

# Notice of Review: Land West of 14 - 18 The Loan, Loanhead Determination Report

Report by Ian Johnson, Head of Communities and Economy

## 1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows at 14 - 18 The Loan, Loanhead.

## 2 Background

- 2.1 Planning application 17/00930/DPP for the erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows at 14 18 The Loan, Loanhead was refused planning permission on 19 February 2018; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
  - 1 Submission of Notice of Review by the applicant.
  - 2 The Registration and Acknowledgement of the Notice of Review.
  - 3 Carrying out Notification and Consultation.

## 3 Supporting Documents

- 3.1 Attached to this report are the following documents:
  - A site location plan (Appendix A);
  - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
  - A copy of the case officer's report (Appendix C);
  - A copy of the decision notice, issued on 19 February 2018 (Appendix D); and
  - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application/review case file and the development plan policies referred to in the case officer's report can be viewed online via <u>www.midlothian.gov.uk</u>.

## 4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 21 May 2018; and
- Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that three consultation responses and two representations were received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application/review 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 condition has 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 and samples of all proposed external materials;
    - b) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure;
    - c) Proposals for the treatment and disposal of foul and surface water drainage; and
    - d) Details of secure cycle storage, including the design, dimensions, materials and position of any new building.

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**: These details were not submitted as part of the application: to ensure the buildings are finished in high quality materials; to protect the visual amenity of the surrounding area; to ensure the units are provided with adequate amenity; to help integrate the proposal into the surrounding area.

2. Unless otherwise approved in writing by the Planning Authority, the roof of the flats shall be finished in natural slate.

**Reason**: To ensure these are finished in materials appropriate to the surrounding area.

3. Before the residential units are occupied, the installation of the means of drainage treatment and disposal in terms of condition 1c) shall be completed to the satisfaction of the Planning Authority.

**Reason**: To ensure that these are provided with adequate drainage facilities prior to occupation.

4. The existing vehicle dropped kerb at The Loan shall be removed and replaced with a standard footway.

Reason: In the interests of road safety.

5. Prior to the commencement of development, a programme of site investigation works shall take place to confirm coal mining legacy issues at the site. This programme shall include the submission of a scheme of intrusive site investigation works to be submitted to and approved in writing by the planning authority which, if approved, shall be undertaken. A further report of findings arising from the intrusive site investigations shall be submitted along with a scheme to address any remedial works necessary to be approved in writing by the planning authority which shall then be implemented.

**Reason**: To ensure that the site is suitable for development given the previous coal workings in the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent order amending or superseding it, there shall be no openings formed on any elevations of nor any extensions to the converted garage to dwellinghouse hereby approved without the prior submission of a planning application and subsequent consent of the Planning Authority.

