

Notice of meeting and agenda



Local Review Body

Venue: Council Chambers, Midlothian House, Dalkeith, EH22 1DN

Date: Tuesday, 27 February 2018

Time: 14:00

John Blair
Director, Resources

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

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

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

1 Welcome, Introductions and Apologies

2 Order of Business

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

3 Declarations of Interest

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 Minutes of Previous Meeting

Minutes of Meeting held on 16 January 2018 – For Approval **3 - 12**

5 Public Reports

Decision Notices:-

5.1 2A Nivensknowe Road, Loanhead 17/00404/S42 **13 - 16**

5.2 14 High Street, Lasswade 17/00636/DPP **17 - 20**

5.3 31A Eldindean Road, Bonnyrigg 17/00758/DPP **21 - 24**

5.4 Land west of Roanshead Crescent, Easthouses 17/00690/PPP **25 - 28**

Notice of Review Requests Considered for the First Time:-

5.5 Land at Airybank, Quarrybank, Cousland 17.00649.DPP **29 - 82**

5.6 16 School Green, Lasswade 17/00672/DPP **83 - 124**

5.7 153 The Loan, Loanhead 17/00630/DPP **125 - 162**

6 Private Reports

No private reports to be discussed at this meeting.
Plans and papers relating to the applications on this agenda can also be viewed online at www.midlothian.gov.uk.

Minute of Meeting

Local Review Body
Tuesday 27 February 2018
Item No 4.1



Local Review Body

Date	Time	Venue
16 January 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro

1 Apologies

Apologies received from Councillor Smaill.

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 21 November 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 61A Clerk Street, Loanhead [17/00363/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 21 November 2017, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr C Allmond, DM Hall, 27 Canmore Street, Dunfermline seeking on behalf of their client, Mr N Sneddon, Full Speed Ahead Finance a review of the decision of the Planning Authority to refuse planning permission (17/00363/DPP, refused on 18 September 2017) for the Change of Use from Chiropodist (class 2) to Dwellinghouse (class 9) at 61A Clerk Street, Loanhead and granting planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 29 Waverley Road, Bonnyrigg [17/00440/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 21 November 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr T Ferguson, Ferguson Planning, Shiel House, 54 Island Street, Galashiels seeking on behalf of their client Mr L Pia, a review of the decision of the Planning Authority to refuse planning permission (17/00440/DPP, refused on 31 July 2017) for the change of use of a flatted dwellinghouse to house of multiple occupation at 29 Waverley Road, Bonnyrigg and refusing planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 15 January 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Lay-Douglas, Milligan and Muirhead.

Councillor Munro whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 2A Nivensknowe Road, Loanhead [17/00404/S42].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their client, Mr S Greenhorn, 911 Rescue & Recovery Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00404/S42, refused on 7 July 2017) for the removal of Conditions 3 and 4 of Planning Permission 16/00497/DPP (Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)) at 2A Nivensknowe Road, Loanhead.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an accompanied visit to the site on Monday 15 January 2018.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mr Jim Sorrell, Sorrell Associates (the applicant's agent) and Mr David Christie, 911 Rescue & Recovery Ltd (the applicants)

Thereafter, oral representations were received firstly from Mr Sorrell on behalf of the applicants, then from Mr Robertson, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB considered that the proposed change of use and alterations were compatible to its location and that whilst it was more normal to expect the boundary fence and access gate to be set back from the heel of the pavement to allow for landscaping, in this instance the nature of the applicant's business justified a departure; these being viewed as material considerations. The LRB welcomed the applicant's offer to paint the fence and access gates and discussed the possibility of some sort of planting although concerns were raised about the upkeep and maintenance of any planting and also possible encroaching onto the footpath. The retrospective nature of the application drew some criticism of the applicant, it being emphasised by the LRB that their initial failure to engage had undoubtedly contributed to the current situation.

Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

The proposed change of use and alterations are in keeping with the character of the surrounding industrial estate, would not detract from the amenity of the surrounding area and is likely to improve the economic activity and employment levels at the site and so complies with policies DEV2 and STRAT1 of the Midlothian Local Development Plan 2017. The fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site are required for the operation of the business and do not have a detrimental impact on amenity as to require their removal or relocation.

subject to:-

1. The metal and timber fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site shall be painted green within 2 months from this grant of planning permission and maintained as such thereafter.

Reason: *In the interest of visual amenity*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – 14 High Street, Lasswade [17/00636/DPP]	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr A Hird, Cundall, 4th floor Partnership House, Regent Farm Road, Gosford, Newcastle upon Tyne seeking on behalf of their client Mrs L Toye, a review of the decision of the Planning Authority to refuse planning permission (17/00636/DPP, refused on 13 October 2017) for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an accompanied visit to the site on Monday 15 January 2018.</p>		
Summary of Discussion		
<p>In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced Mrs Louise Toye (the applicant), Ms Rebecca Taylor, Cundall (applicant's agent), Mr Pete Toye (representations in favour of the application) and Mr Keith Chapman (representation against the application).</p> <p>Thereafter, oral representations were received firstly from Mrs Toye, then from Ms Taylor, Mr Toye, Mr Chapman and finally from Mr King, the local authority Planning Officer; following which they responded to Members' questions and comments.</p> <p>Thereafter, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB considered that the proposed use was compatible to its location, that it provided employment benefits and would see a vacant commercial unit brought back into use; these being viewed as material considerations. The LRB discussed at some length the issue of car parking, in particular considering various ways in which it might potentially be managed so as to minimise any detrimental impact, including the possibility of a developer contribution towards improvements to the local public car park.</p> <p>During the course of these discussions the LRB noted an intimation from Councillor Milligan that he knew both Mrs Toye the applicant and also Mr Chapman who had made representations against the application.</p>		

Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:-

The proposed restaurant would contribute to the local economy, create jobs and bring a vacant commercial building back into use. These economic benefits along with mitigation measures to limit any impact on residential amenity outweigh concerns with regard on-site parking provision, subject to the effective management of the business with regard customer and staff parking.

subject to:-

1. The kitchen of the restaurant shall be ventilated by an extraction ventilation system which shall:
 - a) be designed to achieve 30 air changes per hour;
 - b) provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
 - c) prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties; and
 - d) terminate at sufficient height to permit the free disposal of exhaust fumes.
2. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible within any nearby living apartment.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason for conditions 1 to 3: To safeguard nearby residential amenity

4. Prior to the hereby approved restaurant coming into use a customer and staff parking management plan shall be submitted to and approved in writing by the local planning authority. The strategy shall outline details of; how customers will be notified of the limited parking provision at the site and the location of alternative car parking provision, the promotion of non-private car travel to and from the site, staff travel arrangements and monitoring of parking arrangements to ensure there is no detrimental impact on highway safety. The approved business shall operate in accordance with the approved parking strategy.

Reason for condition 4: In the interests of highway safety

Action

Head of Communities and Economy

Sederunt/Declaration of Interest

Councillors Alexander Baird and Milligan all declared non-pecuniary interests in the following item of business, on the grounds that they knew the applicant and left the meeting at 3.14 pm and 3.16 pm respectively, taking no part in the discussion thereof.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 31A Eldindean Road, Bonnyrigg [17/00758/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mrs M Anderson, 31a Eldindean Road, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (17/00758/DPP, refused on 14 November 2017) for the erection of an extension at that address.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 15 January 2017.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on the useable garden area which would be significantly reduced as a result. It could also lead to the potential removal of the existing off-street parking provision to compensate for the loss of the garden ground. The LRB acknowledged that whilst the choice of having a garden, or not, was very much a personal one, policy DP2 required that houses suitable for families should be provided with adequate useable private gardens.

Decision

To dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:-

1. *The proposed extension constitutes overdevelopment resulting in a very restricted private useable garden of limited use to the detriment of the occupiers of the property, including future occupiers and could result in the removal of off-street parking at the site.*
2. *For the above reason the proposal is contrary to policy DEV2 of the adopted 2017 Midlothian Local Development Plan which seeks to protect the character and amenity of the built-up area.*

Action
Head of Communities and Economy

Sederunt
Councillors Alexander and Milligan both rejoined the meeting at the conclusion of the foregoing item of business at 3.23 pm.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – Land west of Roanshead Crescent, Easthouses [17/00690/PPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 5 January 2018, by the Head of Communities and Economy regarding an application from Mr R McQueenie, REM Associates, 21 Young Street, Edinburgh seeking on behalf of their client Mr B McBride, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00690/PPP, refused on 17 October 2017) for the erection of three dwellinghouse at land west of Roanshead Crescent, Easthouses, Dalkeith.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 15 January 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the sloping nature of the application site which was likely to require significant engineering works in order to enable development to take place and also the likely impact of the proposed development on the character and amenity of the surrounding area.

Decision

To dismiss the review request, and uphold the decision to refuse planning permission for the following reason:-

1. *The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicle numbers and construction traffic on unsuitable roads.*

2. *It has not been demonstrated that access can be provided to the proposed dwellinghouses; in the absence of an access to the dwellinghouses there would be additional on-street parking which would have an adverse impact on the amenity of the area and have an adverse impact on vehicle and pedestrian safety in the area.*
3. *The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the levels of the site.*
4. *For the above reasons the proposal does not comply with policies RP20 and RP22 of the Midlothian Local Plan and policies DEV2 and ENV19 of the proposed Midlothian Local Development Plan.*

Action
Head of Communities and Economy

The meeting terminated at 3.27 pm.

Local Review Body: Review of Planning Application Reg. No. 17/00404/S42

Jim Sorrell
Sorrell Associates
The Green House
41 St Bernard's Crescent
Edinburgh
EH14 1NR

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Stephen Greenhorn, 2 Jessie Street, Glasgow, G42 0GP, which was registered on 6 October 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Section 42 application to remove conditions 3 and 4 of planning permission 16/00497/DPP at 2A Nivensknowe Road, Loanhead, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	22.05.2017
Site Plan	001 1:100	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:100	22.05.2017

A consequence of the Section 42 application is to grant planning permission for alterations to, and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective) at 2A Nivensknowe Road, Loanhead

Subject to the following condition:

1. The metal and timber fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site shall be painted green within 2 months from this grant of planning permission and maintained as such thereafter.

Reason: *In the interest of visual amenity*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area; and
2. Policy STRAT1: Committed Development

Material considerations:

1. The individual circumstances of the proposal
2. Supporting a local business

In determining the review the LRB concluded:

The proposed change of use and alterations are in keeping with the character of the surrounding industrial estate, would not detract from the amenity of the surrounding area and is likely to improve the economic activity and employment levels at the site and so complies with policies DEV2 and STRAT1 of the Midlothian Local Development Plan 2017. The fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site are required for the operation of the business and do not have a detrimental impact on amenity as to require their removal or relocation.

Dated: 16/01/2018



Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

Local Review Body: Review of Planning Application Reg. No. 17/00636/DPP

Andrew Hird
Cundall
4th Floor, Partnership House
Regent Farm Road
Gosforth
Newcastle upon Tyne
NE3 3AF

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Louise Toye, 14 High Street, Lasswade, EH18 1ND, which was registered on 23 October 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from office (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1041-01A 1:1250	18.08.2017
Existing Site Plan	1041-02 1:200	18.08.2017
Proposed Site Plan	1041-02E 1:200	18.08.2017
Existing Floor Plan	1041-03 1:50	18.08.2017
Existing Elevations	1041-04 1:100	18.08.2017
Proposed Floor Plan	1041-05B 1:50	18.08.2017
Proposed Elevations	1041-06A 1:100	18.08.2017
Planning Statement		18.08.2017
Transport Statement		18.08.2017
Transport Statement Addendum		22.09.2017

Subject to the following condition:

1. The kitchen of the restaurant shall be ventilated by an extraction ventilation system which shall:
 - a) be designed to achieve 30 air changes per hour;
 - b) provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
 - c) prevent the emission of cooking odours likely to cause nuisance to

- neighbouring commercial units and surrounding residential properties;
and
 - d) terminate at sufficient height to permit the free disposal of exhaust fumes.
2. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible within any nearby living apartment.
 3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason for conditions 1 to 3: To safeguard nearby residential amenity

4. Prior to the hereby approved restaurant coming into use a customer and staff parking management plan shall be submitted to and approved in writing by the local planning authority. The strategy shall outline details of; how customers will be notified of the limited parking provision at the site and the location of alternative car parking provision, the promotion of non-private car travel to and from the site, staff travel arrangements and monitoring of parking arrangements to ensure there is no detrimental impact on highway safety. The approved business shall operate in accordance with the approved parking strategy.

Reason: In the interests of highway safety

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area; and
2. Policy ENV19: Conservation Areas

Material considerations:

1. The individual circumstances of the proposal
2. The potential impact on highway safety and amenity
3. Supporting a local business

In determining the review the LRB concluded:

The proposed restaurant would contribute to the local economy, create jobs and bring a vacant commercial building back into use. These economic benefits along with mitigation measures to limit any impact on residential amenity outweigh concerns with regard on-site parking provision, subject to the effective management of the business with regard customer and staff parking.

Dated: 16/01/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

Local Review Body: Review of Planning Application Reg. No. 17/00758/DPP

Mrs Margaret Anderson
31A Eldindean Road
Bonnyrigg
Midlothian
EH19/2HP

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Margaret Anderson, 31A Eldindean Road, Bonnyrigg, EH19 2HP, which was registered on 15 November 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 31A Eldindean Road, Bonnyrigg, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Floor Plan	1. 1:50	25.09.2017
Existing Elevations	2. 1:50	25.09.2017
Proposed Floor Plan	3A. 1:50	25.09.2017
Proposed Elevations	4A. 1:50	25.09.2017
Proposed Elevations	5A. 1:50	25.09.2017
Location Plan	6A. 1:200 1:1250	25.09.2017

The reason for the Council's decision is set out below:

- The proposed extension constitutes overdevelopment resulting in a very restricted private useable garden of limited use to the detriment of the occupiers of the property, including future occupiers and could result in the removal of off street parking at the site contrary to policy DEV2 of the Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the proposal

Dated: 16/01/2018

A handwritten signature in black ink, appearing to read 'Peter', with a large, sweeping initial 'P' and a stylized 'Arnsdorf'.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

Local Review Body: Review of Planning Application Reg. No. 17/00690/PPP

REM Associates
21 Young Street
Edinburgh
EH2 4HU

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Brian Mcride, 54 Easthouses, Dalkeith, EH22 4EL which was registered on 8 November 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Application for planning permission in principle for the erection of three dwellinghouses at land west of Roanshead Crescent, Easthouses, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	31.08.2017
Site Plan, Location Plan and Elevations	90.04 1:1250	31.08.2017

The reason for the Council's decision is set out below:

- 1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicle numbers and construction traffic on unsuitable roads.*
- 2. It has not been demonstrated that access can be provided to the proposed dwellinghouses; in the absence of an access to the dwellinghouses there would be additional on-street parking which would have an adverse impact on the amenity of the area and have an adverse impact on vehicle and pedestrian safety in the area.*
- 3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the levels of the site.*
- 4. For the above reasons the proposal does not comply with policies DEV2 and ENV19 of the Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area;
2. Policy EN7: Landscape Character;
3. Policy ENV11: Woodland Trees and Hedges; and
4. Policy ENV19: Conservation Areas

Material considerations:

1. The individual circumstances of the proposal

Dated: 16/01/2018

A handwritten signature in dark ink, appearing to read 'Peter', with a stylized flourish extending from the bottom left.

Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

Notice of Review: Airybank, Quarrybank, Cousland

Determination Report

Report by Ian Johnson, Head of Communities and Economy

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 four dwellinghouses at Airybank, Quarrybank, Cousland.

2 Background

- 2.1 Planning application 17/00649/DPP for the erection of four dwellinghouses at Airybank, Quarrybank, Cousland was refused planning permission on 13 November 2017; 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, issued on 13 November 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (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. The applicant has resubmitted copies of the planning application statement, bat surveys, arboriculture statements, coal authority statements and geotechnical reports which formed part of the original planning application submission as part of their review submission – these statements and reports are on the electronic planning application case file but are not reproduced as part this report.

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an accompanied site visit for Monday 26 February 2018; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was six consultation responses and nine representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file.
- 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 to the next 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 13 June 2017, 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. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting including trees, shrubs, hedging and grassed areas;

- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV6 and DEV7 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

Reason: *To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policy ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

3. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *In the interest of protecting the character and appearance of the conservation area so as to comply with policies DEV2 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

4. Development shall not begin until details of the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
- ii proposed vehicular, cycle and pedestrian access;
- iii proposed roads (including turning facilities), footpaths and cycle ways;
- iv proposed visibility splays, traffic calming measures, lighting and signage;
- v proposed construction traffic access and haulage routes;
- vi a green transport plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
- vii proposed car parking arrangements, including visitor parking;
- viii a pedestrian crossing point, to be established at a suitable point at the access to the application site, providing a link over Cousland Kilns Road to the existing footway in Beech Grove; and
- ix a programme for completion for the construction of access, roads, footpaths and cycle paths

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

5. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and*

construction workers, built development on the site, landscaped areas, and the wider environment.

6. No house shall have an under-building that exceeds 0.5 metres in height above ground level unless otherwise agreed in writing by the planning authority.

Reason: *Under-building exceeding this height is likely to have a materially adverse effect on the appearance of a house.*

7. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

8. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the Proposed Midlothian Local Development Plan 2017.*

9. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy TRAN5 of the Proposed Midlothian Local Development Plan 2017.*

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision and children's play provision. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

6 Recommendations

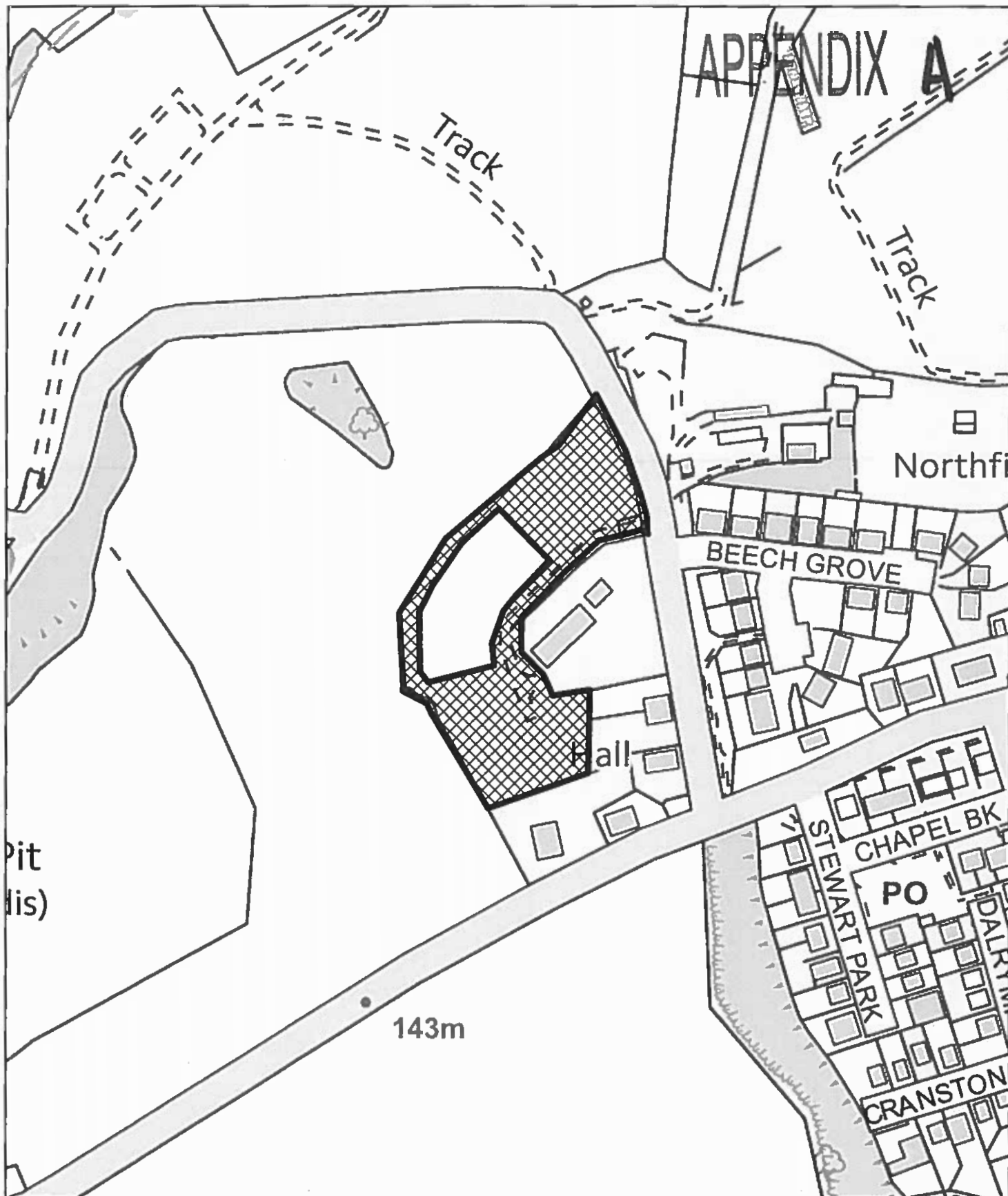
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 15 February 2018

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 17/00649/DPP available for inspection online.



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

Erection of 4 dwellinghouses at, Airybank, Quarrybank,
Cousland, Dalkeith

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File No. 17/00649/DPP

Scale: 1:2,500

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	Bennie
Surname		Surname	Andrew
Company Name	Midlothian Developments	Company Name	Andrew Bennie Planning Ltd
Building No./Name		Building No./Name	
Address Line 1	26 Forth Street	Address Line 1	3 Abbots Court
Address Line 2		Address Line 2	
Town/City	Edinburgh	Town/City	Dullatur
Postcode	EH1 3LH	Postcode	G68 0AP
Telephone		Telephone	
Mobile		Mobile	07720 700210
Fax		Fax	
Email		Email	andrew@andrewbennieplanning.com
3. Application Details			
Planning authority		Midlothian Council	
Planning authority's application reference number			
Site address			
Land at Airybank House, Cousland, EH22 2NT			
Description of proposed development			
Erection of 4 Dwellinghouses.			

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any 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.

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

Further written submissions ☐

One or more hearing sessions ☒

Site inspection ☐

Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

Please refer to the matters raised within the attached Statement in Support of Review.

7. Site inspection

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

Can the site be viewed entirely from public land? ☒

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to the attached Statement in Support of Review

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to the attached Schedule of Review Documents

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or 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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

[Redacted Signature]

Name:

Andrew Bennie

Date:

27/11/17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



ANDREW BENNIE
PLANNING LIMITED

STATEMENT IN SUPPORT OF
LOCAL REVIEW
RELATIVE TO THE REFUSAL
BY MIDLOTHIAN COUNCIL
OF PLANNING APPLICATION REFERENCE
17/00649/DPP

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Tel: 07720 700210

E-mail: andrew@andrewbennieplanning.com

November 2017

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CONTENTS

- 1.0 Introduction
- 2.0 Proposals Subject to Review
- 3.0 Reasons for Requesting Review
- 4.0 Review Procedure
- 5.0 Grounds of Review
- 6.0 Summary

Appendix 1: Notice of Review Form

Appendix 2: Schedule of Documents

Appendix 3: Review Documents (on CD)

1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Midlothian Developments in support of their request that the Planning Authority, under the provisions of Section 43A of the Town and Country Planning (Scotland) Act 1997 review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 17/00649/DPP.
- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form, a copy of which is included at Appendix 1 of this Statement.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of planning application reference 17/00649/DPP, full planning permission was sought for the erection of four detached dwelling houses upon that land which comprises the application site.
- 2.2 The proposed dwelling houses would take access off the existing access road, which currently serves the property at Airybank House and are sited on plots, which range in size from 748m² to 2470m².
- 2.3 A total of two house types are proposed, as follows:

House Type X (x3):

Standing 1^{1/2} storeys in height, this house type provides accommodation extending to 226m² in floor area, as follows:

Ground Floor: Lounge, Family Room/Kitchen, Bedroom and shower room/wc.

First Floor: Three Bedrooms (master en-suite) and bathroom.

This house type includes a feature flat roofed 1^{1/2} storey projecting bay on its front elevation.

This house type also features a detached double garage (34.8m²).

House Type Y (x1):

Standing a full 2 storeys in height, this house type provides accommodation extending to 327.1m² in floor area, as follows:

Ground Floor: Lounge, Dining Hall, Family Room/Kitchen, Bedroom (with en-suite), Utility Room and wc.

First Floor: Three Bedrooms (Master with en-suite and dressing room, second bedroom with en-suite and sitting room and third with en-suite).

This house type features a full 2 storey, half round glazed bay window on its rear elevation.

This house type also features an integral double garage (35.3m²).

- 2.4 Externally, each of the proposed house types would be finished in a white textured render, with feature natural stone detailing to the projecting bay features, with the roof being clad in slate grey tiles.
- 2.5 The application site itself comprises an area of land lying to the north east and west sides of the existing property known as Airybank House, which is located within the village of Cousland.
- 2.6 The site lies to the west side of the minor road, which heads northwards from Hadfast Road, at the western end of the village, and which links with the A6124, which lies a short distance to the north of the Site.
- 2.7 The northern boundary of the site is defined by a well established belt of large trees, with the western boundary being defined a similarly well established belt of smaller trees. The sites southern boundary is defined by the rear garden boundaries of the two existing residential properties, which lie at the extreme western end of the village, on the north side of Hadfast Road.
- 2.8 The southern boundary of the site is defined by the residential curtilage associated with Airybank House.
- 2.9 The Site extends to some 0.8456 ha in area and is generally flat and currently comprises an area of rough grassland.
- 2.10 For the avoidance of doubt, the full extent of the site includes the various areas of peripheral planting that run along the sites northern and south western boundaries.
- 2.11 Full details of the proposed development are provided within the documentation, which support this Review.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reasons to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan and that the proposed development would not give rise to any demonstrable adverse impacts upon the integrity, appearance or visual amenity of the wider village, of which the Site forms part.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested first of all that the Local Review Body carry out an accompanied inspection of the Site and secondly, that a Hearing Session be held in order that detailed oral evidence may be lead in support of the Review.
- 4.2 Given the nature of the application proposals, it is considered that carrying out of an accompanied site inspection represents the best means of allowing the Local Review Body to gain a full and proper understanding of the potential impact of the application proposals upon the surrounding area and in turn the extent to which the proposals can be reasonably justified against the relevant provisions of the adopted Local Development Plan.
- 4.3 It is further considered that in light of the failure on the part of the Appointed Person to engage in any form of meaningful discussion during the course of the consideration and subsequent determination of the application, it would be appropriate that this Review be the subject of a Hearing Session in order that all of the salient considerations associated with the assessment of this proposed development can be fully and appropriately discussed and debated.

5.0 GROUNDS OF REVIEW

5.1 The application which forms the basis of this Review, was refused planning permission on the basis of the reasons set out below:

1: The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.

2: The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.

3: The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policies DEV2 of the adopted Midlothian Local Development Plan.

4: On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the adopted Midlothian Local Development Plan.

5: The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies DEV2 of the adopted Midlothian Local Development Plan.

6: It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.

5.2 A full copy of the Decision Notice on this application is provided at Document 13, within Appendix 3 of this Statement.

5.3 Our responses to the stated reasons for the refusal of planning application reference 17/00649/DPP are set out below.

1: The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.

5.4 With regards to Policy DEV 2, the adopted Plan advises, at paragraph 3.1.5 that the policy:

"aims to ensure that new development does not damage or blight land uses which are already established or supported by this Plan."

5.5 To this end, Policy DEV 2 states that:

"Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the character or amenity of the area."

5.6 In consideration first of all of the stated purpose of Policy DEV 2, it is submitted that on no reasonable level can it be justifiably stated that this proposed development will either damage or blight any land uses which are already established in the area which surrounds and abuts with the application site.

5.7 Rather, the proposed development simply proposes the erection of housing within the boundary of the existing settlement boundary of Cousland, adjacent to existing housing, this being wholly in keeping with the established pattern of land use within the village.

5.8 This consideration leads to the conclusion that it is not the principle of the erection of housing on the site that has been found to be objectionable, but rather it is the form of the development itself that has been deemed to be unacceptable. This conclusion is bourn out by the wording of this reason for the refusal of the application.

