Notice of Meeting and Agenda

Midlothian

Local Review Body

Venue: **Virtual Meeting,**

Date: **Tuesday, 27 October 2020**

Time: **13:00**

Executive Director : Place

Contact:

Clerk Name: Mike Broadway
Clerk Telephone: 0131 271 3160
Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

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

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 18 February 2020 - For Approval	3 - 10

5 Public Reports

5.1	Notice of Review - 8 Lasswade Court, 32 School Green, Lasswade (19.00476.DPP) - Report by Chief Officer: Place.	11 - 24
5.2	Notice of Review - Land at 10 Kirkhill Terrace, Gorebridge (19.01025.DPP) - Report by Chief Officer: Place.	25 - 44

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 30 November 2020 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

Midlothian

Local Review Body

Date	Time	Venue
Tuesday 18 February 2020	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

In Attendance:

Peter Arnsdorf, Planning Manager	Duncan Robertson, Senior Planning Officer
Mhairi-Anne Cowie, Planning Officer	Mike Broadway, Democratic Services Officer

1 Apologies

Apologies for absence were received from Councillors Baird and Curran.

2 Order of Business

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

3 Declarations of interest

Councillor Smaill advised that with regards to Agenda Item 5.3 – Notice of Review Request - Land South East of Orchard House, Green Lane, Lasswade (19/00610/DPP), he knew a number of those who had made representations and therefore he would withdraw from the meeting during consideration of this particular Review Request.

Councillor Cassidy declared he was in a similar position with regards Agenda Item 5.5 – Note of Review Request - The Old Mill House, 40 Newmills Road, Dalkeith (19/00884/DPP) and he would therefore also withdraw from the meeting during consideration of this particular Review Request.

4 Minutes of Previous Meetings

The Minutes of Meeting of 2 December 2019 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 19 George Drive, Loanhead (19/00563/DPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.2 of the Minutes of 2 December 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from David Paton Building Consultancy, 13 High Street, Loanhead seeking, on behalf of their client Mr T Dick, a review of the decision of the Planning Authority to grant planning permission (19/00563/DPP, granted on 21 August 2019) subject to condition for the extension to dwellinghouse at 19 George Drive, Loanhead, requesting removal of the condition, and granting planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 26 Bellerophon Drive, Penicuik (19/00211/DPP).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 2 December 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Kevin Smith Architectural Technologist, 10 Halfway Avenue, Luton seeking on behalf of their client Mr H Rodgers, a review of the decision of the Planning Authority to refuse planning permission (19/00211/DPP, refused on 10 July 2019) for the installation of replacement windows (retrospective) at 26 Bellerophon Drive, Penicuik and refusing planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, all the LRB Members present had attended the site visits and so participated in the review process.

Sederunt

With reference to paragraph 3 above, Councillor Smaill, having advising that he would not take part in consideration of the following item of business, withdrew from the meeting at 1.04pm.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Land South East of Orchard House, Green Lane, Lasswade – Determination Report (19/00610/DPP)	Peter Arnsdorf

Outline of report

There was submitted a report dated 7 February 2020 by the Director Education, Communities and Economy regarding an application from Tony Thomas, APT Planning and Development, 6 High Street, East Linton seeking, on behalf of their client Mr N Brown, a review of the decision of the Planning Authority to refuse planning permission (19/00610/DPP, refused on 12 September 2019) for the erection of a dwellinghouse on land south east of Orchard House, Green Lane, Lasswade.

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

The Local Review Body had made an accompanied visit to the site on Tuesday 18 February 2020.

Summary of discussion
In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. Thereafter, oral representations were received firstly from the applicant's agent, Mr Tony Thomas, APT Planning and Development, then from Mr Steven Donald, on behalf of a number of those who had submitted representations and finally from Mhairi-Anne Cowie, the local authority Planning Officer; following which they all responded to Members' questions/comments. The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular consideration was given to the impact the proposed development would have on neighbouring properties and on the Green Belt. Members also debated possible potential issues relating to the access and where also mindful of the precedence that could be established, depending on their decision. After further discussion, Councillor Milligan, seconded by Councillor Lay-Douglas, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report. As an amendment, Councillor Cassidy seconded by Councillor Alexander moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Director, Education, Communities and Economy's report. On a vote being taken 3 members voted for the Amendment and 4 for the Motion which accordingly became the decision of the Committee.
Decision
The LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:: 1. *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017.* 2. *The proposed development has potential for overlooking between the proposed house and the garden ground Barony House, to the detriment of the amenity and privacy of the existing and future occupants. The proposal is therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.* 3. *Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application.*

Action
Planning Manager

Sederunt
Councillor Smaill re-joined the meeting at the conclusion of the foregoing item of business at 1.30pm.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Land at Glencorse Mains Steading, Penicuik – Determination Report (19/00611/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Tim Simpson, Architect, 27 Park Road, Edinburgh seeking, on behalf of his clients Mr S and Mrs W McHarg, a review of the decision of the Planning Authority to refuse planning permission (19/00611/DPP, refused on 3 September 2019) for the erection of a dwellinghouse on land at Glencorse Mains Steading, Penicuik

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

The Local Review Body had made an unaccompanied visit to the site on Tuesday 18 February 2020.

Summary of Discussion

Having heard from the Planning Advisor, the LRB gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for refusal, the LRB acknowledged that this was in accordance with the current development plan policies. In this particular instance however, the LRB where of the view that given the particular circumstances, the scale and location of the proposed dwellinghouse meant that it would complement/complete the courtyard feel of the cluster of properties in this locality and was, on balance unlikely to have a significantly detrimental impact on the amenity of those neighbouring properties. It also would not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

Decision

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

The proposed dwelling by means of its siting, form, design and materials fits into the landscape, complements the neighbouring cluster of dwellinghouses and is not detrimental to the green belt and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

subject to the proposed conditions contained in the Director, Education, Communities and Economy's report.
Action
Planning Manager

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 1 Laurelbank Road, Mayfield (19/00687/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Mr James Bevis, 1 Laurelbank Road, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (19/00687/DPP, refused on 13 September 2019) for the erection of a garage, sunroom and decking (retrospective) at that address.

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

The Local Review Body had made an unaccompanied visit to the site on Tuesday 18 February 2020.

Summary of Discussion

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 the potential impact that permitting the proposed development in its current form would have on the visual amenity of the surrounding area.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *As a result of a combination of its forward projection, design and materials the building appears as an incongruous feature out of keeping with the character of the original house at the application property and has a detrimental impact on the visual amenity of the surrounding area.*

2. *For the above reason 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.*

In addition, the LRB agreed to authorised whatever necessary follow up action was required in order to secure the removal of the unauthorised garage and sunroom.

Action
Planning Manager

Sederunt
With reference to paragraph 3 above, Councillor Cassidy, having advising that he would not take part in consideration of the following item of business, left the meeting at 1.40pm and did not return.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – The Old Mill House, 40 Newmills Road, Dalkeith – Determination Report (19/00884/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Douglas Strachan, Architect, 11 South Street, Dalkeith seeking, on behalf of his client Ms S DeWaard, a review of the decision of the Planning Authority to refuse planning permission (19/00884/DPP, refused on 5 December 2019) for the change of use from dwellinghouse to a mixed use of dwellinghouse and temporary events venue and associated erection of marquee at the Old Mill House, 40 Newmills Road, Dalkeith.

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

The Local Review Body had made an unaccompanied visit to the site on Tuesday 18 February 2020.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for refusal, the LRB acknowledged that these were in accordance with the current development plan policies. In this particular instance however, the LRB where of the view that given the particular circumstances, its scale and location meant that it was, on balance unlikely to have a significantly detrimental impact on the local amenity. In addition, the LRB considered that the development of this type of venue should be supported as it would potentially bring associated benefits to the local community.