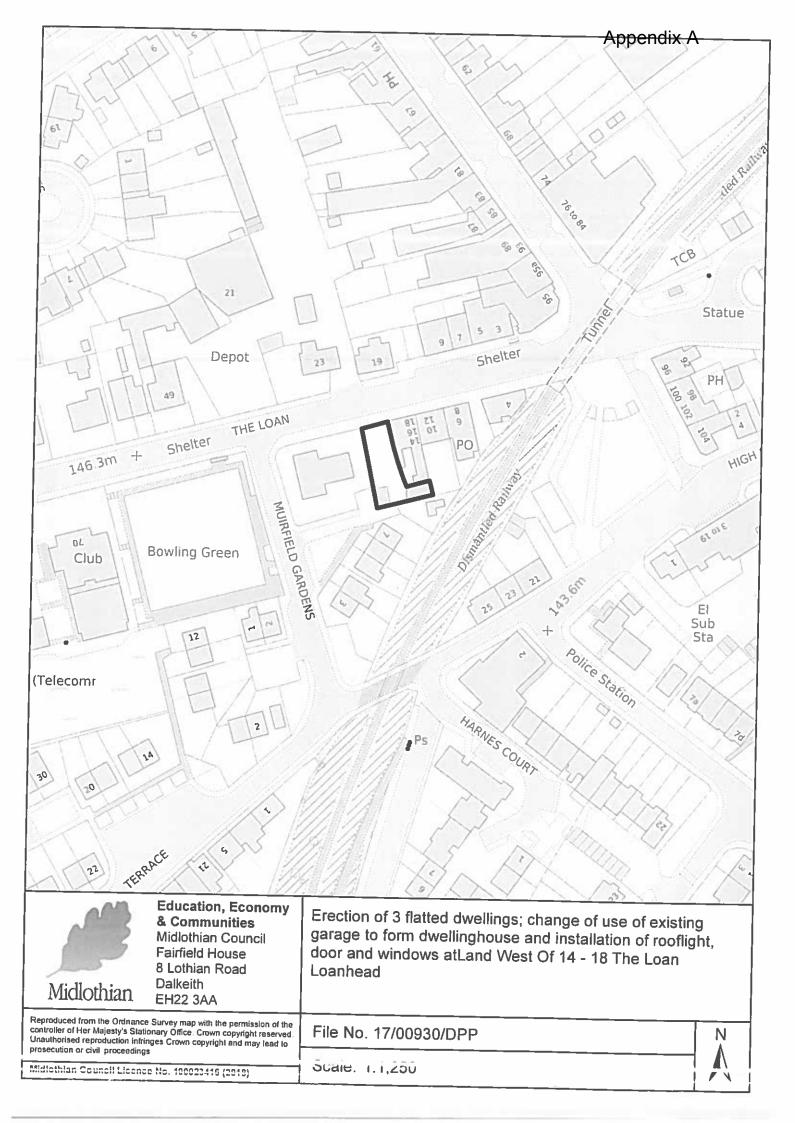
**Reason:** To ensure that the converted dwellinghouse does not have a detrimental impact on the privacy and amenity of the occupiers of the adjacent properties as a result of overlooking.

## 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: Report Contact:	15 May 2018 Peter Arnsdorf, Planning Manager (LRB Advisor) peter.arnsdorf@midlothian.gov.uk
Tel No: Background Pape inspection online.	0131 271 3310 <b>rs:</b> Planning application 17/00930/DPP available for

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	Fairfield House 8 Lothian Road Dalkeith	door and windows atLand West Of 14 - 18 The Loan Loanhead
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Fairfield House 8 Lothlan 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	100076489-002		
	ne unique reference for your online form on ease quote this reference if you need to coa		ority will allocate an Application Number when ority about this application.
Applicant or Are you an applicant or a	Agent Details In agent? * (An agent is an architect, consul	tant or someone else	
on behalf of the applicant	t in connection with this application)		Applicant X Agent
Agent Details			
Please enter Agent detail	ls		
Company/Organisation:	David Paton Building Consultancy		
Ref. Number:		You must enter a B	uilding Name or Number, or both: *
First Name: *	Kevin	Building Name:	
Last Name: *	McLellan	Building Number:	. 13
Telephone Number: *	0131 440 1213	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Loanhead
Fax Number:		Country: *	Scotland
		Postcode: *	EH20 9RH
Email Address: *	davidpatonbc@btconnect.com		
Is the applicant an individual or an organisation/corporate entity? *			
Individual Organisation/Corporate entity			

Applicant De	tails		
Please enter Applicant d	letails		
Title:	Mr	You must enter a Bu	uilding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Bryan	Building Number:	13
Last Name: *	Campbell	Address 1 (Street): *	High Street
Company/Organisation	c/o David Paton Building Consultancy	Address 2:	
Telephone Number: *	01314401213	Town/City: *	Loanhead
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH20 9RH
Fax Number:		]	
Email Address: *	stuart.dp@btconnect.com		
Site Address	Details		
Planning Authority:	Midlothian Council		
Full postal address of th	e site (including postcode where available);		
Address 1:			
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:			
Post Code:			
Please identify/describe the location of the site or sites			
Northing	665517	Easting	328181

