

Notice of Meeting and Agenda



Local Review Body

Venue: Virtual Meeting,

Date: Monday, 06 December 2021

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 held on 26 October 2021 - For Approval 3 - 8

5 Public Reports

Decision Notice:-

- 5.1** 10 Poplar Street, Mayfield 21/00481/DPP 9 - 12

Notices of Review - Determination Reports by Chief Officer:
Place:-

- 5.2** Land at the Former Petrol Filling Station, Biggar Rd, Hillend 21/00148/DPP 13 - 54

- 5.3** 23 Larkfield Drive, Dalkeith 21/00542/DPP 55 - 86

6 Private Reports

No private reports to be discussed at this meeting.

7 Date of Next Meeting

The next meeting will be held on Monday 10 January 2022 at 1.00 pm.

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

Minute of Meeting



Local Review Body

| Date | Time | Venue |
|-------------------------|--------|--------------------------------|
| Tuesday 26 October 2021 | 1.00pm | Virtual Meeting using MS Teams |

Present:

| | |
|--------------------------|----------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Cassidy | Councillor Muirhead |
| Councillor Small | |

In Attendance:

| | |
|---|---|
| Derek Oliver, Chief Officer Place | Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager |
| Alison Ewing Planning Officer | Whitney Lindsay, Planning Officer |
| Hugh Shepherd, Planning Officer | Mike Broadway, Democratic Services Officer |
| Andrew Henderson, Democratic Services Officer | |

1 Apologies

Apologies for absence had been received from Councillors Curran, Lay-Douglas, McKenzie, Milligan and Munro.

2 Order of Business

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

3 Declarations of interest

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

4 Minute of Previous Meeting

The Minutes of Meeting held on 14 September 2021 were submitted and approved as a correct record.

5 Reports

| Agenda No | Report Title | Presented by: |
|---|---|----------------|
| 5.1 | Decision Notice – Land at 6 Lugton Brae, Dalkeith (20/00695/DPP). | Peter Arnsdorf |
| Executive Summary of Report | | |
| With reference to paragraph 5.1 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request by APT Planning and Development, 6 High Street, East Linton seeking, on behalf of their clients Mr & Mrs C Flockhart, a review of the decision of the Planning Authority to refuse planning permission (20/00695/DPP, refused on 10 March 2021) for the erection of dwellinghouse; alterations to existing boundary walls; erection of gates and retaining walls on land at 6 Lugton Brae, Dalkeith and granting planning permission subject to conditions. | | |
| Decision | | |
| To note the LRB decision notice. | | |

| Agenda No | Report Title | Presented by: |
|---|---|----------------|
| 5.2 | Decision Notice – 10 Ashbank, Vogrie Road, Gorebridge (20/00375/PPP). | Peter Arnsdorf |
| Executive Summary of Report | | |
| With reference to paragraph 5.2 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request by Liston Architects, 1 Summerhall, Edinburgh seeking, on behalf of their | | |

client Mr D Givan, a review of the decision of the Planning Authority to refuse planning permission in principle (20/00375/PPP, refused on 31 August 2020) for the erection of a dwellinghouse on land at 10 Ashbank, Vogrie Road, Gorebridge and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.3 | Decision Notice – 18-20 Edinburgh Road, Penicuik (20/00562/DPP). | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice dismissing a review request by Zander Planning Ltd, Clyde Office 2nd floor, 48 West George Street, Glasgow, seeking, on behalf of their clients A F Noble and Sons a review of the decision of the Planning Authority to refuse planning permission (20/00562/DPP, refused on 18 June 2021) for the erection of retail (class 1) and food and drink (class 3) units, formation of car park, creation of external seating area and erection of fence and gates at 18-20 Edinburgh Road, Penicuik and refusing planning permission.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.4 | Decision Notice – 33 Mayburn Terrace, Loanhead (21/00032/DPP). | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 14 September 2021, there was submitted a copy of the Local Review Body decision notice dismissing a review request by Cockburn's Consultants, 1A Belford Park, Edinburgh seeking, on behalf of their client Mr J Ewen, a review of the decision of the Planning Authority to refuse planning permission (21/00032/DPP, refused 12 March 2021) for the subdivision of existing dwellinghouse to form two flatted dwellings and associated extension and external alterations at 33 Mayburn Terrace, Loanhead and refusing planning permission.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|---|--|----------------|
| 5.5 | Notice of Review – 10 Poplar Street, Mayfield (21/00481/DPP) – Determination Report. | Peter Arnsdorf |
| Executive Summary of Report | | |
| <p>There was submitted report dated 15 October 2021 by the Chief Officer Place, regarding an application from Mr G Burnett, 10 Poplar Street, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (21/00481/DPP, refused on 30 July 2021) for the formation of driveway; erection of retaining walls/fence (retrospective) at that address.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> | | |
| Summary of Discussion | | |
| <p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered at length the potential impact that permitting the proposed development would have in terms of road safety and the free flow of traffic; concerns regarding the potentially detrimental impact that an overhanging vehicle might have were also considered; and possible ways in which these impacts might be mitigated through, for example, the parallel parking of any vehicle using the driveway to prevent overhanging were discussed. The LRB also discussed the need to address the visual impact of the fence should it be permitted to remain, to ensure it complement other wooden structures in the area in terms of its colouring.</p> | | |
| Decision | | |
| <p>After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The driveway can be accommodated at the application site without a detrimental impact on road safety; on the basis that limited traffic volumes use Poplar Street and the ability to park a vehicle on the driveway parallel to the carriageway (not perpendicular to it) and not overhanging or blocking the public footpath. The erected retaining wall and fence are acceptable features in the local urban setting.</i></p> <p>Subject to:</p> <ol style="list-style-type: none"> 1. A dropped kerb footway crossing shall be constructed at the vehicle entrance within 3 months from this grant of planning permission. The dropped kerb shall run the entire length of the site and be implemented to facilitate parallel parking. <p>Reason: <i>In the interests of road safety and the free flow of traffic.</i></p> | | |

2. Within 3 months of this grant of planning permission the timber retaining wall and erected fencing shall be painted/stained dark brown to complement the other fencing and timber structures in the locality. It shall be maintained dark brown unless otherwise agreed in writing with the local planning authority.

Reason: *In the interests of visual amenity.*

In reaching its decision to support the proposed development the Local Review Body also asked the Planning Advisor to make it clear to the applicant that it had done so on the basis that any vehicle parking on the driveway did not overhang the footpath causing an obstruction or hazard to other road/footpath users.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 6 December 2021 at 1.00 pm.

The meeting terminated at 1.27 pm.

Local Review Body: Review of Planning Application Reg. No. 21/00481/DPP

Mr George Burnett
10 Poplar Street
Mayfield
Dalkeith
EH225LW

Midlothian Council, as Planning Authority, having considered the review of the application by Mr George Burnett, 10 Poplar Street, Mayfield, Dalkeith, EH225LW, which was registered on 10 August 2021 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Formation of driveway; erection of retaining walls/fence (retrospective) at 10 Poplar Street, Mayfield, Dalkeith, EH22 5LW, in accordance with the application and the following plans:

| <u>Document/Drawing.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|--------------------------|-------------------------|--------------|
| Location Plan | 1:1250 | 07.06.2021 |
| Proposed floor plan | 1:50 | 07.06.2021 |
| Proposed floor plan | Not to scale | 07.06.2021 |
| Illustration/Photograph | | 07.06.2021 |
| Supporting statement | Annotated Photographs | 07.06.2021 |

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

The driveway can be accommodated at the application site without a detrimental impact on road safety; on the basis that limited traffic volumes use Poplar Street and the ability to park a vehicle on the driveway parallel to the carriageway (not perpendicular to it) and not overhanging or blocking the public footpath. The erected retaining wall and fence are acceptable features in the local urban setting.

Subject to the following conditions:

1. A dropped kerb footway crossing shall be constructed at the vehicle entrance within 3 months from this grant of planning permission. The dropped kerb shall run the entire length of the site and be implemented to facilitate parallel parking.

Reason: *In the interests of road safety and the free flow of traffic.*

2. Within 3 months of this grant of planning permission the timber retaining wall and erected fencing shall be painted/stained dark brown to complement the other fencing and timber structures in the locality. It shall be maintained dark brown unless otherwise agreed in writing with the local planning authority.

Reason: *In the interests of visual amenity.*

Advisory Note

Please note that in reaching its decision the Local Review Body supported the proposed development on the basis that any vehicle parking on the driveway does not overhang the footpath causing an obstruction or hazard to other road/footpath users – please ensure you do not obstruct the public footpath.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 25 October 2021.

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

Midlothian Local Development Plan 2017 Policies:

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

Material considerations:

1. The individual circumstances of the proposal.

Dated: 25/10/2021



Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
Advisor to the Local Review Body
Place Directorate
Midlothian Council

On behalf of:
Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

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



**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

Notice of Review: Land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead

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 nine dwellinghouses, formation of car park and associated works on land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead.

2 Background

- 2.1 Planning application 21/00148/DPP for the erection of nine dwellinghouses, formation of car park and associated works on land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead was refused planning permission on 6 August 2021; 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 6 August 2021 (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 procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
- Have determined to progress the review by way of a hearing.

4.2 The case officer's report identified that there were six consultation responses and one representation received. As part of the review process the interested parties were notified of the review. One additional comment has been received. Transport Scotland has maintained its objection to the application and as a consequence **if the LRB are minded to grant planning permission for the proposed development the decision would need to be referred to Scottish Ministers prior to any permission being issued** – the Scottish Ministers could then determine to intervene in the determination of the application (as set out in the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009). 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 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i. existing and finished ground levels and floor levels for all buildings, garden ground and roads in relation to a fixed datum;
 - ii. existing trees, landscaping features and vegetation to be retained, removed protected during development and in the case of damage, restored;
 - iii. proposed new planting in communal areas, rain gardens, and open space, including trees, shrubs, hedging, wildflowers and grassed areas as well as root protection measures;
 - iv. location and design of any proposed walls, fences and gates, including retaining walls and those surrounding bin stores or any other ancillary structures;
 - v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi. programme for completion and subsequent maintenance of all soft and hard landscaping;
 - vii. drainage details and sustainable urban drainage systems to manage water runoff;
 - viii. proposed car park configuration and surfacing; and
 - ix. proposed footpaths and cycle paths (designed to be unsuitable for motor bike use).

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (1vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, DEV6 and DEV7 of the 2017 Midlothian Local Development Plan (MLDP) and national planning guidance and advice.*

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

Reason: *To ensure the quality of the development is enhanced by the use of quality materials and in the interest of protecting the character and appearance of the area so as to comply with policies ENV1 and DEV6 of the MLDP and national planning guidance and advice.*

3. Prior to the commencement of development, a Road Traffic Noise Assessment shall be undertaken to identify any mitigation measures that may be required. The Road Traffic Noise

Assessment Report shall be submitted to the planning authority for written approval. Any mitigation measures identified within the Road Traffic Noise Assessment Report shall be implemented prior to the occupation of any dwellinghouse. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure that the approved dwellings can be afforded an acceptable level of amenity in accordance with policy DEV6 of the MLDP.*

4. Notwithstanding the plans hereby approved, details of the opening method and design of the windows shall be submitted to the planning authority for prior written approval. All glazing in the window openings fronting onto or facing the A702 shall be fitted with acoustic glazing, the specification of which shall be agreed in writing by the planning authority prior to work commencing on site.

Reason: *For sake of clarification and to ensure that the design of the windows reflect the design approach of the development and its setting in accordance with policy DEV6 of the MLDP. In order protect occupants from the noise of traffic using the A702, Biggar Road.*

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

Reason: *To ensure the development accords with the requirements of policy DEV5 of the MLDP.*

6. Parking spaces 05 and 14 identified on the site plan are hereby not approved. Details of a revised parking layout that includes the re-design and or location of spaces 05 and 14 shall be submitted for the prior written approval of the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the, planning authority.

Reason: *In the interest of parking and road safety due to the locations of parking spaces 05 and 14 would require lengthy reversing manoeuvres for drivers using them.*

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

Reason: To ensure the development accords with the requirements of policy TRAN5 of the MLDP.

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

Reason: To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the MLDP.

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

10. On completion of the decontamination/remediation works referred to in Condition 9, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme.

Reason for conditions 9 and 10: 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.

11. Prior to the commencement of development, an updated Surface Water Management Plan shall be submitted to the planning authority for prior written approval. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: So as to ensure that there is suitable drainage. The submitted Drainage Impact Assessment document indicates that a 'soakaway' system may be used for dealing with surface water runoff from the site, however, no details of the system or where it would be located within the site have been submitted. Furthermore,

the analysis appear to be based on a 14 flat + 2 house layout and not the layout proposed in the planning application.

12. Prior to the commencement of development an invasive species survey shall be carried out and submitted to the planning authority for prior written approval. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *The Council's Environmental Health Manager confirmed that from pictures included within the submitted drainage assessment that there is a significant growth of Giant Hogweed at the rear of the site. So as to ensure that appropriate mitigation measures are in place to deal with any invasive species.*

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

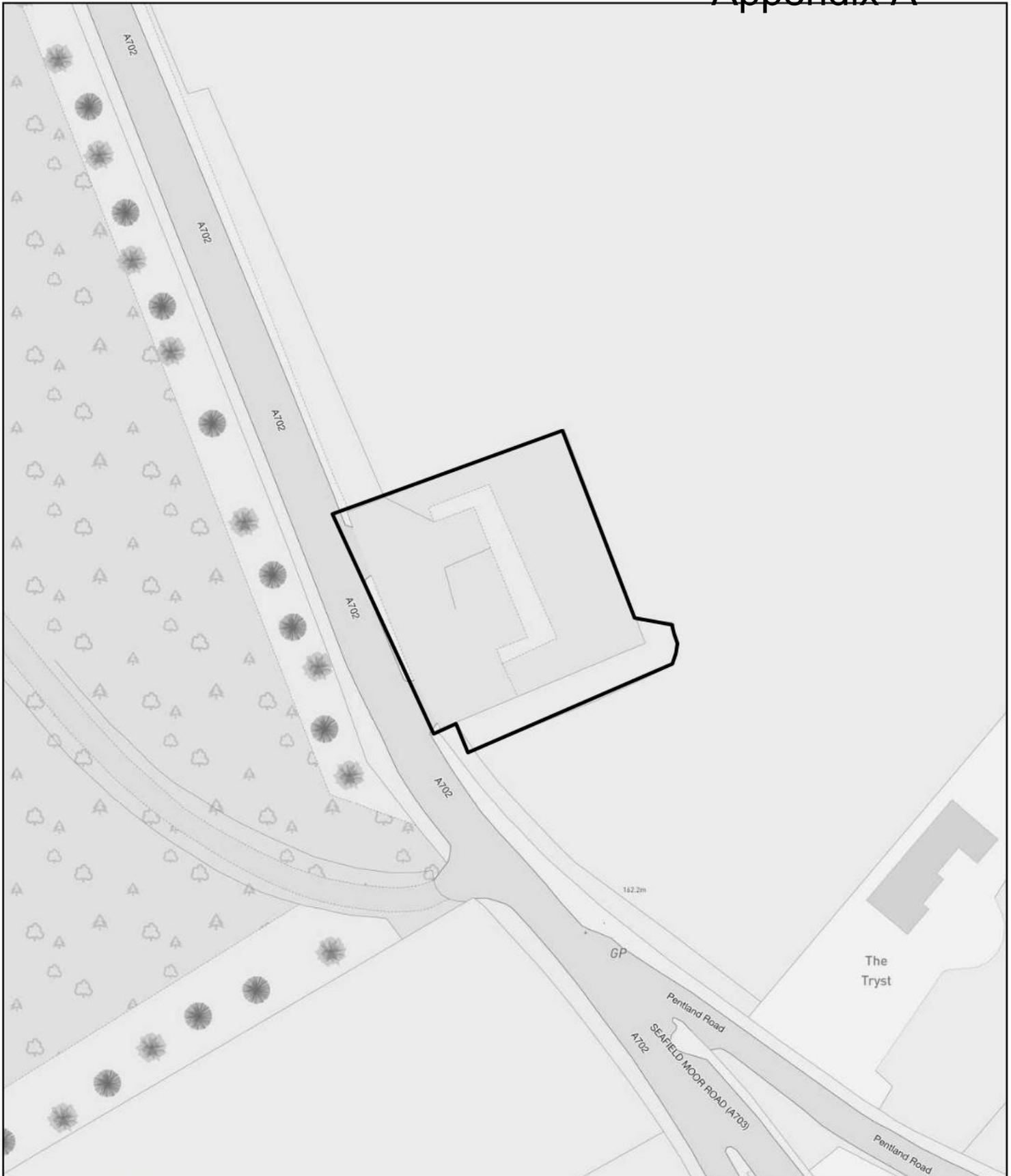
6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 19 November 2021
Report Contact: Whitney.Lindsay, Planning Officer
Whitney.Lindsay@midlothian.gov.uk

Background Papers: Planning application 21/00148/DPP available for inspection online.



