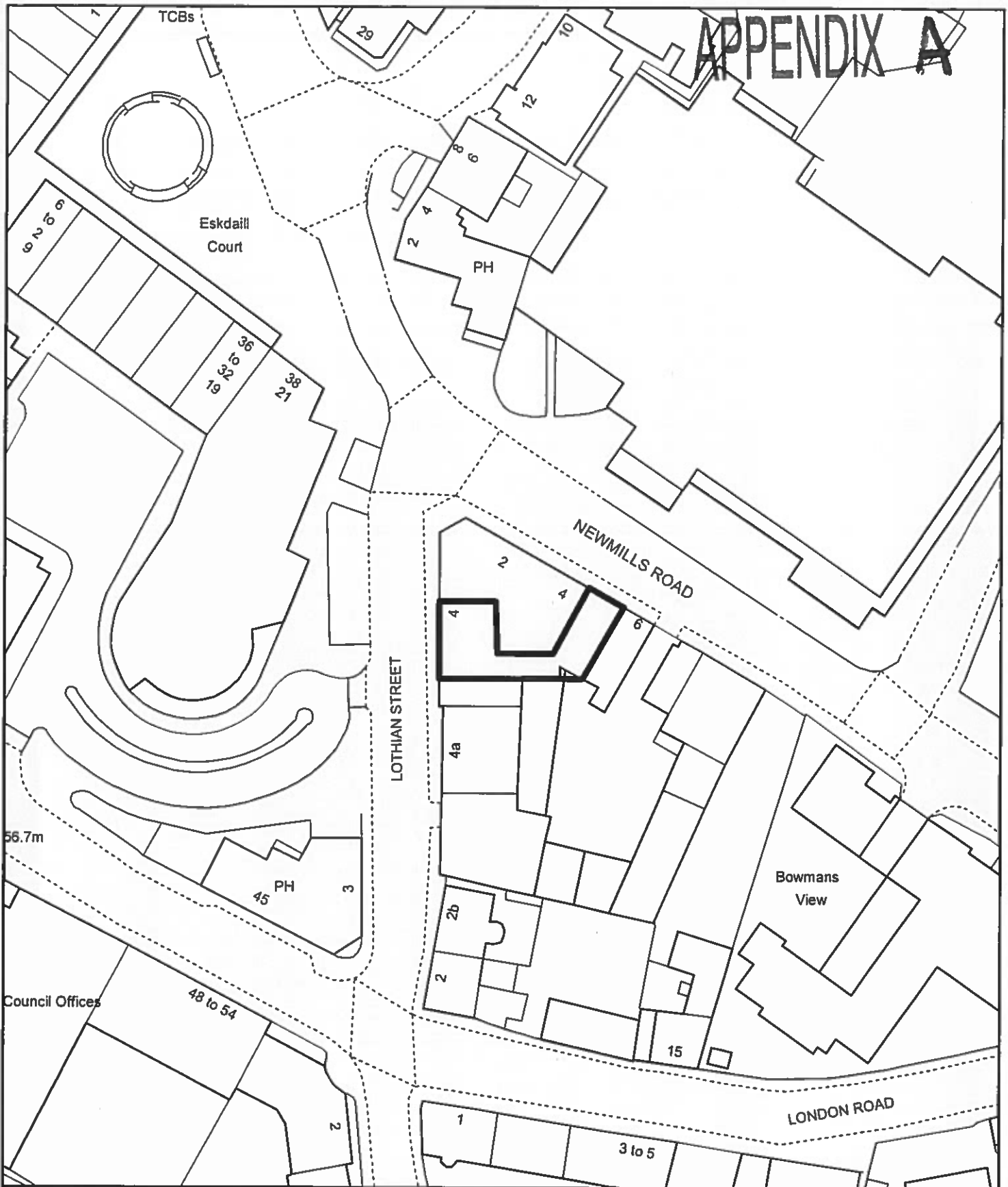


APPENDIX A



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

4 Newmills Road, Dalkeith, EH22 1DU

28th January 2016

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2015)

File No. 15/00740/DPP

Scale: 1:750



Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100000260-002

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Hardies Property & Construction Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Matt	Building Name:	London House
Last Name: *	Kilburn	Building Number:	20-22
Telephone Number: *	0131 557 9300	Address 1 (Street): *	East London Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Lothian
		Postcode: *	EH7 4BQ
Email Address: *	matt.kilburn@hardies.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	London House
First Name: *	Sandra	Building Number:	20-22
Last Name: *	Ballantyne	Address 1 (Street): *	East London Street
Company/Organisation	c/o Hardies Property & Construction	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH7 4BQ
Fax Number:			
Email Address: *			

Site Address Details

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

Please identify/describe the location of the site or sites

--	--

Northing

667150

Easting

333252

Description of Proposal

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

Change of use from two separate second floor offices into two separate dwellings.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Planning (ref 15/00740/DPP) refused due to sound impact causing poor levels of amenity. To mitigate this we have demonstrated through the Environmental Noise Impact Assessment that by altering the configuration of flat 4/5 and installing secondary glazing to both flats, we can come within the approved sound transference levels. The applicants preference is for the appeal to go to the review hearing.

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

☐ Yes ☒ No

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

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

1. Sound Report - 09.09.11 2. E0206B-05 (rev A) - Proposed flat 4-5 3. 37300-01 Newmills Road Environmental Noise Impact Assessment 4. Secondary Glazing details 5. Copy of refusal of planning Permission notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00740/DPP

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

07/09/2015

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

26/10/2015

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr Matt Kilburn

Declaration Date: 22/01/2016

Technical Report

Environmental Noise Impact Assessment

Planning Application 15/00740/DPP
4 Newmills Road, Dalkeith, EH22 1DU

Ms. Sandra Ballantyne

15th January 2016



Contents

1	Introduction	1
1.1	The Proposed Development	1
1.2	Assessment Methodology	2
1.2.1	BS8233:2014	3
1.2.2	World Health Organisation Guidelines	3
2	Noise Assessment	4
2.1	Summary	4
	Appendices	5
	Appendix A. Proposed Floor Plan for Flat 4/3	5
	Appendix B. Proposed Floor Plan for Flat 4/5	6

Document Prepared For

Ms. Sandra Ballantyne
c/o Hardies Property & Construction Consultants
London House
20 – 22 East London Street
Edinburgh
EH7 4BQ

Document Prepared By

Emma Parsons MIOA
Principal Consultant, Acoustics & Noise
Emma.parsons@atmosconsulting.com

Document Approved By

Jean Curran
Operations Director
Jean.curran@atmosconsulting.com

Version	Date	Reason
1.1	08/01/2016	Draft
1.2	13/01/2016	For client comment
1.3	15/01/2016	Final



URS is a member of Registrar of Standards (Holdings) Ltd.

Copyright © 2016 Atmos Consulting Ltd

The copyright in this work is vested in Atmos Consulting Ltd, and the information contained herein is confidential. This work, either in whole or in part, may not be reproduced or disclosed to others or used for any purposes, other than for internal client evaluation, without Atmos Consulting's prior written approval.

Rosebery House,
9 Haymarket
Terrace,
Edinburgh,
EH12 5EZ

Moray House,
16-18 Bank
Street,
Inverness,
IV1 1QY

Linden House,
Mold Business
Park,
Wrexham Road,
Mold,
CH7 1XP

1 Introduction

Atmos Consulting has been commissioned by Ms. Sandra Ballantyne ('the applicant') to undertake an environmental noise assessment in support of an appeal to Midlothian Council following the refusal of planning application 15/00740/DPP. This application sought planning consent for a proposed change of use at No.4, Flats 3 and 5, Newmills Road in Dalkeith, herein referred to as 'the proposed development', from two separate offices (Class 4) to residential (Class 9) to form two flatted dwellings.

This noise assessment has evaluated the proposed development site in terms of its suitability for residential development and has been supported by information submitted by the applicant to Midlothian Council as part of the planning application in September 2015.