Decision

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

The proposed development by means of its separation from other residential properties, by its limited frequency and its proximity and accessibility to a main road (Newmills Road) will not have a detrimental impact on local amenity and will provide a quality venue in support of Dalkeith.
Action
Planning Manager

The meeting terminated at 1.50 pm.

Notice of Review: 8 Lasswade Court, 32 School Green, Lasswade

Determination Report

Report by Derek Oliver, Chief Officer Place

1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade.

2 Background

2.1 Planning application 19/00476/DPP for the installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade was refused planning permission on 7 November 2019; 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 7 November 2019 (Appendix D); and
- A copy of the relevant plans (Appendix E).

3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled a site visit for Tuesday 15 September 2020; 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. Notwithstanding the plans hereby approved, details of the design and means of opening of the replacement windows shall be submitted to the planning authority for prior written approval. The windows shall be of a traditional design and means of opening to reflect the character of the house. 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: *For sake of clarity. The application as submitted was unclear in terms of the details of the design and opening method of the replacement uPVC windows. So as to ensure the design and means of opening of the windows reflect the character of the house and are sympathetic to its setting in a Conservation Area.*

6 Recommendations

6.1 It is recommended that the LRB:

a) determine the review; and

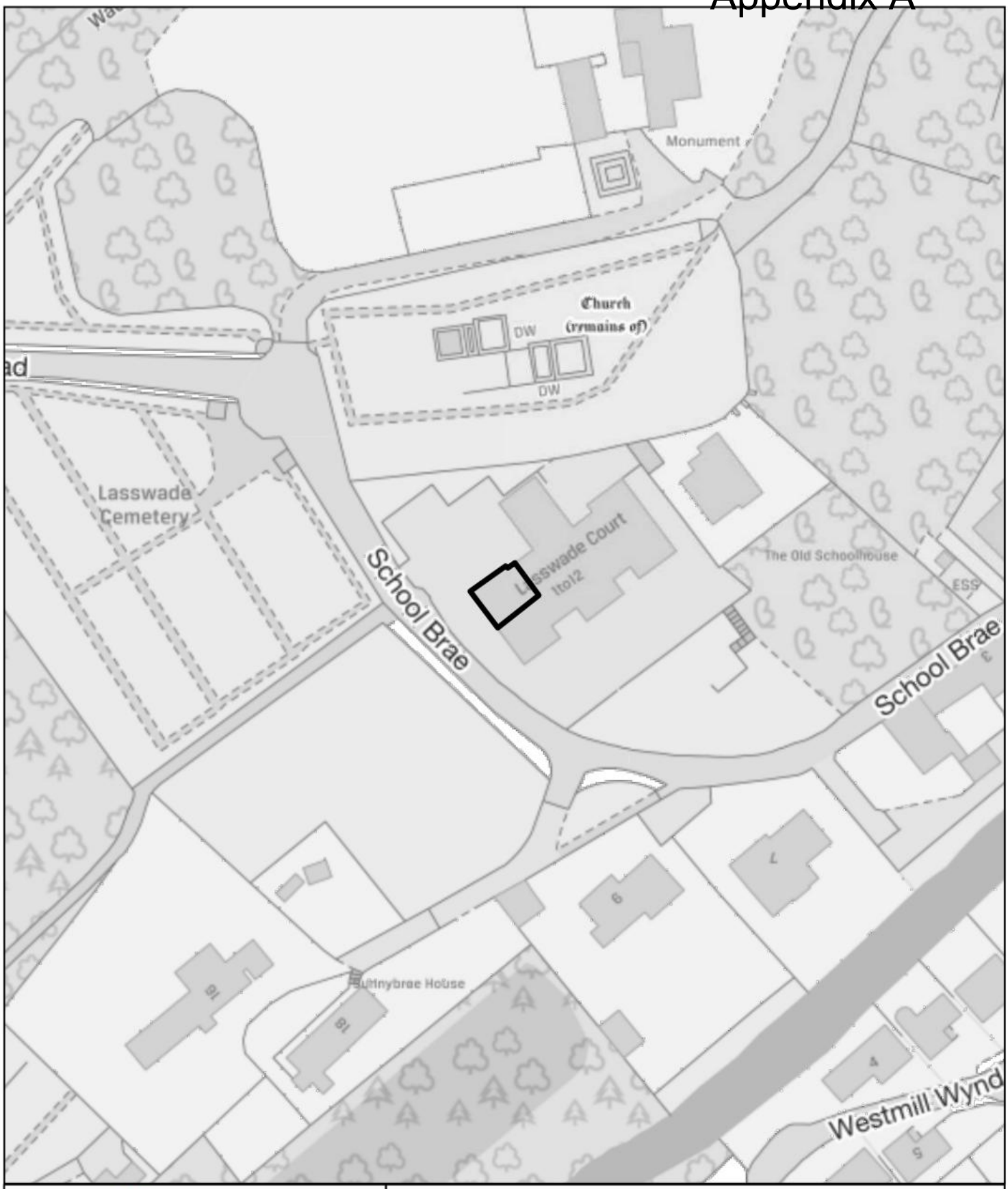
b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 4 September 2020

Report Contact: Matthew Atkins, Lead Officer Planning Obligations
Matthew.Atkins@midlothian.gov.uk

Background Papers: Planning application 19/00476/DPP available for inspection online.

Appendix A



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

Installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade

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Midlothian

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100210541-001

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

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lasswade Court
First Name: *	Alan	Building Number:	32
Last Name: *	McDonald	Address 1 (Street): *	8 Lasswade Court
Company/Organisation		Address 2:	32 School Green
Telephone Number: *	07747607564	Town/City: *	Lasswade
Extension Number:		Country: *	Midlothian
Mobile Number:		Postcode: *	Eh181NB
Fax Number:			
Email Address: *	theshire64@icloud.com		

Site Address Details

Planning Authority: Midlothian Council

Full postal address of the site (including postcode where available):

Address 1: 8 LASSWADE COURT

Address 2: 32 SCHOOL GREEN

Address 3:

Address 4:

Address 5:

Town/City/Settlement: LASSWADE

Post Code: EH18 1NB

Please identify/describe the location of the site or sites

Northing 666058 Easting 330189

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)

19/00476/DPP installation of replacement windows

Type of Application

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

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

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

We appeal decision based on a) precedent -neighbouring properties within the conservation area have UPVC windows, the most recent planning approval in 2017 for a building the equivalent age as ours. In School Green the majority of properties have UPVC installed, b) environmental impact of not installing double glazing, a significant portion of heat is lost through our single pane windows, c) cost -council support wooden double glazing, this doubles purchase price reducing affordability.

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)

No supporting documents

Application Details

Please provide details of the application and decision.

What is the application reference number? * 119/00476/DPP

What date was the application submitted to the planning authority? * 28/05/2019

What date was the decision issued by the planning authority? * 07/11/2019

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 Alan McDonald

Declaration Date: 30/11/2019

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00476/DPP

Site Address: 8 Lasswade Court, 32 School Green, Lasswade

Site Description:
The application property is located within the Lasswade and Kevock Conservation Area.

The application property comprises a first floor flat within a converted traditional former school building, constructed in stone with a slate roof and a mix of white painted, sash and case and casement, timber framed windows with external vents evident on some of the windows.

Proposed Development: Installation of replacement windows

Proposed Development Details:
Planning permission is sought for the installation of eight replacement windows. The submitted section plan appear to detail that the proposed replacement windows will contain 28mm profile double glazing.

The five painted white, timber framed windows within the northern elevation are to be replaced with white uPVC tilt and turn windows. It is unclear from the submitted plans if the design of replacement windows are to match the existing and/or contain astragals of not.

The three painted white, timber framed windows within the western elevation are to be replaced with white uPVC, sash and case windows to match the existing windows. Whilst the submitted plan states that the windows will match the existing, it is unclear from the submitted information if the replacement windows will contain genuine astragals.