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

Erection of 9 dwellinghouses; formation of car parking and associated works at Land At Former Filling Station, Biggar Road, Hillend,

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File No: 21/00148/DPP



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Scale: 1:1,000
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Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk

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 100474740-001

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="Gilberts"/> | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | <input type="text" value="George"/> | Building Name: | <input type="text"/> |
| Last Name: * | <input type="text" value="Gilbert"/> | Building Number: | <input type="text" value="39"/> |
| Telephone Number: * | <input type="text" value="01312473100"/> | Address 1 (Street): * | <input type="text" value="Grassmarket"/> |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text"/> |
| Mobile Number: | <input type="text" value="07831 595952"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Fax Number: | <input type="text"/> | Country: * | <input type="text" value="GB"/> |
| | | Postcode: * | <input type="text" value="EH1 2HS"/> |
| Email Address: * | <input type="text" value="gg@gilberts.co.uk"/> | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---|--|--|
| Title: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| Other Title: | <input type="text"/> | Building Name: | <input type="text"/> |
| First Name: * | <input type="text"/> | Building Number: | <input type="text" value="120A"/> |
| Last Name: * | <input type="text"/> | Address 1 (Street): * | <input type="text" value="Straiton Road"/> |
| Company/Organisation | <input type="text" value="C M Roofing and Building Limited"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text" value="████████"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="UK"/> |
| Mobile Number: | <input type="text" value="████████"/> | Postcode: * | <input type="text" value="EH20 9NP"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="████████████████████"/> | | |

Site Address Details

| | |
|---|---|
| Planning Authority: | <input type="text" value="Midlothian Council"/> |
| Full postal address of the site (including postcode where available): | |
| Address 1: | <input type="text"/> |
| 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="Former Petrol Filling Station"/> |
|--|

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="666814"/> | Easting | <input type="text" value="325094"/> |
|----------|-------------------------------------|---------|-------------------------------------|

Description of Proposal

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

Erection of 9 dwelling houses, formation of car parking and associated works at a former petrol filling station , Biggar Road, Hillend.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see the statement in the 'Supporting Documents' section.

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)

Appellant's statement including appendices by the Transportation Consultant and the Drainage Consultant.

Application Details

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

21/00148/DPP

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

10/03/2021

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

06/08/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

The complexities surrounding land use description merit examination and debate in an open forum.

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 George Gilbert

Declaration Date: 17/09/2021

**APPEAL TO THE LOCAL REVIEW BODY OF MIDLOTHIAN COUNCIL
AGAINST THE DELEGATED REFUSAL OF PLANNING APPLICATION 21/00148/DPP
FOR THE ERECTION OF A RESIDENTIAL REDEVELOPMENT
ON LAND AT THE FORMER PETROL FILLING STATION, BIGGAR ROAD, HILLEND.**

1.0

The Appellants would like to make out a case for the support of their application by the Local Review Body [LRB] contrary to the recommendation of the Head of Planning Service. It is acknowledged that this is a complex and challenging case for all parties. However, the Appellants would like to ask the LRB to reconsider the historic land use issues associated with this site and the benefits which could accrue from treating this application as comprising unique circumstances which, on balance, are worthy of support.

2.0

The Head of Planning Service has acknowledged that all issues except the matter of land use may be addressed by the Appellants.

However, in the refusal notice five reasons for refusal are quoted.

These are in summary,

- 1] Land use
- 2] Design of redevelopment
- 3] Amenity of redevelopment
- 4] Road Safety
- 5] Drainage

The Appellants set out to address all issues raised by the case officer during this application. This collaborative approach was declared at the outset of the application in the Applicant's Statement.

Specialist consultants were engaged to resolve potential transportation issues and to demonstrate that the redevelopment proposal was sustainable in terms of pedestrian and vehicular management, car parking, site servicing and road safety.

It is regretful that the case officer prematurely closed off the application prior to consideration being given to the final response of the Transportation Consultant.

The information contained in this correspondence further proved compliance with certain sight line configurations requested by Transport Scotland.

A response to the case officer's report on road safety by the Transportation Consultant is contained in Appendix 1.

Notwithstanding the fact that a Road Safety Audit commissioned from Transportation Scotland could have been requested as a condition, the Transportation Consultant is satisfied that the case officer has not promoted sufficient grounds for citing road safety as a reason for refusal of the application at this stage.

Specialist Consultants were also commissioned to demonstrate satisfactory water management arrangements associated with the redevelopment proposals.

A response to the case officer's report on drainage by the Consultant is contained in Appendix 2. The specialist's conclusion is that satisfactory drainage and water management of the redevelopment proposals is a viable proposition.

Accordingly, drainage issues should not be cited as a valid reason for refusal of this application.

3.0

The Appellants would also like to contest certain statements made by the case officer in relation to design and amenity.

A]

The design proposals are clearly based on a traditional hamlet or steading site layout.

The mass forms of the buildings, particularly when viewed from the public domain, are traditional low rise, terraced cottages.

The purposely simple materials palette, which is clearly stated on the application drawings, derives from materials used locally and extensively.

It is inconceivable that these matters could be misconstrued by the case officer in a statement referring to the dwellings as being neither traditional nor contemporary.

B]

Eight of the nine properties currently have garden ground which exceeds the 110 sq.m. standard required by the Council.

A relatively modest realignment of garden fences could have seen full compliance achieved had this

issue been brought to the Applicant's attention during the application process.

Nine elevational cross sections were drawn across and through the site to demonstrate the quality of environment designed into this steading styled hamlet.

C]

Amenity concerns arising from the trunk road resulted in the location of the common car park and service facility being located at the front of the site and the two short terraces being turned gable on to the highway.

Acousticians' advice is that gable shielding from the highway will produce a satisfactory internal environment for the west most cottages.

Specially constructed acoustic garden fences will also result in satisfactory external private recreational space associated with the west most cottages.

The Appellant's conclusion is that design and amenity issues are not justified reasons for refusal of this planning application.

4.0

It had been the Appellant's objective to reduce the issues associated with this planning application down to only one consideration, that of land use.

It is hoped that the previous explanations and reasoned challenges to the case officer's report on the application achieve that objective for the LRB.

The land use history is complex and merits analysis.

The important considerations are as follows.

The site operated as a commercial petrol filling station with a significant 8 pump canopy from the 1970's until the sale of petrol in this location proved unviable around the year 1995.

The petrol filling station was subsequently marketed as a tenancy opportunity for approximately 8 years without any interest being secured.

During this period various alternative planning applications were tested to establish a viable alternative use for the site.

Of these, only a very few were credible and material.

In 1997 consent was granted for an hotel.

This consent was subsequently extended to increase the bedroom numbers and improve the theoretical viability of development.

Development funding continued to be an issue and the financial recession of 2008, together with the grant of competing consents in relatively close proximity, finally condemned this initiative to history.

From time-to-time enquiries are received about the hotel consent.

However, to date, none have been taken forward.

In fairness to the Planning Service, their advice has always been consistent in that they have regularly insisted any use on this site should acknowledge a green belt status.

The Appellant would like to invite the LRB to consider the following arguments to achieve a constructive outcome to the management of this small but important gateway site to Midlothian.

A]

The grant of the hotel consent established the acceptability to Midlothian Council of a certain mass of built form on this sensitive site.

This same approval established that measures necessary to achieve road safety and drainage of the site were viable.

It is understood that the Planning Service would support a similar project if presented with an updated hotel application today.

B]

The Planning Service have promoted the argument that because the petrol filling station did not operate for an extended period, the land on which it was built reverted back to greenbelt.

This is despite the continuous attempts of the owner to achieve a tenancy to operate the facility.

C]

The Appellant's counter argument is that this land has remained visually a built-up brown field site even though operators could not be found for the petrol filling station or hotel.

Indeed, had the hotel consent been implemented, there is a distinct possibility that the economic situation would have forced closure of the complex and an alternative use may have had to be

found for the vacant structure.

The Appellant's understanding is that Midlothian Council may have been sympathetic to the former hotel building being converted to residential use under these circumstances rather than face the consequences of vacancy and deterioration.

D]

Given this relatively unique site history, the Appellants would like to ask the LRB to support a high quality custom built steading style residential redevelopment of the site.

It is highly likely that the Council could resist claims that they have permitted development of the greenbelt since the site has been continuously developed since in use as a petrol filling station.

For similar reasons, the Council should not be accused of setting an unhealthy precedent.

E]

The Appellants consider that their proposals represent an architecturally sensitive and simple traditional response to the to the redevelopment of this compact but important gateway site.

However, they would be pleased to work with the Planning Service to achieve further improvements in the design if this application was considered worthy of support.

APPENDIX 1



Response to Refusal of Planning Permission – 21/00148/DPP – August 2021

In response to item 2 of the refusal decision for 21/00148/DPP it is not considered, based on professional opinion, that this proposal will have a significant adverse impact on pedestrian and road safety at this location.

A Transport Statement (*ref 20031-MTS-00-XX-RP-TP-00001-P01-Transport Statement-issue*) was produced to support the proposals. It is noted that this Transport Statement is not listed on the supporting documents in the refusal notice.

The Transport Statement demonstrates that the proposed development is well located in terms of transport with good links for walking, cycling and public transport. Studies of recent accident history over the latest 5 years indicate no record of any safety issue with access to this site.

The proposed junction complies with relevant standards in terms of geometry and visibility requirements. The existing prohibition of right turns into the site will be maintained. The site layout is designed to accommodate the applicable movements of service vehicles and emergency vehicles. Appropriate drawings were submitted to Midlothian Council and Transport Scotland as appendices to the Transport Statement:

- *Drawing No 20031-MTS-00-XX-DR-TP-06001-P04 – Visibility Splay – Access Layout*
- *Drawing No 20031-MTS-00-XX-DR-TP-06010-P02 – Swept Path – Service Vehicle*
- *Drawing No 20031-MTS-00-XX-DR-TP-06011-P02 – Swept Path – Refuse Vehicle*
- *Drawing No 20031-MTS-00-XX-DR-TP-06012-P02 – Fire Access – 45m Extents*

Vehicle generation for the small number of residential units has been calculated using the industry standard TRICS database and is shown to be minimal.

There are expected to be a total of 1 people trip into and 4 leaving the development in the AM peak hour with 4 people trips into and 1 leaving the development during the PM peak hour. This equates to 1 vehicle trip into and 2 leaving the development in the AM peak hour with 2 vehicles into and 1 leaving the development during the PM peak hour. With the addition of the proposed development the travel movements are anticipated to be accommodated with negligible impact to existing infrastructure and transport services.

The impact of 3 vehicle movements over each peak hour is not considered to in any way result in a significant adverse impact on pedestrian and road safety.

It should be noted that the generation of vehicular traffic is less than the extant uses as a petrol station and subsequently as a seasonal retail outlet.

The Transport Statement demonstrated that for 8 dwellings there were sufficient car parking spaces as per the Midlothian Council Guidelines. As the TS assessed 8 units rather than 9 a revised calculation based on the Midlothian Council parking guidance suggests car parking levels as shown in Table 1.



| Element | Parking Standard | No of Units | Spaces Required |
|----------------|--------------------------|-------------|-----------------|
| 1 or 2 bedroom | 1 resident + 0.5 visitor | 9 | 14.5 |

Table 1 – Summary of parking provision guidelines

The scheme provides 14 formalised car parking spaces, as identified on *Drawing No 1450-00-007*, which includes provision for 2 Electric Car Charging points. There is sufficient circulation space for an additional 1 or 2 waiting vehicles within the curtilage of the site.

The number of spaces provided for the development accords with the council standards, in line with similar developments elsewhere within Scotland, and will not in any way result in a significant adverse impact on road safety.

In light of the evidence presented there is no material consideration that would warrant refusal of the application in terms of transport or traffic matters.

Myles McGregor
McGregor Traffic Solutions Ltd
13 August 2021

APPENDIX 2

George Gilbert

From: Neil Gordon <NGordon@envirocentre.co.uk>
Sent: 17 September 2021 09:29
To: George Gilbert
Subject: RE: Old Hillend
Attachments: Phase 1 Drainage Strategy Report - Old Hillend Road.pdf

Dear George,

EnviroCentre prepared a Phase 1 Drainage Strategy Report (document ref 774350/DS/003 – please see attached) for the site at Old Hillend, dated 2nd February 2021.

The Surface Water Strategy for the development proposed within the report will provide adequate attenuation storage up to the 1 in 200 year critical storm event (with an appropriate allowance for climate change), and it is proposed that surface water will be drained via a soakaway system mimicking existing conditions.

It is considered that a soakaway solution for the site would be an appropriate solution provided appropriate percolation testing is undertaken, in accordance with the latest Building Standards Technical Handbook guidance, in order to confirm whether or not infiltration characteristics on site are favourable.

If a soakaway solution for the site is deemed unfeasible, then investigation should be undertaken with regard to potential rainwater harvesting, and a possible connection to the closest watercourse to the site: the Lothian Burn.

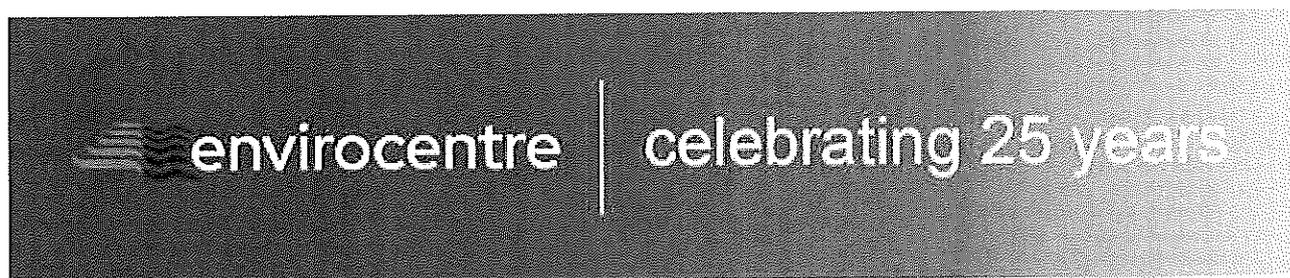
The conclusion is that potentially viable drainage proposals have been identified and should be considered further prior to any refusal of this planning application on the basis of drainage considerations.

Kind regards,

Neil

Neil Gordon BEng MSc CEng MICE
Regional Manager (Edinburgh) & Principal Consultant

Direct dial: 0131 370 4071
Email: ngordon@envirocentre.co.uk



LinkedIn

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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00148/DPP

Site Address: Land at Former Filling Station, Biggar Road, Hillend

Site Description:

The application site relates to approximately 2521 m² area of land located within the greenbelt as defined by the adopted Midlothian Local Development Plan.

The application site is located on the eastern side of the A702 trunk road, approximately 70 metres north of its junction with Pentland Road and the A703. The site was previously a petrol filling station, with subsequent uses for the occasional retail sale of Christmas trees, Scottish Water as a compound for works carried out on new water supply pipe and a temporary car wash. There are no permanent buildings on site.

There are two vehicle accesses to the application site taken from the A702 trunk road; these were formed to serve the temporary car wash use. The rear of the application site slopes down to the east.

Proposed Development: Erection of 9 dwellinghouses; formation of car parking and associated works

Proposed Development Details:

Planning permission is sought for the erection of 9 dwellinghouses; formation of car parking and associated works.

The development proposal comprises of the following:

The nine dwellinghouses are arranged into three blocks set out in a 'U' shape plan with car parking and bin storage located to the front of the application site; a row of five two storey terraced dwellinghouses that are set back to the rear of the application site and runs parallel with the A702, two semi-detached dwellings that sit perpendicular to the A702.

The terraced dwellings have a rectangular footprint and a pitched roof; the central dwelling has a gable end within the front and rear elevation. The terraced dwellings are set back approximately 34 metres from the main A702 trunk road. The terraced dwellings are approximately 43 metres long and measures approximately 9.7 metres at the widest point. The terraced dwellings overall, comprises of a two storey building which according to the submitted elevation plans will partly visually read as a single story building from the front and a two storey building to the rear due to the site sloping to the rear. The design of each of the two dwellings located at either side of the central terraced dwelling includes a two storey hipped extension to the rear elevation. Each dwelling being afforded a balcony at first floor level.

Each block of semi-detached dwellings faces gable end onto A702 trunk road and is set back approximately 14 metres from the A702. The semi-detached dwellings have a pitched roof and include a box dormer window within the front elevation and a single storey extension that has a hipped roof that connects into the main roof. The design of the semi-detached dwellings include two port hole windows within each gable side elevation. Both of the two block of semi-detached dwellings have a rectangular footprint with each dwelling includes a single storey extension to the rear. Each block of semi-detached dwellings is approximately 16 metres long and measures approximately 9.5 metres at the widest point.

All of the dwellings are two bedroom dwellings. The design of all of the dwellings is neither traditional nor contemporary. The main form of the dwellings is fairly traditional; the fenestration and dormer windows are neither traditional nor contemporary. Details of the material finishes have not been detailed on the submitted plans; the plans are annotated to indicate that the dwellings would be finished in a render with a terracotta pan tile roofs and grey framed windows.

The application site will be accessible by a vehicle access that is to be taken from the A702 trunk road. A total of 14 parking spaces are proposed to the front of the application site; 12 spaces end-on parking bays that run along the front of the application site, the other two spaces are parallel spaces

A footpath is taken from the area of car parking to provide access to each dwelling. Bin storage is afforded at either side of the area of car parking.