In addition, reference has been made to a technical noise assessment report¹ undertaken by A. Proctor Group on behalf of the applicant dated 9th September 2011. Whilst this assessment makes reference to the results of the noise survey undertaken by A. Proctor Group within the proposed development, no reliance is made herein on the details of that report. However it is assumed that, for the purposes of this assessment, the appropriate methodology and best practice survey procedures were followed in the completion of the A. Proctor Group report.

1.1 The Proposed Development

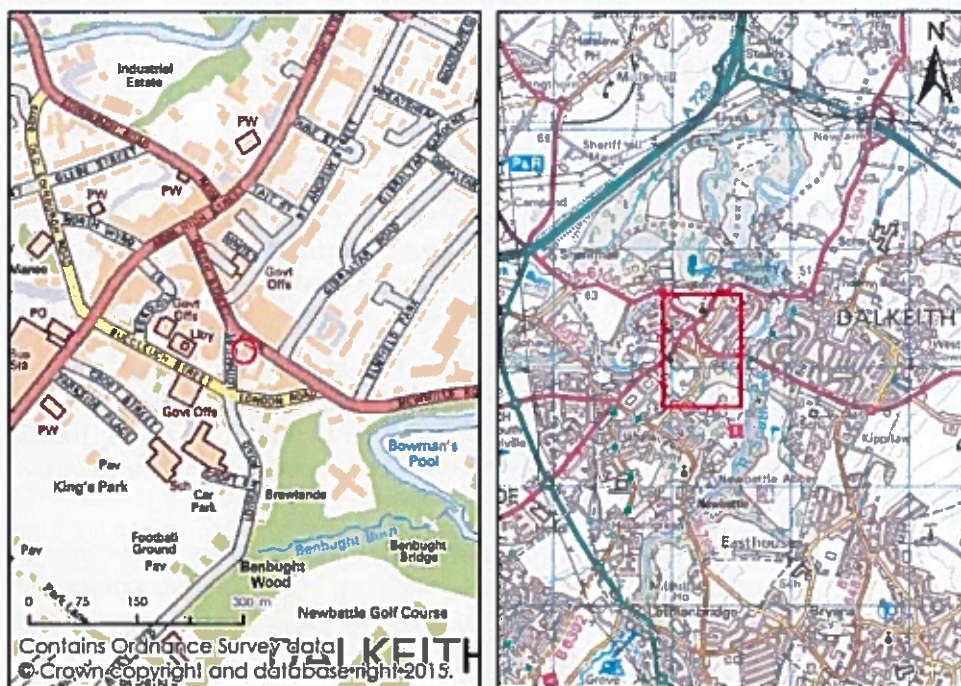
The proposed development is located on the second floor of a listed building at the junction of the A6106 (Newmills Road) and Lothian Street in Dalkeith, to the south-east of Edinburgh. The Park bar and nightclub is located on the ground floor of this building.

The location of the proposed development is shown on **Figure 1**.

¹ Report Number: Site/db/09/09/11-218



Figure 1 – Site Location



The second-floor property was formerly the location of an accountancy business and is currently vacant. It is proposed to develop the property into two flats for residential use – Flat 4/3 and Flat 4/5. The proposed floor plans for these flats are presented as **Appendix A** and **Appendix B** respectively. The plans for each flat include a living room, a kitchen/dining area and bedroom, with each proposed bedroom located to the rear of building. The bedrooms will be ventilated using electrically operated rooflights.

1.2 Assessment Methodology

A number of standards and guidelines may be referred to in relation to acceptable environmental noise levels. The overarching European legislation in relation to noise is the 'Environmental Noise Directive' (END). The END aims to limit people's exposure to environmental noise and requires each member state to provide data on noise exposure, to adopt action plans to prevent or reduce noise exposure and try to preserve environmental noise quality where it is currently good.

At a national level, the relevant policy for planning is 'Scottish Planning Policy' (SPP). In addition to the SPP, PAN 1/2011² and its associated Technical Advice Note (TAN) are key guidance documents for planners in Scotland on noise issues. PAN 1/2011 sets out a series of noise issues which planning authorities must be aware of when making decisions on planning applications, in order to preserve environmental quality.

² Scottish Government (2011), 'Planning and Noise'

PAN 1/2011 and its TAN are also of assistance to developers in the identification of noise issues relevant to proposed developments. Appendix 1 of the TAN details a number of standards and guidelines which may be used in the assessment of noise, including BS8233 and the guidelines of the World Health Organisation (WHO).

1.2.1 BS8233:2014

The TAN to PAN 1/2011 refers to British Standard BS8233:1999 entitled 'Sound Insulation and Noise Reduction for Buildings (Code of Practice)'. Since the publication of the TAN in 2011, BS8233 has been updated and the revised version was published in February 2014. The 2014 version of BS8233 is therefore used for the purposes of this assessment (BS8233:2014, 'Guidance on Sound Insulation and Noise Reduction for Buildings').

The standard "provides guidance on the control of noise in and around buildings" and recommends appropriate internal noise levels for dwellings. No balconies, terraces or outdoor living areas (including gardens) are proposed for the development; therefore this assessment is only concerned with the recommended internal daytime and night-time noise levels.

In this regard, and for the purposes of the assessment, the following internal noise levels are used as guideline values, which are in line with recommendations of BS8233:2014:

- Internal daytime noise level of 35dB LAeq,16hour; and
- Internal night-time noise level of 30dB LAeq,8hour.

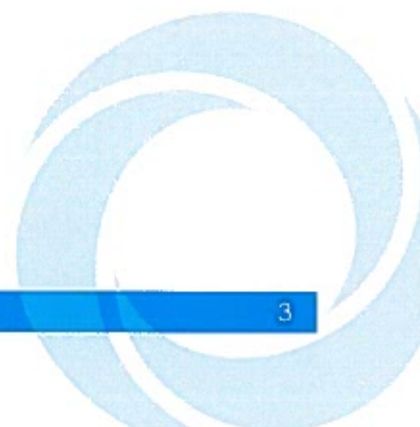
This correlates with the advice provided by the WHO with regards to suitable internal noise level limits.

1.2.2 World Health Organisation Guidelines

The 'Guidelines for Community Noise' document and the 'Night Noise Guidelines for Europe' recommend guideline noise level limits regardless of the current noise environment. The WHO suggests suitable noise levels for both outdoor and indoor living areas during daytime and night-time periods, and these levels are set regardless of the noise type or source, i.e. 'benchmark' levels.

The WHO advises on the minimum levels of noise before critical health effects, including annoyance, occur. In this regard, the WHO guidelines state:

- "To enable casual conversation indoors during daytime, the sound level of interfering noise should not exceed 35dB LAeq."
- "In dwellings, the critical effects of noise are on sleep, annoyance and speech interference. To avoid sleep disturbance, indoor guideline values for bedrooms are 30dB LAeq,8h for continuous noise."



2 Noise Assessment

An internal noise measurement survey within the proposed development was undertaken by A. Proctor Group during the 8-hour night-time period on Friday 9th September 2011, from 23.00 to 07.00. It is understood that The Park was open and operational during this survey; however, it is assumed that it closed at approximately 02.00. Therefore the survey is assumed to have included the measurement of patrons entering and also leaving The Park.

The internal monitoring location used by A.Proctor Group is shown on the floor plan for Flat 4/5 presented as Appendix B and is indicated as **M01**. It can be seen that this location is representative of the area proposed for the bedrooms of the proposed development. Therefore, the measured 8-hour night-time LAeq value is most relevant when assessing against BS8233:2014 and the WHO guidelines, specifically the recommended 8-hour night-time internal noise level limit of 30dB LAeq.