- 5.9 Consequently, in addressing this reason for the refusal of the application, the consideration which requires to be examined is whether or not it is reasonable and justifiable to state that by virtue of its scale, massing, form and design, the proposed development would be significantly out of character with the edge-of village setting and surrounding area and hence would have a materially detrimental impact on the character and appearance of the area.
- 5.10 To this end it is submitted that within villages such as Cousland, and for that matter within most settlements, larger properties, plotted at lower densities, are often to be found on the outer edges of the settlement, this being reflective of historic patterns of development, which coincide with the outward expansion of settlements from their historic core.
- 5.11 As such, it is not considered to be out of character with the surrounding settlement for larger houses to be proposed for the application site, with it being noted that the existing property at 1 Hadfast Road represents a directly comparable example of a large house being sited on the edge of the settlement.
- 5.12 The nature of the character of any given settlement changes and evolves over time as it accommodates and assimilates new development and it is submitted that the development, which is proposed under this application is reflective of this evolutionary process, with it being further submitted that there are no reasonable or justifiable grounds upon which it can be stated that this development cannot be successfully assimilated into the surrounding built form of the settlement.
- 5.13 It is further submitted that when approaching the village from the west, it is evident first of all that the view of the village is dominated by the scale, bulk and mass of the existing property at 1 Hadfast Road and secondly, that the proposed development would sit behind the existing belt of woodland that forms the northern and western boundary of the application site, the existence of which provides a nature screen and visually defensible boundary to the proposed development.
- 5.14 The effectiveness of this existing tree belt as a screen to the proposed development is demonstrated by the fact that when viewed from the west, the existing property on the site, Airybank House, is barely discernible. As the ridge heights of each of the proposed dwelling houses sites below that of Airybank House, it is submitted that the proposed development will have no adverse impact upon this view of the settlement and hence will have no material or detrimental effect on the character or appearance of the area.

5.15 Turning now to the provisions of Policy STRAT 2, which deals with Windfall housing sites, it is noted first of all that the former Local Plan, within the subtext which supported Policy HOUS 3, advised that:

"At Cousland, land at Airybank House has been included in the settlement envelope. This land could accommodate a development of a maximum of four houses without having a negative impact on the setting of the village, subject to the retention of the peripheral landscaping."

5.16 At paragraph 2.3.5 of the adopted Plan it is advised that:

"windfall developments within the built-up areas (as shown on the Proposals Map) are likely to be acceptable, provided they are not in conflict with other MLDP policies and proposals."

5.17 In commenting on this matter, it is submitted first of all that the erection of the four dwelling houses proposed under this application is wholly in accord with the reasoning, which underpinned the original decision of the Council to include the entirety of the application site within the settlement boundary of the village of Cousland.

5.18 Secondly, and once again in full accord with the requirements which sat along side the decision to include the site within the settlement boundary, the development which is proposed for the site makes full provision for the retention of the existing peripheral landscaping around the boundary of the site, with this existing landscaping being augmented and reinforced by additional planting, as detailed within the landscaping plan which forms an integral part of the application submission.

5.19 It is also worthy to note that the inclusion of the site within the settlement boundary carried with it no express or implied requirement that the existing peripheral landscaping which defines the outer boundaries of the site would require to be augmented by any additional planting in order to facilitate the successful development of the site.

5.20 In view of the foregoing, it is considered that the proposed development of four dwelling houses on the site can be reasonably justified within the context of the reasoning, which underpinned the decision to include this site within the settlement boundary.

5.21 Policy STRAT 2 itself, set out the criteria, A-E, against which proposals for windfall housing will be assessed. In consideration of each of these criteria, the following submissions are made.

A. It does not lead to the loss or damage of valuable public or private open space.

5.22 The application site does not comprise a valuable area of either public or private open space. Rather, it comprises an area of partly developed land within the settlement boundary. Consequently, it is submitted that the proposed development can be fully and reasonably justified against the requirements of this criterion.

B. It does not conflict with the established land use of the area.

5.23 As the proposed development involves new build residential development within the established settlement boundary, adjacent to existing housing, it is submitted that the proposed development will not give rise to any land use conflicts and that accordingly, the proposed development can be fully and reasonably justified against the requirements of this criterion.

C. It has regard to the character of the area in terms of scale, form, design and materials.

5.24 In terms of the scale of the proposed development, it is considered that in light of recent planning permissions that have been granted for new build residential development within the village, the proposed erection of four dwelling houses on the site is wholly acceptable and that it in no way, based upon development density, represents an over development of the site.

5.25 For the avoidance of doubt, it is advised that the development as proposed under this application represents a development density of 4.73 dwelling per hectare (1.9 dwellings per acre), which is significantly lower than the industry average of 25 dwellings per hectare (11 dwellings per acre), with this development density being reflective of the development densities which are to be found within the existing housing which abuts with the application site.

5.26 Whilst it is accepted that the proposed houses are larger than many of the existing houses within the village, this does not in itself justify or reasonably support the suggestion that the scale of the development proposed under the application is unacceptable, this being especially so when due consideration is given to the context of the scale of housing that is established by the adjacent existing dwelling houses at Airybank House and at 1 Hadfast

Road.

- 5.27 In terms of form and design, it is evident that within the wider village, the nature, form and design of the existing housing varies significantly, with there being no predominant dominant architectural style that could be held up as representing a characteristic feature of the existing village that would require to be reflected within any new development.
- 5.28 To this end, the recently approved scheme for the development of thirteen houses at Southfield Road serves to demonstrate that new build housing of a modern design can be accommodated within the village.
- 5.29 Finally, with regards to the proposed external finishes, it is submitted that the proposed materials and palate of colours is in keeping with those used on other recent developments within the village.
- 5.30 Consequently, it is submitted that the proposed development can be fully and reasonably justified against this criterion.

D. It meets traffic and parking requirements.

- 5.31 The Council's Policy and Roads Safety Manager has offered no objection to the proposed development and as such, it is considered that the proposed development can be fully and reasonably justified against this criterion.

E. It accords with other relevant Local Plan policies and proposals, including IMP1, IMP2, DEV3, DEV5 - DEV10

- 5.32 With regards to policies IMP1, IMP2 it is submitted that in the event of it being determined that improvements to any existing services or infrastructure is required in order to support the proposed development, these matters can be suitably addressed via the use of appropriate planning conditions and/or by the use of a suitably framed Section 75 Planning Obligation.
- 5.33 The scale of the proposed development is such that consideration of the merits of the development against the provisions of Policy DEV 3 is not required in this instance.
- 5.34 Policy DEV 5, advises that the Council will expect development proposals to have regard to a defined list of sustainability principles.

- 5.35 When regard is had to the terms of these defined principles, listed at A – I, there is no reasonable basis upon which it could be concluded that the proposed development cannot be fully justified, with it being noted in particular that; the dwelling houses are orientated so as to maximise their potential solar gain (criterion A); the proposed development will give rise to no adverse biodiversity impacts (criterion B); the proposed development makes appropriate provision for the treatment of surface water discharge (criterion C); the proposed development will incorporate those measures detailed within Policies NRG 3 and NRG 4 (criterion D); the proposed development will be provided with appropriate broad band connection (criterion H); and, the proposed development is not subject to any flood risk and will not give rise to an increased risk of flooding beyond the boundary of the application site (criterion I)
- 5.36 Criterion E, F and G are not of direct relevance to the assessment of the proposed development.
- 5.37 Accordingly, it is submitted that the proposed development can be fully and reasonably justified against the provisions of Policy DEV 5.
- 5.38 Policy DEV 6 advises that the Council will require good design and a high quality of architecture, in both the overall layout of development and their constituent parts.
- 5.39 To this end, the policy provides a defined list of criteria (A – N), which will be taken into account during the assessment of development proposals.
- 5.40 Given the nature of the application site and the scale of the proposed development, the majority of the defined criteria are not of direct material relevance to the assessment and determination of the application.
- 5.41 With regards to those criteria which are of relevance to the consideration of the application, it is noted that; due to the narrow and elongated nature of the application site, coupled with the fact that the development makes use of an existing part constructed roadway that exists within the site boundary, there is no viable alternative to the alignment of the roadway which will serve the proposed dwelling houses, which in turn has the effect of dictating to a significant degree the manner in which the proposed dwelling houses can be plotted on the site. Other examples of this general layout approach can be found elsewhere within the village and as such, this feature of the development is not considered to be at odds with the general character of the surrounding area (criterion A); the proposed development makes full provision for the retention of the existing peripheral landscaping

which bounds the site and which comprises an important feature in the surrounding landscape (criterion B); the proposed development makes use of high quality materials in terms of the design and finishes of the proposed dwelling houses (criterion C); adequate spacing is provided for between the proposed dwelling houses to ensure both privacy and amenity (criterion I); appropriate levels of private open space are provided for each of the proposed dwelling houses (criterion K); the road way serving the proposed development will be provided to the relevant Council standard (criterion M); and, adequate provision can be made cycle parking and bin storage facilities (criterion N).

5.42 Accordingly, it is submitted that the proposed development can be fully and reasonably justified against the provisions of Policy DEV 6.

5.43 Policy DEV 7 requires that development proposals be accompanied by a comprehensive scheme of landscaping.

5.44 Given the scale of the development proposed under this application and in light of the fact that all of the land within the boundary of the development site will be included within the curtilage of the individual plots, it is considered that any specific landscaping requirements that the Council may have in respect of this proposed development, which would include specific measures to ensure that the existing landscaping around the boundary of the application site, can be suitably controlled by way of an appropriately worded condition.

5.45 With regards to Policy DEV 8, it is submitted that as the application site is not identified on the Proposals Map as an area of open space, an assessment of the application against this policy is not necessary.

5.46 With regards to Policy DEV 9, it is submitted that having regard to the nature and scale of the proposed development, an assessment of the application against this policy is not necessary.

5.47 With regards to Policy DEV 10, as the proposed development does not involve the redevelopment of an existing outdoor sports facility, an assessment of the application against this policy is not necessary.

5.48 Consequently, it is submitted that the proposed development can be fully and reasonably justified against the requirements of this criterion.

5.49 In view of the matters set out above at paragraphs 5.22 – 5.48, it is respectfully submitted

that the proposed development can be fully and reasonably justified against the provisions of Policy STRAT 2.

2: The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.

- 5.50 As is detailed within the documentation which supports and forms part of this Review submission, the application was supported by a number of documents which relate directly to the matter of the potential impact of the proposed development upon those existing trees which bound onto the application site on its northern and western sides.
- 5.51 These documents take the form of: an Arboricultural Survey; and, an Arboricultural Method Statement.
- 5.52 When taken and read together, these reports clearly support our submission that the proposed development of this site will have no demonstrable or adverse impact upon the integrity or well being of the existing tree belts, which bound onto the site.
- 5.53 Paragraph 5.1.31 of the Plan advises, amongst other things, that: *"Where a proposal may impact upon trees or hedges, the applicant must undertake a tree survey to inform proper consideration of the proposal."*
- 5.54 The submission of the documentation referred to above at paragraph 5.51 (see Review Documents 4 and 5), meets in full this requirement and demonstrates that in the absence of any adverse impact on the existing tree belts, the proposed development can be fully and reasonably justified against the provisions of Policy ENV 11.
- 5.55 Policy ENV 7 of the Plan advises, amongst other things that development will not be permitted where it may have an adverse effect on local landscape character.
- 5.56 Implicit within the original development plan decision to include the full extent of the application site within the settlement boundary of Cousland is the fact that the existing tree belt which runs around the northern and western boundaries of the site comprises both a recognisable landscape feature and also, importantly, a means of delineating the new outer limit and defensible boundary on this side of the settlement.

- 5.57 As is noted earlier within this Statement, in making this adjustment to the settlement boundary, the former Local Plan made clear that subject to the retention of this tree belt, the site would be capable of accommodating development, with no requirement, either explicit or implied, that this tree belt would require to be strengthened in any way.
- 5.58 The two documents which are referred to at paragraph 5.51 above provide a full and detailed assessment of the potential impact of the proposed development upon this existing tree belt and demonstrates that the proposed development will give rise to no adverse impacts upon said tree belt.
- 5.59 Consequently, it is submitted that the Council's contention that the development will impact upon this tree belt is wholly without foundation and cannot be reasonably supported.
- 5.60 The nature of this existing tree belt is such that it provides for a high degree of natural screening and containment for the proposed development and in so doing ensures that the development can be successfully assimilated into the surrounding area in a manner that does not give rise to any adverse impact on the character and appearance of the local landscape.
- 5.61 This being the case, it is our respectful submission that the proposed development can be fully and reasonably justified against the provisions of Policy ENV 7.
- 5.62 Our submissions in respect of Policies DEV 2 and STRAT 2 are set out above at paragraphs 5.5 – 5.49.

3: The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policies DEV2 of the adopted Midlothian Local Development Plan.

- 5.63 As is noted above at paragraph 5.25, the development as proposed under this application represents a development density of 4.73 dwelling per hectare (1.9 dwellings per acre), which is significantly lower than the industry average of 25 dwellings per hectare (11 dwellings per acre), with this development density being reflective of the development densities which are to be found within the existing housing which abuts with the application site.
- 5.64 Based upon these density considerations, it is submitted that on no reasonable measure could it be justifiably stated that the proposed development represents an over

development of the application site, rather, the development density of the proposed development reflects and is respectful of the plot densities of those existing residential properties which abut directly with the application site.

4: On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the adopted Midlothian Local Development Plan.

- 5.65 When consideration is given to the entirety of the advice, which is set out within both "Designing Streets" and "Creating Places", it is clear that said advice cannot be applied slavishly to all sites and development scenarios.
- 5.66 Rather, in seeking to apply this guidance/advice, due regard, of necessity, must be had to the specific characteristics of the site which will pay host to the development, this being necessary in order to ensure the reasonableness of seeking to apply any or all of the guidance.
- 5.67 When due regard is had to the nature of the application site, which is characterised by its long, narrow elongated shape, which can only be access from it's eastern end and which cannot be connected to the surrounding area at any point other than at it's eastern end, it is clear that many of the design principles which are set out within this guidance/advice cannot be readily or reasonably applied to the site.
- 5.68 In this instance, the design approach to the development of the site, in terms of the internal road pattern and resulting street scape represents the only realistic and feasible means by which the development of the site can be brought forward for the strictly limited scale of development which the development plan (with reference to the provisions of the former local plan) envisages for the site.
- 5.69 Had the Council been prepared to countenance the prospect of a greater number of units being developed on the site (which they are self evidently not prepared to do), it may well have been possible to design a development layout that addressed more of the designing street principles.
- 5.70 Accordingly, it is submitted that as the ability to design any alternative development layout

is significantly constrained by the artificially low development capacity that the Council has placed against the site, it is consequently wholly untenable and unreasonable for the Council to seek to oppose the development layout given that it (the development layout) is in effect a direct product of the capacity that they have placed against the site.

- 5.71 Our submissions in respect of Policies DEV 2 and ENV 7 are set out above at paragraphs 5.5 – 5.14 and 5.55 – 5.61 respectively.

5: The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies DEV2 of the adopted Midlothian Local Development Plan.

- 5.72 In the first instance, it is submitted that within the terms of the Appointed Persons delegated report on this application, it has been incorrectly stated that the rear elevation of the dwelling house proposed for plot 4 would lie at a distance of only 9 metres from the mutual boundary between this plot and the existing property at 1 Hadfast Road.

- 5.73 For the avoidance of doubt, the elevation in question is in fact one of the side elevations of the proposed dwelling house, with the rear elevation lying at a distance of over 17 metres from its mutual boundary with the existing properties to the east side of the site.

- 5.74 On this basis, and in light of the fact that the issue of overlooking, in the sense that the Council have sought to apply in this case, can only reasonably be applied to directly opposing rear elevations/rear gardens, it is submitted that by proper application of the Council's "privacy standard", the proposed development will not result in any overlooking or loss of amenity to the private rear garden of the property at 1 Hadfast Road.

6: It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.

- 5.75 The application submission, as originally lodged with and validated by the Council, was supported by a Bat Survey, which was undertaken during August 2015.

- 5.76 Under cover of an e-mail dated 9th September 2017, the case officer advised that:

"I have received comments from the Council's Biodiversity Officer about the bat report submitted with this application, who flags up that no desktop survey was submitted with the bat report. Please arrange for an updated bat report to be submitted including a

desktop survey within seven days of the date of this email, which I will pass onto the Biodiversity Officer for comment."

5.77 By e-mail dated 8th September 2017, the case officer was provided with details of the timescales associated with preparation of the requested desktop survey and associated field work, with a further update on these timescales being provided by e-mail dated 12th September 2017.

5.78 The requested desktop survey and updated bat survey report were submitted to the Council under cover of e-mail dated 6th October 2017.

5.79 Confirmation of the safe receipt of this additional information was received from the case officer under cover of e-mail dated 9th October 2017, with said e-mail also advising that the information would be passed to the Council's bio-diversity consultant for comment.

5.80 Since the issue of this e-mail of 9th October 2017, no further contact of any kind has been made by the case officer on the issue of the additional bat related information.

5.81 By way of a brief summary of its findings, this additional survey report concludes that:

"The surveys confirmed the continued use of the bat roost used by a single Soprano Pipistrelle. Roosts of this size and of a non-breeding status are not considered of significant conservation status, and in fact SNH Species Licensing Team does not class a roost of even up to 50 Soprano Pipistrelles for example to be highly significant due to the common occurrence of such roosts throughout Scotland. The roost at this site is therefore not considered a significant constraint for redevelopment of this Site."

5.82 It is our respectful submission that the terms of the updated bat survey report provide verifiable evidence that the presence of a single bat within the vicinity of the development site does not present a significant constraint in terms of the proposed development of the site.

5.83 If the Council is in the possession of any evidence that would suggest that this is not the case, it is considered to be a matter of professional discourtesy that this evidence was not passed onto the applicant for further comment/rebuttal.

5.84 In light of the foregoing, it is our submission that the proposed development can be fully and reasonably justified against the provisions of Policy ENV 15.

6.0 SUMMARY

- 6.1 It is my respectful submission that the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that when assessed against the terms of the relevant provisions of the adopted Local Development Plan, the proposed development can be fully and reasonably justified.
- 6.3 **Taking into account all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 17/00649/DPP.**

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 17/00649/DPP

Site Address: Airybank, Quarrybank, Cousland.

Site Description: The application site comprises part of an area of ground within the curtilage of Airybank House, located at the northwest edge of Cousland. The site covers a large section of the garden ground, excluding a central area opposite Airybank House measuring approximately 3000 square metres. The site includes a row of mature trees to the west and north. There is a small woodland at the north eastern side of the application site, adjacent to the vehicular access. There is one access to the site, taken from Cousland Kilns Road. The site slopes down to the north and is visible from the public roads to the north and west. The site is a former quarry and landfill.

Proposed Development: Erection of 4 dwellinghouses.

Proposed Development Details: Four detached dwellings are proposed in a cul-de-sac arrangement along an existing access road. Plot one will be located by the vehicular entrance, with the other plots at the end of the access road to the southwest of the site. Airybank House is to the other side of the access track, a large two storey, with accommodation in the roofspace, detached dwelling finished with natural slate roof, wet dash render and natural stone walls.

Two house types are proposed. Plots 2, 3 and 4 are house type X, which has two storeys of accommodation with the upper floor contained within the roofspace and contains a lounge, dining/kitchen area and four bedrooms. These will have detached double garages with pitched roofs. Plot 1 will be house type Y which has two storeys of accommodation containing two lounge areas, kitchen/dining/family room, dining hall, four bedrooms and an integral garage.

All houses and garages are to be finished with grey concrete roof tiles, white render, cedar timber boarding and smooth ashlar stone walls and dark grey UPVC windows.

Fencing is proposed within and around the site, either 1.2 or 1.8 metres high. No details of appearance or materials are submitted. A landscape buffer is to be retained to the boundaries and around plot 1. A footpath between plots 2 and 3 will provide access to the land to the west.

The applicant's agent has submitted a planning statement supporting the proposal.

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

15/00952/DPP Erection of eight dwellinghouses. Refused – scale, massing, form and design out of character with edge of village setting, have a materially detrimental

impact on area contrary to RP20 and HOUS3; massing, form, impact on trees and lack of planting would have a significant adverse impact on area contrary to RP5, RP7, RP20 and HOUS3; the scale and layout is a low quality and unimaginative urban design solution at odds with the area contrary to Designing Streets and Creating Places and RP7 and RP20; and there would be overlooking and loss of amenity to neighbouring property contrary to RP20 and DP2. Upheld at LRB.

08/00694/FUL Erection of four dwellinghouses. Withdrawn – this was minded to be approved subject to s75 legal agreement. Agreement never signed.

05/00663/FUL Erection of 4 dwellinghouses. Withdrawn.

05/00588/FUL Change of use from domestic outbuilding to form granny flat. Consent with conditions, including that the flat be occupied by a family member or occasional visitors.

03/00650/FUL Demolition of existing building and erection of dwellinghouse and detached garage. Consent with conditions.

01/00589/FUL Proposed landfill of former quarry. Consent with conditions.

Consultations:

The **Policy and Road Safety Manager** has no objection provided conditions be attached to any permission relating to visitor parking requirements, the provision of a pedestrian crossing point, details of surface water drainage system and street lighting. They also confirm the access road would not be adopted by the Council and so provision should be made for an area to uplift bin and recycling collections.

The Council's **Biodiversity Consultant** raises some concern over the submitted protected species information.

The Council's **Education Resource Manager** has stated that the development will result in additional pressure on Primary and Secondary denominational schools and the Secondary non-denominational school.

The Council's **Environmental Health Manager** has no objections provided conditions be attached to any permission relating to ground contamination and remediation works and hours of construction.

The Council's **Archaeological Consultant** has no comments further to considering additional information submitted by the applicant.

The **Coal Authority** has no objection further to considering the submitted information submitted by the applicant.

Representations: Nine letters of objection have been received on the following grounds:

- The style, form, scale and design of the proposed dwellings and the density of layout of the proposed development does not reflect the character of the area;
- The proposed development is significantly out of character with it's surroundings;
- The proposed houses are close to existing houses and will have a detrimental impact on privacy, which was a reason for refusing the previous application;
- Potential overlooking and overshadowing to existing properties;

- Loss of views;
- The proposed houses are disproportionately large for the application site;
- The proposed development would have a detrimental impact on road and pedestrian safety;
- Degradation of rural community of Cousland with limited infrastructure improvements;
- The proposed development would impact on already stretched amenities;
- Potential risk to trees and lack of screening between properties;
- Potential loss of wildlife (including protected species) and flora;
- Risk of damage to surrounding properties;
- Impact of development on ground stability, including land surrounding the site, given known legacy underground mining operations;
- The proposal is similar to that which was previously refused and has not addressed the previous reasons for refusal, therefore it remains contrary to policies RP20, HOUS3, RP5, RP7 AND DP2;
- The layout appears to be the first stage in development at the site, to provide a development similar to that proposed in 15/00952/DPP;
- There was limited contact between the applicant and the local residents; and
- Noise and disruption from construction activities will adversely impact on neighbouring properties.

Some representors are not opposed to the development of the site, but feel this should comprise single storey houses with accommodation in the roofspace positioned in the central area outwith the current application site, as this will address overlooking and privacy concerns and be more appropriate in the surrounding area.

The applicant's agent has responded to these comments. One objector has responded to the agent's comments on the grounds of the ownership of the site.

Relevant Planning Policies:

The Scottish Government's policy documents on 'Designing Streets' and 'Creating Places' are relevant and set out the government's commitment to good quality places.

The relevant policies of the **2017 Midlothian Local Development Plan** are; **STRAT2 Windfall Housing Sites** states residential development within the built-up area will be permitted should it:

- Not lead to the loss or damage of valuable public or private open space;
- Not conflict with the established land use of the area;
- Have regard to the character of the area in terms of scale, form, design and materials;
- Meet traffic and parking requirements; and,
- Accords with other relevant local plan policies and proposals;

DEV2 Protecting Amenity within the Built Up Area seeks to ensure that development will not have an adverse impact on the character or amenity of an area;

DEV6 Layout and Design of New Development sets out the design standards expected to be complied with in terms of residential developments in order to achieve good quality design and layout in schemes;

DEV7 Landscaping in New Development provides details on appropriate landscaping within new development sites;

ENV7 Landscape Character states that development will not be permitted where it may adversely affect the quality of the local landscape;

ENV11 Woodland, Trees and Hedges states that development will not be permitted where it may significantly and adversely affect the local landscape character;

ENV15 Species and Habitat Protection and Enhancement states that development that would affect a species protected by European or UK law will not be permitted unless: there is an overriding public need and there is no satisfactory alternative; a species protection plan has been submitted, which is based on survey results and includes details of the status of protected species on site and possible adverse impact of development; suitable mitigation is proposed and agreed; and the development is not detrimental to the maintenance of European protected species at a favourable conservation status;

NRG3 Energy Use and Low & Zero-Carbon Generating Technology requires each new building shall incorporate low and/or zero-carbon generating technology projected to contribute an extra percentage reduction in greenhouse gas emissions beyond the emissions standard to which the building is subject under the Building Regulations; and

IMP1 New Development and IMP2 Essential Infrastructure Required to Enable New Development to Take Place seek infrastructure improvements where required

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.

The 2008 Midlothian Local Plan brought the application site within the built-up area of Cousland. In general, residential development in an inherently residential area is usually considered to be acceptable in principle. The development of the application site for residential purposes in this case is acceptable. Therefore, it is necessary to consider the detailed aspects of the proposed development.

The previously adopted 2008 Local Plan, while bringing the site within the village envelope of Cousland, contained a statement which indicated that the site at Airybank could accommodate a development of a maximum of four houses without having a negative impact on the setting of the village. The site at Airybank was envisaged as the total area to the north and west of the existing house, rather than the submitted application site. The inference from this is that a development of over four dwellinghouses would likely have a negative impact on the character and appearance of the area. Given the requirements of other Local Plan policies, which seek development in keeping with the character of the area, it is considered that an acceptable development would comprise four dwellings, generally of a scale and character commensurate with those in the surrounding area. This position was supported in the refusal and subsequent dismissal of a review of application 15/00952/DPP for eight houses at the site.

Cousland is a small village where the overwhelming majority of dwellings have either one storey of accommodation or a second storey of accommodation within the roofspace, even within the more recent residential developments. The character of Cousland is, therefore, one of smaller dwellings, bungalows and cottages. As a result of the buildings having relatively low ridge heights, the topography of the land

and the strong landscaped boundaries around the village the settlement is not readily visible from outwith.

The applicant proposes four very large dwellings within only part of the site designated as suitable for four houses. Three of these houses, whilst large, provide a second storey of accommodation within the roofspace, with the remaining house providing two full storeys of accommodation. All proposed houses are large in terms of their height, bulk and massing, at odds with the character of the surrounding area and scale of other buildings in Cousland. The applicant states that the proposed dwellings are viewed in the context alongside Airybank House, a very large house on the adjoining site and the largest house in Cousland. However, Airybank House is a clear exception to the overriding character of the area.

In 2008 the Planning Authority was minded to support a scheme for four large houses in this area which was never approved. Although the houses were larger than those currently proposed, the previous scheme was for a larger site than currently proposed which provided opportunity for landscape planting in the spaces between the houses and along the edges of the development. This would have softened the development into the landscape and made it appear less dense when viewed from outwith the site, as well as being over a larger area. The character of area is of a small village site with sparse edge planting. It would be appropriate to have only a low density proposal which safeguards and enhances the existing tree planting. This would sit the new development into the landscape.

The current application site and layout does not match the 2008 application, with the area for plots 2, 3 and 4 measuring approximately 1700 square metres smaller in the current proposal. It was previously considered acceptable that three houses could be accommodated within this larger site as it offered more opportunity for landscaping which would make the development appropriate and in keeping with the surrounding area and location adjacent to the countryside.

The current proposal is much more constrained with almost no opportunity for landscaping between the houses or along the edge of the site, as well as being a smaller site with large houses. This results in a density which is too great for the site. The arrangement of plots 2, 3 and 4 results in a constrained layout which does not appear to reflect the character of the surrounding area, the edge of the surrounding village, or leave adequate room to accommodate the required landscaping.

The case officer contacted the agent to state that a number of reasons for refusing the previous application remained due to the layout of plots 2, 3 and 4 and recommended that the site plan be altered to match the 2008 application as this would address a number of these concerns. The applicant did alter the layout but did not increase the site to match the previous application and so these concerns remain.

The proposed development appears to be an overdevelopment of the site, maximising the amount of physical development/footprint at the expense of the landscape setting of the site and the character of the village of Cousland.

The applicant has not taken account of the requirement for a 30m tree buffer along the boundary of the site where it abuts the countryside, as identified in policy DP2 of the Local Plan. The tree belt in the site is as narrow as 5m in some places. A layout where there is more space between the house plots, and therefore more opportunity for planting, would reduce the requirement for the 30m landscape buffer. The Planning Authority's position is that the whole area to the north and west of Airybank House is suitable for four dwellings, not restricted to the application site, as this figure takes into account the need for a landscape buffer and the character of the surrounding area. The applicant has failed to demonstrate that the proposal will not have an unacceptable impact on the character and appearance of the area.

