

# Notice of Meeting and Agenda



## Local Review Body

**Venue:** Council Chambers/Hybrid,  
Midlothian House, Dalkeith, EH22 1DN

**Date:** Monday, 13 May 2024

**Time:** 13:00

**Executive Director : Place**

**Contact:**

Clerk Name: Democratic Services  
Clerk Telephone:  
Clerk Email: [democratic.services@midlothian.gov.uk](mailto:democratic.services@midlothian.gov.uk)

**Further Information:**

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

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

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## **2 Order of Business**

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

## **3 Declaration of Interest**

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

## **4 Minute of Previous Meeting**

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- |            |   |       |
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| <b>4.1</b> | Minute of meeting of 25 March 2024 submitted for approval | 3 - 8 |
|------------|---|-------|

## **5 Public Reports**

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Notice of Reviews - Determination Reports by Chief Officer Place

- |            |   |        |
|------------|---|--------|
| <b>5.1</b> | 23.00751.DPP - 30 Leighton Crescent, Easthouses | 9 - 28 |
|------------|---|--------|

- |            |  |         |
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| <b>5.2</b> | 23.00753.DPP - 17 Neatoune Drive, Danderhall | 29 - 52 |
|------------|--|---------|

## **6 Private Reports**

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No items for discussion

## **7 Date of Next Meeting**

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The next meeting will be held on Monday 17 June 2024.

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

# Minute of Meeting



## Local Review Body

Date	Time	Venue
Monday 25 March 2024	1.00pm	Council Chambers/Hybrid

### Present:

Councillor Alexander	Councillor McEwan
Councillor Bowen	Councillor Smail
Councillor Cassidy	Councillor Virgo
Councillor Imrie (Chair)	

### In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Lucy Roddie	Democratic Services Officer
Hannah Forbes	Assistant Democratic Services Officer

## 1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor McManus, Councillor Milligan and Councillor Drummond.

## 2 Order of Business

The order of business was as outlined in the agenda.

## 3 Declarations of interest

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

## 4 Minute of Previous Meeting

The Minute of the Meeting of 5 February 2024 was submitted and approved as a correct record.

## 5 Reports

### Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	23.00707.DPP - 8 Springfield Place, Roslin	Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for a change of use from long term let (class 9) to short term let (sui generis) (retrospective) at 8 Springfield Place, Roslin.</p> <p>The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00684/DPP was refused planning permission on 15 December 2023.</p> <p>It was noted that elected members had attended a site visit on the morning of 25 March 2024.</p> <p>Councillor Imrie, the Chair, thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.</p> <p>The Local Review Body noted that no objections or complaints from neighbours had been received.</p> <p>Upon a request for further information regarding the differences between long-term and short-term lets, the Planning, Sustainable Growth and Investment Manager commented that short-term lets are likely to see a higher turnover of occupants in a manner dissimilar to that of permanent/long term residences, resulting in different vehicle movements and parking activity. It is likely that the occupants of short-term let</p>		

properties will use different facilities. The Local Review Body requested that the Planning, Sustainable Growth and Investment Manager prepare a paper for the Committee's information regarding short and long term lets.

Councillor Smaill, seconded by Councillor Virgo, moved to uphold the review request and grant planning permission.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for a change of use from long term let (class 9) to short term let (sui generis) (retrospective) at 8 Springfield Place, Roslin.

#### Action

1. The Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.
2. The Planning, Sustainable Growth and Investment Manager to prepare a paper for information regarding short and long term lets.

Agenda No	Report Title	Presented by:
5.2	23.00684.DPP - 40 Charlton Grove, Roslin	Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension to dwellinghouse (part retrospective) at 40 Charlton Grove, Roslin.</p> <p>The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00684/DPP was refused planning permission on 11 December 2023.</p> <p>It was noted that elected members had attended a site visit on the morning of 25 March 2024.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.</p> <p>In responding to a question from an Elected Member, the Planning, Sustainable Growth and Investment Manager provided further information on the consultation process. The Planning, Sustainable Growth and Investment Manager confirmed that neighbouring residents had been given the opportunity to put forward their views and no objections had been received.</p> <p>The Local Review Body noted that the existing single storey extension had not been completed in accordance with the approved planning application and requested further information in this regard. The Planning, Sustainable Growth and Investment</p>		

Manager reported that the extension had deviated from the approved height and dimensions.

#### Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the erection of an extension to dwellinghouse (part retrospective) at 40 Charlton Grove, Roslin. This was unanimously agreed by the Committee.

#### Action

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

Agenda No	Report Title	Presented by:
5.3	23.00708.PPP - Land South West of St Roberts Croft, Nine Mile Burn, Penicuik	Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report. The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for the erection of dwellinghouse on land south west of St Roberts Croft, Nine Mile Burn, Penicuik.</p> <p>The Planning, Sustainable Growth and Investment Manager reported that planning application 23/00708/PPP was refused planning permission on 15 December 2023.</p> <p>It was noted that elected members had attended a site visit on the morning of 25 March 2024.</p> <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and opened it up to questions.</p> <p>The Local Review Body noted that the site forms part of an existing housing group at Nine Mile Burn. The Local Review Body noted that the 5+1 guidance was relevant to this case. The Supplementary Guidance for Housing Development in the Countryside and Green Belt provides some support for the development of one house where there is a group of 5 or more existing dwellinghouses, however, there is no further potential for additional houses in the current Midlothian Local Development Plan (MLDP) period, as planning permission has already been granted for the erection of one house on an adjacent site within this established housing group.</p> <p>The Local Review Body noted that there may be scope for an additional dwellinghouse within the next local plan period or in MLDP2.</p> <p>In considering the Notice of Review, the Local Review Body noted that the proposed dwelling, by means of its siting, complements the existing cluster of dwellinghouses.</p>		
Decision		

The Local Review Body upheld the review request and granted planning permission in principle for the erection of dwellinghouse on land south west of St Roberts Croft, Nine Mile Burn, Penicuik, subject to the conditions as set out in the report. This was unanimously agreed by the Committee.

**Action**

Planning, Sustainable Growth and Investment Manager to prepare a decision notice for issuing through the Chair of the LRB.

## **6. Private Reports**

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No private business was discussed.

## **7. Date of Next Meeting**

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The next meeting is scheduled for Monday 13 May 2024 at 13:00pm.

The meeting terminated at 13:55.





## **Notice of Review: 30 Leighton Crescent, Easthouses**

### **Determination Report**

Report by Chief Officer Place

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

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the formation of dormer windows at 30 Leighton Crescent, Easthouses.

#### **2 Background**

- 2.1 Planning application 23/00751/DPP for the formation of dormer windows at 30 Leighton Crescent, Easthouses was refused planning permission on 19 January 2024; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, excluding the standard advisory notes, issued on 19 January 2024 (Appendix D); and
  - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

#### **4 Procedures**

- 4.1 In accordance with agreed procedures, the LRB:

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

## 5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

***Reason:*** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. Details of the external materials and finishes of the dormers shall be submitted to the planning authority and no work shall start on the dormers until these details have been approved in writing by the planning authority.

**Reason:** *In order to ensure that the proposed materials are sympathetic in order to minimise the impact of the dormers on the character of the existing building and the visual amenity of the surrounding area.*

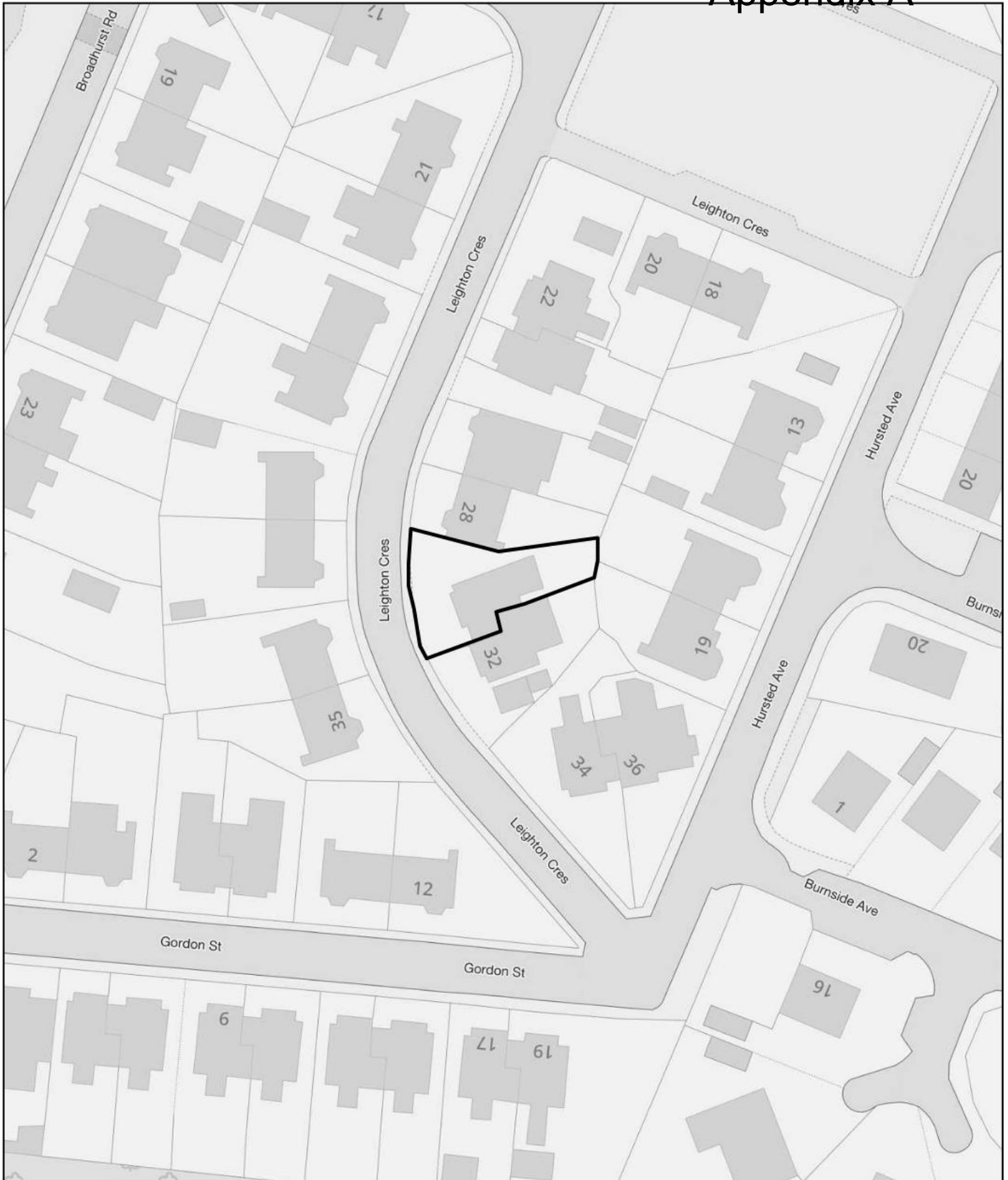
## **6 Recommendations**

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

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 3 May 2024  
**Report Contact:** Ingrid Forteath, Planning Officer  
[Ingrid.Forteath@midlothian.gov.uk](mailto:Ingrid.Forteath@midlothian.gov.uk)

**Background Papers:** Planning application 23/00751/DPP available for inspection online.



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

Formation of dormers at 30 Leighton Crescent, Easthouses,  
Dalkeith, EH22 4DX

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Scale: 1:750  
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Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100652053-002

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Lothian Plans"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stephen"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Lothian"/>	Building Number:	<input type="text" value="18"/>
Telephone Number: *	<input type="text" value="07960366691"/>	Address 1 (Street): *	<input type="text" value="Laidlaw Gardens"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Tranent"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH33 2QH"/>
Email Address: *	<input type="text" value="stephen@lothianplans.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Barbara"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="Ramsey"/>	Address 1 (Street): *	<input type="text" value="Leighton crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Easthouses"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 4DX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="30 LEIGHTON CRESCENT"/>
Address 2:	<input type="text" value="EASTHOUSES"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 4DX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665329"/>	Easting	<input type="text" value="334497"/>
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## Description of Proposal

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

New Dormers to front and back of house

## 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.

We feel that the refusal is unjustified and that we have designed a proposal that keeps in with the surrounding area and also within planning guidance.

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)

Images of nearby properties(dormers) and a supporting statement.

## Application Details

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

23/00751/DPP

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

16/11/2023

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

22/01/2024

## 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 Stephen Lothian

Declaration Date: 05/03/2024

**6 Gordon street - viewed  
from 30 Leighton  
crescent**



**10 Broadhurst road -  
viewed from leighton  
crescent**



10 Leighton crescent



**36 Leighton crescent -  
viewed from 19 Hursted  
Avenue**





**SUPPORTING STATEMENT IN REPLY TO - MIDLOTHIAN COUNCIL  
PLANNING APPLICATION DECISION NOTICE REFERENCE NO:  
23/00751/DPP**

Dear Local review body,

We started this planning application with the intention of trying to design a dormer window for the property that would fit nicely within the area and to planning guidance.

Prior to designing the scheme we looked around the street in close proximity to the property in question and got a feel for what precedent had already been set and found a number of different sized and styled dormers that had been constructed which can be seen from the street (which should be considered during applications).

We then designed a traditional style dormer with traditional windows that would fit in with the surrounding area with the intention to use materials that matched the existing house.

