

Notice of Review: 3 Bankmill View, Penicuik Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' to remove conditions 1, 2 and 3 of planning permission 17/00734/DPP for the installation of replacement windows and doors at 3 Bankmill View, Penicuik.

2 Background

- 2.1 Planning application 17/00734/DPP for the installation of replacement windows and doors at 3 Bankmill View, Penicuik was granted planning permission on 10 November 2017; a copy of the decision is attached to this report. Conditions 1, 2 and 3 on planning permission 17/00734/DPP are as follows:
 - 1. Notwithstanding the plans hereby approved, the replacement windows within the front and side elevations are hereby not approved.

Reason: The introduction of uPVC within the front and side elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

2. Notwithstanding the plans hereby approved, the replacement door within the front elevation is hereby not approved.

Reason: The introduction of a red uPVC door within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

3. Notwithstanding the plans hereby approved, the replacement windows within the rear elevation shall be green uPVC as per the sample provided on the 31st of October 2017.

Reason: The installation of white uPVC fenestration within the rear elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation

area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

- 2.2 The removal of the stated conditions would result in a grant of planning permission for the installation of white uPVC windows and red uPVC front door.
- 2.3 The review has progressed through the following stages:
 - 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
 - A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 10 November 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via <u>www.midlothian.gov.uk</u>.

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
 - Have scheduled an unaccompanied site visit for Monday 9 April 2018; and
 - Have determined to progress the review by way of 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 to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
 - 1. The replacement windows and doors shall be green uPVC as per the sample provided on the 31st of October 2017.

Reason: The installation of the proposed white uPVC fenestration within the front and side elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

6 Recommendations

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

Date:3 April 2018Report Contact:Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.ukTel No:0131 271 3310Background Papers:Planning application 17/00734/DPP available for

inspection online.

	APPENDIX A
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Education, Economy & Communities Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3AA	Installation of replacement windows and door at 3 Bankmill View, Penicuik
Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction Infringes Crown copyright and may lead to prosecution or civit proceedings	File No. 17/00734/DPP
Midlothian Council Licence No. 100023416 (2018)	Scale: 1:500

APPENDIX B



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 100065771-002

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

Applicant or Agent Details

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

Applicant	XAgent
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Agent Details

Please enter Agent details	S		
Company/Organisation:	Bryant & Caims Itd		
Ref. Number:	W7582	You must enter a B	uilding Name or Number, or both: *
First Name: *	·	Building Name:	2/3
Last Name: *	McPherson	Building Number:	
Telephone Number: *	01314402855	Address 1 (Street): *	Borthwick View,
Extension Number:		Address 2:	Pentland Industrial Estate
Mobile Number:	01314402855	Town/City: *	Loanhead
Fax Number:		Country: *	Scotland
		Postcode: *	EH20 9QH
Email Address: *	Gmbandc@live.co.uk		
Is the applicant an individu	ual or an organisation/corporate entity? *		
🗵 Individual 🗌 Organ	nisation/Corporate entity		

Please enter Applicant details Title: Mr Other Title: First Name: *	You must enter a Bu Building Name: Building Number: Address 1 (Street): *	ilding Name or Number, or both: *
Other Title:	Building Name: Building Number: Address 1	
	Building Number: Address 1	3
First Name: *	Address 1	3
	Address 1 (Street): *	
Last Name: * Hall		Bankmill View
Company/Organisation	Address 2:	
Telephone Number: *	Town/City: *	Penicuik
Extension Number:	Country: *	Scotland
Mobile Number:	Posicode: *	EH26 8NZ
Fax Number;		
Email Address: *		
Site Address Details		
Planning Authority: Midlothian Council		
Full postal address of the site (including postcode where available):		
Address 1: 3 BANKMILL VIEW		
Address 2:		
Address 3:		
Address 4:		
Address 5:		
Town/City/Settlement:		
Post Code: EH26 8NZ		
Please identify/describe the location of the site or sites		······································
Northing 659692 E	Easting	323727

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)
Installation of replacement upvc windows and entrance door.
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 a 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.
Consent granted with conditions to restrict the replacement of existing timber windows to the rear elevation of the property. This decision has been taken on the grounds that the property lies within a conservation area, and the use of 'dark green' upvc would undermine the character of the property and the surrounding area. This area is proliferated with upvc window installations, and we believe that the proposed materials/specification would not result in the loss of character within the locate
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
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)

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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.* (May 500 obstactors)	
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W7582/01, 02 & 03 updated to reflect the proposed alterations to specification as discussed with case officer throughout original application. In addition to the above drawing numbers W7582/04 & 05 illustrate the relationship between existing & proposed profiles, and provides additional site photographs for reference and context purposes.