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

Planning permission was granted in 2017 for the installation of replacement windows at no.2 Lasswade Court, 32 School Green. Planning ref: 16/00884/DPP.

Planning permission was granted in 2015 for the installation of replacement windows at no.9 Lasswade Court, 32 School Green. Planning ref: 15/00025/DPP.

Planning permission was granted in 2009 for the installation of replacement windows at 12 Lasswade Court, 32 School Green. Planning ref: 09/00244/FUL.

Consultations: No consultations required.

Representations: No representations received.

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

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

Historic Environment Scotland's Managing Change in the Historic Environment document on Windows states that windows make a substantial contribution to the character, authenticity and physical integrity of most historic buildings and also to the character and interest of historic streets and places. They are an important element of a building's design. The size, shape and positioning of the openings are significant, as are the form and design of the framing, astragals and glazing. Their style, detailing and materials help us to understand the date when a building was constructed or altered, its function, and advances in related technology.

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

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

Policy **ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.

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

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

The planning authority does not encourage the use of uPVC framed windows or doors within conservation areas; uPVC is not a traditional material and it rarely defines the character of a conservation area. The neighbouring flatted dwellings within Lasswade Court have timber framed windows and whilst there is a variation of window types, it is considered that the timber framed windows contribute towards the

character and appearance of the building and this part of the conservation area. The introduction of white uPVC windows is out of character for the area and will result in a negative visual impact on the application building and conservation area. The introduction of white uPVC windows fails to preserve or enhance the character or appearance of the conservation area.

With regards to the design/details of the replacement windows, it is noted on one of the submitted plans that the three replacement sash and case windows within the western elevation are to match the design of the existing windows. The other windows are to be replaced with tilt and turn windows. However, the submitted section plan and window detail show two standard one over one, sash and case windows with no astragals. The examples provided within the submitted brochure detail tilt and turn windows and sash and case windows, both with non-genuine astragals. It is unclear from the submitted plans or information what the final design details and proportions of the replacement windows will be and whether the replacement windows will contain genuine astragals or not. It is noted that had the installation of uPVC been considered acceptable then the design details of the replacement windows could have been covered by condition.

The submitted section plan appears to detail that the proposed replacement windows will contain 28mm profile double glazing. It is noted that double glazed windows have been approved at no.s 12, 9 and 2. It is the usual practice of the Council to require narrow profile double glazing in conservation areas in order to replicate the appearance of traditional single glazed windows. However 20mm deep double glazing has been approved at both nos 12 and 9, and 24mm profile double glazing within no.2. It was noted on the report for no 12 that "The building's main contribution to the character of the conservation area is when viewed from a distance, for example from Polton Road, the replacement windows will therefore have no significant impact on the character of the Conservation Area." Furthermore, the flatted dwelling is located at first floor level. On balance in this instance the use of 28mm double glazing on this building will not have a significant adverse impact on the character of the conservation area.

There is no harmful loss of amenity as a consequence of the development proposal.

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

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00476/DPP

Houseplans
30 Mortonhall Park Avenue
Edinburgh
EH17 8BP

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs McDonald, 8 Lasswade Court, 32 School Green, Lasswade, EH18 1NB, which was registered on 11 September 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of replacement windows at 8 Lasswade Court, 32 School Green, Lasswade, EH18 1NB

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

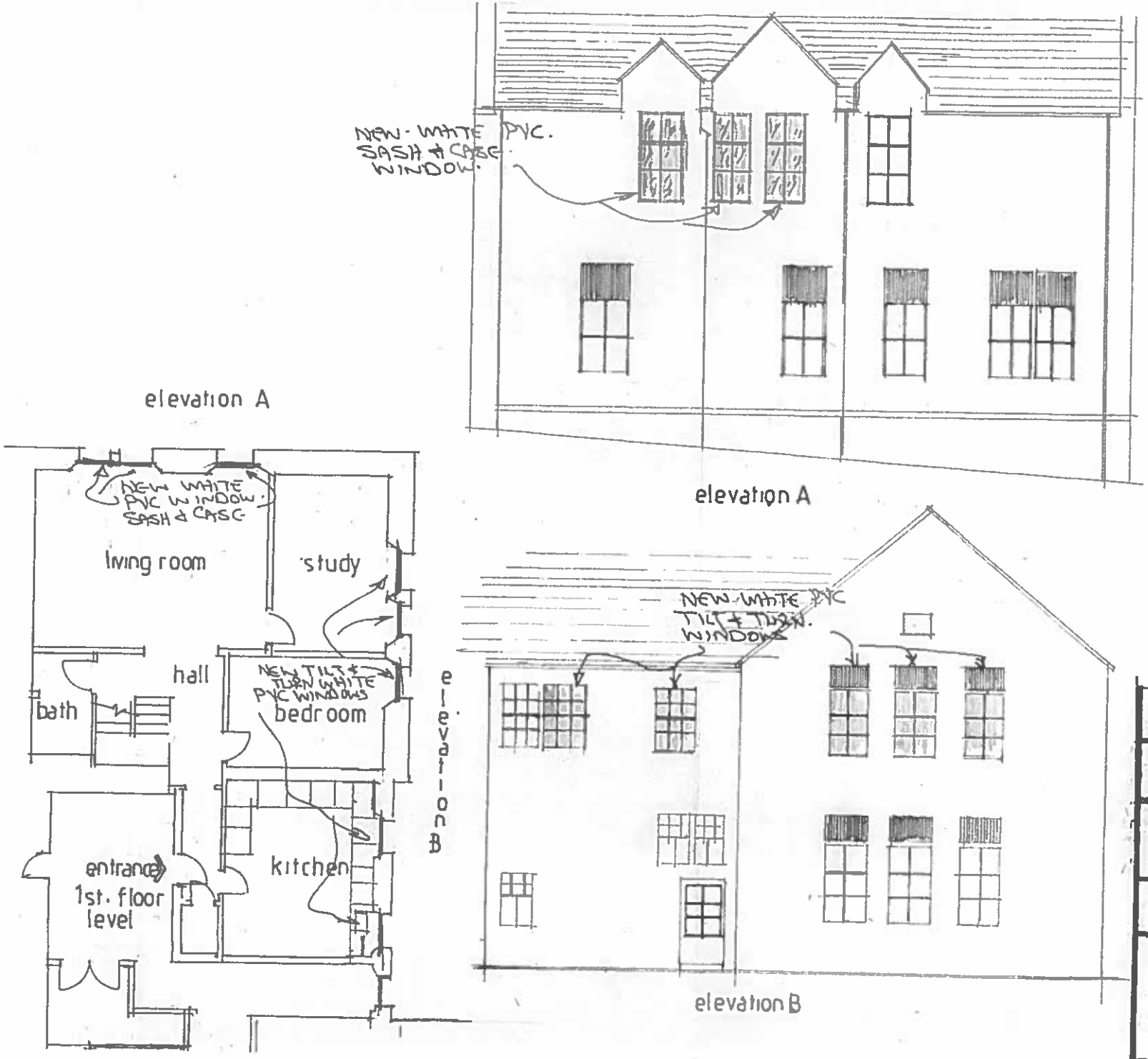
Document/Drawing.	Drawing No/Scale	Dated
Location Plan	1:1250	11.09.2019
Elevations and Floor Plan	1785/19 1:100	11.09.2019
Illustration/Photograph	Existing Elevations	11.09.2019
Illustration/Photograph	VEKA SC Detail Scale 1:5	11.09.2019
Illustration/Photograph	Window Brochure	11.09.2019

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

1. *The introduction of uPVC framed windows fails to preserve or enhance the character or appearance of the conservation area or the application building, resulting in a significant adverse impact on the character and appearance of the application property and the conservation area, which is contrary to policies ENV6, ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

Dated 7 / 11 / 2019

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



CORPORATE RESOURCES
FILE: 19/00476/DM
RECEIVED 27 MAY 2019

CLIENT
Mr & Mrs A McDONALD

LOCATION
8 Lassade Court
32 School Green Lasswade

PROJECT
replace timber windows
with white PVC windows

SCALE	DATE	DWG.no
1:100	May/19	1785/19

Appendix E

Tilt & Turn

Tilt and turn windows are characterised by the fact that they open into your home and allow the biggest possible glass area. This style of window provides excellent levels of ventilation and security, whilst remaining highly thermally efficient when required. Ideal for homes with limited clearance outside, or high-rise properties, tilt and turn windows are easy to clean, even from within the home.