As per the council's planning guidance, the dormer was set out at approx 1/3rd of the roof length in size to keep the scale correct for a front dormer and we have kept the existing roof tiles visible on all four sides.

We feel very strongly that the design fits in with planning guidance and what has been built already in the area which can be viewed on the supporting supplied images of local properties which are all very close and can be viewed from the same street.

We hope that you will agree that we have designed a perfectly suitable addition to the house and grant permission for this design to be constructed.

Kind regards,

Stephen Lothian - Lothian Plans.

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 23/00751/dpp

**Site Address:** 30 Leighton Crescent, Easthouses

**Site Description:**

The application property comprises a semi-detached dwellinghouse, with accommodation at first floor level in the roofspace, and its associated garden located within a residential area. The house is finished externally in drydash render with a slate roof and white upvc window frames. There is an existing single storey flat roof extension at the rear of the house.

**Proposed Development:**

Formation of dormers

**Proposed Development Details:**

It is proposed to install a 3.25/3.4m (plans scale at 3.25m but are annotated that the dormer is 3.4m wide) wide flat roof dormer at the front of the house and a 1.7m wide solid flat roof dormer at the rear of the house. The rear dormer has a rooflight but no window openings. External materials have not been specified.

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

History sheet checked.

00/00562 – Installation of rear dormer extension at 30 Leighton Crescent – pp 18.04.01 – 2 box dormers, incorporating windows, measuring 1.5m wide and 2m high.

In relation to policy 1 of NPF4 the agent has advised that it is intended to use natural and reclaimed materials and a local contractor; materials to be sourced locally where possible; build to comply with building regulations in relation to insulation and energy efficiency; and bee and bird bricks to be fitted where possible.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

Planning policy currently comprises National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

## **NPF4**

### **Policy 1 Tackling the climate and nature crises**

When considering all development proposals significant weight will be given to the global climate and nature crises.

### **Policy 14 Design, quality and place**

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

### **Policy 16 Quality homes**

- g) Householder development proposals will be supported where they:
  - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

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

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

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. Policy DP6 also provided specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

Supplementary Planning Guidance – Dormer Extensions - This was prepared in part due to a growing concern regarding the increasing size of dormers and the impact of large box dormer extensions on the character of the original building and on the visual amenity of the surrounding area.

### **Planning Issues:**



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

Given that recently published building regulations require increased insulation in house extensions, which helps reduce heat loss and can reduce energy consumption in the home, the proposed development will contribute to addressing the global climate crises. The proposed development will not exacerbate the global nature crises. Therefore the proposed development complies with the aims of policy 1 of NPF4.

At 3.25/3.4m wide the proposed dormer on the front of the cottage will be a very prominent feature at roof level. The only other dormers at Leighton Crescent are on the front of no. 10 and are shown as being 1.7m wide on the approved plans (pa ref: 06/00851/ful.) The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the building and the principal elevation of the cottage. The unsatisfactory relationship of the dormer to the cottage will also result in a detrimental impact on the visual amenity of the street scene.

The large solid box-like design, exacerbated by the lack of any windows, of the dormer window proposed at the rear of the house is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the building and the visual amenity of the surrounding area. However the size of the rear dormer accords with what would ordinarily constitute permitted development with planning permission only being required as it will be within 0.3m of the boundary with the roof of the neighbouring property which forms the other half of the semi-detached pair. The rear dormer will not have a significant impact on the character of the house, the visual amenity of the surrounding area or the amenity of neighbouring properties as compared to the impact arising from what could ordinarily be installed as permitted development.

**Recommendation:**

Refuse planning permission

**Reg. No. 23/00751/DPP**

Lothian Plans  
18 Laidlaw Gardens  
Tranent  
EH33 2QH

Midlothian Council, as Planning Authority, having considered the application by Mrs Barbara Ramsey, 30 Leighton Crescent, Easthouses, EH22 4DX, which was registered on 30 November 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Formation of dormers at 30 Leighton Crescent, Easthouses, Dalkeith, EH22 4DX**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	30LC-PL1 1:500	30.11.2023
Existing And Proposed Floor Plans Sections And Elevations	30LC-PL2 A 1:100 1:50	30.11.2023

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

- The proposed front dormer extension, on account of its size, would appear as an unduly dominant feature at roof level, the design of which is unsympathetic to, and would detract from, the form of the roof of the building, the character and appearance of the principal elevation of the application property and the visual amenity of the street scene.*
- For the above reasons the proposals are contrary to the aims of policies 14 and 16 of NPF4 and DEV2 of the adopted Midlothian Local Development Plan 2017 which seek to improve the quality of an area, resist poorly designed development and protect the character or environmental quality of the home and the surrounding area.*

Dated 19 / 1 / 2024



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



**The Coal  
Authority**

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

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

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

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **INFORMATIVE NOTE**

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

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

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://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, excavations for 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.