Application Details

Please provide details of the application and decision.	
What is the application reference number? *	17/00734/DDP
What date was the application submitted to the planning authority? *	18/09/2017
What date was the decision issued by the planning authority? *	10/11/2017

Review Procedure

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

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

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? *

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

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 appea	al being deemed invalid.

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

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

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? *

mave 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? *

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 *

X Yes 🗌 No

X Yes No

X Yes 🗋 No

X 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 G McPherson

Declaration Date:

08/02/2018

Application Reference - 17/00734/DPP Proposed Replacement UPVC Windows & Doors; 3 Bankmill View, Penicuik, Midlothian EH26 8NZ

Product Benefits;

Deuceninck Heritage PVC profile has been developed specifically for Period Properties and offers the benefits of modern technology, with an elegant yet traditional aesthetic.

In addition to the above, the product also offers the following benefits;

Improved Thermal Efficency -- Profile achieves u-values up to 0.9w/m²k

A* energy rated Window product

Improved Air Permeability - Achieving A4 classification

Improved Water tightness - achieving 9A classification

Improved Wind Resistance - achieving A5 classification

Improved Security - achieves PAS 24 accreditation

Product profile carries the KM12895 Kite Mark, whilst complying with BS EN 12608

Product profile carries the KM586446 Kite Mark, whilst complying with BS 7412

Product profile carries the KM586447 Kite Mark, whilst complying with BS 7412 & PAS24

Reduced Maintenance, courtesy of Colour fast PVC construction removes the burden of regular maintenance and re-painting.

Improved weathering, reduces wear on hardware components & improves the lifespan of the installed product(s).

Deuceninck are a renonwed manufacturer of 'sustainable' RVC products with all products being supplied as fully recyclable.

Painted timber frames are NOT-fully recycable, with many painted products requiring land fill disposal as a result of the chemicals used throughout production & or maintenance.

Deuceninck 'Heritage' Fir Green Foil finish (as shown within accompanying Photographs) provides a 'like for like' alternative to the existing painted window frames.

Conclusion/Statement;

It is our view that the proposed installation of Deuceninck Heritage PVC Profile, in 'Fir-Green' foil finish, is in keeping with the character of the property & the surrounding locale. The product can be demonstrated to replicate the existing Timber products on a like for like basis, and offers further benefits ranging from improved security, thermal efficiency, and are recyclable.

The Planning Authority's Policy on Conservation Areas is understood & supported, with efforts being made to not only preserve the Character of these areas, but to further enhance them. In our view, the capabilities of the proposed product(s) help achieve this. The profile matches the existing frames, whilst replicated Astragal details remain consistent with the original planning consent for the development. Furthermore, the benefit of a 'Colour fast' foll finish is that it will retain it's appearance over many years, and will not suffer from the colour variation associated with UV exposure, or paint manufacture/application. This strives to ensure that the property's character is safeguarded, whilst offering the customer the benefits that come with a market leading, modern day product.

APPENDIX C

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 17/00734/DPP

Site Address: 3 Bankmill View, Penicuik

Site Description:

The application site comprises a two storey detached dwellinghouse that is located within a residential area which is situated within the conservation area of Penicuik.

The application dwellinghouse is finished in an off-white painted wet dash render with painted green timber windows and painted green timber doors. The existing windows have 'planted on' Georgian bars.

The residential area comprises of two storey detached dwellings finished in similar materials. The wider area comprises of two storey detached, semi-detached and terraced dwellings finished in similar materials within either painted off-white or green timber windows. There are a couple windows in Bellerophon Drive that have uPVC windows, the vast majority of windows within the locale are painted timber.

Proposed Development: Installation of replacement windows and doors.

Proposed Development Details:

Planning permission is sought for the replacement of the existing painted green timber windows for white uPVC windows along with the replacement of the front painted green timber door located within the front with red uPVC doors.

The style of the replacement fenestration will be of a similar design to that of the existing fenestration. The glazing within the replacement fenestration is double glazed and some 28mm thick.

It is noted that the agent provided a sample of a green uPVC window frame 31st October 2017 as an alternative replacement window frame option.

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

Consultations: No consultations undertaken.

Representations: No representations received.

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.

Historic Environment Scotland Policy Statement 2016 and Scottish Planning Policy (SPP) offer guidance on the protection and management of the historic environment. Conservation Areas are 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. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. 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 conservation areas and their setting.

Historic Environment Scotland's Managing Change in the Historic Environment document on Windows states that windows make a substantial contribution to the character and physical integrity of most historic buildings and also to the character and interest of historic streets and places. The size, shape and proportion of a window, the pattern of design, the materials and details of construction, the method of opening, the finish and associated fixtures typically contribute to the interest of a window.

The relevant policies of the Midlothian Local Development Plan 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.