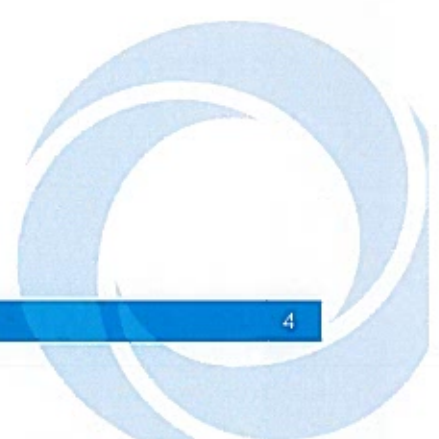
From the A. Proctor Group report (page 11, paragraph 4.6), it is indicated that the measured value at M01 was 22.4dB LAeq,8hr. This value does not exceed, and is comfortably below, the 8-hour night-time recommended internal noise limit of 30dB LAeq.

Therefore, with respect to noise, it can be seen that this area of the proposed development will be suitable for use as bedrooms. The assessment concludes that the development can achieve an acceptable internal night-time noise level limit, suitable for residential use.

2.1 Summary

A noise assessment has been undertaken with reference to measured internal noise levels within the proposed development and comparing the measured noise level against the recommended BS8233:2014 and WHO night-time noise level limit.

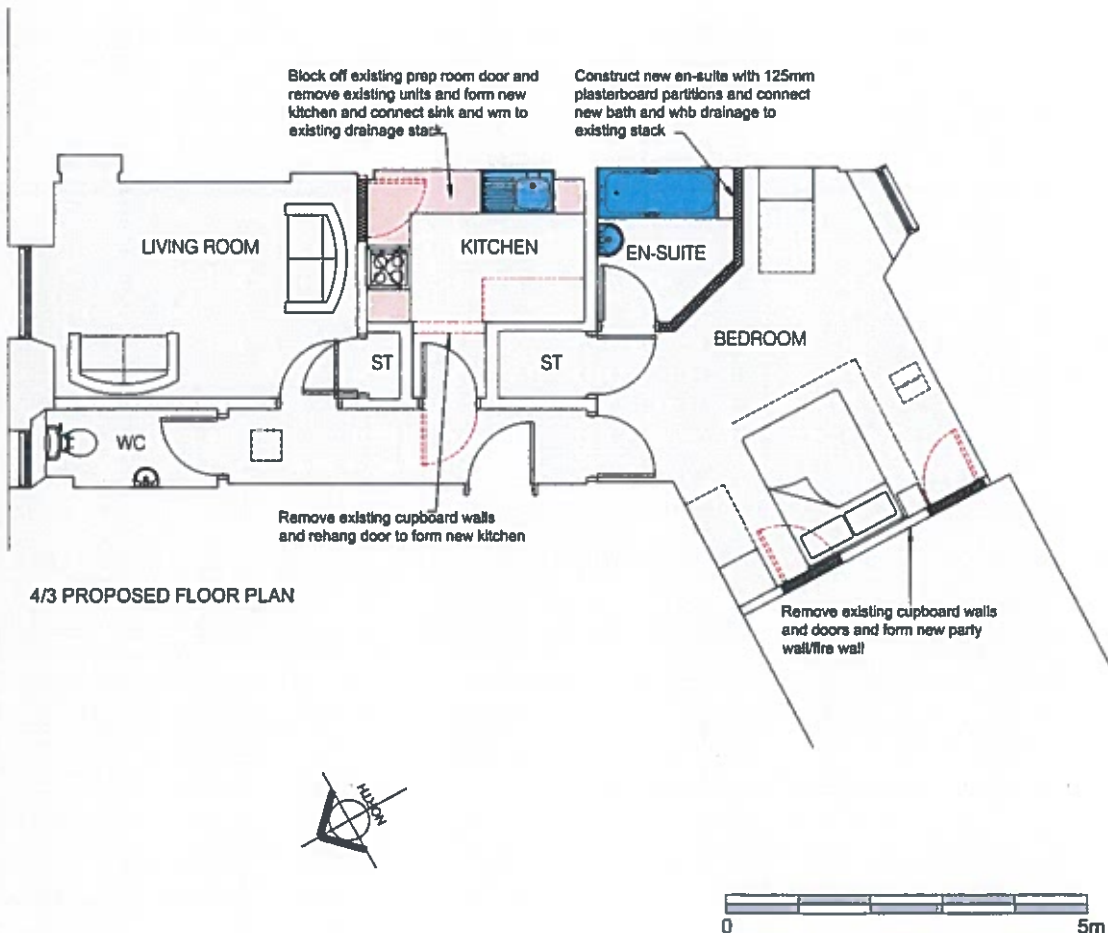
The assessment has shown that the measured internal noise level does not exceed the BS8233:2014 and WHO recommended eight-hour night-time noise level limit of 30dB LAeq. Therefore, the existing property can be made suitable for residential use and noise need not be a contributing factor in any planning consent.