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 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows at Land West Of 14 - 18 The Loan, Loanhead	
Type of Application	
What type of application did you submit to the planning authority? *	
<ul> <li>Application for planning permission (including householder application but excluding application to work minerals).</li> <li>Application for planning permission in principle.</li> <li>Further application.</li> <li>Application for approval of matters specified in conditions.</li> </ul>	
What does your review relate to? *	
<ul> <li>Refusal Notice.</li> <li>Grant of permission with Conditions imposed.</li> <li>No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refused</li> </ul>	sal.
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 sta must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provid 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 pr all of the information you want the decision-maker to take into account.	oduce
You should not however raise any new matter which was not before the planning authority at the time it decided your application the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before time or that it not being raised before that time is a consequence of exceptional circumstances.	
Please refer to separate Notice of Review Supporting Statement	
	J
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *	
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer be your application was determined and why you consider it should be considered in your review: * (Max 500 characters)	efore

Please refer to attached List of Supporting Documents.		
Application Details		
Please provide details of the application and decision.		
What is the application reference πumber? *	17/00930/DPP	
What date was the application submitted to the planning authority? *	04/12/2017	
What date was the decision issued by the planning authority? *	19/02/2018	
The Local Review Body will decide on the procedure to be used to determine you	r review and may at any time during the i	eview ation may be
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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 a review? *	and reference number of the application which is the subject of this	X Yes 🗋 No	
	n behalf of the applicant, have you provided details of your name nether any notice or correspondence required in connection with the or the applicant? *	X Yes No N/A	
	nt setting out your reasons for requiring a review and by what procedures) you wish the review to be conducted? *	X 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.			
	cuments, material and evidence which you intend to rely on ich are now the subject of this review *	X Yes No	
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.			
Declare – Notice of Review			
I/We the applicant/agent certify that this is an application for review on the grounds stated.			
Declaration Name:	Mr Kevin McLellan		
Declaration Date:	22/03/2018		

#### DESIGN AND ACCESS STATEMENT PROPOSED DEVELOPMENT ON LAND WEST OF 14, 16 &18 THE LOAN, LOANHEAD EH20 9AE

### 1 INTRODUCTION

This Design and Access Statement has been prepared by David Paton Building Consultancy on behalf of Bryan Campbell. It supports a detailed planning application for a Flatted development containing 2x three-bedroom Flats and 1x two bedroom Flats. Also, Conversion of existing large two storey Garage located on South-East corner of the site located on The Loan, Loanhead.

### 2 BRIEF

To provide a development solution for vacant site, for which planning permission in principle was obtained on 27<sup>th</sup> February 2017 for erection of 3 flatted dwellings. This proposal to provide a frontage on to The Loan, whilst being accessed from the rear, off Muirfield Gardens. In addition to this new build development, the Developer has considered that the existing large two storey Garage comprises of suitable size and materials for it to be converted to single dwelling house.

Previous applications for this site include;

Ref: 16/00106/PPP Application for planning permission in principle for erection of 3 flatted dwellings at Land West of 14 – 18 The Loan, Loanhead.

Ref: 17/00476/BNDE9 Building Warrant to demolish 3No. garages and 1No. outbuilding.

### 3 DESIGN PRINCIPLES

There are three Flats proposed to make this development viable to our client, with façade full width of the site and depth of building to align with existing traditional terraced buildings to the East at 14, 16 & 18 The Loan, excluding common stair to rear. In keeping with neighbouring buildings to East, dormers are proposed which will serve the top floor Flat. Also, consistent with these neighbouring buildings, the ridge is stepped between each property, following the rise in finished ground level when travelling East to West, it is proposed that the ridge level of proposed Flats will be approximately 300mm higher than the ridge of 14 – 18 The Loan.

#### 4 MATERIALS AND EXTERNAL FINISHES

The existing Facing brick boundary wall, approximately 1.8m high, on The Loan will be removed to accommodate the Flats, which will not offer direct access from the public footpath.

#### 4.1 WALLS

To be finished predominately with dry dash render to match the three flatted dwellings which were erected at the other end of the terrace, which have a more modern appearance;

- Cement render. Dry dash, with colour to be approved by planning department, like existing Flats at East end of terrace. It is intended that the Common Stair will also be finished in dry dash render.
- Facing brick on front elevation at Ground Floor level only, again colour to be like that of existing Flats at East end of terrace.
- As the dormers are wallhead dormers, it is proposed that these will be finished with render to match.

