

# APPENDIX A

**From:** karen Robertson  
**Sent:** 15 August 2012 20:07  
**To:** Jim Bryant  
**Subject:** Review Board meeting - planning consent

Dear Mr Bryant

Re: Planning application Land adjacent to 7 Westfield Park, Eskbank. Midlothian.  
Ref: 11/00780/DPP

After attending the Review Board Meeting on 31 July 2012, I am writing with my objections regarding the planning application and the continuation of the building work at Westfield Park Eskbank.

With reference to the Review Board Meeting (31 July 2012).

The discussion did not allow for an accurate representation for the concerns of the home owners directly affected, the primary point discussed regarding allowing permission to go ahead appeared to be solely relating to the style of the roof.

- My objections relate to the whole development, not just the roof.
- The current construction clearly and significantly deviates from the original planning permission – effectively the applicant is looking for retrospective planning consent for a building that is totally inappropriate in size, height and scale for the site.
- There is a unanimous objection to this development from the homeowners directly affected.
- The petition of support from the applicant that is included in the review report, is the same petition originally submitted by the applicant in January 2012. The fact, that a subsequent petition signed by the signatories which was submitted 8<sup>th</sup> February 2012 and counteracts this petition of support has been overlooked. This clearly challenges the use of the applicant's petition to support the development.

The development of this site has a number of issues and the concerns and grievances' of the residents affected are justified and relevant.

The current construction does not comply with the plans passed.

There were a number of conditions with the original planning permission these have not been addressed.

Objections relate to the whole development, not just the roof.

The position, size, style and design of the current construction is completely different to the plans that were passed.

The size and height of this building is inappropriate to the size and shape of the site.

The building has a detrimental overbearing impact on the surrounding properties.

Proximity to the boundary walls of neighbouring properties is ridiculously close.

Privacy to the neighbouring properties is greatly affected. There are windows on the side of the building overlooking my garden and at a height that looks directly into a bedroom (these windows do not correspond with the plans that were passed). Other neighbours are faced with a balcony on the upper level overlooking their gardens and into children's bedrooms.

The height and size of the building is affecting light to my and other surrounding gardens.

There are issues with Scottish Water regarding the main sewerage pipe which runs under this property. It is my understanding that Scottish Water has asked that work on the site be stopped.

The developer does not have planning permission for this construction and it should not be allowed to continue.

There are questions regarding the original planning permission.

A number of residents affected did not receive notification.

I have previously submitted a number of letters of objection regarding the latest planning application for this development.

- 11<sup>th</sup> December 2011 – Stating my original concerns regarding the development.
- 10<sup>th</sup> January 2012 - including a petition from the neighbours directly affected.
- 8<sup>th</sup> February 2012 – including a form completed by the signatories of a petition submitted by the applicant. Clearly showing that:
  - They were not directly affected by this development

- They were simply asked a preference between a pitched roof or a flat roof
- They were not aware of the ongoing issues of this development or the concerns of the homeowners directly affected
- 12<sup>th</sup> April 2012 – following the re-submission of earlier plans by the applicant and again expressing my objections, concerns and grievances.

I attended the Review Board Meeting on 19<sup>th</sup> June – at this point a date was given for an unaccompanied site visit.

After the meeting I spoke with a member of the planning department.

- I was informed it was not necessary to submit further letters of objection as all the previous information relating to this development would be included and considered with the report. This clearly was not the case.
- I also voiced my concern that despite this development having a direct overbearing and detrimental affect on my property, at no point has anyone visited my property to assess the impact this development has.

I strongly object to this development. The builder has clearly deviated from the plans, continued to build and is now expecting to get retrospective planning permission for a completely inappropriate building, it should not be allowed. This development of one property has a detrimental impact on all the surrounding properties. Every single one of the homeowners directly affected are against this development, surely their rights should be considered.

In this letter I have included the main points of my concerns and grievances. The letters I have previously submitted to the planning department, including the petitions are on the Midlothian Council website.

I trust that all the relevant points are considered in the review process and I respectfully request that this application be refused.

