

Notice of Meeting and Agenda



Local Review Body

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

Date: Monday, 17 April 2023

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

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

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

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 Declaration 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 Minute of Previous Meeting

- | | | |
|------------|--|-------|
| 4.1 | Minute of Meeting of 6 March 2023 submitted for approval | 3 - 8 |
|------------|--|-------|

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- | | | |
|------------|--|-----------|
| 5.1 | 1 Saint Mary's Court, Dalkeith 22.00692.DPP | 9 - 30 |
| 5.2 | 20 Beechwood Park, Newtongrange 22.00861.DPP | 31 - 46 |
| 5.3 | 9 Gorton Loan, Rosewell 22.00734.DPP | 47 - 104 |
| 5.4 | Land rear of 4 Hunter Court, Loanhead 22.00324.PPP | 105 - 130 |

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday 22 May 2023 at 1pm

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

Minute of Meeting

Local Review Body
Tuesday 17 April 2023
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 6 March 2023	1.00pm	Council Chambers

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Virgo, Councillor Milligan and Councillor Smail

2 Order of Business

The order of business was as outlined in the agenda previously circulated.

3 Declarations of interest

No declaration of interests were received

4 Minute of Previous Meeting

The Minute of the Meeting of 23 January 2023 was submitted and approved as correct record, moved by Councillor McEwan, seconded by Councillor McManus.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	Land at 2 Finlay Place, Mayfield (22/00481/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from public open space to private garden ground at land at 2 Finlay Place, Mayfield.</p> <p>Planning application 22/00481/DPP for the change of use for the land at 2 Finlay Place, Mayfield was refused planning permission on 24 August 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided. He also provided clarity that the ownership of the land is independent from the planning permission and the Local Review Body is only considering the change of use from public open space to a private garden.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the impact on the area with the loss of open space. The Planning, Sustainable Growth and Investment Manager in responding to a comment confirmed that if planning permission was granted it would give the owner some rights but also highlighted that some developments could trigger the need for another planning application.</p>		

Councillor Cassidy, seconded by Councillor Alexander moved to uphold the review request and grant planning permission.

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the change of use from public open space to private garden ground for the following reason:

The proposed change of use would not result in the unacceptable loss of open space and that it would not have a detrimental impact on the setting and character of the local residential area.

Subject to the condition as detailed in the report.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	40-42 Hamilton Crescent, Newtongrange (22/00720/DPP	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension at first floor level to form three flatted dwellings above existing shop and associated works at 40-42 Hamilton Crescent, Newtongrange.</p> <p>The planning application 22/00720/DPP for the proposed development and associated works at 40-42 Hamilton Crescent, Newtongrange was refused planning permission on 2 December 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the parking, garden space and the impact on the surrounding properties.</p> <p>Councillor Cassidy, seconded by Councillor Alexander moved to uphold the review request and grant planning permission.</p>		
Decision		
<p>The Local Review Body agreed to uphold the review request and to grant planning permission for the following reasons:</p>		

The proposed development would not have an unacceptable adverse impact on the residential surrounding properties and their associated garden grounds and did not agree that parking would be an issue.

Subject to the condition as detailed in the report with an additional condition that the owner is approached to secure a further piece of green space as part of the application.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	124 Main Street, Pathhead (22/00702/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>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 two storey extension to dwelling house; extension to dwelling house at first floor level; infill of window openings; installation of roof lights; and replacement door and windows at 124 Main Street, Pathhead.</p> <p>Planning application 22/00702/DPP for the proposed developments at 124 Main Street, Pathhead was refused planning permission on 16 November 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, discussed the proposed improvements to the rear of this property and agreed this was a positive development.</p> <p>Councillor McEwan, seconded by Councillor McManus moved to uphold the Appeal and grant planning permission.</p>		
Decision		
<p>The Local Review Body agreed to uphold the review request and grant planning permission for the following reasons:</p> <p style="padding-left: 40px;">This development was to the rear of the property and did not agree it would have an impact on the character and appearance of the area and felt that the plans put forward were of a high standard.</p> <p>Subject to the conditions as set out in the report.</p>		
Action		
Planning, Sustainable Growth and Investment Manager		

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 17 April 2023 at 1 pm

The meeting terminated at 13.23 pm

Notice of Review: 1 St Mary's Court, Dalkeith

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the installation of solar panels at 1 St Mary's Court, Dalkeith.

2 Background

- 2.1 Planning application 22/00692/DPP for the installation of solar panels at 1 St Mary's Court, Dalkeith was refused planning permission on 2 December 2022; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 2 December 2022 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:
- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.

- 4.2 The case officer's report identified that there were no consultations required and one representation received. As part of the review process the interested party was notified of the review. No additional comments have been received. All 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 back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.

6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 April 2023
Report Contact: Whitney Lindsay, Planning Officer
Whitney.Lindsay@midlothian.gov.uk

Background Papers: Planning application 22/00692/DPP available for inspection online.



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

Installation of solar panels 1 Saint Mary's Court, Dalkeith

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File No.22/00692/DPP

Scale: 1:750



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	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Paul"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Shipp"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="1"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Saint Mary's Court"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Dalkeith"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="EH22 1AD"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority		<input type="text" value="Midlothian Council"/>	
Planning authority's application reference number		<input type="text" value="22/00692/DPP"/>	
Site address			
<div style="border: 1px solid black; padding: 5px;"> 1 Saint Mary's Court, Dalkeith, Midlothian EH22 1AD </div>			
Description of proposed development			
<div style="border: 1px solid black; padding: 5px;"> I am looking to install a PV solar system connected to an inverter and battery system. Majority of panels to be mounted on the sunroom roof and therefore not visible from outside the property due to the boundary wall. The other 3 panels will be mounted on the main roof of the property and, whilst visible from the road, are of standard PV panel appearance and therefore I do not perceive them to negatively impact the conservation area. They are also largely hidden from view at street level by the existing dormer. </div>			

Date of application	15/09/2022	Date of decision (if any)	02/12/2022
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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)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
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)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

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	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input type="checkbox"/>
Assessment of review documents only, with no further procedure	<input checked="" type="checkbox"/>

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.

N/A

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?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

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

The site can be viewed from public land, but access to it is through our side gate which is usually locked. We are more than happy to grant access, but would need prior notice of your arrival.

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.

In reference to the refusal of installation of solar panels at 1 St. Mary's Court, Dalkeith, EH22 1AD, I would like to appeal the decision made based on the following:

1. We illustrated very clearly on our amended proposal that the discreet solar panels on the lower half of the rear pitched roof would not occupy a predominant position on the roof plane, as also highlighted by the line of visibility we added in from a roadside viewpoint. The reduced size and landscaped orientation of the solar panels addresses the visual clutter that was initially highlighted on the original proposal where there were two levels of panels on the rear pitched plane, occupying a much larger area. The amended proposal only covers a minority of this roof plane on its lowest part and their landscape placement in an inconspicuous area of the roof, obscured by the current dormer, deems them only partially visible from the road (see document 1 - Photo of reduced footprint of panels as seen from Musselburgh Road).

2. Although the dwelling is situated in a conservation area and the solar panels are proposed to be fitted to a roof that faces a road, the first line of sight on the approach from this road to Dalkeith Country Park (DCP), is the large (and often neon pink) advertising sign for DCP alongside the bright blue signs for St Mary's Church attached to the listed wall surrounding our house (see document 2 - Photo of large advertising boards for DCP and St Marys Church). We carried out our own street survey to ask passers-by what they noticed first on approach and these signs were both highlighted first, followed by the plant boxes leading up to the entry gates. We also asked if they felt solar panels would be a negative addition and not a single person had any concerns. The line of sight from a driver's perspective is also lined up with the entrance to DCP and the ninety-degree bend they are about to drive around; no safe driver should be looking at the roof of our property. Considering the visual impact is the basis for refusal of our proposal, I can't see how our proposed panels, which are more than 75% obscured by the dormer from a roadside stance, can be refused in light of these advertisement signs that are in place.

3. The house is a modern dwelling which warranted the addition of roof light windows, therefore the addition of solar panels would not look out of character, given their similar aesthetics and also given their less visible location, which is obscured mostly by the dormer as you view it from the roadside. The fact that ten modern dwellings were built within the area supports this.

For the reasons highlighted above, I disagree that they will detract from the character and appearance for the area. We have carried out further amendments in a sensitive and informed manner based on feedback from Midlothian Council to not adversely affect the special interest of this area.

In light of the reasons I've highlighted, the current energy crisis, and the minimal visibility of the three solar panels on the pitched roof, I would wholeheartedly encourage you to reconsider our application for planning permission.

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.

N/A

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

- 1 - Photo of reduced footprint of panels as seen from Musselburgh Road
- 2 - Photo of large advertising boards for DCP and St Marys Church
- 3 - Statement of Grounds of Appeal
- 4 - Location and site plan
- 5 - Proposed roof plan revised
- 6 - Decision notice
- 7 - Copy of original application form
- 8 - Delegated short report

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:



me:

Paul Shipp

Date: 20/02/2023

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

Statement of Grounds of Appeal

In reference to the refusal of installation of solar panels at 1 St. Mary's Court, Dalkeith, EH22 1AD, I would like to appeal the decision made based on the following:

1. We illustrated very clearly on our amended proposal that the discreet solar panels on the lower half of the rear pitched roof would not occupy a predominant position on the roof plane, as also highlighted by the line of visibility we added in from a roadside viewpoint. The reduced size and landscaped orientation of the solar panels addresses the visual clutter that was initially highlighted on the original proposal where there were two levels of panels on the rear pitched plane, occupying a much larger area. The amended proposal only covers a minority of this roof plane on its lowest part and their landscape placement in an inconspicuous area of the roof, obscured by the current dormer, deems them only partially visible from the road (see document 1 - Photo of reduced footprint of panels as seen from Musselburgh Road).

2. Although the dwelling is situated in a conservation area and the solar panels are proposed to be fitted to a roof that faces a road, the first line of sight on the approach from this road to Dalkeith Country Park (DCP), is the large (and often neon pink) advertising sign for DCP alongside the bright blue signs for St Mary's Church attached to the listed wall surrounding our house (see document 2 - Photo of large advertising boards for DCP and St Marys Church). We carried out our own street survey to ask passers-by what they noticed first on approach and these signs were both highlighted first, followed by the plant boxes leading up to the entry gates. We also asked if they felt solar panels would be a negative addition and not a single person had any concerns. The line of sight from a driver's perspective is also lined up with the entrance to DCP and the ninety-degree bend they are about to drive around; no safe driver should be looking at the roof of our property. Considering the visual impact is the basis for refusal of our proposal, I can't see how our proposed panels, which are more than 75% obscured by the dormer from a roadside stance, can be refused in light of these advertisement signs that are in place.

3. The house is a modern dwelling which warranted the addition of roof light windows, therefore the addition of solar panels would not look out of character, given their similar aesthetics and also given their less visible location, which is obscured mostly by the dormer as you view it from the roadside. The fact that ten modern dwellings were built within the area supports this.

For the reasons highlighted above, I disagree that they will detract from the character and appearance for the area. We have carried out further amendments in a sensitive and informed manner based on feedback from Midlothian Council to not adversely affect the special interest of this area.

In light of the reasons I've highlighted, the current energy crisis, and the minimal visibility of the three solar panels on the pitched roof, I would wholeheartedly encourage you to reconsider our application for planning permission.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00692/DPP

Site Address: 1 Saint Mary's Court, Dalkeith

Site Description:

The application site comprises a two storey semi-detached house located within a small residential development situated in between the edge of Dalkeith town centre and Dalkeith Country Park.

The application dwelling is finished in an off-white render with timber detailing to the front, white timber framed windows and a slate pitched roof. There are large wall-head dormers located within the front and rear elevations. There is a single storey extension located to the rear and side of the dwelling which has a mono-pitch roof. The existing extension is finished in an off-white render, with white timber framed windows and a lead roof with a batten seam.

The rear and side boundaries are defined by a high natural stone boundary wall.

Proposed Development: Installation of solar panels

Proposed Development Details:

The original submission sought planning permission for the installation of a total of six 2.3 metres by 1.1 metre solar PV panels; three are to be installed on the rear roof plane of the main dwellinghouse and three are to be installed on the rear roof plane of the single storey extension.

Negotiations were undertaken during the assessment of the planning application with the applicant; concerns were raised with the applicant about the visual impact of the solar PV panels on the rear elevation of the main dwelling in terms of the conservation area and the setting of neighbouring listed buildings. The applicant provided an email response on 09 November 2022 providing further justification and support for the proposal as submitted. Further negotiations were undertaken resulting in revised plans being submitted on 28 November 2022 that are subject of the current planning application.

Planning permission is sought for the installation of a total of ten 1.8 metres by 1.1 metre solar PV panels; three are to be installed on the rear roof plane of the main dwellinghouse, five are to be installed on the rear roof plane of the single storey extension and two are to be installed on the side roof plane of the single storey extension.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

Planning permission was granted in 2019 for the extension to dwellinghouse and installation of rooflights. Planning ref: 19/00272/DPP.

Planning permission was granted in 2015 for the erection of domestic storage enclosure and associated alterations to existing boundary wall (Part Retrospective). Planning ref: 15/00115/DPP.

Listed building consent was granted in 2015 for erection of domestic storage enclosure and associated alterations to existing boundary wall. Planning ref: 15/00116/LBC.

Consultations: No consultations required.

Representations:

One representation has been received which supports the above planning application. The representation made comments in support of the application which can be summarised as follows:

- Support the installation of solar panels;
- Noted that solar panels are a way to address climate change and the energy crisis; and
- Noted that rooflights were installed within the same roof plane.

The comments noted above will be taken into consideration in the assessment of the planning application.

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Planning policy currently comprises National Planning Framework 3 and Scottish Planning Policy, SESPlan and the adopted Midlothian Local Development Plan 2017. On 8 November the Revised Draft National Planning Framework 4 was submitted to the Scottish Parliament for approval along with an Explanatory Report that outlines the changes from Draft NPF4 to the Revised Draft. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the provisions in the Planning Act will commence to make NPF4 part of the statutory development plan. The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application. The following policies are relevant to the proposal:

NPF4

Policy 1 Tackling the climate and nature crises

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

Policy 2 Climate mitigation and adaptation

c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 7 Historic assets and places

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Historic Environment Scotland

Historic Environment Policy for Scotland (HEPS) 2019 and Scottish Planning Policy (SPP) offer guidance on the protection and management of the historic environment and Conservation Areas and areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. The Policy Statement and SPP also indicated that the planning authority should consider the design, materials, scale and sitting of any development, and its impact on the character of the historic environment.

Historic Environment Scotland also offers guidance on roofs through its 'Managing Change' series. The 'Roofs' guidance note offers guidance on roofs and states that the addition of new features to principal or prominent roof slopes should generally be avoided.

Historic Environment Scotland's Managing Change in the Historic Environment document on Micro-Renewables states that Micro-renewable installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources. Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof

slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields. Panels have been successfully installed behind parapet walls or on the south-facing inside rise of M-shaped roofs.

Midlothian Local Development Plan

Policy **DEV2** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

Policy **ENV19: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

Policy **ENV22: Listed Buildings** states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

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.

In assessing development proposals located within the conservation area, the Planning Authority must be satisfied that the proposal will preserve or enhance the character and appearance of the conservation area.

The current proposal is for the siting of a total of 10 solar panels; three are to be installed on the rear roof plane of the main dwellinghouse, five are to be installed on the rear roof plane of the single storey extension and two are to be installed on the side roof plane of the single storey extension.

Whilst the three solar panels have been sited in close proximity to the wall head dormer window, the proposed solar panels will cover a large proportion of the rear roof plane. The addition of three solar panels on the rear roof plane when viewed alongside the wall head dormer and existing rooflights will be visually clutter of the roof plane and will materially detract from the character and appearance of the application dwelling and the conservation area. The proposed solar panels will cover a large area of the roof plane of the main application dwelling and will appear as an alien addition that is not in-keeping with the character or appearance of the conservation area.

The rear elevation of the application dwellinghouse is highly visible on the approach to one of the main entrances to Dalkeith Country Park which is host to a number of significantly important listed building which include St Mary's Episcopal Church and the Dalkeith House, both of which are category A listed buildings. The installation of the solar PV panels on the rear roof plane of the main dwelling raises concerns in terms of impact upon the character and appearance of the conservation area and the setting of Dalkeith Country Park and neighbouring listed buildings due to the prominent position of the dwellinghouse. The proposed solar panels will occupy a

predominant area of the roof plane which is inappropriate and will materially detract from the character and appearance of the conservation area and setting of the neighbouring listed buildings.

Overall, the installation of solar panels will not positively contribute towards the character or appearance of the listed building or the conservation area. The proposal will have a significant adverse impact on the character and appearance of the listed building.

It is noted that solar panels are a renewable energy technology and the Council supports the principle of renewable energy developments as long as they don't result in an unacceptable significant adverse effect upon the historic environment. In this instance the proposed solar panels will result in an adverse visual impact upon the character and appearance of the conservation area, setting of the entrance of Dalkeith County Park as well as the setting of significantly important neighbouring listed buildings.

It is noted that the installation of solar PV panels on the rear and side elevation of the single storey extension will only be open to fleeting public views. The rear garden ground of the application property is enclosed by a high natural stone boundary wall which mitigates any visual impact of the PV panels on the single storey extension. Furthermore, the roof of the single storey extension is finished in a standing seam metal, so the additional of solar PV panels on the single storey extension will not read as a visually alien addition. Overall, the installation of solar PV panels on the roof of the single storey extension will not result in an adverse visual impact upon the character or appearance of the conservation area, dwelling or the setting of neighbouring listed buildings.

There are no significant adverse amenity implications as a consequence of the development proposal.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of the adopted Midlothian Local Development Plan 2017 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.