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

This site has a long history of planning applications, the following having all been refused: the erection of a dwellinghouse in 1988 and 1992; a poultry run in 1993; erection of a hotel in 1997; change of use to garden centre in 1998 and 2001; change of use for the retail sale of Christmas trees for 28 days each year in 2004; change of use to car wash/valet service, in 2007. A certificate of lawfulness application for the former petrol station stating the lawful use as storage yard was refused in August 2007. Planning application 08/00250/FUL for the erection of four houses was refused and the decision was upheld at appeal. The reasons for refusal was the effect of the development on the purposes of the greenbelt and the character and appearance of the countryside; road safety; and the free flow of traffic.

Planning application 09/00588/DPP for the erection of hotel, associated access road, refuse/cycle store, car parking and landscaping was granted consent subject to conditions – which included road safety conditions relating to Transport Scotland's comments.

Planning application 10/00529/DPP for the Erection of hotel and associated access road, refuse store, car parking and landscaping and boundary wall (amendment to planning permission 09/00588/DPP) was refused planning permission due to concerns over design, parking and road safety. The decision was overturned at the Local Review Body – similar conditions to 09/00588/DPP were attached.

Planning application 11/00168/DPP for the Temporary change of use of former petrol filling station to car wash/valeting facility and associated access road was granted consent temporary planning permission subject to conditions – 36 months only; all buildings removed in 3 months; access and visibility splays implemented as approved; carriageway improvements; Traffic Regulation Order granted by Transport Scotland; gradient of road; overspill parking area in place; drainage; lighting; and no trees lopped, topped or felled. The applicant submitted an appeal to the Local Review Body to remove a some of the conditions attached to the permission. The local Review Body refused the appeal.

Planning application 12/00126/DPP for the Amendment/deletion of conditions 3, 4, 5 and 6 of Planning Permission 11/00168/DPP (Temporary change of use of former petrol filling station to car wash/valeting facility and associated access road) was granted consent subject to conditions.

Planning application 13/00726/DPP for the Amendment of condition 1 of planning permission 11/00168/DPP (temporary change of use of former petrol filling station to car wash/valeting facility and associated access road) to extend duration of temporary permission was granted consent with conditions – temporary permission till 31/12/15; removal of buildings, etc in 3 months; access changed to be as per TS agreement.

Planning application 16/00704/DPP for the Temporary change of use of former petrol filling station to car wash/valeting facility was refused planning permission due to the adverse impact upon the green belt.

Planning application 20/00477/DPP for the Erection of 16 flatted dwellings; formation of car parking and associated works was refused planning permission for the following reasons:

- 1. It has not been demonstrated that the flatted dwellings are required for the furtherance of an established Green Belt activity. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017 and the adopted Supplementary Guidance: Housing Development in the Countryside and Green Belt.*
- 2. It has not been demonstrated to the satisfaction of the Planning Authority or Transport Scotland that the development proposal will not result in a significant adverse impact upon pedestrian and road safety at this busy trunk road. In addition the proposal includes an insufficient level of off-street parking spaces, contrary to Midlothian Council's Parking Standards, which will result in a significant adverse impact on road safety. There are road safety concerns which are a material consideration that warrant refusal of the application.*
- 3. The design of the flatted building is not of sufficient good quality for this sensitive area, being neither of a traditional design nor of a high quality contemporary design. The siting, scale and design of the development fails to adequately reflect the surrounding characteristics of the area, and fails to complement or enhance the character of the surrounding area. The siting,*

scale and design issues are also material considerations that warrant refusal of the application. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017 and the adopted supplementary Guidance: Housing Development in the Countryside and Green Belt.

- 4. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed flatted dwellings will be afforded an adequate level of residential amenity and therefore does not comply with policy DEV6 of the adopted Midlothian Local Development Plan 2017.*

Consultations:

Transport Scotland initially requested that a Transport Statement/Assessment be submitted by the applicant so as to allow **Transport Scotland** assess the proposal. No adequate additional information has been submitted by the 24 June 2021. Therefore, Transport Scotland recommended the planning application be refused due to insufficient information being submitted to determine the application.

It is noted that the agent submitted additional information on the 30 June 2021 for consideration – this information was not taken into consideration in the assessment of the current planning application due to the application being determined and a decision already being circulated around members.

Transport Scotland provided an updated consultation response on the 24 June 2021 which advised that Transport Scotland recommended that the planning application be refused due to there being insufficient information to assess the proposal.

The **Council's Policy and Road Safety Manager** raised a number of concerns to the proposal and requested that the proposal be amended to address the location of two parking spaces; include electric vehicle charging point; and provide details of an updated surface water management plan.

No additional information has been submitted by the 24 June 2021 when the application was circulated around members. It is noted that the agent submitted additional information on the 30 June 2021 for consideration – this information was not taken into consideration in the assessment of the current planning application due to the application being determined and a decision already being circulated around members.

The **Council's Environmental Health Manager** raised serious concerns regarding the development proposal in terms of road noise from the adjacent A702. The **Council's Environmental Health Manager** recommended that an assessment of Road Traffic Noise be undertaken to identify any mitigation measures that may be required and ensure that the dwellings can be afforded an acceptable level of amenity. The **Council's Environmental Health Manager** also recommended that an invasive species survey is undertaken on the site as it is noted from pictures included in the drainage assessment that there is a significant growth of Giant Hogweed at the rear of the site. The **Council's Environmental Health Manager**

also recommended that if consent is to be granted then conditions should be attached to address contaminated land issues.

Scottish Water offered no objection to this planning application, but advised that the applicant should be aware that this does not confirm that the proposed development can currently be serviced. It is noted that Scottish Water is unable to confirm Waste Water Capacity and that **Scottish Water** will not accept any surface water connections into our combined sewer system. It is noted that the submitted drainage Impact Assessment also included a pre-development enquiry application – capacity review from Scottish Water, dated 11 December 2020; it was concluded that There are no issues currently identified within our **water** and **wastewater** network that would adversely affect the demands of your development (based on 16 units). Note this response is valid for 12 months.

The **Council's Education Manager** offered no response.

Damhead & District Community Council (DHCC) objected to the development proposal and raised the following concerns:

- Raised concerns regarding the dangerous access and egress to the application site and close proximity to the dangerous junction at Hillend where the A702/A703 and Old Pentland Road meet; and
- Noted that whilst some sort of development is required, nine additional houses is would increase the hazard on the road.

Representations:

One objection representation was received which object to the above planning application and can be viewed online. The objection representation raised concerns which can be summarised as follows:

- Concerns that construction of the proposal and the proposal would impair road safety and the poorly sighted A702/A703/Old Pentland Road junctions;
- Concerns the sites access results in danger for all road users and potential residents; and
- Concerned that erection of residential dwellings on contaminated ground and the removal of former fuel tanks poses an environmental hazard and prohibitive expense for both developer and residents.

Relevant Planning Policies:

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

Policy **ENV1: Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that;

- A. are necessary to agriculture, horticulture or forestry; or
- B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. provide for essential infrastructure; or

- E. form development that meets a national requirement or established need of no other site is available.

Housing will only be permissible where it is required for the furtherance of an established Green Belt Activity (see criterion A above). The applicant will be required to show the need for the new dwelling is permanent; cannot be met within an existing settlement; and that the occupier will be employed full-time in the associated countryside activity. A planning condition limiting the occupancy of the house is likely to be attached in the event of approval.

Details of exceptions for housing within the Green Belt are set out in the Housing Development in the Countryside and Green Belt Supplementary Guidance.

Policy **ENV4: Prime Agricultural Land** does not permit development that would lead to the permanent loss of prime agricultural land.

Policy **DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

Policy **DEV6: Layout and Design of New Development** sets out design guidance for new developments.

Policy **DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.

Policy **TRAN5: Electric Vehicle Charging** seeks to promote a network of electric vehicle charging stations by requiring provision to be an integral part of any new development.

Policy **IT1: Digital Infrastructure** states that proposals for telecommunications developments will be supported where they are sited and designed to minimise environmental impact.

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.

Principle

The Green Belt surrounding Edinburgh plays an important role in safeguarding and maintaining the landscape settings of the city and the individual settlements of Midlothian. The Green Belt helps to maintain the character and identity of individual settlements by restricting coalescence of neighbouring settlements. In order to ensure that the Green Belt is maintained and that settlements avoid coalescence planning policies do not support development within the Green Belt except where it is required for the furtherance of existing acceptable uses. The primary aim of Green Belt policy is to maintain separation between settlements.

The proposed dwellings are not required in order to support the furtherance of an existing Green Belt activity such as agriculture, horticulture or forestry; the dwellings

will be private dwellings intended solely as a development opportunity. There is no support in planning policy for the fundamental principle of a development of the proposed type at this location.

Overall, the proposal is contrary to adopted policy ENV1 Protection of the Green Belt and the adopted Supplementary Guidance: Housing Development in the Countryside and Green Belt. There are no other material considerations that would warrant the approval of dwellings contrary to adopted policy ENV1.

A supporting statement was submitted with the application submission which noted that the current planning application looks to address the reasons that the previous planning application, 20/00477/DPP, was refused and seeks consent for residential properties at the application site. Whilst the supporting statement notes that the current planning application looks to address the previous reasons for refusal, the fundamental issue remains, there is no policy support for the principle of housing at this application site.

The following matters were also assessed, it is noted that the applicant may be able to address some of the following matters by providing additional information or revising the proposal, however, it is fundamental to note that there still would be no policy support for the principle of housing at this application site.

No additional information has been submitted by the 24 June 2021 when the application was circulated around members and the agent was also notified by email of this. It is noted that the agent submitted additional information on the 30 June 2021 for consideration – this information was not taken into consideration in the assessment of the current planning application due to the application being determined and a decision already being circulated around members.

Design

As stated above, there is no policy support in principle for a house on this site and the applicant's agent was informed of this during the assessment of this planning application.

Within the applicants supporting statement, it is noted that the application for the residential dwellings has been submitted in an attempt to address the reasons for refusal of planning application, 20/00477/DPP, for the erection of 16 flatted dwellings; formation of car parking and associated works.

Whilst the design approach of the development proposal has been significantly amended to the previously refused scheme and consent hotel, the resultant residential remains incompatible with the surrounding area. Whilst a dwellings that visually read as single storey dwellings may be considered as acceptable form of dwelling in terms of character of the wider area, the proposal comprises of nine dwellings that results in the overdevelopment of the site.

Whilst the re-development of the application site may result in the application site being tidied up, the resultant development is contrary to policy and would result in an adverse visual impact upon the area. The design approach to the dwellings is neither traditional nor contemporary and is not of significant high quality design for what

would be a prominent development within the Green Belt. The overall development will not complement or enhance the character of the surrounding area.

It is noted that even if there was policy support for the principle of housing, the siting, scale, over-development and design issues are also material considerations that warrant refusal of the application.

Amenity

It is noted that policy DP2 Development Guidelines, from the now superseded 2008 Midlothian Local Plan, sets out design guidance for new developments. The guidance provided in this policy has been successfully applied to development proposals throughout Midlothian and will be echoed within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Private open space attached to the dwelling is required for all non-flatted properties. The Council's standard requires that houses of 3 apartments to have useable garden ground no less than 110m².

The submitted site plan indicates that each terraced dwelling will be afforded a limited amount of private garden ground and a balcony. The land to the rear of the application site slopes down to the east. No existing /proposed topographical plans and limited proposed site section plans were submitted to allow for this to be fully assessed. It is not clear from the submitted plans what the amount, quality and usability of the private garden ground would be.

The submitted site plan indicates that each of the semi-detached dwellings will be afforded useable private garden ground approximately ranging from 40m² to 77m² to the rear of each property; there are also areas of garden ground to the front of the dwellings.

Based on the submitted plans, it has not been demonstrated to the satisfaction of the Planning Authority that any of the proposed dwellings will not be afforded an adequate quality of useable private garden ground.

Spaces between houses may vary depending on the types of houses and the nature of the sites. The Council's applied standard requires a back to back distance of 25 metres, a gable to rear distance of 16 metres and front to front distance of 22 metres.

There is approximately 6 metres between the front elevations of the terraced dwellings and the gable end of the semi-detached dwellings. There is approximately 18 metres between the front elevations of the semi-detached dwellings. It is considered that the dwellings would be afforded a reasonable outlook.

The proposed dwellings will be located in close proximity to the busy A702 trunk road and may be subjected to noise from vehicles passing by. As noted above, the Council's Environmental Health Manager raised serious concerns regarding the development proposal in terms of road noise from the adjacent A702. It has not been

demonstrated to the satisfaction of the Planning Authority that the dwellings can be afforded an acceptable level of amenity.

Overall, it has not been demonstrated to the satisfaction of the Planning Authority that the dwellings will be afforded an acceptable level of residential amenity and therefore do not comply with adopted policy DEV6.

Road Safety/Drainage

The Council's Policy and Road Safety Officer raised concerns and noted that the locations of parking spaces 05 and 14 would require lengthy reversing manoeuvres for drivers using them and these spaces should be redesigned as end-on rather than parallel parking spaces.

The Council's Policy and Road Safety Officer also raised a number of concerns to the proposal and requested that the proposal be amended to address the lack of compliance with the location of two parking spaces; include electric vehicle charging point; and provide details of an updated surface water management plan. No additional information has been submitted to address any of the concerns

It is also noted that the Transport Statement submitted by the applicant has been based on the impact of an eight house development while the actual proposal is for a nine house development. This will have an impact on trunk road traffic.

It is also noted that the development layout indicates that a banded right turn into the site would be promoted on the A702 trunk road. Restricting access to a development can be problematic and banned turns rely on driver cooperation and legal enforcement. The banned turn would also require any northbound vehicles wishing to enter the site to proceed northward and then turn at some suitable point and drive back to the site.

As the application site is accessed via the A702 which forms part of the National Trunk Road network and responsibility for Highway matters will lie with the Scottish Executive and their private consultant. Comments on the suitability of this site for this use and any requirements for improvements to the existing access and visibility splays would be provided by these bodies.

Transport Scotland recommended the refusal of the current planning application due to the lack of information to allow the application to be determined.

It is noted that even if there was policy support for the principle of housing, there are significant outstanding road safety issues which are also material considerations that warrant refusal of the application.

The Drainage Impact Assessment document indicates that a 'soakaway' system may be used for dealing with surface water runoff from the site however no details of the system or where it would be located within the site have been given. Also the analysis relates to a scheme for 14 flatted dwellings and 2 houses and not the layout proposed in the planning application. An updated Surface Water Management plan is required. It has not been demonstrated to the satisfaction of the Planning Authority

that the surface water drainage from the development proposal will adequately be addressed.

Summary

Whilst it is noted that some of the concerns/matters raised above could be addressed by the applicant, it is noted that there is no policy support or other material considerations to warrant the approval of dwellings at the application site.

Should the application have been recommended for approval there would have been a requirement for developer contributions towards essential infrastructure improvements.

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. 21/00148/DPP

George Gilbert
Gilberts
39 Grassmarket
Edinburgh
EH12HS

Midlothian Council, as Planning Authority, having considered the application by C M Roofing and Building Limited, 120A Straiton Road, Edinburgh, EH20 9NP, which was registered on 10 March 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 9 dwellinghouses; formation of car parking and associated works at Land at Former Filling Station, Biggar Road, Hillend

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

| <u>Document/Drawing.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|-----------------------------------|-------------------------|--------------|
| Location Plan | 1450-00-006 1:2500 | 10.03.2021 |
| Site Plan | 1450-00-007 1:100 | 10.03.2021 |
| Proposed Floor Plans and Sections | 1450-00-008 1:100 | 10.03.2021 |
| Proposed Elevations 1 | 1450-00-009 1:100 | 10.03.2021 |
| Proposed Elevations 2 | 1450-00-009 1:100 | 10.03.2021 |
| Proposed Elevations 3 | 1450-00-010 1:100 | 10.03.2021 |
| Proposed Elevations 4 | 1450-00-010 1:100 | 10.03.2021 |
| Proposed Elevations 5 | 1450-00-011 1:100 | 10.03.2021 |
| Design and Access Statement | | 10.03.2021 |

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

- 1. It has not been demonstrated that the dwellings are required for the furtherance of an established Green Belt activity. No alternative acceptable justification has been provided for the proposed development in the Green Belt. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017 and the adopted Supplementary Guidance: Housing Development in the Countryside and Green Belt.*
- 2. It has not been demonstrated to the satisfaction of the Planning Authority or Transport Scotland that the development proposal will not result in a significant adverse impact upon pedestrian and road safety at this busy trunk road. In addition the proposal includes an inadequate off-street parking spaces, contrary to Midlothian Council's Parking Standards, which will result in a significant adverse impact on road safety. There are road safety concerns which are a material consideration that warrant refusal of the application.*
- 3. The design of the dwellings are not of sufficient good quality for this sensitive area, being neither of a traditional design nor of a high quality contemporary design. The*

siting, scale, density and design of the development fails to adequately reflect the surrounding characteristics of the area, and fails to complement or enhance the character of the surrounding area. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017 and the adopted Supplementary Guidance: Housing Development in the Countryside and Green Belt.

4. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed dwellings will be afforded an adequate level of residential amenity and therefore does not comply with policy DEV6 of the adopted Midlothian Local Development Plan 2017.*

5. *It has not been demonstrated to the satisfaction of the Planning Authority that the surface water drainage from the development proposal will adequately be addressed.*

Dated 6 / 8 / 2021



.....
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

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OPEN FIELD



SITE LAYOUT PLAN

[Site Area = 2730 sq.m.]

revision: _____
drawing title: **PLANNING APPLICATION**
client: **C M ROOFING & BUILDING LTD**
27 LAURISTON STREET, EH3 9DQ
project: **RESIDENTIAL REDEVELOPMENT**
LAND AT FORMER FILLING STATION
BIGGAR ROAD, HILLEND
MIDLOTHIAN
drawing no: **SITE LAYOUT PLAN**

1450-00-007
02-03-2021
1:100



WEST ELEVATION



INNER SOUTH ELEVATION



NORTH ELEVATION

Revision date revised by checked by

Drawing number

PLANNING APPLICATION

C M ROOFING & BUILDING LTD
27 LAURISTON STREET, EH3 9DQ

RESIDENTIAL REDEVELOPMENT
 LAND AT FORMER FILLING STATION
 BIGGAR ROAD, HILLEN
 MIDLOTHIAN

Drawing title
 ELEVATIONS (SHEET 1)

Project/Drawings number

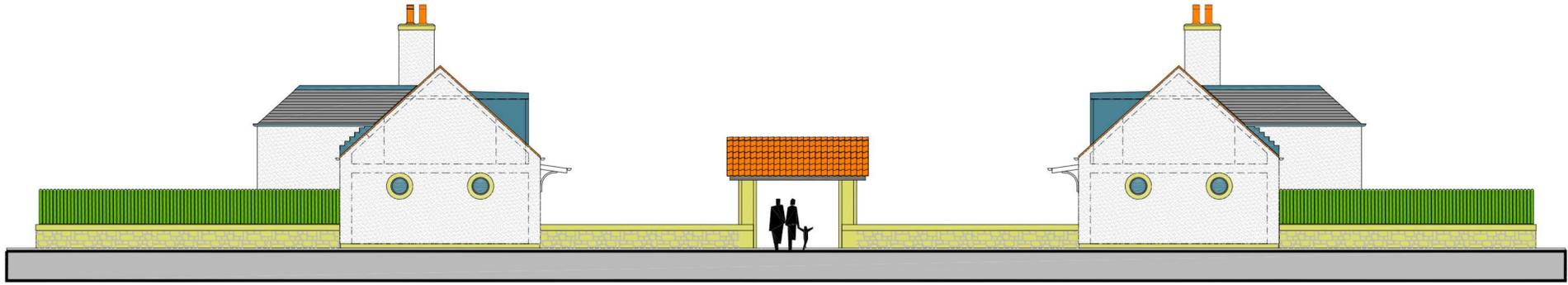
1450-00-009

Date drawn 02/03/2021

Drawn by GG

Scale 1:100

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 59 Grassmarket, Edinburgh, EH3 7JG • T: 0131 2473100 • www.gilberts.co.uk



INNER EAST ELEVATION
EAST ELEVATION OF HOUSES 3 AND 4



WEST ELEVATION
WEST ELEVATION OF HOUSES 1 AND 2



INNER SOUTH ELEVATION
SOUTH ELEVATION OF HOUSE PLOTS 1 AND 3

| | | | |
|----------|------|-----------|------------|
| revision | date | reason by | checked by |
| | | | |

drawing revision
drawing status

PLANNING APPLICATION

client
C M ROOFING & BUILDING LTD
27 LAURISTON STREET, EH3 9DQ

project title
RESIDENTIAL REDEVELOPMENT
LAND AT FORMER FILLING STATION
BIGGAR ROAD, HILLEND
MIDLOTHIAN

drawing title
ELEVATIONS (SHEET 1)

| | | | |
|--------------------------|-------------|----------|-------|
| project reference number | 1450-00-009 | revision | |
| date drawn | 02-03-2021 | drawn by | GG |
| | | scale | 1:100 |



NORTH ELEVATION
NORTH ELEVATION OF HOUSE PLOTS 1 AND 3



EAST ELEVATION



INNER WEST ELEVATION

revision: _____
 drawing status: _____
PLANNING APPLICATION
 client: _____
C M ROOFING & BUILDING LTD
27 LAURISTON STREET, EH3 9DQ
 project: _____
 residential redevelopment
 land at former filling station
 biggar road, hillend
 midlothian
 drawing title:
 ELEVATIONS (SHEET 2)

1450-00-010
 02-03-2021
 GG
 1:100



EAST ELEVATION



INNER WEST ELEVATION

| | | | |
|----------|------|-----------|------------|
| revision | date | reason by | checked by |
|----------|------|-----------|------------|

drawing number

PLANNING APPLICATION

client

C M ROOFING & BUILDING LTD

27 LAURISTON STREET, EH3 9DQ

RESIDENTIAL REDEVELOPMENT

LAND AT FORMER FILLING STATION

BIGGAR ROAD, HILLEN

MIDLOTHIAN

drawing title

ELEVATIONS [SHEET 2]

| | |
|------------------------|----------|
| project/drawing number | revision |
|------------------------|----------|

1450-00-010

date issued

02-03-2021

drawn by

GG

scale

1:100

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INNER NORTH ELEVATION
NORTH ELEVATION OF HOUSE PLOTS 2 AND 4



SOUTH ELEVATION
SOUTH ELEVATION OF HOUSE PLOTS 2, 4 and 9



NORTH ELEVATION
NORTH ELEVATION OF HOUSE PLOTS 1, 3 AND 5

| | | | |
|----------|------|-------------|------------|
| revision | date | revision by | checked by |
|----------|------|-------------|------------|

drawing revision
drawing status

PLANNING APPLICATION

client
**C M ROOFING & BUILDING LTD
27 LAURISTON STREET, EH3 9DQ**

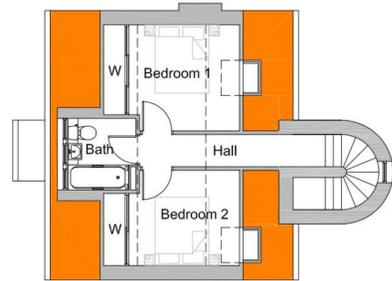
project
RESIDENTIAL REDEVELOPMENT
LAND AT FORMER FILLING STATION
BIGGAR ROAD, HILLEND
MIDLOTHIAN
drawing title
ELEVATIONS (SHEET 3)

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| date drawn 02-03-2021 | drawn by GG |
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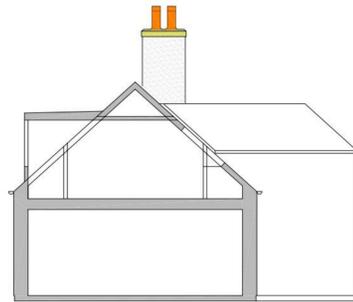
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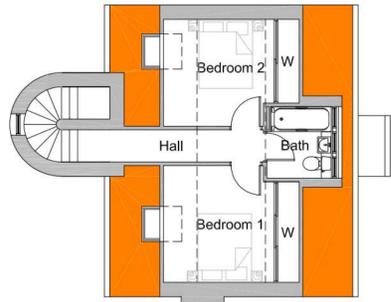
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Ground Floor Plan



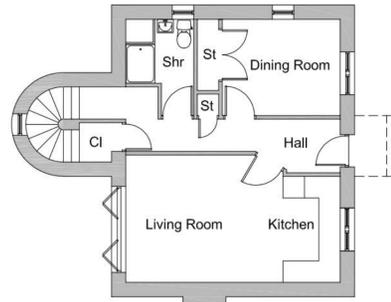
HOUSE TYPE 1
First Floor Plan



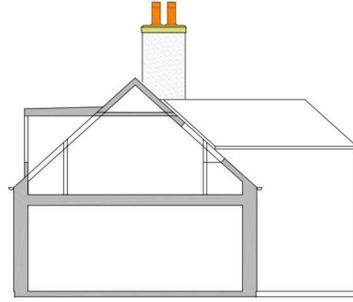
HOUSE TYPE 1
Cross section



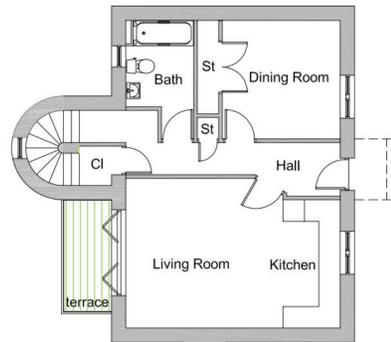
HOUSE TYPE 2
First Floor Plan



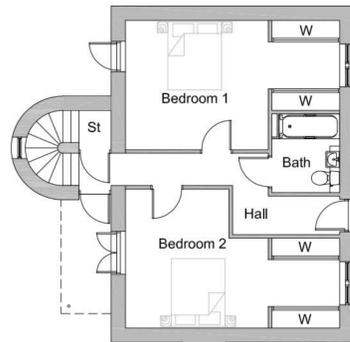
HOUSE TYPE 2 [gifa 80.63sq.m.]
Ground Floor Plan



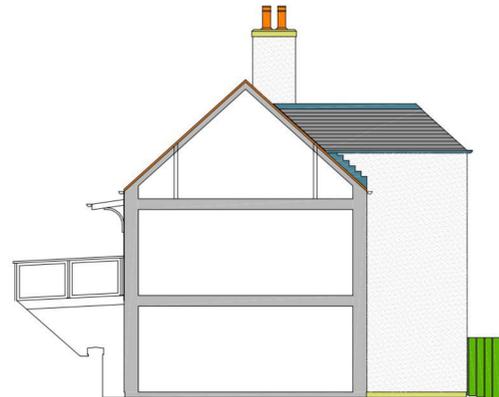
HOUSE TYPE 2
Cross section



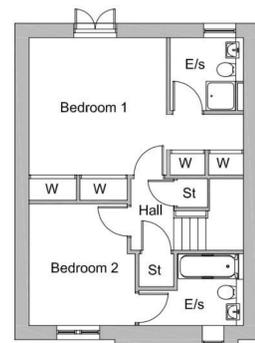
HOUSE TYPE 3 [gifa 109.12sq.m.]
Ground Floor Plan



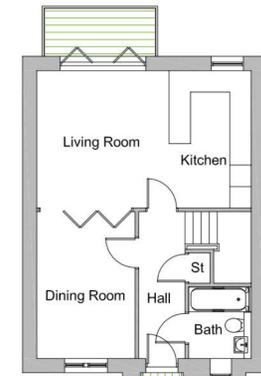
HOUSE TYPE 3
Garden Floor Plan



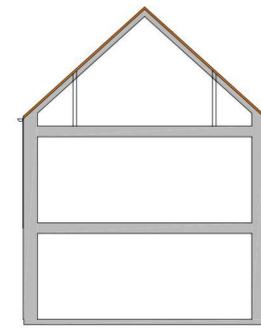
HOUSE TYPE 3
Cross section



HOUSE TYPE 4
Garden Floor Plan



HOUSE TYPE 4 [gifa 109.12sq.m.]
Ground Floor Plan



HOUSE TYPE 3
Garden Floor Plan

| | | | |
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| revision | date | reason by | checked by |
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PLANNING APPLICATION
C M ROOFING & BUILDING LTD
27 LAURISTON STREET, EH3 9DQ
 RESIDENTIAL REDEVELOPMENT
 LAND AT FORMER FILLING STATION
 BIGGAR ROAD, HILLEN
 MIDLOTHIAN
 HOUSE TYPES

| | |
|---------------------|------------|
| project/plan number | revision |
| 1450-00-008 | |
| date issued | scale |
| 02/03/2021 | 1:100 |
| drawn by | checked by |
| GG | |

Notice of Review: 23 Larkfield Drive, 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 erection of a dormer extension at 23 Larkfield Drive, Dalkeith.

2 Background

- 2.1 Planning application 21/00542/DPP for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith was refused planning permission on 24 August 2021; 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 24 August 2021 (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 procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); 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 conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority.

Reason: *To safeguard the character of the application property and the visual amenity of the surrounding area.*

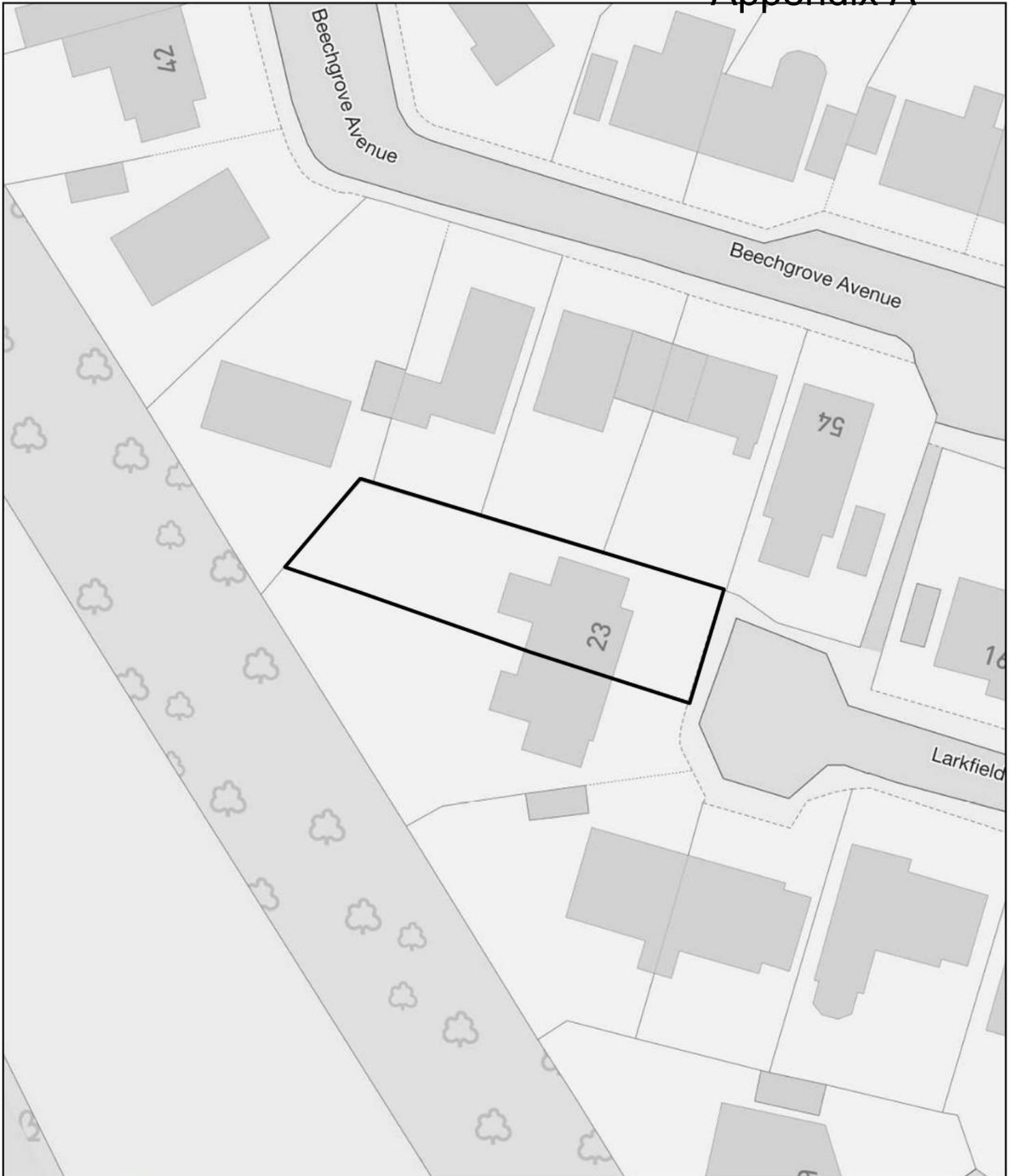
6 Recommendations

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 19 November 2021
Report Contact: Ingrid Forteath, Planning Officer
Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 21/00542/DPP available for inspection online.



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

Formation of dormer at 23 Larkfield Drive, Dalkeith, EH22 3HN

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File No: 21/00542/DPP



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Scale: 1:500
Page 58 of 86



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 100436183-005

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="ARKIPLAN LTD"/> | | |
| Ref. Number: | <input type="text"/> | You must enter a Building Name or Number, or both: * | |
| First Name: * | <input type="text" value="SEAN"/> | Building Name: | <input type="text"/> |
| Last Name: * | <input type="text" value="ELDER"/> | Building Number: | <input type="text" value="28"/> |
| Telephone Number: * | <input type="text" value="01506 500169"/> | Address 1 (Street): * | <input type="text" value="GRAHAMSDYKE PLACE"/> |
| Extension Number: | <input type="text"/> | Address 2: | <input type="text"/> |
| Mobile Number: | <input type="text"/> | Town/City: * | <input type="text" value="BO'NESS"/> |
| Fax Number: | <input type="text"/> | Country: * | <input type="text" value="UK"/> |
| | | Postcode: * | <input type="text" value="EH51 9QZ"/> |
| Email Address: * | <input type="text" value="seanelder@blueyonder.co.uk"/> | | |

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

| | | | |
|----------------------|---------------------------------------|--|--|
| Title: | <input type="text" value="Ms"/> | 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="R"/> | Building Number: | <input type="text" value="23"/> |
| Last Name: * | <input type="text" value="LEWIS"/> | Address 1 (Street): * | <input type="text" value="LARKFIELD DRIVE"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text" value="ESKBANK"/> |
| Telephone Number: * | <input type="text" value="REDACTED"/> | Town/City: * | <input type="text" value="DALKEITH"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="United Kingdom"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH22 3HN"/> |
| Fax Number: | <input type="text"/> | | |
| Email Address: * | <input type="text" value="REDACTED"/> | | |

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="23 LARKFIELD DRIVE"/> |
| Address 2: | <input type="text" value="ESKBANK"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="DALKEITH"/> |
| Post Code: | <input type="text" value="EH22 3HN"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="666311"/> | Easting | <input type="text" value="331925"/> |
|----------|-------------------------------------|---------|-------------------------------------|

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)

FORMATION OF DORMER TO REAR OF DWELLING HOUSE

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

WE ARE SEEKING A REVIEW AS WE FEEL THAT THE PROPOSED DORMER IS NOT OUT OF PROPORTION TO THE SIZE OF ROOF AND IS POSITIONED AT THE REAR SO IS NOT VISIBLE FROM THE MAIN ROAD. THERE HAS ALSO BEEN NO OBJECTIONS FROM NEIGHBOURS. THERE ARE OTHER DORMERS OF THIS PROPORTION IN NEARBY PROPERTIES

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)

COPY OF REFUSAL ,STATEMENT FROM APPLICANT , PHOTOS OF REAR OF PROPERTY , EXAMPLE PHOTOS OF NEARBY DORMERS

Application Details

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

21/00542/DPP

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

26/06/2021

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

24/08/2021

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 SEAN ELDER

Declaration Date: 25/10/2021

Submission from Home Owners in Relation to Planning Appeal

Address: 23 Larkfield Drive
Eskbank
Dalkeith
EH22 3 HN

Submission from owners: Craig Biddick
Rebecca Lewis

28 September 2021

I write in relation to the rejection of our plans to form a dormer on the rear facing roof plane at 23 Larkfield Drive.