In addition to the very narrow landscape strip and lack of additional planting, the proposed development will put existing trees at risk. Any tree within falling distance of the houses will put the tree under pressure of felling in the long term. The proposed change in levels around plot 1 would also likely impact on Root Protection Areas, putting trees at additional risk.

The existing woodland belt along the western, northern and eastern boundaries of the site provides a good and robust landscape separation between Cousland and the wider countryside. It is paramount that this woodland edge is retained, protected and augmented. Without this the application site, and part of Cousland, will be exposed visually and to the prevailing winds.

The proposed garden sizes are generous. However, the applicant can afford to be generous in this respect due to no account being taken of the requirement for a landscape buffer. Due to the orientation, positioning and scale of the proposed dwellings the private rear gardens of plots 2 and 3 will be in shade for much of the afternoon.

The proposed development, as a result of the impact on existing landscaping, lack of additional planting and scale and layout of proposed dwellings would be visible from out with the site and would significantly degrade the character of this semi-rural edge-of-village area.

The applicant claims that the proposal represents a high quality scheme of a type comparable to the successful residential development at Loanhead Farm Steading (Mavisbank), Loanhead. While similar to some houses at the Loanhead scheme, the layout is not as successful. The proposal does not represent a high quality contemporary scheme, neither is it of a design appropriate to the local vernacular. In addition, the proposed palette of materials does not add quality to the design. The proposed layout lacks interest with a garage located to the front of the house at plot 2. Overall, the standard of urban design does not provide sufficient justification for approval of the scheme. The development does not consider place before movement. The use of an unimaginative cul-de-sac arrangement does not accord with the principles set out in the Scottish Government policy document on 'Designing Streets'.

Despite many of the proposed dwellings being set within large plots there is an issue of overlooking from plot 4. The rear elevation of the house is only 9m from the adjacent boundary, within the required 12.5m, and would result in overlooking of the

neighbour's garden. It would be difficult to re-site the house given the presence of a mature tree located to the north east, to be retained, or without resulting in additional overlooking to other properties and gardens bounding this plot. In addition, the house on plot 4 will cause overshadowing during mornings to plot 3. However, the overshadowing would not be sufficiently adverse so as to merit refusal on this issue alone.

The Policy and Road Safety Manager has not objected, considering that the proposed development will not have a significant adverse impact on highway safety in the area. However he has indicated that there are insufficient visitor parking spaces proposed within the layout. In addition, he requests that should planning permission be granted the applicant be asked to provide a pedestrian crossing point over Cousland Kilns Road to the existing footway network in Beech Grove and that details of the proposed SUDs scheme and street lighting be submitted for approval. Depending on its location, there is some potential that a SUDs scheme may further jeopardise the established trees on the site.

As a gated access, the internal road would not be adopted by the Council. All bin and recycling uplifts would require to be from the kerbside on Cousland Kilns Road. This would require an area of hardstanding to accommodate bins and recycling boxes, which could result in the loss of some of the important landscaping along the roadside boundary of the site, to the detriment of the visual amenity of the area.

The Coal Authority has stated that it "considers that the content and conclusions of the Phase I/II Geo-Environmental and Geotechnical Interpretive Report are broadly sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development". Given that the Coal Authority are satisfied regarding the ground stability issues it is considered unlikely that the development could detrimentally impact on surrounding properties.

A bat roost has been identified on the application site. Bats are a European Protected Species and it is an offence to cause them, or their roosts, harm. A consultee stated that the submitted bat survey did not have complete up to date information on protected species, therefore it is not clear if these would be adversely affected by the proposed development.

Should planning permission be granted, an amended site plan should be submitted to show all tree protection fencing to include a 30 metre standoff from the roost.

The lack of infrastructure within Cousland would be partially addressed through developer contributions should permission be approved. When approving residential developments the Planning Authority requires developers to ensure that the development is capable of being served by broadband in the future. Should Cousland's population grow there may be greater commercial interest in improving local services, such as broadband.

A number of representors noted that the site boundary excludes a central area within the larger site. This larger site was the area identified in the 2008 Local Plan as being suitable for four houses and formed the application site for eight houses which was previously refused by delegated decision and the Local Review Body. The

current application is for four houses on only part of this wider site. The agent has stated that the applicant does not own the area outwith the application site, however drawing number (PL)103C identifies this land and the house at Airybank as being under the control of the applicant.

The following section addresses representors' comments not addressed above. The fact that there was limited contact between the applicant and local residents is not a material planning consideration, nor is the loss of views as a result of development. Noise and disruption from the construction of the development is not a material planning consideration for this proposal.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00649/DPP

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Midlothian Council, as Planning Authority, having considered the application by Midlothian Developments, 26 Forth Street, Edinburgh, EH1 3LH, which was registered on 15 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 4 dwellinghouses at Airybank, Quarrybank, Cousland, Dalkeith, EH22 2NT

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	(PL)00 1:1250	15.08.2017
Site Plan	(PL)102C 1:250	15.08.2017
Site Plan	(PL)103C 1:250	28.09.2017
Proposed Floor Plan	(X)BW01B 1:100	15.08.2017
Proposed Floor Plan	(X)BW03B 1:100	15.08.2017
Proposed Floor Plan	(Y)BW01B 1:100	15.08.2017
Proposed Floor Plan	(Y)BW02B 1:100	15.08.2017
Proposed Elevations	(X)BW01B 1:100	15.08.2017
Proposed Elevations	(X)BW04B 1:100	15.08.2017
Proposed Elevations	(Y)BW04B 1:100	15.08.2017
Proposed Elevations	(Y)BW03B 1:100	15.08.2017
Proposed Cross Section	(Y)BW05B 1:100	15.08.2017
Elevations, Floor Plan And Cross Section	(G)101A 1:100	15.08.2017
Proposed Cross Section	(S)01C 1:200	15.08.2017
Planning Statement		15.08.2017
Planning Statement		15.09.2017

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

- The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.*
- The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which*

is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.

3. *The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
4. *On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the adopted Midlothian Local Development Plan.*
5. *The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
6. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.*

Dated 13 / 11 / 2017



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

Schedule

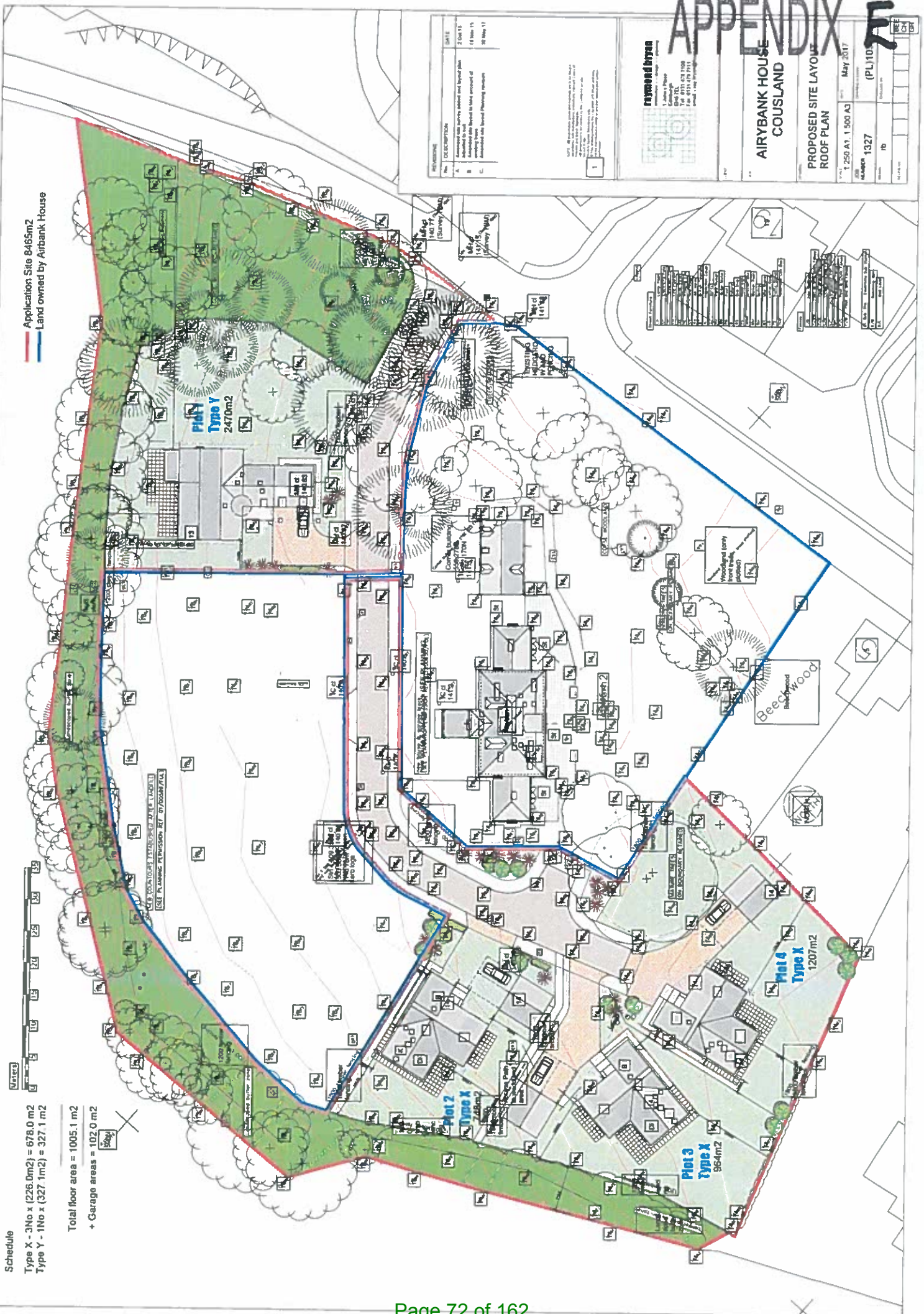
Type X - 3No x (226.0m²) = 678.0 m²
 Type Y - 1No x (327.1m²) = 327.1 m²

Total floor area = 1005.1 m²

+ Garage areas = 102.0 m²



Application Site 8465m²
 Land owned by Airbank House

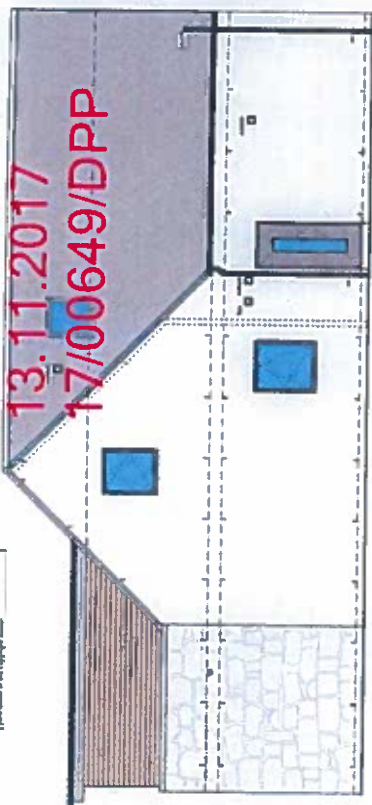


REFUSED

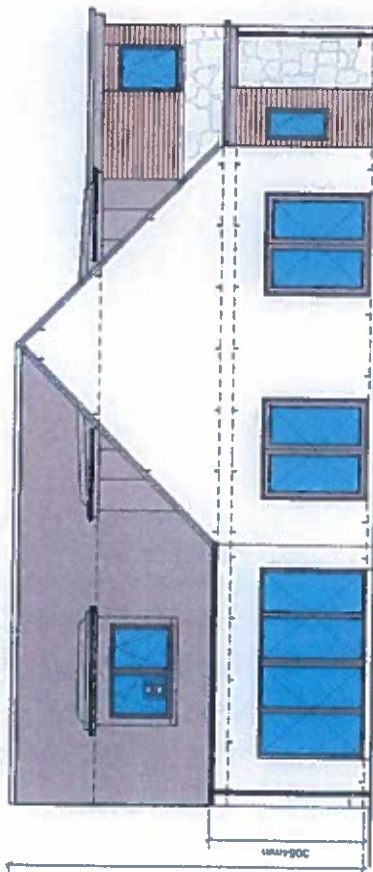
13.11.2017

17/00649/DPP

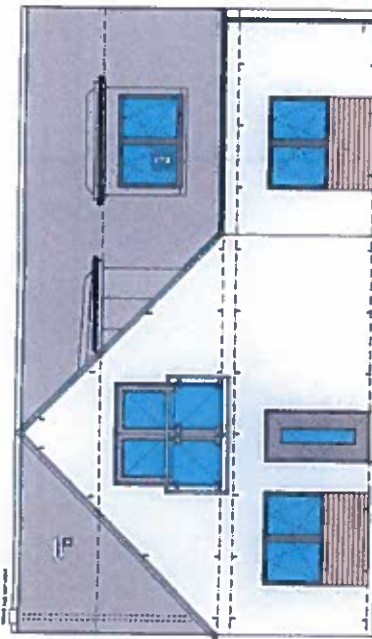
These drawings have been prepared for the use of the client and are not to be used for any other purpose without the written consent of the architect.



Gable Elevation



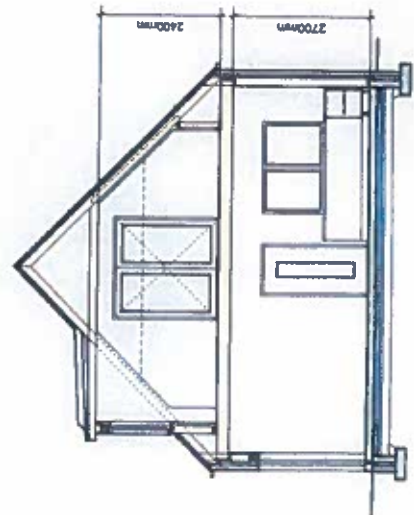
Gable Elevation



Rear Elevation



Front Elevation



SECTION AA



First Floor - 130.0m²
Ground Floor - 96.0m²
Total = 226.0m²
Detached double garage - 33.5m²

House Type X

REVISIONS		DATE
NO.	DESCRIPTION	DATE
1	ISSUED FOR TENDER	15 AUG 2017
2	ISSUED FOR TENDER	15 AUG 2017

ELECTRICAL KEY

- 1. 100A/3
- 2. 100A/3
- 3. 100A/3
- 4. 100A/3
- 5. 100A/3
- 6. 100A/3
- 7. 100A/3
- 8. 100A/3
- 9. 100A/3
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CORPORATE RESOURCES

FILE: 17/00649/DPP

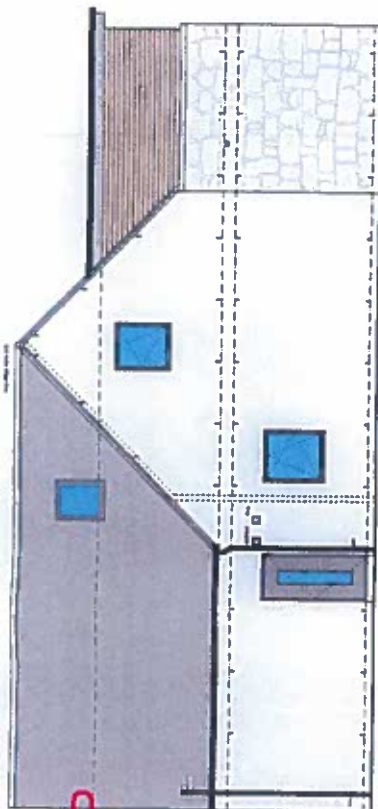
RECEIVED: 15 AUG 2017

AIRYBANK HOUSE
COUSLAND

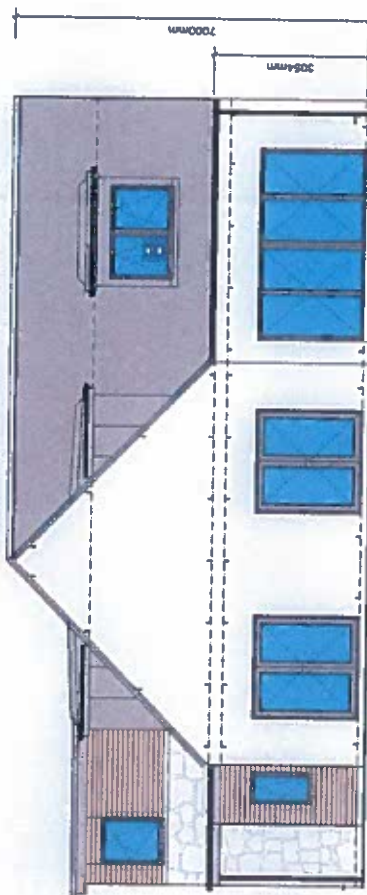
PROPOSED HOUSE TYPE X
ELEVATIONS

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DATE	15/08/17	DATE	15/08/17
NO.	1327	NO.	(X)BW01

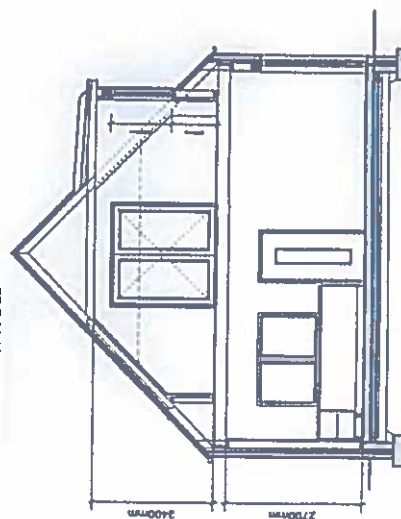
17/00649/DPP



Cable Elevation



Cable Elevation



SECTION AA

ROOF: INTERLOCKING CONCRETE TILES - CHANDOL GREY
 WALLS: SELF COLOURED WHITE RENDER
 CLADDING: CEDAR TIMBER BOARDING
 WINDOWS: DARK GREY UPVC
 STONE FEATURES: SMOOTH ASHLAR & BLUFF

First Floor - 130.0m²
Ground Floor - 96.0m²
Total = 226.0m²
Detached double garage - 33.5m²

House Type X
(Handed)

REVISIONS		DATE	BY	CHK'D
A.	REWORKED			
B.	REWORKED			

ELECTRICAL KEY

- 1. 15 amp standard outlet
- 2. 20 amp standard outlet
- 3. 30 amp standard outlet
- 4. 40 amp standard outlet
- 5. 50 amp standard outlet
- 6. 60 amp standard outlet
- 7. 70 amp standard outlet
- 8. 80 amp standard outlet
- 9. 90 amp standard outlet
- 10. 100 amp standard outlet
- 11. 120 amp standard outlet
- 12. 150 amp standard outlet
- 13. 200 amp standard outlet
- 14. 250 amp standard outlet
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- 19. 500 amp standard outlet
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- 108. 1000000000 amp standard outlet
- 109. 1200000000 amp standard outlet
- 110. 150000000

REFUSED
13.11.2017
17/00649/DPP



First Floor - 130.0m²
Ground Floor - 96.0m²
Total = 226.0m²
Detached double garage - 33.5m²

House Type X
226m2

others. All participants found each following set to be liked or disliked, and the results were consistent across the two groups. Participants also found the pictures pleasant and unpleasant.

These findings are consistent with the work by the researchers at the University of Toronto.

It is important to note that the researchers only found that the pictures were liked or disliked, and not that they were liked or disliked by the researchers. It is possible that the researchers' own preferences influenced the results.

It is also possible that the researchers' own preferences influenced the results. It is possible that the researchers' own preferences influenced the results.

CORPORATE RESOURCES		FILE: 1700644 DY	
REVIEWED	15 AUG 2017		
AIRYBANK HOUSE COUSLAND			
PROPOSED HOUSE TYPE X LAYOUT PLANS			
DATE	1:100DAJ	DATE	SEPT 2015
NO. OF SHEETS	1327	ISSUED FOR	(X)/BW01
REVISED	172	ISSUED BY	
APPROVED	A	BY	

Page 76 of 162



House Type X

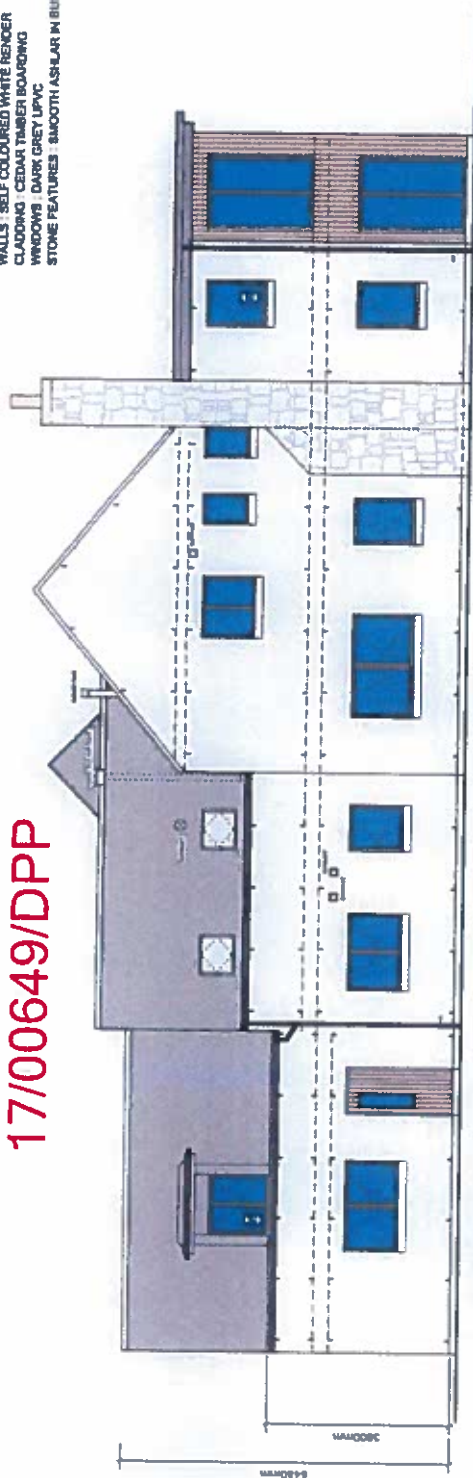
First Floor - 130.0m²
Ground Floor - 96.0m²
Total = 226.0m²
Detached double garage - 33.5m²

RECEIVED	15 AUG 2017	17 00649 PM	CORPORATE RESOURCES
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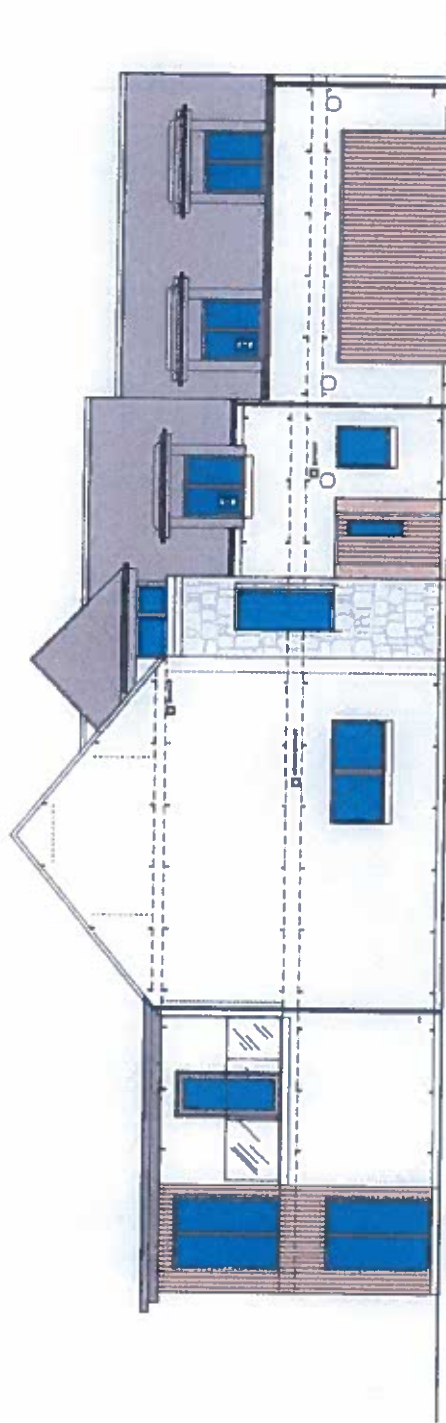
REFUSED
13.11.2017
17/00649/DPP

This report has been prepared for the use of the client and is not to be used for any other purpose. It is the responsibility of the client to ensure that the information provided is accurate and complete. The client is advised to seek professional advice before making any decisions based on this report.

FINISHES
ROOF: INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS: SELF COLOURED WHITE RENDER
CLADDING: CEDAR TIMBER BOARDS
WINDOWS: DARK GREY UPVC
STONE FEATURES: SMOOTH ASHLAR IN BUFF



East Elevation



West Elevation



Ground Floor - 172.6m²
First Floor - 154.7m²
Total = 327.3m²
Garage = 35.3m²

House Type Y

REV	DESCRIPTION	DATE
A	ISSUE FOR TENDERS	FEB 16
B	REVISIONS	DEC 16

NOTE: ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED. DIMENSIONS TO FACE ARE TO BE USED FOR THE PURPOSES OF THIS DRAWING. DIMENSIONS TO FACE ARE TO BE USED FOR THE PURPOSES OF THIS DRAWING. DIMENSIONS TO FACE ARE TO BE USED FOR THE PURPOSES OF THIS DRAWING.