Appendices

Appendix A. Proposed Floor Plan for Flat 4/3



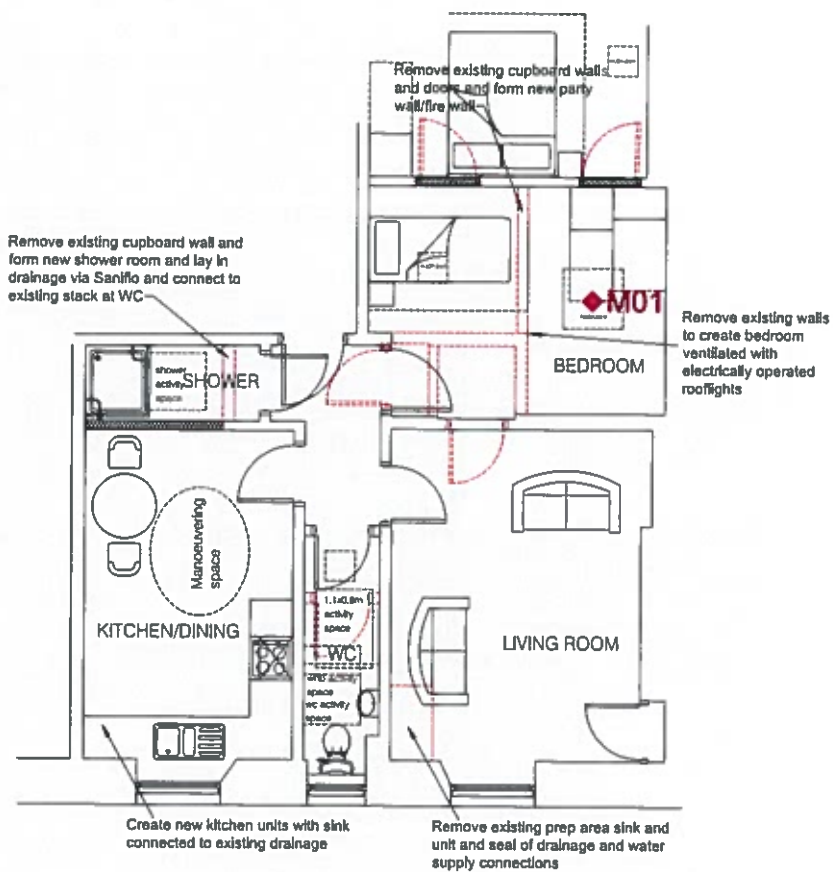


<p>Notes</p> <p>1. Do not scale off this drawing</p> <p>2. All dimensions to be checked on site prior to construction and construction, and any discrepancies to be reported to Hardies LLP prior to ordering of materials and prior to carrying out any construction work</p> <p>© This drawing is copyright of Hardies LLP and must not be reproduced in whole or part without prior written permission. This drawing shall not be scaled for construction purposes.</p> <p>CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015</p> <p>The designs on this drawing are prepared with the assumption of the need to identify hazards and give regard to the hierarchy of risk control</p> <p>This drawing is to be read in conjunction with project specific standard hazard and risk assessment, where relevant</p> <p>Works to be carried out in accordance with the Construction Phase Health & Safety plan prepared by the Principal Contractor</p>			
<p>Hardies</p> <p>London House 20-22 West London Road EQUENBOROUGH SUSSEX BN1 9JG</p> <p>01323 450000 01323 450001 01323 450002 01323 450003 01323 450004 01323 450005 01323 450006 01323 450007 01323 450008 01323 450009 01323 450010 01323 450011 01323 450012 01323 450013 01323 450014 01323 450015 01323 450016 01323 450017 01323 450018 01323 450019 01323 450020 01323 450021 01323 450022 01323 450023 01323 450024 01323 450025 01323 450026 01323 450027 01323 450028 01323 450029 01323 450030 01323 450031 01323 450032 01323 450033 01323 450034 01323 450035 01323 450036 01323 450037 01323 450038 01323 450039 01323 450040 01323 450041 01323 450042 01323 450043 01323 450044 01323 450045 01323 450046 01323 450047 01323 450048 01323 450049 01323 450050 01323 450051 01323 450052 01323 450053 01323 450054 01323 450055 01323 450056 01323 450057 01323 450058 01323 450059 01323 450060 01323 450061 01323 450062 01323 450063 01323 450064 01323 450065 01323 450066 01323 450067 01323 450068 01323 450069 01323 450070 01323 450071 01323 450072 01323 450073 01323 450074 01323 450075 01323 450076 01323 450077 01323 450078 01323 450079 01323 450080 01323 450081 01323 450082 01323 450083 01323 450084 01323 450085 01323 450086 01323 450087 01323 450088 01323 450089 01323 450090 01323 450091 01323 450092 01323 450093 01323 450094 01323 450095 01323 450096 01323 450097 01323 450098 01323 450099 01323 450100</p>			
<p>author</p> <p>Sandra Ballantyne</p>			
<p>project</p> <p>Flat 4/3 and 4/5 Newmills Road Change of Use Application</p>			
<p>drawing title</p> <p>Flat 4/3 Proposed Plan</p>			
<p>client</p> <p>Planning</p>			
<p>date</p> <p>28.08.15</p>	<p>scale</p> <p>1:100</p>	<p>drawn by</p> <p>MK</p>	<p>checked by</p> <p>KD</p>
<p>job no</p> <p>E0206B - 04</p>			

Appendix B. Proposed Floor Plan for Flat 4/5

M01 indicates the location of the internal eight-hour noise survey on 9th September 2011, undertaken by A. Proctor Group.





4/5 PROPOSED FLOOR PLAN



4/5			
This document is not to be used for any other purpose than the one stated on the title block. It is the responsibility of the user to ensure that the information is up to date and that it is used in accordance with the relevant standards and specifications.			
Rev	By	Date	Description
1	AM	17 JAN 2011	Issue for tender
2	AM	17 JAN 2011	Issue for tender
3	AM	17 JAN 2011	Issue for tender
4	AM	17 JAN 2011	Issue for tender
5	AM	17 JAN 2011	Issue for tender
6	AM	17 JAN 2011	Issue for tender
7	AM	17 JAN 2011	Issue for tender
8	AM	17 JAN 2011	Issue for tender
9	AM	17 JAN 2011	Issue for tender
10	AM	17 JAN 2011	Issue for tender

Alan Hardle Architect

17 JAN 2011 10:00 AM 17 JAN 2011 10:00 AM 17 JAN 2011 10:00 AM 17 JAN 2011 10:00 AM

DRAFT

Client: SANDRA BALLANTYNE

Project Title: CHANGE OF USE OFFICES TO FLATS 4 NEWMILLS ROAD, DALKEITH

Drawing Title: 4/5 PROPOSED PLAN

Scale: 1:50 @ A3 1:25 @ A4 Date: 17 JAN 2011

Author: AM Project to: 17 JAN 2011

File No: 2010-049 A(01)005 Date: D

TECHNICAL REPORT

A.Proctor Group Ltd

The Haugh
Blairgowrie
Perthshire
PH10 7ER
Tel. 01250 872261
Fax. 01250 872727

Report Number:	Site/db/09/09/11-218
Date:	9 th September 2011
Subject:	4/3 & 4/5 Newmills Road, Dalkeith EH22 1DU
Brief:	To assess internal noise levels at a proposed office conversion.
To:	Sandra Ballantyne c/o 4/3 Newmills Road, Dalkeith EH22 1DU

Tested By

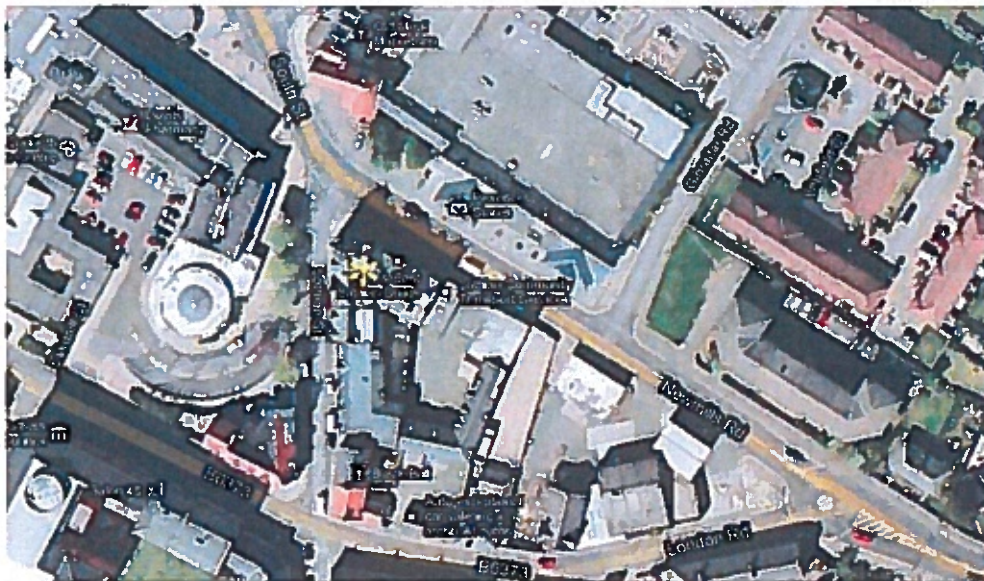

David Buchan

Approved By


PP, Iain Faimington

1. Introduction

- 1.1 We were instructed by Glenalmond Trading Investments to conduct internal noise measurements within offices to assess the suitability of conversion to residential accommodation.
- 1.2 The offices are located on the 2nd floor with a licensed premises (The Park), located at ground floor.
- 1.3 Measurements were made during the 'night' measurement period (11pm – 7am) the licensed premises were in operation as noted.
- 1.4 The building is located at a road junction & intermittent traffic noise was apparent as cars arrived at & departed from the junction.
- 1.5 Temperature during measurement was in the range 16-22°C, RH was in the range 44-54% & conditions were always dry with light winds.
- 1.6 Where windows were present, these were opened to allow natural ventilation.
- 1.7 The site layout & test locations are as shown on the following.