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

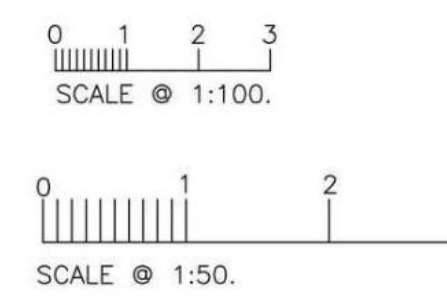
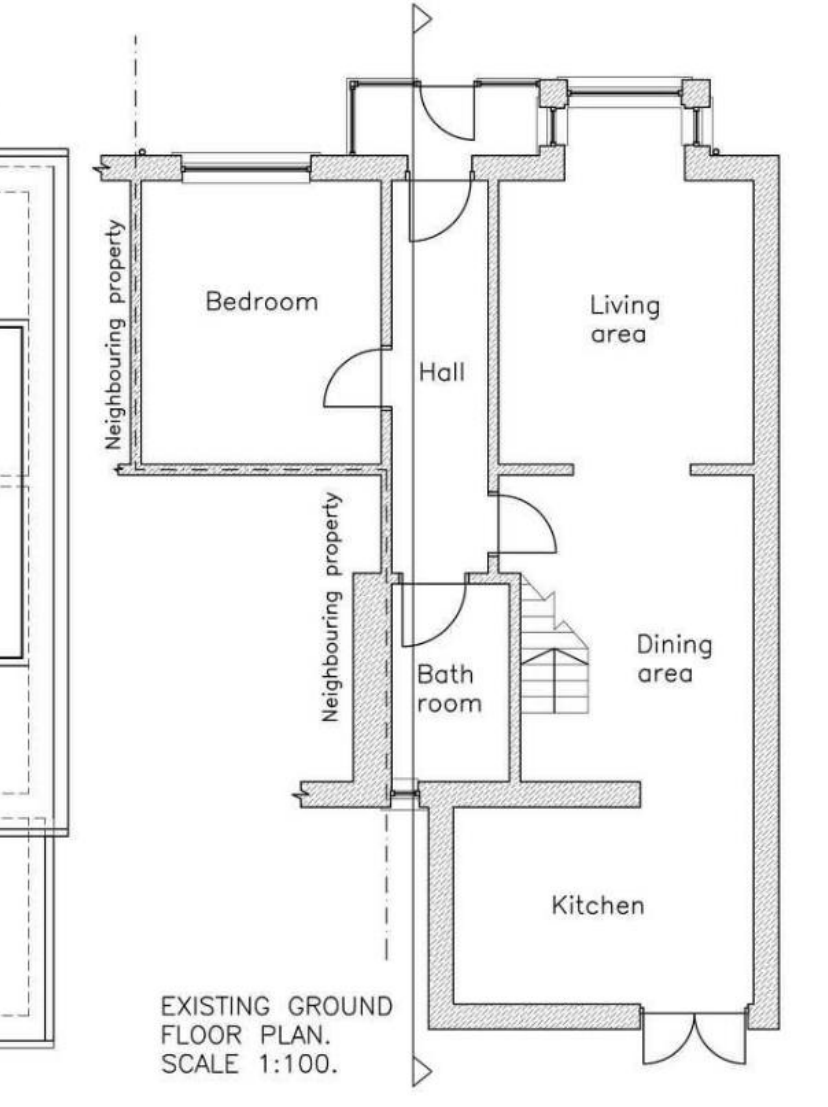
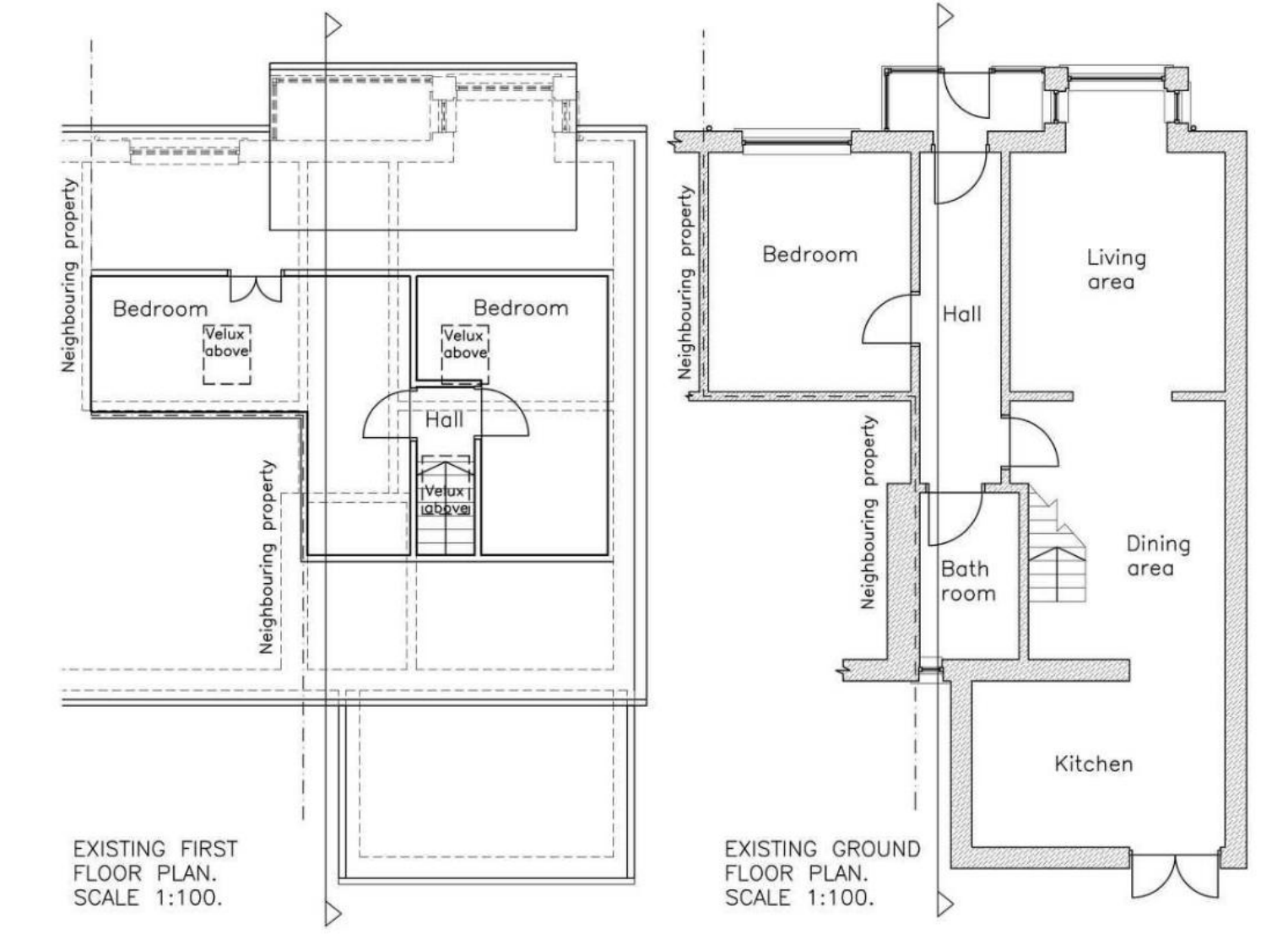
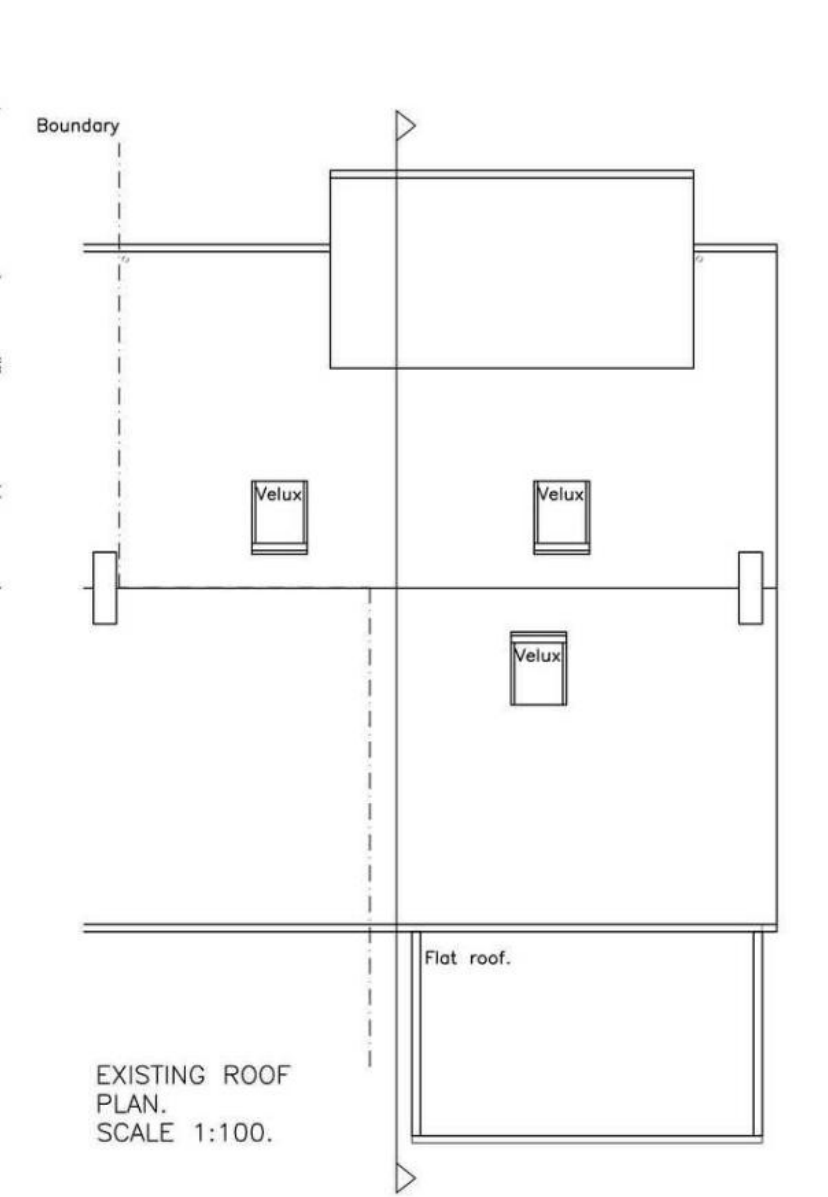
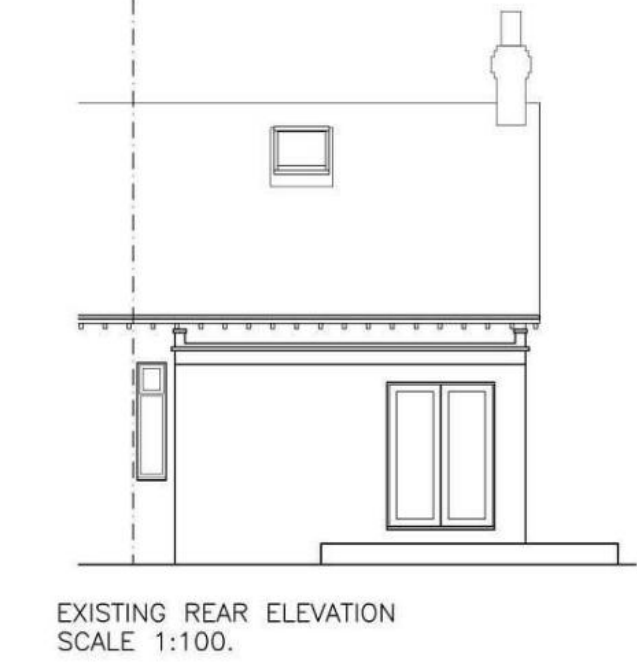
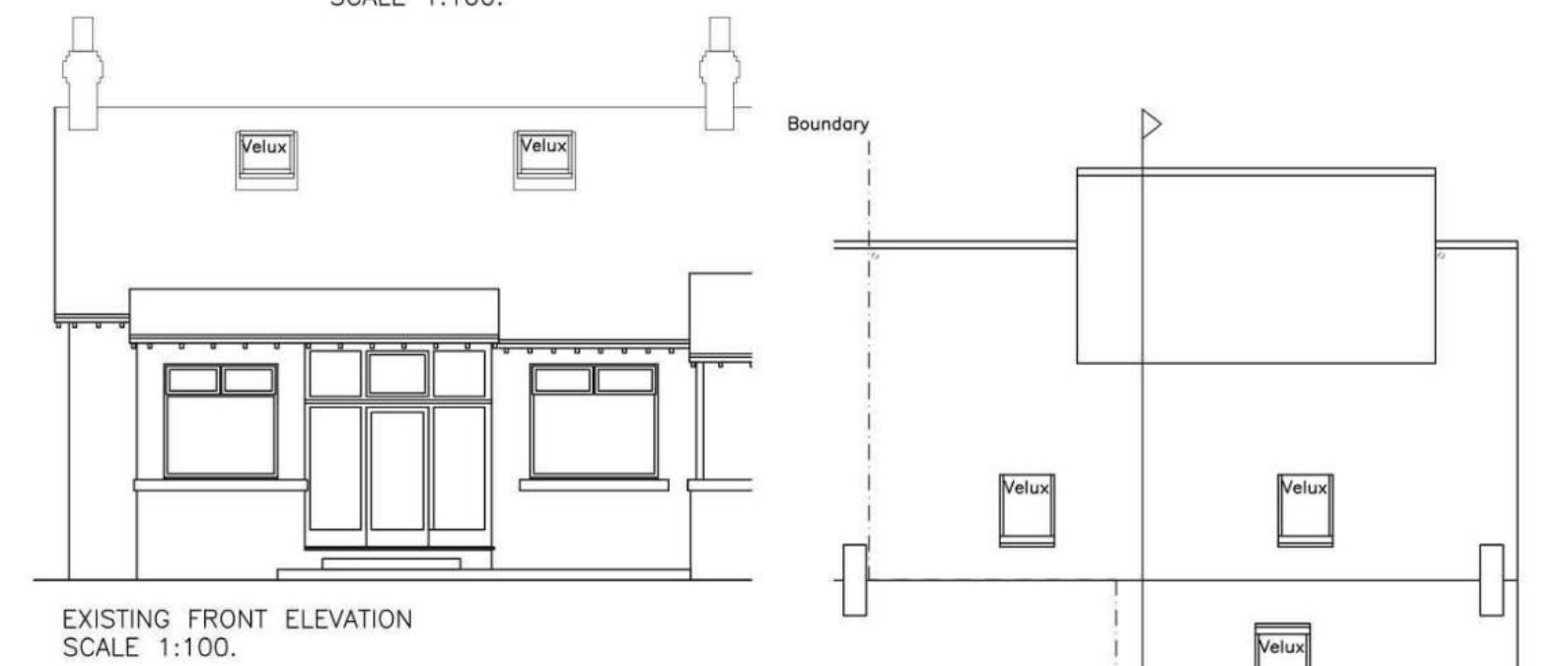
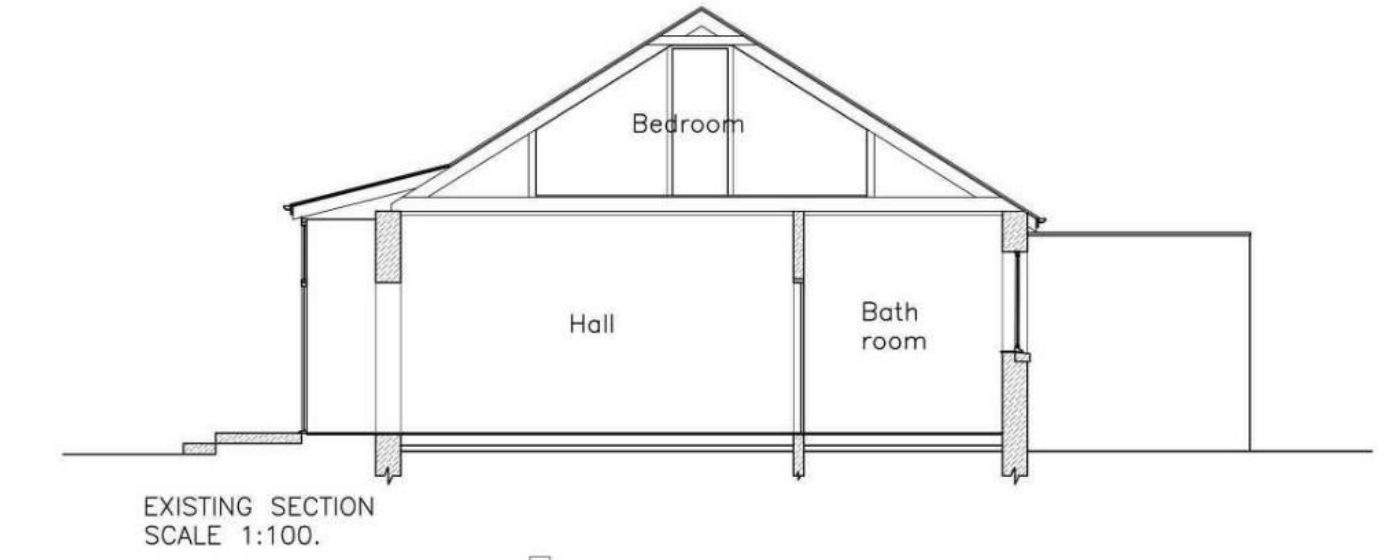