CORPORATE RESOURCES
FILE: 17/00649/DPP
RECEIVED 15 AUG 2017

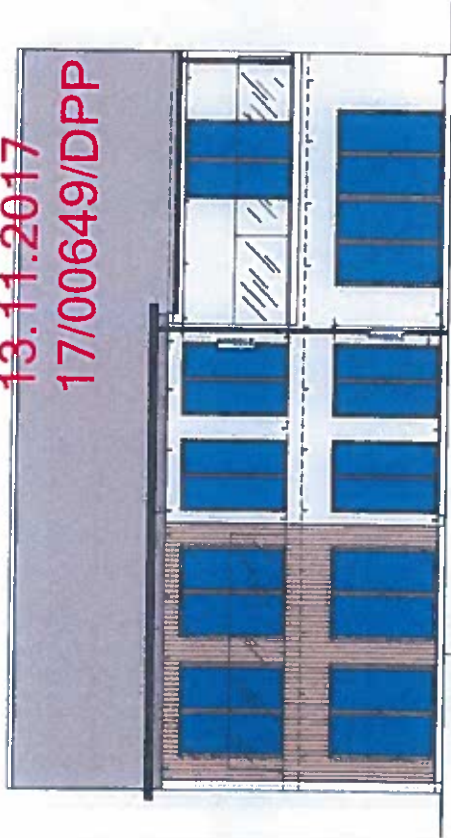
AIRYBANK HOUSE
COUSLAND

HOUSE TYPE Y
ELEVATIONS

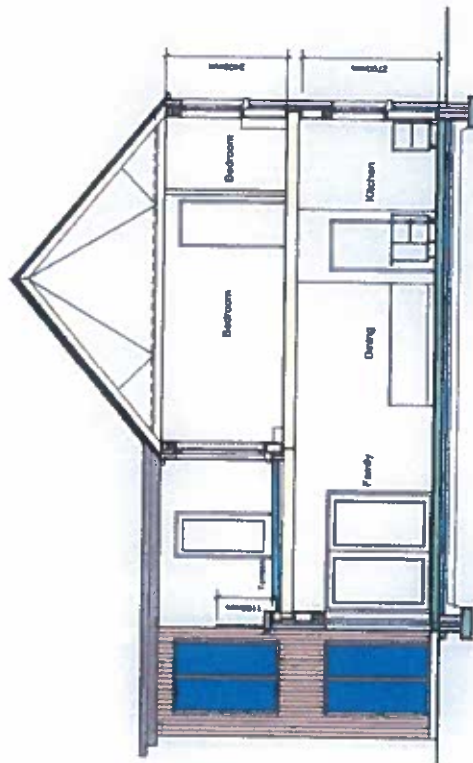
Rev A	1:1000000	Sept 2015
Rev B	1327	(Y)B003
Rev C		
Rev D		
Rev E		
Rev F		
Rev G		
Rev H		
Rev I		
Rev J		
Rev K		
Rev L		
Rev M		
Rev N		
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Rev U		
Rev V		
Rev W		
Rev X		
Rev Y		
Rev Z		



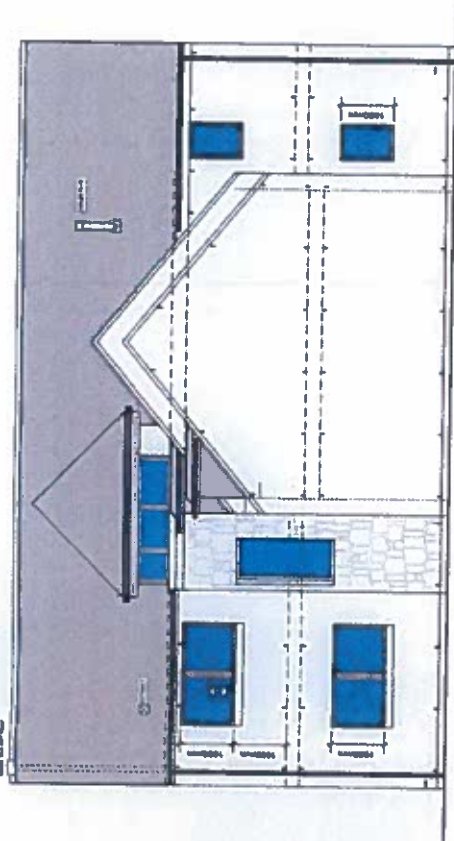
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13.11.2017
17/00649/DPP



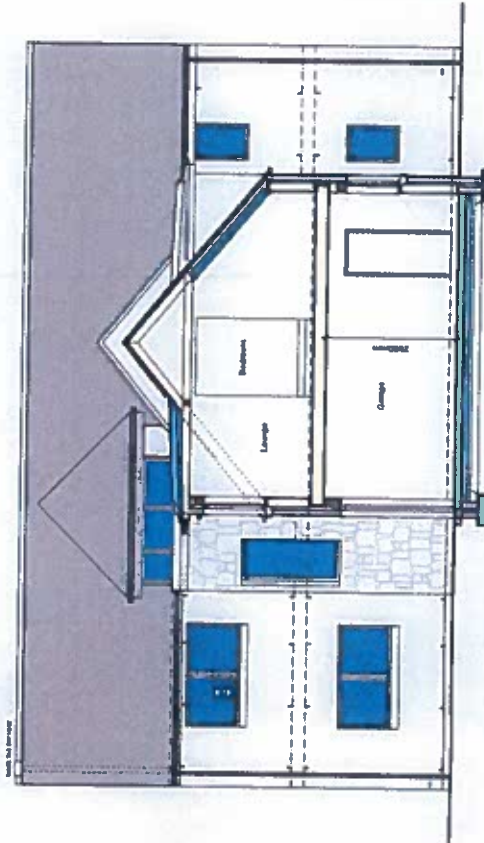
North Elevation



Section BB



South Elevation



South Section Elevation CC

FINISHES

ROOF : INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS : SELF COLOURED WHITE RENDER
CLADDING : CEDAR TIMBER BOARDING
WINDOWS : DARK GREY UPVC
STONE FEATURES : SMOOTH ASHLAR IN BUFT

Ground Floor - 172.6m²
First Floor - 154.7m²
Total = 327.3m²
Garage = 35.3m²



House Type Y

REVISIONS		DATE
NO.	DESCRIPTION	
A	ISSUED FOR TENDERS	FEB 16
B	ISSUED FOR TENDERS	DEC 16

NOTE: ALL DIMENSIONS SHOWN ARE APPROXIMATE AND TO BE USED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

CORPORATE RESOURCE
FILE: 17/00649/DPP
RECEIVED 15 AUG 2017

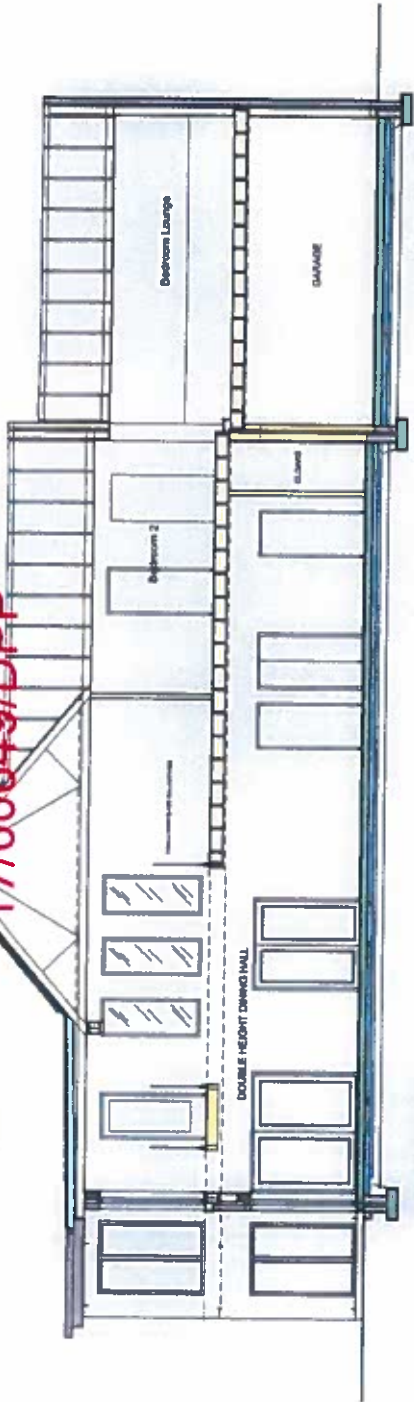
AIRYBANK-HOUSE
COUSLAND

HOUSE TYPE Y
ELEVATIONS & SECTIONS

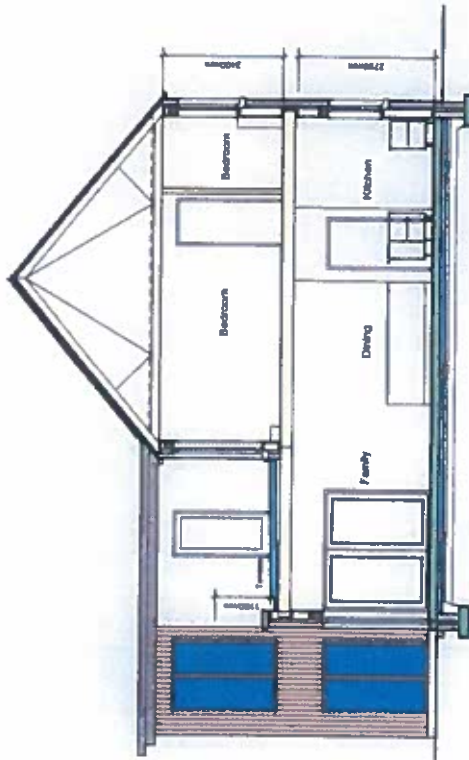
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PROJECT NO.	1327	PROJECT NAME	(Y)BW04
PROJECT NO.	1327	PROJECT NAME	(Y)BW04
PROJECT NO.	1327	PROJECT NAME	(Y)BW04

REFUSED
13/11/2017
17/00649/DPP

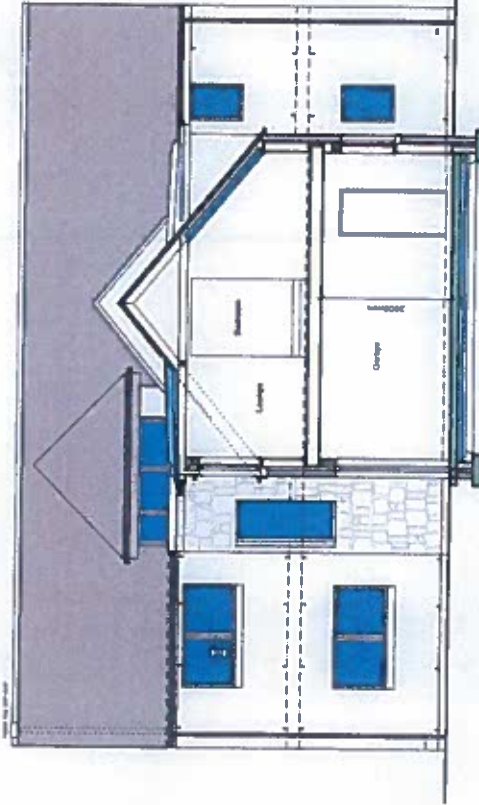
THIS PLAN HAS BEEN PREPARED BY A MEMBER OF THE INSTITUTE OF ARCHITECTS AND IS A PROFESSIONAL DESIGN. IT IS THE PROPERTY OF THE INSTITUTE OF ARCHITECTS AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE INSTITUTE OF ARCHITECTS.



Section AA



Section BB



South Section Elevation CC

FINISHES

ROOF : INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS : SELF COLOURED WHITE RENDER
CLADDING : CEDAR TIMBER BOARDING
WINDOWS : DARK GREY UPVC
STONE FEATURES : SMOOTH ASHLAR IN BUFF

Ground Floor - 172.8m²
First Floor - 154.7m²
Total = 327.5m²
Garage = 35.3m²



House Type Y

REVISIONS		DATE
NO.	DESCRIPTION	DATE
A	REVISIONS	15 AUG 2017
B	REVISIONS	15 AUG 2017

CORPORATE RESOURCES	
FILE	17/00649/DPP
REVISED	15 AUG 2017

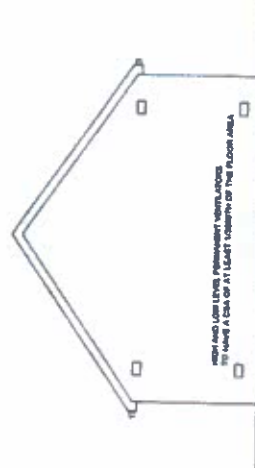
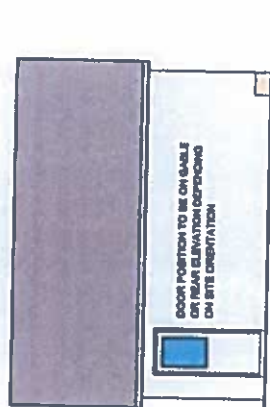
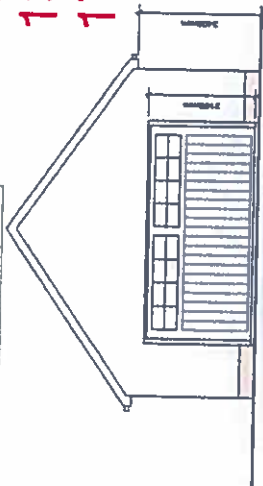
AIRYBANK-HOUSE	
COUSLAND	

HOUSE TYPE Y	
SECTIONS	

NO.	DATE	REVISED
1	15/08/2017	15/08/2017
2	15/08/2017	15/08/2017

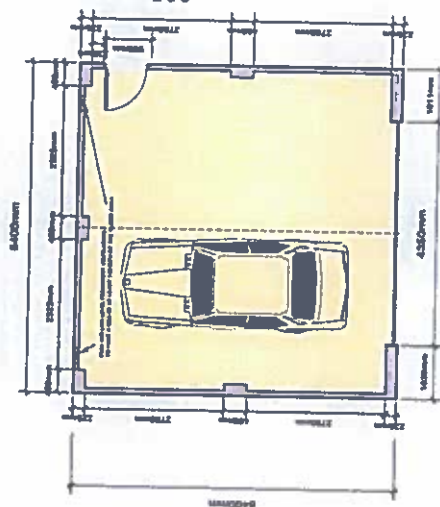
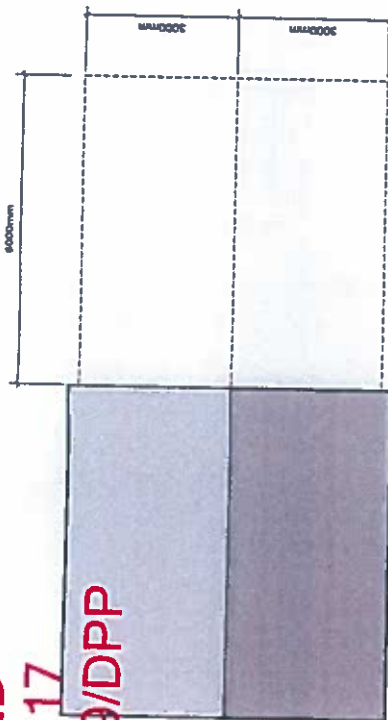
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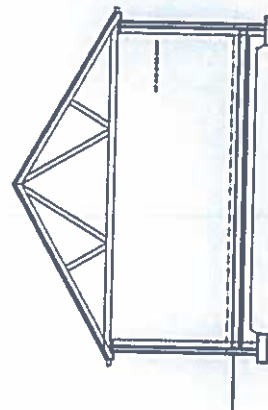
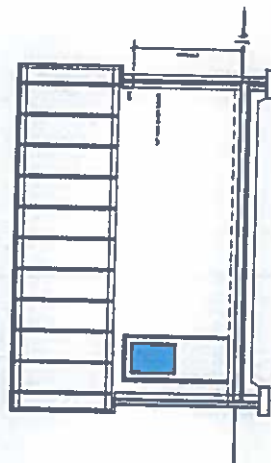


Rear Elevation

ROOF : INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS : SELF COLOURED WHITE RENDER ON BLOCKWORK
CLADDING : CEDAR TIMBER BOARDING
WINDOWS & DOORS : DARK GREY UPVC
STONE FEATURES : SMOOTH ASHLAR IN BUFF



DOOR POSITION TO BE ON GABLE
OR REAR ELEVATION DEPENDING
ON SITE ORIENTATION



Detached double garage - 37.9m²

Cable Elevation

Garage

APPROVED	DATE
SAC, BIRMINGHAM	7/10/2017
A	7/10/2017

RECEIVED

5 AUG 2017

AIRYBANK
COUSLAND

PROPOSED DETACHED
GARAGE
PLANS & ELEVATIONS

1100/A3
1327

1000/A3
1327

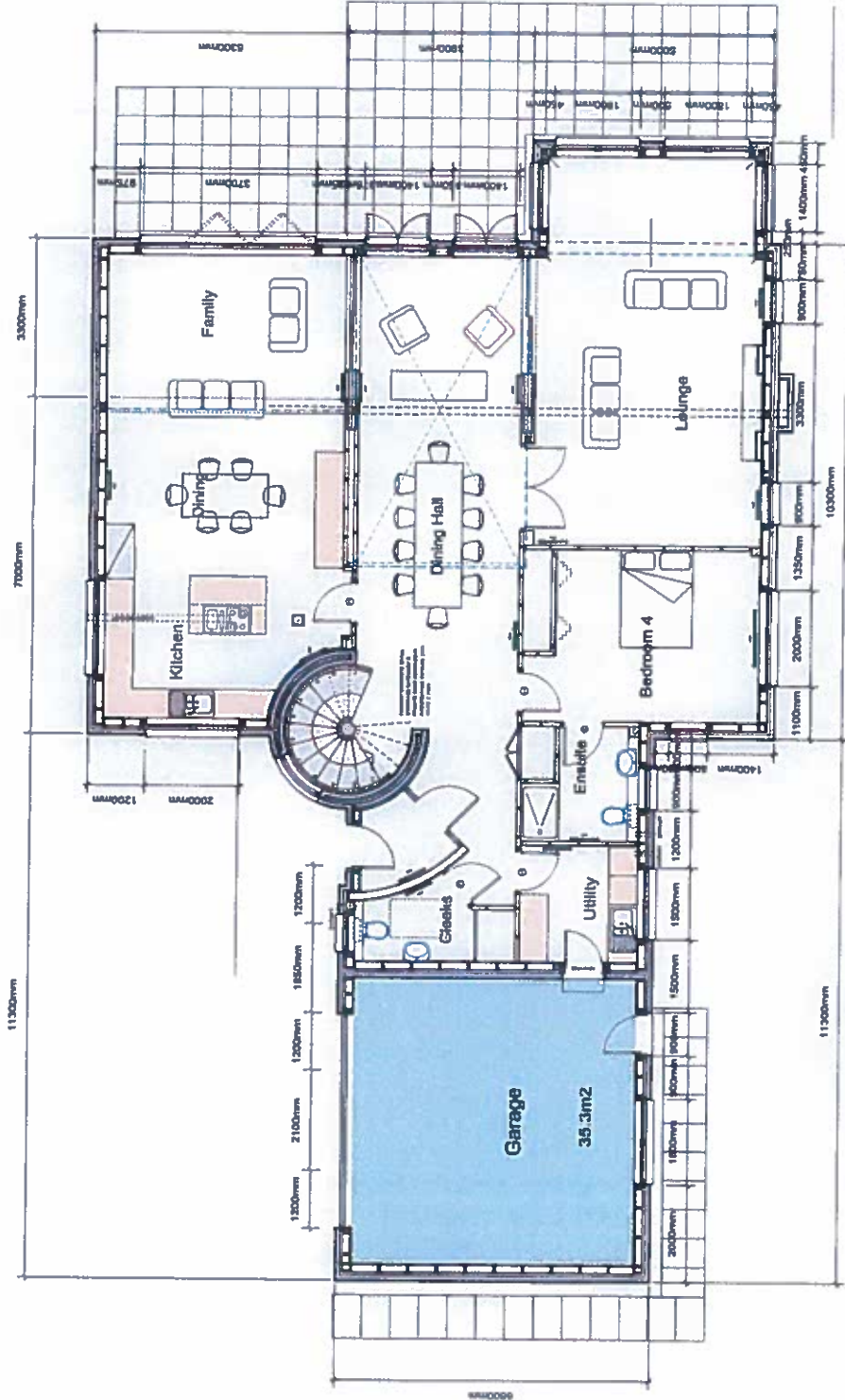
SEP 2015

(G)101

REFUSED
13.11.2017
17/00649/DPP

FINISHES

ROOF: INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS: SELF COLOURED WHITE RENDER
CLADDING: CEDAR TIMBER BOARDING
WINDOWS: DARK GREY UPVC
STONE FEATURES: SMOOTH ASHLAR IN BUFF



Ground Floor Plan 172.6m²



Ground Floor - 172.6m²
First Floor - 154.7m²
Total = 327.3m²
Garage = 35.3m²

House Type Y

REVISIONS	
No.	DESCRIPTION
A	WARRANT AMENDMENTS
B	WARRANT AMENDMENTS
C	WARRANT AMENDMENTS
D	WARRANT AMENDMENTS

ELECTRICAL KEY

- 1. 10mm x 10mm junction box (Junction Box)
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CORPORATE RESOURCE
FILE: 17/00649/DPP
RECEIVED 15 AUG 2017

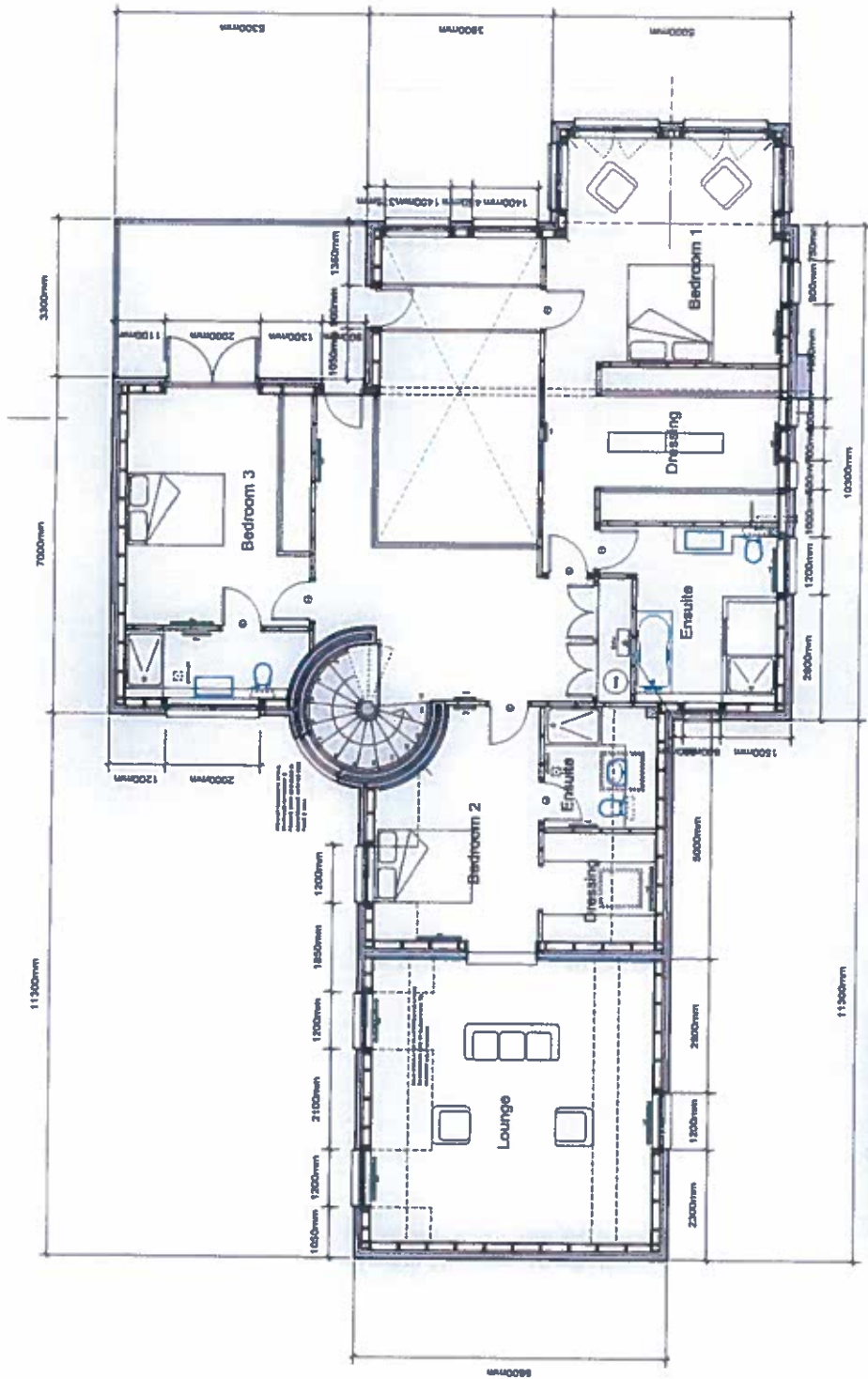
AIRYBANK HOUSE - COUSLAND
HOUSE TYPE Y
GROUND FLOOR PLAN

Sheet: 11000A3 Date: Sept 2015
Drawing No: 1327 Project No: (Y)BW001
Author: RB
Reviewer: A B

REFUSED
13.11.2017
17/00649/DPP



FINISHES
ROOF: INTERLOCKING CONCRETE TILES - CHARCOAL GREY
WALLS: SELF COLOURED WHITE RENDER
CLADDING: CEDAR THICK BOARDING
WINDOWS: DARK GREY UPVC
STONE FEATURES: SMOOTH ASHLAR IN BUFF



First Floor Plan 154.7 m²

Ground Floor - 172.6m²
First Floor - 154.7m²
Total = 327.3m²
Garage = 35.3m²

House Type Y

REVISIONS		DATE	
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR TENDER		
2	ISSUED FOR TENDER		

CORPORATE RESOURCES	
FILE	17/00649/DPP
RECEIVED	5 AUG 2017

AIRYBANK HOUSE	
COUSLAND	
HOUSE TYPE Y	
FIRST FLOOR PLAN	

Drawn	110043	Scale	Sept 2015
Check	1327	Drawn by	(Y)BW02
Rev	1.0	Drawn by	
Rev	2.0	Drawn by	
Rev	3.0	Drawn by	
Rev	4.0	Drawn by	
Rev	5.0	Drawn by	

Notice of Review: 16 School Green, Lasswade

Determination Report

Report by Ian Johnson, Head of Communities and Economy

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 dwellinghouse at 16 School Green, Lasswade.

2 Background

- 2.1 Planning application 17/00672/DPP for the erection of a dwellinghouse at 16 School Green, Lasswade was refused planning permission on 23 October 2017; 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, issued on 23 October 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (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

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an accompanied site visit for Monday 26 February 2018; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was two consultation responses and no representation received. As part of the review process the interested parties were notified of the review. No additional

comments have been received. All the comments can be viewed online on the electronic planning application case file.

- 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 to the next 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 13 June 2017, 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. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii proposed new planting including trees, shrubs, hedging and grassed areas;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;

- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

- 2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

- 3. Development shall not begin until a programme of archaeological work and investigation has been submitted to and approved by the planning authority. The approved programme shall be carried out prior to the commencement of development unless an alternative phasing is agreed as part of the approved programme.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

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

Date: 15 February 2018

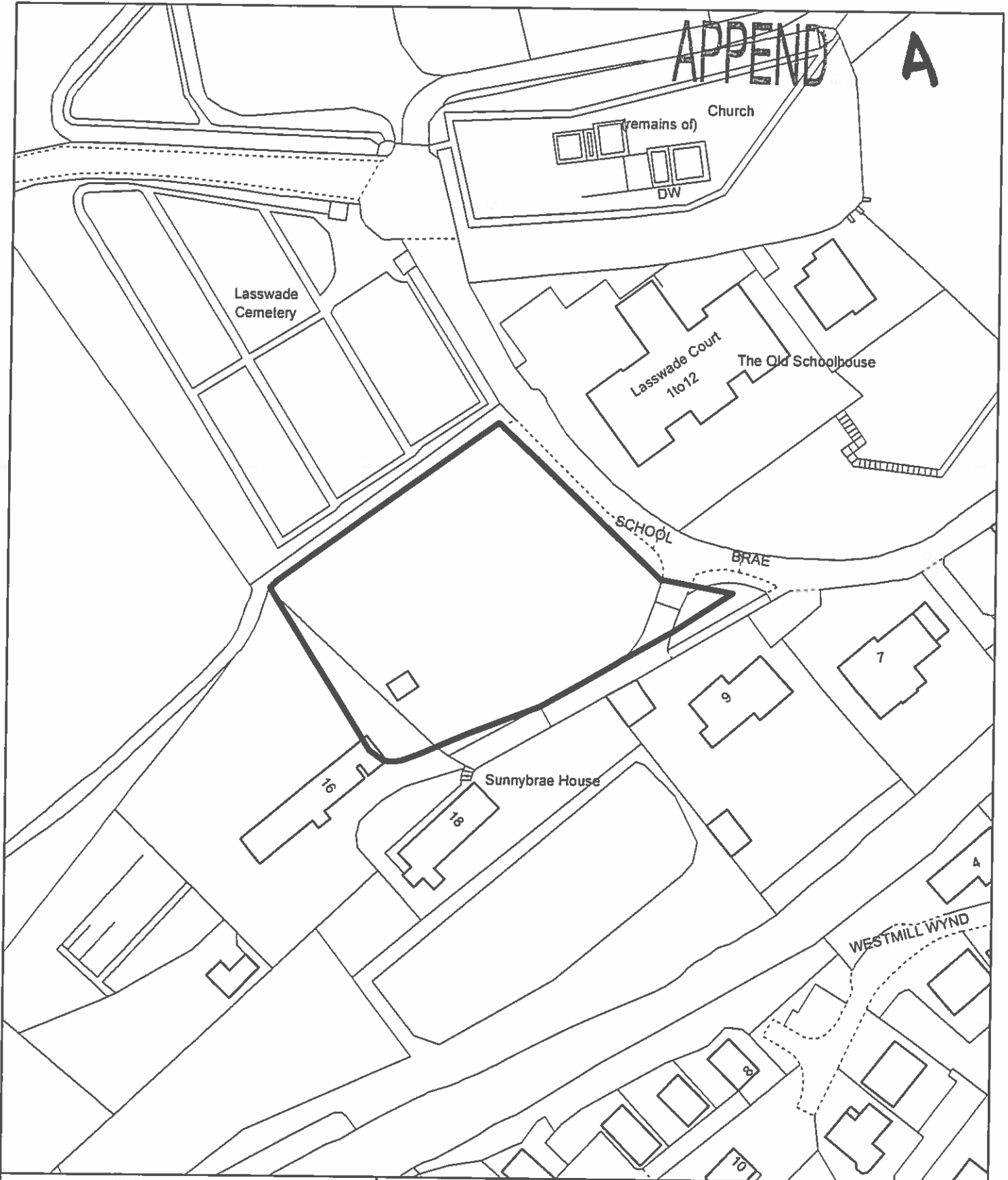
Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 17/00672/DPP available for inspection online.