#### 4.2 ROOF

To be finished with slate look-a-like fibre cement tiles by Marley or Redland. The dormers are proposed to be finished with proprietary single ply membrane, Grey colour.

## 4.3 DOORS AND WINDOWS

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Flats and Common Stair; double glazed units with white uPVC frames, consistent with neighbouring buildings.

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## 5 SUSTAINABLE APPROACH TO ACCESS

No new vehicular access required to be made, new pedestrian only access to be formed through existing boundary wall. Existing public footpath provides access off Muirfield Gardens.

#### 6 CAR PARKING & AMENITY SPACE

No car parking proposed. The site benefits from good public transport links.

Flatted properties should be provided with a communal private garden with equivalent area of 50m<sup>2</sup> (half of requirement for terraced housing). The total remaining site area excluding footprint of proposed Flats, communal stair and large garage is 186m<sup>2</sup>. There are two public parks in the nearby area,

#### 7 SECURE ACCESS

All new build Flats will be accessed via Common Stair. Access will be controlled using a door entry system / keys.

#### 8 ACCESSIBILITY

Pedestrian only access from the rear, via either concrete steps or platform lift, as indicated. Only the Ground Floor Flat or Garage Conversion would be fully accessible, via footpaths as indicated on Site Layout drawing 17-36-PL01.

#### 9 CONCLUSION

Our proposal offers the opportunity to create a modern residential building and create a further residential unit from an existing building.

17-36

SM, 23-11-17

## ERECTION OF 3 FLATTED DWELLINGS: CHANGE OF USE OF EXISTING GARAGE TO FORM DWELLING HOUSE AND INSTALLATION OF ROOFLIGHT, DOOR AND WINDOWS AT LAND WEST OF 14, 16 &18 THE LOAN, LOANHEAD EH20 9AE <u>APPLICATION NO. 17/00930/DPP</u> REFUSED 19<sup>th</sup> FEBRUARY 2018

## **Introduction**

On behalf of our client Mr Bryan Campbell, we would like to appeal against the refusal of Planning Permission. This application relates directly to the approval of Planning Permission in principle for the erection of 3 flatted dwellings (Application No. 16/00106/PPP). This current application was not submitted as a MSC (Approval of Matters Specified in Conditions) application as it proposed changes to that of the planning in principle permission, the changes are as follows;

- 1. The existing large garage located on the South and East boundaries of the site is to be retained and converted to single dwelling house.
- 2. Because of item 1 above, no car parking could be provided. Pedestrian access only, from the rear.
- 3. The gutter line and ridge of the proposed flats were drawn to be consistent with the adjacent buildings, meaning that they are 300mm higher than the gutter / ridge of next door (numbers 14-18). The Loan (A768) is going uphill when travelling West past the application site and adjacent buildings. The gutter and ridge step up from No.s 6 & 8 to No.s 10 & 12 and again from No.s 10 & 12 to No.s 14 18 (see attached photos).
- 4. Wallhead dormers were indicated to maximise floor space within the second floor flat. The adjacent building (14 - 18 The Loan) is traditional built with no dormers, 6 & 8 The Loan and 10 & 12 The Loan have dormers (flat roofed) that are set back from the front line of the roof. The newer flatted dwellings at 4 The Loan are of more modern design and contain wallhead dormers, this building does not adjoin 6 & 8 The Loan, separated by a driveway.

The reasons for the Council's decision are set out below along with our comment / statement:

1. The design, proportions and subdivision of materials of the proposed flatted dwellings result in an incongruous building which would have a detrimental impact on the character and appearance of the surrounding area.

Quoting directly from the short report written by the Councils Planning department when determining the original Planning in Principle Application (16/00106/PPP)

'Three flatted dwellings were erected at the other end of the terrace of the same scale as the terrace but with a more modern design. It would not be reasonable for the planning authority to restrict the design of the proposed flats given the mix of building designs in the area. Given the orientation of the site, it is unlikely that the proposed building would have a significant detrimental impact on the amenity or privacy of surrounding properties.'