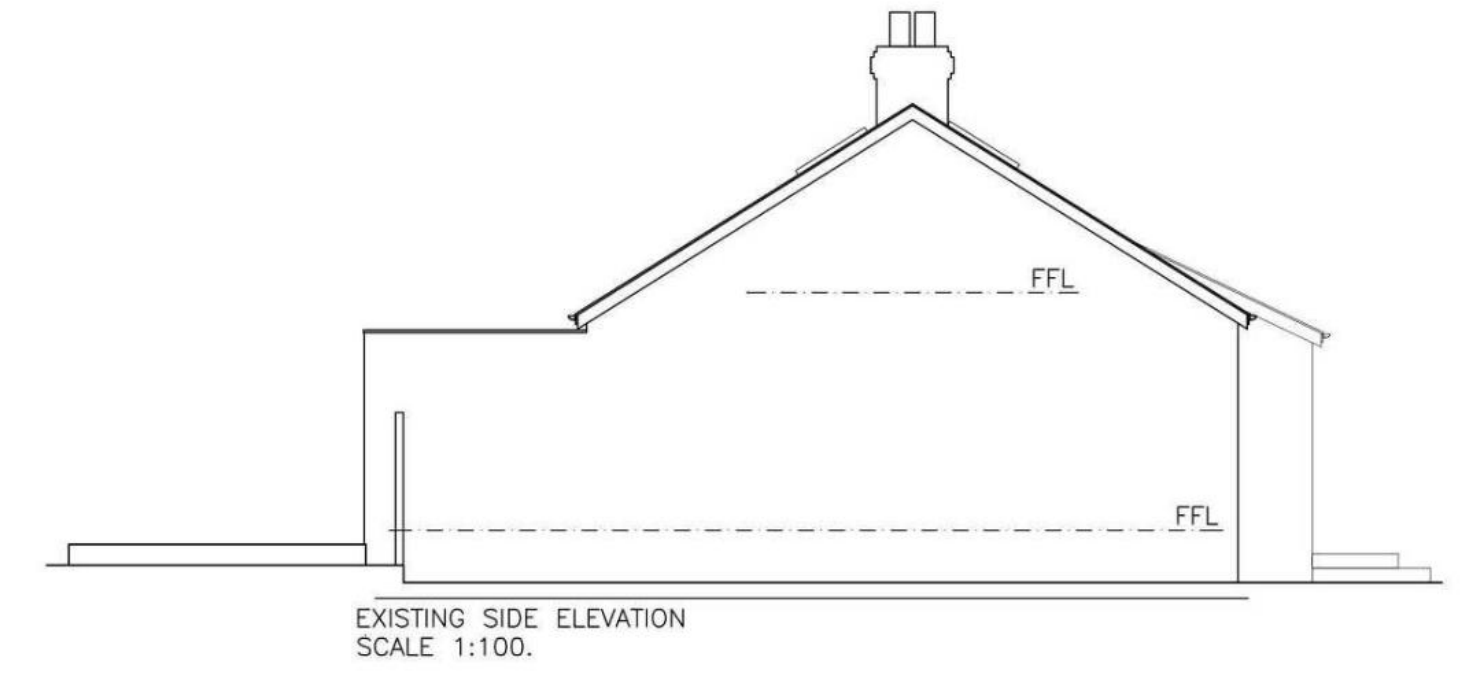
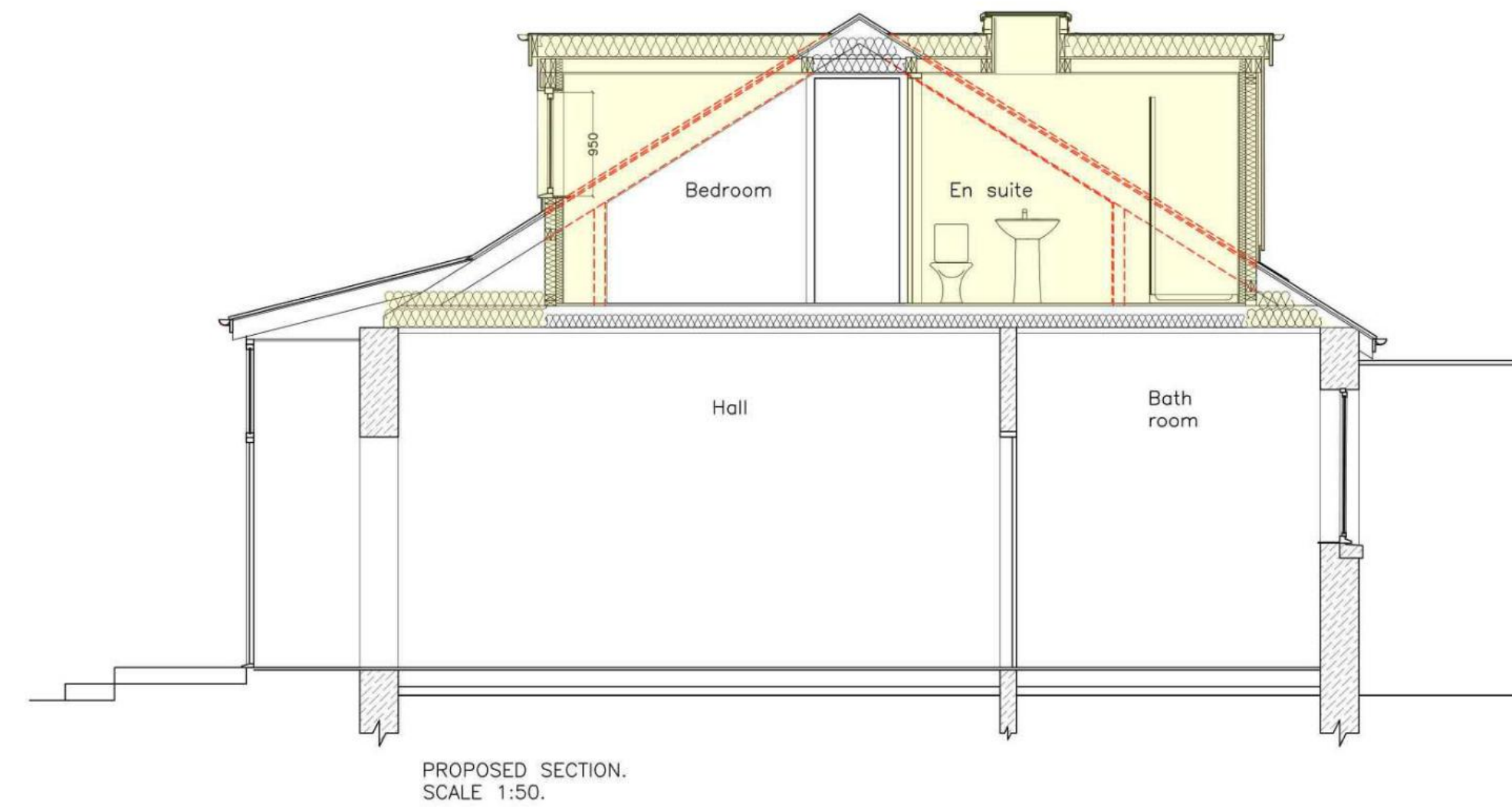
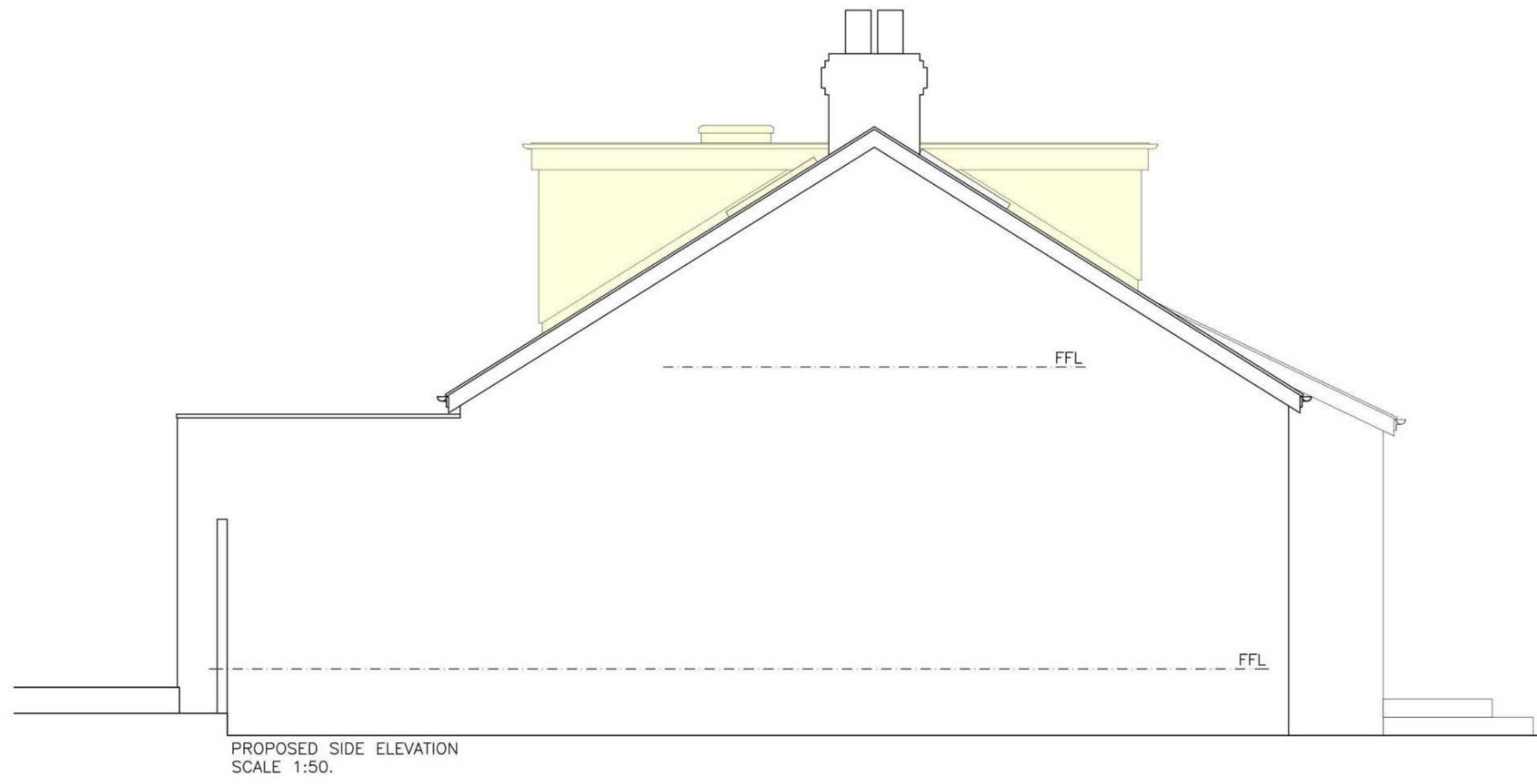
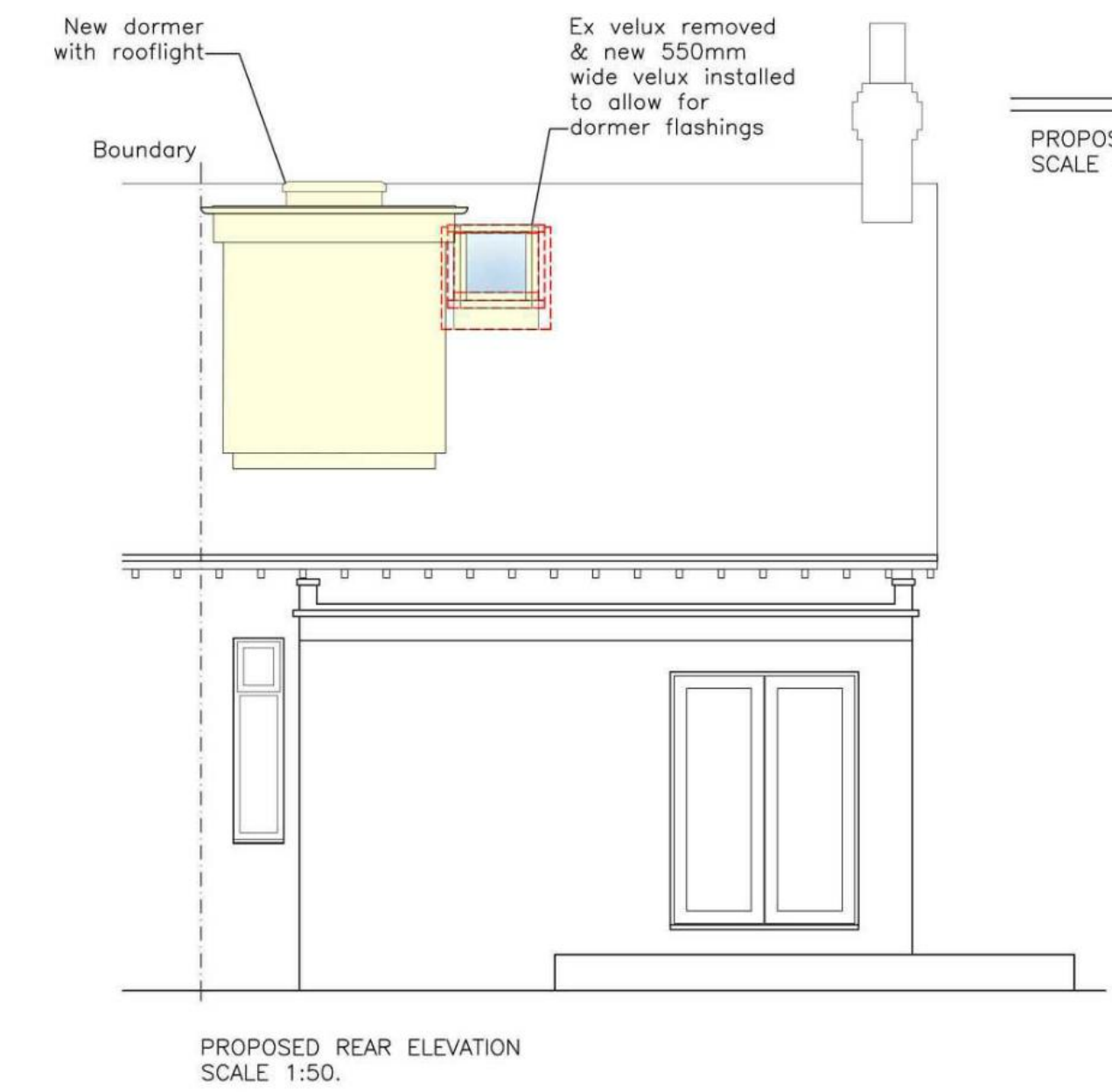
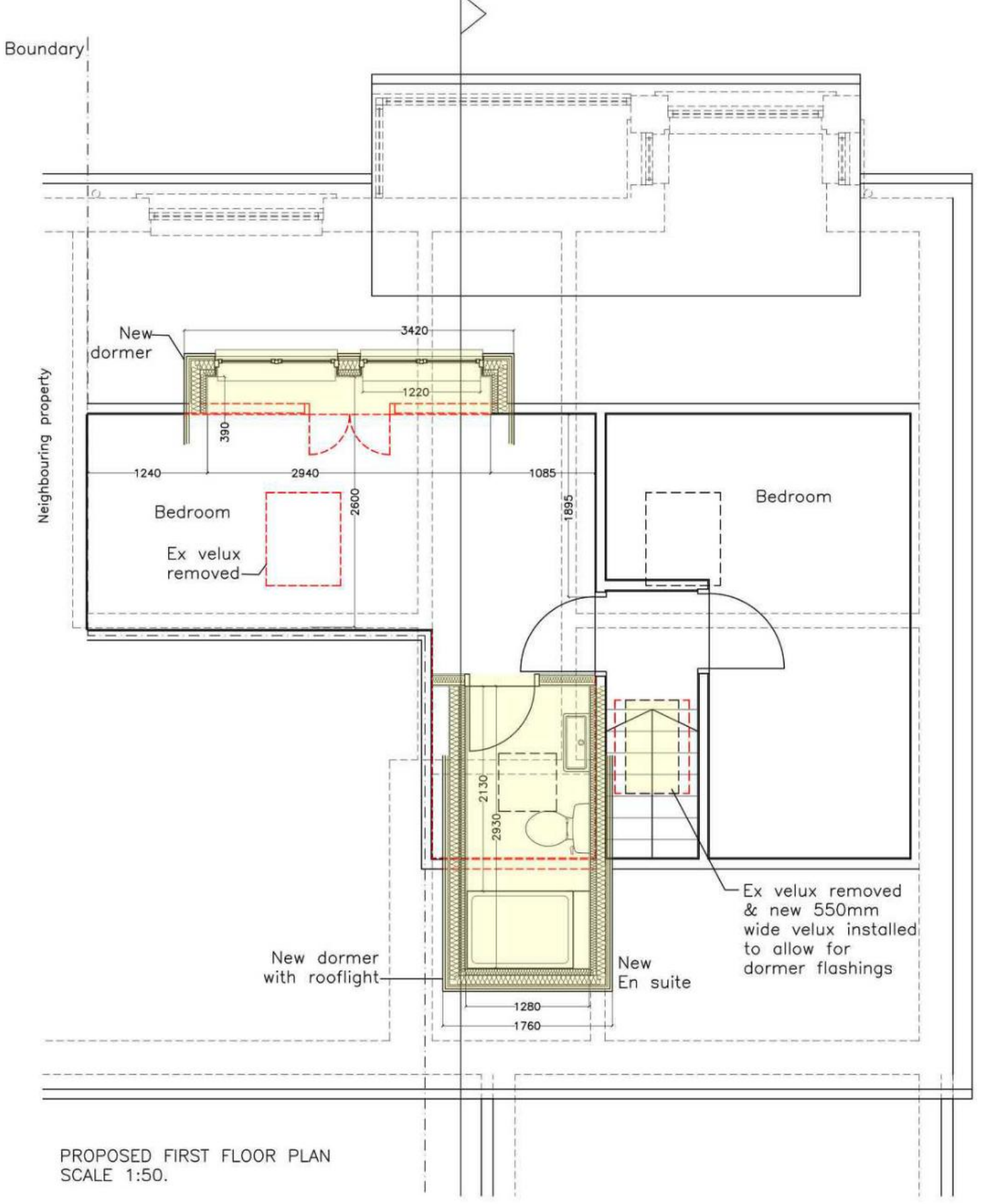
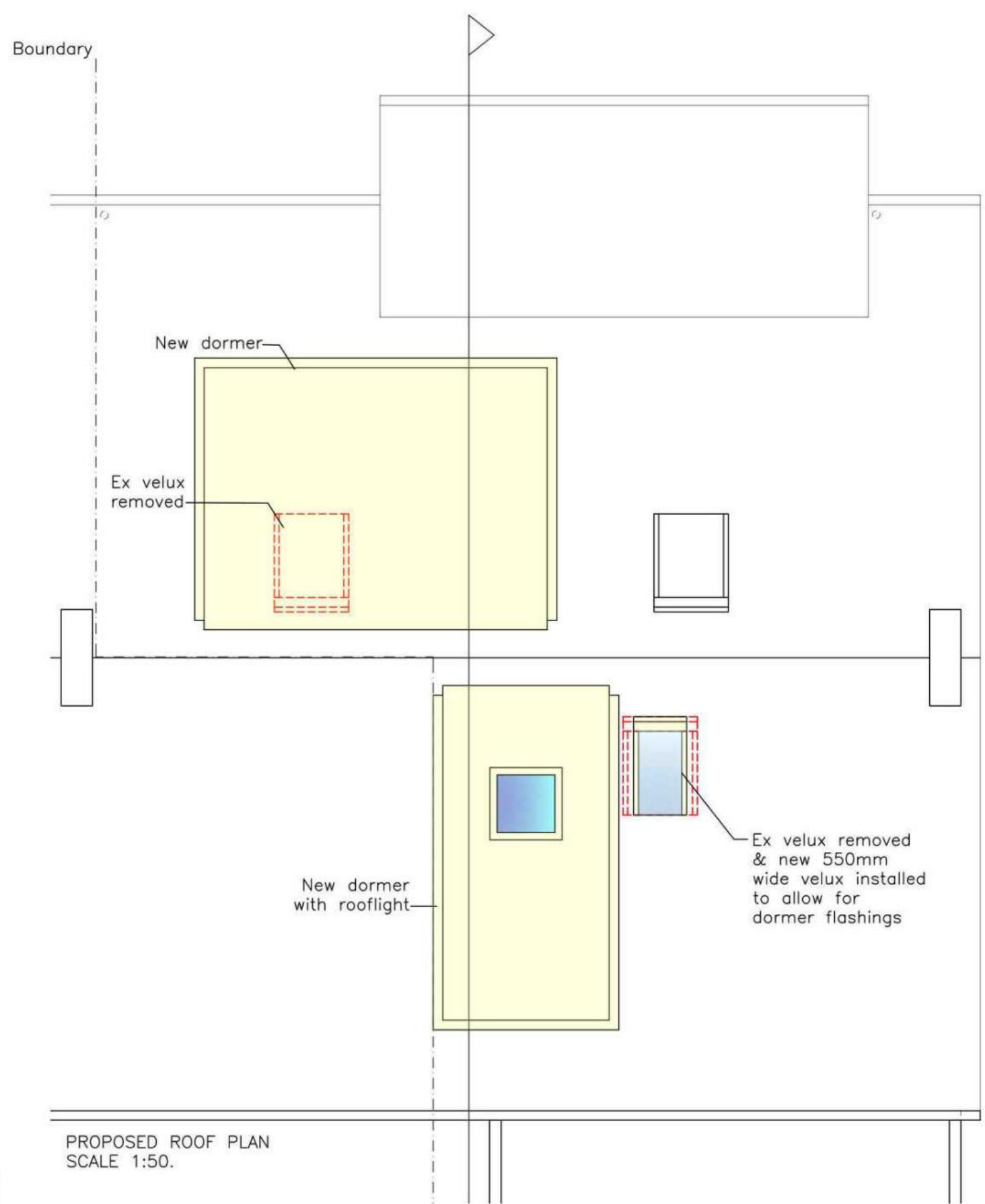
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Informative Note valid from 1st January 2023 until 31st December 2024**