- *Site location.*



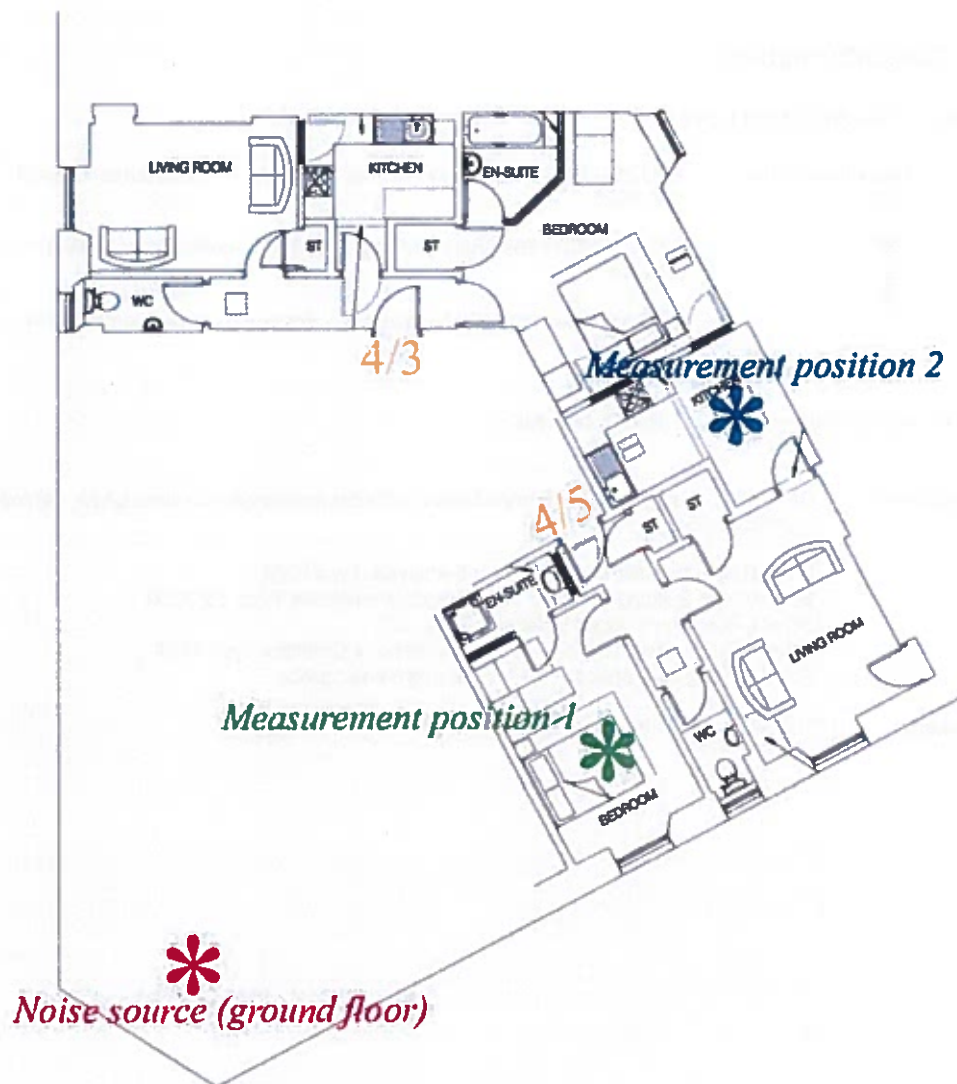
- *Elevation to South Street ('The Park' located at ground floor)*



- *Elevation to Newmills Road (Access to flats as marked with a yellow asterix)*



- *Elevation to Lothian Street*



- Proposed layout / noise source / receiver positions

2. Test Information

Job: Site/db/09/09/11-218

Date of measurements: 8th June 2011 (Wednesday evening – Position 1, noise source inactive)
Job 0025

11th June 2011 (Saturday evening – Position 1, noise source active)
Job 0027

9th September 2011 (Friday evening – Position 2, noise source active)
Job 0029

Tests conducted by: David Buchan MIOA

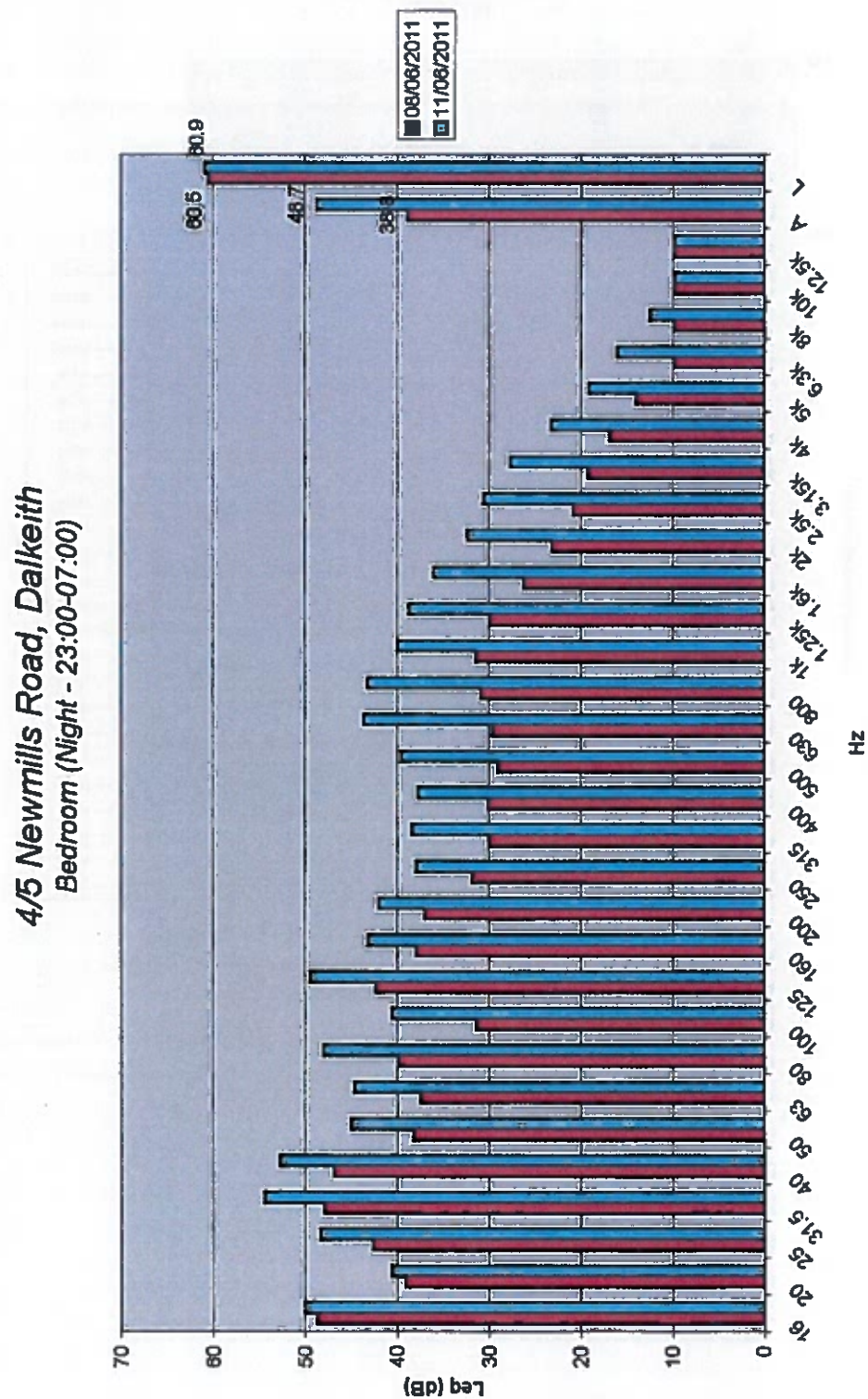
Equipment: Calibration checks were performed before and after measurements were taken, with no significant deviation noted.