Yours faithfully

Karen Robertson

4 Westfield Drive,  
Eskbank.  
Dalkeith.  
EH22 3NS.

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**From:** Wyllie Family  
**To:** Ian Baxter; Jim Bryant; Lisa Beattie; Alex Bennett; Peter Boyes; Bob Constable; Peter de Vink; Russell Imrie; Derek Milligan; Derek Rosie; Margot Russell  
**Cc:** Peter Arnsdorf; Duncan Robertson  
**Subject:** Local Review Board: application 11/00780/DPP  
**Date:** 19 August 2012 17:06:15

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To: *All councillors who attended (or sent apologies) the Local Review Board meeting (31<sup>st</sup> July 2012) and all Ward 5 Councillors*

Dear Councillor

It has come to our attention that our objection to planning application 11/00780/DPP (land adjacent to 7 Westfield Bank, Eskbank) does not appear to have been taken into consideration in the review currently being undertaken by the Midlothian Local Review Board. The letter we received from Midlothian Council, dated 29<sup>th</sup> May 2012, informing us of the upcoming review (initial procedural meeting on 19<sup>th</sup> June 2012 and full review on 21<sup>st</sup> August 2012) explicitly stated that our existing objection would be considered and we should inform the Development Management Manager (Peter Arnsdorf) if we wished to withdraw or add to our objection. Since we wished our previous objection to be considered as submitted, we did not respond.

I have now discovered that there was an additional meeting of the LRB to consider this planning application appeal on 31<sup>st</sup> July 2012, which we were not notified about and at which our objection does not seem to have been considered. I am therefore enclosing our existing objection (pasted below, and available in the online application material), to ensure that our concerns are considered fully at subsequent LRB meetings.

Please note that in addition to our objection below, I wish to state that at no point have we received a neighbour notification from the applicant regarding this application, despite his indications in November 2011 that he has done this. In addition, despite the statement of the applicant to the contrary, the ground level in the development remains unchanged (as is obvious from the height of several sewer-heads on the property). Also, building work continued apace from October – December 2011 in defiance of an order to stop from Scottish Water (issued in October 2011).

Finally, I am also enclosing extracts (pasted below) from Midlothian Council's own document summarising the planning refusal from 25<sup>th</sup> January 2012, since it is relevant to our objection.

**Original objection submitted by Professor David Wyllie, 5 Westfield Bank, Eskbank (Submitted online in December 2011)**

Please note that works have already commenced and appear to be following plans that have yet to be approved.

OBJECTION AS FOLLOWS.

1. Original Plans indicated a basement garage that would allow access to rear garden. This was important as a 900 mm diameter sewer runs directly under property and garage would have provided access to sewer. Now, only access to rear garden for maintenance works would be from our garden which will be lost

once Waverley Railway is re-instated. Please note our garden is approximately 5 feet above the level of the property being built and access would involve considerable engineering works to provide access.

2. Property is already being built to revised, yet un-approved plan. This is unacceptable. We did not object to original plan as we felt access to rear garden was appropriate. Is Midlothian Council, yet again, going to approve retrospective Planning Permission?

3. URGENT: Midlothian Council/Applicant needs to consult with Scottish Water to seek their advice in regard to access to sewer.

4. In our opinion the property already under construction, seems to impinge considerably on other adjacent properties in terms on its height and the loss of amenity to those adjacent properties.

#### **Extracts from Midlothian Council Notice of Refusal**

*Extract 1:* "There are a number of neighbours concerned regarding the mains sewer pipe which runs the length of the site. The applicant maintains that he has permission from Scottish Water to carry out the development. The case officer has contacted Scottish Water and, at the time of writing this report, was advised that the developer was told to stop work on site in October (work has continued on the site since October)."

*Extract 2:* "The revised drawings show the dwellinghouse lower in the site. Measuring directly from the revised drawings it is suggested that around 0.5m of top soil has been removed from the site. The text on the drawings suggests that 0.35m of top soil has been removed. At a site meeting on 15 December 2011 the applicant stated that top soil from the entire site had been taken off-site. Despite this statement and the information on the drawings there is no evidence to suggest that the ground level within the site has been amended. Some vegetation remains on site and there is no evidence in a drop in levels from looking at the stone walls that bound the site. Photos taken before and at the commencement of construction work also show no alteration to the ground levels on site. In addition to this, neighbours of the site have stated that the top soil has not been stripped from the site. The evidence suggests that there has been no top soil removed from site and therefore the dwelling is not sited further down in the site than the previous scheme would have been. This also raises a concern over the accuracy of the revised drawings."