Reg. No. 22/00692/DPP

Mr Paul Shipp
1 Saint Mary's Court
Dalkeith
EH22 1AD

Midlothian Council, as Planning Authority, having considered the application by Mr Paul Shipp, 1 Saint Mary's Court, Dalkeith, EH22 1AD, which was registered on 20 September 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of solar panels at 1 Saint Mary's Court, Dalkeith, EH22 1AD

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan and Site Plan	1:1250/200	20.09.2022
Proposed Roof Plan	NTS	28.11.2022
Illustration/Photograph	Proposed Rear Elevation	28.11.2022
Supporting statement		20.09.2022
Supporting statement	SOLAR PV PANEL SPECIFICATION	28.11.2022

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

- The rear roof plane of the main roof of the application dwellinghouse is highly visible on the approach to one of the main entrances to Dalkeith Country Park which is also host to a number of significantly important listed building which include St Mary's Episcopal Church and the Dalkeith House. The PV solar panels will occupy a predominant position on the roof plane of the main dwelling which is inappropriate and will materially detract from the character and appearance of the conservation area, approach to Dalkeith Country Park as well as the setting of the neighbouring listed buildings.*
- The proposed solar panels when viewed alongside the existing wall head dormer window and rooflights will visually clutter the rear roof plane of the main dwelling which is open to public views. The addition of the Solar PV panels are an out-of-character addition to the roof plane and will detract from the character and appearance of the conservation area, approach to Dalkeith Country Park as well as the setting of the neighbouring listed buildings.*
- For the above reasons the proposal is contrary to policies DEV2, ENV19 and ENV22 of the adopted Midlothian Local Development Plan 2017 and policy 7 of National Planning Framework 4. If the application were approved it would undermine the consistent implementation of these policies, which is to ensure that proposals do not detract from the appearance or character of the property or conservation area, but instead require development to protect or enhance the character and appearance of the area..*

4. *For the above reasons the proposal is contrary to the Historic Environment Scotland's Managing Change guidance on roofs. If the application was approved it would undermine the principals set out within the guidance, which is there to ensure that development does not detract the character and appearance of conservation areas.*

Dated 2 / 12 / 2022

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

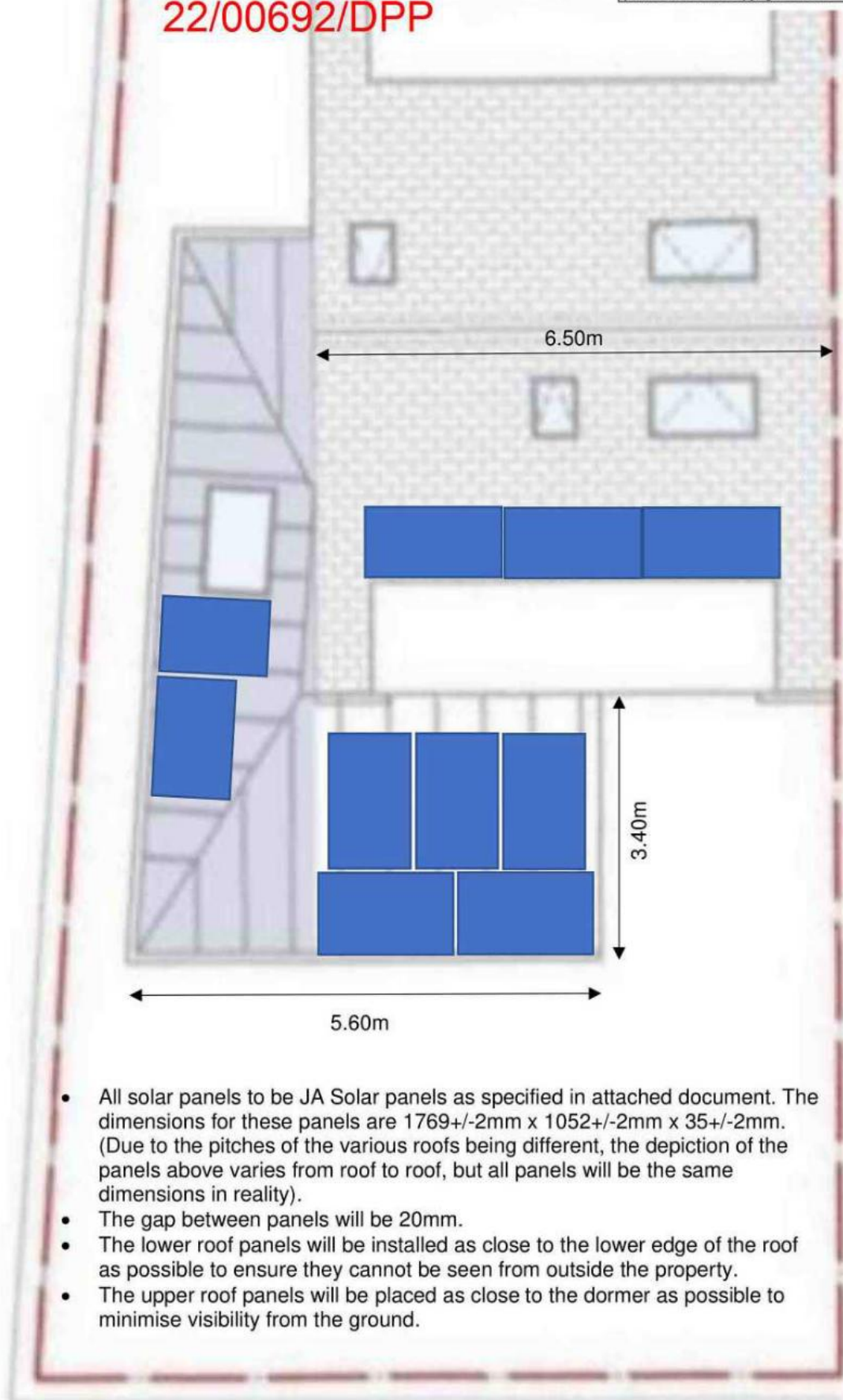
Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

This copy has been made by or with the authority of Midlothian Council pursuant to Section 47 of the Designs and Patents Act 1988. Unless the Act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



REFUSED
02.12.2022
22/00692/DPP



- All solar panels to be JA Solar panels as specified in attached document. The dimensions for these panels are 1769+/-2mm x 1052+/-2mm x 35+/-2mm. (Due to the pitches of the various roofs being different, the depiction of the panels above varies from roof to roof, but all panels will be the same dimensions in reality).
- The gap between panels will be 20mm.
- The lower roof panels will be installed as close to the lower edge of the roof as possible to ensure they cannot be seen from outside the property.
- The upper roof panels will be placed as close to the dormer as possible to minimise visibility from the ground.

REFUSED
02.12.2022
22/00692/DPP

Mono

390W MBB Half-Cell Module

JAM60S20 365-390/MR Series

Introduction

Assembled with multi-busbar PERC cells, the half-cell configuration of the modules offers the advantages of higher power output, better temperature-dependent performance, reduced shading effect on the energy generation, lower risk of hot spot, as well as enhanced tolerance for mechanical loading.



Higher output power



Lower LCOE



Less shading and lower resistive loss

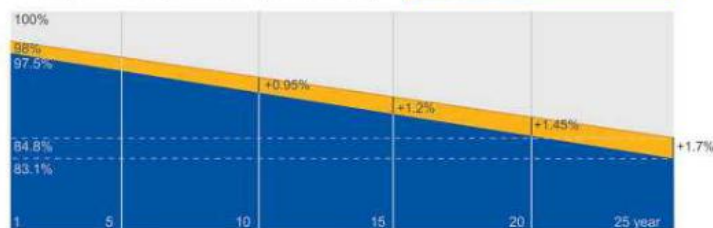


Better mechanical loading tolerance

Superior Warranty

- 12-year product warranty
- 25-year linear power output warranty

0.55% Annual Degradation
Over 25 years



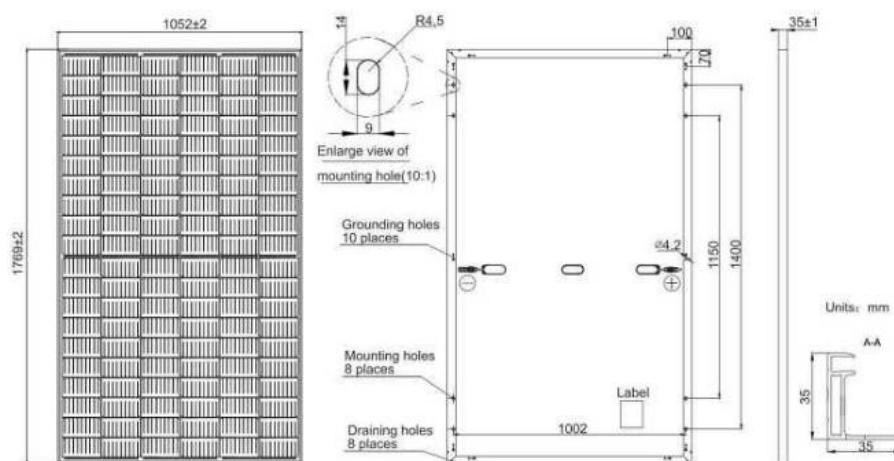
■ New linear power warranty ■ Standard module linear power warranty

Comprehensive Certificates

- IEC 61215, IEC 61730, UL 61215, UL 61730
- ISO 9001: 2015 Quality management systems
- ISO 14001: 2015 Environmental management systems
- ISO 45001: 2018 Occupational health and safety management systems
- IEC TS 62941: 2016 Terrestrial photovoltaic (PV) modules – Guidelines for increased confidence in PV module design qualification and type approval



MECHANICAL DIAGRAMS



Remark: customized frame color and cable length available upon request

SPECIFICATIONS

Cell	Mono
Weight	20.5kg±3%
Dimensions	1769±2mm×1052±2mm×35±1mm
Cable Cross Section Size	4mm ² (IEC) .12 AWG(UL)
No. of cells	120(6×20)
Junction Box	IP68, 3 diodes
Connector	MC4(1000V) MC4-EVO2(1500V)
Cable Length (Including Connector)	1200mm(+)/1200mm(-)
Packaging Configuration	31pcs/Pallet 806pcs/40ft Container

ELECTRICAL PARAMETERS AT STC

TYPE	JAM60S20 -365/MR	JAM60S20 -370/MR	JAM60S20 -375/MR	JAM60S20 -380/MR	JAM60S20 -385/MR	JAM60S20 -390/MR
Rated Maximum Power(P _{max}) [W]	365	370	375	380	385	390
Open Circuit Voltage(V _{oc}) [V]	41.13	41.30	41.45	41.62	41.78	41.94
Maximum Power Voltage(V _{mp}) [V]	33.96	34.23	34.50	34.77	35.04	35.33
Short Circuit Current(I _{sc}) [A]	11.30	11.35	11.41	11.47	11.53	11.58
Maximum Power Current(I _{mp}) [A]	10.75	10.81	10.87	10.93	10.99	11.04
Module Efficiency [%]	19.6	19.9	20.2	20.4	20.7	21.0
Power Tolerance	0~+5W					
Temperature Coefficient of I _{sc} (α _{Isc})	+0.044%/°C					
Temperature Coefficient of V _{oc} (β _{Voc})	-0.272%/°C					
Temperature Coefficient of P _{max} (γ _{Pmp})	-0.350%/°C					
STC	Irradiance 1000W/m ² , cell temperature 25°C, AM1.5G					

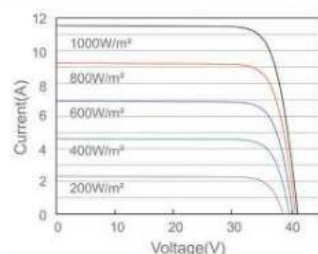
Remark: Electrical data in this catalog do not refer to a single module and they are not part of the offer. They only serve for comparison among different module types.

ELECTRICAL PARAMETERS AT NOCT

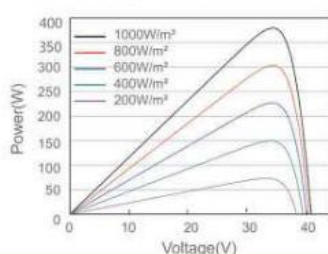
TYPE	JAM60S20 -365/MR	JAM60S20 -370/MR	JAM60S20 -375/MR	JAM60S20 -380/MR	JAM60S20 -385/MR	JAM60S20 -390/MR	OPERATING CONDITIONS	
Rated Max Power(P _{max}) [W]	276	280	284	287	291	295	Maximum System Voltage	1000V/1500V DC
Open Circuit Voltage(V _{oc}) [V]	38.41	38.65	38.89	39.14	39.38	39.63	Operating Temperature	-40°C~+85°C
Max Power Voltage(V _{mp}) [V]	32.05	32.30	32.55	32.72	32.96	33.20	Maximum Series Fuse Rating	20A
Short Circuit Current(I _{sc}) [A]	9.15	9.20	9.25	9.30	9.35	9.40	Maximum Static Load, Front	5400Pa (112 lb/ft ²)
Max Power Current(I _{mp}) [A]	8.61	8.66	8.71	8.78	8.83	8.88	Maximum Static Load, Back	2400Pa (50 lb/ft ²)
NOCT	Irradiance 800W/m ² , ambient temperature 20°C, wind speed 1m/s, AM1.5G						NOCT	45±2°C
							Safety Class	Class II
							Fire Performance	UL Type 1

CHARACTERISTICS

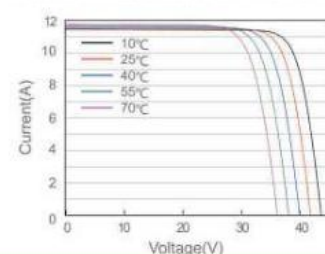
Current-Voltage Curve JAM60S20-380/MR



Power-Voltage Curve JAM60S20-380/MR



Current-Voltage Curve JAM60S20-380/MR







Notice of Review: 20 Beechwood Park, Newtongrange

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from dwellinghouse to short-term let (retrospective) at 20 Beechwood Park, Newtongrange.

2 Background

- 2.1 Planning application 22/00861/DPP for the change of use from dwellinghouse to short-term let (retrospective) at 20 Beechwood Park, Newtongrange was refused planning permission on 16 February 2023; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 16 February 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were two consultation responses and three representations (from the same property) received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All 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 back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions/Enforcement

- 5.1 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, the unauthorised use will be required to cease. In this case the applicant will be asked to comply with this requirement within two months of the LRB decision. However, the failure to cease the unauthorised use will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

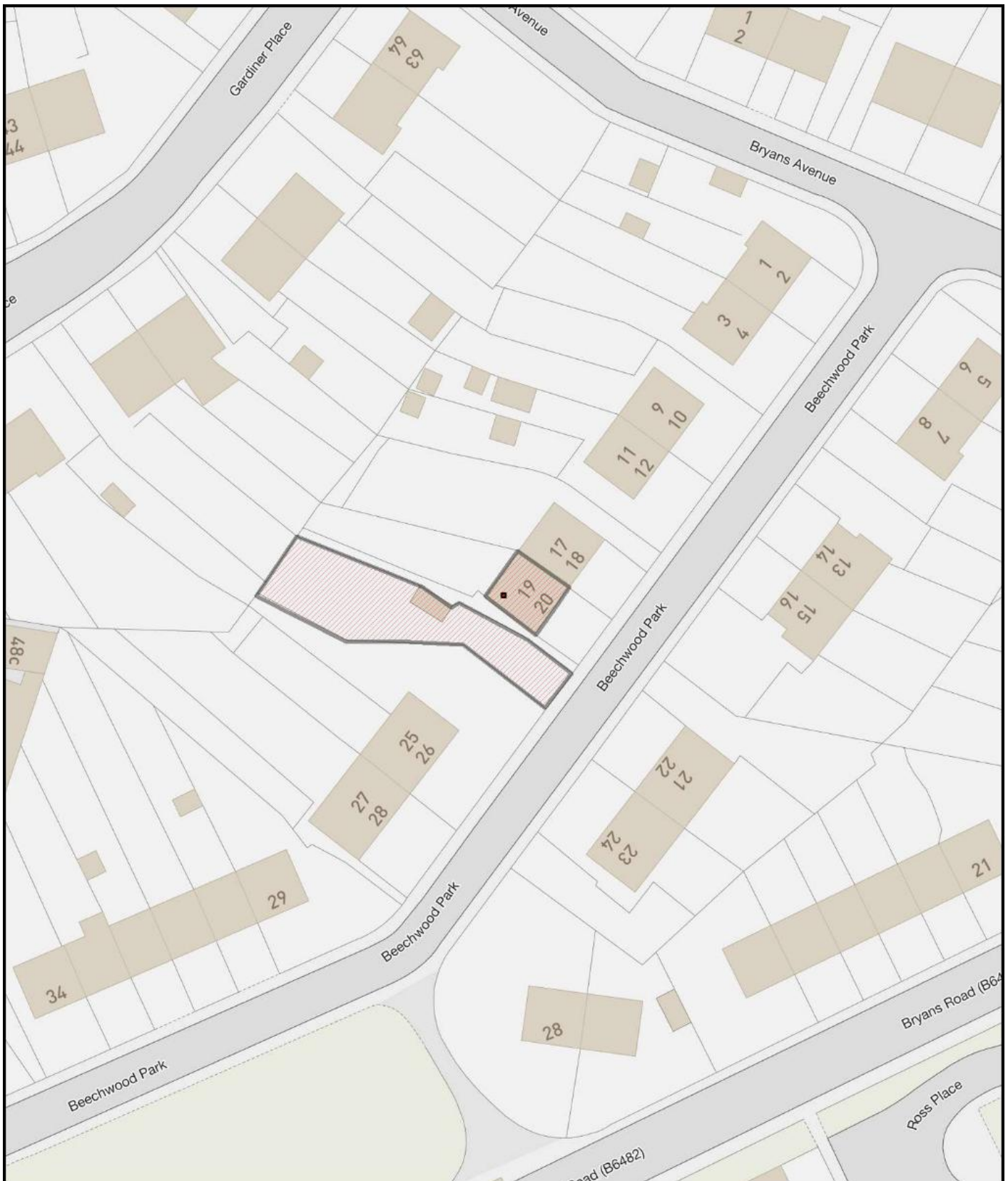
6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 April 2023
Report Contact: Whitney Lindsay, Planning Officer
Whitney.Lindsay@midlothian.gov.uk

Background Papers: Planning application 22/00861/DPP available for inspection online.



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

Change of use from house to short term let 20 Beechwood Park Newtongrange

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Midlothian Council Licence No. 100023416 (2018)

File No.22/00861/DPP

Scale: 1:750



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	Mrs	Ref No.	
Forename	Angela	Forename	
Surname	Bardens	Surname	
Company Name		Company Name	
Building No./Name	1	Building No./Name	
Address Line 1	Rush Common Mews	Address Line 1	
Address Line 2		Address Line 2	
Town/City	London	Town/City	
Postcode	SW2 3RN	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		Midlothian	
Planning authority's application reference number		22/00861/DPP	
Site address			
20 Beechwood Park Newtongrange Midlothian EH22 4RY			
Description of proposed development			
Change of use from dwellinghouse to short term let			

Date of application

06/12/2022

Date of decision (if any)

17/02/2023

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.

I have detailed below in box 8 my reasons for appeal. The three points given in the letter sent to me from Midlothian Council have three grounds for refusal. These three grounds are in my case not applicable for the reasons stated below.

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:

There is no reason, the site is accessible from the pathway and it can be seen from there that the property is in good order and there is plenty of room for 3-4 cars to be parked if required.

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.

1. My property has been operating for several years as a short term let, since 2019, full details of this were provided. Can you let me know if any neighbours have complained about this as I am completely unaware of any complaints. My neighbours have my contact details and have contacted me when there was an issue with roof repairs in 2020 which needed to be carried out. This work was carried out straight away without any problem with neighbours. We were in full contact then so do not believe there has been any issues with my property and the short term let situation. In fact I was in contact with them recently regarding the repainting of the outside of the home.

Can you please explain why there would be any detrimental impact please, my home is kept in first class order, the garden is maintained on a regular basis as well as the long driveway and garage. I have updated the outside of the house so it is in keeping with neighbours properties.

2. There will not be a loss of available residential accommodation. This flat is my second home, which it has been for years, and will never be put up for rent. The flat is used by myself and my family a few times a year which is why it can also be used as a short term let. I will be keeping this home as it is important for my children to keep relations with family and friends in Newtongrange. My three children are adopted and keeping connections is extremely important to them and also familiarity which makes it difficult for them to be able to stay in a hotel environment.

3. There will not be any pressure on additional cars in the vicinity as the extremely long driveway that the property has can accommodate 3-4 cars so there is no requirement for any vehicles to be parked on the street. There will be no effect on the existing on street parking spaces.

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

I have no additional documents to provide, the evidence has all been provided.

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

Name:

ANGELA BARDENS

Date:

17/2/23

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

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00861/DPP

Site Address: 20 Beechwood Park, Newtongrange

Site Description:

The application property comprises a first floor flatted dwelling within a four in a block building within a primarily residential area. The application site is a two bedroom, first floor flat with its own main door access.

The application property is finished externally in render with a slate hipped roof and brown stained timber window frames.

Proposed Development: Change of use from dwellinghouse to short-term let (retrospective)

Proposed Development Details:

Retrospective planning permission is sought for the change of use from flatted dwelling to Short Term Let (STL). No internal or external physical changes are proposed as part of the current planning application. The applicant has advised that the property has been used as a STL since February 2019.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

Planning permission was granted in 2021 for the formation of a dormer window so as to provide a third bedroom and en-suite within the attic. Planning ref: 20/00827/DPP. It is noted that this planning permission has not yet been implemented but it is still extant.

Consultations:

The **Senior Manager Protective Services** advised that they received a complaint regarding use of the property as a short-term let and loss of amenity to neighbours in August 2019. It was noted that they spoke with the letting agent for the property who advised that they had taken action which they believed would improve the situation and the job was closed. The **Senior Manager Protective Services** advised that their database does not show any further complaints received about this property.

The **Councils Housing Services Manager** advised that demand on Midlothian Council housing waiting list is significant at 4440 housing applications and that as an area Midlothian has a very high level of tenant satisfaction and as a result very few properties become available for let, around 4% per year.