Using clever hinge and locking technology tilt and turn windows have two opening arrangements: from the top for gentle ventilation or full opening from the side.

SASH & CASE

Vertical Slider

Crafted with attention to detail, our vertical slider windows combine the functional benefits and performance of a modern PVCu window with the feel, appearance and operational simplicity of a traditional style window. The modern vertical slider not only emulates the aesthetics of its traditional equivalent, but also offers additional benefits such as the easy maintenance of PVCu.

Fully Reversible

Fully reversible windows allow maximum light to enter the home with easy maintenance. Rotating at 180 degrees, these windows can easily be cleaned from inside the home and have child safety features which allow safe and secure cleaning and ventilation.

CORPORATE RESOURCES
FILE: 9 00476 DPM
RECEIVED 27 MAY 2019

Notice of Review: Land at 10 Kirkhill Terrace, Gorebridge

Determination Report

Report by Derek Oliver, 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 dwellinghouse at land at 10 Kirkhill Terrace, Gorebridge.

2 Background

2.1 Planning application 19/01025/DPP for the erection of a dwellinghouse at land at 10 Kirkhill Terrace, Gorebridge was refused planning permission on 27 January 2020; 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 27 January 2020 (Appendix D); and
- A copy of the relevant plans (Appendix E).

3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled a site visit for Tuesday 15 September 2020; 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 two representations received objecting to the application. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.

4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:

- Identify any provisions of the development plan which are relevant to the decision;
- Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- Consider whether or not the proposal accords with the development plan;
- Identify and consider relevant material considerations for and against the proposal;
- Assess whether these considerations warrant a departure from the development plan; and
- State the reason/s for the decision and state any conditions required if planning permission is granted.

4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.

4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported 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. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:

    a) Details of the materials of the window frames and doors;
    b) Details of the proposed external materials;
    c) Details of all proposed walls, fences, gates or other means of enclosure, including position, design, dimensions and materials; and

d) Details of all hardstanding materials.

***Reason**: These details were not submitted with the original application; to ensure the proposal is in keeping with the character and amenity of the surrounding area.*

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) no window openings shall be installed on the rear elevation of the dwellinghouse hereby approved other than those shown on approved drawing number 1707_C_200rev H unless planning permission is granted by the planning authority.

   ***Reason:** In order to limit overlooking between the proposed house and the houses currently under construction to the east; to ensure that any new openings do not result in the loss of privacy to either set of occupants.*

5.2 If the LRB dismisses the review, the building/structure which are sited on the land without planning permission will have to be removed. In this case the applicant will be asked to remove the building/structure within two months of the LRB decision. However, the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

6 Recommendations

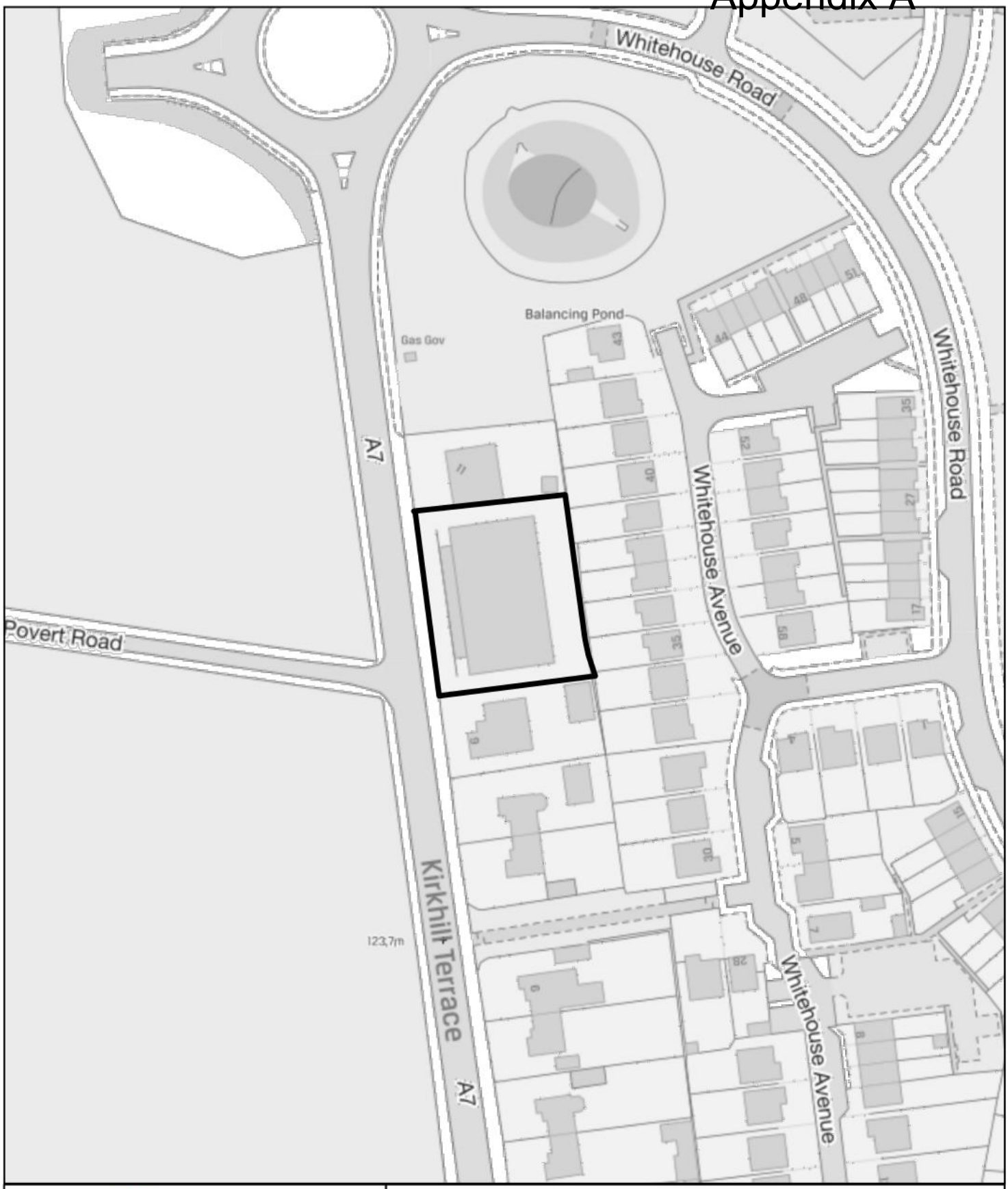
6.1 It is recommended that the LRB:
a) determine the review; and
b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 4 September 2020

Report Contact: Matthew Atkins
Matthew.Atkins@midlothian.gov.uk

Background Papers: Planning application 19/01025/DPP available for inspection online.