Although the design and size of the dormer falls outside Midlothian's current planning standard and outside the permitted development regulations of the Scottish Government we feel that the planners have made a subjective and simplistic evaluation based purely on: the current planning rule and without considering the unique nature of the properties siting and the impact the reduction on dormer length would have on the interior design of the new bedroom. I note that the height of the dormer is within regulations and should not form part of any argument against planning permission.

The house is at the end of a cul de sac and has a large backyard that then opens out onto Cortleferry Park. Any view at the rear of the property is not directly overlooking any house and the size of the dormer was a deliberate design to allow an unencumbered view of the beautiful trees and park area the roof plane faces. I note that none of the surrounding home owners have raised any objection to the plan.

The planner has complained that the large dormer side view will be obtrusive to the houses that view it but the current side view of the unattached side of the house is currently plain wall with a small window. As per our plans the side of the Dormer will not be plain but will be tiled in keeping with the existing roof and the surrounding houses and would actually add another different texture and projection to the existing side view. I also note that it is also balanced by the existing projection of the built kitchen extension on the ground floor.

The planners feel that the dormer will be too dominant and will not be in keeping with the surrounding houses. Most of the semi-detached houses in this 1960 development area have not put in dormers but used velux windows. However, I would argue that the formation of a larger dormer in these striking and large semi-detached homes is a satisfactory architectural formation. It would balance the other large windows on the first and ground floor. The smaller length of dormer suggested would be too small in relation to the large roof plane

height and length (7.5m) and cause a visual imbalance and be an architecturally poor decision.

As stated the total plane is very long at 7.5m and can easily take a 5 metre length dormer, incorporating two windows and the height at 0.8 m below the roof line is entirely legal.

The other key factor in an acceptable design is the nature of the finish. Planning have said that they might be willing to accept the length of the dormer if we were willing to look at a more contemporary design – and they enclosed photos of same. This to me clearly contradicts two of their original concerns 1. That the dormer is too long and obtrusive – how would a contemporary design overcome this as the size would be the same and 2. That the finish would not be in keeping with the other homes in the area – *how would a contemporary design fulfil this request?* There are other bungalows with second story dormers that have a similar tile design to that we have proposed and which will look like a natural extension of the roof – limiting it looking harsh and obtrusive against the original roof.

Another strong reason for our appeal is the fact a reduction in the size of the dormer would cause a reduction in storage and our ability to add a small office area for home working. When we moved to Midlothian with our three children we decided we wanted to live in the community we work in and therefore searched for a satisfactory property that had the potential to be internally modernised and extended as the family grew up. We have redecorated the house, refurbishing the family bathroom and kitchen and removed a wall to enlarge the living area. This has been done by local businesses as will the loft conversion. The home currently has 3 bedrooms and our youngest has had to share our bedroom since birth. This has not always been easy and now she is nearly 5 yrs. old we want to create a space for her and a liveable space for ourselves that maximises the potential of the loft space through use of a dormer window. Maximal space is required to allow for a bedroom, an ensuite a flexible home office space and ensure adequate storage for a family of 5.

If we have to reduce the size of the dormer we will need to put in a bathroom velux and push the ensuite back further in the room seriously compromising the space we so urgently require. We don't want to sacrifice the office space in view of the new modern ways of working which the Council actually promotes.

In view of the arguments raised within this submission relating to the dormer's size and design and the impact on our need for family space, I would respectfully ask the appeal panel to reconsider the rejection of our planning request and grant permission to proceed on the basis of our original planning submission

Craig Biddick















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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00542/dpp

Site Address: 23 Larkfield Drive, Dalkeith

Site Description:

The application property comprises a semi-detached two story dwellinghouse and its associated garden located within a residential area. The house is finished externally in drydash render with a brick feature panel at the front, with white upvc framed windows and brown contoured concrete roof tiles. There is a flat roof garage at the side of the house and a single storey flat roof extension at the rear of the house.

Proposed Development:

Formation of dormer

Proposed Development Details:

It is proposed to convert the attic space to habitable accommodation and to form a 5.2m wide and 2.5m high flat roof dormer at the rear of the house. The dormer is to be finished externally in plain roof tiles. The material and colour of the window frames on the dormer have not been specified.

Two rooflights are proposed at the front of the house along with roof vents. These works constitute permitted development in terms of class 2B of the Town and Country (General Permitted Development) (Scotland) Order 1992 not requiring planning permission from the Council.

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

History sheet checked.

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. Policy DP6 also provides specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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

Planning Issues:

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

At 5.2m wide and 2.5m high the proposed dormer would occupy a large proportion of the roof area and appear as a very bulky overly dominant feature at roof level exacerbated by the area of solid wall. The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the original building.

The dormer does not relate satisfactorily to the design of the original building and would have a detrimental effect on the visual amenity of the surrounding residential environment.

E-mail sent to agent expressing concern regarding the size and design of the dormer and suggesting alternative options. Agent has responded requesting that the current scheme be considered stating that the size is required to achieve the internal floor area required by the client and to accommodate a large window for daylight and for his clients to be able to see their children in the back garden. He also states that there is a substantial portion of the roof remaining to either side of the dormer. He also states that the dormer is virtually out of sight from the road and that he does not think it is out of keeping and has observed many dormers in the area of a similar design and no objections have been received from neighbours. The agent has not provided any examples of the similar dormers to which he refers. No similar dormers are immediately evident as viewed from the back garden of the application property and there is no record of any similar dormers having been granted planning permission in Larkfield Drive or the immediately surrounding streets at Walker Crescent or Beechgrove Avenue in the last 10 years. The width of the dormer occupies 78% of the width of the roof of the house with only a small area of the original roof visible to either side and with hardly any roof visible below and above the dormer. The comments made by the agent do not justify approval of the proposed dormer contrary to development plan policy.

The dormer will not result in significant additional overlooking of neighbouring properties. It will not be overbearing to or have a significant impact on sunlight to the adjoining property at no. 21. Any impact on the amenity of properties to the north side of the application site at Beechgrove Avenue will not be significant as compared to that arising from what could ordinarily be erected as permitted development.

Recommendation:

Refuse planning permission

Reg. No. 21/00542/DPP

ARKIPLAN LTD
28 Grahamsdyke Place
BO'NESS
EH51 9QZ

Midlothian Council, as Planning Authority, having considered the application by Ms R Lewis, 23 Larkfield Drive, Dalkeith, EH22 3HN, which was registered on 29 June 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of dormer at 23 Larkfield Drive, Dalkeith, EH22 3HN

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 | 28.06.2021 |
| Elevations, Floor Plan And Cross Section | RLCB-001 1:1250 1:500 1:100 | 28.06.2021 |
| Proposed Floor Plan | RLCB-002 1:50 | 28.06.2021 |
| Proposed Floor Plan | RLCB-003 1:50 | 28.06.2021 |
| Proposed Elevations | RLCB-004 1:100 | 28.06.2021 |
| Proposed Cross Section | RLCB-005 1:50 | 28.06.2021 |

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

1. *The proposed dormer extension, on account of its size, would appear overly bulky and would be an unduly dominant feature at roof level.*
2. *The design of the dormer is unsympathetic to, and would detract from, the form of the roof of the existing building, and would detract from the character and appearance of the property and the visual amenity of the surrounding area.*
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.*

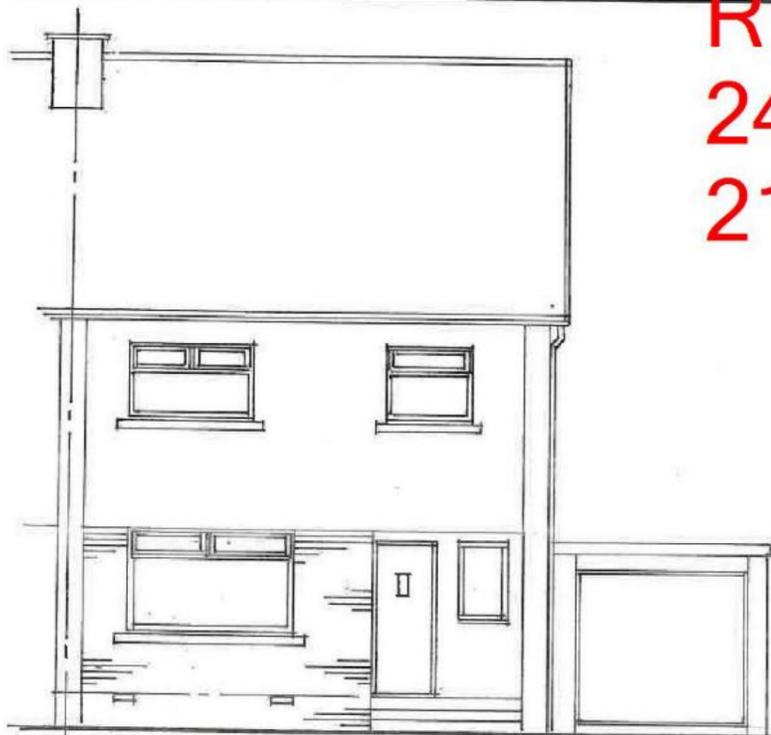
Dated 24 / 8 / 2021



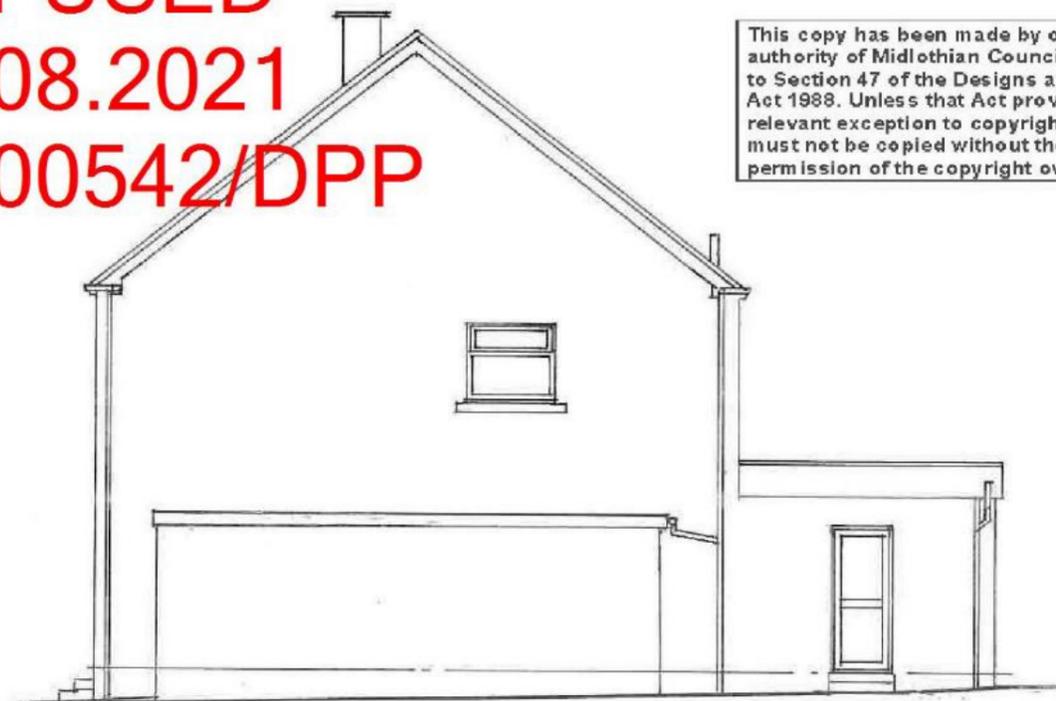
.....
Duncan Robertson
Lead Officer – Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

REFUSED
24.08.2021
21/00542/DPP

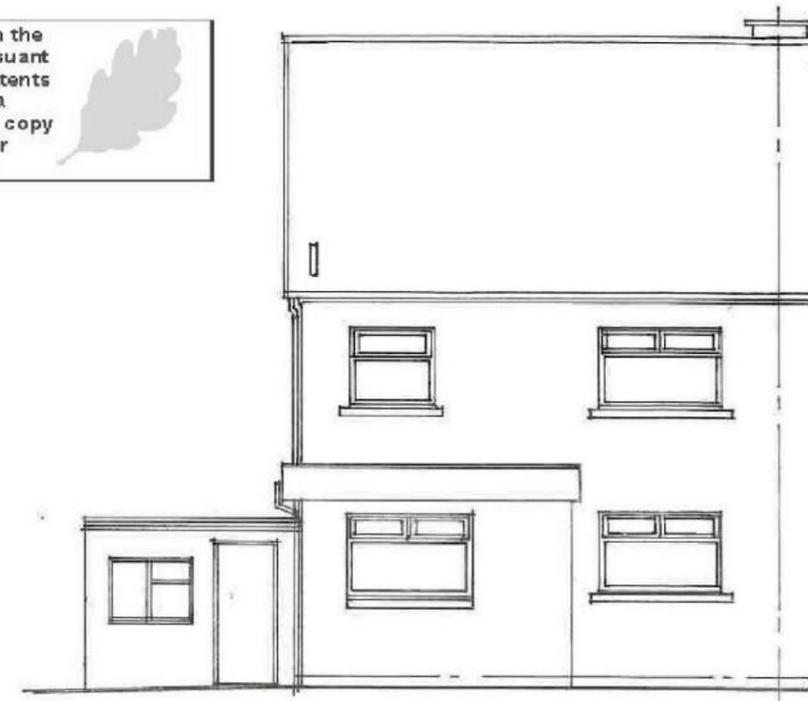
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EXISTING FRONT ELEVATION



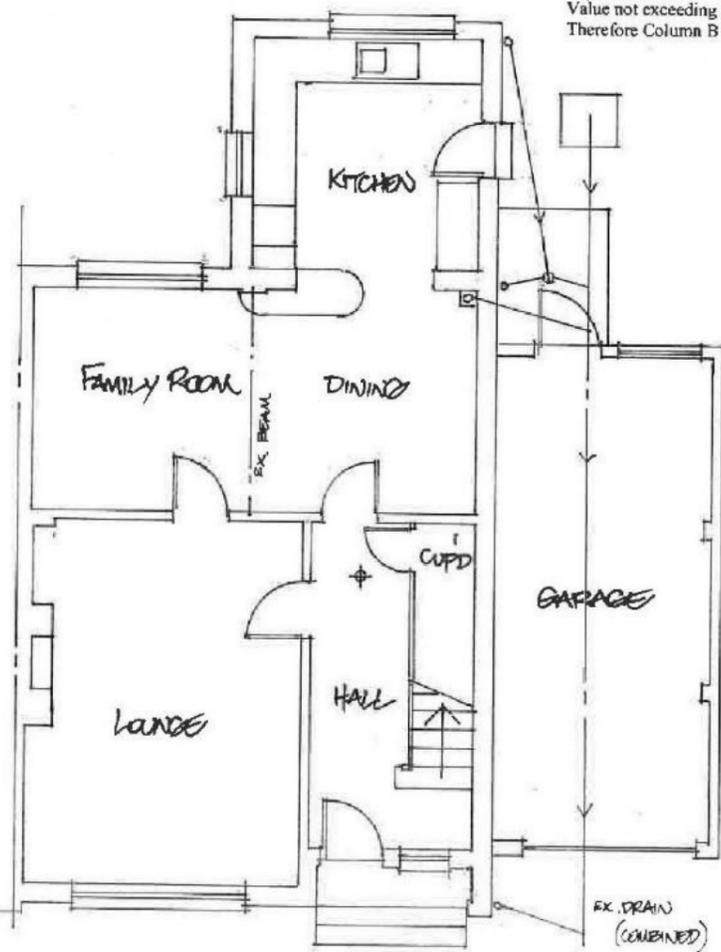
EXISTING GABLE ELEVATION



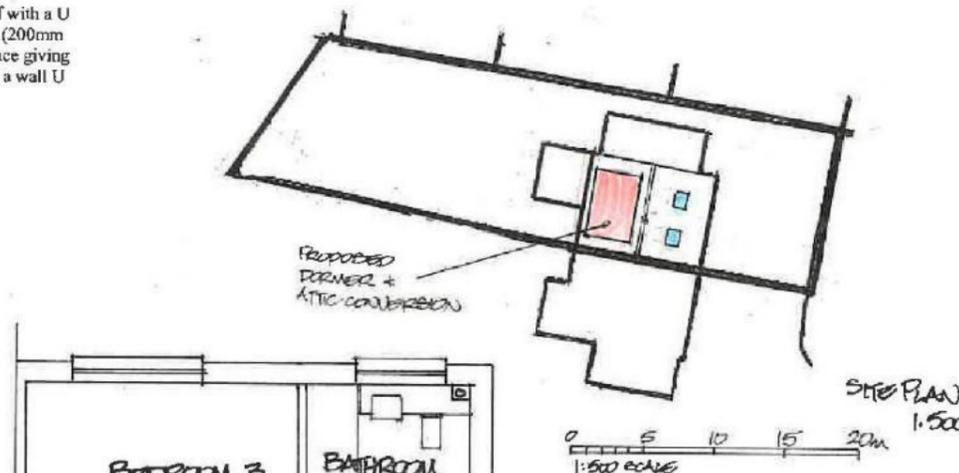
EXISTING REAR ELEVATION

0 1 2 3 4m
 1:100 SCALE

Note: existing property has a roof with a U Value not exceeding 0.25W/m2K (200mm mineral wool insulation to loft space giving U Value of 0.24W/m2K) and has a wall U Value not exceeding 0.7W/m2K. Therefore Column B applies.