Representations:

Three representations from one address have been received all of which object to the above planning application. The representation raised concerns which can be summarised as follows:

- Raised numerous noise issues with this property as an AirBnB/short term let for over 2 years now;
- Constant new "neighbours" from groups of people including Hen parties, Stag parties and festival workers who frequently come and go during unsociable hours;
- Raised numerous complaints with AirBnB, Midlothian Council, and Evergreen Properties;
- Noted that the occupancy list submitted only shows the name of the lead person of the party and not the true extent of the size of the group staying, or the actual make up of the party;
- Concerned over the multiple more cars now parked along the street which adds to the already tight parking in this street;
- Concerns given the state of the housing market is down to properties being allowed to be used in this way, with no care, regard or concern for the residential areas and neighbours that it may affect;
- Suggested that this property should at the very least be only for family bookings and for long term lets instead of different people staying who have zero care or regard for the actual people who live here permanently; and
- Concerned over impact on neighbour amenity being impacted especially when working from home.

The above concerns will be addressed within the planning issues section of this report.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 3 and Scottish Planning Policy, SESPlan and the adopted Midlothian Local Development Plan 2017. On 11 January 2023 the Revised Draft National Planning Framework 4 was approved by the Scottish Parliament. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption, planned for 13 February 2023, the provisions in the Planning Act will commence to make NPF4 part of the statutory development plan. The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application. The following policies are relevant to the proposal:

Policy 30: Tourism

Part b) Proposals for tourism related development will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
 - v. Accessibility for disabled people;
 - vi. Measures taken to minimise carbon emissions;
 - vii. Opportunities to provide access to the natural environment.
- Part e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

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

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 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 application property has its own main door access, and there is a low degree of activity in the immediate vicinity of the property at any time.

The use of the flatted property as a short term let would introduce an increased frequency of movement to the flat. The proposed two bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. The additional servicing that operating a property as an short term let requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

The use of the flatted dwelling as a short term let would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. Therefore, the change of use to a short term let does not comply with policy DEV2 of the Midlothian Local Development Plan and Policy 30 parts b and e of the draft NPF4.

As noted above, the demand for Midlothian Council housing waiting list is significant at 4440 housing applications, the change of use of the flatted dwelling to a short term let results in the loss of residential accommodation for permanent residents within

Midlothian which also results in an unacceptable impact on local amenity and the character of the area, which is contrary to Policy 30 part e of the draft NPF4

The streets surrounding the application property are predominantly residential, the size of the properties mean that the majority of the properties are likely to be family residences. While it is acknowledged that a 2 bedroom flat could potentially be occupied by 2 parents and 1 adult child, all with their own vehicles and potentially additional work vehicles, this would be an uncommon scenario. The most common scenario would be for a property of this size to be the base for 1 or 2 cars. The current on-street parking would need to accommodate this.

Occupation of the short term let property by 4 adults living not as a family unit raises the possibility of 4 vehicles being based at the property. This number of vehicles cannot be accommodated within the application site. This number of vehicles puts significant additional pressure on the demand for on-street parking spaces. There is a high demand for on-street which can have a significant detrimental impact on the amenity of local residents, often leading to arguments and inconsiderate parking. Furthermore, it is noted that the property would be occupied on a short term basis with occupants and vehicle movements frequently changing. Therefore, the proposed change of use would place additional pressure on the current limited on-street parking spaces.

It is noted that there is an extant planning permission for a dormer window extension which would provide a third bedroom and en-suite within the attic space; whilst this is not guaranteed, it could increase the occupancy capacity of the short term let if the use is permitted.

It is noted that one objection representation was received which raised concerns. All material planning considerations raised within the representations have been addressed above within this section of the report.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of the adopted Midlothian Local Development Plan 2017 and the draft NPF4 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.

Reg. No. 22/00861/DPP

Mrs Angela Bardens
1 Rush Common Mews
London
SW2 3RN

Midlothian Council, as Planning Authority, having considered the application by Mrs Angela Bardens, 1 Rush Common Mews, London, SW2 3RN, which was registered on 6 December 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from dwellinghouse to short-term let (retrospective) at 20 Beechwood Park, Newtongrange, EH22 4RY

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	06.12.2022
Existing Floor Plan	EX1 1:50	06.12.2022

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

- The proposal is contrary to Policy DEV2 of the Midlothian Local Development Plan and Policy 30 parts b and e of the NPF4, as the use of the flatted dwelling as a short stay let will have a materially detrimental impact on the living conditions and amenity of nearby residents.*
- The change of use of the flatted dwelling to a short term let will result in the loss of residential accommodation where there is a high demand for residential accommodation and also results in an unacceptable impact on local amenity and the character of the area.*
- The use of the flat dwelling as a short term let for 4 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan and Policy 30 parts b and e of NPF4.*

Dated 16 / 2 / 2023

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

Development Low Risk Area- STANDING ADVICE

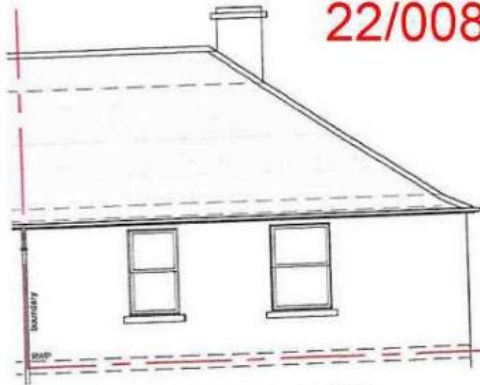
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

REFUSED
16.02.2023
22/00861/DPP

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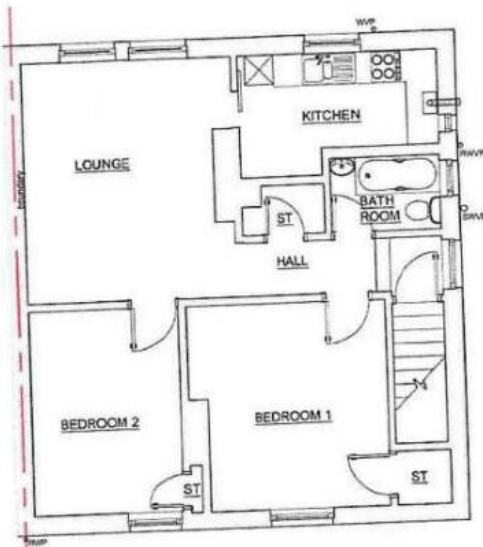
1:50 Scale EXISTING NORTH-WEST ELEVATION



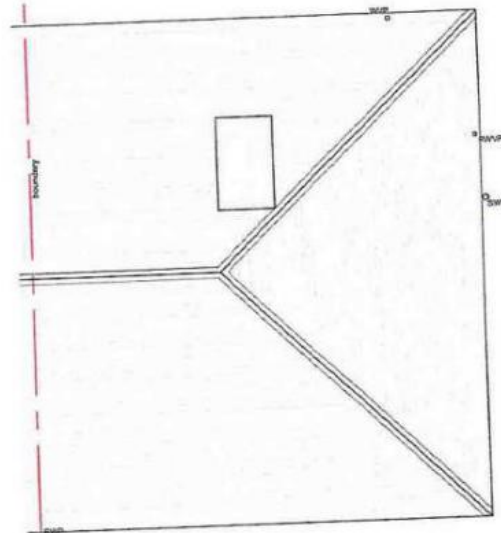
1:50 Scale EXISTING SOUTH-WEST ELEVATION



1:50 Scale EXISTING SOUTH-EAST (FRONT) ELEVATION



1:50 Scale EXISTING FIRST FLOOR LAYOUT



1:50 Scale EXISTING ROOF PLAN

MIDLOTHIAN COUNCIL
 This is a copy of the plan(s) in respect of which the Building Warrant was granted under the Building (Scotland) Act 2003 on
 19 October 2021
J Delamar
 Building Standards Manager

Appendix E

Building Warrant Application Drawing

1:1250 SCALE LOCATION PLAN

1:1250 Scale Bar

1:1250 Scale Bar

1:1250 Scale Bar

REVISIONS

CLIENT Mrs Angela Barone	PROJECT Proposed Attic Conversion to first floor flat at 25 Beechwood Park, Newington EH12 4TV
DRAWING TITLE Existing first floor plan, roof plan, and elevations & location plan	DATE April 2021
	DRAWN SM
	SCALE 1:50 @ A1

david paton building consultancy
 Chartered Architectural Technologists
 Established in 1991
 11 High Street, Edinburgh
 Midlothian, EH2 2BN
 Telephone No. 0131 483 1212
 Website: www.dpbcc.co.uk
 Email: david@dpbc.co.uk

dpbc

CIAT	JOB NO. 20/44	DRAWING NO. EX1
	REVISION	

Notice of Review: 6 Gorton Loan, Rosewell

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a single and two storey extension to dwellinghouse; and formation of dormer windows at 6 Gorton Loan, Rosewell.

2 Background

- 2.1 Planning application 22/00734/DPP for the erection of a single and two storey extension to dwellinghouse; and formation of dormer windows at 6 Gorton Loan, Rosewell was refused planning permission on 21 November 2022; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 21 November 2022 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

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

5 Conditions

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

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

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

2. The following details:
 - a. the colour of the render proposed on the walls of the extension;
 - b. the colour of the timber cladding on the walls of the extension;

- c. the colour of the aluminium window and door frames on the extension;
 - d. the colour of the timber fascia on the dormers; and
 - e. colour of the stone cope on the extension
- shall be submitted to the planning authority for written approval prior to the commencement of construction. The approved details shall thereafter be implemented and retained in perpetuity unless otherwise agreed in writing with the planning authority.
3. Any roof vents on the front elevation of the original cottage shall be flush fitting so as to not project beyond the plane of the roof.

Reason for conditions 2 and 3: To safeguard the character of the existing building and the visual amenity of the surrounding area.

4. Planning permission is not hereby granted for the erection of any boundary walls or fences at the site.

Reason: For the avoidance of doubt as to what is approved. The submitted plans are annotated that there are existing timber fences surrounding the site details of which were not provided as part of the application submission and were not present on site at the time of the case officer's site visit and have not been assessed.

6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 April 2023
Report Contact: Ingrid Forteath, Planning Officer
ingrid.forteath@midlothian.gov.uk

Background Papers: Planning application 22/00734/DPP available for inspection online.



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

Extensions and formation of dormer windows 9 Gorton Loan, Rosewell

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Midlothian Council Licence No. 100023416 (2018)

File No.22/00734/DPP

Scale: 1:1,250





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 100617481-001

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="Suzanne McIntosh Planning Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Suzanne"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McIntosh"/>	Building Number:	<input type="text" value="45C"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Bath Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Portobello"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH15 1HB"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Colin"/>	Building Number: <input type="text" value="9"/>
Last Name: *	<input type="text" value="McCurdy"/>	Address 1 (Street): * <input type="text" value="Gorton Loan"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH24 9AB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="smcintoshplan@gmail.com"/>	

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="9 GORTON 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="ROSEWELL"/>
Post Code:	<input type="text" value="EH24 9AB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="662583"/>	Easting	<input type="text" value="328774"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Single and Two Storey Extension to Dwellinghouse; and formation of dormer windows

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.

A separate Grounds for Review Document is provided

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)

All submission documents/ drawings; Photographs and Drone Photo images, A topographical Survey and a Grounds for Review Document containing a list of docs and reference numbers

Application Details

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

22/00734/DPP

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

10/10/2022

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

21/11/2022

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

A site visit is essential to see the relationship of the new houses constructed adjacent to the rear garden and the degree of overlooking the cottage garden now has from these houses. The case officer must not have seen these or viewed the site from google maps/ street view - which has older pre-construction images on it. The LRB must be in full possession of the setting around the house to be able to assess the proposals and understand why they are designed as they are.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Purely in terms of health and safety - that the appellant would want to be able to point out areas that might not be suitable for walking on

Checklist – Application for Notice of Review

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

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

T Yes ≤ No

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

T Yes ≤ No

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

T Yes ≤ No ≤ N/A

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

T Yes ≤ No

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

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

T Yes ≤ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Suzanne McIntosh

Declaration Date: 15/02/2023

GROUNDS FOR REVIEW

9 GORTON LOAN, ROSEWELL,
MIDLOTHIAN

MR COLIN MCCURDY

SUZANNE MCINTOSH PLANNING LIMITED

1. INTRODUCTION

- 1.1 An application for planning permission, under Midlothian Council reference 22/00734/DPP, was lodged by Craig Dougall of Urban Design Limited on 10th October 2022.
- 1.2 The application and supporting information set out a well designed proposal for a single and two storey extension to a dwellinghouse and formation of dormer windows at 9 Gorton Loan, Rosewell.
- 1.3 No objections were received from neighbours, the general public or the community council, no consultees raised any objections or queries and no site visit appears to have been undertaken by the officer.
- 1.4 Despite that Planning Permission was refused on 21/11/22, under powers delegated to the officer, for the following reasons:

1. *The proposed extensions are unsympathetic to the traditional character of the original building, in terms of their design, in particular their massing. Neither do the extensions constitute a high quality example of contemporary design. They would appear as a very bulky addition, detracting from the character of the building.*
2. *The proposed dormer on the west elevation and the glazing at first floor level at the rear of the extension would result in direct overlooking of neighbouring gardens with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.*
3. *For the above reasons the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area*

2. SITE AND LOCATION

- 2.1 The property is located on Gorton Loan, Rosewell where the applicant has lived for many decades with his family. The cottage is directly opposite his family home. He purchased the cottage for his daughter when it came up for sale - she describes it as her 'forever home'.
- 2.2 The original cottage is small and requires significant investment and upgrading. An option would have been to demolish the cottage and build a new house on the site – which would have complied with the council's LDP policies. However, instead the appellant wanted to be respectful of the history of the village and therefore keep and restore the cottage, given it dates from 1894.
- 2.3 The setting of the cottage has completely changed over the past few years given the new houses that have been built so close to the cottage but still contributes positively to the street scene despite all the landscaped setting on the neighbouring land having been removed by others.
- 2.4 The proposals are to extend the cottage at the rear to achieve a more flexible family style layout and give the added benefit of creating more privacy than exists for the rear area at present.
- 2.5 Direct overlooking from the new Avant houses being constructed at present at a new higher ground level some 14m from the cottage means that the rear garden of no 9 has no privacy at all. The extension will go some way to resolving this issue and creating more of a focus on the side garden as the private family garden – on the opposite side from the new houses. The side garden is contained by a newly restored stone wall – there is limited visibility into it from the street.
- 2.6 The cottage is a typical Scottish stone cottage from the late Victorian period – slate roof, stone front although the windows have been altered to Upvc, rear has been rendered and painted and the cottage has been extended and is in such a poor state of repair. The cottage is surrounded by vast volume builder development currently under construction. Planning permission was granted to Bett Homes for 290 dwellings in 2005 and is currently being built out by Avant Homes.

- 2.7 The layout and design of the new houses is not particularly memorable or note worthy. It is typical of a profit rather than design driven volume builder type of layout. It is clear that little thought to the relationship of the new houses to the existing buildings of character around the site has been given.
- 2.8 Since the granting of that permission the ground levels closest to the cottage have been raised to a level that are higher than the council granted consent for. Our topo survey, provided with this appeal shows that the ground level on the Avant side has been increased by a material extent and is sitting 1.2m higher than shown on the approved drawings.
- 2.9 The impact of the siting of the houses on the Avant side on the cottage is therefore considerably greater than the proposal when it was at grade and ran through at the same level as the ground was previously. The owners of the cottage commented on the proposals at the time. The changes in level were not part of that application; therefore no public consultation on that element was undertaken as these houses have been built – clearly a planning enforcement issue.
- 2.10 It is proposed to remove the existing rear extension to the cottage and remodel the internal layout at ground floor and create an open plan family room/ kitchen extension at ground level. The upper floor will be extended in part to create a home office space. The garden area around the property is substantial and is triangular in shape.
- 2.11 The shape of the extension responds to the shape of the garden and the degree to which it would be visible from the road to the front. The extension is to be finished with a smooth render and timber cladding, and a slate roof – giving it a contrasting contemporary quality design that sits comfortably with the existing house. The dormers proposed to the front elevation are traditional in design, proportions and materials with timber framed sash and case windows.
- 2.12 To assist the LRB drone footage stills, 3D computer generated images of the proposal and an up to date topographic survey area provided.

3. MATERIAL PLANNING CONSIDERATIONS

- 3.1 S25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the council to take their decision in line with the development plan unless material considerations indicate otherwise. From today 13/2/23 the National Planning Framework 4 (NPF4) policies form part of the development plan. These issues are therefore relevant in the determination of this review.
- 3.2 The relevant policy in the development plan is DEV 2 (Development within the Built Up Area) Midlothian LDP 2017 which states that: *'Development will be permitted within existing and future built-up areas and in particular within residential areas, unless it is likely to detract materially from the existing character of amenity of the area.'*
- 3.3 Policy 1 of the NPF4 advises that when considering all development proposals significant weight will be given to the global climate and nature crises. In this case the proposal represents a sustainable solution for the site – extending the lifespan of a building which embodies a carbon footprint from its original build.
- 3.4 Demolition and rebuild would have created a greater carbon footprint than restoration and extension – therefore the solution presented in this application is in line with NPF4 and the climate crisis emergency.
- 3.5 The LRB are asked to note that this Grounds for Review presents an up to date consideration of the proposal. The Planning Officer's assessment presents out of date policy in reaching their conclusion. This same issue has arisen on a number of other LRB reviews and has been highlighted previously – yet the issue continues.
- 3.6 The officer makes reference to detailed policy/ guidance that is out of date and uses this as a basis to assess the proposals. There is quite a substantial difference in interpretation of the relevant policies today compared to the situation in 2008 which the officer refers to. It is concerning that the refusal is based on out of date policy.
- 3.7 The application of out of date policy and guidance from 2008, some 15 years old, is entirely irrelevant to the case. The officer has essentially misdirected themselves in applying these aged tests to this proposal.

The LRB is asked to discount the out of date policy references in the officer report of handling.

- 3.8 The appellant, if he had been appealing to the Reporter at DPEA, would be making a claim for expenses relating to this appeal on that point alone as it amounts to maladministration in the process. However, one of the shortcomings of the LRB process is that no claim for expenses can be made. The LRB is therefore asked to base their decision on current policy and ignore out of date policy.
- 3.9 In addition, the appellant has been in touch with the Development Management Manager to raise a number of issues relating to the case. He has raised the issue as to whether a site visit was ever done by the officer. The reason being – there are workmen on site restoring the walls of the cottage and have been for the duration of the application – they did not report any visitors to the site from Planning. Plus the applicant's house is directly opposite the appeal site.
- 3.10 The other reason is that the report fails to take account of the Avant Houses in close proximity to the site – overbearing and looking into the cottage's garden. The nature of the extension and positioning of windows has been designed to create privacy for the occupiers of no9 where it has been eroded to such an extent by the Avant Houses – rather than the other way around. The LRB will see this on site for themselves or view it clearly in the supporting documentation.
- 3.11 The relevant policy in the Midlothian LDP 2017 is DEV2. DEV2 seeks to protect amenity within the built-up area and the character and amenity of the built-up area.
- 3.12 The officer sets out their rationale and refers to *the Council's Supplementary Guidance on Quality of Place which is currently being drafted*. We have been told for a decade now that this Place guidance is being drafted. Until it is approved by committee and adopted etc – it is irrelevant to this case and we must consider it on the basis of the information that presents the council's settled policy. In addition, NPF4 changes the relevance and status of SPG anyhow, making reference to it is even more questionable now.
- 3.13 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.