Appendix A



Midlothian

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

Erection of dwellinghouse (amendment to design approved in terms of planning permission 18/00011/DPP) at Land At 10 Kirkhill Terrace, Gorebridge

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Midlothian Council Licence No. 100023416 (2019)

File No. 19/01025/DPP

Scale: 1:1,250

N

Midlothian

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100058431-007

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:	Liston Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	3F2
Last Name: *	Liston	Building Number:	33
Telephone Number: *	0131 556 5757	Address 1 (Street): *	London Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH3 6LY
Email Address: *	david@listonarchitects.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Nettlingflat
First Name: *	David	Building Number:	
Last Name: *	Allan	Address 1 (Street): *	Heriot
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Scottish Borders
Extension Number:		Country: *	United Kingdom
Mobile Number:	07872100100	Postcode: *	EH38 5YF
Fax Number:			
Email Address: *	david@allanscoaches.co.uk		

Site Address Details

Planning Authority: Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:	10 KIRKHILL TERRACE
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GOREBRIDGE
Post Code:	EH23 4LL

Please identify/describe the location of the site or sites

Northing	662311	Easting	333473

Description of Proposal

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

Erection of dwellinghouse (amendment to design approved in terms of planning permission 18/00011/DPP) at 10 Kirkhill Terrace, Gorebridge

Type of Application

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

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

Please refer to "Planning Review Statement" in supporting documents.

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)

10 Kirkhill Terrace Planning Review Statement 1707_C_500_Approved and Proposed West Elevations 10 Kirkhill Terrace Stonework Photos

Application Details

Please provide details of the application and decision.

What is the application reference number? * 19/01025

What date was the application submitted to the planning authority? * 16/12/2019

What date was the decision issued by the planning authority? * 27/01/2020

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

Construction of the house is underway

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

Can the site be clearly seen from a road or public land? * ☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☒ Yes ☐ No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *	☒ Yes ☐ No
Have you provided the date and reference number of the application which is the subject of this review? *	☒ Yes ☐ No
If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *	☒ Yes ☐ No ☐ N/A
Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *	☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *	☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr David Liston

Declaration Date: 08/02/2020

The changes simplify and improve the planning-approved design. Pitched slate roofs replace the flat roofs over the garages and well-detailed sandstone replaces timber on the main elevation: a superior, hardier material replaces a cheaper one.

This is a high-quality contemporary design which uses fine materials that are in keeping with Gorebridge and Midlothian. It is a large family house to be lived in by the applicant. Previously on the site, was an ad-hoc group of three harled buildings (including two on the boundary) in poor condition from around the 1960s.

The local context is very varied and the modified design at 10 Kirkhill Terrace enhances the place.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/01025/DPP

Site Address: Land at 10 Kirkhill Terrace, Gorebridge.

Site Description: The application site comprises a site which formerly accommodated a single storey dwellinghouse and garden ground, where construction of a new house is underway. The house under construction relates to two recent planning applications here (see Background section below) and the current planning application. There are two vehicular access points onto the A7 within the site, which slopes up from west to east and is within a row of houses along the A7. These range from single storey detached bungalows to two storey semi-detached dwellings. There is a recently erected housing development to the rear (east), with the land to the front (west) to be developed for housing in the future, though this is currently countryside.

Proposed Development: Erection of dwellinghouse (amendment to design approved in terms of planning permission 18/00011/DPP).

Proposed Development Details: It is proposed to amend the previously approved scheme. The proposed house has a hipped roof with a flat roof section, rather than with two ridges. The hipped roof includes the garages to either side, which were previously flat roofed. The window dimensions have changed with some having a horizontal emphasis. A balcony is proposed on the front elevation, accessed by two openings which were previously rooflights. A new rooflight is proposed on the front elevation, which is shown on the roof plan but not the proposed elevations.

The footprint of the house is approximately 2 metres deeper than previously approved and has moved position within the site, now over 1 metre closer to the road and 0.5 metres closer to the rear boundary.

Some materials are to be different from that previously approved: the window frames were to be grey uPVC and these are now to be white; the walls were previously to be white render and oak cladding. It is now proposed to use white render and oak and sandstone cladding. The remainder of the house is to remain as previously approved, with grey uPVC and timber doors, natural slate and membrane roof, a white painted steel frame; the existing boundary treatments and gates retained; the creation of a natural stone dwarf wall; and tarmac and paved areas.

Background (Previous Applications, Supporting Documents, Development Briefs): Application site
18/00011/DPP Erection of dwellinghouse. Consent with conditions.
17/00556/DPP Erection of dwellinghouse. Refused – due to the size, massing, floor area and architectural detailing the house is not of sufficient good design, neither

traditional nor high quality contemporary design, contrary to adopted Local Development Plan policies and the SPP.
17/00395/PNDEM Prior notification for demolition of buildings. No objection.
05/00896/FUL Demolition of existing dwellinghouse and erection of two dwellinghouses. Withdrawn.
03/00150/OUT Outline permission for the erection of one dwellinghouse and associated garage (renewal of planning permission 99/00664/OUT). Consent with conditions.
99/00664/OUT Outline application for erection of dwellinghouse – adjacent to previous house. Consent with conditions.

Site to west
15/00045/PPP Application for planning permission in principle for residential development; community facilities; primary school; playing field; office units (Class 4); farm shop (Class 1); cafe (Class 3) and rail halt with associated car parking; public open space; roads and drainage infrastructure. Consent with conditions.
14/00210/PAC Mixed use development including: erection of approximately 700 dwellinghouses; erection of primary school; formation of access roads; redevelopment of farm steading to include farm shop, business units and cafe; and provision of community services. Permitted.

Site to east
14/00251/DPP Erection of 349 dwellinghouses associated infrastructure and landscaping. Consent with conditions.
13/00614/PAC Proposal of application notice for residential development. PAC agreed.
12/00269/DPP Erection of 12 dwellinghouses (amendment to the scheme of development approved in terms of Planning Permission 11/00682/DPP). Consent with conditions.
11/00682/DPP Erection of 29 dwellinghouses and associated works, part of Site S (amendment to the scheme of development the subject of planning permission 11/00682/DPP). Consent with conditions.
08/00373/FUL Erection of 15 dwellinghouses and 24 flatted dwellings and associated works on part of Area C within Site S. Consent with conditions.

07/00352/FUL Erection of 351 dwellinghouses and 192 Flats, roundabout access from A7 and Greenhall Road, open space, SUDS ponds and a site for a primary school. Consent with conditions.
04/00318/OUT Residential development with educational facilities, play and sports facilities, landscaping, internal roads, car parking and accesses. Withdrawn.

Consultations: No consultations were required.

Representations: Two objections have been received on the following grounds:
- The proposed house is out of keeping with the surrounding area, due to its floor space and mass and will have an adverse impact on the character and appearance of the area;

- Although there are a mixture of different sizes of buildings and styles in the street, the proposal is completely at odds in terms of size and scale with the adjacent buildings;
- The house does not respect the character of the area in terms of scale, form, design and materials and seems to have been designed on the basis of using as much of the site plot as possible rather than seeking to protect the character and amenity of the area or the adjacent houses;
- The house is disproportionately large and the depth of the house, paired with the roof design, creates a large, bulky house frontage, which is significantly out of scale with other houses in the surrounding area, dominating the immediate area;
- The large projecting sections and glazed areas are unusual detailing out of context and add further to the bulk and scale of the property;
- Although it is claimed that the proposal has a contemporary design, it looks of low quality design and features and does not have a bespoke form;
- The proposal is very similar to, although with a lower roof height, than a previously refused house at this site;
- A subsequent application for a smaller house has been approved;
- The proposed is contrary to related LDP policies;
- There could be an impact on privacy of the properties to the rear due to the proximity of the house to the boundary and the proposed windows on this elevation. Should permission be approved, there should be no windows on the roof on the rear elevation due to the close proximity of these windows to the properties behind.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;
STRAT2 Windfall Housing Sites advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals;
DEV2 Protecting Amenity within the Built-Up Area advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area; and
DEV6 Layout and Design of New Development is a set of criteria covering design, sustainability, landscaping, open space provision and house layouts.

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

The application seeks to amend the design and position of house previously approved and fully assessed in application 18/00011/DPP. This was considered acceptable subject to a number of conditions. Therefore much of the assessment of the principle and detailed aspects of application 18/00011/DPP remain relevant and acceptable. It is only the proposed changes which are being assessed in this application.