Brüel & Kjær Modular Precision Sound Analyser Type 2260
Brüel & Kjær Building Acoustic System Software Module Type BZ 7202
Brüel & Kjær Sound Level Calibrator Type 4231
Brüel & Kjær Prepolarised Condenser Microphone Cartridge Type 4189
Protimeter digital diagnostic Mk.IV with hygrometer probe

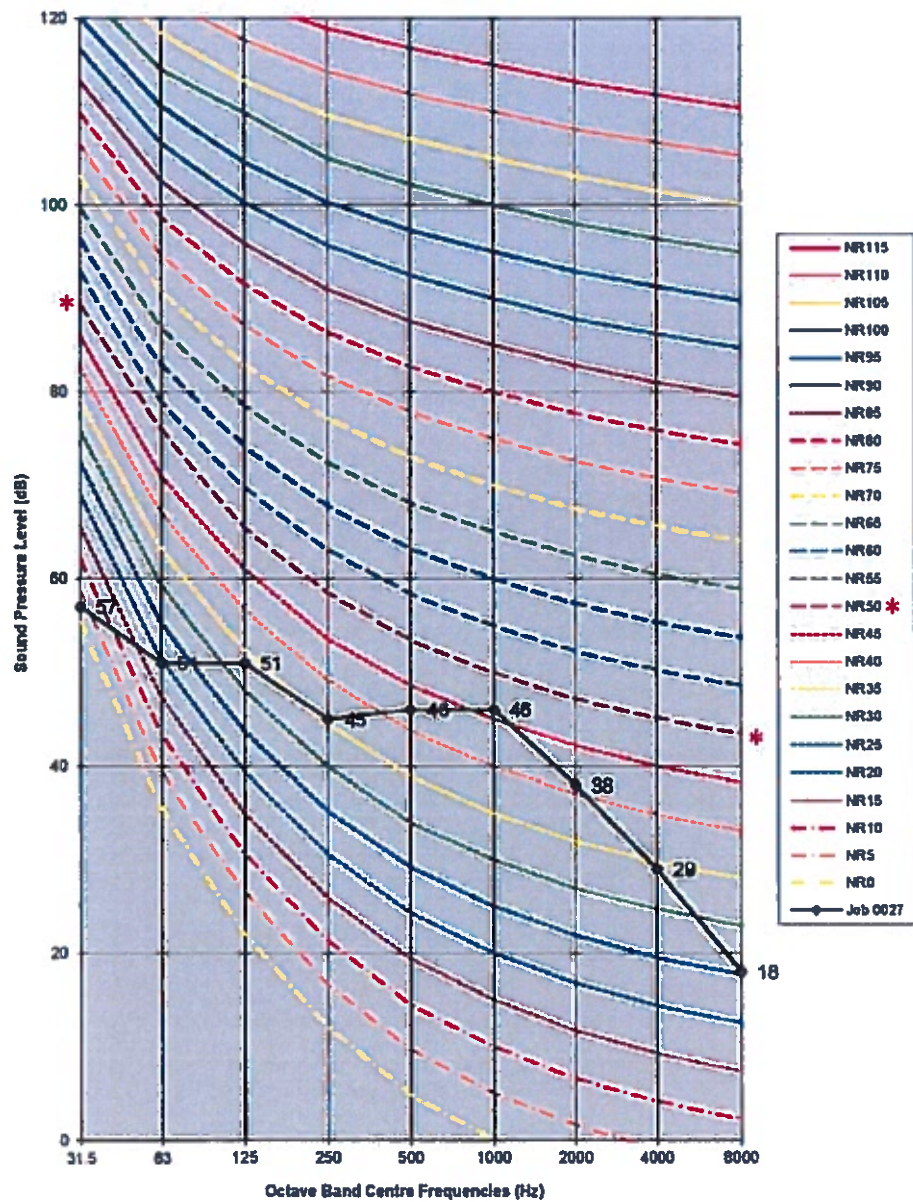
Results: The full results of the measurements follow.

3. Test Results

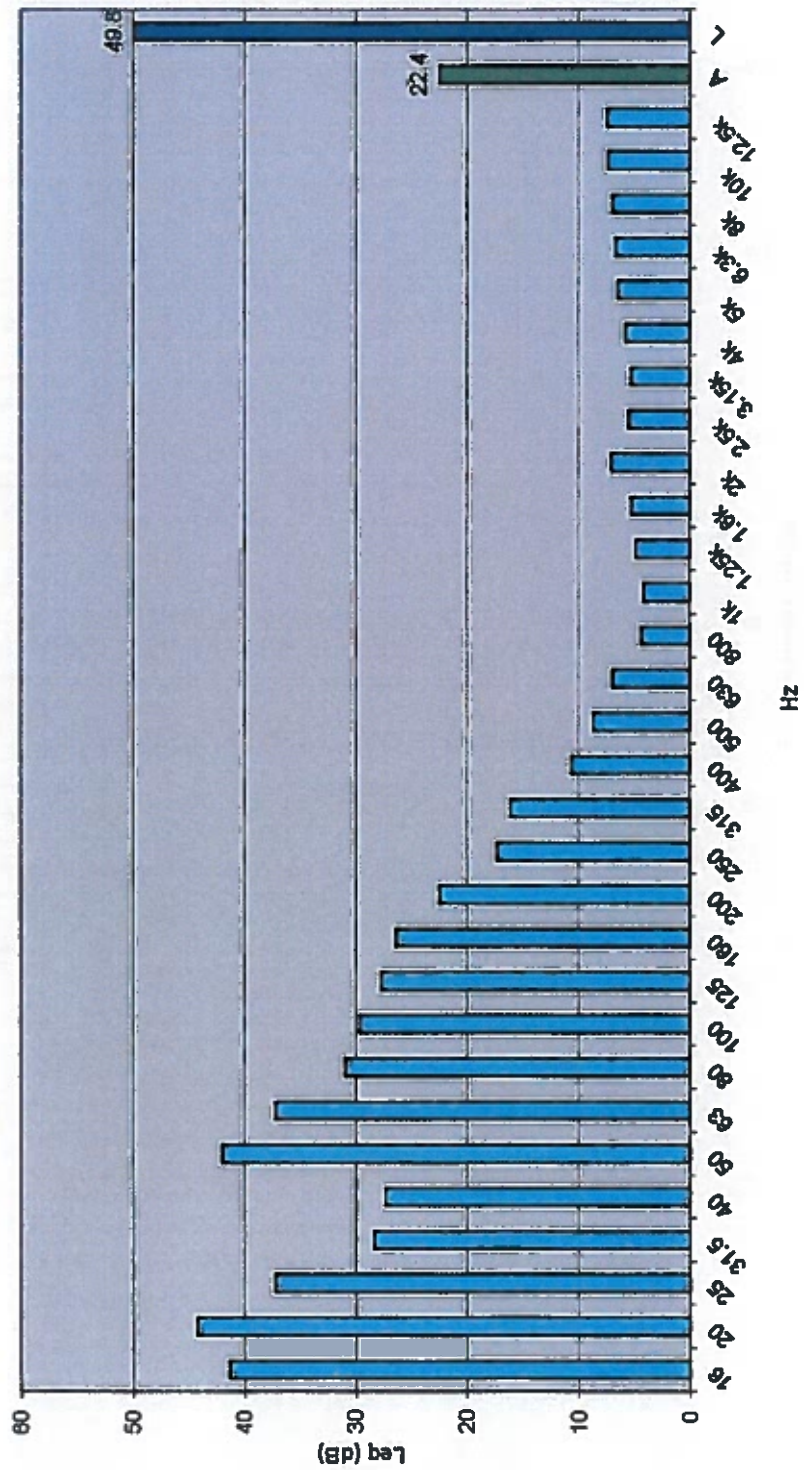
3.1 The following pages show the test results in full.



