cairns 2-3 Borthwick View Pentland Industrial Estate Loanhead EH20 9QH

Midlothian Council, as Planning Authority, having considered the application by Ms M. MacKinnon, 5 Lothian Bank, Eskbank, EH22 3AN, which was registered on 6 August 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

#### Installation of replacement windows at 5 Lothian Bank, Dalkeith, EH22 3AN

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 W5395/01 1:100 06.08.2012

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

- The installation of uPVC glazing units on the front elevation of No. 5 Lothian Bank will be detrimental to the character and appearance of the building, the surrounding area and The Eskbank and Ironmills Conservation Area. The proposal is therefore contrary to policies RP20 and RP22 of the Midlothian Local Plan which seek to protect the character and amenity of the built-up area and that of Conservation Areas.
- 2. Should approval be given to the proposed replacement windows it would be difficult to resist the installation of uPVC glazing units in surrounding properties. The cumulative effect of such development would degrade the visual quality of the surrounding area contrary to policies RP20 and RP22 of the Midlothian Local Plan, which seek to protect the character and amenity of the built-up area and that of the Conservation Areas.

Dated 5 / 10 / 2012

**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.

## <u>Prior to Commencement (Notice of Initiation of Development)</u>

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 Councils web site <a href="https://www.midlothian.gov.uk">www.midlothian.gov.uk</a>

## IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

#### Making an application

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

#### Making comment on an application

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

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