As stated above, work has started on the house as currently proposed rather than the design previously approved.

During the assessment of application 17/00556/DPP, the planning authority had numerous discussions with the applicant's agent over concerns regarding the design of the house. After the application was refused, the case officer, their Lead Officer, the applicant, and applicant's agent met to discuss how to proceed. It was made clear in this meeting that the previously refused design was not acceptable. An alternative scheme, which reduced the scale, bulk, and mass of the house was discussed and was ultimately supported in planning permission 18/00011/DPP. The predevelopment conditions for 18/00011/DPP were discharged and development commenced on site. Given the discussions had the applicant can have been left in no doubt that a house any larger in scale or mass than that approved in 18/00011/DPP would not be supported.

Late in 2019, the planning authority became aware that the house was not being erected as per the approved planning drawings. On further investigation it was apparent that the house was being erected in line with the approved Building Warrant plans, not the approved planning permission drawings. The approved Building Warrant plans show a larger house than that previously approved by the planning authority. The case officer contacted the applicant to make them aware of this and stated that an application for the Building Warrant plans would not be supported by the Planning Authority. The current application was then submitted for consideration.

It is not the responsibility of planning authority or the Building Standards team to check that plans match when submitted for planning permission or a building warrant. It is the developer's responsibility to ensure that they have all the relevant consents in place. In this case, the developer does not have planning permission for the house which is under construction.

There are a variety of housetypes in the area, with no overriding style being obvious. The lack of a specific building character in the area provides some scope to propose a dwelling in one of a number of different styles. Generally, the planning authority would expect the design solution to follow one of the three following approaches:

1. Reflect the scale and character of buildings in the immediate vicinity;
2. Reflect the traditional vernacular design and detailing of buildings in the local area; or,
3. Be of a high quality contemporary design which significantly contributes to the visual amenity and interest of the area.

The main differences between the previously approved house and the current application are the roof form, the depth of the house and its position within the site. The currently proposed house is approximately 2 metres deeper than the scheme previously approved. This adds significantly to its scale and bulk, as well as increasing the flat roofed area. The inclusion of a hipped roof over the garages, and removal of the predominant ridges further adds to the scale and mass of the house,

which is now significantly out of scale with other houses in the surrounding area, dominating the immediate area.

The increase in size, scale, mass, and bulk of the house as proposed is exacerbated by it being only 5.1 metres from the roadside boundary, rather than 6.4 metres as previously approved. This bring the larger scale house forward and makes this an overbearing and dominant feature in the streetscene.

The proposal is of a large and bulky scale which has a significant detrimental impact on the character and appearance of the surrounding area. The design does not complement or enhance the character of the area, nor does it positively contribute to the street scene or integrate with the other houses in the area.

The inclusion of two openings and a rooflight on the front elevation are acceptable.

The windows on the rear elevation are largely as previously approved, however these have a horizontal emphasis, which has a more bulky appearance and it is standard good design practice for windows to have a vertical emphasis. Should planning permission be granted, this detail should be altered and window details submitted to be agreed.

No window openings are proposed on the rear roof elevation. Due to the depth of the house, the rear elevation will be less than 10 metres from the boundary shared with the houses to the east. This is less than the previously approved plans and the previous house on site. The houses to the east are positioned 10 metres from the shared boundary and are on a higher level than the proposed house. The combination of the distance between properties and the change in ground levels introduces the issue of overlooking between the properties. The windows on the rear elevation of the proposed house serve bedrooms and en-suites. Should permission be granted, it should be conditioned that there be no openings on the rear elevation to ensure the privacy of the occupant of the house and the properties to the east.

The proposed plans show the front elevation to have stone clad walls, with areas of oak cladding and glazed areas. These finishes are neither traditional nor contemporary in their use and would create a generally cluttered front elevation. The previously approved scheme used light render and oak cladding with areas of glazing which would be a much cleaner finish.

As is clear from the above, the planning authority has previously accepted the principle of a house at the site and has approved a house that is considered to be appropriate at this site. However the design, scale, mass and form of the currently proposed house is such that this would have a significant detrimental impact on the character and appearance of the area and is not of sufficient high quality design to approve. The planning authority has made this position clear since the submission of the originally refused application. The design is of not of a quality that can be supported by the planning authority.

Recommendation: Refuse planning permission.

Appendix D

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/01025/DPP

Liston Architects
3F2
33 London Street
Edinburgh
EH3 6LY

Midlothian Council, as Planning Authority, having considered the application by Mr David Allan, The Coach House, Nettlingflat, Heriot, EH38 5YF which was registered on 16 December 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse (amendment to design approved in terms of planning permission 18/00011/DPP) at Land At 10 Kirkhill Terrace, Gorebridge

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

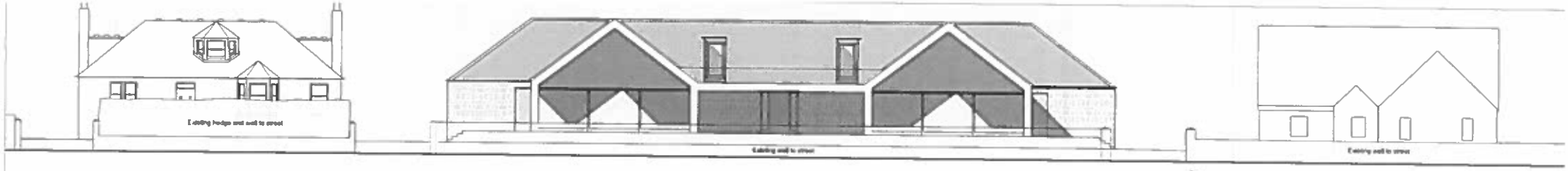
Document/Drawing.	Drawing No/Scale	Dated
Location Plan	1707_C_001 1:1000	16.12.2019
Site Plan	1707_C_002 Rev H 1:100	16.12.2019
Proposed Floor Plan	1707_C_100 Rev H 1:50	16.12.2019
Proposed Elevations	1707_C_200 Rev H 1:50	16.12.2019