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REFUSED  
19.01.2024  
23/0751/DPP



<b>LOTHIAN PLANS</b>		CLIENT: Mr & Mrs Ramsey	
www.lothianplans.com		JOB: 30 LEIGHTON CRESCENT Easthouses, Dalkeith EH22 4DX	
NUMBER: 30LC-PL2	REVISION: A	SCALE: 1:100/500A	TITLE: EXISTING & PROPOSED (A1) FORMATION OF DORMERS
DATE: OCT 2023	CHECK: DATE:	DRAWN: DATE:	



## **Notice of Review: 17 Neatoune Drive, Danderhall**

### **Determination Report**

Report by Chief Officer Place

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

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a 1.8m timber fence and consequential demolition of wall and change to landscaping at 17 Neatoune Drive, Danderhall.

#### **2 Background**

- 2.1 Planning application 23/00753/DPP for the erection of a 1.8m timber fence and consequential demolition of wall and change to landscaping at 17 Neatoune Drive, Danderhall was refused planning permission on 19 January 2024; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

#### **3 Supporting Documents**

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, excluding the standard advisory notes, issued on 19 January 2024 (Appendix D); and
  - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

#### **4 Procedures**

- 4.1 In accordance with agreed procedures, the LRB:

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

## **5 Conditions**

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

**Reason:** *To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

## **6 Recommendations**

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

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 3 May 2024  
**Report Contact:** Mhairi-Anne Cowie, Planning Officer  
[Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

**Background Papers:** Planning application 23/00753/DPP available for inspection online.



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

Change of use from communal landscaping to private garden ground and associated erection of fence at 17 Neatoune Drive, Danderhall, EH22 1FZ

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File No: 23/00753/DPP

Scale: 1:500

Page 32 of 52







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

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

Thank you for completing this application form:

ONLINE REFERENCE 100652145-003

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Liston Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Liston"/>	Building Number:	<input type="text" value="9"/>
Telephone Number: *	<input type="text" value="0794 383 0266"/>	Address 1 (Street): *	<input type="text" value="Gayfield Sqaure"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="EH1 3NT"/>
Email Address: *	<input type="text" value="david@listonarchitects.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stelios"/>	Building Number:	<input type="text" value="17"/>
Last Name: *	<input type="text" value="Kornaros"/>	Address 1 (Street): *	<input type="text" value="Neatoune Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Danderhall"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 1FZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>	<input type="text" value=""/>	

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="17 NEATOUNE DRIVE"/>
Address 2:	<input type="text" value="DANDERHALL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 1FZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669440"/>	Easting	<input type="text" value="331166"/>
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## Description of Proposal

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

Change of use from communal landscaping to private garden ground and associated erection of fence at 17 Neatoune Drive, Danderhall, EH22 1FZ (description as amended by MLC Planning Department)

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please refer to Supporting Document

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

☐ Yes ☒ No

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

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

17 Neatoune Drive Planning Appeal

## Application Details

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

23/00753/DPP

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

23/11/2023

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

19/01/2024

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

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

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)

Inspection of context is important

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?. \*

T Yes ≤ No

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

T 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? \*

T 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? \*

T 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 \*

T Yes ≤ No

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

## Declare – Notice of Review

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

Declaration Name: Mr David Liston

Declaration Date: 08/04/2024

**17 Neatoune Drive  
Danderhall  
EH22 1FZ  
LOCAL REVIEW BODY APPEAL  
PLANNING PERMISSION TO ERECT FENCE REF: 23/00753/DPP  
NB: TO BE READ IN CONJUNCTION WITH SUBMITTED PLANS**

**Erroneous Definition by Midlothian Council Planning as “communal landscaping”**

The application was made to erect a fence on the private boundary along Dovecot Crescent to the side of the house at 17 Neatoune Drive, much like the existing one to the side of the house at 9 Dovecot Crescent. On receipt of the application, the Midlothian Council Planning insisted the application be termed “change of use from communal landscaping to private garden ground” which required the client to pay Midlothian Council Planning an additional £500 on top of the submitted £250 fee. This seems to be an error by Midlothian Council Planning. The approved documents do not define the land in question as communal landscaping. Neither do the title deeds, which clearly outline the plot as private garden. Please refer to the appended plans.

**Discrepancies between approved and as-built layout**

The approved site and landscape plan for the original housing development shows a strip of grass bordering the road to Neatoune Drive and Dovecot Crescent. On site, this grass strip has been built as pavement. A Hornbeam hedge in the approved plan has been replaced by a beech hedge on site. The Tibetan Cherry, Siberian and midwinter fire Dogwoods shown on the plan have been omitted.



**Precedent in the same street of proposed fence with hedge behind**

An example of the type of fencing proposed by the applicant exists within view of 17 Neatoune Drive, in the same street at the side of the house, Dovecot Crescent.

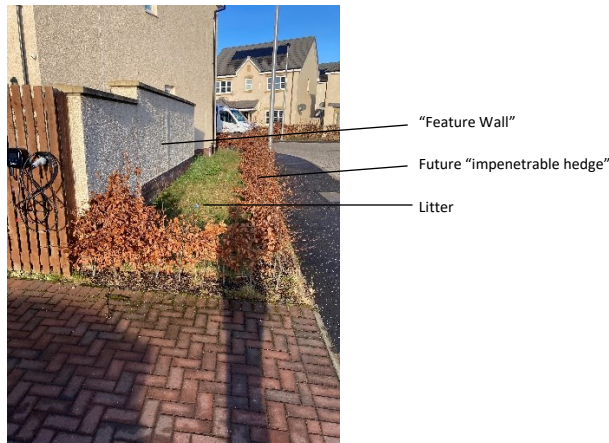


### Approved Hedge to be impenetrable

“Hedge is to be planted in two alternate rows at 300mm centres either side of a 900mm high post and wire fence” and “The objective is to produce a thick, healthy, impenetrable hedge. Pruning should be undertaken where necessary to achieve a neat and compact finish”

### Problems with rubbish

Currently the combination of hedge and wall incorrectly signals that the grass strip is outwith the property boundary. This ambiguity results in the grass strip being used as a litter bin and a dog toilet by passers-by. In the future, the hedge will be higher and the ill-conceived narrow strip of grass, owned by the applicant will become a security risk to the occupants of the house.



### Erroneous concern by MLC Planning regarding road safety

A concern raised by Midlothian Council Planning regards visibility at the junction of Neatoune Drive with the side street, Dovecot Crescent. This concern is irrational since the visibility through the proposed fence will be no worse than through the existing “impenetrable hedge”, once it is established. Furthermore, the proposed fence is only to the side of the house and will stop short of the junction with the principal street, Neatoune Drive. Visibility at the junction will be maintained.

### No overall consistency in landscape plan

The urban design of the housing development follows a loose pattern with no consistent rules. Many different conditions exist at street edges. Some roads are bordered by vegetation, some by timber fencing and some by hard walls. The proposed timber fence fits into this pattern. The principal elevation will have landscaping fronting the street, whilst the side elevation will have a timber fence just like 9 Dovecot Crescent and will remove the ambiguity of ownership of the narrow grass strip.





## Conclusion

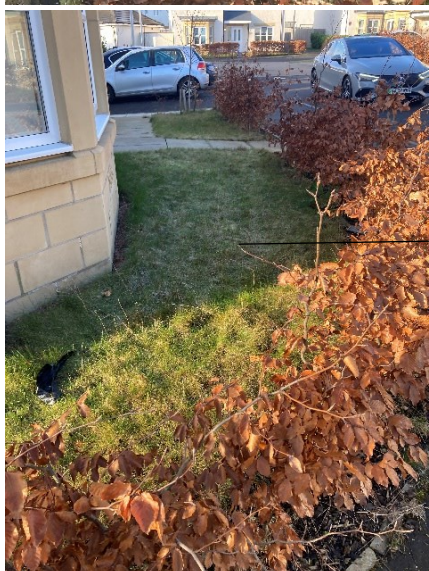
In a few years the existing hedge within the private boundary of 17 Neatoune Drive will grow to a significant height and become the “impenetrable hedge” which was approved with the original landscape plan for the housing development. There will be long narrow strip of grass (about 12m x 2m), hidden from view to the side of the house between the hedge and existing 1.8m high wall within the garden. Without a fence preventing the entry of strangers, this represents a significant security risk to the occupants of the house. The applicant simply wishes to erect a fence on their garden boundary to the side of their house and remove the ill-conceived wall within their garden. This would allow them to safely maintain the grass strip, with the existing visibility at the junction retained.

Precedent for such a fence to the side of a house exists on the same street. A fence would benefit both the applicant and the community and Midlothian Council’s refusal of permission for the fence is absurd.



Poorly designed landscaping within applicant’s garden results in problematic grass strip with no benefit to applicant or community.