APPENDIX

A



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

16 School Green, Lasswade, EH18 1NB

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File No. 17/00672/DPP

Scale: 1:1,000

Midlothian Council Licence No. 100023416 (2018)





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100081059-001

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="apt planning & development ltd."/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Tony"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Thomas"/>	Building Number:	<input type="text" value="6"/>
Telephone Number: *	<input type="text" value="01620870371"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="East Linton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH40 3AB"/>
Email Address: *	<input type="text" value="tony@apt-plandevlop.co.uk"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Colin	Building Number:	6
Last Name: *	McClung	Address 1 (Street): *	High Street
Company/Organisation	c/o apt planning & development ltd.	Address 2:	
Telephone Number: *	01620870371	Town/City: *	East Linton
Extension Number:		Country: *	United Kingdom
Mobile Number:	07747780852	Postcode: *	EH40 3AB
Fax Number:			
Email Address: *	tony@apt-plandevelop.co.uk		

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	SUNNYBRAE
Address 2:	18 SCHOOL GREEN
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LASSWADE
Post Code:	EH18 1NB

Please identify/describe the location of the site or sites

--	--

Northing	665972	Easting	330156
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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)

Erection of Dwellinghouse

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 see accompanying Review Statement.

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)

Review Statement Design & Access Statement Location Plan Site Plan Aerial Photograph Illustrative Design Visualisations
Previous Development of 16 School Brae

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00672/DPP

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

24/08/2017

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

23/10/2017

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 *

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We feel that a hearing would be the best vehicle by which to best understand, explore and debate the logic and justification for application 17/00672/DPP.

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 Tony Thomas

Declaration Date: 18/01/2018



Review Statement

On behalf of

Mr Colin McClung

Application Reference: 17/00672/DPP

Erection of dwellinghouse;

School Brae, Lasswade, EH18 1NB.

January 2018

apt planning &
development

6 High Street

East Linton

East Lothian

EH40 3AB

Tel: 01620 870 371

tony@apt-plandevelop.co.uk

Introduction

1. apt planning & development has prepared this Review Statement on behalf of Mr Colin McClung with regards to application 17/00672/DPP seeking planning permission for the erection of a new home on the site of an existing field adjacent to the applicants current home at School Brae, Lasswade. The application was refused via delegated powers on 23rd October 2017.
2. Mr McClung and his family have lived at Sunnybrae, School Brae since undertaking a painstaking and high quality conversion and expansion of the property starting in 2003. It is now a wonderful family home and testament to the care, attention and no little cost expended ensuring that it was completed to the highest of standards, in keeping with and enhancing the immediate area. Wherever possible local materials and trades were used, a principle that Mr McClung intends to adopt should he be successful in securing planning permission for the adjoining site.



The completed Sunnybrae (2016) – the former school building on School Brae can be seen on the right hand side of the photograph. The application site sits in-between the two buildings. The photo provides important context in terms of the setting of the application site in what is essentially an urban/suburban context.

3. Sunnybrae is a substantial property and Mr & Mrs McClung no longer need the space but they want to remain in this part of Lasswade. The development of a contemporary, attractive and environmentally sustainable home next door will not only provide a new home for Mr & Mrs McClung but will also free up a wonderful family home in Lasswade.



Midlothian Local Review Body - Review Statement

Application 17/00672/DPP

Proposed Residential Development - Land at School Brae, Lasswade, EH18 1NB

4. Mr McClung feels strongly that the reasons for refusal (and Officers Report) takes a very inflexible and overly restrictive approach to this application and specifically the implications of development in the Green Belt and Area of Great Landscape Value and that when put in its correct context, the application should have been granted planning permission. Consequently, we are lodging this Notice of Review and supporting statement seeking a Local Review of the merits of the application and initial decision reached.
5. Application 17/00672/DPP was lodged following an earlier application 15/00753/DPP for two houses on the same application site. This application was withdrawn in December 2015. The reduction from two homes to one was as a response to advice from planning officials.

Site Description

6. As the three aerial images below illustrate, the application site is immediately adjacent to the current Lasswade village boundary and within the Lasswade and Kevoek Conservation Area. Lasswade Cemetery lies immediately to the north/northwest whilst the applicants house at 16 School Brae lies adjacent to the appeal site to the west/southwest. The former school house and other residential properties lie to the east and south.
7. The site does not lie in open countryside but rather is part of a distinguishable settlement. Several of the existing houses to the south of the site lie beyond the village boundary line, and with Mr and Mrs McClung's own current house to the west (16 School Brae) and the converted school house to the east, the site is bounded on 3 sides by residential properties.
8. The site slopes from north to south affording views across the River North Esk Valley (and as aerial image 3 below illustrates, to an area of Lasswade that has experienced significant change in the relatively recent past).
9. The appeal site also provides an excellent opportunity to design in sustainable energy initiatives to the construction of a new home on the site. In fact low waste, sustainable energy and renewable resources form an important backdrop to the rationale behind the design and proposed construction of the proposed new home. This is explained in more detail both in the accompanying Planning & Design Statement and later in this Review Statement.
10. Despite its greenbelt designation, the application site sits in amongst other residential properties and has the character of a site within, although granted towards the edge of, Lasswade. Further homes are located to the northwest and west along Church Road and Kevoek Road. As we explore later in this statement, the site does not meet the objectives of a green belt site.

Aerial 1 – looking north east



Aerial 2 – Looking southeast

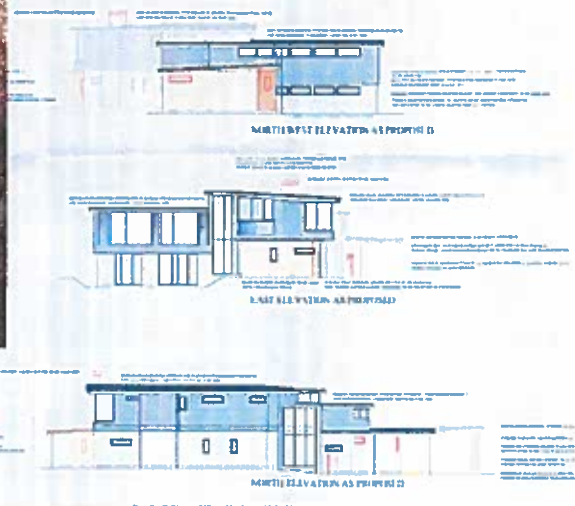


Aerial 3 – Looking south



Site History & Context

11. As stated at the outset, this site was the subject of a previous application (15/00753/DPP) for two homes. Following discussions with Midlothian Council planning officers, the application was withdrawn in December 2015 and further consideration given to the potential future development of the site.
12. This area of Lasswade does provide further planning context
 - a. Planning application 17/00782/DPP for the erection of a new home in the grounds of Coppertop, was refused in December 2017. Two reasons for refusal were given stating that the application was contrary to ENV1 (Greenbelt) and that the development would lead to unacceptable road safety impacts on Church Road.
 - b. Eighty-five meters to the west of Coppertop, planning permission has been granted for the erection of a new home in the grounds of Barony House. This permission (04/00497/FUL) has since been amended and renewed three times, most recently through permission 17/00274/DPP.
13. Within a very short distance, there have been three applications for new homes on open/garden ground. This application at School Brae and the application at Coppertop have been refused mainly based on their location within the greenbelt yet the Barony House application shares most of the same characteristics.
14. A key reason for the approval of the Barony House permission was the wish of the planning committee to support and encourage innovative, sustainable and energy efficient design and as can be seen below, the proposal is clearly very contemporary, not seeking to represent a pastiche of the Grade A listed Barony House.



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15. The key difference between the Barony House application and the application at Coppertop appears to be design, with the latter being far more traditional in appearance. The implications of a greenbelt designation etc. are identical.
16. As we will explore in the next section, if we play this argument forward, the design and layout of the proposed home at School Brae represent a contemporary design solution for the site, incorporating state-of-the-art technology to ensure that it becomes an exemplar of how an attractive, high-quality, sustainable and energy efficient house can be developed.
17. Precedent is always a very contentious issue in planning. We are told there is no such thing, yet local planning authorities are always cautious about setting precedent. Again as we will state later, the development of the appeal site at School Brae would be consistent with the decision taken at Barony house (good planning and design justification to mitigate against restrictive planning policy considerations) and set a positive precedent for future planning applications. It would most certainly not mean open season on any open space within the greenbelt etc.

Proposed Development



Image 1 – Site Plan

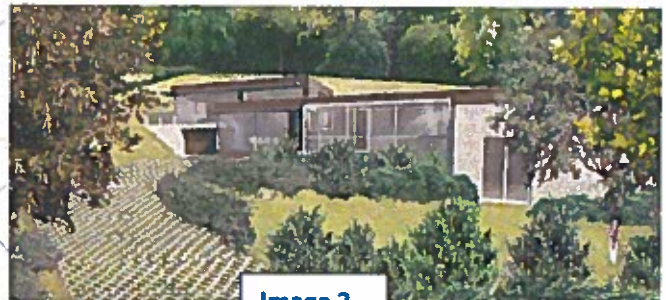


Image 2



Image 3



Image 4

18. As the application documents submitted alongside this appeal illustrate, the application was for the development of a single dwelling house on a vacant area of land immediately to the east of 16 School Brae, Lasswade.

19. As the site plan and montages above show, the house is to be positioned towards the front of the plot, maintaining a consistent building frontage with the applicant's house next door, maintaining the integrity of the northern part of the site and minimising visual impacts from across the River North Esk valley (see below where the eye is drawn to the consistent green space stretching from left to right along the top of the site). The turf roof will further minimise the views of the building from the south.



20. Somewhat of an anomaly, the site lies in the Edinburgh Green Belt (it does not demonstrate or perform any of the characteristics or objectives of a greenbelt site). The proposals represent a well-designed site-specific solution and following ongoing dialogue with Midlothian Council, there is no dispute over the proposed layout and design of these proposals.
21. The proposal is for an innovative, bespoke, energy efficient, environmentally benign family house in a contemporary yet sensitive style.
22. The choice of natural materials; stone walls and timber cladding and its modest height are intended to reduce the physical impact the house and to harmonise with the landscape. As stated above, the low, stepped profile is designed to sit into the natural sloping contours of the site in order that it will not be overly visible from outwith the site and particularly from across the valley. The house responds therefore to both its immediate and wider context whilst being an attractive and contemporary addition to the built environment.
23. Design features such as the turf roof which will blend into the grass meadow when viewed from above, are driven by both site characteristics and sustainable good sense whereby the building will be low impact on both landscape and resources. Similarly the flat roof maintains both a low building profile and presents an unobstructed south facing roof ideal for mounting of solar/photo voltaic panels as well as the turf roof.



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24. Scottish Planning Policy (SPP) supports sustainable development and encourages a design-led approach. We have no doubt that the proposal at School Brae can also meet the six qualities of a successful place (though clearly on a small scale).
- The modern, innovative design will be **distinctive**;
 - It will create a **safe and pleasant environment**, having a southerly aspect and benefitting from passive security of neighbouring homes;
 - The design will be **visually welcoming**, providing an interesting and attractive focus;
 - The new home is designed to be **adaptable**, enabling a number of layout options whilst also adapting to modern sustainable and energy efficient technologies;
 - The new home will be **resource efficient** and is designed specifically with this in mind, and with every intention of being off-grid with the potential to offload surplus energy back to the grid; and
 - Given its location, in close proximity to the centre of Lasswade, it will **encourage walking, cycling and efficient use of transport**.

Eco Design First Principals

25. The house is designed to be **truly environmental**. These eco-design principals can be described as follows and more detail is contained within the Planning & Design Statement;
- Passive Solar Gain** - the site is south facing which provides opportunity for solar gain, especially during the winter months. The new building is appropriately orientated with large areas of glazing to the main living spaces ranging from South-east to South-west and with only small, essential windows to the north. Large areas of glazing maximise internal natural day light and reduce energy consumption by artificial lighting.
 - Thermal mass** - built into the natural contours of the site, the eco-retaining walls to the north mean the house will benefit from the temperature regulation effect of the earth. Working in conjunction with solar gain, floors formed in dark coloured concrete or limecrete within the main living areas will heat up during times of low winter sunlight and allow heat to radiate gradually long into the evening when it is needed most. High thermal mass works best with a small boiler working constantly at max efficiency. The house is intended to take as much benefit from passive solar as possible with a ground source heat pump or similar being installed feeding low temperature underfloor heating boosted as required with solid fuel stoves.
 - Stack effect ventilation** - the split level arrangement encourages natural ventilation within the building as warm air will naturally move towards the parts of the building which require additional warmth. Thus bedrooms are located in the lower part of the house with main living areas on the higher level. See also thermal zoning.

- d. **Thermal zoning** - the house accommodation has been carefully arranged along the principals of thermal zoning as far as follows:
- **Hot zone:** Bathrooms, Kitchen, drying areas, greenhouse – to the south.
 - **Warm zone** – Living, Dining, Study, Kids Bedrooms to the southwest.
 - **Cool zone** - adult bedrooms to the east and north.
 - **Cold zone** – infrequently used rooms, stores etc. to the north.
- e. **Embodied Energy** - The consideration of low embodied energy when making choices in construction materials and practice can include many factors including; recycled materials, locally sourced materials, but also use of high quality, built-to-last materials. The project proposes low embodied energy materials such as recycled local natural stone to integrate the new building into landscape and adjacent properties and local timber such as Scottish Larch from renewable and certified sources. At all times quality is paramount.
- f. **Waste reduction** - Waste reduction has also been considered from the very outset of the design. The building is generally laid-out to a standard building product grid based upon a 600mm module and as far as possible to fit standard building product such as timber sizes of 1.2/2.4/4.8\M etc. This greatly reduces waste through off-cuts, resulting in savings in energy usage, time and cost.

Application 17/00672/DPP

26. Application 17/00672/DPP on 24th August 2017. The application was refused through delegated powers on 23rd October 2017, the last day of the two month statutory determination period. There was a single reason for refusal and we address this in detail below;

Reason 1

The proposed development is sited outside any identified settlement boundary and without a proven agricultural, forestry, countryside recreation, tourism or waste disposal need the development is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside and Green Belt.

27. It is worth noting that in our submission in support of the application we acknowledged the emerging local development plan, and given the relevance of its policies, assessed the application against inter alia policies ENV1 (Green Belt), ENV6 (Special Landscape Areas) and ENV19 (Conservation Areas). The Local Development Plan has subsequently been adopted by Midlothian Council (November 2017). It is fair to say however that the key issues relating to the policies outlined in the reasons for refusal are common to both Plans.



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28. **Policy RP1 (*Protection of the Countryside*)** has a restrictive approach to new homes in the countryside. We cannot conform with Criteria 'A' to 'C' though we are clear (and as outlined in detail above) that the development will accord with criteria 'B' to 'E' that follow in that the development will be;
- of an appropriate scale and character;
 - be well integrated into its surroundings in that it is surrounded on three sides by other homes of mixed character and appearance;
 - will not involve the loss of high quality agricultural land; and
 - is at an accessible location (with the No 31 Lothian Buses service easily accessed on High Street/Lasswade Road).
29. **Policy RP2 (*Protection of the Greenbelt*)** - the proposals cannot accord with criteria 'A' to 'D'. We maintain our position that this proposal warrants an exception to the greenbelt policy and that the greenbelt designation, when assessed against stated objectives and characteristics is an anomaly.
30. The proposals must respond to its countryside and green belt location. Planning policy at all levels seeks to protect the integrity and role of the Edinburgh Green Belt, a role that is defined at Policy ENV2 of SESPlan as follows:
- To maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;*
 - To provide countryside for recreation;*
 - To maintain the landscape setting of the city; and*
 - To protect the setting of neighbouring towns.*
31. The proposals at School Brae will not compromise the aims and objectives of the Edinburgh Green Belt.
- The site does not help define Edinburgh (or Lasswade)
 - nor does it help maintain the landscape setting of Edinburgh or any other settlement.
 - The development of the site would not increase the risk of coalescence.
 - The site plays no role in providing for countryside recreation nor does it have the potential to do so.
32. In assessing the proposals against Policy RP1 and RP2 we have always acknowledged that the proposals do not strictly accord with each policy but that the specific circumstances of these proposals warrant an exception. The site does not exhibit any characteristics of a countryside/greenbelt location, being far more compatible with the urban/suburban surrounding uses and character. The development of a new home at this location would not be out of place and would be in-keeping with its immediate and wider context.



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33. **Housing per se is not a non-conforming use in the greenbelt or countryside**, homes exist throughout greenbelts and across the countryside. It is the development of new homes that, in normal circumstances, tends to be resisted. However, in this instance and given the site-specific characteristics, and bearing in mind that each planning application should be judged on its own merits, we do feel that a new high-quality and appropriate residential development can be accommodated on the appeal site.
34. The new Local Development Plan has now been adopted. It represents the settled view of Midlothian Council. The plan has a number of Strategic Objectives and **the proposals at School Brae would meet many of these environmental, social and economic objectives** without requiring compromise with regards to others.
35. The proposals will comply with **Policy DEV6** of the emerging LDP (*Layout and Design of New Development*) and will have an appropriate scheme of landscaping to supplement an attractive location and ensure that the redevelopment of the site will enhance the character and appearance of the site and have a beneficial impact on the surrounding land uses. **The layout and design of the proposals has never been the subject of any dispute with Midlothian Council.**
36. Policy ENV1, Protection of the Green Belt contains similar criteria to the 2008 Midlothian Local Plan but does state that any development must not conflict with the overall objectives of the greenbelt. As we have identified above, **these proposals will have no impact on the overall aims and objectives of the Edinburgh Green Belt.**
37. Furthermore, the policy states that '*housing will normally only be permitted....*' And has a description of acceptable circumstances. **What we are proposing is not a normal situation.** The site presents a unique opportunity for Mr McClung to develop a new home for him and his family at an appropriate location, incorporating contemporary, high quality and environmentally sustainable design into every aspect of the proposed development and on a site that does not exhibit the key characteristics of the Edinburgh Greenbelt nor contribute to its objectives
38. Finally SESPlan Policy 7 provides for greenfield housing development in order to maintain a five year housing land supply. In truth this is written with larger, potentially more controversial sites in mind, but even for sites much larger than the single house we are proposing, **development can be permitted in the green belt if the green belt objectives are not undermined.**
39. Under normal circumstance therefore, the proposal at School Brae would not comply with Local Plan and emerging Local Development Plan policies. However the quality of the proposals coupled with the site specific characteristics provide **ample justification for a departure** from this relatively inflexible and arbitrary policy stance.



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Precedent

40. The fear of setting a damaging precedent is a consistent concern of local authorities, elected members and local residents. First, and as we all know, each application must be assessed on its own merits, though previous decisions with similar characteristics can offer material considerations (see paragraphs 12-17) and provide important context and ensure consistency in decision making.
41. Second, and far more importantly, the development of land at School Brae would present a positive precedent, and given the detailed discussions over design and layout, represent an example of how high-quality, appropriate development can be achieved on a site that does not fulfil the role of or contribute to wider green belt objectives.
42. Third, permission has been granted on a site to the northwest of the appeal site (and further away from Lasswade) for the development of a contemporarily designed new home. This application must be tested against the same suite of policies as this application should have been and the contemporary nature of the proposals appears to have been a key determining factor. What Mr McClung is proposing is a very contemporary and environmentally friendly design solution to the challenges presented by the appeal site.
43. If similar, limited opportunities exist elsewhere, they should be welcomed as a positive precedent if they can accommodate sympathetically designed and limited residential development.

Summary

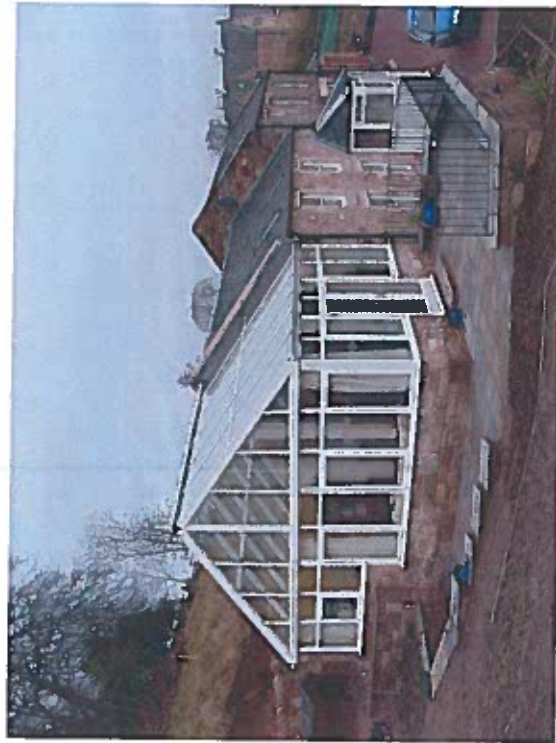
44. This appeal follows the refusal of planning permission (17/00672/DPP) for the erection of a new house on land adjacent to the applicants existing home at School Brae, Lasswade. The proposals are for an appropriate, high-quality residential development.
45. The development will be limited to a single dwelling, built into the slope of the site, adhering to the existing building line set by No.16 School Brae, and incorporating up-to-date best practice sustainable construction characteristics.
46. In exploring the redevelopment and transformation of Mr McClung's current home at Sunnybrae which lies adjacent to the appeal site, it is clear that he has a track record in undertaking work to the highest of standards. The development of the appeal site would create a highly attractive and sustainable new home for Mr McClung whilst freeing up a substantial family home in Lasswade.



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47. **The planning officer's report states that the access, layout and design of the proposed house are all appropriate.** The key determining factor is the strict implementation of planning policy, chiefly the implications of the site's location within the Edinburgh Green Belt and Area of Great Landscape Value.
48. We have never tried to argue that the site complies with the stipulations of relevant planning policy but that the development of this site presents a locationally specific and unique opportunity.
49. Whilst not conforming to the principles of Policies RP1 and RP2, the proposals do present an appropriate response to the site's characteristics, is of an appropriate size and scale, will not see the loss of any prime agricultural land and is at an accessible location with Lasswade High Street being only 200m to the east.
50. The site will not have any impact on the wider objectives of the Edinburgh Greenbelt, will see the development of a high-quality environmentally friendly and attractive new home on this existing anomalous site in the greenbelt. Even so, housing, per se, is not a prohibited use in the greenbelt and appropriate, high-quality residential development, responding to a set of site specific circumstances should be encouraged.
51. When seen from the immediate and wider context, the site does not present itself as a countryside location. A combination of the existing sloping site characteristics and good siting and design will ensure that the new building is entirely appropriate in its surroundings and when viewed from across the River North Esk Valley.
52. **The appeal site does not display the key characteristics of a site covered by a green belt and countryside designation.**
53. The risk of precedent is an often stated concern. We have a site in the Green Belt, AGLV and the protected river valley landscape. We strongly contend that in developing this site, for an attractive, appropriate and high quality residential proposal **would set a positive precedent**, an appropriate example of how a site like this can be developed appropriately.
54. The site represents an **effective development site** (in the terms set out in PAN 2/2010) with a single owner promoting development, no insurmountable constraints and in a marketable location.
55. We contend throughout this submission that, given the circumstances of the site, this proposal **represents the justification for a wholly acceptable departure from extant (and recently adopted) planning policy** with regards to development in the green belt and countryside. It is important to remember that housing per se is not a non-conforming use in the Green Belt – there are homes all over the green belt.



<p>Project</p> <p>PROPOSED CHANGE IN DEVELOPMENT ZONAL BOUNDARY SUNNYBRAE GARDENS, SCHOOL BRAE LASSWADE MID Lothian</p>	<p>NGP architects</p> <p>www.ngparchitects.co.uk - mail@ngparchitects.co.uk</p> <p>Job No 13-2</p>
<p>Drawing</p> <p>THE EXISTING ADJACENT CONVERTED STABLE BUILDING</p>	

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 17/00672/DPP

Site Address: 16 School Green, Lasswade.

Site Description: The site comprises an area of land associated with 16 School Green. The site is on a relatively steep slope. There is a converted former stable building to a house to the west, houses to the south and east and a cemetery to the north. The site is within the countryside, Green Belt, Lasswade and Kevoek Conservation Area and an Area of Great Landscape Value. It is highly visible from across the valley to the southeast.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to erect a dwellinghouse which has been designed to fit into the slope, with three flat roofed interconnecting sections. The house has a contemporary design with large areas of glazing. The materials are to be natural stone, timber cladding and metal walls, timber framed glazing and turf roofs. Solar panels are proposed. The existing vehicular access will be used and the driveway is to be grasscrete. The site plan shows an option to improve the existing access by moving the boundary wall 1.5 metres to improve access. Two parking spaces and an integral garage are proposed.

A retaining wall is to be formed around the house to accommodate it into the slope. A natural stone wall will be around the south of the site and entrance gates by the vehicular entrance. There will be additional landscaping, with the existing boundaries along the west and north boundaries to remain.

The applicant has submitted a design and access statement supporting the proposal.

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

Application site

15/00753/DPP Erection of two dwellinghouses, formation of areas of hardstanding. Withdrawn.

16 School Green (former stables)

16/00560/DPP Extension to dwellinghouse. Consent with conditions.

10/00451/DPP Extension to dwellinghouse. Consent with conditions.

03/00169/FUL Amendment to planning permission reference no. 02/00114/FUL to extend the approved dwellinghouse to form a garage and porch, and to alter condition no.5 to allow the removal of the gable wall at the south western end of the original stable building (retrospective). Consent with conditions.

02/00114/FUL Change of Use from stables to one dwellinghouse, including the erection of two storey extension, conservatory and garage (amendment to planning permission 01/00358/FUL). Consent with conditions.

01/00358/FUL Change of use from stable to one dwellinghouse. Consent with conditions. Road safety concerns highlighted but conditions attached to consent to address these, referred to in Committee Report.

00/00753/FUL Change of use of stables to dwelling. Withdrawn – proposal acceptable in principle but scale too large, extensions and alterations required to be reduced to comply with policy. Road safety concerns highlighted.

Land at house to south.

00/00754/OUT Erection of dwellinghouse. Withdrawn – did not comply with policy, road safety concerns highlighted.

Consultations:

The **Policy and Road Safety Manager** has some concerns over the proposal as this would increase traffic levels on School Green. However they acknowledge that the proposal is for one house accessed from an existing junction. They consider that the increase in traffic levels from this proposal should be relatively minor and overall have no objection.

The Council's **Archaeological consultant** recommends a condition be attached to any permission requiring a programme of archaeological works be submitted for approval before any works begin on site.

Representations: No representations have been received.

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

RP1 Protection of the Countryside states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

RP2 Protection of the Green Belt states that development will not be permitted except for proposals that are: necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or accord with policy RP3 (Major Non-Conforming Land Uses in the Green Belt), ECON1 (Strategic Economic Land Allocations proposal), ECON7 (Tourist Accommodation) or DP1 (Development in the Countryside);

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt to: maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence; provide countryside for recreation and institutional purposes of various kinds; and maintain the landscape setting of the city and Midlothian towns;

RP6 Areas of Great Landscape Value states development will not be permitted where it may adversely affect the special scenic qualities and integrity of AGLV. The siting, scale, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse impact on the AGLV;

RP7 Landscape Character states development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement. Any new developments will incorporate proposals to: maintain the local diversity and distinctiveness of landscape character including natural and built heritage features such as woodland, hedges, ponds, stone walls and historical sites; and enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features;

RP22 Conservation Areas states development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area.

Traditional natural materials appropriate to the locality will be used in new buildings;

DP1 Development in the Countryside is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections of which the relevant is *Single Houses (not related to Housing Groups/Farm Steadings)*. This states new houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity. Applicants will be required to show that the need for the new dwelling is permanent, cannot be met within an existing settlement, and that the occupier of the property will be employed full time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements; and

DP2 Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

The relevant policies of the **2014 Midlothian Local Development Plan Proposed Plan** are;

DEV6 Landscape and Design of New Development is similar to policy DP2 of the 2008 Local Plan;

ENV1 Protection of the Green Belt is similar to policy RP2 of the 2008 Local Plan;

ENV6 Special Landscape Areas states that development in such areas will only be permitted where they incorporate high standards of design and siting and where they will not have a significant adverse effect on the special landscape qualities of the area; and

ENV19 Conservation Areas is similar to policy RP22 of the 2008 Local Plan;

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.

The proposed development would result in a new house within the countryside. The applicant has not suggested or demonstrated that this is required in connection with the furtherance of an established countryside activity. Therefore there is no support for the proposal in terms of policy RP1 of the adopted Local Plan.

The proposed MLDP is expected to be adopted by the end of 2017 and removes the site from the countryside, whilst retaining it within the Green Belt. The applicant made representation during the consultation period for the MLDP for the site to be moved from the Green Belt into the built up area. This was not accepted by either the Planning Authority or the Reporter and so the site remains within the Green Belt and therefore must comply with the relevant policies of the MLDP.