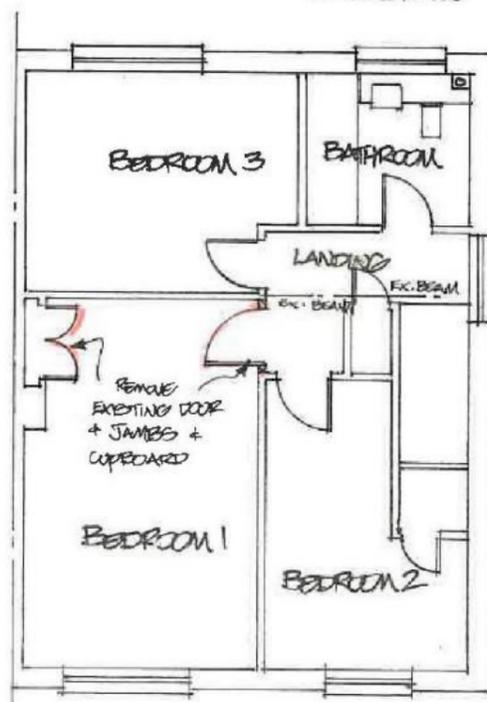


EXISTING GROUND FLOOR PLAN



SITE PLAN 1:500

0 5 10 15 20m
 1:500 SCALE



EXISTING 1st FLOOR PLAN



LOCATION PLAN 1:1250

GENERAL
 All work to be in accordance with the current Building Standards (Scotland) Regulations. All electrical work to be to current I.E.E. Regulations and BS7671 2008. All new works, products & processes are to be in accordance with the relevant British Standards & manufacturers guidance. All drainage to be to BS EN 752-3:1997, BS EN 752-4 & BS EN 1610:1998 and to the entire satisfaction of the Local Authority. Drains to be pressure tested in accordance with BS EN : 1610: 1998 & witnessed by Building Standards Surveyor. All sizes must be checked and verified on site prior to ordering materials and commencing works by building contractor.

NOTE: DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER DRAWING NO 1202184/STR-01

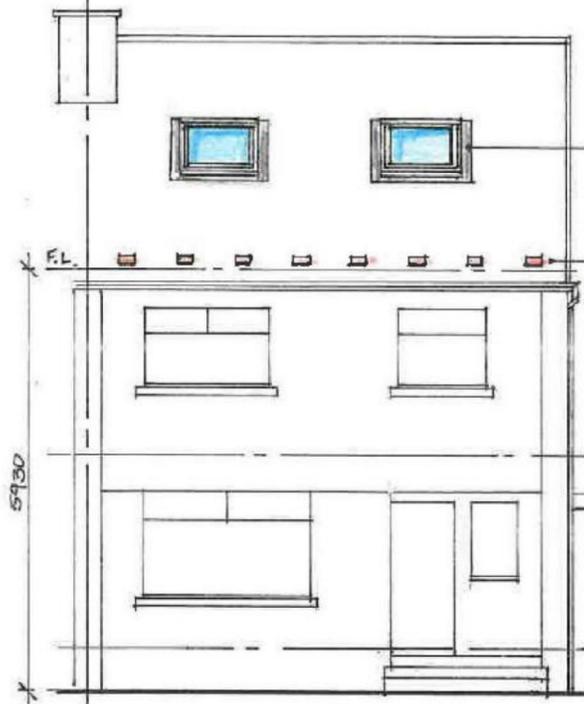
| |
|---|
| CLIENT: Ms R Lewis + MRC BIDDICK |
| 23 LARKFIELD DRIVE DALKEITH |
| POSTCODE: EH22 3HN |
| TELEPHONE: 0131 667 3700 |
| PROJECT SPECIFICATION: PROPOSED CONVERSION OF ATTIC INTO BEDROOM + ENSUITE |
| SCALE: 1:100, 1:500 DATE: APRIL 2020 |
| CONTRACT NO: RLCB-001 |



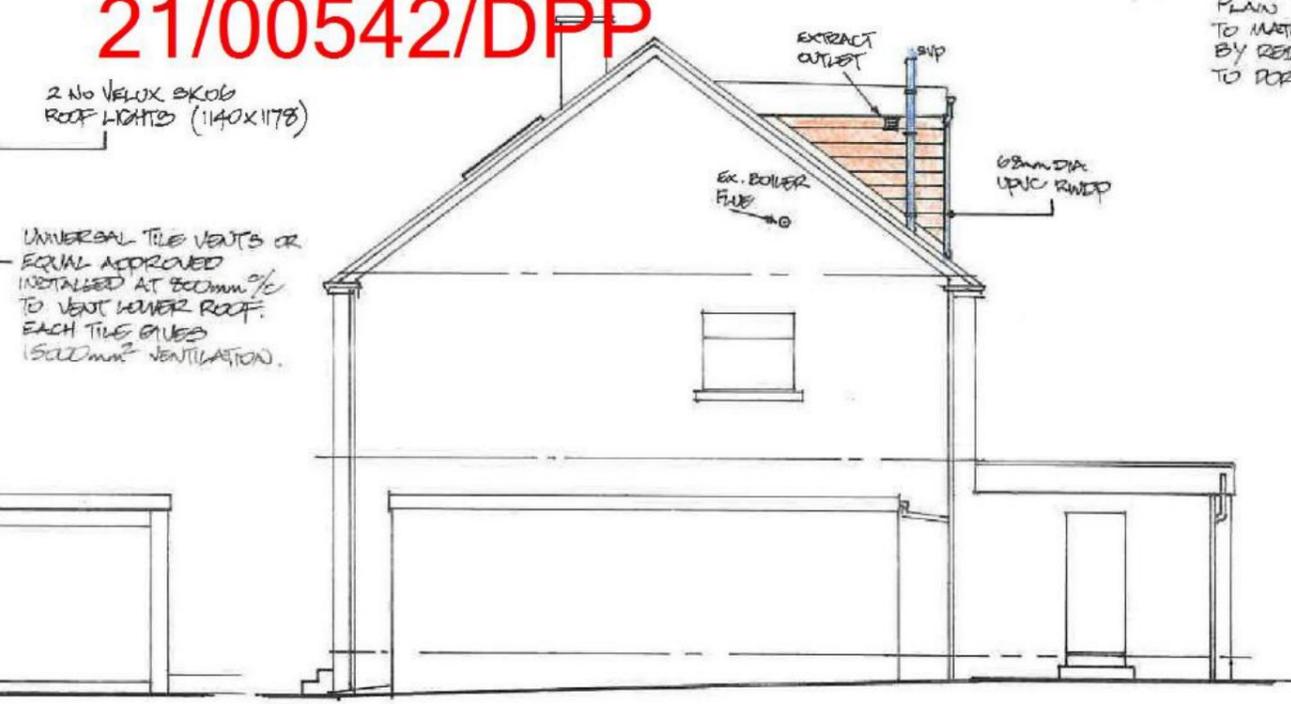
28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ
 Tel/Fax: 01506 500169
 E-mail: seanelder@blueyonder.co.uk

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24.08.2021
21/00542/DPP

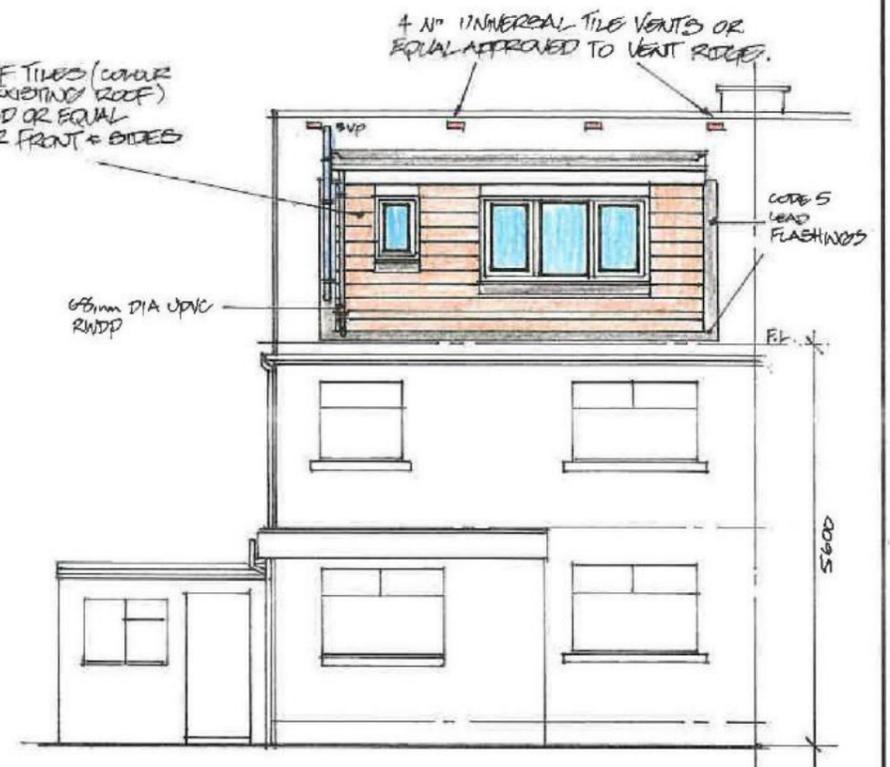
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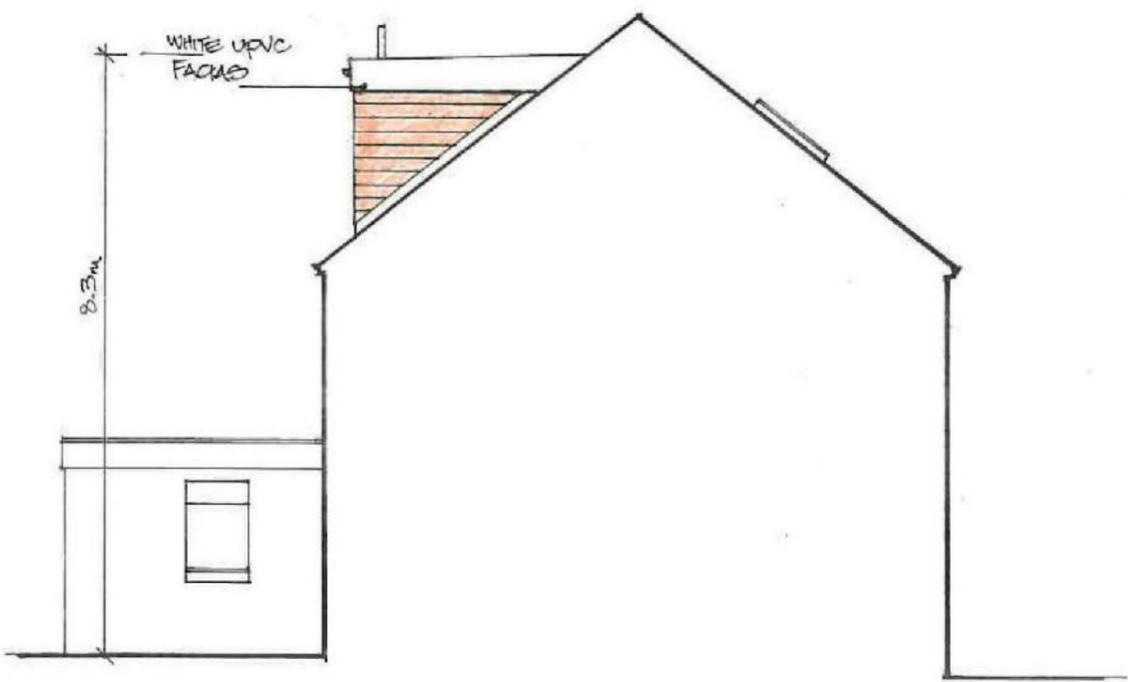
Proposed Front Elevation



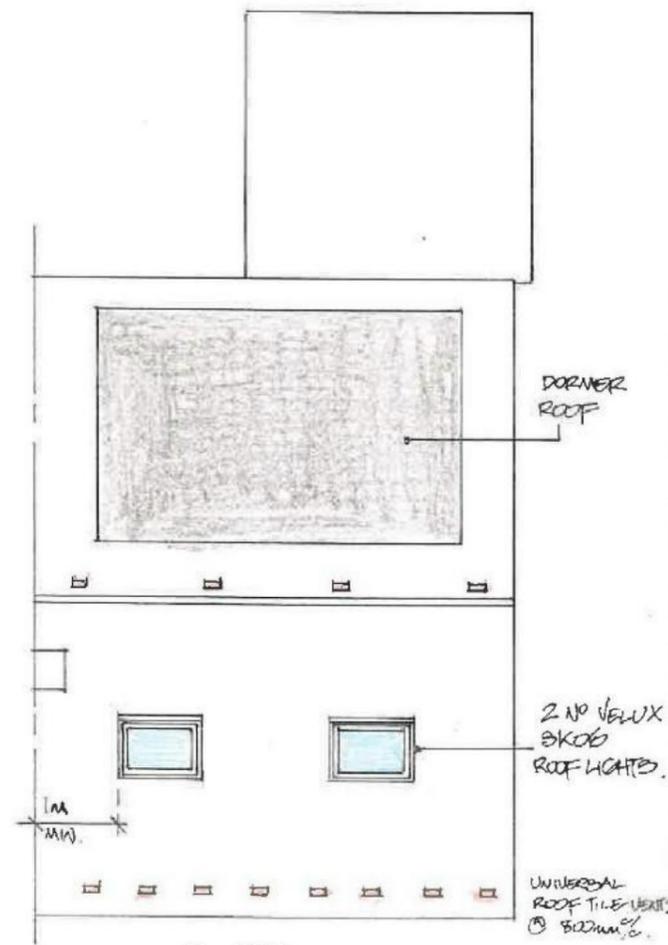
Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

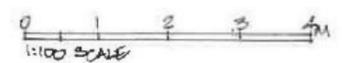


Roof Plan

CLIENT: **Ms R LEWIS & Mrs C BIDDICK**
23 LARKFIELD DRIVE
DALKETH
EH22 3HN
 POSTCODE:
 TELEPHONE:
 PROJECT SPECIFICATION:
PROPOSED CONVERSION OF ATTIC
INTO BEDROOM + ENSUITE
 SCALE: 1:100 DATE: **APRIL 2020**
 CONTRACT NO: **RLCB-004**

ARKIPLAN LTD

28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ
 Tel/Fax: 01506 500169
 E-mail: scanelder@blueyonder.co.uk



REFUSED
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21/00542/DPP

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All electrical installations to be designed, constructed, installed and tested in accordance with the recommendations of BS 7671: 2008.

All electrical sockets/switches installed on boundary wall are to be fitted with intumescent Fire & Acoustic Internal Socket Box Insert by Astroflame or equal approved. Wall at boundary to have 2 layers 15mm Soundbloc plasterboard with staggered joints and skim coat plaster internal finish.

Barrier to upper landing to be at 1100mm above floor Barrier to be capable of resisting loads calculated in accordance with BS6399:Part 1:1996.