2. The proposed development would result in a low standard of amenity for future occupants as inadequate amenity space and parking is provided.

Again, quoting directly from the short report written by the Councils Planning department when determining the original Planning in Principle Application (16/00106/PPP)

'Although only an indicative site plan has been submitted, there does not appear to be sufficient space within the site to accommodate the required garden ground for three flatted properties, or the required parking spaces, in terms of compliance with policy DP2 of the adopted local plan. The planning authority can accept reductions in levels of such amenity provided where the sites are within town centres and are afforded an otherwise high level of amenity. There are two public parks in the nearby area and the site benefits from good public transport links. Given the location within a town centre with easy access to local amenities and public transport, in this instance the planning authority consider the lack of amenity space within the application site is acceptable.'

3. For the above reasons the proposed development is an overdevelopment of the site, contrary to policies STRAT2 and DEV2 of the adopted Midlothian Local Development Plan 2017.

The Midlothian Council Local Plan Policies state;

## STRAT 2 'Windfall Housing Sites'

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

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

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

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

D. it meets traffic and parking requirements; and

*E. it accords with other relevant policies and proposals, including policies IMP1, IMP2, DEV3, DEV5 - DEV10.*'

With reference to the above policy:

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- A. This is a private site, last used for storage. No loss.
- B. The site is within Loanhead town centre. The site is within a mixed-use area with predominantly residential properties to the south and west comprising either flats or terraced or semidetached properties.
- C. The front elevation is onto a public footpath and is a continuation of existing terrace, albeit with modern design / materials, some of which to relate to number 4 The Loan, i.e. dry dash render to match, wallhead dormers etc.
- D. It does not meet traffic and parking requirements, but considering its location and the precedent set, is this relevant? (see under precedent for details)

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E. Other relevant policies; *IMP1 New Development and IMP2 Essential Infrastructure Required to Enable New Development to Take Plan both identify where there are deficiencies in services, infrastructure and facilities as a result of developments that these should be resolved through those developments.*  We don't consider that policies IMP1 & IMP2 are relevant to this application. Services, infrastructure and facilities are all considered good in this area.

DEV3 Affordable and Specialist Housing. Within residential sites allocated through this Local Development Plan, 25% of the total number of homes consented will require to be affordable homes

This policy does not apply. For sites of less than 15 homes (or less than 0.5 hectares in size), no affordable housing provision will be sought.

DEV5 Sustainability in New Development states it is expected that development proposals will have regard to the following principles of sustainability: building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with other MLDP policies.

This policy is quite diverse. Consideration of sustainability is unavoidable with any development and this site is no different, where most of policy DEV5 would be incorporated.

DEV6 Layout and Design of New Development. Layout and Design of New Development

This policy is more applicable to large scale developments rather development on a restrictive gap site.

*DEV7 Landscaping in New Development.* Development proposals to be accompanied by a comprehensive scheme of landscaping.

This policy is more applicable to large scale developments rather development on a restrictive gap site.

**DEV8 Open Spaces.** The Council will seek to protect and enhance the open spaces identified on the Proposals Map.

This policy does not apply to this site.

DEV9 Open Space Standards. The Council will assess applications for new development against the open space standards.

This policy does not apply to this site.

DEV10 Outdoor Sports Facilities. The redevelopment of outdoor sports facilities for alternative uses will not be permitted.

This policy does not apply to this site.

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.

Development of this site including the conversion of garage would be an improvement to bring existing vacant site / storage space back into use by providing four residential units.

4. The lack of parking provision within the site is likely to lead to a road safety issue over inconsiderate or inadequate parking in the area.

Planning permission in principle application (16/00106/PPP) indicated three car parking spaces, note consultee response from Policy & Road Safety, Corporate Resources;

'I have no objection in principle to the application but would note that the following issues would require to be addressed at the detailed design stage: 1. The existing vehicle drop kerb on The Loan would require to be removed and replaced with standard footway.