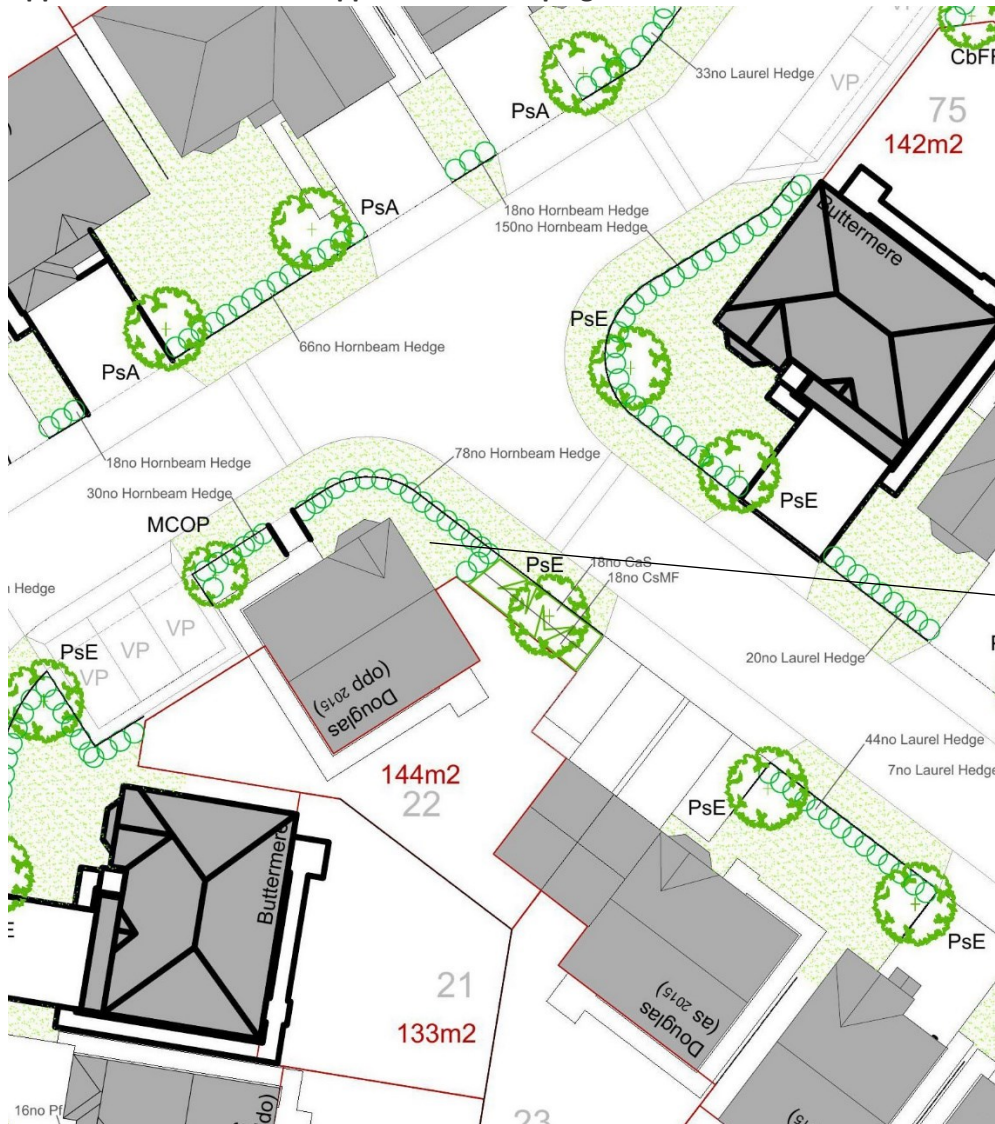
Proposed fence is to side of house only



The proposals are to the side of the house only and do not affect the hedge and garden to the front on the main street



## Appendix 1: Extract from Approved Landscaping Plan



No demarcation of "communal landscaping" or "common area" is defined within the boundary of 17 Neatoune Drive in the approved site or landscape plans

## Appendix 2: Specification from Approved Landscaping Plan

### PLANTING SCHEDULE

CARE SHOULD BE TAKEN TO ENSURE THAT ALL TREES ARE PLANTED A MINIMUM OF 1M AWAY FROM ALL FOOTPATHS AND SERVICE STRIPS.

Three plants have been chosen taking into account the recommendations of the Postcode plant database published by the Natural History Museum and the RHS Plant Selector. Where possible, plants which are particularly attractive to bees have been used.

#### PROPOSED TREES

Bp	Betula pendula (Common Birch)	12no
PaA	Prunus subhirtella 'Autumnalis' (Autumn Cherry)	8no
PaE	Prunus serrula (Tortoise Cherry)	24no

All of the above trees to be Featherheads (2.0 to 2.5m tall) and single short-staked. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded slightly and kept clear of weeds and grass and other deleterious material.

ChFF	Carpinus betulus 'Farns Fontaine' (Festigate Hornbeam)	6no
CPs	Crateagus Pauli Scarier' (Hawthorn)	8no
SeSS	Sorbus aucuparia 'Shenower Seedling' (Rowan)	8no

All of the above trees to be Standard (10-12cm girth) single short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious material.

Ac	Alnus cordata (Alder)	40no
ApA	Acer glabrum (Paper-bark Maple)	7no
ApCK	Acer platanoides 'Crimson King' (Purple Maple)	9no
ApEQ	Acer platanoides 'Emerald Queen' (Purple Maple)	1no
BuJ	Betula utilis 'Jacquemontii' (White Birch)	4no
TGCS	Tilia cordata 'Greenspire' (Festigate Lime)	4no
To	Tilia x euciliata (Lime ash tree)	3no

All of the above trees to be Heavy Standard size (12 to 14cm girth) 2m clear stemmed, double short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious material.

#### PROPOSED SHRUBS

CaS	Cornus alba 'Sibirica'	60 to 80cm 3L 3m2	59no
CaMF	Cornus sanguinea 'Midwinter Flame'	60 to 80cm 3L 3m2	69no
HEG	Hebe 'Emerald Green'	30 to 40cm 3L 4m2	220no
HGG	Hebe 'Red Edge'	30 to 40cm 3L 4m2	359no
HRE	Hebe 'Blue Gem'	30 to 40cm 3L 4m2	114no
He	Hypericum calycinum	30 to 40cm 3L 5m2	135no
HGO	Hebe 'Gerald Cross'	30 to 40cm 3L 4m2	48no
LHt	Lavandula angustifolia 'Hidcote'	20 to 30cm 3L 8m2	236no
Ma	Malva sylvestris	40 to 60cm 3L 3m2	126no
PI	Potentilla fruticosa	30 to 40cm 3L 4m2	48no
PFF	Platanus 'Forest Flame'	30 to 40cm 3L 4m2	208no
Sg	Senecio greyi 'Sunshine'	40 to 60cm 3L 3m2	45no
Vd	Viburnum davidii	40 to 60cm 3L 4m2	144no
VmV	Vincetoxicum 'Variegata'	30 to 40cm 3L 5m2	329no
RIBA	Rubus tricolor 'Betty Asbumer'	20 to 30cm 3L 4m2	2128no

#### LAUREL HEDGE

Prunus laurocerasus 'Roundleafed'	40 to 60cm 3L	2408no
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Laurel hedge is to be planted in one row, evenly spaced, at 300mm centres.

#### HORNBEAM HEDGE

Carpinus betulus	60 to 80cm 1+2	1680no
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Hornbeam hedge is to be planted in two alternate rows at 300mm centres either side of a 900mm high post and wire fence.

#### HORNBEAM HEDGE (Large)

Carpinus betulus	60 to 90cm 2L	302no
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Hornbeam hedge is to be planted in two alternate rows at 300mm centres either side of a 900mm high post and wire fence.

#### PROPOSED FRUIT TREES

Md	Malus domestica 'Discovery' (Apple)	10no
MCOP	Malus domestica 'Cox's Orange Pippin'	8no
PC	Pyrus 'Conference' (Pear)	2no

All of the above trees to be Heavy Standard size (12 to 14cm girth) double short-staked and root balled. Where trees are planted into turf, an area 1m dia, at the base of the tree, should be mounded and kept clear of weeds and grass and other deleterious material.

### PLANTING SPECIFICATION

#### GRASS MIX

- The grassed area is to be carefully checked to ensure that the soil is appropriate and free from rubble, stones, weeds and other deleterious material. If not appropriate, it should be replaced with quality material or the Landscape Architect should be advised.  
(Note: It is the responsibility of the contractor to ensure that he is planting into the correct quality of material)
- Where topsoil is to be added the subsoil should be fully broken up to ensure adequate drainage and a layer not less than 150mm deep applied.
- The topsoil should be cultivated to a fine, even tilth with no undulations or lumps.
- All grass areas are to be turfed or seeded in accordance with guide-lines set out in BS 4428: Code of Practice for general landscape operations: 1989.
- Front gardens are to be turfed with approved, good quality turves (unless otherwise specified). The soil shall be of loam texture and free from stones over 15mm in any one direction. Open spaces are to be either turfed or seeded, as specified, with an approved proprietary mix applicable to the location.

#### SHRUBS

- The whole planting bed is to be carefully set out and the soil checked to ensure that it meets the standards set out in BS 3882: 2007. If it does not it should be replaced with the appropriate quality material or the Landscape Architect must be advised.  
(Note: It is the responsibility of the contractor to ensure that he is planting into the correct quality of material)
- If new topsoil is required the subsoil base should be fully broken up to ensure adequate drainage.
- The bed should be inspected after the subsoil base is broken up and before topsoil cultivation for any signs of flooding. If there are signs and these cannot be resolved the Landscape Architect should be advised.  
(Note: It is the responsibility of the contractor to ensure that he is not planting into a waterlogged bed)

- Planting should not be undertaken below 2 degrees centigrade, or when the ground is snow covered or frozen.
- The topsoil should be cultivated throughout the bed to a depth of 300mm. It should be left with a central ridge 150mm above the edges of the bed.
- When the bed has been fully cultivated and formed, planting holes shall be dug 150mm wider than the root spread. Bare-root plants shall have the roots carefully teased out and pot-grown plants shall have the roots carefully loosened from the soil. 2 to 2.5litres, depending on the size of the plant, of Fison's Peat-Free Planting Compost, or similar approved, shall be worked into the backfill. The plants shall be planted so that the finished topsoil level is at the nursery level on the stem of the plant.

- The plants shall be well firmed in and, after planting, a slow acting fertiliser shall be carefully worked into the top 50mm of soil round each plant taking care to avoid contact with the stem.
- Immediately after planting the whole bed shall be well watered in.
- All work shall be carried out in accordance with best horticultural practice.

#### TREES

- Trees shall be planted at the appropriate season depending on root-grown or bare-root.
- Tree pits are to be dug not less than 1m cube and not smaller than 250mm larger than the overall root spread. Care is to be taken to ensure that all sides are permeable and have not been 'polished', and that all pits are free draining with 50mm of washed round pea gravel to the base of the tree pits.
- A pressure-treated timber stake 75 x 75mm shall be used. It shall extend 500mm above the finished soil level, with a proprietary tie set 100mm below the top of the stake.
- One tie shall be used on standard and feathered trees up to 2m high. Two will be required for Heavy and Extra-Heavy Standard trees up to 18cm girth. Above this trees will be required unless an underground jacking system is specified.
- Backfill for the tree pits is to be 20% Peat-free Compost, Fison's or similar approved.
- The backfill is to be a raised mound at the top with the centre 150mm above the edges. Care is to be taken to ensure that the finished backfill level is at the nursery level on the tree and that level is at the centre of the mound 150mm above the edges of the pit when the tree has been well firmed in.
- On completion of the planting the tree shall be well watered in with not less than 10gallons of water. Thereafter it should be watered as required, following periods of any more than three consecutive hot, dry days, until the tree is fully established.

#### HEDGES

- Hedge planting should be as for the shrubs, set out above. However, the planting bed should be established by using the line of the hedge as the length. The width will be the planted line of the hedge plus 300mm either side. (ie a single line of hedge will be 900mm wide and a double, 900mm apart, will be 1100mm wide).
- After achieving the correct quality topsoil and, with the base broken up, if topsoil is imported, the soil shall be cultivated to ensure a ridge, into which the hedge is planted, set 150mm above the edge of the bed.
- Thereafter all of the above, fertiliser shall be applied and the hedge well watered in.
- After planting the hedge should be trimmed back to an even line, to encourage growth, with the amount of trimming dependent on species.

NB, where topsoil from site to be used, a soil resource plan should be carried out to include locations of topsoil stripping areas and storage mounds to ensure the good treatment of soils which are to be used on the landscape areas and to avoid compaction of soils. Topsoil and subsoil to be stored separately and not mixed.

### MAINTENANCE

The developer will ensure, within the milestone, that purchasers are responsible for common areas. On completion of the site, a Factor will be appointed who will assist in the establishment of a Residents' Association. The Residents' Association will thereafter ensure that the Factor organises the following maintenance regime:

#### Grass:

- Fine grass cut 16 times per year.
- All cuttings to be raked and removed from the site.

#### Shrubs:

The objective is to provide a full even cover and prevent overcrowding. To that end the site should be inspected every year by a suitably qualified horticulturalist and the following regime followed:

- The shrub beds shall be kept clear of weeds, either mechanically or by using an approved herbicide.
- Shrubs shall be pruned up to twice per year, in Spring and Autumn depending on the species, to maintain their natural shape and habit. Any damaged, diseased or broken branches should be removed.
- In the first five years all dead and dying shrubs should be replaced by shrubs of similar size and species to those originally planted.
- From the second year beds should be inspected and thinned out where appropriate. Where suitable, these shrubs can be used to fill gaps in the planting area. Otherwise gaps should be filled with appropriate new plants as for 'a' above.
- After 10 years a systematic programme of replacement should be established.