"It has not been demonstrated that any top soil has been taken from the site. Therefore it must be assumed that the ground levels for the previous approval and the current proposal are the same. When a comparison is carried out between the two schemes the eaves height of the new building is lower than the previously approved dwelling, but the overall height is still higher, by over 1m."

regards

Jane Wyllie

Dr Jane Wyllie  
5 Westfield Bank  
Eskbank, Dalkeith  
Midlothian

**From:** [bruce cameron](#)  
**To:** [Ian Baxter](#); [Jim Bryant](#); [Lisa Beattie](#); [Alex Bennett](#); [Peter Boyes](#); [Bob Constable](#); [Peter de Vink](#); [Russell Imrie](#); [Derek Milligan](#); [Derek Rosie](#); [Margot Russell](#)  
**Cc:** [Peter Arnsdorf](#); [Duncan Robertson](#)  
**Subject:** Local Review Board: application 11/00780/DPP  
**Date:** 19 August 2012 17:28:06

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To: All councillors who attended (or sent apologies) the Local Review Board meeting (31<sup>st</sup> July 2012) and all Ward 5 Councillors  
Dear Councillor

It has come to our attention that our objection to planning application 11/00780/DPP (land adjacent to 7 Westfield Bank, Eskbank) does not appear to have been taken into consideration in the review currently being undertaken by the Midlothian Local Review Board. The letter we received from Midlothian Council, dated 29<sup>th</sup> May 2012, informing us of the upcoming review (initial procedural meeting on 19<sup>th</sup> June 2012 and full review on 21<sup>st</sup> August 2012) explicitly stated that our existing objection would be considered and we should inform the Development Management Manager (Peter Arnsdorf) if we wished to withdraw or add to our objection. Since we wished our previous objection to be considered as submitted, we did not respond.

I would like to draw to your attention the concerns from local residents directly impacted by the proposed build adjacent to 7<sup>th</sup> Westfield Park. I am personally shocked by the information provided in the Determination Report reviewed by the LRB on the 31<sup>st</sup> of July. Specifically concerning the representation of the Support Petition and Objection Petition. A quote from the determination report is below:-

" 2.4 The case officer's report identified that there are eight representations, a petition against the development with nine signatures and a petition in support of the application with 23 signatures. As part of the review process these interested parties were notified of the review. No additional comments have been received"  
The petition collated by the builder was signed by 23 different people from local area who were only asked if they preferred a pitched roof versus a flat roof. The petition was only about the pitched roof and did not take into account other factors such as overall height and impact to adjacent neighbours. **None of the people who signed have property which immediately adjoins the application site and are not directly impacted by the height or position of this build. This was not highlighted in this report.**

Out of the 9 residents directly adjacent to this property and notified by the council about the build, 8 have written or provided comments of objection!! There was also a petition submitted by local residents with 9 signatures objecting to the build. It is clear that those directly impacted by this build strongly object. For the same reasons that planning was refused on the 20<sup>th</sup> of Jan and other reasons. **Crucially the report failed to highlight any of the concerns of the residents effected by the build.**

Council Planning Department Refused Planning on the following grounds :-

1. ***"The height, design and location of the proposed dwelling house would have a dominant and detrimental overbearing impact on neighbouring dwellings and therefore does not comply with the terms of policy RP20 of the adopted Midlothian Local Plan."***
2. ***"Due to the low pitch of the roof the design and form of the proposed house appears unbalanced and unsympathetic to its location and would result in a***

*development which does not comply with the detailed design guidance as set out in policy DP2 of the adopted Midlothian Local Plan."*

I would also like to draw your attention to the fact that the builder is seeking retrospective building permission which appears to be setting a precedence in the Midlothian Council area given the shell of the house has already been erected and the build would have continued if local residents had not contacted the council.

- The house is not in the position previously approved. The original plans were specifically given to straddle 1 and 2 Westfield Bank to minimize the impact to these properties. The majority of the build now almost straddles the full width of the garden of 2 Westfield Bank.