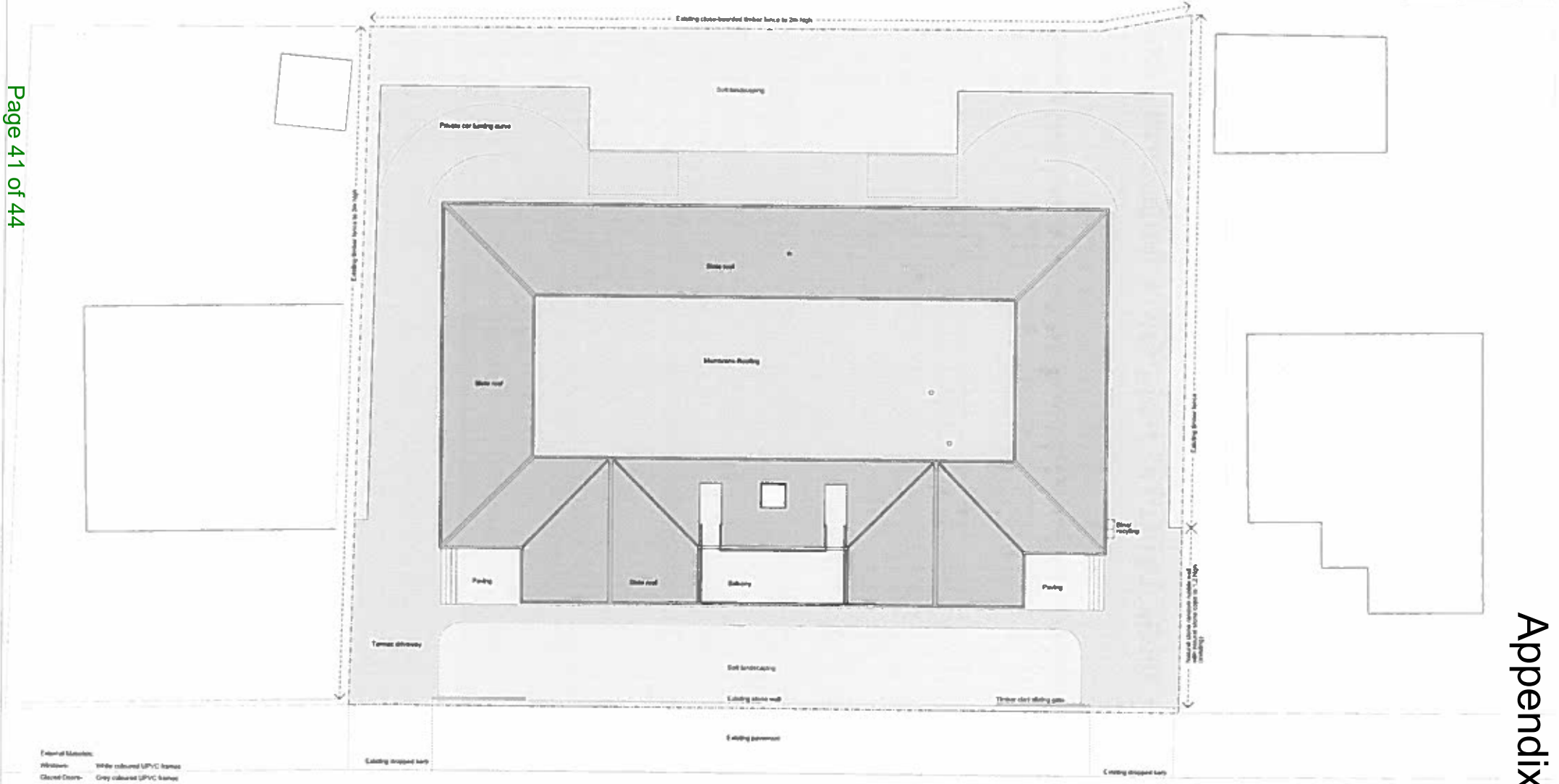
The reasons for the Council's decision are set out below:

1. *As a result of its size, massing, floor area and architectural detailing the proposed dwellinghouse is not of sufficient good design, being neither of a traditional design nor of a high quality contemporary design. The proposed dwellinghouse would not complement or enhance the character of the area, nor would the proposed materials. This is contrary to policies DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017. In addition, the lack of a high quality design-led approach is contrary to the terms of the Scottish Planning Policy.*

Dated 27 / 1 / 2020

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





External Materials:

Windows-	White coloured UPVC frames
Glazed Doors-	Grey coloured UPVC frames
Front Door-	Natural timber clad door (Oak)
Garage Doors-	Grey coloured aluminium
Cladding-	White coloured render Natural coursed rubble sandstone cladding (to West elevation) with dressed quoins and rybate Oak tongue and groove vertical timber cladding (to West elevation) (Cladding treated with protective oil to prevent discoloration) White painted steel frame to front of West elevation
Roof-	Natural slate (Swanish) Slate coloured membrane roofing
Site boundary-	Natural stone rubble with natural stone caps to coast (walling) Close-mounted timber fencing (2m high walling)
Gates-	Sliding steel frame with natural timber oak cladding (walling)
Hardstanding-	Bitmac driveway and vehicular hardstanding Precast stagger-bonded buff coloured paving (immediately in front of house with natural stone random rubble dwarf wall at level change Natural stone Steps

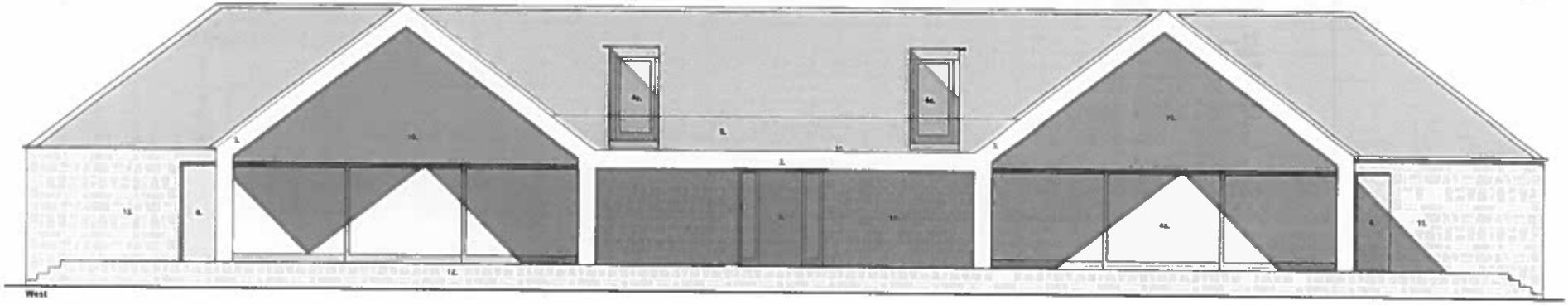
PLANNING

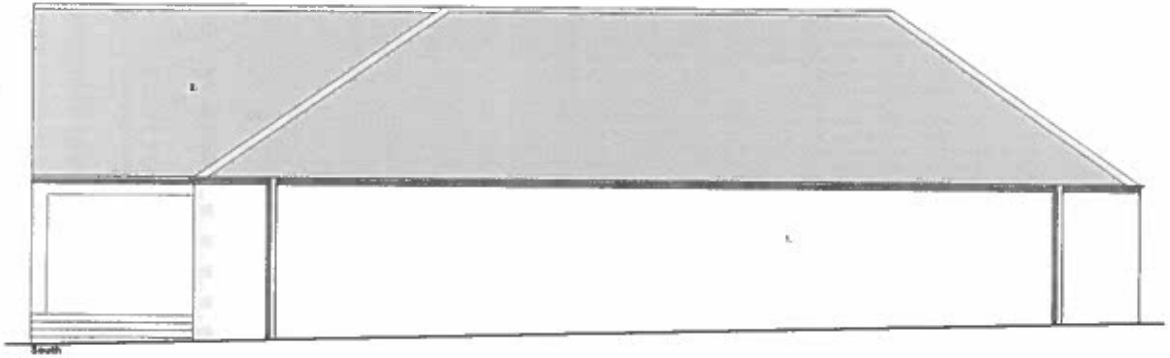
0m 1m 2m

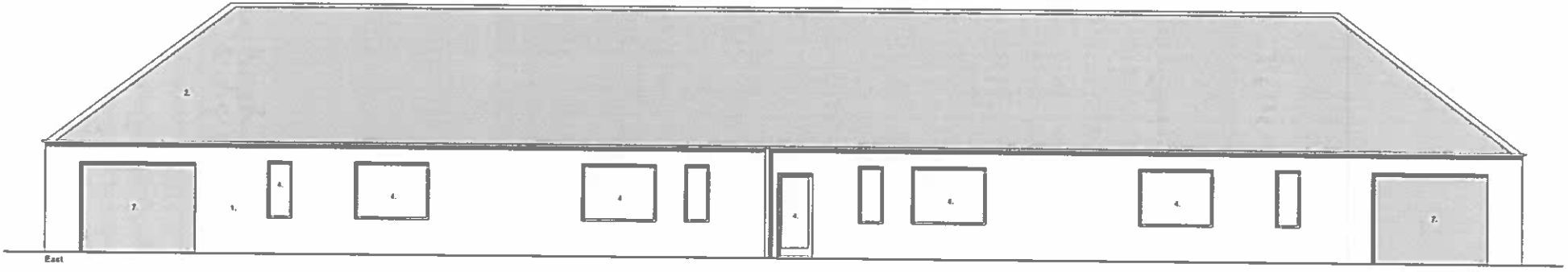
1707_C_002 rev H
Proposed Site Plan and Elevation
10 Kirkhill Terrace
Scale 1:100@ A1
Liston Architects
13.11.17