#### Trees:

Trees have been chosen for their appropriateness to their individual location. Pruning, other than for health and safety reasons, should not be necessary. They should, however, be inspected by a suitably qualified arboriculturalist annually.

- An area 1m diameter at the base of the tree shall be kept clear of weeds and grass either mechanically or by using an approved herbicide.
- Tree staves and ties should be inspected 3 times per year (Autumn, Winter and Spring).
- All dead and diseased branches, or those broken due to malicious action should be removed and the scar cleaned up.
- All trees which have been removed or which are found to be dying, severely diseased or damaged will be replaced by trees of similar size and species to those originally planted. These should be replaced as soon as seasonal weather conditions allow.

#### Hedges:

The objective is to produce a thick, healthy, impenetrable hedge. Pruning should be undertaken where necessary to achieve a neat and compact finish.

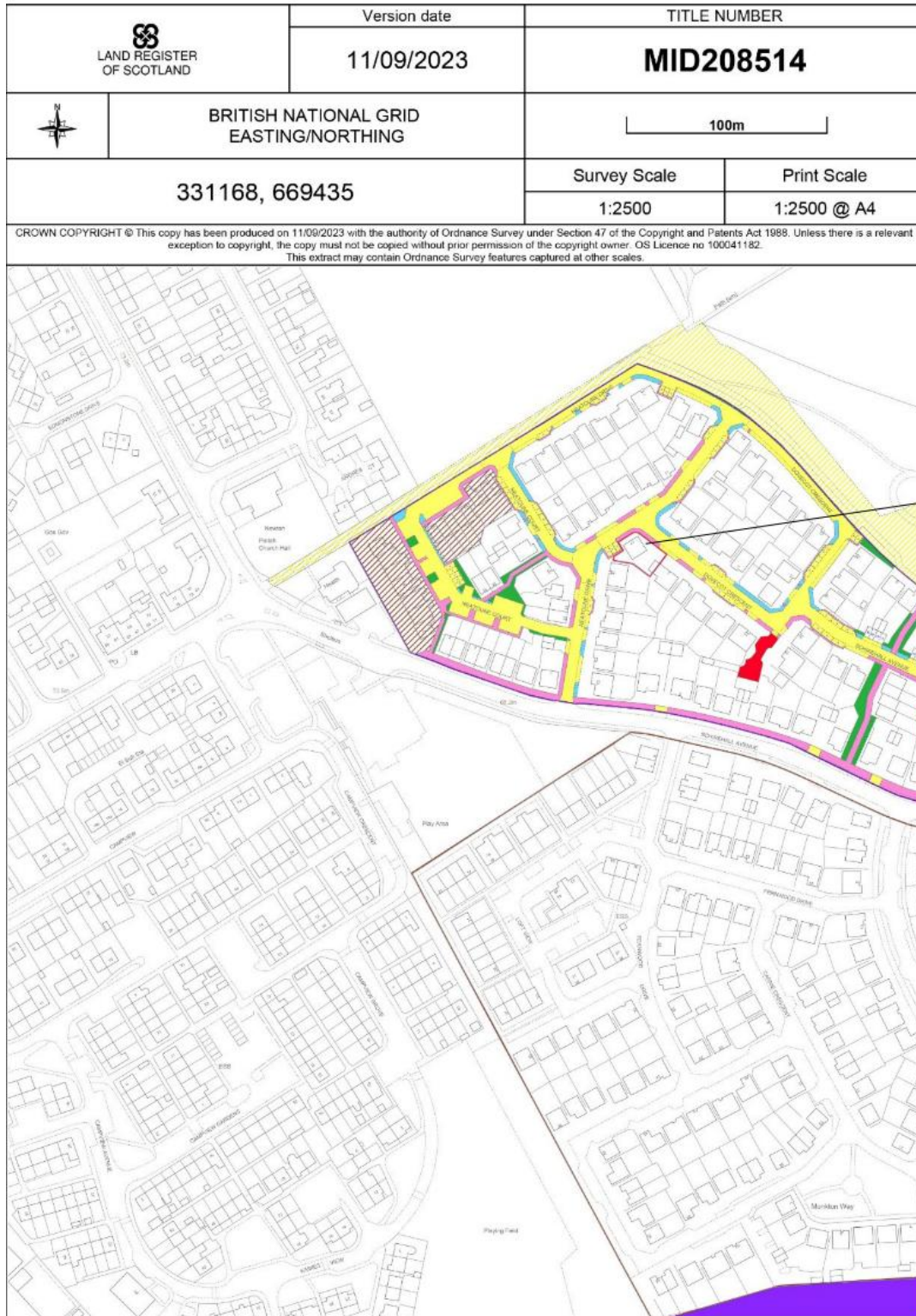
- Hedge is to be pruned back to an even hedge line to encourage thickening below within the first growing season after planting and twice a year thereafter.
- Factor will require access to maintain both sides of the hedge where they form garden boundaries.

#### Hardsurfaces:

- See visits per year to remove weeds from shrub beds and between pavements and within other hard standing areas. All weeds are to be removed from the site. Where herbicides are used extreme care should be taken to avoid damage to surrounding grass, avoiding spray drift.



### Appendix 3: Plan from Title Deeds



MID208514 Page 1 of 4

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 23/00753/DPP

**Site Address:** 17 Neatoune Drive, Danderhall.

**Site Description:** The application site comprises a two storey detached dwellinghouse, garage and associated garden ground. The house has cream colour rendered walls, a pantile roof and white uPVC framed window units. The site sits at a junction with roads bounding the northwest and northeast boundary, with houses to the southeast and southwest. There is a 1.8 metre high render wall enclosing the private garden ground to the roadside, with an area of communal landscaping between the wall and the pavement to the northeast. There is a 1.8 metre high fence along the rear of the garden between the garden and associated garage and parking area. The site is within a relatively recently constructed housing site.

**Proposed Development:** Change of use from communal landscaping to private garden ground and associated erection of fence.

**Proposed Development Details:** It is proposed to remove the existing boundary wall along the northeast and erect a new 1.8 metre high close boarded fence hard up to the pavement, enclosing the communal landscaping and making this private garden ground. The new fence will adjoin the existing fence at the site and be similar in design.

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

18/00946/LA Application to modify a planning obligation with a legal agreement (associated with planning application 02/00660/OUT). Modification agreed.

17/00650/S42 Section 42 application to amend condition 4 of planning permission 02/00660/OUT. This application seeks to change the means by which the Master Plan and Design Guide (and related addenda) for Shawfair can be amended. Consent with conditions.

17/00393/S42 S42 application to amend condition 4 of planning permission 02/00660/OUT. Withdrawn.

16/00818/MSC Erection of 98 dwellinghouses and 18 flatted dwellings; formation of access roads and car parking and associated works (approval of matters specified in conditions 2(a), 2(e), 2(f), 2(g), 2(h), 2(i), 2(l), 2(o), 3, 4, 6, 9 & 11-33 of planning permission 02/00660/OUT). Permitted.

15/00089/MSC Application for Matters Specified in relation to condition 1 (relating to former mineral workings, sustainable urban drainage strategy, landscaping to Cairnie Burn, programme for highway network improvements and travel plan details) of outline planning permission 02/00660/OUT for residential, industrial and commercial floor space, community facilities, associated landscaping with provision for sport and recreation and new transport facilities. Permitted.

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.  
Consent with conditions.

To northeast

20/00169/CL 5 Dovecot Crescent Infill of garage door and formation of window opening. Permitted.

**Consultations:** The Council's **Senior Manager Neighbourhood Services (Roads)** was consulted but did not respond.

**Representations:** No representations have been received.

**Relevant Planning Policies:** The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017. The following policies are relevant to the proposal.

National Planning Framework 4 (NPF4)

- **Policy 1 Tackling the climate and nature crises;** sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis;
- **Policy 2 Climate mitigation and adaptation;** sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change;
- **Policy 6 Forestry, woodland and trees;** sets out to protect and expand forests, woodland and trees;
- **Policy 14 Design, quality and place;** states - a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale; and c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported;
- **Policy 16 Quality homes;** states g) Householder development proposals will be supported where they: i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking; and h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The relevant policies of the adopted **Midlothian Local Development Plan 2017** are:

**DEV2 Development within the Built-up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area;

**ENV7 Landscape Character** states development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; and

**ENV11 Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

**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.

While the proposed development will contribute to the global climate crises, due to the nature and small scale of the proposal, the proposed development will not exacerbate the global nature crises. Therefore the proposed development complies with the aims of policy 1 of NPF4.

The application site is at a prominent location within this relatively new housing development, sited at a junction at a central position. The immediate area has an open character with no boundaries between front gardens, along with grassed areas and hedging between gardens and the pavement/roads. It is clear from the assessment of the overall housing application that consideration has been given to the open character and landscaping of the wider site, with trees and hedges planted to soften the visual impact of the development. Also the application site is identified as having an active gable. This generally means that the plot is at a prominent part of a site and additional consideration needs to be given to the design of the house, as well as the setting of the plot. While there is an existing wall within the site facing onto the road, this is set back from heel of the pavement with hedging between the wall and the pavement. This set off from and planting between the wall and the pavement helps achieve the aim for landscaping to soften the visual impact of the development. The overall effect of existing wall being set off the pavement with landscaping between the two is a clearly considered design detail in this relatively new residential area which positively contributes to the character and appearance of the site and surrounding area. This is replicated in other parts of the wider development.

The removal of the existing wall and communal landscaping and replacement with a 1.8 metre high close boarded fence hard up to the pavement would have a significantly detrimental impact on the open and landscaped character of the site and immediate area. This would be a very hard feature at a prominent part of the development.

The position of the fence would be forward of the established building line in place from the site along Dovecot Crescent which would also detract from the character and appearance of the area.

The proposal would result in the loss of landscaping which would be contrary to the aims of NPF4 to retain trees and hedges. This would also be contrary to the aim of the Council which is committed to making Midlothian a great, green place to grow and would not help address the climate emergency which the Council declared in

2019. Proposals should be proactively protecting landscaping and enhancing landscaping in developments, rather than supporting their removal. While the proposal would only result in a relatively small area of landscaping being lost, if this were to be supported in other proposals, the cumulative impact of this could be significant.

The proposed position of the fence would also have a detrimental impact on road safety as this would reduce visibility for vehicles existing the parking spaces to the southeast. These spaces are 15 metres from the junction and a fence hard up to the pavement would significantly reduce visibility from these.

**Recommendation:** Refuse planning permission.



**Reg. No. 23/00753/DPP**

Liston Architects  
9 Gayfield Square  
Edinburgh  
EH1 3NT

Midlothian Council, as Planning Authority, having considered the application by Mr Stelios Kornaros, 17 Neatoune Drive, Danderhall, EH22 1FZ, which was registered on 23 November 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use from communal landscaping to private garden ground and associated erection of fence at 17 Neatoune Drive, Danderhall, EH22 1FZ**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2314_C_001 1:1250	23.11.2023
Site Plan, elevations	2314_C_010 1:100	23.11.2023
Site Plan, elevations	2314_C_100 1:100	23.11.2023

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

1. *The proposal would have a significant detrimental impact on the character and appearance of the application site and the surrounding area and so is contrary to policies DEV2 and ENV6 of the adopted Midlothian Local Development Plan 2017 and policies 14 and 16 of the National Planning Framework 4.*
2. *The loss of landscaping would be contrary to policy ENV11 of the adopted Midlothian Local Development Plan 2017 and policy 6 of the National Planning Framework 4.*
3. *The proposed position of the fence would have a significant adverse impact on the safety of road users by reducing the visibility for vehicles exiting the site and adjacent parking spaces.*

Dated 19 / 1 / 2024





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



**The Coal  
Authority**

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

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

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

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **INFORMATIVE NOTE**

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

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

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

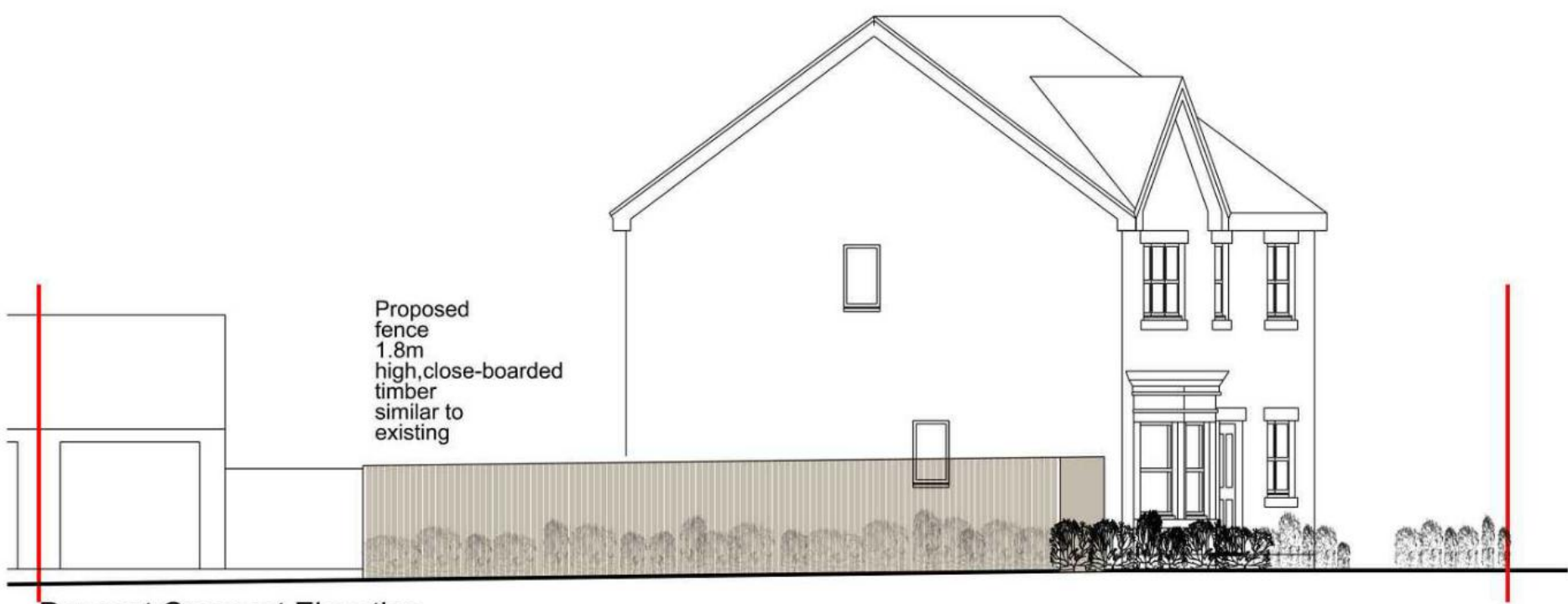
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent 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.