- 3.14 The Planner states that *'One of the main issues in the consideration of this application is the design of the proposed extensions, in particular their massing and effect on the character and appearance of the original house.'* This is not entirely correct – it is the impact of the proposal on its context and degree to which the original building is visible in its context, from the road, from paths etc.... – what must be the obvious question in this case is the volume of new development that has subsumed the original cottage – negatively impacting on its setting. The degree of overlooking introduced by the Avant Homes that have been positioned so close to the boundary with the cottage rear garden must be viewed to be appreciated... there isn't a respectful distance between the two.
- 3.15 To compound matters Avant have not built the houses at the correct, approved ground levels – instead they have changed the ground levels raising them by 1.2m. However, the original cottage which has been on site since 1894 is being penalised for this fault in the builders scheme.
- 3.16 The LRB will be aware that within the built up area large extensions may be acceptable where, as a result of their design, they do not have a significant impact on the character of the original property or are of a very high quality design finished in high quality materials. This case is one such case where the original house and garden will be complemented by the extension and the overall sustainability benefits over-ride any concerns the Planner may have had.
- 3.17 The size of the extension can be adequately accommodated on the site. It is in the main single storey, it responds to its context by trying to maintain the privacy of the occupiers. Given the catastrophic effect of the Avant Houses on the privacy of the cottage's rear garden – the design of the extension seeks to maintain privacy for the occupiers – they don't want to feel completely overlooked by the Avant Houses. The amount of private, useable garden remaining for the cottage's post extension – is substantial. The extension isn't readily visible from Gorton Loan due to the stone boundary wall along the front of the cottage's garden obscuring views in.
- 3.18 The extension is designed to respond to its context and seeks to maintain the important front elevation of number 9, visible from the road, as the primary feature of character on the cottage. The restoration of the stonework is being undertaken at considerable cost

to the applicant to maintain those elements of character. The walls and copes etc have all been restored.

- 3.19 The extensions are not of a high quality or bold contemporary design sufficient to warrant approval.
- 3.20 The Planner alleges the quality is not what they'd approve - the extension however is what the family want and is respectful and responsive to its setting. The extension will not be overbearing to the outlook from or have a significant impact on light to neighbouring properties. So we find ourselves asking – why was it refused?
- 3.21 Regarding privacy - the cottage is entirely overlooked by the new Avant properties as shown on the submission materials. The proposals do not result in a poorer situation for the houses under construction.
- 3.22 The LRB will note the additional layout drawing prepared by Urban Design to illustrate the additional land purchased by the appellant which will form part of the cottage's extended garden to the east. It also shows the exact survey distances from the Avant Houses to the boundary with the cottage.

4. CONCLUSION

- 4.1 The matters relevant in the determination of this review are set out above and in the drawing pack lodged to the LRB.
- 4.2 The LRB is requested to visit the property and overturn the decision of the officer and grant planning permission for this sympathetic extension to the property.
- 4.3 We look forward to providing any further assistance or clarification or access to the property that will help in the consideration of the case.

Suzanne C McIntosh MRTPI HonFRIAS

13.2.23

LOCAL REVIEW BODY – GROUNDS FOR REVIEW
9 GORTON LOAN, ROSEWELL
MIDLOTHIAN

LIST OF SUPPORTING DOCUMENTS

- All application docs as submitted by Urban Design originally
- Decision Notice
- Report of Handling
- Drone photos x 7
- Photos x12
- 3d visuals x 7
- Topographical survey

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00734/dpp

Site Address: 9 Gorton Loan, Rosewell

Site Description:

The application property comprises a traditional stone built single storey detached cottage. It has a slate roof and white upvc windows. There is a hipped roof outshot at the rear of the cottage finished externally in weathered render. The application property has a triangular shaped garden at the rear of the house. The site is currently surrounded by a timber fence along the boundary with 11 Gorton Loan next door and heras fencing along the remainder of the western boundary and along the eastern boundary with a stone wall along part of the front boundary. There is new housing to the west of the site including new housing currently under construction. To the east of the site is the yard of Rosewell Mains.

Proposed Development:

Single and two storey extension to dwellinghouse; and formation of dormer windows

Proposed Development Details:

It is proposed to take down the existing hipped roof outshot at the rear of the house and replace it with an extension comprising accommodation at ground floor level and accommodation within the roofspace at first floor level within a pitched roof with a 3.9m wide and 7.8m deep flat roof section at ridge level with a dormer window to either side of the roof and full height glazing at first floor level on the rear gable elevation. This part of the extension measures 9.5m wide and 3.6m deep. It is to be finished externally in a mix of smooth render and timber cladding with an aluminium framed window at ground floor and a slate roof. The dormers are to be finished in slate on the cheeks and roof with a timber fascia and timber framed sash and case windows. A flat roof single storey extension is proposed to the rear of and wrapping around the west side of the two storey extension. The part of the extension to the rear of the pitched roof extension measures a maximum of 6.6m deep and 16.5m wide projecting 5.9m in to the garden on the east side of the house. The part to the west of the pitched roof extension measures 3.8m deep and 1.5m wide. The extension is irregular in shape running parallel with the angle of the west and east boundaries of the rear garden. It is to be finished externally in smooth render with a stone cope and aluminium framed windows and doors.

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

History sheet checked.

14/00518/dpp - Erection of 290 dwellinghouses; formation of access roads and suds features; and associated works at land south of Gorton Loan, Rosewell – pp 17.12.15

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

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

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

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

One of the main issues in the consideration of this application is the design of the proposed extensions, in particular their massing and effect on the character and appearance of the original house.

The original cottage is traditional in design and quite modest in scale and in spite of the existing single storey flat roof extension at the rear the form of the original cottage is still evident. The footprint of the original cottage is approximately 76m². The footprint of the proposed extensions is approximately 133m².

Large extensions may be acceptable where, as a result of their design, they do not have a significant impact on the character of the original property or are of a very high quality design finished in high quality materials.

The proposed two storey extension would be a very prominent feature at the rear of the house. It would dominate the rear elevation of the house and its massing, in particular the flat roof section at ridge level resulting in a very bulky gable end at the rear, does not respect the traditional pitched form of the roof or the traditional character of the original house. Also the flat roof of the proposed two storey extension projects above the ridge of the original cottage weakening and similarly detracting from the traditional pitched form of the roof and the character of the original house. The large flat roof extension wrapping around the side and rear of

the proposed two storey extension further obliterates the character of the original cottage and adds to the overall bulk of the proposals. As a result of their overall size and design the extensions will appear as clumsy stuck on bulky additions, paying little respect to the original modest cottage, out of character with the original cottage and would detract from the character and appearance of the host building.

The extensions are not of a high quality or bold contemporary design sufficient to warrant approval.

There is a 1.8m high stone wall along the front of the garden on the east side of the house with garden ground behind. Whilst the extension will occupy a large part of the rear garden sufficient private garden will remain at the side of the house.

The extension will not be overbearing to the outlook from or have a significant impact on light to neighbouring properties.

The proposed dormer on the west elevation of the rear extension will directly overlook the garden of no. 11 Gorton Loan at relatively close proximity with a detrimental impact on the amenity of this property.

The large area of glazing at first floor level on the rear of the extension will afford direct views of the rear gardens of the new houses currently under construction to the rear of the site with a detrimental impact on the amenity of future occupiers of these properties.

The design of the front dormers is sympathetic to the character of the existing house. They will be approximately 16.5m from the houses on the other side of the road with views towards the front windows of these properties. The fronts of these properties are already open to public view and on balance the impact of overlooking from the dormers is not sufficient to warrant refusal of planning permission.

Recommendation:

Refuse planning permission

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00734/DPP

Urban Design Limited
80 Newhailes Crescent
Musselburgh
EH21 6EG

Midlothian Council, as Planning Authority, having considered the application by Mr Colin McCurdy, 9 Gorton Loan, Rosewell, Midlothian, EH24 9AB, which was registered on 10 October 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Single and two storey extension to dwellinghouse; and formation of dormer windows at 9 Gorton Loan, Rosewell, EH24 9AB


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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	10.10.2022
Existing Floor Plans And Elevations	UD22/010/EXIST/001 1:1250 1:200 1:50	10.10.2022
Proposed Floor Plans	UD22/010/PLAN/102 1:50	10.10.2022
Proposed Elevations	UD22/010/PLAN/103 1:50	10.10.2022
Proposed Roof Plan	UD22/010/PLAN/104 1:200 150	10.10.2022
Proposed Site Plan	UD22/010/PLAN/105 1:200 1:50	10.10.2022
Proposed And Existing Site Plan	UD22/010/PLAN/106 1:1250 1:200	10.10.2022

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

- The proposed extensions are unsympathetic to the traditional character of the original building, in terms of their design, in particular their massing. Neither do the extensions constitute a high quality example of contemporary design. They would appear as a very bulky addition, detracting from the character of the building.*
- The proposed dormer on the west elevation and the glazing at first floor level at the rear of the extension would result in direct overlooking of neighbouring gardens with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.*
- For the above reasons the proposals are contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 21 / 11 / 2022

A handwritten signature in dark ink, appearing to be 'DR' with a stylized flourish.

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison
Direct Telephone: 01623 637 119 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

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

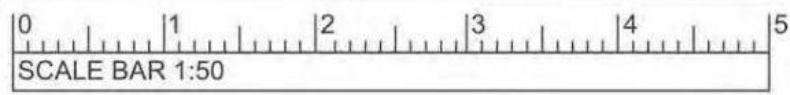
It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

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

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

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

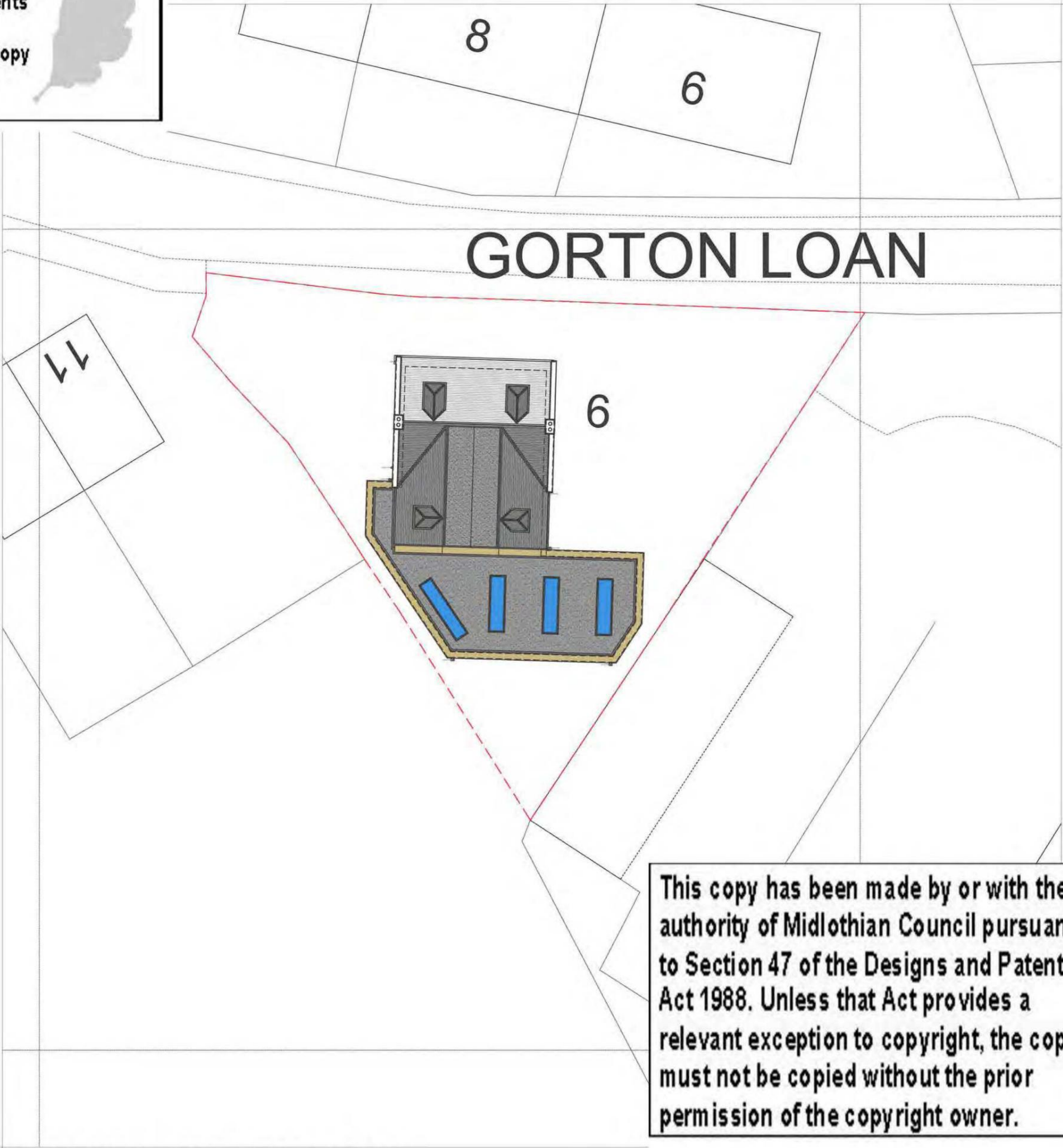
Informative Note valid from 1st January 2021 until 31st December 2022



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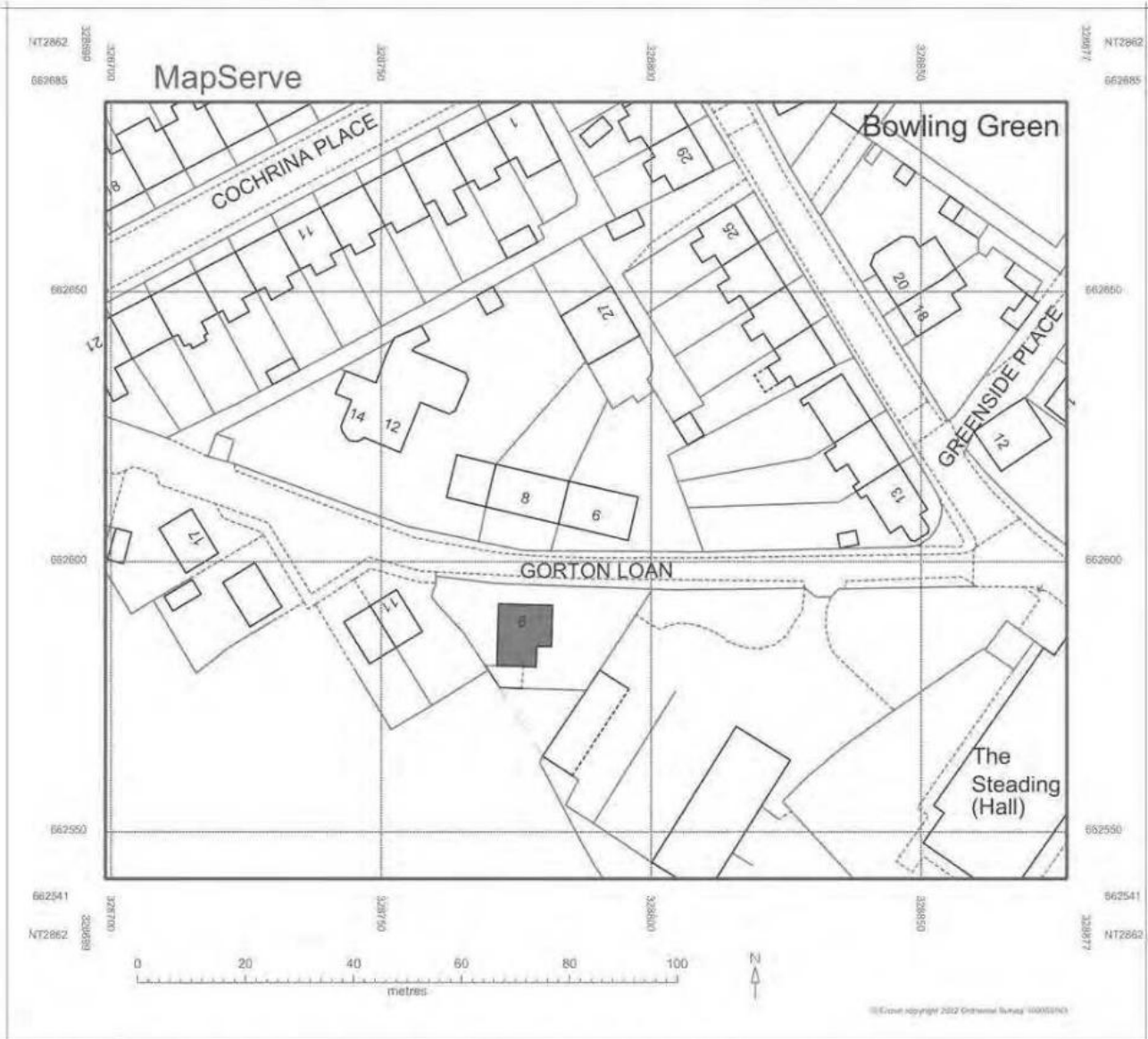


EXISTING SITE PLAN - 1:200



PROPOSED SITE PLAN - 1:200

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EXISTING LOCATION PLAN - 1:1250

REFUSED
22.00734.DPP
21.11.2022



PROPOSED LOCATION PLAN - 1:1250



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80 Newhailes Crescent, Musselburgh, EH21 6EG
Tel: 07886 113 817
www.urbandesignlimited.com

DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: AUGUST 2022
DRAWING SCALE (A1): 1:200 & 1:1250		DRAWING NUMBER: UD22/010/PLAN/106

GORTON LOAN

DRAWING KEY:

--- SITE BOUNDARY LINE

EA: 848 SQUARE METERS

LA: 184 SQUARE METERS

4 SQUARE METERS

SQUARE METERS

SQUARE METERS

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HOUSE AREAS:
EXISTING HOUSE FLOOR AREA: 102 SQUARE METERS
EXTENSION FLOOR AREA: 108 SQUARE METERS
PROPOSED HOUSE FLOOR AREA: 210 SQUARE METERS



ENLARGED SITE AREA FOR INFORMATION ONLY - 1:100

ILLUSTRATIVE ONLY

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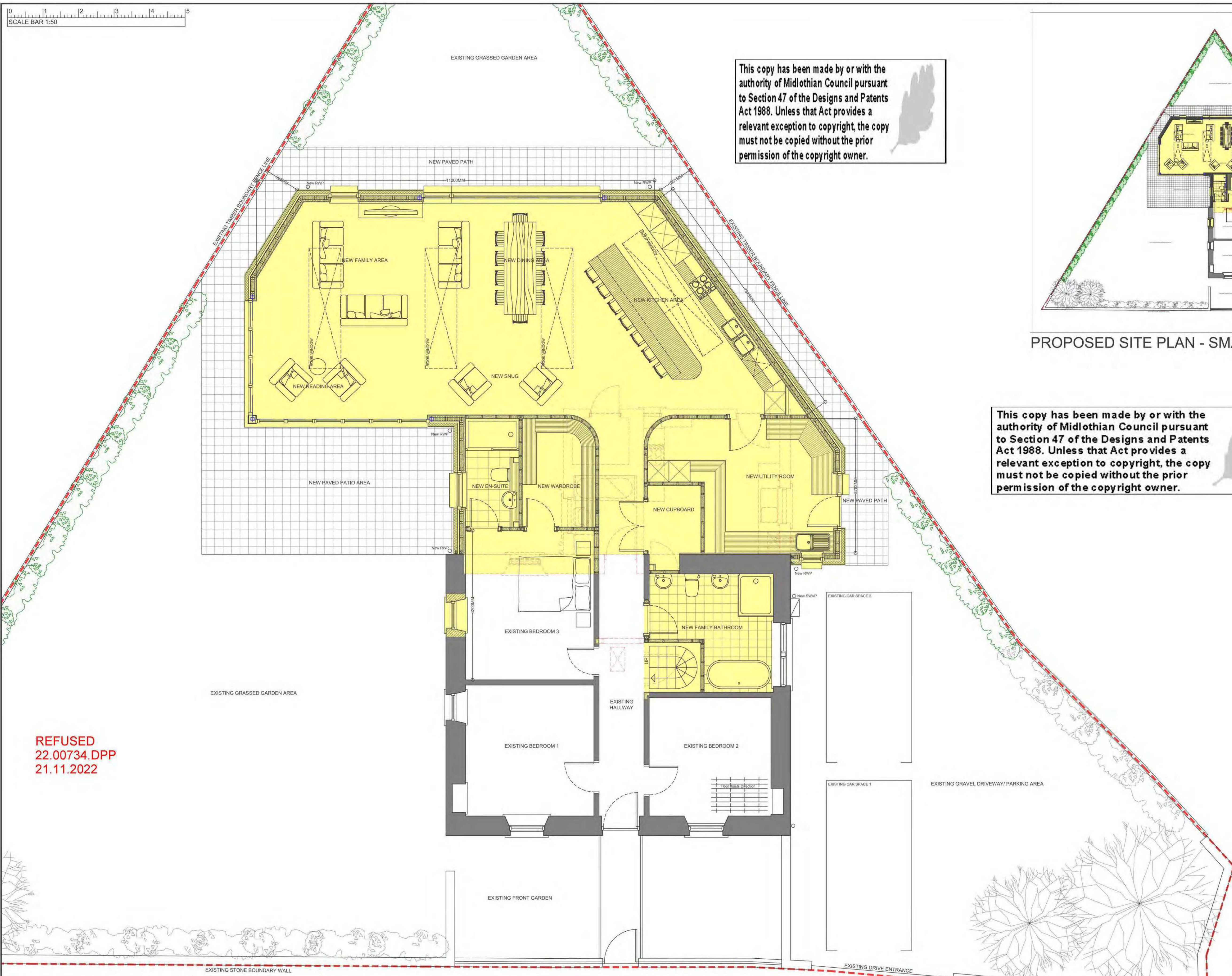
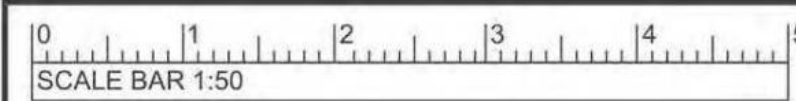
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BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: JANUARY 2023
DRAWING SCALE (A1): 1:100		DRAWING NUMBER: UD22/010/PLAN/106