It is acknowledged that there are buildings on three boundaries of the site. Due to the applicant's representation to the MLDP, the planning status of the site has been assessed very recently by the Planning Authority. It was considered that the site is an integral part of the Green Belt and was worthy of retention. This position was supported by the Reporter and it is therefore considered that the site, although small with buildings bounding, plays an important part of the Green Belt and should be retained as such. To allow residential development in this location could set a precedent for allowing residential developments on the edges of towns and villages, which is not in compliance with Local Plan or Local Development Plan policy. This could lead to encroachment of the built up area into the very areas the related policies seek to protect.

The agent has stated that it is highly likely that there were buildings on site in the past. There are no buildings on site at present and the potential for properties to have been on the site historically is not a material planning consideration.

Notwithstanding the lack of policy support for a house at the site, the detailed aspects of the application shall be assessed below.

The proposed house is contemporary in design and treatment of materials, clearly designed to fit the site. This site is highly visible on the side of a valley and the house has been designed so to minimise the visual impact on the area, through the low scale development, lightweight large areas of glazing and materials sympathetic to this prominent location within a conservation area, AGLV, countryside and Green Belt.

Sufficient garden ground is provided for the house. Additional landscaping is proposed to help integrate the house and associated works into the surrounding area.

In previous applications, road safety concerns were raised over additional properties being accessed by School Green which have been echoed in the consultation response by the Policy and Road Safety Manager. However, the proposed house will be accessed by an existing vehicular access which has previously been improved. Taking this into consideration, the Planning Authority considers that this will have a relatively minor increase in traffic on this road that will have a limited impact on road safety.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00672/DPP

NGP Architecture Ltd
Federation House
222 Queensferry Road
EDINBURGH
EH4 2BN

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Colin and Jane McClung, Sunnybrae Gardens, 16 School Green, Lasswade, EH18 1NB, which was registered on 24 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at 16 School Green, Lasswade, EH18 1NB

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL-100 1:1250	24.08.2017
Site Plan	PL02-1 1:500	24.08.2017
Site Plan	PL02-2B 1:500	24.08.2017
Proposed Floor Plan	PL03B 1:100	24.08.2017
Proposed Elevations	PL04 1:100	24.08.2017
Proposed Elevations	PL05B 1:100	24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Illustration/Photograph		24.08.2017
Design And Access Statement		24.08.2017

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

The proposed development is sited outside any identified settlement boundary and without a proven agricultural, forestry, countryside recreation, tourism or waste disposal need the development is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan which seeks to protect the countryside and Green Belt.

Dated 23 / 10 / 2017

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

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

The applicant has proposed to carry out alterations to the access, including moving the existing eastern boundary wall to provide better visibility. The Policy and Road Safety Manager welcomes this but his comments that the access is acceptable are based on the existing situation and not on the proposed improvements which he does not consider necessary to make the proposal acceptable. The proposed alterations to the wall could potentially have a detrimental impact on the character and appearance of the surrounding area and the introduction of a footpath at this area of School Green would be out of character with the area.

The applicant makes reference to another housing development in the area, adjacent to Barony House to the west. This was approved in 2005, where it was acknowledged in the Planning Committee Report and minutes that it was a departure from policy: the Planning Committee felt that the innovative design and sympathetic siting of the house on site were important mitigating circumstances and, on balance, these particular circumstances pertaining in the application resulted in the house being approved. Two further applications have been approved to slightly amend the design of the house, which is nearing the end of construction.

It is clear that the previous application was approved as an exception to planning policy given the design of the house, not to be seen as a precedent for other houses contrary to policy in the area. Although the design of the currently proposed house is innovative and sensitive to the site, it is clear that the Planning Authority considers this to be an important part of the Green Belt where development should be resisted.

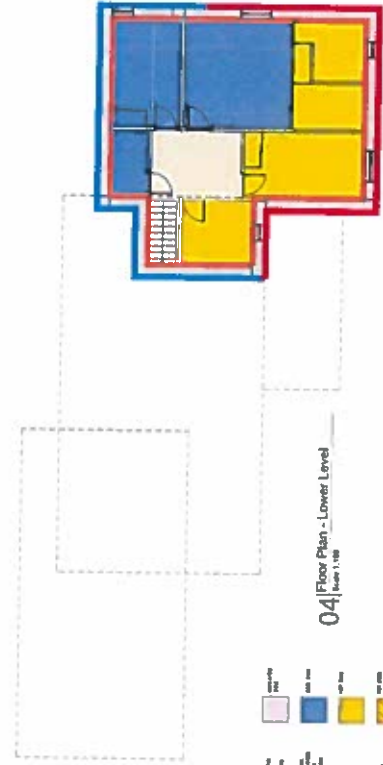
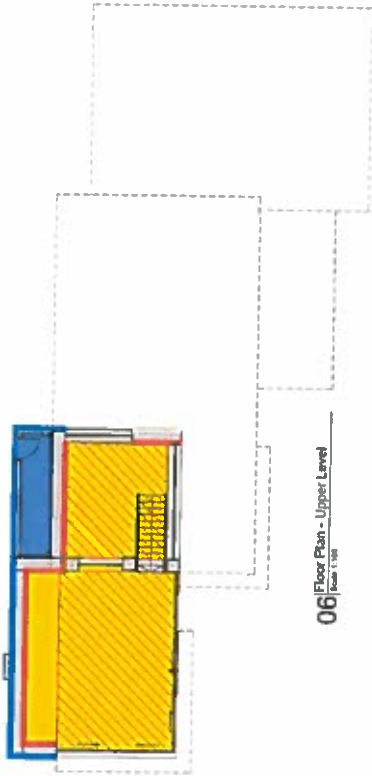
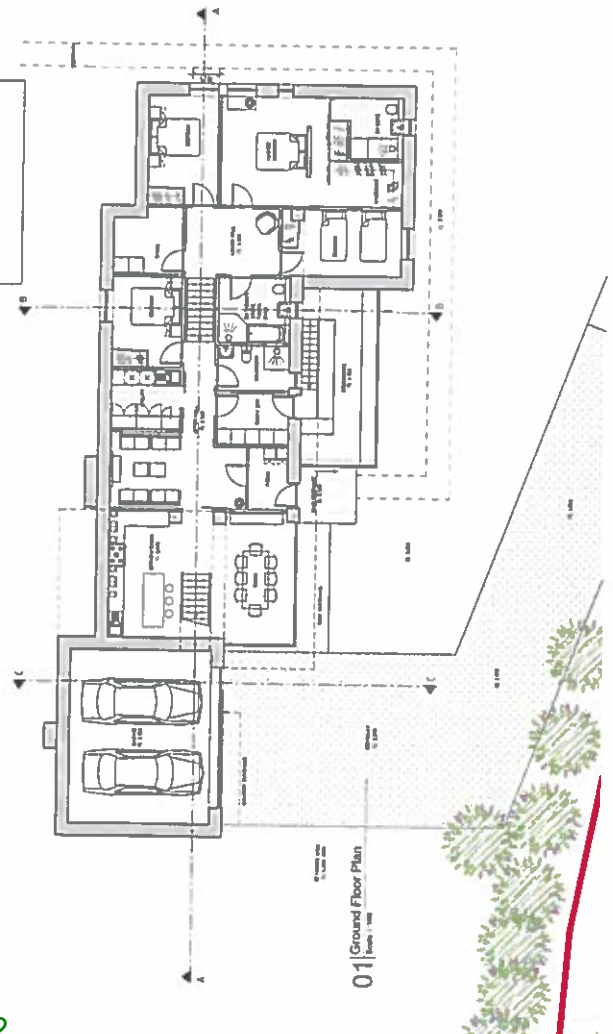
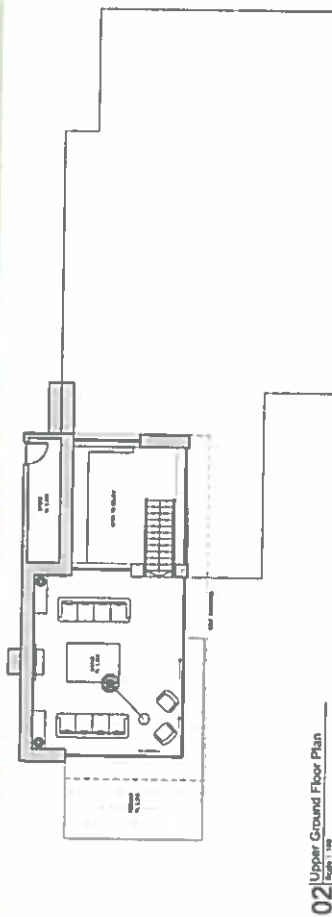
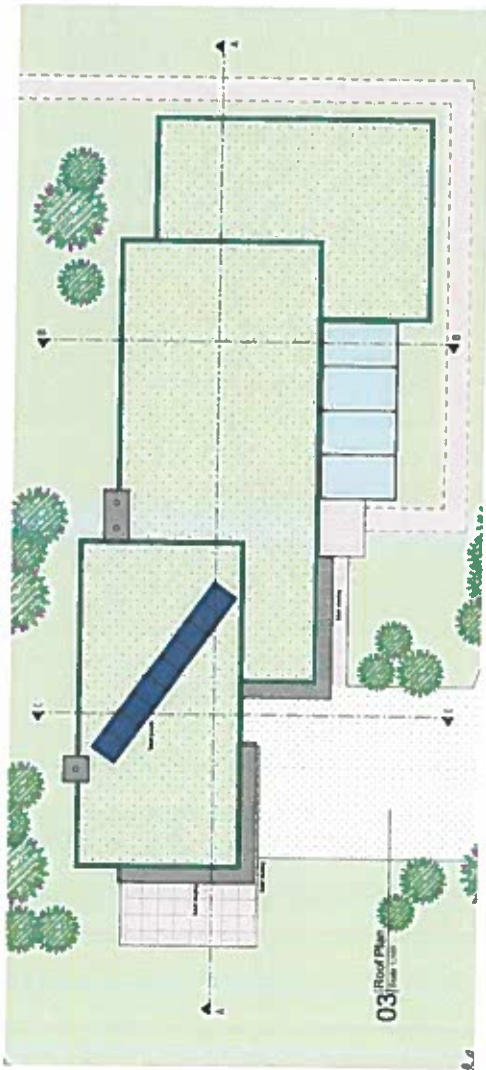
Overall, there is no policy support for a dwellinghouse at this site within the countryside and Green Belt, nor are there any material planning considerations which would otherwise justify approval.

Recommendation: Refuse planning permission.



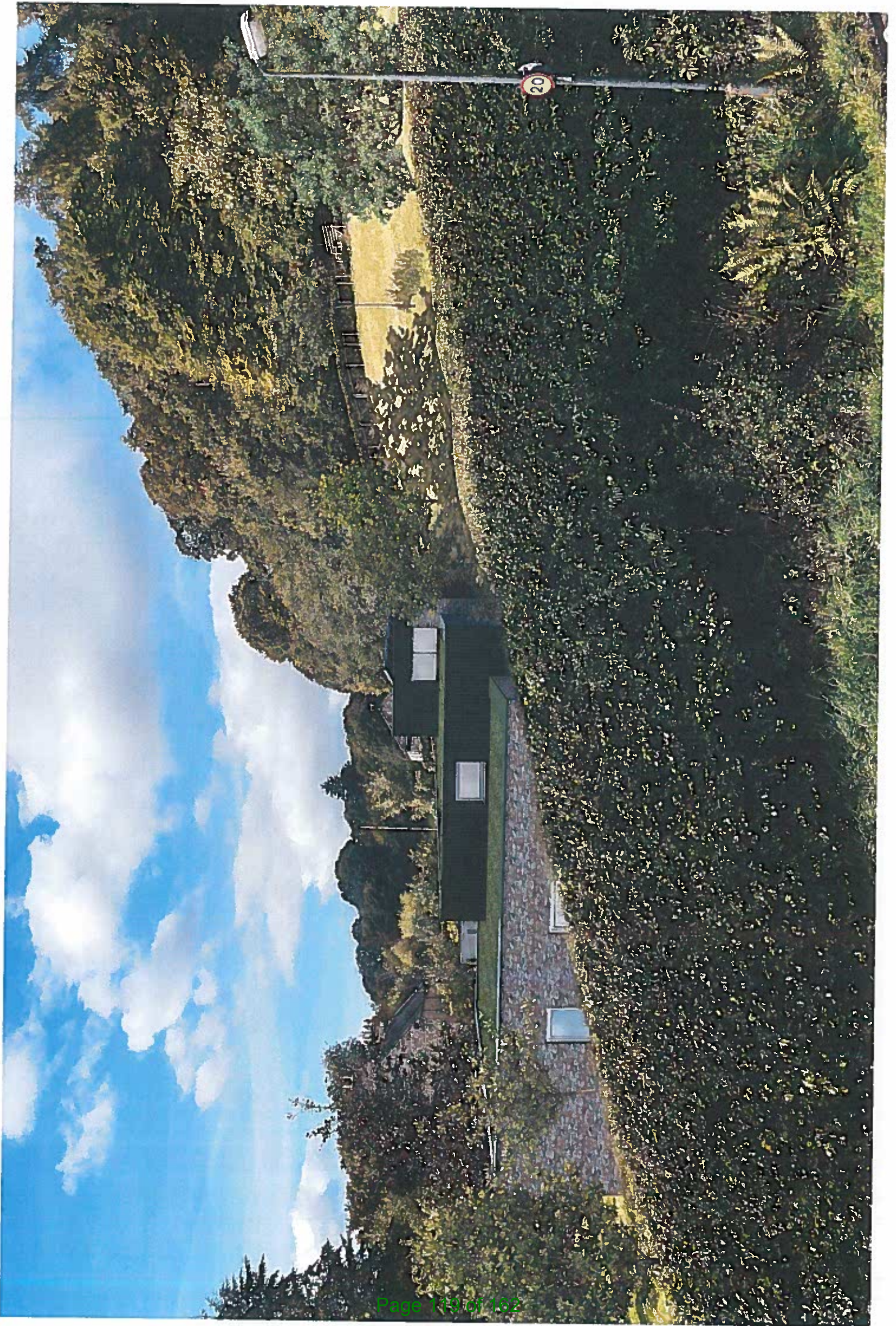
APPENDIX M

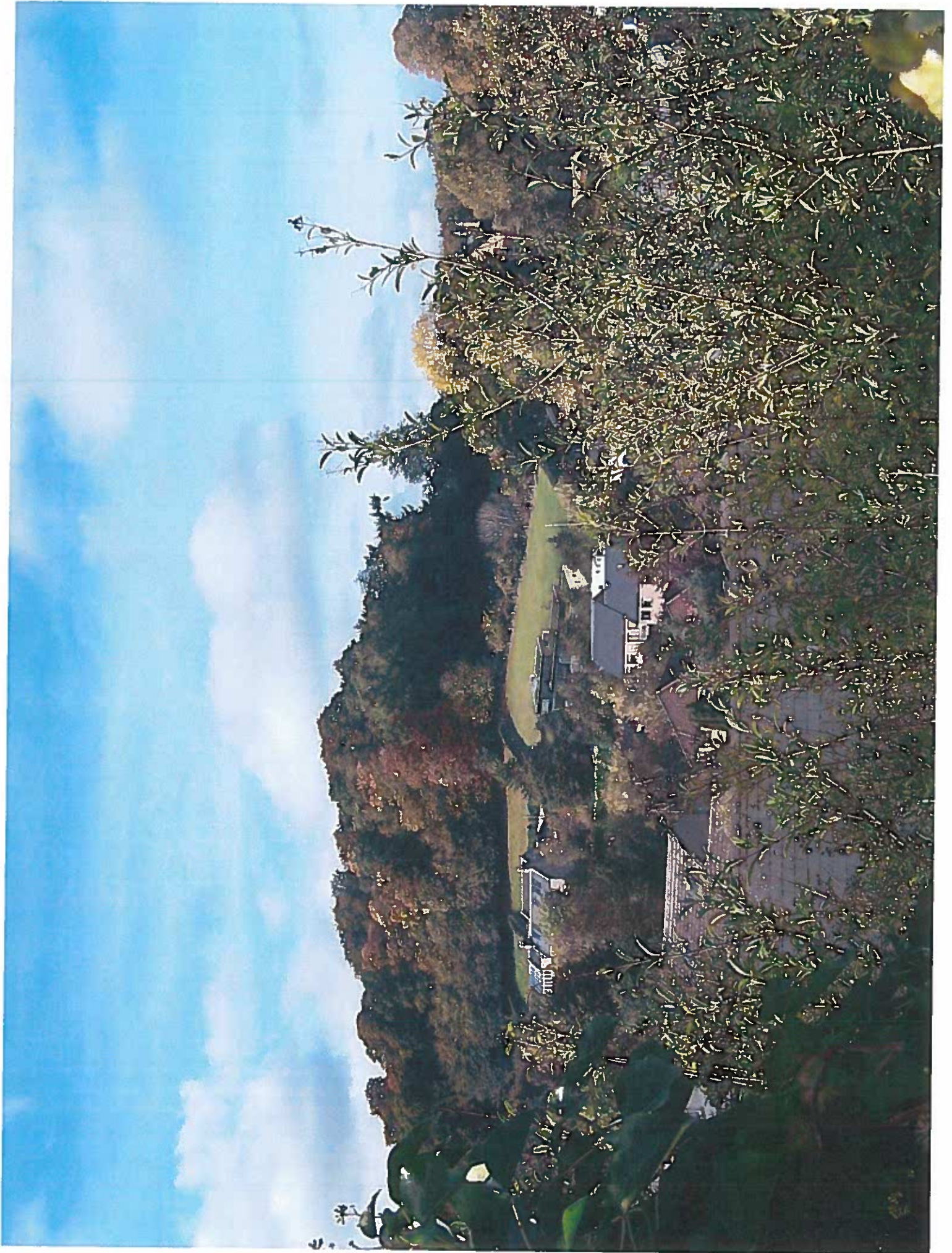
NGP architecture ltd
 Federation House
 222 Queensberry Road
 Edinburgh EH4 2BN
 Telephone 0131-603 7510
 mail@ngparchitects.co.uk
 www.ngparchitects.co.uk

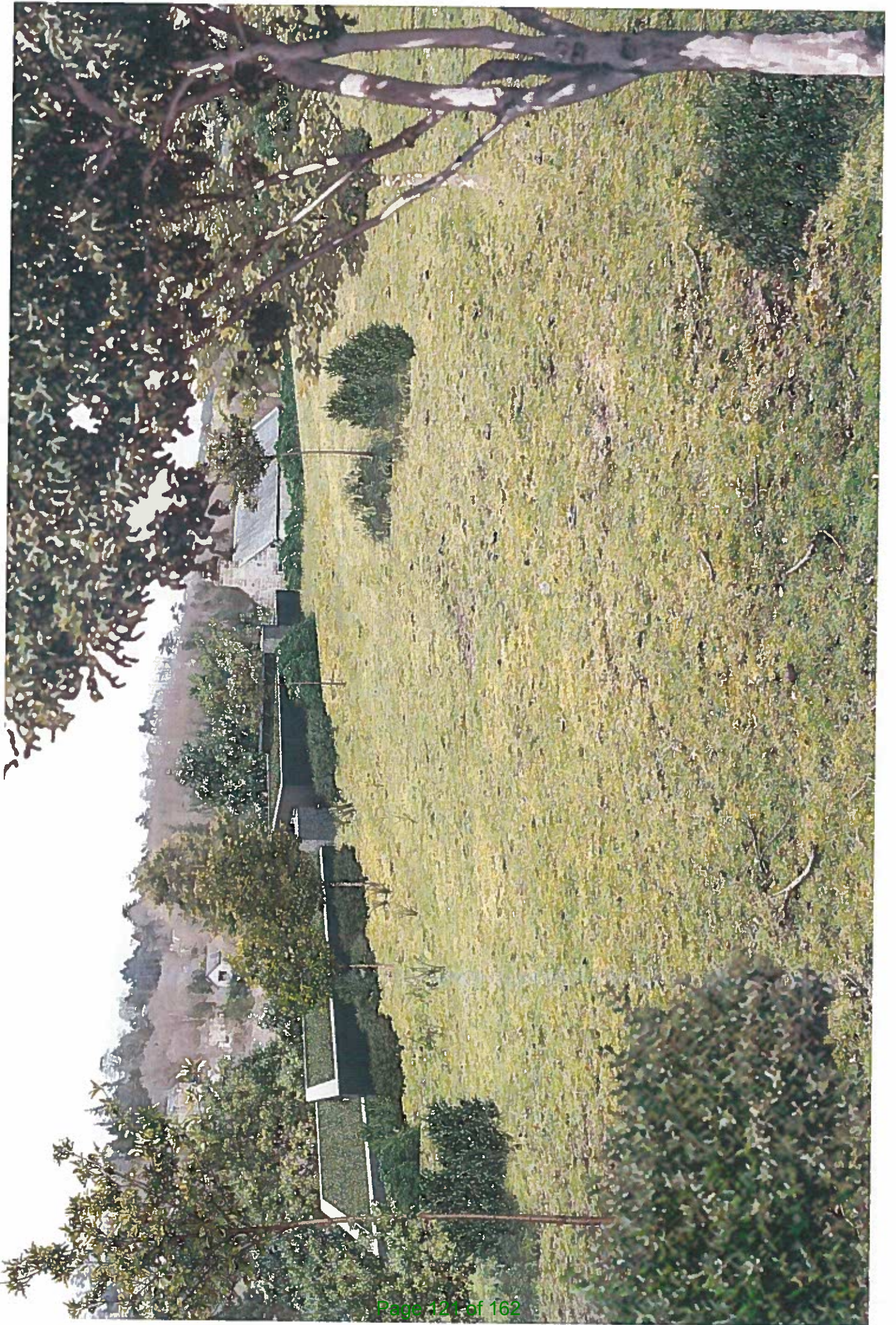


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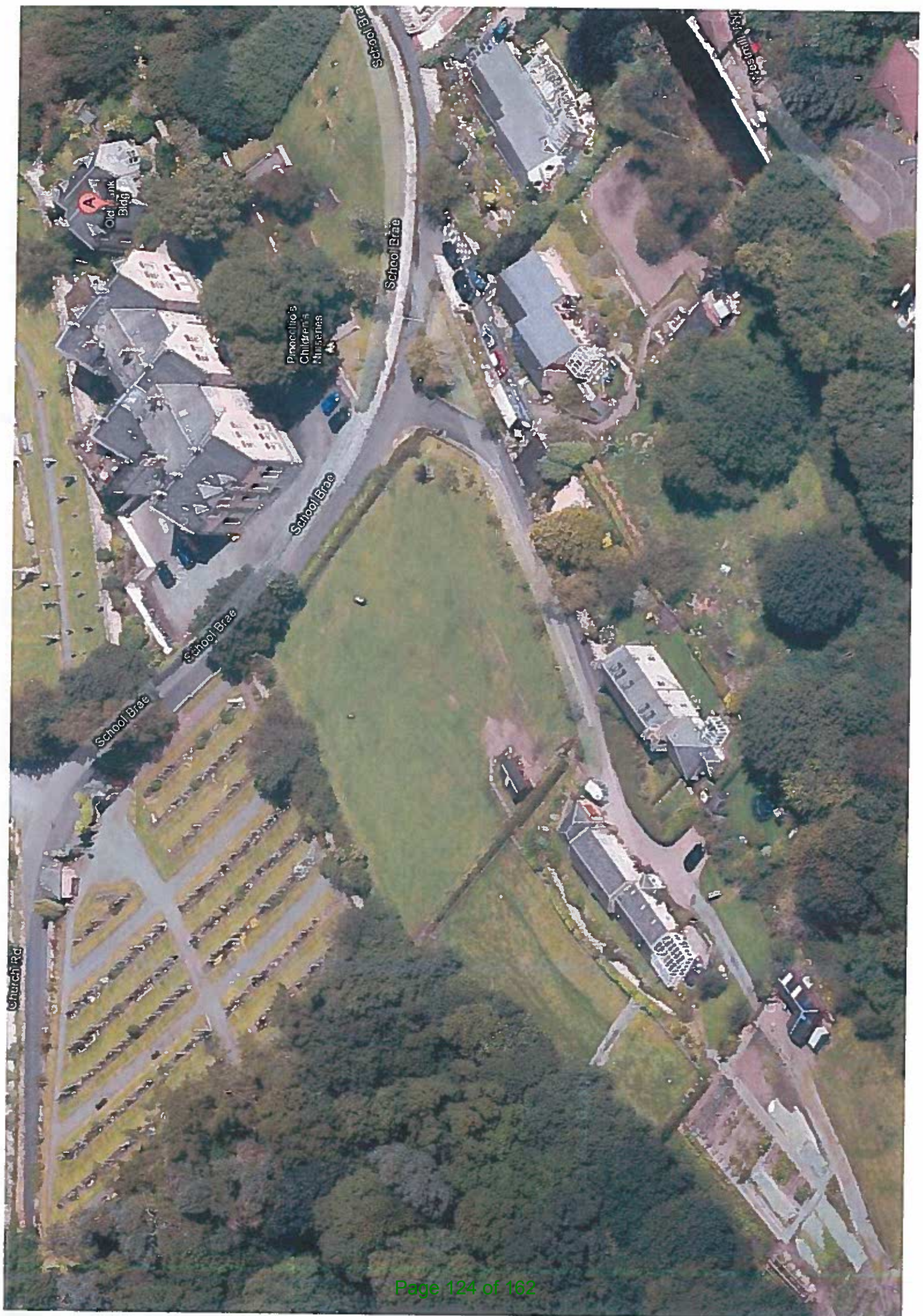












Notice of Review: 153 The Loan, Loanhead

Determination Report

Report by Ian Johnson, Head of Communities and Economy

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 change of use of office to form two dwellinghouses and associated external alterations at 153 The Loan, Loanhead.

2 Background

- 2.1 Planning application 17/00630/DPP for the change of use of office to form two dwellinghouses and associated external alterations at 153 The Loan, Loanhead was refused planning permission on 22 December 2017; 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, issued on 22 December 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (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

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 26 February 2018; and
 - Have determined to progress the review by way of written submissions.

- 4.2 The case officer's report identified that there was one consultation response and one representation received. As part of the review process the interested parties were notified of the review. One additional comment has been received from the representor reinforcing their objection to the application. All the comments can be viewed online on the electronic planning application case file.
- 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 to the next 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 It is considered that no conditions would be required if the LRB is minded to grant planning permission. The reasons for refusing the application relate to its potential impact on amenity and it is considered that this cannot be mitigated by conditions if the LRB are minded to support the review on the basis that the proposed development is acceptable.

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

Date: 15 February 2018

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 17/00630/DPP available for inspection online.

APPENDIX A



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

153 The Loan, Loanhead, EH20 9AN

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Midlothian Council Licence No. 100023416 (2017)

File No. 17/00630/DPP

Scale: 1:1,000



Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100078182-001

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:	Sorrell Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jim	Building Name:	The Green House
Last Name: *	Sorrell	Building Number:	41
Telephone Number: *	0131 343 3463	Address 1 (Street): *	St Bernard's Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH4 1NR
Email Address: *	jimsorrell@sorrellassociates.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"/>	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"/>	Building Number:	<input type="text" value="153"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="The Loan"/>
Company/Organisation	<input type="text" value="Owners Group"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Loanhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH20 9AN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<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="153 THE LOAN"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOANHEAD"/>
Post Code:	<input type="text" value="EH20 9AN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665414"/>	Easting	<input type="text" value="327596"/>
----------	-------------------------------------	---------	-------------------------------------

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 office to two three-bedroomed houses and associated external alterations

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.

See Planning Statement attached

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)

Details provided by the selling agent who conducted the sale of the property to the applicant explaining the interest expressed in the property by other parties. This is a relevant planning consideration as to whether there are alternative uses other than residential conversion which can provide the property with a sustainable use. This information was not available to the applicant when the planning application was submitted.