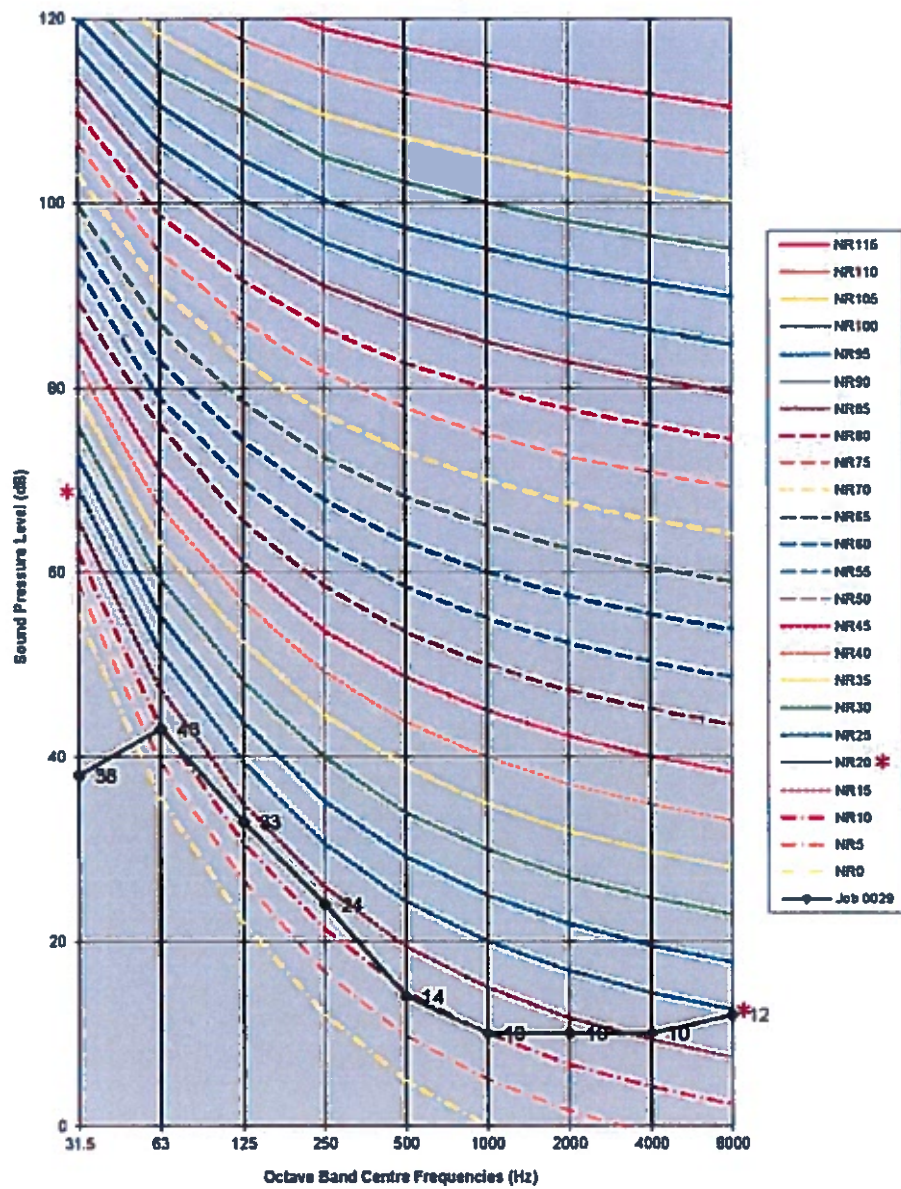
Noise Rating (NR)
11/06/11



4/5 Newmills Road, Dalkeith
Position 2 (Night) 09-9-11



Noise Rating (NR)
09/09/11



4. Comments

- 4.1 Initial measurements were made at position 1 (proposed bedroom, flat 4/5) overnight on Wednesday 8th June (licensed premises closed / no noise source) & again overnight on Saturday 11th June (licensed premises open / noise source active). This location was selected in preference to the proposed living room of flat 4/3 since it was closest to the noise source & would therefore represent the 'worst case'.
- 4.2 The resultant data presented on page 7 therefore gives an indication of the level increase due to the operation of the licensed premises – an increase from 38.8dB $L_{Aeq,8h}(23:00-07:00)$ to 48.7dB $L_{Aeq,8h}(23:00-07:00)$.
- 4.3 The recommended World Health Organisation precautionary guideline internal noise level within dwellings to avoid sleep disturbance for the night time period is 30 dB $L_{Aeq,8h}$ (also referenced in the Scottish Government Technical Advice Note – Assessment of noise (2011)). Both measurements therefore fail to achieve this level.
- 4.4 The noise was also quantified in terms of an NR rating (BS 8233 – 1999) for information only, as shown on page 8 (NR 50).
- 4.5 Further measurements were then made at position 2 (proposed kitchen, flat 4/5) overnight on Friday 9th September (licensed premises open / noise source active) – this location is currently accessed via flat 4/3 & has no windows (only a rooflight). The idea being to gain an understanding of what the levels would be, were the proposed layout to be altered such that this became sleeping accommodation.
- 4.6 The resultant data presented on page 9 shows that with the licensed premises operating, a level of 22.4dB $L_{Aeq,8h}(23:00-07:00)$ was recorded. This would be in accordance with the recommended value outlined in 4.3 above.
- 4.7 This noise was also quantified in terms of an NR rating (BS 8233 – 1999) for information only, as shown on page 10 (NR 20).
- 4.8 The conclusion then is that given the noise levels emitted by the licensed premises, the layout as proposed would be unsuitable for sleeping accommodation. Were the layout to be amended such that any sleeping accommodation was located to the rear or the property (diametrically opposed to the noise source), then this should be sufficient to ensure that sleep disturbance does not occur.

Secondary Glazing Details

Secondary glazing is proposed for the windows to both dwellings that have significantly higher sound insulation values. Table 1 (included in documents) details Sound Reduction Index values for single and secondary glazed windows. The spec of the proposed secondary glazing has not yet been defined by the applicant however the final design will as a minimum meet the performance criteria detailed in table 1. Where a difference glazing configuration is chosen, the dimension will be greater than those specified and will, therefore, offer additional levels of sound insulation. The Rw value represents the single figure weighted level difference. The difference between existing glazed units and proposed secondary glazing is 18dB.

Table 1: Typical SRI values for single & secondary glazing configurations

Glazing Type	Thick- ness	Level of Attenuation, dB					
	mm	125Hz	250Hz	500Hz	1000Hz	2000Hz	Rw
Existing 6mm glass in sealed frame*	6	17	24	30	28	24	28
Proposed secondary glazing, 6/150/4 sealed units (horizontal sliding)** (6mm glass, 150mm cavity, 4mm glass)	160	33	35	43	50	48	46

* Original figures from *Building Bulletin 51*

** www.soundspec.info

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 15/00740/DPP

Site Address: 4 Newmills Road, Dalkeith

Site Description: The application property is a second floor flat, which is part of a three storey building. This building is positioned on the corner of Newmills Road and Lothian Street. The building is stone, slate roof with white painted sash and case windows. The property is C listed. There is a nightclub on the ground floor of the building and offices and an educational facility on the first floor. The application site is currently two separate office units. These are located to either side of the building, one facing onto Newmills Road, the other onto Lothian Street. Access to the site is from Newmills Road.

Proposed Development: Change of use from office (class 4) to residential (class 9) to form two flatted dwellings.

Proposed Development Details: The offices are to change to become two one bedroom flats. No external alterations are proposed.

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

15/00743/LBC Internal alterations. Pending consideration.

11/00034/LBC 4 Newmills Road Internal alterations. Permitted.

11/00033/DPP Change of use from offices to residential to form 2 flatted dwellings. Refused – low levels of amenity for the future occupants due to noise from the nightclub on the ground floor and lack of private amenity space.

09/00298/FUL 4A Newmills Road Change of use from dwellinghouse (class 9) to educational facility (class 10). Consent with conditions.

08/00329/LBC 4A Newmills Road Alterations to property. Consent with conditions.

08/00323/FUL 4A Newmills Road Change of use from office to residential. Permitted.

Consultations: The Policy and Road Safety Team has no objection to the proposal. They state that the proposal would place additional pressure on the limited number of on and off street parking spaces in the area, however the building is in a town centre location with good access to local facilities and public transport. Overall it is not considered that the proposed change of use would result in any significant change to the existing parking and delivery situation in the area.

Representations: One letter of representation has been received from the leaseholder of the nightclub within the building. They object as their business operates until 2am on Friday and Saturday nights which may result in noise complaints from any future occupants of the flats. If permission is granted then the

residential units would need to be fully soundproofed to avoid such complaints and they wish for written confirmation that the occupants would not complain about noise.

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

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

RP24 Listed Buildings states that the change of use of a listed building will only be permitted where it can be shown that the proposed use and any necessary alteration can be achieved without detriment to the character, appearance and setting of the building; and

DP2 Development Guidelines sets out detailed design guidance for residential developments that should be followed unless there is adequate justification to depart from the standards.