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PROPOSED SITE PLAN - SMALL SCALE - 1:200

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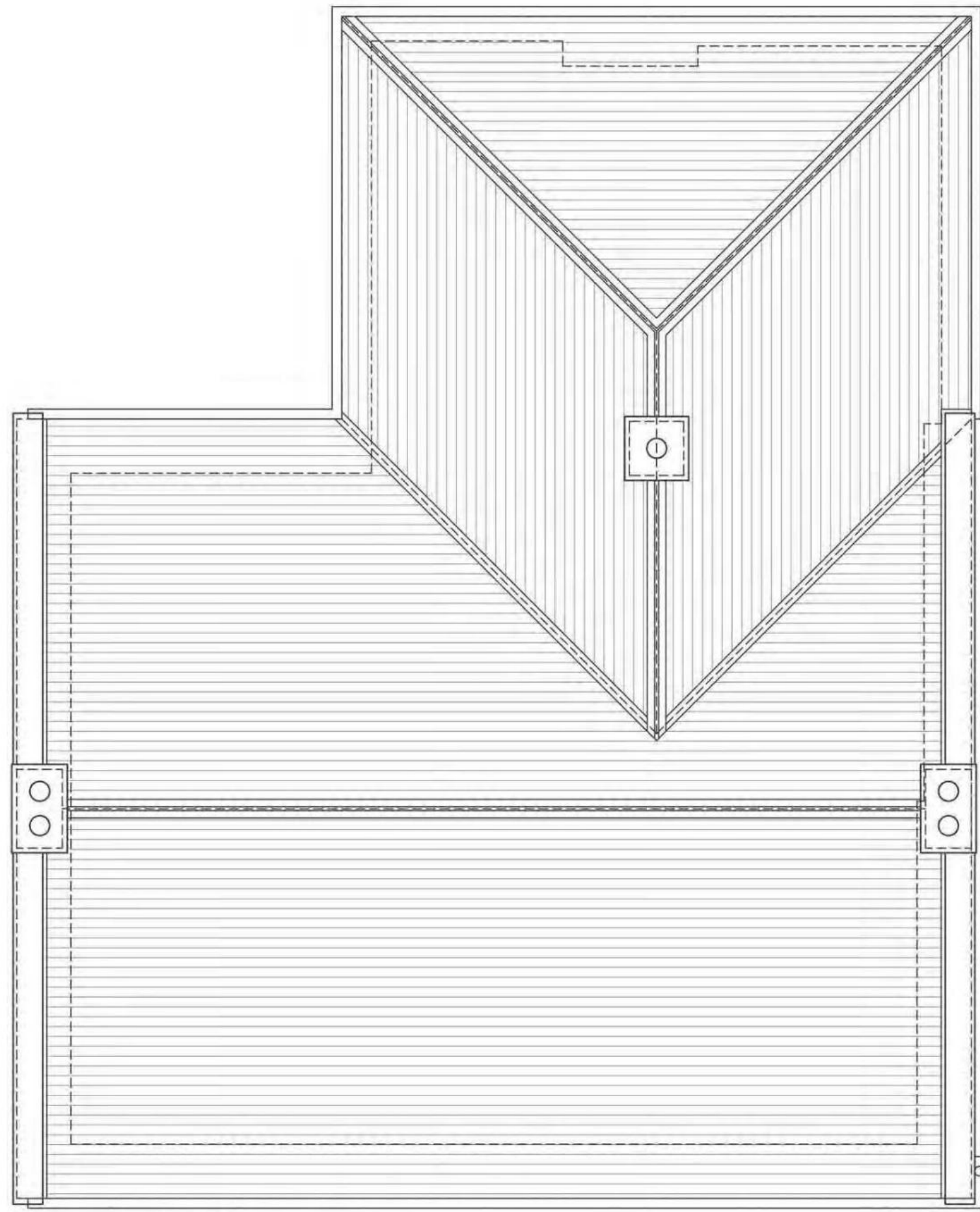
REFUSED
22.00734.DPP
21.11.2022

PROPOSED SITE PLAN - LARGE SCALE - 1:50

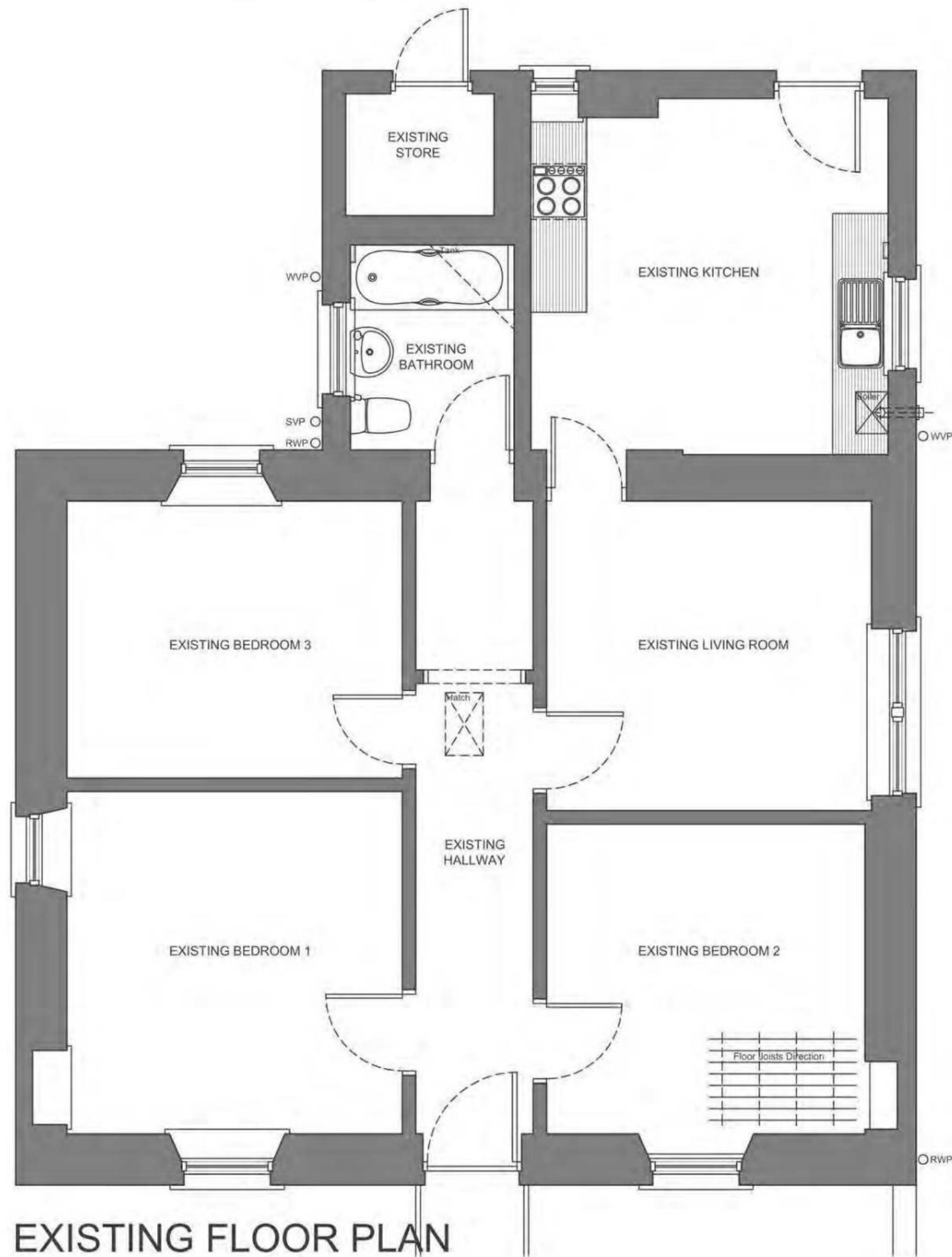


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BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
DRAWING SCALE (A1): 1:50 & 1:200		DRAWING NUMBER: UD22/010/PLAN/105



EXISTING ROOF PLAN



EXISTING FLOOR PLAN



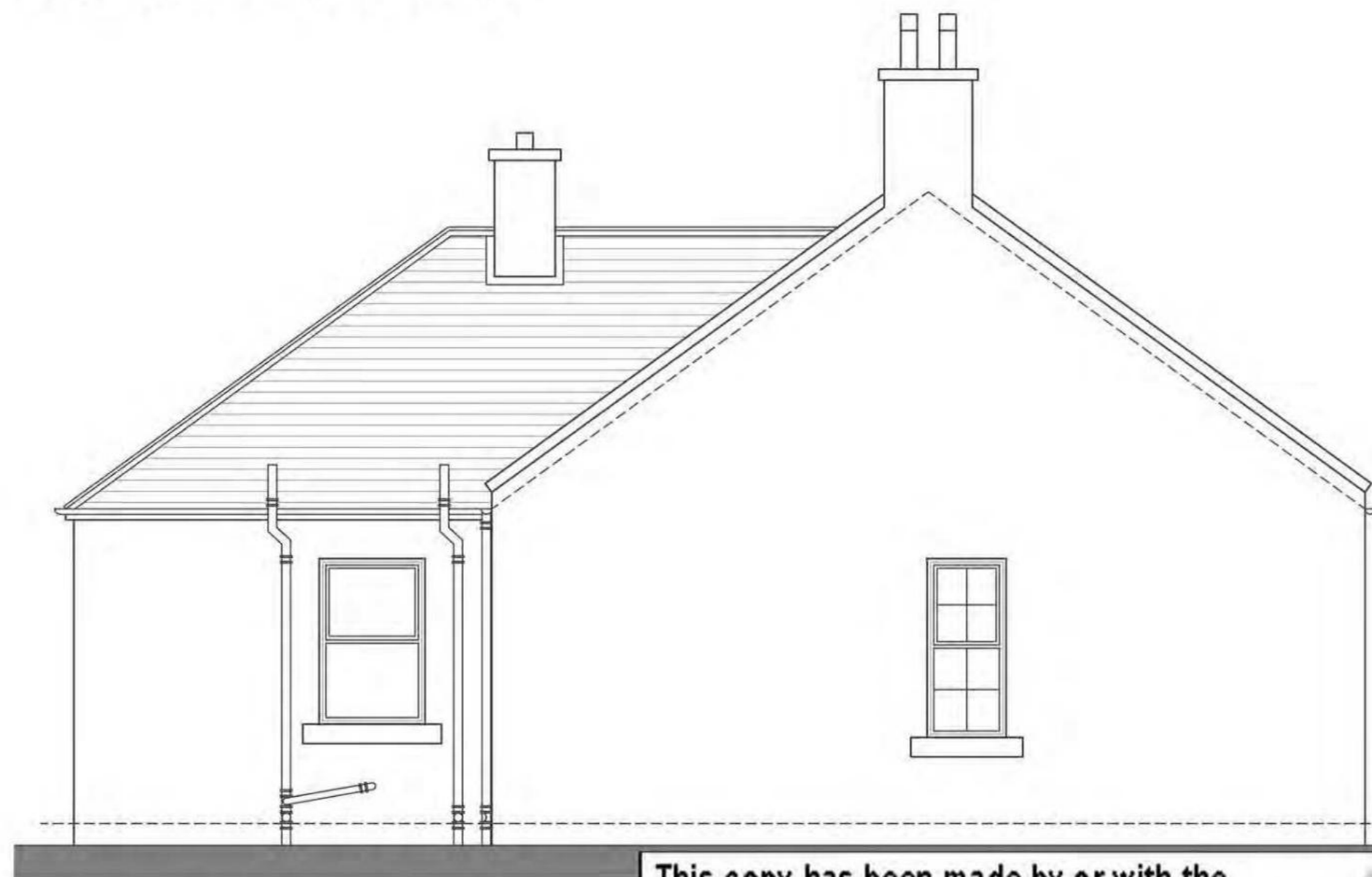
EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION