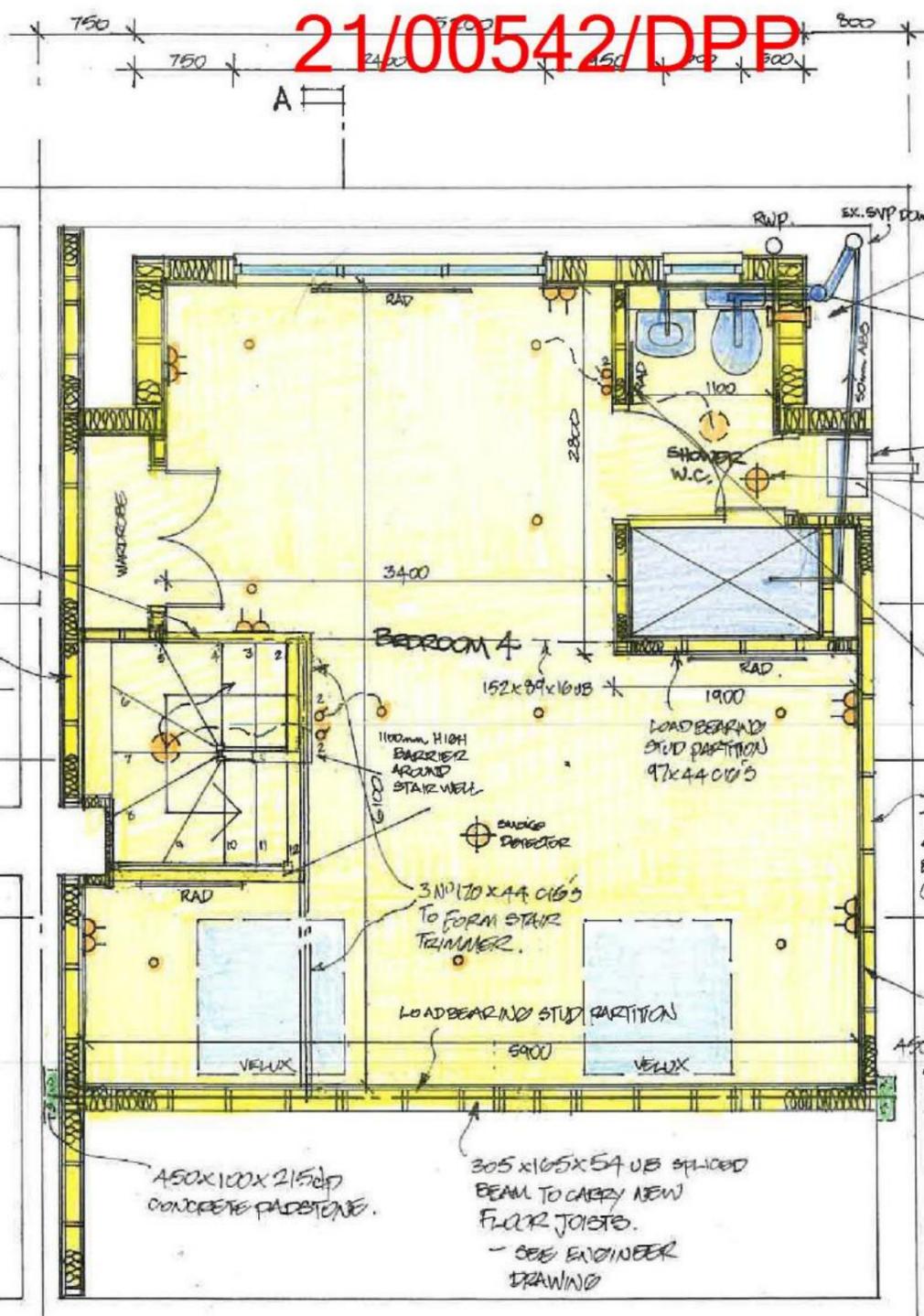
Note: all new internal doors to have a minimum clear opening width of 775mm measured between face of door and opposite jamb stop.

WATER SUPPLY FLOW RATES
 New W.C.'s to be provided with water efficient fittings:
 Dual Flush W.C. cisterns to have an average flush of not more than 4.5 litres. Single Flush W.C. cisterns to have a flush volume of not more than 4.5 litres. Wash hand basin to have a tap flow rate of not more than 6 litres per minute.

NOTE: All electrical installations to be certified by an approved electrician or electrical contractor.

NOTE: All drainage to be in accordance with BS EN 12056:Pt 2:2000.
 NOTE: New smoke/ heat alarms to be mains operated, inter-linked and have battery back up.
 Smoke/fire/heat detection to be in accordance with BS EN 14604:2005 & BS 5446 : Part 2 :2003. Installation to be broadly in line with recommendations of BS5839:Pt6: 2004 Grade D.

NOTE Existing structure/walls to be suitably supported until new lintels/beams are firmly bedded in place.
 All structural work to be in accordance with the Structural Engineers specifications & instructions.



Shower room: low voltage mechanical extract fan giving intermittent extraction rate of 15 litres a second. New Extract Fan to be fitted with isolator switch. Fan to be ducted out through dormer side and ducted horizontally to outside air through existing roof. Junctions through dormer to be suitably sealed against water ingress.

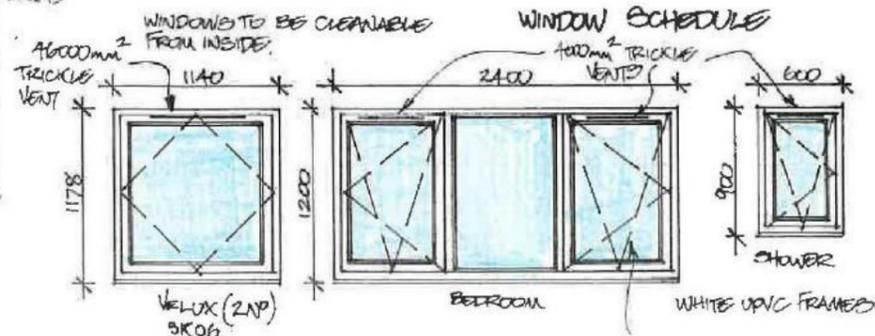
Note: new cupboard to be formed around re-sited boiler. Cupboard to be adequately ventilated in accordance with the requirements of the boiler manufacturer. Carbon monoxide detector to be installed near cupboard - see note.

PARTITIONS (NON-LOADBEARING)
 Partition/ comprising 75x45 timber studs @ 600mm centres max., with 75mm glasswool insulation between studs. 2 layers 15mm plasterboard (min density 10kg/m²) to both sides to provide sound insulation between rooms. Joints to be taped and filled. Partitions around bath or shower are to be made impervious to the passage of moisture

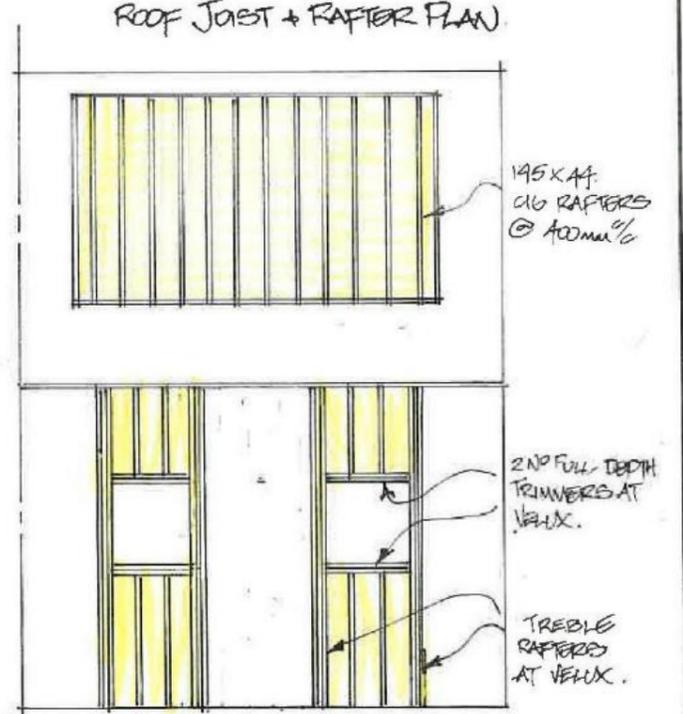
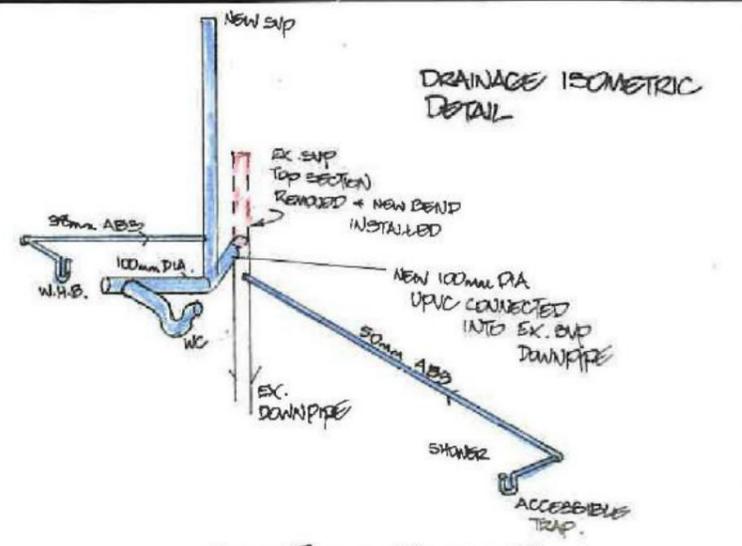
EXISTING WALL
 Existing wall to be insulated by fixing 125x50 timber studs @ 600mm centres to wall face, inserting Kingspan Kooltherm K12 insulation + 25mm air space in between studs, vapour barrier to stud face, 12.5mm plasterboard with 3mm plasterskim coat finish. U value 0.22W/m²K.

Floor area of new room = 34.4 m²
 Ventilation required = 1.14m²
 Ventilation achieved = 3.56m²

Area of openings/ glazing permitted (25% of new floor area - 34.4) = 8.6m²
 Total Area of glazing proposed = 6.1m²



ESCAPE WINDOW
 Escape window in new room to have an unobstructed openable area that is at least 0.33m² and at least 450mm high and 450mm wide. The bottom of the openable area to be not more than 1100mm above floor level.



NOTE New Carbon Monoxide Detector in room to be installed to BS EN 50291-1:2010 (powered by a battery designed to operate for the working life of the Detector) or a hard wired mains operated Carbon Monoxide Detector installed to BS EN 50291-1:2010 (Type A) fitted with a sensor failure warning device. Unless otherwise indicated by the manufacturer, carbon monoxide detectors should be either ceiling mounted and positioned at least 300mm from any wall, or wall mounted and positioned at least 150mm below the ceiling and higher than any door or window in the room. Detector to be sited within 1-3 metres of boiler.

| |
|---|
| CLIENT: MR R LEWIS + MRS C BIDDICK |
| 23 LARKFIELD DRIVE |
| DALGETH |
| POSTCODE: EH22 3HN |
| TELEPHONE: |
| PROJECT SPECIFICATION: |
| PROPOSED CONVERSION OF ATTIC INTO BEDROOM + BATH SUITE |
| SCALE: 1/50, 1/100 DATE: APRIL 2020 |
| CONTRACT NO: RLCB-023 |

ARKIPLAN LTD

28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ
 Tel/Fax: 01506 500169
 E-mail: seanelder@blueyonder.co.uk

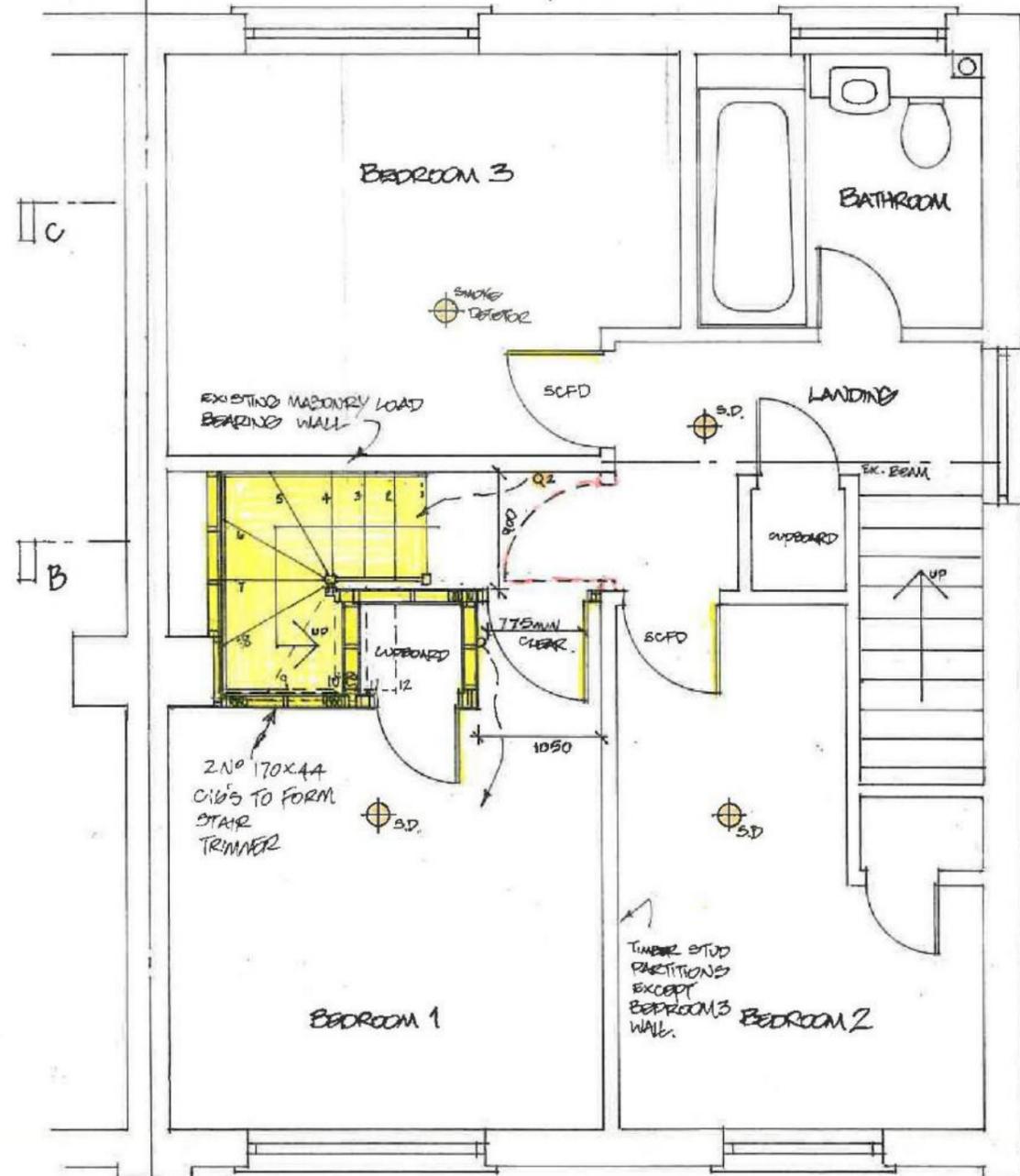
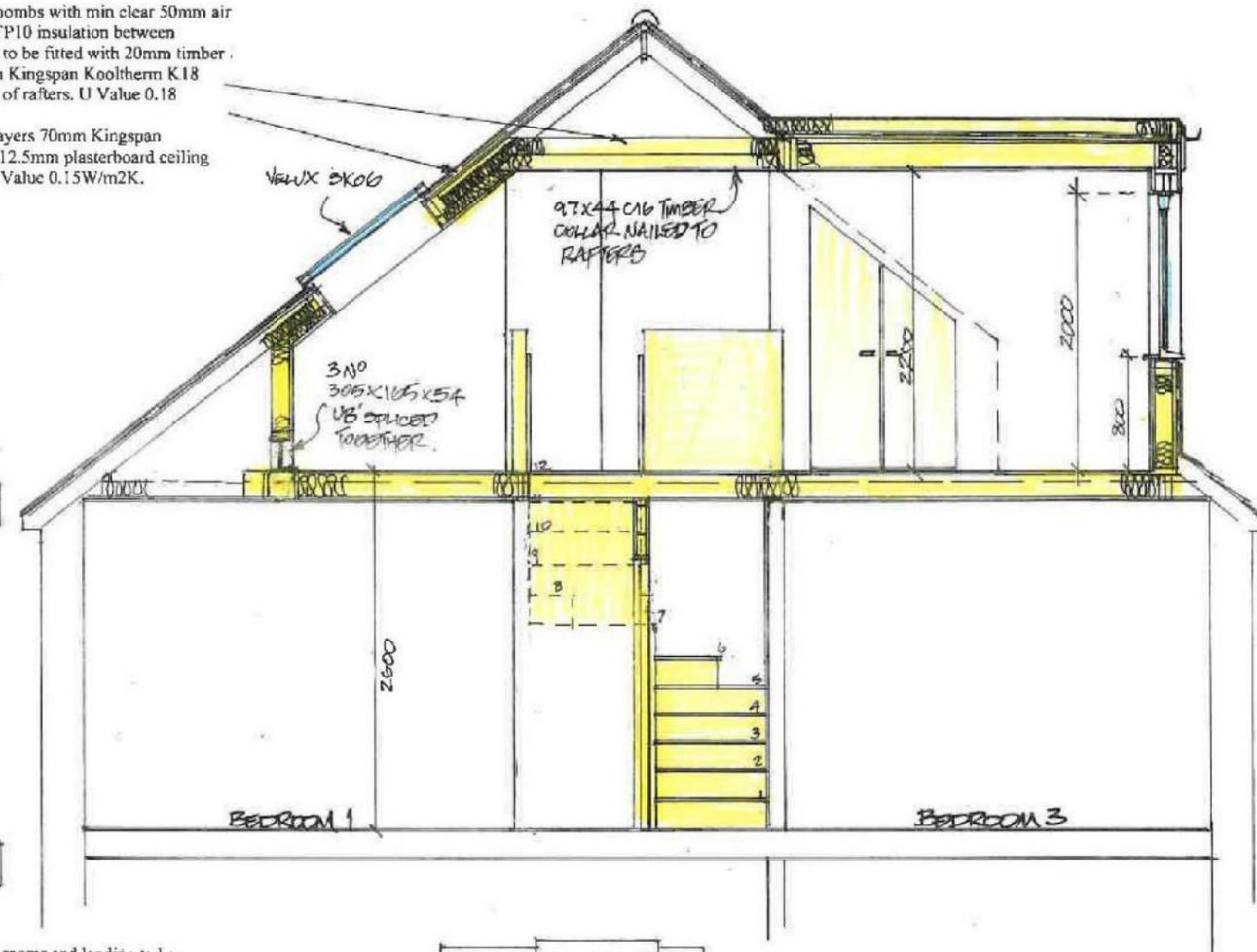
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24.08.2021
21/00542/DPP

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DOORS
 All existing doors as indicated have to be replaced with 30 minutes fire resistant self closing fire doors fitted with intumescent strips and smoke seals.