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)

These are listed on page 1 of the Planning Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00630/DPP

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

02/08/2017

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

22/09/2017

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 Jim Sorrell

Declaration Date: 15/12/2017

**153 The Loan
Loanhead
Midlothian EH20 9AN**

**Planning Statement in Support of a
Notice of Review Regarding a
Decision by Officials of Midlothian
Council to Refuse Planning
Permission for Application
Reference 17/00630/DPP**

**Change of Use from Office to Form
Two Three-Bedroom
Dwellinghouses and Associated
External Alterations**

On behalf of:

The Owners Group

15th December 2017

Sorrell Associates

planning | development | consultancy

The Green House
41 St Bernard's Crescent
Edinburgh EH4 1NR
Tel: 0131 343 3643
www.sorrellassociates.co.uk

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SUPPORTING DOCUMENTATION

Documents Submitted with Application 17/00630/DPP

1. Drawing 1 - Site Location Plan and Block Plan
2. Drawing 2 - Existing Floor Plans
3. Drawing 3 - Existing Elevations
4. Drawing 4 - Proposed Floor Plans
5. Drawing 5 - Proposed Elevations and Cross-Section

Documents from Determination of the Application

6. Consultation response by Council's Policy & Road Safety Consultant, 17th August 2017
7. Planning Officers' Delegated Worksheet
8. Decision Notice, 22nd September 2017

Additional Documents for Consideration with this Review

9. Planning Statement (this document)

SECTION 1 INTRODUCTION

- 1.1** This Planning Statement is in support of a Notice of Review submitted to Midlothian Council ('the Council') under Section 43A of the Town and Country Planning (Scotland) Act 1997, as amended ('the Planning Act').
- 1.2** It seeks to justify the proposal by The Owners Group ('the applicant') to convert the vacant premises at 153 The Loan in Loanhead from its previous use as an office to residential use, comprising two three-bedroomed houses.
- 1.3** Planning permission for this proposal was refused on 22nd September 2017 by the Council's planning officials under delegated authority (application reference 17/00630/DPP). The Council's Local Review Body is therefore requested to overturn that decision.
- 1.4** Regulations under the Planning Act give allowance to seek a review of this decision within three months and the Notice of Review has been duly submitted within that period.

SECTION 2 BACKGROUND TO THE PROPOSAL

Site Context

- 2.1 The subject property at 153 The Loan is a two-storey building located at the junction of The Loan with McNeill Avenue. The Loan is a busy thoroughfare accessing Loanhead town centre to the east and is served by various bus routes. McNeill Avenue is a residential street which is relatively quiet by contrast.
- 2.2 The area has a well-established residential character and, other than the property itself, all neighbouring buildings are residential dwellings. These include bungalows with pitched roofs on the north side of The Loan, two-storey semi-detached and terraced houses on the south side of The Loan, with further two storey houses on McNeill Avenue and adjacent streets.
- 2.3 We understand the property was used as a shop before being converted to a workshop in 1989/1990. It was subsequently converted for use as an office for which planning permission was granted in 1997. This included the extension of the building by forming an upper floor. The property remained in office use until around three years ago since when it has been vacant.
- 2.4 The building is rectangular in shape with a footprint of some 140sqm that fills the plot. Its principal frontage is to McNeill Avenue with a shorter frontage to The Loan. It has two entrance doors, one on each frontage, which open onto the pavement. There are also existing windows on both these elevations at ground floor level.
- 2.5 The upper floor has a smaller floor area as it is constrained by the building's pitched roof on three elevations. There are four dormer windows within the west facing roof but none on the other elevations with the north elevation of the building comprising a gable wall.
- 2.6 On its east side the building is attached to the neighbouring bungalow at no151 whose garden and driveway wrap around the building to the north.

Proposed Conversion

- 2.7 The applicants are aware of the extended period for which the property has been vacant as a commercial concern, and wish to return it to a use which is active, long term and sustainable. They consider there is strong demand for housing in the locality and that this would also be a suitable use given the residential character of the area.
- 2.8 Accordingly John Tod Associates, the project architects, were instructed to consider the scope for conversion to residential use. They considered the property is well suited to residential conversion and, given its size, offers good scope to achieve two three-bedroomed houses.
- 2.9 The conversion will include the following:
- Subdivision of the building into two houses
 - The house proposed with frontage to The Loan will have a total floor area of around 105sq m (ground 70sqm, upper 35sqm) and the house proposed on the north side around 115sqm (ground 70sqm, upper 45sqm)

- Continued use of the two existing entrances, one for each house
- Existing internal stair to be used for the unit to the north and a new stair to be created for that to the south
- Each house to have a lounge/dining area, kitchen, bathroom and one bedroom on the ground floor with two further bedrooms and one bathroom on the upper floor
- The four high level windows onto McNeill Avenue on ground floor will be enlarged to conventional residential proportions with an additional fifth window also formed
- The existing ground floor window on the southern elevation overlooking the adjacent garden of 151 The Loan to be infilled
- Six new velux windows to be formed flush with the roof - three east-facing, two south-facing and one north-facing
- New white uPVC doors and windows to be installed
- Walls to be re-rendered

Planning Application Process

- 2.10 Planning permission is required for the change of use of the property for residential purposes and the associated changes to the external appearance of the building. Accordingly, a planning application was submitted by John Tod Associates on 2nd August 2017, including five drawings illustrating the site location, floor plans, elevations and cross section.
- 2.11 Following submission there was a consultation response from the Council's Policy and Road Safety Manager which particularly addressed parking standards. There was only one public representation received, from the immediate neighbour at no151.
- 2.12 The application was determined by Council officials under delegated authority. The consideration of the planning case officer was provided in a Delegated Worksheet which concluded that permission should be refused. The decision notice was issued on 22nd September 2017 and gave two reasons:

1. The proposed houses will have no private outdoor space and no communal outdoor space. This will result in an unacceptable level of amenity for the occupants of the proposed houses. The proposal is therefore contrary to Policies RP20 and DP2 of the adopted Midlothian Local Plan; and Policy DEV2 of the proposed Midlothian Local Development Plan.

2. The proposed houses will have no allocated parking spaces and will rely on the existing on street parking capacity. This will result in a loss of amenity for existing residential properties in the surrounding area. The proposal is therefore contrary to Policy RP20 of the adopted Midlothian Local Plan; and Policy DEV2 of the proposed Midlothian Local Development Plan.

- 2.13 All the above-mentioned application drawings and other documentation of relevance have been lodged with the Review and are listed on page 1 of this Statement.
- 2.14 In Section 4 we critically appraise the reasons for refusal but we first consider planning policy and other material considerations of relevance.

SECTION 3 DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Statutory Context

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that *'planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.'*

Development Plan

- 3.2 The development comprises the Strategic Development Plan (SDP) for South East Scotland (SESplan), approved 2013 and the Midlothian Local Development Plan (MLP), adopted 2017.

- 3.3 SESplan provides a strategic vision for the Edinburgh city region. Its policies have no direct relevance to the property but its eight overarching Aims include the following with regard to the housing sector:

'Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations'

- 3.4 The *Midlothian Local Plan (MLP)* (adopted 2008) was extant when the planning refusal was issued but has since been replaced by the *Midlothian Local Development Plan (MLDP)* (adopted November 2017). The reasons for refusal refer to policies from both documents, but the MLDP now takes precedence. The following policies apply.

- 3.5 Policy STRAT 2 'Windfall Housing Sites'

'Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that:

- A. it does not lead to the loss or damage of valuable public or private open space;*
- B. it does not conflict with the established land use of the area;*
- C. it has regard to the character of the area in terms of scale, form, design and materials;*
- D. it meets traffic and parking requirements; and*
- E. it accords with other relevant policies and proposals, including policies IMP1, IMP2, DEV3, DEV5 - DEV10.'*

- 3.6 Policy DEV 2 'Protecting Amenity within the Built-Up Area'

'Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.'

- 3.7 This is identical to Policy RP20 of the MLP which is also referenced in the reasons for refusal.

- 3.8 Policy DEV 6 'Layout and Design of New Development'

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

- 3.9 Policy DEV 6 then lists 14 criteria which development proposals should meet in their design and layout, which we summarise as follows:

- A. complement or enhance the character of any adjoining or nearby urban area
- B. incorporate any locally prominent landmarks, viewpoints, etc into the streetscape
- C. good quality materials should be used in the design;
- D. layout should be convenient for pedestrians and cyclists,
- E. a high standard of passive energy gain and avoid overshadowing of buildings
- F. windows to overlook features or activity routes; doors to face onto streets or active frontages;
- G. buildings to be laid along contours to avoid excessive changes in levels
- H. open space for different age groups to be designed and sited to minimise disturbance and protect residential amenity;
- I. adequate spacing between housing should be provided to ensure privacy and amenity*;
- J. new open space should complement existing open space and the proposed green network
- K. private open space should be provided on a scale appropriate to the relevant dwelling type*;
- L. roads to have dimensions capable of accommodating bus services;
- M. roads, lighting and parking must satisfy the Council's standards; and
- N. cycle parking and bin stores shall be incorporated into the layout of developments.

3.10 The policy then confirms that *'Exceptions to the above criteria may be considered where the proposed development is of a very high standard'*.

3.11 It also states that guidance for privacy, amenity and open space (Criteria I and K) is to be provided by the Council in Supplementary Guidance on *'Quality of Place'*. This has not yet been published. However, we note these matters were previously addressed by Policy DP2 *'Development Guidelines'* of the MLP which was also referenced in the reasons for refusal.

3.12 With regard to the Provision of Private Outdoor Space, Policy DP2 states that:

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

- *Houses of 3 apartments should have usable garden areas of no less than 110sqm'*

3.13 With regard to Accessibility and Parking Provision, Policy DP2 states that:

'Proposals for new development will be required to:

- a) incorporate measures to enable or encourage the use of alternative transport modes to the private car;*
- b) make provision for... parking to satisfy the Council's standards.'*

Material Considerations

Scottish Planning Policy (SPP) (2014)

3.14 The SPP introduces *'a presumption in favour of sustainable development'* as a guiding principle of the planning system (p9).

3.15 It considers this should be achieved *'by enabling development that balances the costs and benefits of a proposal over the longer term'* and this is supported by several policy principles which include:

- *'Supporting good design', and*
- *'Making efficient use of existing capacities of land, buildings and infrastructure....'*

- 3.16 A key section of the SPP requires the planning system to focus on *'Enabling Delivery of New Homes'*. This emphasises achieving the delivery of allocated housing sites, ensuring a generous supply of housing land in development plans and maintaining a five-year supply of effective land. It also confirms that windfall developments can play an important role in delivering the housing land requirement in addition to the development of allocated sites (para 117).

Midlothian Council Parking Standards 2014

- 3.17 The Council's Standards confirm it is the Council's policy to *'limit accessible car parking so that walking, cycling and public transport use can be encouraged'*. However, it also states that *'a balance has to be struck by this and road safety concerns caused by migration of overflow parking into surrounding areas'*.
- 3.18 It continues that *'to achieve this balance, standards have been set which can be altered, but only in agreement with transportation officers, when exceptional circumstances exist that alter the requirement for parking'*.
- 3.19 Table 1 of the Standards document includes the following requirement:
- three bedroomed houses - 2 spaces for residents plus 0.5 spaces for visitors.
- 3.20 It states that in addressing this provision *'It is assumed that at least the visitor parking element is provided out with the curtilage'*, which is in accordance with the Scottish Government's *'Designing Streets'* guidance:

Overview of Planning Policy and Material Considerations

- 3.21 It is a well-established tenet of planning procedure that the development plan must be considered in the round as well as focusing on particular aspects of policy. In our opinion the acceptability of converting the property to residential use requires a balanced assessment of the above policies and material considerations, including those which are not referred to in the reasons for refusal or the planning officials' Delegated Worksheet.
- 3.22 In particular we refer to the presumption in favour of sustainable development introduced by Scottish Planning Policy and the desirability for achieving sustainable outcomes. This is in light of new research we have undertaken regarding the demand for alternative uses for the property, as evidenced from the sales process by which the applicant acquired the building. We consider all matters in the following section.

SECTION 4 PLANNING JUSTIFICATION

- 4.1 The building at 153 The Loan entirely fills the land ownership with no surplus land available to provide private garden amenity space or off-street parking. The site boundary is coterminous with neighbouring residential property on two sides and with the pavement as part of the public highway on the other two sides.
- 4.2 Planning officials have strictly imposed the Council's amenity and parking standards and accordingly decided to refuse planning permission.
- 4.3 However, in this case we consider the circumstances of the property at 153 The Loan merit a more flexible approach and that there are strong planning-based reasons to justify approval. We therefore urge the LRB to consider these benefits and to grant planning permission, as an exception to these amenity standards for the following reasons.

No Demand for Non-Residential Use

- 4.4 The property was most recently in use as an office (Class 4) having been converted to that purpose following grant of planning permission for change of use in 1997. Before this it had previously been in use as a workshop and a retail store. The office use continued for several years, however the property was vacated in or around 2013 and we understand has been empty ever since.
- 4.5 To provide context for the proposed residential conversion, it is relevant to consider if there is any likelihood of the office use resuming or an alternative non-residential use being introduced.
- 4.6 The current owners concluded the purchase of the property in September 2017 after the previous owners had placed it on the market for sale through Allan McDougall, the professional solicitors and estate agents. (Note, the company is now known as McQueen McDougall following a recent merger).
- 4.7 We have approached the selling agents to request a report on their marketing campaign and on the level of interest received from prospective purchasers and they have confirmed the following:
- 153 The Loan was made available for sale from 22nd March 2016
 - The property was widely advertised through i) various websites including ESPC, the company's own website, S1 Homes and Rightmove and ii) details were displayed on window cards in six of the company's offices across the Lothians
 - Marketing continued for 22 weeks, up to September 2016
 - Only three notes of interest were received
 - When a closing date was set only two formal offers were made
 - There was no indication of any interest for commercial or any non-residential use

- In their professional opinion, the selling agents consider the property is unattractive to commercial occupiers as it is in a relatively isolated situation, surrounded by residential property, and without the benefits of location in a local centre.
- 4.8 This demonstrates that the property was widely marketed for an extended period of time. However only minimal interest was received from prospective purchasers with no indication of any interest in the building for commercial use.
- 4.9 In our view it is reasonable to conclude from this recent marketing evidence that there is no demand for resuming the currently approved use of the building as office accommodation and the only identified prospect of returning the property to a sustainable purpose is for its conversion to residential use.

Benefits from Returning the Property to a Sustainable Use

- 4.10 It is not known why the previous office use was discontinued. However it is now relevant that the property has been unoccupied for a period of between 3-4 years. The building appears to currently be in reasonable condition, however if it continues to remain empty for an extended period the property will inevitably be subject to deterioration over time. Without a permanent occupier, it would become a management burden for the owner.
- 4.11 An empty building has a detrimental effect on the character of the neighbourhood as it results in detrimental amenity for neighbouring occupiers. It is also not uncommon for vacant property to become a target for vandalism. This is clearly an issue in the locality with the community building at the far end of McNeill Avenue having recently been destroyed by fire.
- 4.12 Scottish Planning Policy confirms that the planning system should operate with '*a presumption in favour of sustainable development*' and for development proposals to result in 'sustainable outcomes'. We consider that these principles would be fulfilled by the proposed change of use to residential.
- 4.13 If planning permission is refused it will result in the building remaining empty for the foreseeable future, exacerbating the detrimental effect this would have on local amenity, the difficulty in upkeeping an empty building and the risk of it becoming a burden. This would clearly not be a sustainable outcome as desired by SPP principles.
- 4.14 There is clear advantage in returning the building to a sustainable long-term purpose both for the benefit of the property and also the locality. Given the extended period for which it has already been vacant, we consider the most sustainable solution for 153 The Loan is to return it to useful purpose as soon as practically possible. Any account of amenity standards must therefore be considered against that background.

Policy Presumption in Favour of Housing

- 4.15 The provision of new housing is a key element of policy within Scottish Planning Policy, SESPLAN and the Midlothian LDP in delivering sufficient dwellings to meeting ongoing market demand. This is generally achieved by the allocation of land within the LDP for the development of new houses. However, Policy STRAT2 'Windfall Housing Sites' confirms that the conversion of existing buildings into residential use makes an important contribution to achieving the Council's target for delivering new homes.

- 4.16 STRAT2 states that *'Within the built-up areas, housing development on non-allocated sites, including the reuse of buildings and redevelopment of brownfield land, will be permitted...'* It goes on to state that this is subject to meeting other policies regarding amenity, etc, but we consider the assessment of those matters should be in the context of the favourable presumption that supports the proposed conversion to housing in principle.

Compatible with the Character, Appearance and Visual Amenity of the Surrounding Area

- 4.17 The locality is wholly residential in character. All neighbouring properties are houses, either bungalows or two storey properties, and the streets to the north of The Loan largely comprise two storey semi-detached and terraced housing.
- 4.18 The use of the property as two dwellings would therefore be entirely consistent with this character. The current use as a Class 4 office is, by definition of the Use Classes Order, compatible with residential amenity, and the proposed residential conversion would continue that relationship.
- 4.19 The appearance of the building is not unpleasant in its current form and, whilst it is of wholly different design to its neighbours, it is compatible with the standard and appearance of surrounding property being well maintained. The proposed conversion would improve the building's appearance with new windows and doors but will otherwise maintain its existing external appearance, ensuring it remains compatible with the visual amenity of the area.
- 4.20 The area is served by the nearby Loanhead town centre which incorporates the community facilities in the new Loanhead Centre. These provide local schools, GP and other healthcare facilities, associated community facilities and retail outlets which are available within easy reach of the subject property. There are also a small number of additional shops, pubs, etc located amongst the residential streets.
- 4.21 The proposed residential use is wholly compatible within the surrounding area and is in conformity with Policy DEV2 of the LDP

The Property's Unusual Character Merits a Bespoke Solution

- 4.22 The building was constructed as a commercial property and has been extended and altered to accommodate changes of use through its lifetime including to a workshop and most recently as an office. This included adding an upper floor and undertaking a significant refurbishment. It is a style of property very different to the houses which are its immediate neighbours and in the locality generally and has been developed to maximise the use of its plot size by extending the building to the full width of its boundaries. This has resulted in the absence of any external space which might be used for garden ground or off-street parking.
- 4.23 However all buildings must evolve to meet required purpose and we consider it would be a disservice of the planning system if bespoke solutions for unusual buildings could not be accommodated. The desirability of returning this unusual building to useful purpose merits a flexible approach in applying the detailed standards generally applicable for residential use.

Parking Provision

- 4.24 The Council's parking standards recommend a total of five off-street parking spaces for the two houses (two for each house and one additional space for visitors). This cannot be achieved but we consider an exception can be made in this case for the following reasons:
- i) Ample parking provision on-street
- 4.25 There is uncontrolled on-street parking immediately outside the subject property on both sides of the road, and which continues all along McNeill Avenue and surrounding streets. McNeill Avenue is a relatively wide road in which there is ample space for vehicles to park on each side of the road without causing undue constraint to vehicles passing in opposite directions.
- 4.26 All houses in McNeill Avenue have off-street parking, which generally ensures there is a relatively low level of on-street parking along the road. This is particularly the case outside the subject property as no153 has a long frontage to McNeill Avenue and directly opposite is the side boundary of no155 The Loan which comprises a continuous fence with no entrances. This results in a section of road which is relatively unused for parking.
- 4.27 The most pertinent times to assess the adequacy of on-street parking is during evenings and weekends, outwith standard working hours. Visiting the area during these times demonstrates that there is ample on-street space for the required number of cars.
- ii) No parking spaces were required for previous uses
- 4.28 The previous use of the property as an office would have accommodated several staff and business visitors arriving by car which would have been accommodated by on-street parking. We are unaware of any difficulties caused by this arrangement.
- 4.29 Planning permission was granted by the Council in 1997 for office purposes in full knowledge that there was no off-site provision. It is notable that the Delegated Worksheet confirms the Council's parking standards would require four spaces for the office use of the property, similar to that required for the residential conversion.
- 4.30 We accept that the office use may have generated a parking requirement at different times of day to the proposed residential use. However, we consider that this generally supports our analysis that there is ample on-street parking provision available.
- iii) Good public transport availability
- 4.31 There are various bus routes in service along The Loan (nos37, 47, N37) and there is a bus stop outside the adjacent house. This provides very good public transport accessibility for the residents of the proposed new houses. The Council's parking standards confirm it is desirable to limit parking provision in order to encourage people to walk, cycle and use public transport, and that any parking requirement should seek to achieve a balance in that regard.
- 4.32 The availability of bus services provides further mitigation to compensate for the absence of any off-street parking provision, and in accordance with recognised planning objectives.

iv) No Objection from the Council's Transportation Division

- 4.33 A consultation response regarding the planning application dated 17th August 2017 was made by Mr Gilfillan representing the Policy & Road Safety function of the Council's Corporate Resources division. He stated that

'I have no objection in principle to the proposed change of use....'

- 4.34 In reaching this conclusion he makes reference to the lack of off-street parking and the requirement for on-street parking by the new residents. However, he continues that

'the existing use would also have generated a need for parking and the overall impact of the proposed change may not result in any significant change to the overall parking situation in the local area'.

- 4.35 This consultation response represents the professional opinion of the consultant instructed by the Council to advise on such matters and we consider significant weight should be attributed to his conclusion that no objection is merited. It is unclear why the planning officials came to a different opinion and we consider this should be over-ruled by the LRB.

Respecting the Privacy of Immediate Neighbours

- 4.36 The immediate neighbour at no151 objected to the application. However the design of the proposed conversion has taken account of the privacy and amenity of the neighbouring house by:

- Removing the ground floor window which presently overlooks the neighbouring front garden on the elevation facing The Loan.
- The velux windows proposed for installation in the roof are at an angle that would prevent overlooking of the neighbour and are designed simply to provide additional natural light to the upper floor accommodation

- 4.37 These matters are acknowledged in the Officials' Delegated Worksheet and are not subject of the reasons for refusal.

Suitable Amenity for New Residents

- 4.38 The reasons for refusal focus on the absence of parking spaces and outdoor open space/gardens. These matters cannot be changed, however the proposal should be considered 'in the round' regarding the overall quality of residential amenity of the occupiers of the proposed houses and the other matters referred above.
- 4.39 Policy DEV6 refers to several criteria considered appropriate for residential use. The policy refers to various aspects of design and layout and we consider all of the following criteria will either be satisfied by the proposed conversion of the existing building or are not relevant.
- 'Complement or enhance the character of any adjoining or nearby urban area' - this is achieved, as per paras 4.17-4.21 above.
 - 'Incorporate any locally prominent landmarks, viewpoints, etc into the streetscape' – not applicable

- *'Good quality materials should be used in the design'* - the project architect confirms that materials to be used will either match the original materials or will be of a higher specification.
- *'Layout should be convenient for pedestrians and cyclists'* - not applicable
- *'A high standard of passive energy gain and avoid overshadowing of buildings'* - Regarding energy gain, the architect confirms that the building will be brought up to the current standard of U-values required by the Building Regulations. This will result in a large drop in the present energy performance of the building.

Regarding overshadowing, this is not presently a concern with adjacent property and the relationship with neighbours will not change from the proposed conversion.

- *'Windows to overlook features or activity routes; doors to face onto streets or active frontages'* - the entrances to each proposed dwelling, and all windows, will face onto either The Loan or McNeill Avenue
- *'Buildings to be laid along contours to avoid excessive changes in levels'* - not applicable
- *'Adequate spacing between housing should be provided to ensure privacy and amenity'* - aspects of privacy and amenity to the immediate neighbour are addressed in paras 4.36-4.37.
- *'New open space should complement existing open space and the proposed green network'* - not applicable
- *'Roads to have dimensions capable of accommodating bus services'* - not applicable
- *'Roads, lighting and parking must satisfy the Council's standards'* - roads and lighting are not applicable. Parking provision has been justified in paras 4.24-4.35 above.
- *'Cycle parking and bin stores shall be incorporated into the layout of developments'* - The project architect confirms that a discrete area for bin and cycle storage will be made available inside the proposed houses, including the space below the stairs. The applicant disputes the comments in the officers Delegated Worksheet that the absence of a standard bin store provision should be regarded as inadequate.

- 4.40 The proposed conversion into two dwellings will therefore achieve all the above recognised aspects of appropriate amenity standards for modern housing. In addition the houses will be designed to a high standard and include all facilities expected for modern accommodation.

Absence of Private Outdoor Space

- 4.41 The remaining aspect of amenity relates to the requirement of Policy DEV6 that *'Private open space should be provided on a scale appropriate to the relevant dwelling type'*. In this case the requirement would be for 110sqm of outdoor space for each house but there is no available land associated with the building that can achieve this

- 4.42 It is accepted that, in an ideal situation, this would be desirable. However the LRB is invited to take the following into account:
- There are many properties which do not have private gardens or outdoor space. It is not uncommon for many flats to be in this situation
 - Many people do not require or wish to maintain an outdoor space
 - There are well-provided and well-maintained public parks within easy walking distance of the property
 - New residents would have a choice whether to live at the proposed dwellings in full knowledge of the absence of private outdoor space.
 - Most, if not all, other houses in the area include a private outdoor space, so there is ample provision of such housing in that regard. The approval of two dwellings without this facility would not alter the overall provision in the area and prospective occupants would be able to exercise their choice over which facilities were of importance to them.

SECTION 5 CONCLUSION

- 5.1 The reasons for refusal focus on the lack of off-street parking and private outdoor garden / amenity space. These aspects cannot be provided as the existing building at 153 The Loan entirely fills the land ownership with no surplus space available. However, in our consideration, the benefits that will derive from the proposed residential conversion of the building, and the particular circumstances of the property, constitute strong planning-based reasons that justify approval in this case.
- 5.2 We respectfully request that members of the LRB consider these benefits, take a flexible approach in applying the Council's amenity standards, and conclude that the granting of planning permission is merited with regard to Policies STRAT2, DEV2 and DEV6 of the Midlothian LDP for the following reasons:
- The building has been vacant for over three years. The applicant recently acquired the building and proposes its conversion to two semi-detached houses which will restore an active and long term sustainable use to the building.
 - The building was last in use as an office but the selling agent who undertook the recent marketing of the property has reported there was no known interest for resuming the office use or for converting it to any other non-residential purpose.
 - The property was subject to a well-advertised marketing campaign over a lengthy period of 22 weeks. There were only three expressions of interest and two formal offers made to purchase the building including the winning bid by the applicant.
 - This demonstrates there is no confirmed market interest for anything other than residential use.
 - The property is located in a wholly residential neighbourhood with all immediate neighbours comprising houses. Its conversion to two houses would conform with the character of the area and accord with Policy DEV2.
 - The conversion of existing buildings into dwellings is supported by Policy STRAT2 of the Midlothian LDP which recognises the contribution of such 'windfall' conversions to achieving the Council's target for delivering new homes.
 - The building has an unusual design by comparison with all other houses in the area due to its original purpose and evolution from previous industrial / commercial uses which are no longer in demand. This unusual building merits an imaginative and bespoke solution and a flexible application of planning standards.
 - The planning officials' concern at insufficient parking is over stated. There is ample on-street parking whose availability to occupiers of the proposed dwellings is enhanced by all other houses having off-street provision. There is a regular public bus service immediately outside the property which is recognised in Council policy as relevant mitigation.

- The previous office use was granted planning approval despite the absence of off-street parking spaces. Council standards required a similar number of spaces as for the current residential proposal.
 - The Council's professional transportation consultant made no objection to the application having considered all these aspects. His opinion should be upheld by the LRB.
 - The absence of garden ground cannot be overcome. However, the proposed conversion satisfies all other Council standards for design and layout in Policy DEV6 and is acceptable on balance.
 - It is relevant that many people do not require an external amenity area and, as most other houses in the locality have a garden, prospective residents would be provided with a choice. In any case there are public parks within easy walking distance. An exception is merited.
 - The desirability of private outdoor space should be balanced with the overall and wider benefit of returning the building to useful purpose.
 - Residential conversion conforms with the core principles of Scottish Planning Policy which supports provision of housing and establishes a presumption in favour of sustainable development.
 - By contrast, refusal of planning permission would likely result in the property remaining empty for a continuing period. This would risk deterioration of the building condition, incurring a management burden and risk of vandalism. That outcome would be to the detriment of the amenity and character of the residential area, and contrary to the objectives of Scottish Planning Policy.
- 5.3 Finally, there is an area of pavement in front of the property which is presumed to be in Council ownership as part of the public highway. If this area of land was available for purchase the applicant would be interested in using this as an area of garden ground to address the deficiency.

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Case Officer:** Graeme King **Site Visit Date:** 10/08/2017**Planning Application Reference:** 17/00630/DPP**Site Address:** 153 The Loan, Loanhead

Site Description: The application subjects are a single storey building with an additional floor of accommodation within the roofspace served by dormer windows and a rooflight. The walls are finished with off-white painted wet dash render; the roof is finished with slate; and the doors and windows are white uPVC items. The building is attached to the neighbouring dwellinghouse at 151 The Loan. The front of the building has a door, 2 ground floor windows and a rooflight. The side elevation onto McNeill Avenue has a door and window; 4 narrow high level ground floor windows; and 4 dormer windows. There are no doors on windows on the remaining elevations.

The building was for many years used as a shop. In 1989 consent was granted for a change of use from a shop to a printers' workshop. In 1997 consent was granted for an extension to the building, creating the current upper floor; at the same time the use of the building changed to an office use. The building has been vacant for approximately 3 years.