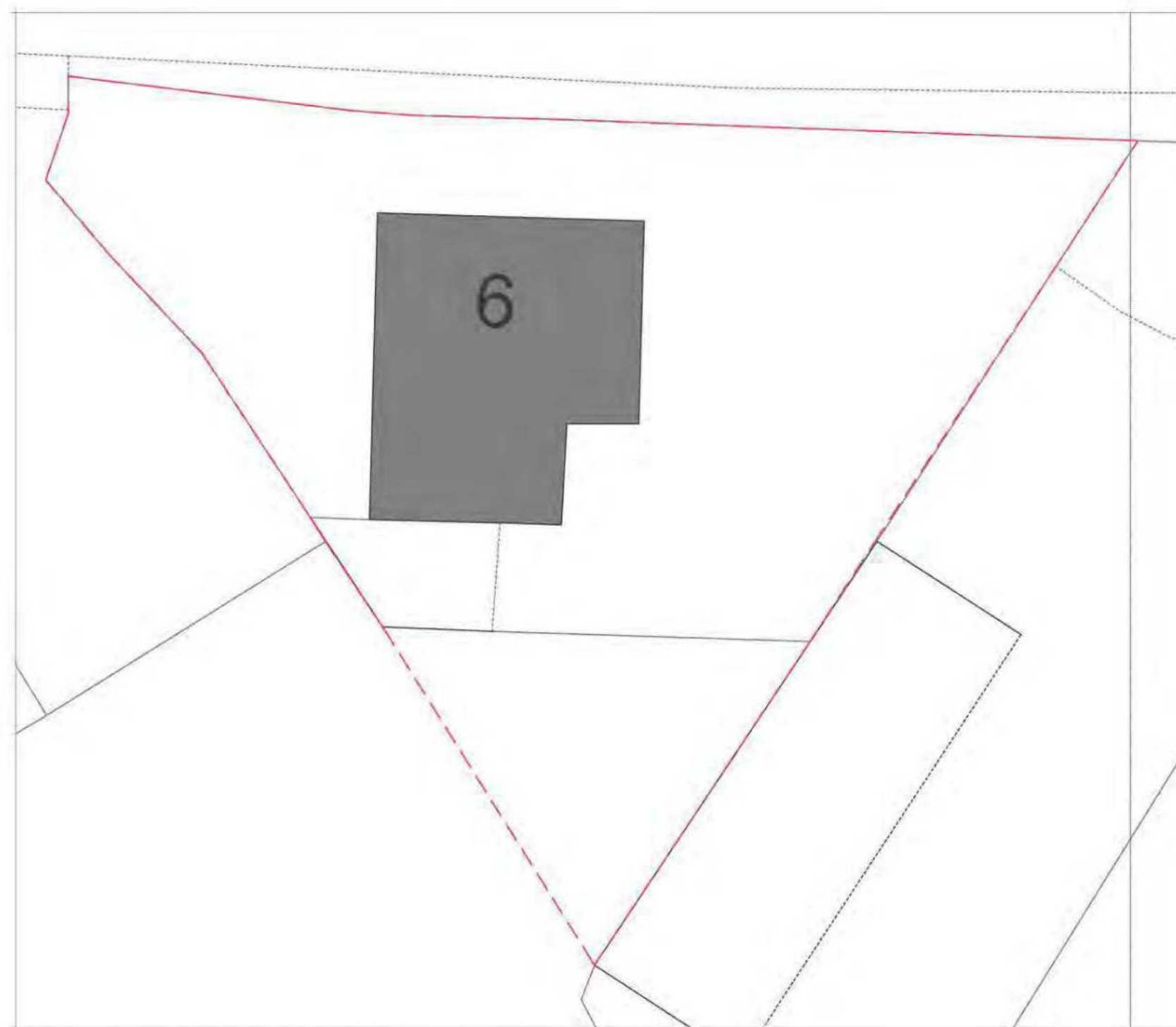


EXISTING SIDE ELEVATION

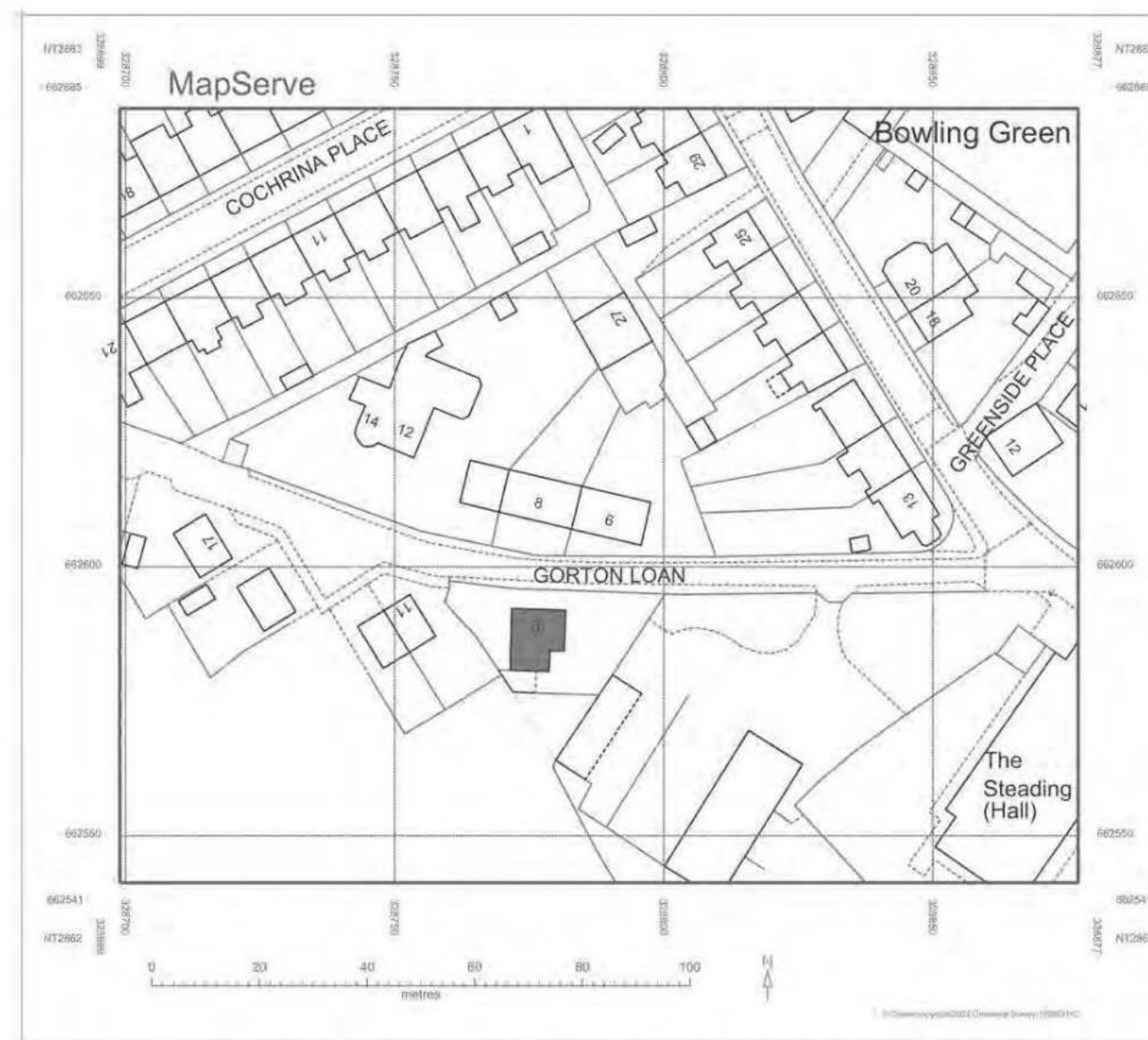


EXISTING SIDE ELEVATION

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EXISTING SITE PLAN - 1:200



EXISTING LOCATION PLAN - 1:1250



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BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: APRIL 2022
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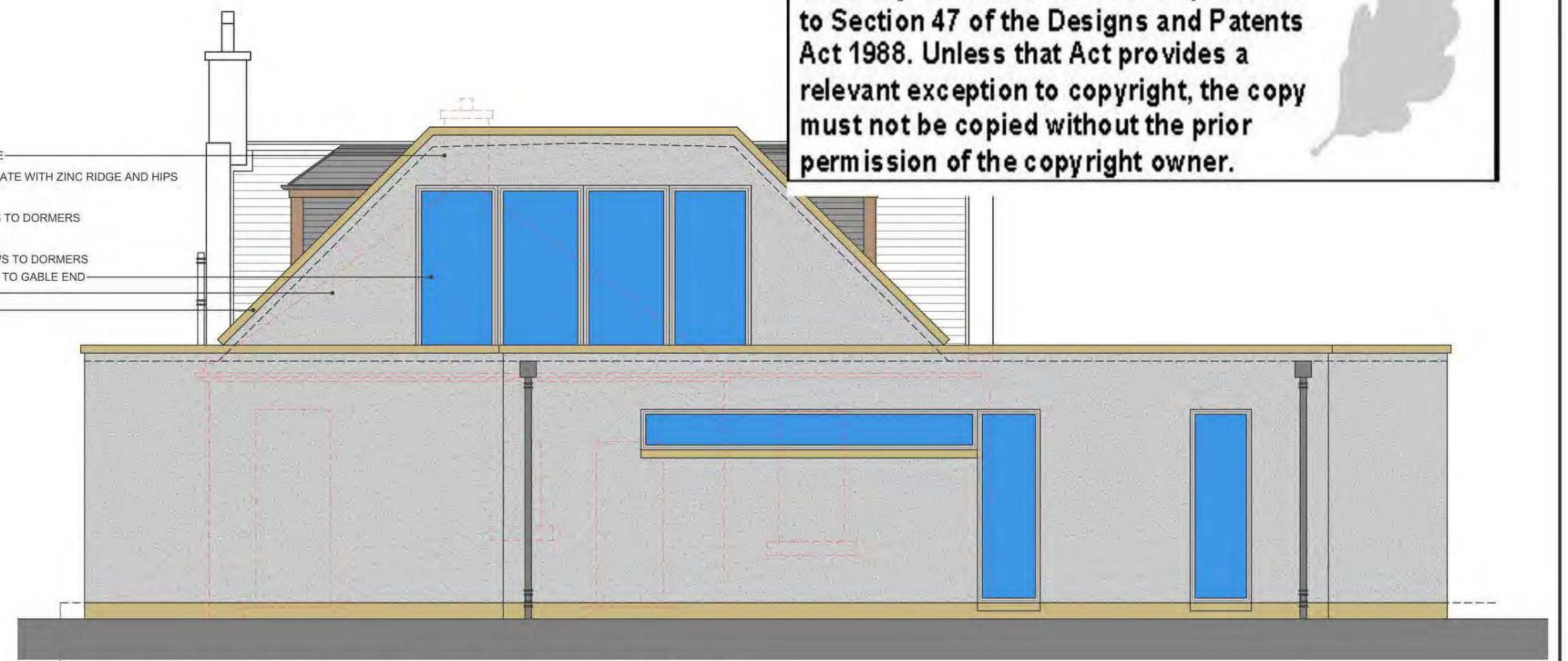
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PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

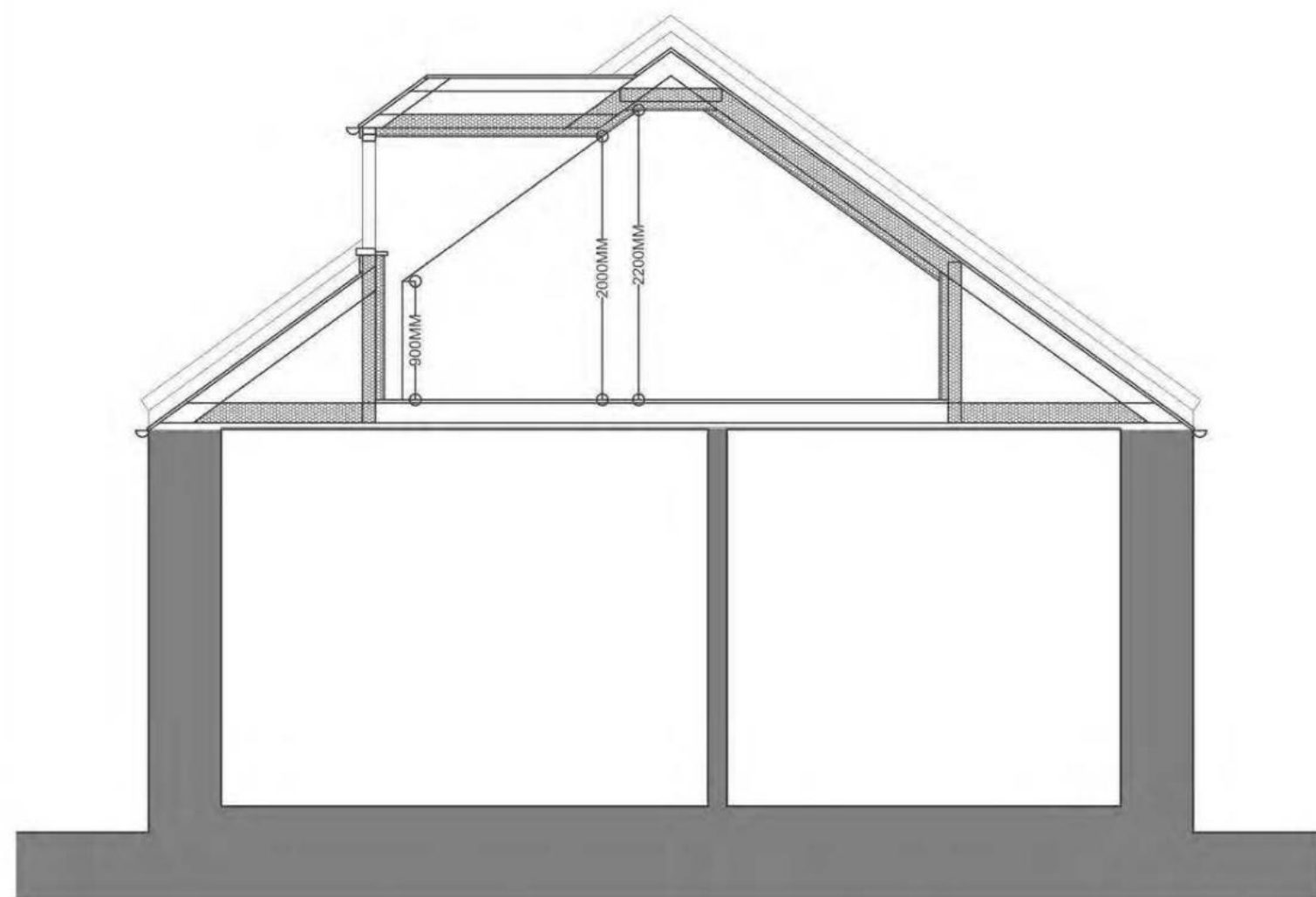


PROPOSED SIDE ELEVATION

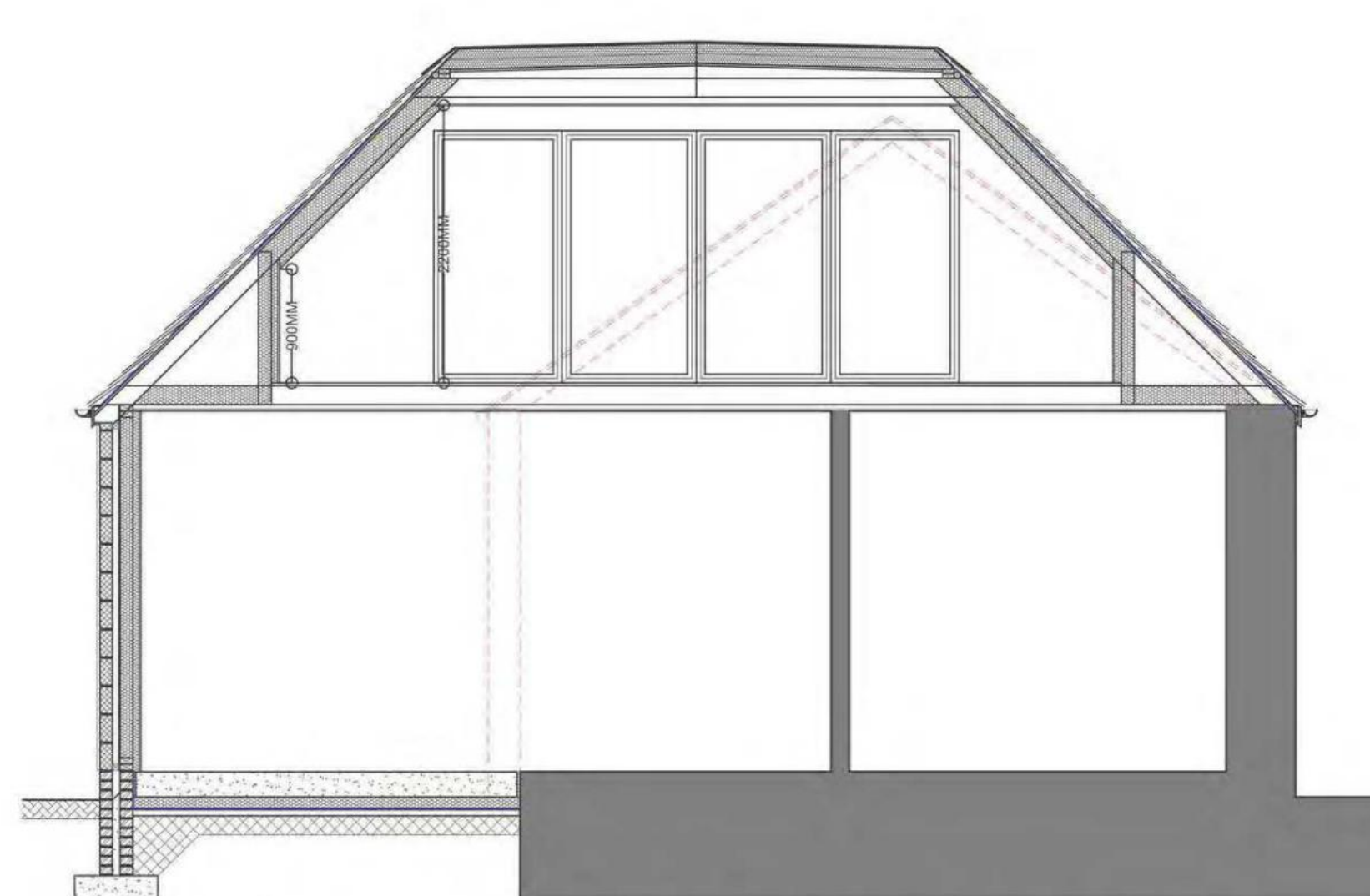
REFUSED
22.00734.DPP
21.11.2022



PROPOSED SIDE ELEVATION



SECTION THROUGH DORMER



SECTION THROUGH NEW ATTIC

EXTENSION SPECIFICATION:

EXTENSION EXTERNAL WALLS:

NEW EXTERNAL WALLS TO BE CONSTRUCTED FROM AN INSULATED TIMBER KIT WITH OUTER BLOCKWORK WALLS FINISHED WITH A SMOOTH RENDER. EXACT COLOUR TO BE AGREED WITH THE PLANNING DEPARTMENT. EXTERNAL WALL TO NEW EN-SUITE TO BE FINISHED IN HARDWOOD VERTICAL TIMBER BOARDING.

EXTENSION FLAT ROOF:

NEW EXTENSION ROOF TO BE FINISHED IN A GREY GRP MEMBRANE LAIN OVER INSULATION BOARDS WITH FALLS TO NEW INLETS. FLAT ROOF OVER NEW ATTIC ROOM TO BE FORMED IN THE SAME GREY GRP MEMBRANE. WALLHEADS TO HAVE NATURAL DRESSED STONE COPES AS SHOWN. NEW PITCHED ROOF TO ATTIC ROOM TO HAVE A 40 DEGREE ROOF AND TO BE FINISHED IN NATURAL SLATE TO MATCH THE EXISTING COTTAGE.

NEW DORMER WINDOWS:

NEW DORMERS TO BE FORMED TO FRONT AND SIDE ELEVATIONS USING TIMBER FRAMING. SMALL PITCHED ROOFS AND DORMER CHEEKS TO BE FINISHED IN NATURAL SLATE TO MATCH EXISTING. ALLOW FOR ZINC RIDGES AND LEAD WATERGATES WHERE NEW DORMERS ABUT PITCHED ROOF. SUPPLY AND INSTALL HARDWOOD TIMBER VERTICALLY SLIDING SASH AND CASE WINDOWS WITH DOUBLE GLAZED UNITS. COLOUR TO BE WHITE.

EXTENSION WINDOWS AND DOORS:

NEW WINDOWS AND DOORS TO EXTENSION TO BE PRE-MANUFACTURED ALUMINUM FRAMED DOUBLE GLAZED UNITS. NEW ROOF WINDOWS TO BE ALUMINUM FRAMED DOUBLE GLAZED UNITS. FRAME COLOUR TO BE AGREED WITH THE PLANNING DEPARTMENT.

EXTERNAL PAVING:

NEW PAVING AROUND EXTENSION TO BE FORMED USING PRECAST PAVIORS AS PER THE CLIENTS CHOICE.

DOWNTAKINGS:

EXISTING DILAPIDATED REAR EXTENSION TO BE DEMOLISHED INCLUDING FLOOR, EXTERNAL WALLS, PITCHED ROOF, CHIMNEY ETC ALL AS SHOWN BY DOTTED RED LINE. ALL DEBRIS AND MATERIALS TO BE REMOVED FROM SITE.



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DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
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DRAWING SCALE (A1): 1:50	DRAWING NUMBER: UD22/010/PLAN/103
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PROPOSED ATTIC FLOOR PLAN

REFUSED
22.00734.DPP
21.11.2022

PROPOSED GROUND FLOOR PLAN



Urban Design (East Lothian) Limited
80 Newhailes Crescent, Musselburgh, EH21 6EG
Tel: 07886 113 817
www.urbandesignlimited.com

DRAWING STATUS :-
FEASIBILITY STUDY ☐ TENDER ISSUE ☐
BUILDING WARRANT ☐ CONSTRUCTION ISSUE ☐
PLANNING APPROVAL ☒ AS BUILT ☐

CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

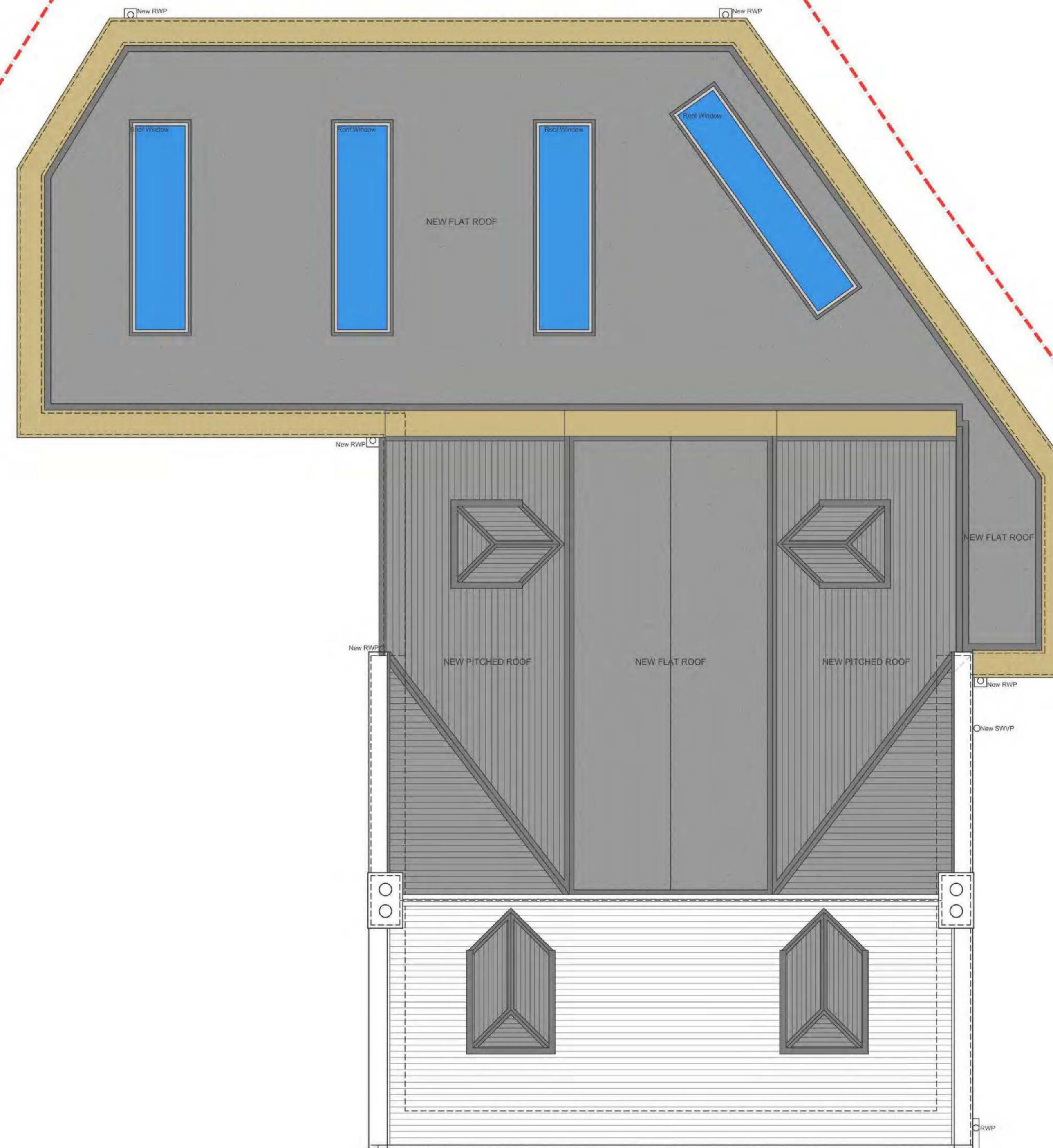
DRAWN BY: CSD
CHECKED BY: CM
DATE: OCTOBER 2022