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

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

**Informative Note valid from 1st January 2023 until 31st December 2024**



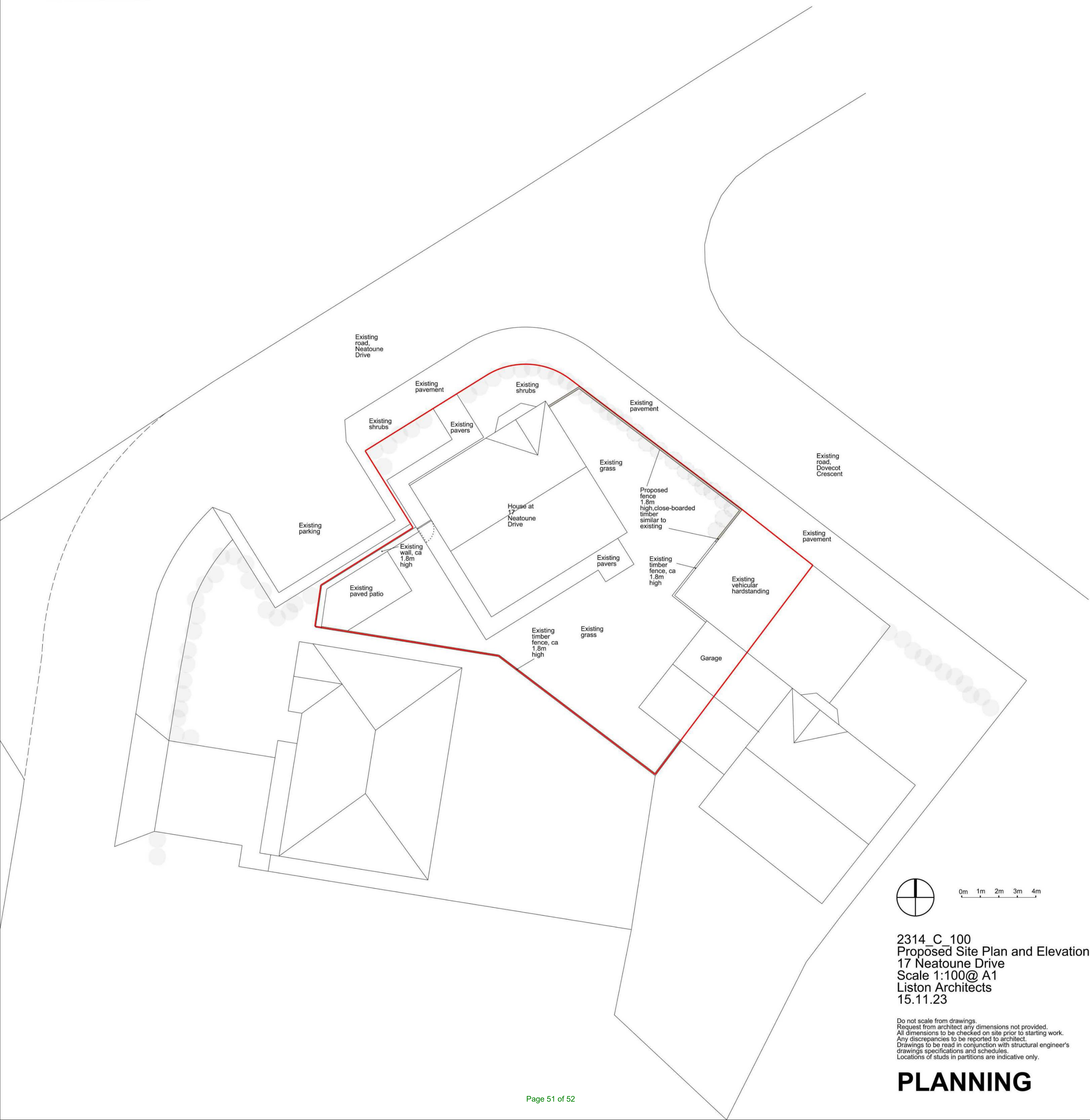


Dovecot Crescent Elevation



Neatoune Drive Elevation

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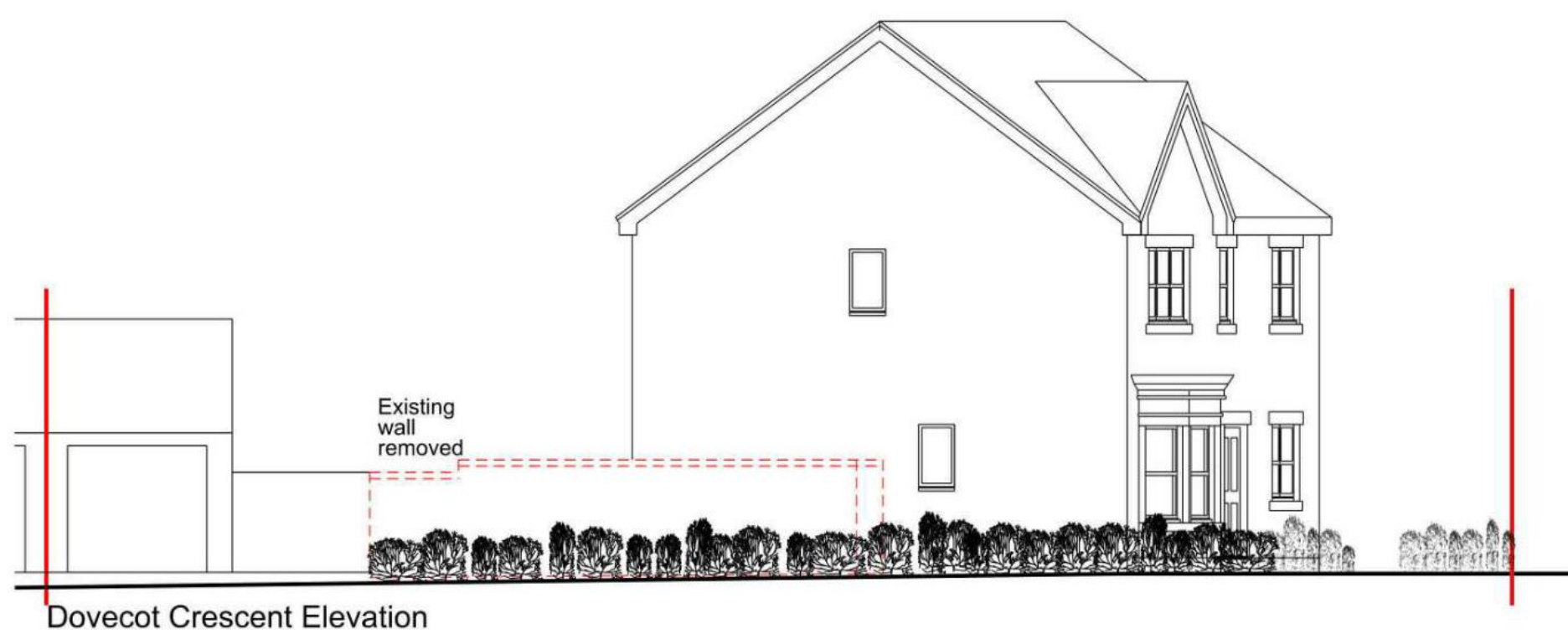
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Proposed Site Plan and Elevations  
17 Neatoune Drive  
Scale 1:100@ A1  
Liston Architects  
15.11.23

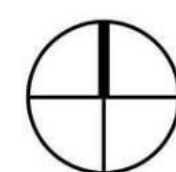
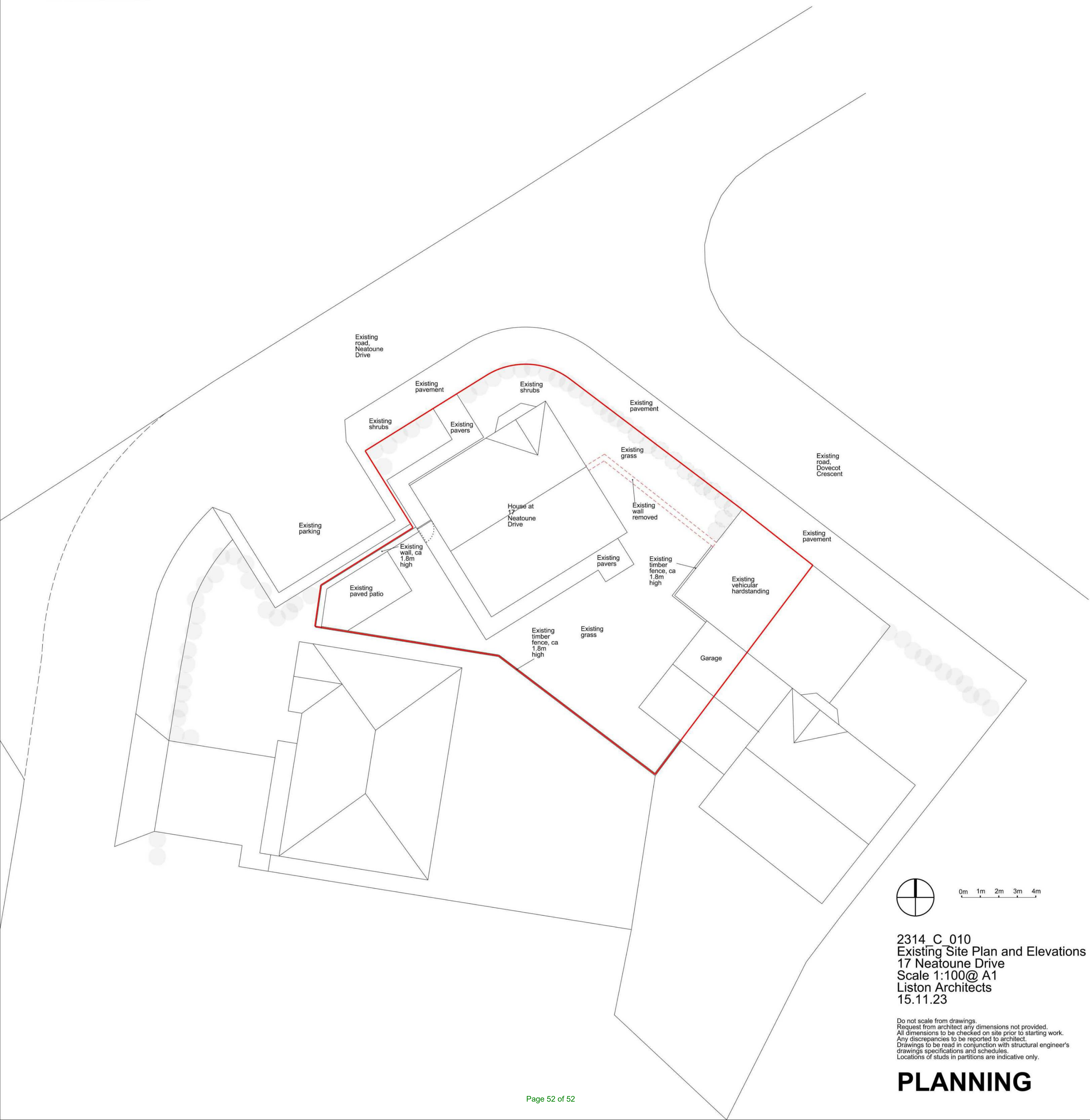
Do not scale from drawings.  
Request from architect any dimensions not provided.  
All dimensions to be checked on site prior to starting work.  
Any discrepancies to be reported to architect.  
Drawings to be read in conjunction with structural engineer's drawings specifications and schedules.  
Locations of studs in partitions are indicative only.

**PLANNING**





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2314\_C\_010  
Existing Site Plan and Elevations  
17 Neatoune Drive  
Scale 1:100@ A1  
Liston Architects  
15.11.23

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**PLANNING**