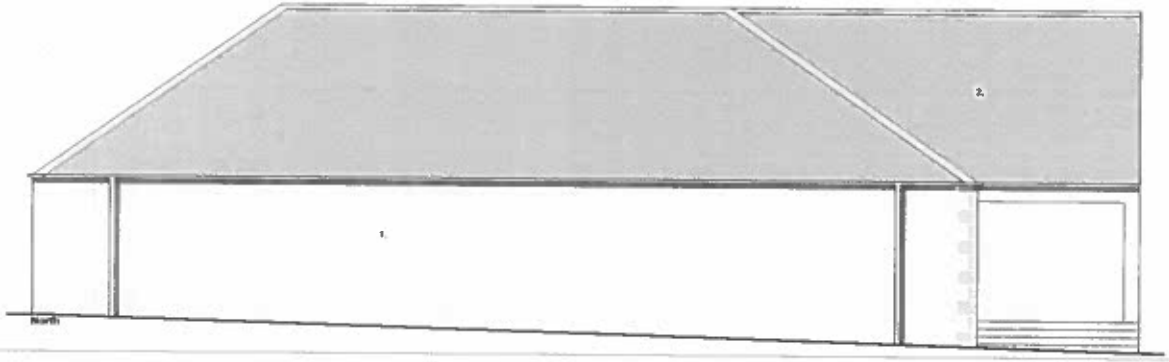
Do not scale from drawings.
Report this architect any dimensions not provided.
All dimensions to be checked on site prior to starting work.
Any discrepancies to be reported to architect.
Drawings to be read in conjunction with structural engineer's drawings specifications and schedules.
Locations of stud in partitions are indicative only.

Appendix E









Key:

1. White coloured render
2. Slate roof. Colourcoated gutters and downpipes
2a Monterey roofing
3. White painted steel frame
4. White coloured UPVC windows
4a. Grey coloured glazed doors
5. Large sliding rooflight, frames grey
6. Natural timber (Oak) door
7. Grey coloured garage door
8. Precast paving
9. Glazed balustrade
10. Oak cladding
11. Pavers to balcony
12. Random rubble stone dwarf wall (to match existing front wall to road)
12.a Precast stagger-bonded. buff coloured paving
13. Natural coursed rubble sandstone cladding with dressed quoins and sybaults

0m 1m 2m

1707_C_200rev H
Proposed Elevations
10 Kirkhill Terrace
Scale 1:50@ A1
Liston Architects
13.11.17

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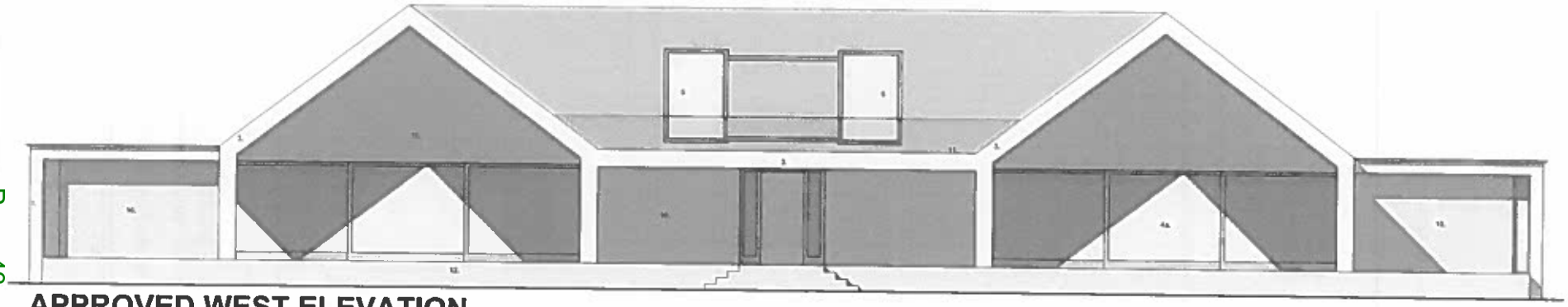
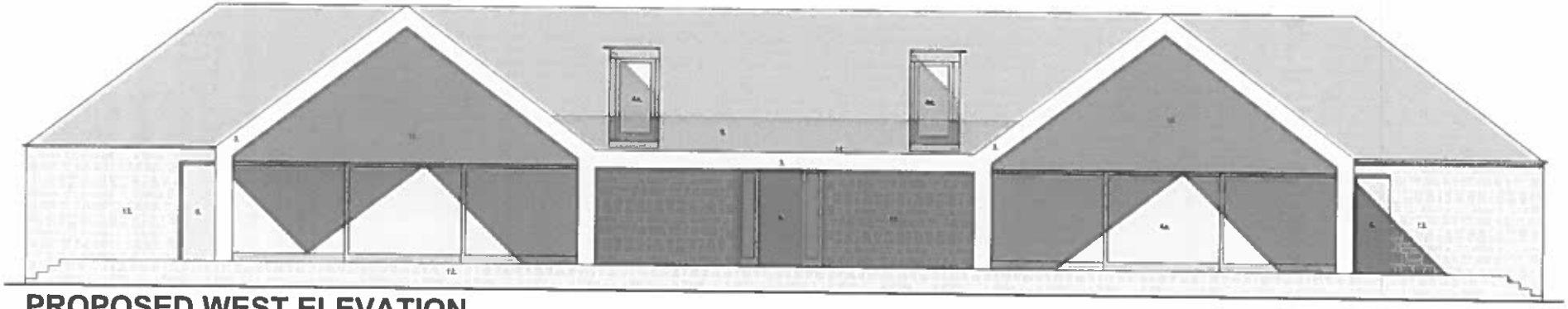
PLANNING



APPROVED WEST ELEVATION

Key:

1. White coloured render
2. Slate roof, Galvanised gutters and downpipes
2a Membrane roofing
3. White painted steel frame
4. White coloured UPVC windows
4a. Grey coloured glazed doors
5. Large sliding rooflight, frames grey
6. Natural timber (Oak) front door
7. Grey coloured garage door
8. Precast paving
9. Glazed balustrade
10. Oak cladding
11. Pavers to balcony
12. Random rubble stone dwarf wall (to match existing front wall to road)
12.a Precast stagger-bonded, buff coloured paving



PROPOSED WEST ELEVATION

The changes simplify and improve the planning-approved design. Pitched slate roofs replace the flat roofs over the garages and well-detailed sandstone replaces timber on the main elevation: a superior, hardier material replaces a cheaper one.

This is a high-quality contemporary design which uses fine materials that are in keeping with Gorebridge and Midlothian. It is a large family house to be lived in by the applicant. Previously on the site, was an ad-hoc group of three harled buildings (including two on the boundary) in poor condition from around the 1960s.

The local context is very varied and the modified design at 10 Kirkhill Terrace enhances the place.

Key:

1. White coloured render
2. Slate roof, Galvanised gutters and downpipes
2a Membrane roofing
3. White painted steel frame
4. White coloured UPVC windows
4a. Grey coloured glazed doors
5. Large sliding rooflight, frames grey
6. Natural timber (Oak) door
7. Grey coloured garage door
8. Precast paving
9. Glazed balustrade
10. Oak cladding
11. Pavers to balcony
12. Random rubble stone dwarf wall (to match existing front wall to road)
12.a Precast stagger-bonded, buff coloured paving
13. Natural coursed rubble sandstone cladding with dressed quoins and rybatts

0m 1m 2m

1707_C_500
Approved and Proposed West Elevation
10 Kirkhill Terrace
Scale 1:50@ A1
Liston Architects
30.01.20

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Request from architect any dimensions not provided.
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PLANNING