- The builder would have continued to erect a pitch roof it was not for the neighbours informing the council.

- The original planning permission was for a garage not the lounge which now apparently exists on the ground floor to provide access to water pipes

I would also like to draw your attention to other concerns we have:-

When we moved into this property we were explicitly told by the council that planning permission would never be granted to build on this site. Had we known that there was a risk of a property being built we would not have purchased our property.

Neighbours would have strongly objected to the original planning permission but it appears not all neighbours were notified of the build and others did not get an opportunity as the time period to object was during the summer holiday period.

Scottish Water has not given permission to build on this site because the structure would be on top of existing water pipes. The Water Board specifically ordered the builder not to build on this site yet but as is evident by the existing structure this order was ignored.

It is concerning that planning permission can be given despite the fact that not all the relevant organisations have approved.

I would also like you to put yourself in our position. Consider how you would feel with a building being erected at the immediate foot of your small garden allowing people to see directly in your garden and home from a balcony/house. Once where you used to enjoy blue sky and sunshine in the garden a dark shadow is now cast. Privacy in the sanctuary of your own home exists no longer for you and your family.

Please do not hesitate to contact us should you need further information. Please support us in ensuring the right decision is made at the next LRB meeting.

Bruce and Shona Cameron

3 Westfield Bank

Eskbank

Dalkeith

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**From:** stacey lamb  
**Sent:** 23 August 2012 10:22  
**To:** Jim Bryant  
**Cc:** Bob Constable; Ian Baxter; [derek.nilligan@midlothian.gov.uk](mailto:derek.nilligan@midlothian.gov.uk); Margot Russell; Lisa Beattie; Peter de Vink  
**Subject:** Ref no. 11/00780/DDP -land adjacent to Westfield Park, Eskbank

10 Westfield Drive  
Eskbank  
Dalkeith  
EH22 3NS

20<sup>th</sup> August 2012

Dear Sir/Madam,

I write to you with regard to the land adjacent to Westfield Park, Eskbank (ref no. 11/00780/DDP). After reading the last report carried out by Midlothian Council Planning (item 2.4) it is clear we are back at square one. The case officer states that there is 23 signatures "in support with the application" which is in fact completely inaccurate. These signatures were obtained from people who were asked what type of roofing structure they would regard as the most suitable for the development, not whether they were in support of the development or not. Furthermore, the people questioned will not be affected by the development. The nine signatures against the development are, however, from residents who will be directly affected by the continuation of this development. In addition, we have gained information from Scottish Water regarding a two meter sewer pipe which runs underneath the development. Scottish Water have stated that they have given **no** permission to the developers to build on the plot of land. It is apparent that Midlothian Council is very much in support of this development, ignoring the opinions expressed by residents and, more importantly, that Scottish Water have **not** given permission for the land to be built on. I and fellow residents are now at the stage where we are considering seeking legal advice on the matter, and also going to the local press in order to get our opinions heard. We really do not wish to go down this route, and would like nothing more than for this matter to be resolved amicably. I look forward to hearing your response.

Yours Sincerely

Mr I Lamb

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Mr J Baxter  
Chairman  
Local Review Body  
Midlothian Council  
Midlothian House  
Buccleuch Street  
DALKEITH  
EH22 1DN

*Cllr. Bryon*

CORPORATE RESOURCES	
FILE:	
RECEIVED	24 AUG 2012

Dear Mr Baxter

APPLICATION REF: 11/00780/DPP

I am dismayed that the above application seems to be receiving serious consideration and that it may in fact be approved. I understand there was a site visit and photographs taken from the front. In my last letter I suggested in the event of a site visit it would have been better to view site from the gardens and homes on both sides of the site to fully appreciate what we will be looking at and how difficult it will be to sell our property if the need arises. It would appear that our views and objections are of no importance.

Are Scottish Water aware of the fact that in the event of the application being given the go ahead that there will be no access to allow them to attend to any emergencies, as happened not all that long ago, regarding the sewers.

Yours sincerely

\_\_\_\_\_  
Jane M Bell(Mrs)

6 Westfield Drive  
Dalkeith  
EH22 3NS

21 August 2012