DRAWING SCALE (A1): 1:50
DRAWING NUMBER: UD22/010/PLAN/102

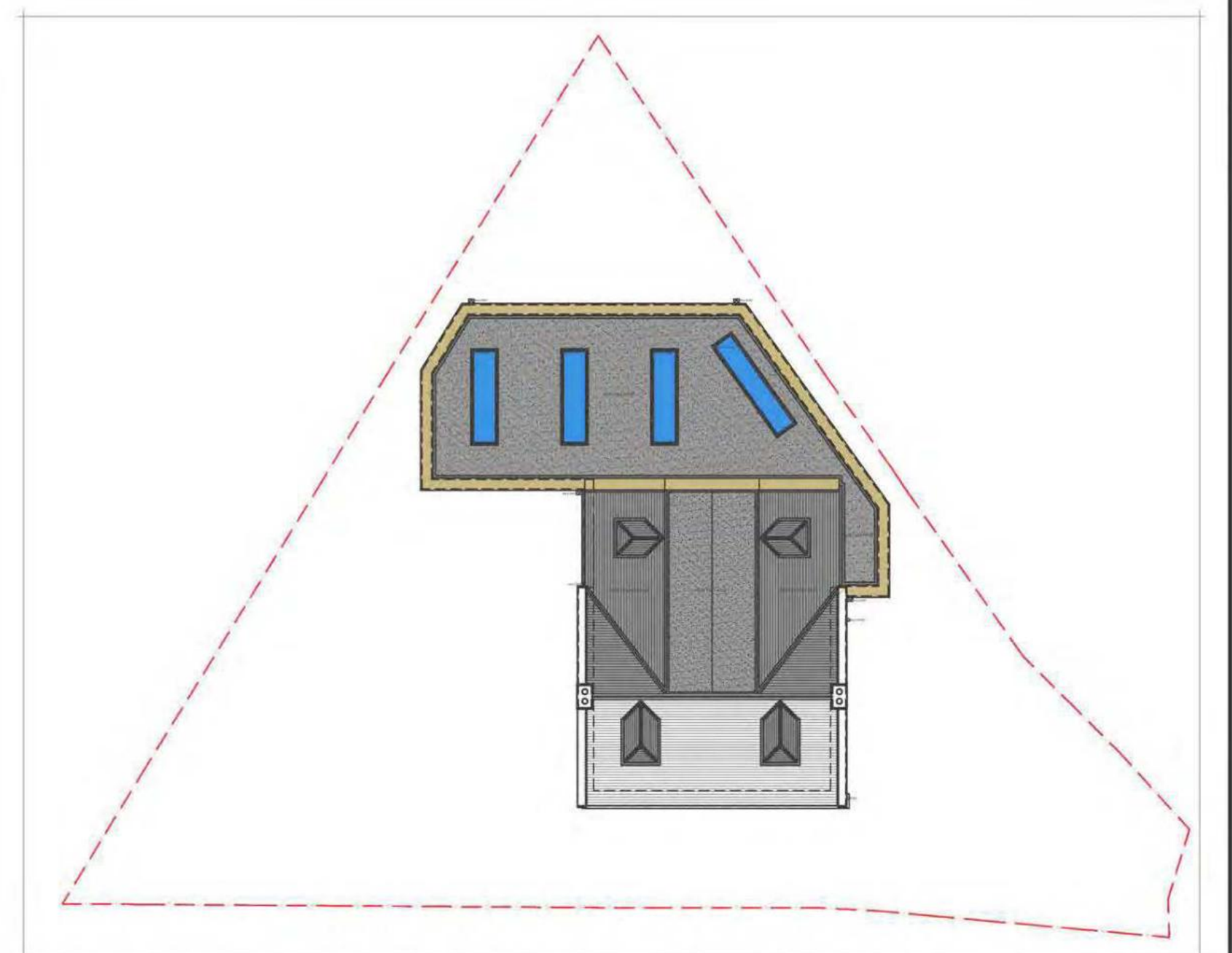
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REFUSED
22.00734.DPP
21.11.2022



PROPOSED ROOF PLAN



PROPOSED SITE PLAN - 1:200



Urban Design (East Lothian) Limited
80 Newhailes Crescent, Musselburgh, EH21 6EG
Tel: 07886 113 817
www.urbandesignlimited.com

DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

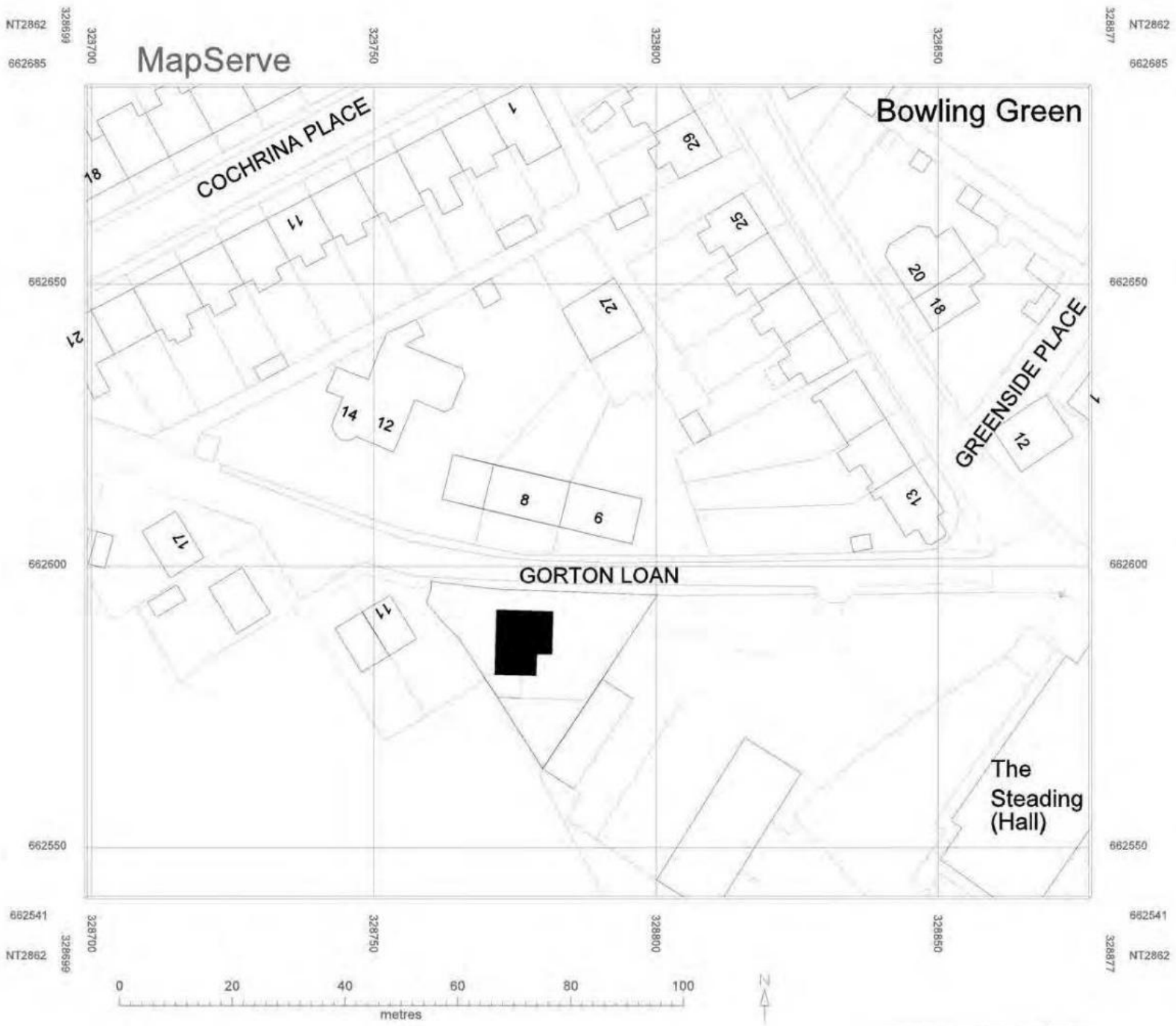
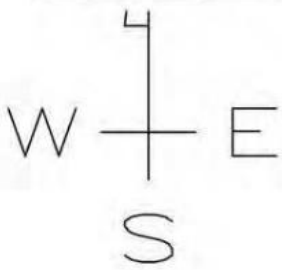
PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
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DRAWING SCALE (A1): 1:50 & 1:200	DRAWING NUMBER: UD22/010/PLAN/104
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SITE PLAN

REV	DATE	BY	CHK	APP	FIRST ISSUE			
DRAWING STATUS								
FOR INFORMATION ONLY								
<div><div>ZENITH CONSULTANTS</div><div>www.zenith-consultants.co.uk enquiries@zenith-consultants.co.uk Head Office: 38 Dryden Road, Loanhead, Midlothian, EH20 9LZ Tel: 0131 440 3000 Offices in Edinburgh and London</div></div>								
CLIENT		COLIN MCCURDY						
PROJECT		GORTON LOAN						
TITLE								
UAV TOPOGRAPHIC SURVEY								
SCALE		DRAWING No		CM-GL-TS			REV	A
1:200								















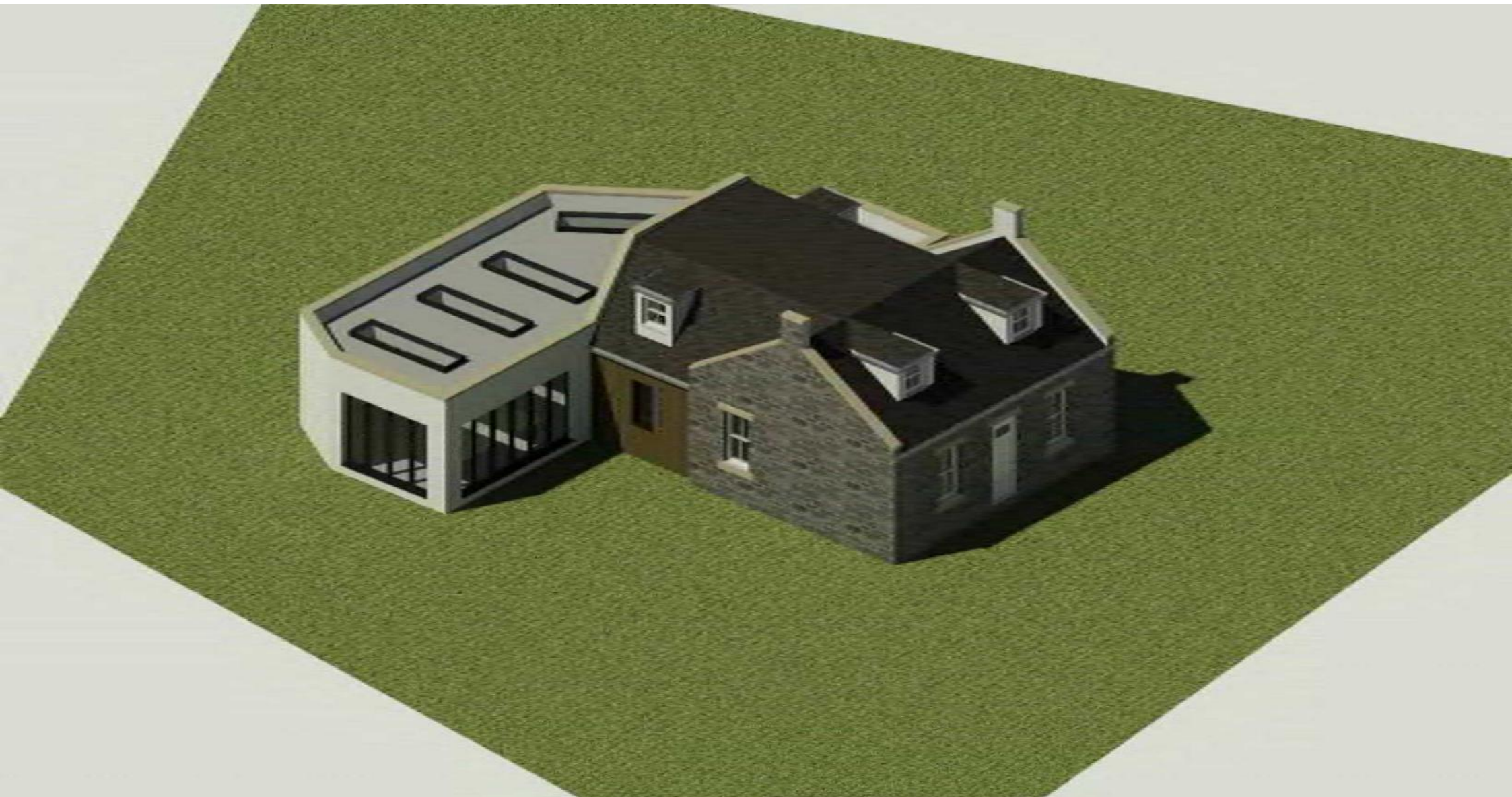






































Notice of Review: Land rear of 4 Hunter Court, Loanhead

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for the erection of dwellinghouse on land rear of 4 Hunter Court, Loanhead.

2 Background

- 2.1 Planning application 22/00324/PPP for planning permission in principle for the erection of dwellinghouse on land rear of 4 Hunter Court, Loanhead was refused planning permission on 18 January 2023; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 18 January 2023 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were three consultation responses and one representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All 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 back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

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

Reason: *To accord with the provisions of Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).*

2. Development shall not begin until an application for approval of matters specified in conditions for 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 the use proposed, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. On completion of the decontamination/remediation works referred to in condition 2, and prior to any building on the site being occupied or brought onto use, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied unless or until the planning authority have approved the required validation.

Reason for conditions 2 and 3: To ensure that any contamination on the site is adequately identified and that appropriate decontamination 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.

4. Development shall not begin until an application for approval of matters specified in conditions for a scheme of investigation and remediation to deal with previous mineral workings has been submitted to and approved in writing by the planning authority. The scheme shall include:
 - a) A scheme of intrusive site investigations to establish the risks posed to the development by past shallow coal mining activity;
 - b) A report of findings arising from the intrusive site investigations and the results of any gas monitoring; and
 - c) A scheme of remedial and/ or mitigation works to address land instability arising from coal mining legacy.

Before any work starts onsite on the erection of the dwellinghouse the investigation schemes and remediation/mitigation works shall

be fully implemented as approved by the planning authority and the Coal Authority and a verification report shall be submitted to and approved in writing by the planning authority and the house hereby approved shall not be occupied until this has been approved in writing by the planning authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: *To ensure that any risks posed by the coal mining history of the area are identified and addressed prior to development commencing.*

5. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the planning authority:
 - a) A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
 - b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
 - c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
 - d) Details of all hard surfacing and kerbing;
 - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
 - f) Details of the provision of superfast broadband connections for the house;
 - g) Details of the provision of electric vehicle charging stations for the house;
 - h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the planning authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual;
 - i) Details of a scheme of existing and proposed landscaping at the site and a plan and planting schedule detailing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained; and
 - j) Details of any proposed zero or low carbon equipment.

Thereafter, the development hereby approved shall accord with the details agreed in terms of this condition and retained as such in perpetuity unless agreed in writing with the planning authority.

Reason: *Permission is granted in principle only. No details were approved with the application and detailed consideration is required*

for the siting, massing and design of the proposed dwellinghouse and site access arrangements.

6. The scheme of landscaping approved in accordance with condition 5i) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure that the landscaping is carried out and becomes successfully established.*

7. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 5h) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

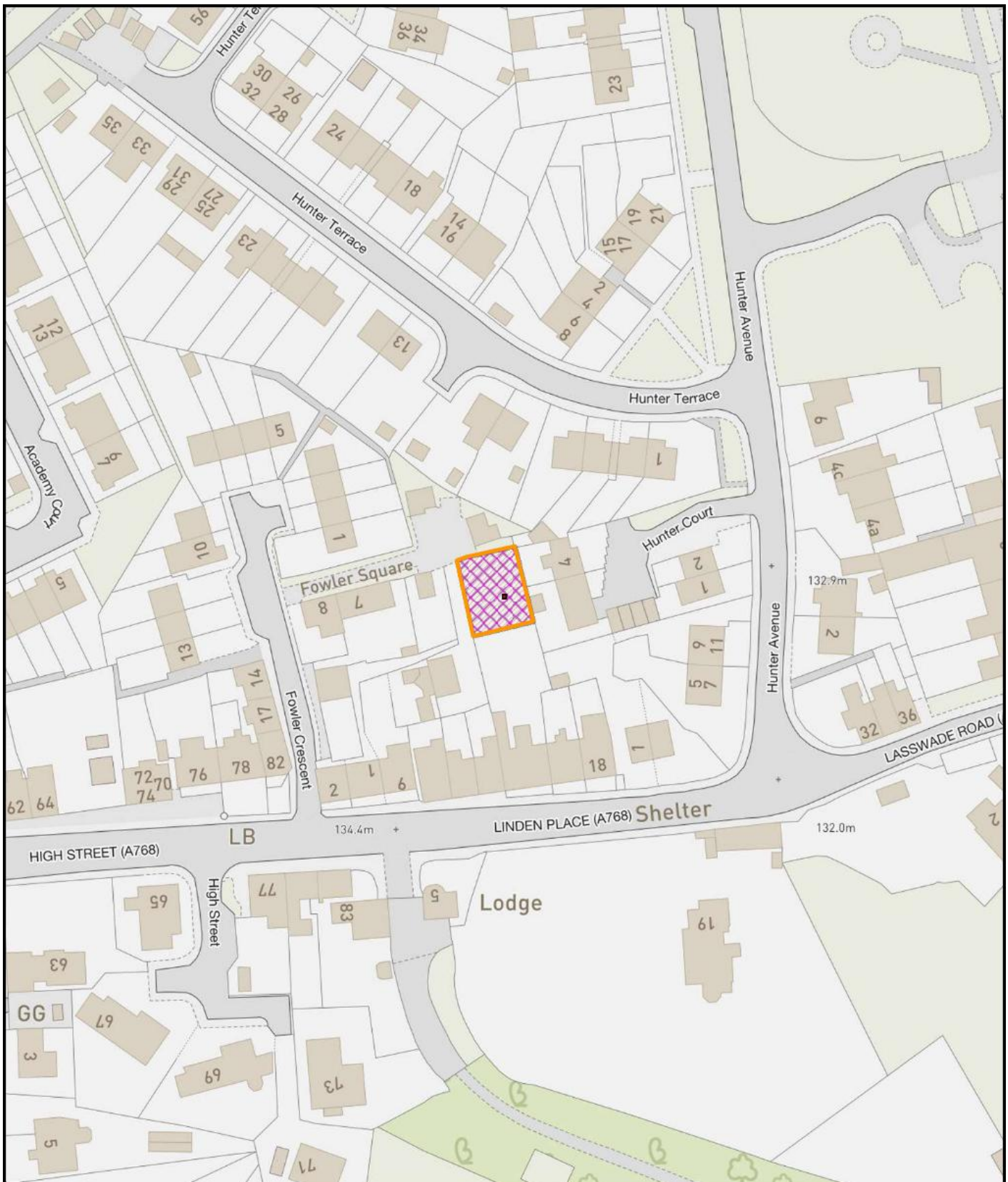
6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 April 2023
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 22/00324/PPP available for inspection online.