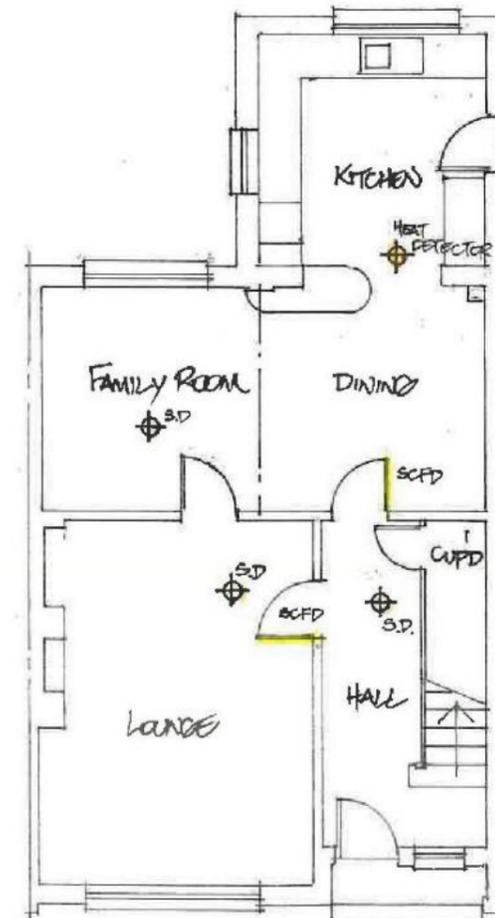
Existing Roof to be insulated at coombs with min clear 50mm air space + 1 layer 100mm Kingspan TP10 insulation between rafters, (existing rafters will require to be fitted with 20mm timber brander to underside face) 52.5mm Kingspan Kooltherm K18 insulated plasterboard to underside of rafters. U Value 0.18 W/m2K
 Insulation to horizontal ceiling, 2 layers 70mm Kingspan Thermapitch TP10, vapour barrier, 12.5mm plasterboard ceiling finish with joints taped & filled. U Value 0.15W/m2K.

SECTION 'A-A'



Existing 1st floor rooms and landing to be fitted with mains wired smoke detector and to be inter-connected with new smoke detection system to be installed on ground floor.

SMOKE & HEAT DETECTORS
 Smoke alarms should be ceiling mounted and between 25mm and 600mm below the ceiling and at least 300mm away from any wall or light fittings. Heat alarm to be between 25mm and 150mm below ceiling.



Proposed First Floor Plan

Proposed Ground Floor Plan

0 1 2m
 1:50 SCALE

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| CLIENT: Mrs R Lewis + Mr C Biddick |
| 23 LARKFIELD DRIVE DALKETH EH22 3HN |
| POSTCODE: |
| TELEPHONE: |
| PROJECT SPECIFICATION: PROPOSED CONVERSION OF ATTIC INTO BEDROOM + EN SUITE |
| SCALE: 1:50 DATE: APRIL 2020 |
| CONTRACT NO: RLCB-002 |

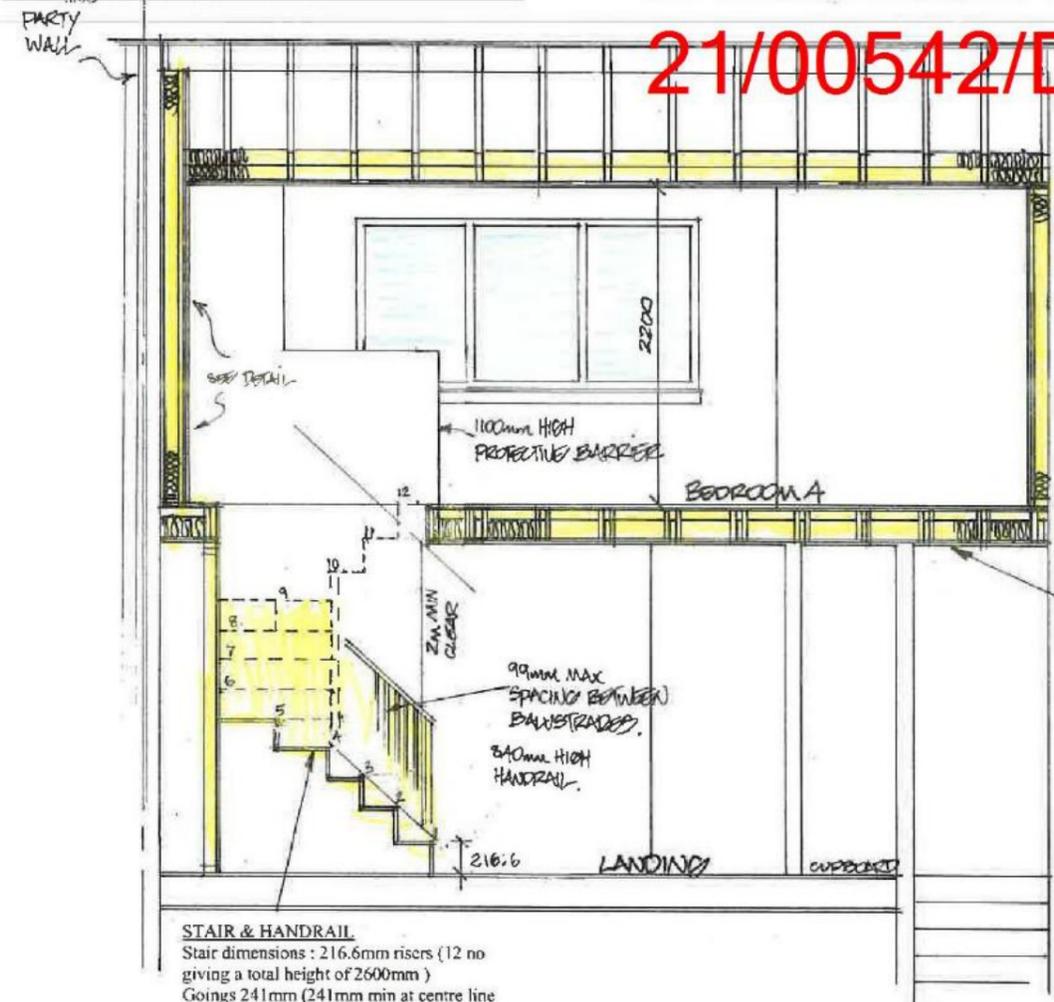


28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ
 Tel/Fax: 01506 500169
 E-mail: seanelder@blueyonder.co.uk

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REFUSED
24.08.2021
21/00542/DPP

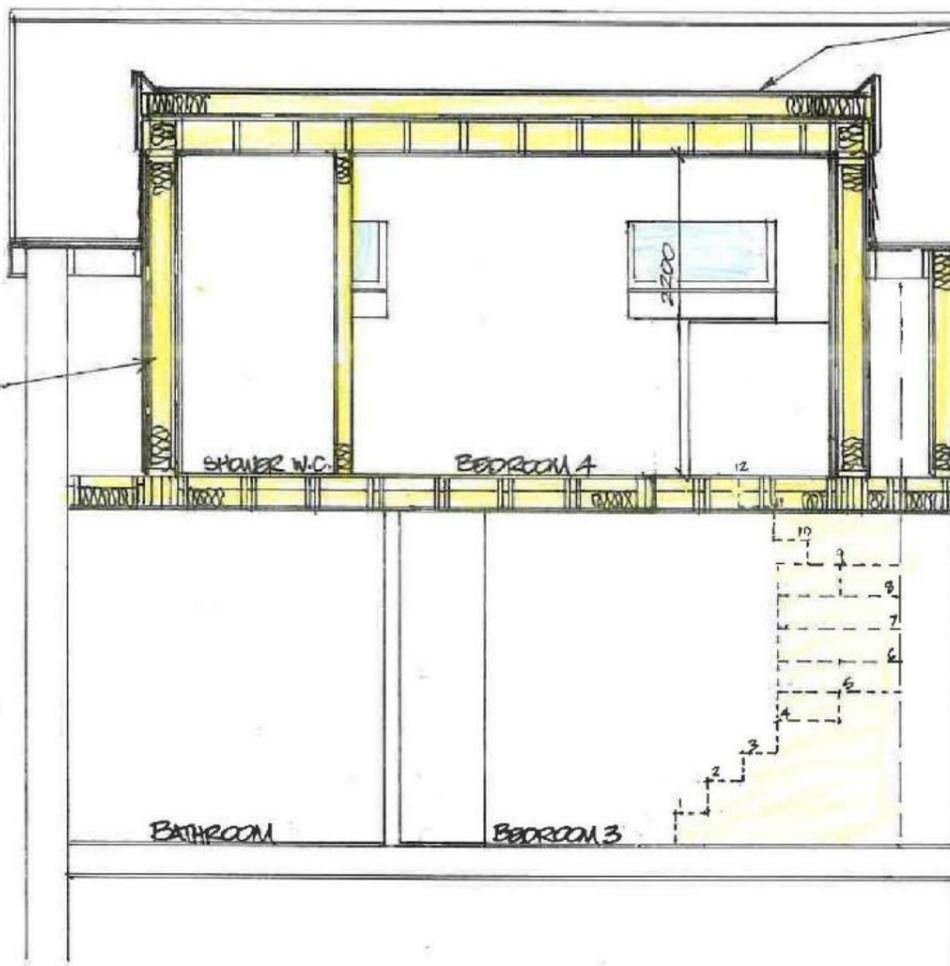
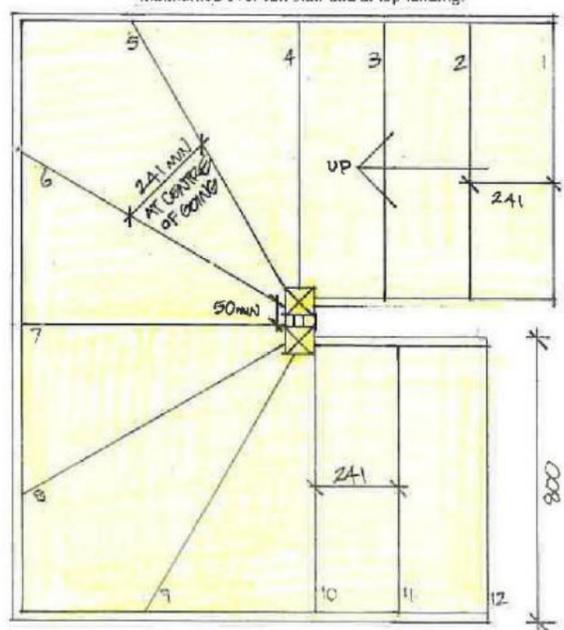
SECTION 'C-C'



DORMER FRONT & SIDES
 Plain tiles (colour to match existing roof tiles) fully nailed onto breather membrane on 12mm plywood sarking on 145x44 c16 timber studs @ 450mm centres, with 120mm Kingspan insulation + 30mm air space between studs, vapour barrier to stud face, 1 layer of 12.5mm plasterboard finish (2 layers if within 1m of boundary). All joints to be taped and filled or walls to be fully plastered.

ATTIC FLOOR
 18mm chipboard flooring on 170x44 c16 timber joists fixed along both sides of existing 135x50 ceiling ties @ 450mm centres with min 100mm layer absorbent glasswool quilt (min density 10kg/m³) laid between joists, 2 layers 15mm plasterboard (min density 10kg/m²) to underside of joists with joints taped & filled.

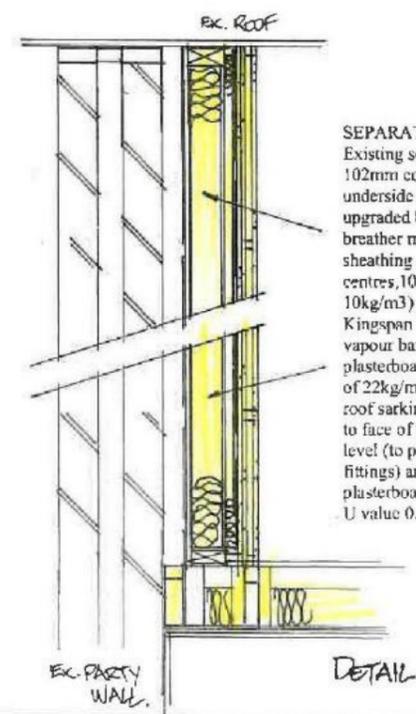
STAIR & HANDRAIL
 Stair dimensions : 216.6mm risers (12 no giving a total height of 2600mm)
 Goings 241mm (241mm min at centre line of winders) Stair pitch to be 42 degrees maximum. Stair to be manufactured by specialist.
 Handrail to stair to be at a height of 840mm above stair stringer line.
 A minimum 2m headroom clearance to be maintained over full stair and at top landing.



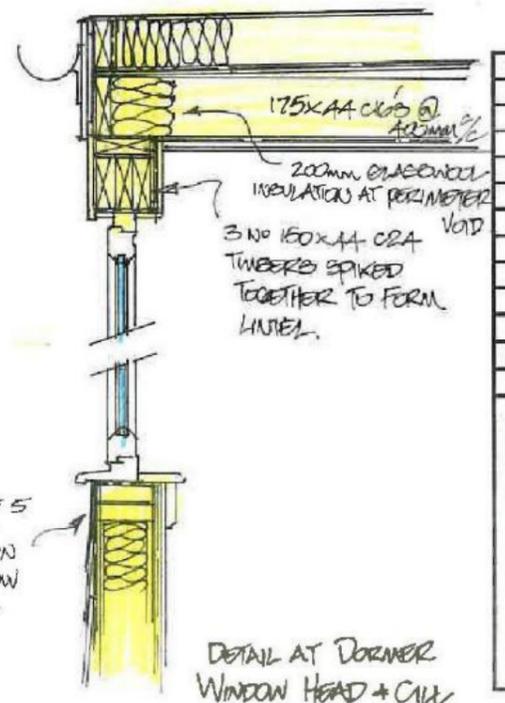
DORMER ROOF
 Firestone Rubbergard EPDM fire retardant single layer waterproof roofing membrane bonded on to 110mm Kingspan TR21 Thermaroof insulation (provide 200mm glasswool around perimeter of roof void as shown) U Value 0.18 W/m²K, on felt vapour barrier on 18mm plywood deck on 100-0mmx45 timber fittings on 145 x44 mm c16 timber roof joists @ 400mm centres, vapour barrier to ceiling side of joists, 2 layers 12.5mm plasterboard ceiling finish with joints taped and filled.

NOTE
 Every service, fitting or piece of equipment provided so as to serve a purpose of the Regulations should be designed, installed and commissioned in such a way as to fulfil these purposes.
 All junctions at frames, service mounting boxes and ducts, floors, ceilings are to adequately sealed to prevent air infiltration.

NOTE
 No new works are to impair the sound/fire resistance of an existing sound/fire resistant element. Any disturbed sound/fire resistant elements are to be made good in a manner that is in compliance with the required performance for that element.



SEPARATING WALL AT LOFT
 Existing separating wall comprises of 102mm common brick cavity wall to underside of roof ridge sarking. Wall to be upgraded by providing 50mm cavity, breather membrane on 12mm plwwood sheathing on 100x50 timber studs @ 600mm centres, 100mm glasswool (min density 10kg/m³) placed between studs, 40mm Kingspan TW55 insulation to stud face, vapour barrier, 2 layers 12.5mm plasterboard (giving a combined total mass of 22kg/m²) to be taken up to underside of roof sarking. Provide 20x25 timber battens to face of plasterboard from floor to ceiling level (to provide a service duct for electrical fittings) and 1 final layer of 12.5mm plasterboard with skim coat plaster. U value 0.22W/m²K.



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| CLIENT: Mrs R Lewis + Mr C Biddick |
| 23 LARKFIELD DRIVE DALKETH EH22 3HA |
| POSTCODE: EH22 3HA |
| TELEPHONE: |
| PROJECT SPECIFICATION: PROPOSED CONVERSION OF ATTIC INTO BEDROOM + BATH |
| SCALE: 1:50 (1:20) DATE: APRIL 2020 |
| CONTRACT NO: RLCB-005 |

ARKIPLAN LTD

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