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

Planning Issues:

The existing windows contain double glazing; the use of double glazing within the windows is acceptable and won't have a harmful impact on the conservation area.

The use of uPVC fenestration is not encouraged within conservation areas. The majority of surrounding dwellings within the locale have timber framed fenestration of a similar design which contributes towards the character of this part of the conservation area. The design of the replacement windows are of a similar style to that of the existing. However, the material finish and colour does not reflect the character of the dwellinghouse or the locale. The use of white uPVC fenestration is out of character for the area and will result in a negative visual impact on the dwelling and conservation area.

It is noted that the agent provided a sample of part of a window frame in a green uPVC on the 31st of October 2017. This was submitted as an alternative to the white uPVC window frames.

The front and side elevation are more exposed and open to public views from Valleyfield Road and Waterloo Bank and therefore the introduction of green uPVC is still not considered to be an appropriate option for the replacement windows. The use of uPVC windows within the front and side elevation would have an adverse

visual impact upon the character and appearance of the conservation area. A condition will be attached refusing the replacement windows within the front and side elevations.

However, the use of green uPVC framed double glazed windows within the rear elevation is unlikely to result in an adverse visual impact upon the character or appearance of the conservation area or dwelling due to it being less open to public views. In this instance the introduction of the green uPVC double glazed windows within the rear elevation of the application dwelling is considered to be acceptable. A condition will be attached to ensure that the windows within the rear elevation are green uPVC as per the sample provided on the 31st October 2017.

Planning permission is also sought for the replacement of the existing to replace the existing painted green timber front door for a red uPVC door of a similar style to the existing door. The introduction of a red uPVC door within the front elevation would visually look out-of-character within the streetscape and would result in an adverse visual impact upon the dwelling and conservation area. Therefore, a condition will be attached refusing the replacement door within the front elevation.

There is no adverse impact on neighbour amenity as a consequence of the proposal, due to the nature of the works.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal accords with the principles and policies of Midlothian Local Plan and is acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is approved subject to conditions.

Recommendation: Grant planning permission.

Planning Permission Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00734/DPP



Bryant and Cairns Itd 2/3 Borthwick View Pentland Industrial Estate Loanhead EH20 9QH

Midlothian Council, as Planning Authority, having considered the application by Mr W Hall, 3 Bankmill View, Penicuik, EH26 8NZ, which was registered on 18 September 2017, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Installation of replacement windows and door at 3 Bankmill View, Penicuik, EH26 8NZ.

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

Document/Drawing	Drawing No/Scale	<u>Dated</u>
Existing Elevations	W7582/02 Rev A	18.09.2017
Proposed Elevations	W7582/03	18.09.2017
Location Plan/Inc Neighbours Notified	W7582/01	18.09.2017
Supporting Statement	Sample	31.10.2017

This permission is granted for the following reasons:

The development will not have a significant adverse impact on the character of the conservation area or on the amenity of neighbouring land and buildings and therefore complies with policies DEV2 and ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

Subject to the following conditions:

1. Notwithstanding the plans hereby approved, the replacement windows within the front and side elevations are hereby not approved.

Reason: The introduction of uPVC within the front and side elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

2. Notwithstanding the plans hereby approved, the replacement door within the front elevation is hereby not approved.

Reason: The introduction of a red uPVC door within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

 Notwithstanding the plans hereby approved, the replacement windows within the rear elevation shall be green uPVC as per the sample provided on the 31st of October 2017. **Reason:** The installation of white uPVC fenestration within the rear elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

Dated 10 / 11 / 2017

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



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Photograph Looking West along Valleyfield Road, towards Bankmill View

The above photograph illustratics a view back towards Bankmill View, from Valleyfield Road, Periculic. The property located on the left, includes a UPVC Conservatory which was previously approved by the Planving Authority under application 03/00x26/FUL.



Existing Timber Profile



Photograph Looking East along Valleyfield Road, towards Bankmill View

The above photograph lititatines a view down Valleyfield Road, Penkoulk. A large proportion of properties located here & upon Bridge Street (prominent location within the Conservation area) are further with Write UPVC Whidow & Doco products. Since the second within the properties built on Lower Valleyfield View, which are of a striativa age & construction to that of Bandunil View. Writes this survey valleyfield View, which are of a striativa age & construction to that of Bandunil View. Writes this Survey is currently outwith the Conservation area, it is currently under consideration for inclusion.

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Replacement Upvc Double Glazing	le Glazing	
at: 3 Bankmill View, Penicuik	nicuik	
for: Mr & Mrs Hall		
Marti: N/A H	Home:	N/A
draviag tute: Site Photographs		
drawing no. revision: drawn by: W7582/05 - GM	date: 18.02.17	acale: See drg