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

erection of a dwellinghouse Land to rear of 4 Hunter Court, Loanhead

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File No.22/00324/PPP

Scale: 1:1,250





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 100559089-003

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="David Paton Building Consultancy"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David Paton"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Building Consultancy"/>	Building Number:	<input type="text" value="13"/>
Telephone Number: *	<input type="text" value="0131 440 1213"/>	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="Loanhead"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH20 9RH"/>
Email Address: *	<input type="text" value="davidpatonbc@btconnect.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Stewart"/>	Building Number: <input type="text" value="6"/>
Last Name: *	<input type="text" value="McLennan"/>	Address 1 (Street): * <input type="text" value="Spittal Gardens"/>
Company/Organisation	<input type="text"/>	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 9TG"/>
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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land to Rear of 4 Hunter Court"/>

Northing	<input type="text" value="665607"/>	Easting	<input type="text" value="328585"/>
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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)

Application for Planning in Principle for erection of Dweelinghouse

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 attached document

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

☐ Yes ☒ No

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

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

Supporting Statement

Application Details

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

22/00324/PPP

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

07/09/2022

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

18/01/2023

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

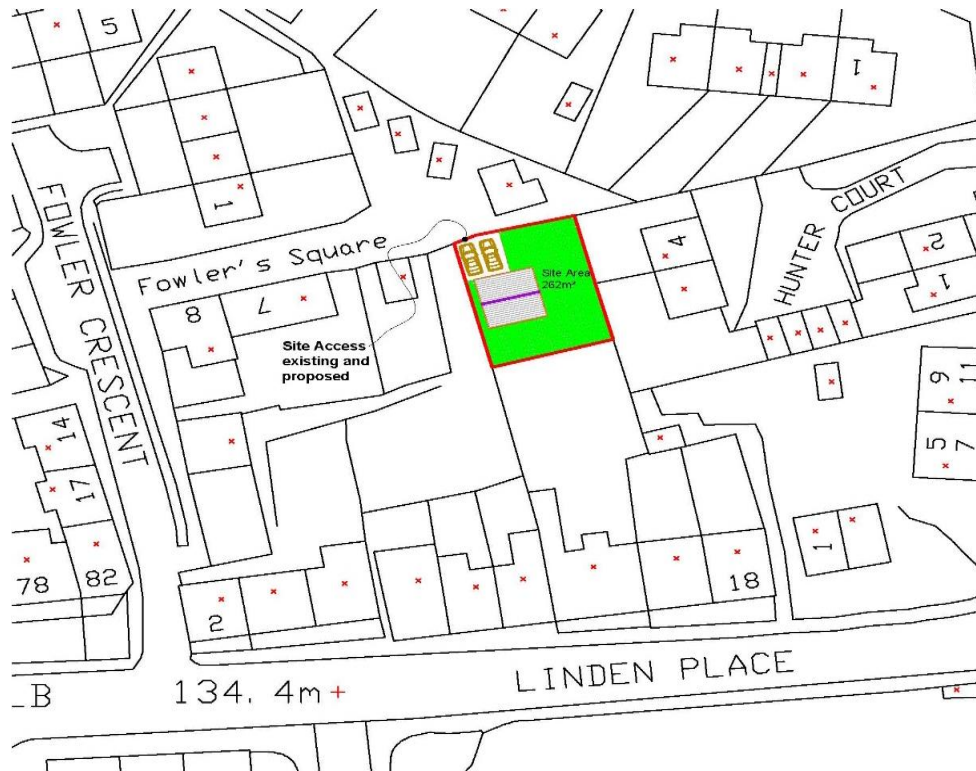
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 David Paton Building Consultancy

Declaration Date: 27/02/2023



David Paton Building Consultancy

Local Review Body Appeal

Land to Rear of 4 Hunter Court, Loanhead

February 2023

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REASON FOR REVIEW	4
CONCLUSION	7

PLANNING APPLICATION

Planning Application in Principle for Erection of Dwellinghouse at

Land to Rear of 4 Hunter Court, Loanhead

For Mr Stewart McLennan

Planning Application No. 22/00324/PPP - REFUSED 18 JANUARY 2023

INTRODUCTION

On behalf of our client Mr Stewart McLennan, we would like to appeal against the refusal notice above for the erection of a dwelling house in principle. The reasons for Refusal are as follows:

1. Insufficient information has been submitted to demonstrate that a dwelling house can be accommodated within the application site without having a significant adverse impact on the amenity of neighbouring residents.
2. Due to the ground levels in the area, there would be a significant overlooking from the application site to the houses at Hunter Court to the east, which has a lower ground level than the site. The erection of a boundary treatment of a suitable height within the site would be at least one meter higher from the neighbouring properties and would have a significant impact on their outlook, have an overbearing impact on the occupants and overshadow these gardens.
3. For the above reasons the proposals would have a significant detrimental impact on the amenity of nearby residents and be contrary to policy DEV2 of the adopted Midlothian Local Plan 2017

REASON FOR REVIEW

Taking the above points for refusal individually

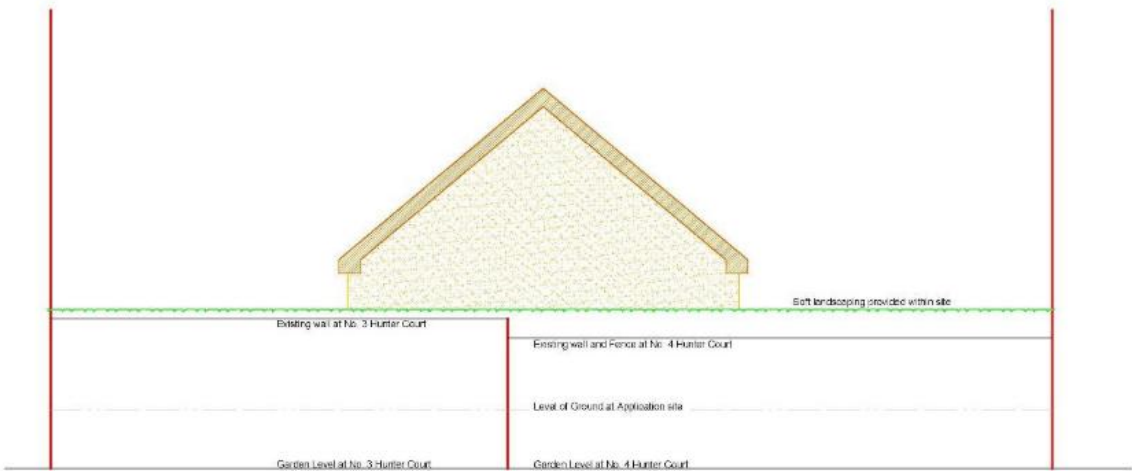
This is a Planning in Principle application not a full planning application, there is no requirement to provide any detail, as we are asking for the principle of being able to design and plan a house in this location. The details would come with a full planning application if the principle is approved. Though if we had been asked to provide any details during the planning application process we would have worked with the planners to allay their concerns.

There is a 1m difference in levels between the site and the adjacent houses, that said there is already an existing stone wall and fencing in place with the stone wall measuring 1.1m high from the application site. It would not take much additional screening on this boundary to make the boundary treatment up to the standard 1.8m high that the planning department normally ask for screening, so we would contend that the extra 700mm would not have the significant detrimental impact that the planners state, considering No 4 Hunter Court already has a Permanent structure over their hot tub adjacent to the boundary which extends above the height of the existing wall so acts as further screening to this boundary. We would also content that soft landscaping treatments would soften any impact to neighbours rather than harsh stone or timber fencing. It is also worth pointing out that there are numerous examples of housing throughout Midlothian where the houses to the rear are significantly higher than the situation we have here, two locally to this site are Copperwood in Loanhead (first picture shown below) and Burnbank at Straiton (second picture) In these situations the houses and their gardens overlook the much lower gardens below.





In fact, we have now added a modest house to the plan and created a real view elevation (from eye height) from the rear elevation of the houses in Hunter Court to show that given the opportunity we could have proved that a new house in this location can comfortably be accommodated on the site without impacting on the existing houses (see below).



CONCLUSION

We are asking for the Local Review Body to overturn the refusal notice and approve the Planning Permission in Principle for a new Dwelling house for the following reasons;

1. We are asking for permission in principle to plan / design a house and the details that the planners are asking for are not relevant at this stage. Having said that we have shown above that a house can be provided on the site sympathetically.
2. The site whilst higher than the neighbouring properties would not have a detrimental impact on them. Again, as shown above the house could be designed to not have detrimental effect and would have no overlooking windows onto them.
3. Soft landscaping to the boundary would enhance the relationship between the properties.
4. Examples of similar or worse situations throughout Loanhead are provided
5. Site is larger than some of the house sites round it so is an obvious gap site to be developed.
6. If site is not suitable for a house, then what will the planning department allow this land to be used for.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00324/PPP

Site Address: Land to Rear of 4 Hunter Court, Loanhead.

Site Description: The application site comprises an overgrown area of land which is backed onto by the rear of the houses at Hunter Court to the east, Hunter Terrace to the north and Linden Place to the south. There is a 1.8 metre high fence along the north and west boundaries, with a 1 metre high wall and fence along the south and east boundaries. The site is at a higher ground level than the houses at Hunter Court. There are domestic garages to the north, west and south of the site. There is an access track from Fowler Crescent to the west which provides access to the site and the garages in the area. The site is in a predominantly residential area with a variety of housetypes including two storey terraced and semi-detached, as well as single storey cottage style houses.

Proposed Development: Application for planning permission in principle for erection of dwellinghouse.

Proposed Development Details: It is proposed to erect one house at the site. No further details have been submitted, except that the house will connect to the public drainage network and water supply and the vehicular access will remain as existing.

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

To east

4 Hunter Court 18/00926/CL Certificate of lawfulness for an existing use (garden ground). Permitted.

3 Hunter Court 17/00203/DPP Two storey extension to dwellinghouse. Consent with conditions.

To west

Garage site 5 Fowler Square 05/00540/FUL Erection of garage. Consent with conditions.

Consultations:

The Council's **Senior Manager Neighbourhood Services (Roads)** has no objection in principle but states if permission is approved, conditions should be attached relating to the proposed vehicle access and parking provision and the proposed surface water drainage for the new house.

The Council's **Senior Manager Protective Services** does not object, subject to conditions being attached to planning permission ensuring that ground contamination remediation works are undertaken and the hours of construction are limited to reasonable working times. They have concerns if air or source heat pumps are

proposed as these could result in noise nuisance. Conditions should be attached to any permission to restrict the noise levels of this equipment, as well as a Construction Environment Management Plan (CEMP).

The **Coal Authority** has considered the submissions and has no objection subject to further site investigations being required as a condition to any permission.

Representations: One representation neither objecting to nor supporting the application has been submitted. It is not clear how or if the existing access from the rear of 5 Hunter Terrace to Fowler's Square (to the east of the site) would be affected. More information is required before they can support the proposal.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 3 and Scottish Planning Policy, SESPlan and the adopted Midlothian Local Development Plan 2017. On 8 November the Revised Draft National Planning Framework 4 was submitted to the Scottish Parliament for approval along with an Explanatory Report that outlines the changes from Draft NPF4 to the Revised Draft. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the provisions in the Planning Act will commence to make NPF4 part of the statutory development plan. The existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers. As the Revised Draft NPF4 is at an advanced stage and represents the settled view of the Scottish Government in terms of its planning policy it is a material consideration of significant weight in the assessment of the application. The following policies are relevant to the proposal:

- Policy 1 Tackling the climate and nature crises
- Policy 2 Climate mitigation and adaptation
- Policy 3 Biodiversity
- Policy 9 Brownfield, vacant and derelict land and empty buildings
- Policy 13 Sustainable transport
- Policy 14 Design, quality and place
- Policy 16 Quality homes
- Policy 24 Digital infrastructure

The relevant policies of the **2017 Midlothian Local Development Plan** are; **STRAT2 Windfall Housing Sites** advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals;

DEV2 Protecting Amenity within the Built-Up Area advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

DEV5 Sustainability in New Development sets out the requirements for development with regards to sustainability principles;

DEV6 Layout and Design of New Development requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria;

DEV7 Landscaping in New Development requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

TRAN5 Electric Vehicle Charging seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals; and

IT1 Digital Infrastructure supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.

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 site is in a residential area within the built up area of Loanhead where there is a presumption in favour of compatible developments and so the principle of development is generally supported, provided this does not detract materially from the character or amenity of the area or local residents.

The site measures 262 square metres which of a sufficient size to accommodate a house, associated garden ground and parking. This is also comparable to other plot sizes in the area.

The houses at Hunter Court to the east are relatively close to the site, with short back gardens with only 7 metres between the rear elevations and the site boundary. The site has a ground level approximately 1 metre higher than these neighbouring houses. The planning authority are concerned over the impact on these properties by the proposed house, including loss of light to and overshadowing of these houses and gardens, outlook from these properties and the new house being overbearing. There may also be overlooking as the existing 1.8 metre high boundary treatment in these neighbouring properties only appear 1 metre high from the application site. This allows clear overlooking between the two.

The concerns over the impact on light and overbearing impact on the neighbouring houses could be addressed by limiting the area where a house could be positioned to the west of the site, furthest area away from Hunter Court. There could be sufficient distance between this part of the site and the houses to the north and east meaning a house in the position would not impact the amenity of these. This could also allow for a vehicular access into the site. This could be covered by condition.

In positioning a house at this part of the site, there could be overlooking from windows on the south or east elevations to the neighbouring garden grounds. Given this, it would be appropriate for any house to be single storey as this would limit overlooking to that which could be controlled by suitable boundary treatments. This could also be covered by condition.

The issue over the change in levels from the site to the houses at Hunter Court cannot be easily addressed by condition. Erecting a 1.8 metre high boundary treatment within the site, to stop overlooking to these neighbouring properties, would appear almost 3 metres high from these gardens. These gardens are already very short at 7 metres long. Although a 1.8 metre high boundary treatment would prevent overlooking and a significant detrimental impact on privacy, this would have a significant overbearing impact on the outlook of these properties and detrimentally affect the outlook. This could also cause considerable overshadowing. This would have a significant detrimental impact on the amenity of these residents.

The Senior Manager Neighbourhood Services (Roads) has no objection in terms of road safety. The applicant's agent has confirmed the vehicular access to the proposed house would be in the same position as existing. Further details of the site access and parking are required to ensure this is safe for existing and proposed residents. These further details will also clarify any impact on existing accesses in the area.

Details of the proposed surface water drainage are required to ensure this is adequate and does not have a detrimental impact on the surrounding area.

With regards to the construction at the site, mitigation measures regarding ground conditions and contamination and/or previous mineral workings must be considered. The Council's Senior Manager Protective Services has no objection to the proposal but recommends that conditions be attached to protect future occupants of the site and neighbouring land from the potential impact of contaminated land. A scheme mitigating any contamination of the site and/or previous mineral workings, and the submission of a validation report(s) confirming the approved works have been carried out shall be required by planning condition.

Although they also recommended a condition restricting the hours of construction at the site, this is better controlled by their own legislation rather than through planning measures and so this condition will not be attached. Due to the scale of the proposal being for only one house, it is not the usual practice of the planning authority to condition a CEMP. These restrictions could be controlled through other legislation.

Details of the low carbon equipment shall be submitted to ensure that these are in keeping with and do not detract from the character, appearance or amenity of the surrounding area.

While the principle of a house at this site may be acceptable, this would need to be heavily restricted to ensure there is no adverse impact on the surrounding area. This would limit the position of the house within the site and the height of the house to prevent adverse impacts on the surrounding area. However the levels at the site and neighbouring properties are a major issue. There is not the amount of detail of the levels between the site and the houses at Hunter Court to show there is no detrimental impact on these neighbouring properties. It could be the case that a significant amount of ground excavation or other remediation works could be carried out to address this significant change in levels and impact on amenity of neighbouring properties. However this has not been submitted. It may be that this

could be considered as part of a detailed planning application, but, due to the limited information submitted, this cannot be assessed in the current application for planning permission in principle.

While securing an appropriate design for the house would be possible through the use of planning conditions, insufficient information has been submitted to demonstrate that a dwellinghouse could be accommodated within the application site without having a significant adverse impact on the amenity of neighbouring residents. The issue of the impact of the proposed development on the amenity of neighbouring properties cannot be adequately covered by planning conditions in this case.

(It is suggested that a PPP application is not the appropriate process for achieving planning permission for this site. Due to the constrained nature of the site a much more detailed scheme should be submitted in order that the Planning Authority can fully assess the likely impacts.)

Recommendation: Refuse planning permission in principle.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00324/PPP

David Paton Building Consultancy
13 High Street
Loanhead
EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr Stewart McLennan, 6 Spittal Gardens, Loanhead, EH20 9TG, which was registered on 7 September 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Application for planning permission in principle for erection of dwellinghouse at Land to Rear of 4 Hunter Court, Loanhead

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan, Site Plan	Pn1 A 1:500/1250	16.11.2022

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

- Insufficient information has been submitted to demonstrate that a dwellinghouse can be accommodated within the application site without having a significant adverse impact on the amenity of neighbouring residents.*
- Due to the ground levels in the area, there would be significant overlooking from the application site to the houses at Hunter Court to the east, which have a lower ground level than the site. The erection of a boundary treatment of a suitable height within the site would be at least one metre higher from the neighbouring properties and would have a significant detrimental impact on their outlook, have an overbearing impact on the occupants and overshadow these gardens.*
- For the above reasons, the proposal would have a significant detrimental impact on the amenity of nearby residents and be contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

Dated 18 / 1 / 2023



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

Informative Note

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

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

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

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

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

www.gov.uk/government/organisations/the-coal-authority

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



PHOTO 1 Site Access existing and proposed

PHOTO 2

REFUSED
22.00324.PPP
18.01.2023



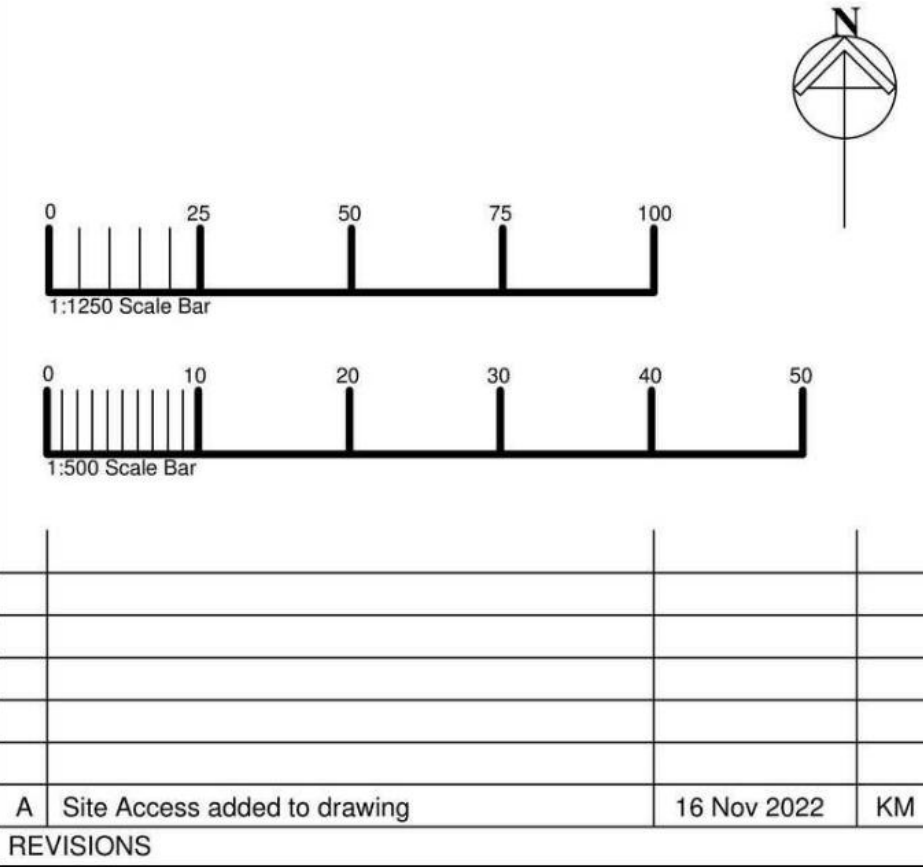
1:1250 SCALE LOCATION PLAN



1:500 SCALE SITE PLAN

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PLANNING APPLICATION DRAWING



CLIENT Stewart McLennan 6 Spittal Gardens Loanhead EH20 9TG		PROJECT Proposed New House at: Land to Rear of 4 Hunter Court Loanhead.	
DRAWING TITLE Site and Location Plan		DATE	March 2022
		DRAWN	KM
		SCALE	as shown @ A2

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dpbc



JOB NO. 22/23	DRAWING NO. Pn1
REVISION	A