To the East the building is bounded by the house and garden at 151 The Loan. To the North (rear) the building is bounded by the garden/driveway at 151 The Loan. To the West the property fronts onto McNeill Avenue. To the South (front) the majority of the elevation fronts onto The Loan, with a small section of the elevation (including a window) facing into the front garden of 151 The Loan.

Proposed Development: Change of use of office to form two dwellinghouses and associated external alterations

Proposed Development Details: It is proposed to sub-divide the building to form two 3 bed houses. One house will be accessed via the existing access, at the front of the building, onto The Loan. The other house will be accessed via the existing access, at the side of the building, onto McNeill Avenue.

Various external changes are proposed to improve the amenity of occupants of the proposed houses. At the front of the building the window facing into the garden of 151 The Loan will be infilled and 2 additional rooflights will be installed. On the Western elevation, facing onto McNeill Avenue, the 4 existing high level window openings will be enlarged to create conventionally sized openings; a matching 5th opening will also be formed. On the Eastern elevation 3 new rooflights will be installed and a further rooflight will be installed on the North elevation of the roof. New white uPVC doors and windows will be installed. The walls will be re-rendered.

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

0230/97 - Change of use and extension to workshop to form office accommodation at 153 The Loan, Loanhead. Consent with conditions

601/89 – Change of use from retail shop to printers' workshop at 153 The Loan, Loanhead. Consent with conditions

Consultations: The Council's **Policy and Road Safety** manager has no objection to the principle of the proposed change, but notes that the lack of any off-street parking will place additional pressure on the limited number of on-street spaces presently available. The response also notes that the existing business use would also have generated a need for parking and the overall impact of the proposed change may not result in any significant change to the overall parking situation in the area. It is also noted that the large surfaced area at the front of the property is not part of the adopted footway but appears to be owned by the Council. Due to its proximity to the junction and the pedestrian crossing points it would not be suitable for use as a driveway/parking area.

Representations: One letter of objection has been received on behalf of the owner of 151 The Loan. The grounds for objection are as follows:

- The property at 153 The Loan has rights of access for repair and maintenance but not for construction/alteration.
- The new rooflights on the east elevation will overlook the garden of 151.
- There are existing problems with the drainage network that serves the 2 existing properties.
- Additional housing will increase parking issues on McNeill Avenue.

Relevant Planning Policies: The adopted development plan is the **Midlothian Local Plan 2008 (MLP)**. The following policies are relevant to this application:

Policy RP20: Development within the Built-up Area states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.

Policy DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings; including the size of private outdoor space that dwellinghouses should be provided with.

The **Midlothian Local Development Plan (MLDP)** was submitted to the Scottish Ministers for examination on 09 September 2016. The Examination Report was received in July 2017 with formal adoption anticipated for late 2017. As this plan is at an advanced stage of preparation it represents the settled view of the Council and is therefore a material consideration of significant weight in the assessment of applications. The following policies in the MLDP are relevant to this application:

Policy 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.

Planning Issues: The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. Any representations and consultation responses received are material considerations.

The proposed houses will have no private or communal outdoor space. The existing garden and driveway to the side and rear of the building is in the exclusive ownership of the neighbouring property at 151 The Loan. Policy DP2 of the Midlothian Local Plan states that terraced houses should have a minimum private usable outdoor space of 100 sqm. Outdoor space allows space for storage of bins and bicycles; allows space for drying of washing; and allows space for outdoor recreation. While the Planning Authority may choose to relax the standards in certain instances, for example flats in town centres, it would generally still be expected that, as a minimum, residential properties would have space for bin storage and cycle parking. The proposed houses are not in a town centre and are situated in a residential area where outdoor space is the norm. Without provision of outdoor space any future occupants would have a standard of amenity significantly below that expected by Midlothian Council.

The proposal relates to two 3 bed dwellinghouses. The Council's parking standards requires that residential units with 3 beds or more should be provided with 2 allocated spaces per unit and 0.5 visitor's spaces per unit. A development of the scale proposed should have 4 allocated spaces and 1 visitor's space. While it is acknowledged that the existing use does not provide the 4 spaces that an office use of this scale would require, to meet parking standards; it is to some extent mitigated by the fact that the demand for office parking is highest during daytime hours on weekdays, when local residents are at work. The proposed residential use would create an increased demand for parking during evenings and weekends when demand from existing local residents is likely to be highest.

The provision of new rooflights on the Eastern and Northern elevations would appear to raise the possibility of overlooking of the garden area of 151 The Loan, however the rooflight locations are lower on the roof than would normally be expected and examination of the floor plans makes clear that the rooflights would provide high level lighting to the ground floor of the houses. The internal layout of the houses would mean that the rooflights would not result in overlooking of 151 The Loan.

The capacity and efficiency of drainage systems is a matter dealt with as part of the building warrant process and is not a material planning consideration. Rights of access for the purposes of construction would be a private legal matter between the owners of the relevant properties.

Recommendation: Refuse Planning Permission

Reasons for refusal: 1. The proposed houses will have no private outdoor space and no communal outdoor space. The will result in an unacceptable level of amenity

for the occupants of the proposed houses. The proposal is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan; and policy DEV2 of the proposed Midlothian Local Development Plan.

2. The proposed houses will have no allocated parking spaces and will rely on the existing on street parking capacity. This will result in a loss of amenity for existing residential properties in the surrounding area. The proposal is therefore contrary to policy RP20 of the adopted Midlothian Local Plan; and policy DEV2 of the proposed Midlothian Local Development Plan.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00630/DPP

John Tod Associates
Magdalene Cottage
59 Edinburgh Road
Musselburgh
East Lothian
EH21 6EE

Midlothian Council, as Planning Authority, having considered the application by The Owners Group Of No 153 The Loan, Loanhead, 153 The Loan, Loanhead, EH20 9AN, which was registered on 8 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use of office to form two dwellinghouses and associated external alterations at 153 The Loan, Loanhead, EH20 9AN

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	1 1:1250, 1:200	08.08.2017
Existing Floor Plan	2 1:100	08.08.2017
Existing Elevations	3 1:100	08.08.2017
Proposed Floor Plan	4 1:100	08.08.2017
Proposed Elevations	5 1:100	08.08.2017

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

1. *The proposed houses will have no private outdoor space and no communal outdoor space. This will result in an unacceptable level of amenity for the occupants of the proposed houses. The proposal is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan; and policy DEV2 of the proposed Midlothian Local Development Plan.*
2. *The proposed houses will have no allocated parking spaces and will rely on the existing on street parking capacity. This will result in a loss of amenity for existing residential properties in the surrounding area. The proposal is therefore contrary to policy RP20 of the adopted Midlothian Local Plan; and policy DEV2 of the proposed Midlothian Local Development Plan.*

Dated 22 / 9 / 2017



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

REFUSED
22.09.2017
17/00630/DPP

JTA
 John Tod Associates
 ARCHITECTS

EDINBURGH

DRAWING No 1

PROPOSED CHANGE OF USE FROM AN OFFICE TO
 FORM TWO, THREE BEDROOM HOUSES AT
 NO153 THE LOAN, LOANHEAD, MIDLOTHIAN.
 FOR THE OWNERS GROUP OF NO153 THE LOAN
 LOANHEAD.

JOHN A TOD Dip Arch A.R.I.A.S. A.R.B.
 Registered Architect

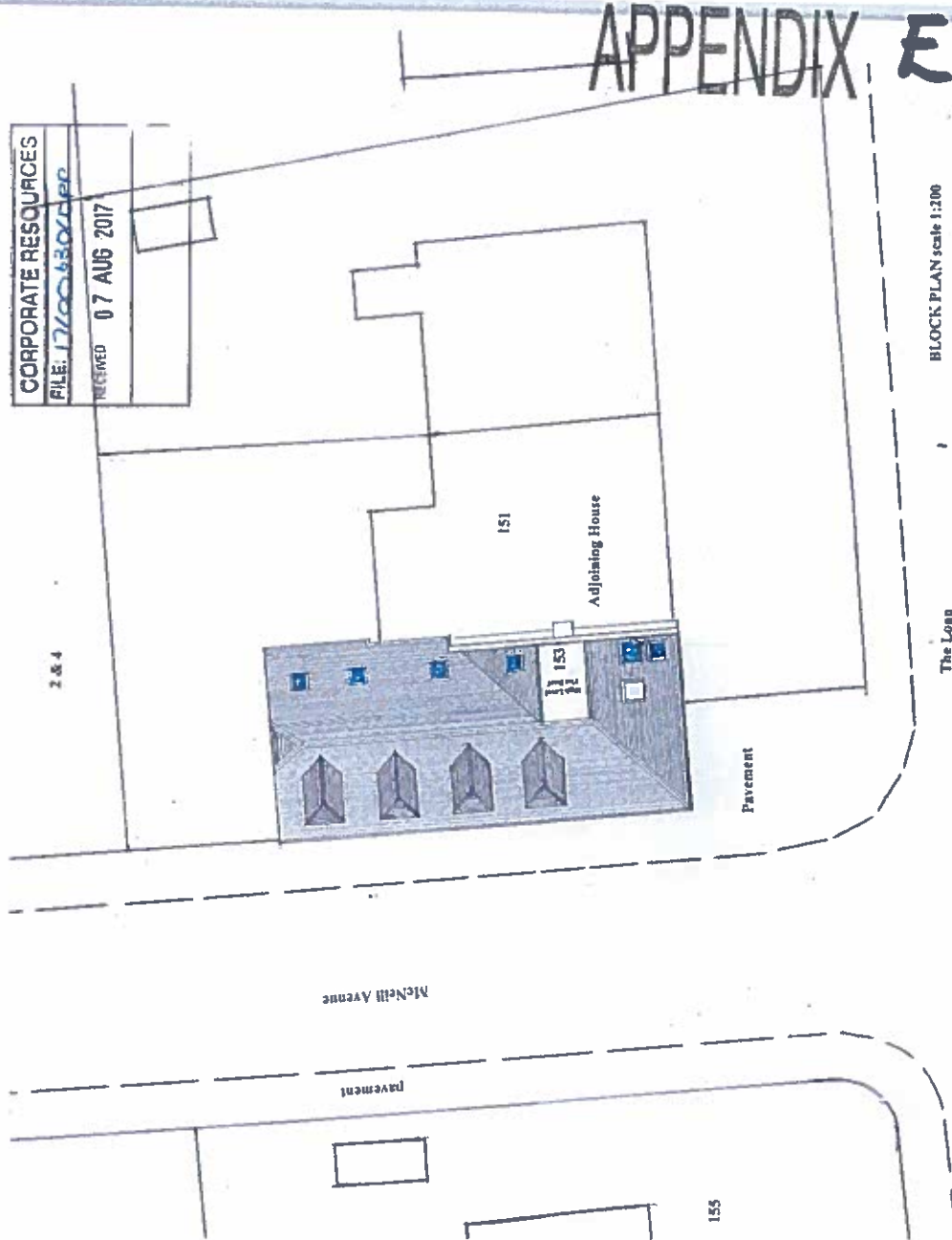
Tel: 0131-665 8147
 Fax: 0131-665 2161

Email totyoung61@btinternet.com

59 Edinburgh Road
 Musselburgh
 East Lothian
 Scotland EH21 6EE



LOCATION PLAN scale 1:1250



BLOCK PLAN scale 1:200

The Loan

APPENDIX E

REFUSED
22.09.2017
17/00630/DPP

JTA
 John Tod Associates
 ARCHITECTS
 EDINBURGH

DRAWING No 3

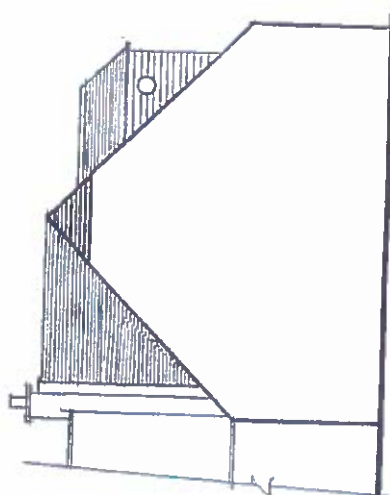
PROPOSED CHANGE OF USE FROM AN OFFICE TO
 FOUR TWO, THREE BEDROOM HOUSES AT
 NO153 THE LOAN, LOANHEAD, MIDLOTHIAN,
 FOR THE OWNERS GROUP OF NO153 THE LOAN
 LOANHEAD.

JOHN A TOD Dip Arch A.R.I.A.S. A.R.B.
 Registered Architect

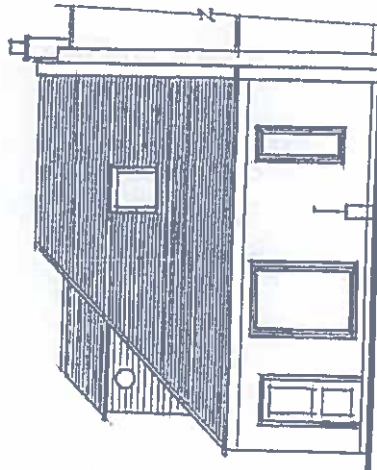
Tel: 0131-885 8147
 Fax: 0131-885 2181

Email todyoung61@hotmail.com

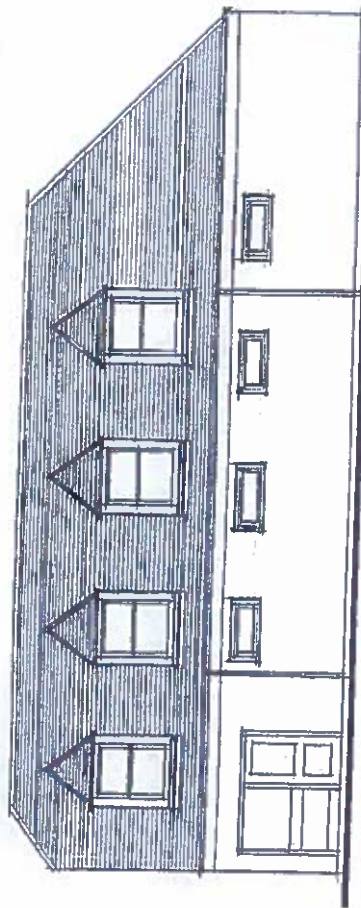
59 Edinburgh Road
 Musselburgh
 East Lothian
 Scotland EH21 6EE



EXISTING NORTH ELEVATION scale 1:100



EXISTING SOUTH ELEVATION scale 1:100



EXISTING WEST ELEVATION scale 1:100



EXISTING EAST ELEVATION scale 1:100

REFUSED
22.09.2017
17/00630/DPP

JTA
John Tod Associates
ARCHITECTS
 EDINBURGH

DRAWING No 5

PROPOSED CHANGE OF USE FROM AN OFFICE TO
 FORM TWO, THREE BEDROOM HOUSES AT
 No153 THE LOAN, LOANHEAD, MIDLOTHIAN,
 FOR THE OWNERS GROUP OF No153 THE LOAN
 LOANHEAD.

JOHN A TOD Dip Arch A.R.I.A.S. A.R.B.
 Registered Architect

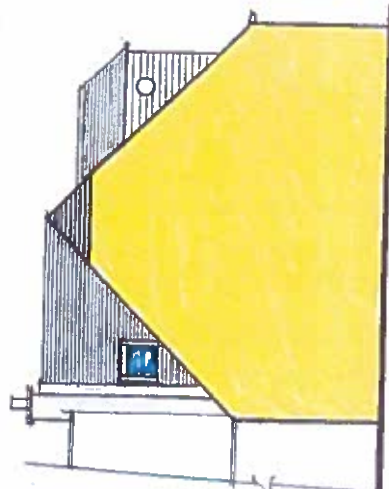
59 Edinburgh Road
 Musselburgh
 East Lothian
 Scotland EH21 6EE

Email jodyoung61@btinternet.com

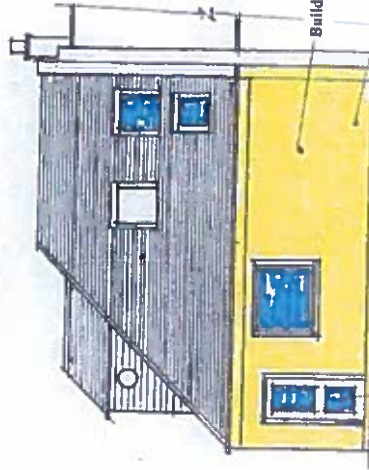
Tel: 0131-665 8147
 Fax: 0131-665 2161

New white U.P.V.C. Door and Entrance screen

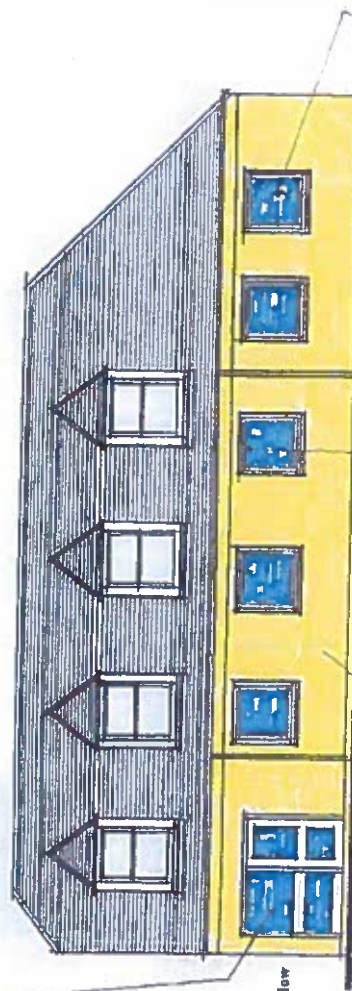
New Velux windows top hung for fire escape purposes



PROPOSED NORTH ELEVATION scale 1:100



PROPOSED SOUTH ELEVATION scale 1:100



PROPOSED WEST ELEVATION scale 1:100

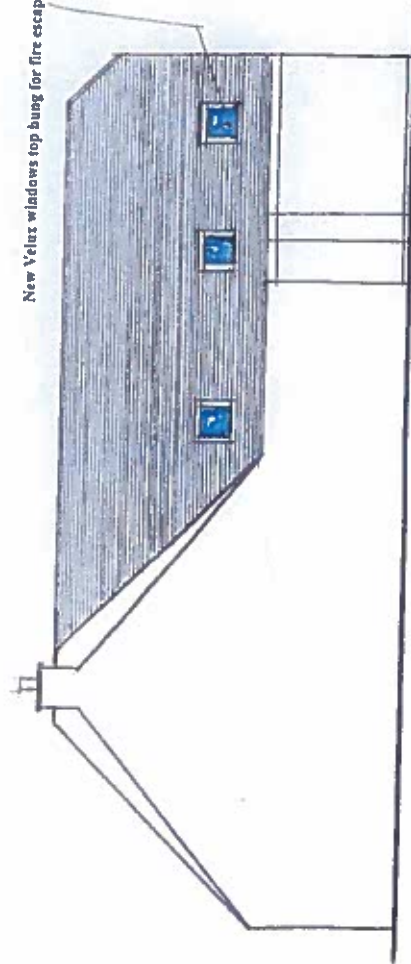
New white U.P.V.C. Door

Build up window

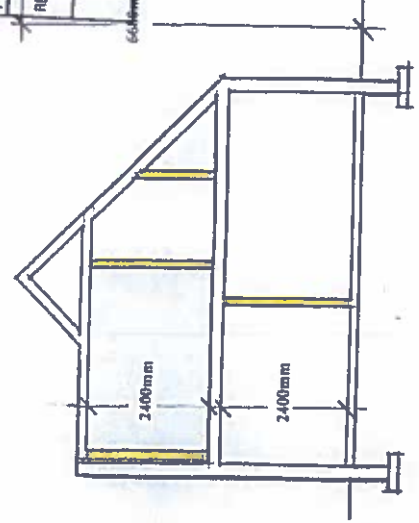
Rerender all the external elevations to match the existing

Form new openings and fit new white U.P.V.C. windows

New Velux windows top hung for fire escape purposes



PROPOSED EAST ELEVATION scale 1:100



SECTION A-A scale 1:100

CORPORATE RESOURCES	
FILE: 17/00630/DPP	RECEIVED 07 AUG 2017

REFUSED
22.09.2017
17/00630/DPP

JTA
 John Tod Associates
 ARCHITECTS
 EDINBURGH

DRAWING No 2
 PROPOSED CHANGE OF USE FROM AN OFFICE TO
 FORM TWO, THREE BEDROOM HOUSES AT
 No153 THE LOAN, LOANHEAD, MIDLOTHIAN.
 FOR THE OWNERS GROUP OF No153 THE LOAN
 LOANHEAD.

JOHN A TOD Dip Arch A.R.I.A.S. A.R.B.
 Registered Architect

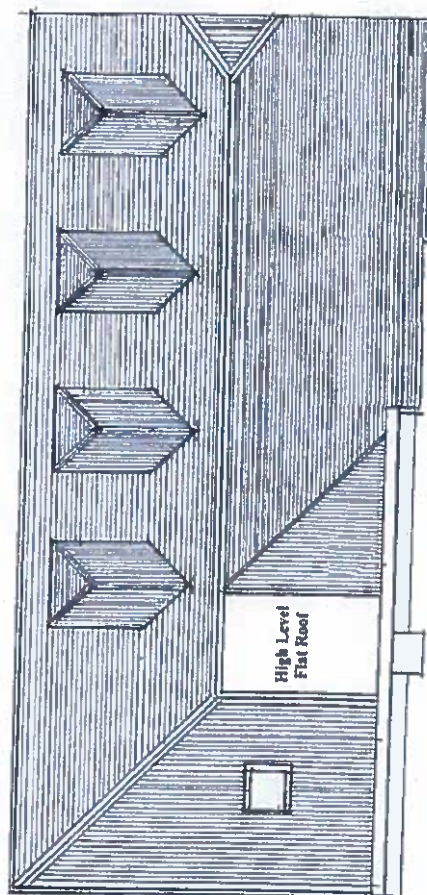
Tel: 0131-865 8147
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 Email todyoung61@btinternet.com

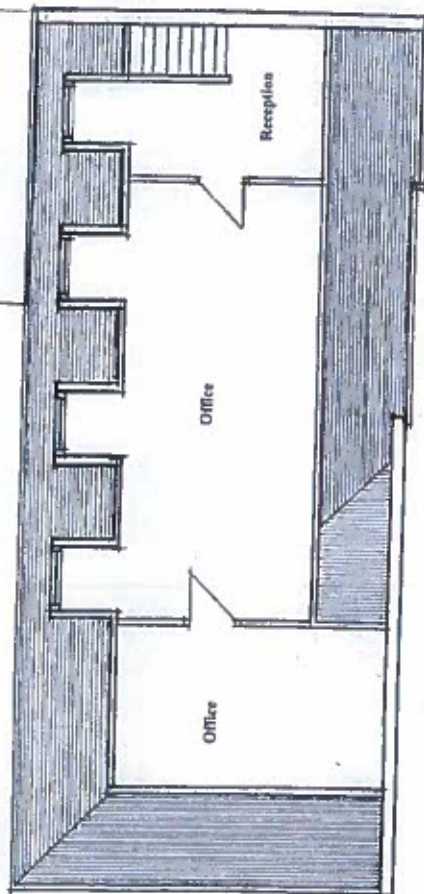
CORPORATE RESOURCES

FILE 17/00630/DPP

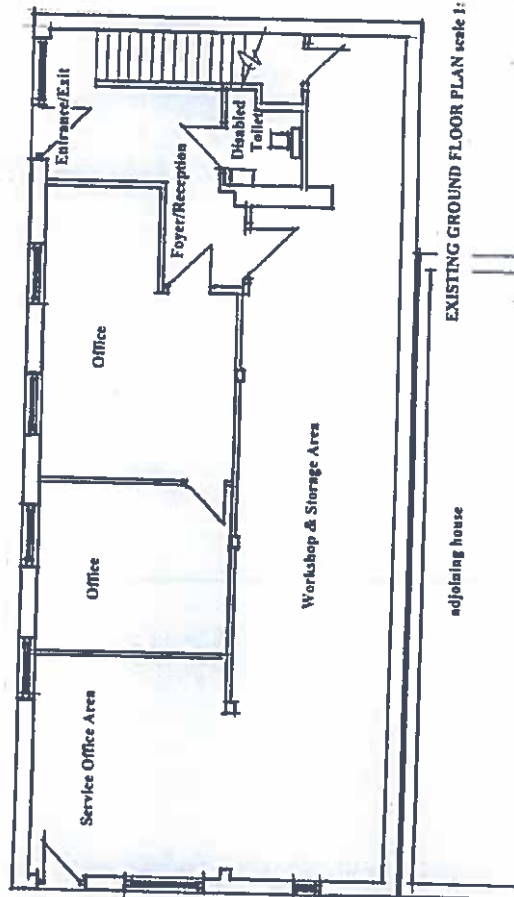
RECEIVED 07 AUG 2017



EXISTING ROOF PLAN scale 1:100



EXISTING FIRST FLOOR PLAN scale 1:100



EXISTING GROUND FLOOR PLAN scale 1:100



Information on the Building Regulations process can be found on the Scottish Government website at www.scotland.nhs.uk. For more information on the Building Regulations process, please contact the Scottish Government at 0131 244 2444 or visit www.scotland.nhs.uk.

REFUSED
22.09.2017
17/00630/DPP

JTA
John Tod Associates
ARCHITECTS

EDINBURGH

DRAWING No 4
PROPOSED CHANGE OF USE FROM AN OFFICE TO
FORM TWO, THREE BEDROOM HOUSES AT
NO153 THE LOAN, LOANHEAD, MIDLOTHIAN.
FOR THE OWNERS GROUP OF NO153 THE LOAN
LOANHEAD.

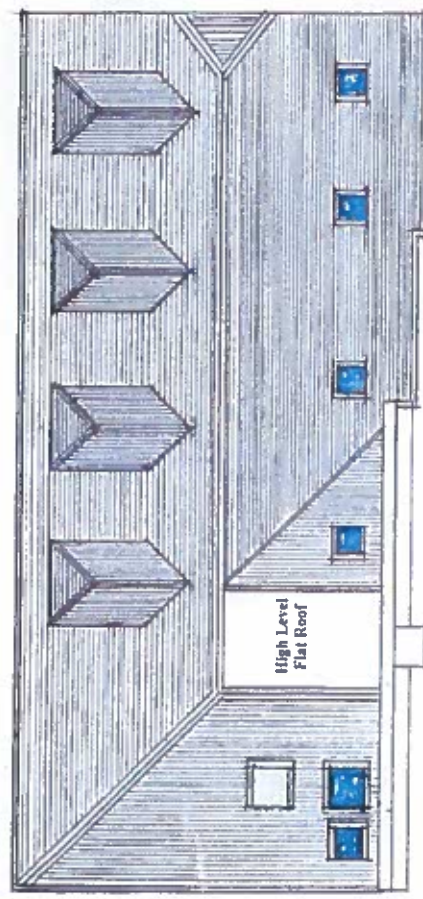
JOHN A TOD Dip Arch A.R.I.A.S. A.R.B.
Registered Architect

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Fax: 0131-885 2161

Email todyoung61@bt.com
07 AUG 2017

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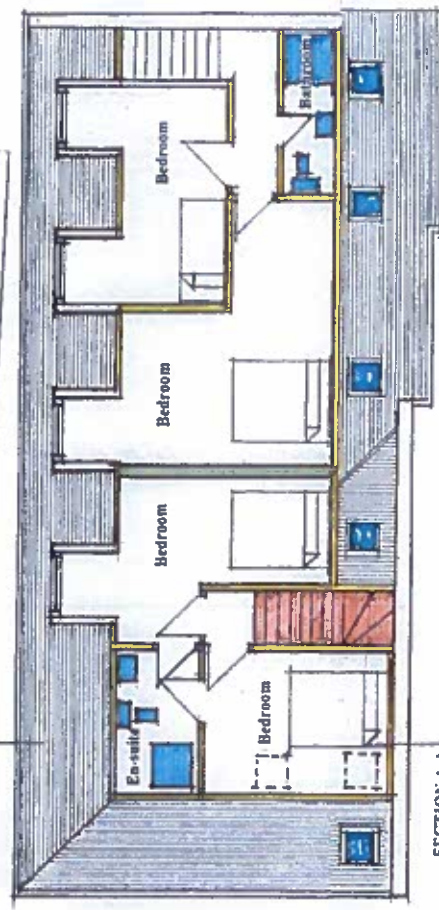
CORPORATE RESOURCES
FILE 17/00630/DPP
RECEIVED



PROPOSED ROOF PLAN scale 1:100

All roof works are to result in the entire roof being finished in the existing slate which is to be reused and fitted to match the existing.

SECTION A-A



SECTION A-A



SECTION A-A

PROPOSED GROUND FLOOR PLAN scale 1:100