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

From a transportation perspective the proposal does not fully address the issues of residential and visitor parking which would arise from the provision of a flat. Notwithstanding this, exceptions can be made for the conversion of existing buildings where it may be difficult to provide the expected level of parking. The site is located within Dalkeith Town Centre, is well served by bus routes and there is local parking in the area. As such refusal of the application on these grounds alone would not be warranted.

Whilst Policy DP2 requires the provision of private outdoor space for new residential development, where an existing building is to be re-used it can be appropriate to make allowance for the constraints of the particular site, especially within a town centre, if the amenity of the property created is otherwise of a high standard. The flats will be adequate in respect of their outlook and the level of daylight provided to the living room and bedrooms. Their location in the town centre provides a high level of amenity in terms of the facilities available. In these circumstances, the absence of private open space would not warrant refusal.

There is another office on the second floor of the building. On the first floor there is an office and an education facility. This facility is used for young people who need support in further training or employment. The facility is used between 9.30 – 3.30 Mondays to Fridays and not used at evenings or weekends. Planning permission was previously approved here for residential use. However, there were issues resulting from the nightclub on the ground floor which rendered the flatbed dwelling uninhabitable, due to the poor level of amenity as a result from the noise of the nightclub. The Council's Environmental Health team have been consulted on the current proposal and have recommended that the application be refused due to the impact that the nightclub on the ground floor would have on the amenity of the residents of the proposed residential properties. The nightclub is licensed until 2am and there have been complaints received relating to noise. As a result there would be a poor standard of amenity for the occupiers of the residential properties.

Although there is a storey between the nightclub and the proposed residential properties, the noise arising from the nightclub and patrons outside the club would reduce the levels of amenity. Noise complaints have been received by Environmental Health from people living further away than the proposed site.

Given the issues of noise from the neighbouring nightclub, lack of garden area/private amenity space and the absence of a parking area the levels of amenity would be very low for future residents of the proposed residential properties. This has been proven in another flat in the building which could not be used as residential accommodation due to disturbance from the neighbouring use.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00740/DPP

Hardies Property & Construction Consultants
London House
20-22 East London Street
Edinburgh
EH7 4BQ

Midlothian Council, as Planning Authority, having considered the application by Ms Sandra Ballantyne, London House, 20-22 East London Street, Edinburgh, EH7 4BQ, which was registered on 8 September 2015 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Change of use from office (class 4) to residential (class 9) to form two flatted dwellings at 4 Newmills Road, Dalkeith, EH22 1DU

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	01 1:1250 1:100	08.09.2015
Existing floor plan	02 1:100	08.09.2015
Existing floor plan	03 1:100	08.09.2015
Proposed floor plan	04 1:100	08.09.2015
Proposed floor plan	04 1:100	08.09.2015

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

1. *The proposed flatted dwellings would be exposed to high levels of noise from the neighbouring nightclub and also do not benefit from any private amenity space.*
2. *As the proposed change of use from office to residential would result in very poor levels of amenity being provided for the future occupants of the residential properties the proposal is contrary to policy RP20 of the adopted Midlothian Local Plan.*

Dated 26 / 10 / 2015

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



**The Coal
Authority**

authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

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

INFORMATIVE NOTE

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

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

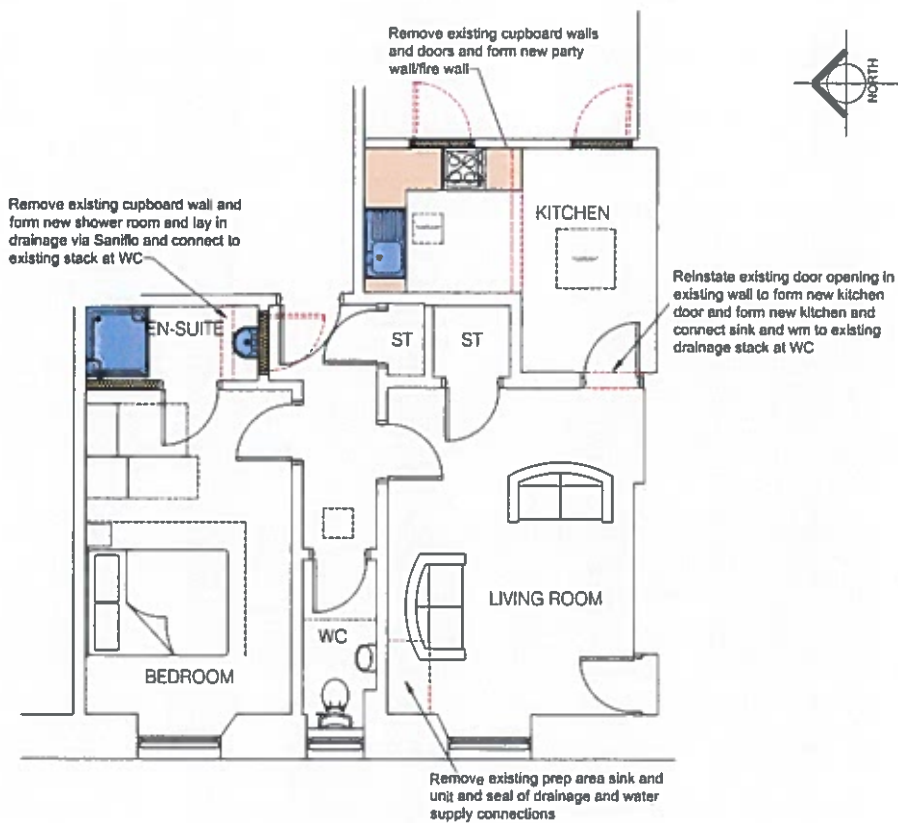
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

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

This Informative Note is valid from 1st January 2015 until 31st December 2016



Notes			
1 Do not scale off the drawing			
2 All dimensions to be checked on site prior to construction and manufacture and any discrepancies to be reported to Hardies LLP prior to ordering of materials and prior to carrying out any construction work			
3 This drawing is copyright of Hardies LLP and must not be reproduced in whole or part without prior written permission. This drawing must not be used for construction purposes			
CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015			
The designs on this drawing are prepared with the consideration of the need to identify hazards and give regard to the hierarchy of risk control			
This drawing is to be read in conjunction with project specific standard hazard and risk assessment, where relevant			
Works to be carried out in accordance with the Construction Phase Health & Safety plan prepared by the Project Controller			
rev	description	auth	date
<p>London House 25-27 East London Road E1 1AA</p> <p>020 7461 1000 020 7461 1001</p> <p>London House 25-27 East London Road E1 1AA</p>			
<p>Hardies</p> <p>Hardies LLP is a limited liability partnership</p>			
<p>Author</p> <p>Sandra Ballantyne</p>			
<p>Project</p> <p>Flat 4/3 and 4/5 Newmills Road Change of Use Application</p>			
<p>Drawing title</p> <p>Flat 4/3 Proposed Plan</p>			
<p>Stage</p> <p>Planning</p>			
date	scale	drawn by	checked by
28.08.15	1:100	MK	KD
job no	drawing no	revision	
E0206B	05		

4/5 PROPOSED FLOOR PLAN

Notes						
1. Do not scale off this drawing						
2. All dimensions to be checked on site prior to construction and manufacture, and any discrepancies to be reported to Hardies LLP prior to ordering of materials and prior to carrying out any construction work						
© This drawing is copyright of Hardies LLP and must not be reproduced in whole or part without prior written permission. This drawing must not be scaled for construction purposes.						
CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015						
The designs on this drawing are prepared with the consideration of the need to identify hazards and give regard to the hierarchy of risk control.						
This drawing is to be used in conjunction with project specific standard hazard and risk assessment, where relevant						
Works to be carried out in accordance with the Construction Phase Health & Safety plan prepared by the Principal Contractor						
rev	description	auth	date			