2. If the flats have no private garden areas then secure cycle parking will be required with one space being provided for each flat.'

## Precedent

We should like to draw your attention to other recent town center applications;

<u>Ref: 17/00363/DPP</u> Change of use from Chiropodist (class 2) to dwelling house (class 9) at 61A Clerk Street, Loanhead.

Refused permission. Allowed at LRB. Local Review Body concluded;

'The proposed residential development is an acceptable use within the town centre and would bring back into use a vacant building. The sites location close to facilities, public parks and public transport will provide amenity for the future occupants to compensate for its location next to a public house and the limited size of the garden.'

<u>Ref: 17/00630/DPP</u> Change of use of office to form two dwelling houses and associated external alterations at 153 The Loan, Loanhead.

Refused permission. Currently pending with LRB.

No car parking or amenity space provided. Quote from Case officer's delegated worksheet; The proposed houses will have no private or communal outdoor space...While the Planning Authority may choose to relax the standards in certain instances, for example <u>flats in town</u> <u>centres</u>, it would generally still be expected that, as a minimum, residential properties would have space for bin storage and cycle parking

Ref: 99/00724/FUL\_Erection of 3 Flatted Dwellings at 4 The Loan, Loanhead

Granted Planning Permission

This application site is the one at the other end of the block from the application site and was approved without any amenities nor any parking as it was deemed by the Council that the proximity of this development to the town centre and the many open spaces that it was not necessary to provide them.

## **Conclusion**

This empty site within the town centre has approval for housing, the argument here is whether the development should need to provide levels of amenity that the council insist should be provided. We have demonstrated above that other developments within this town centre have been approved with less amenity than we are providing. We have also proved above that there is an inconsistent approach from The original application taken forward into this new application towards transport and amenity.

With regards to the design, we had designed the elevation frontage to match the natural stepped appearance of the existing buildings as they go up the hill. It is surely more harmful to the appearance of this frontage to go against this and make the roof level with the adjacent roof plane.

With the above in mind we ask that this refusal is overturned.

David Paton Building Consultancy 13 High Street Loanhead EH20 9RH

March 2018

## Planning Permission Town and Country Planning (Scotland) Act 1997

## Reg. No. 16/00106/PPP



David Paton Building Consultancy 13 High Street Loanhead EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr Eric Thomson, 13 High Street, Loanhead, EH20 9RH, which was registered on 7 March 2016, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Application for planning permission in principle for erection of 3 flatted dwellings at Land West Of 14 - 18 The Loan, Loanhead

In accordance with the application and the following plans:

Drawing Description.	Drawing No/Scale	<u>Dated</u>
Location Plan	16-03-L01 1:1250	07.03.2016
Site Plan	16-03-L02 1:500	07.03.2016

This permission is granted for the following reason:

The proposed development complies with policies RP20, HOUS3 and DP2 of the adopted Midlothian Local Plan. The presumption for development is not outweighed by any other material considerations.

Subject to the following conditions:

- 1. Before work commences on site, an application (or applications) for the approval of matters specified in conditions shall be submitted to and approved in writing by the Planning Authority, together with the requisite details including:
  - a) A detailed layout plan of the site, showing the siting of the proposed flatted dwellings, details of vehicular access and vehicle and cycle parking provision and bin collection areas within the site:
  - b) Detailed plans, sections and elevations of the proposed flatted dwellings, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - c) Details of all hard surfacing and kerbing;
  - d) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house; and,
  - e) Details of walls, gates, fences and other means of enclosure.

**Reason:** Permission is granted in principle only; detailed consideration is required for the siting, massing and design of the proposed flatted dwellings.

2. Prior to the new flatted dwellings being occupied, the installation of the means of drainage treatment and disposal approved in terms of condition 1d) above shall be completed to the satisfaction of the Planning Authority.

**Reason:** To ensure that the flatted dwellings are provided with adequate drainage facilities prior to occupation.

 The height of the building hereby approved, in terms of condition 1b above, shall be no higher than the adjoining building at 14-18 The Loan, Loanhead.

**Reason:** To protect the character and appearance of the surrounding area; to ensure the scale of the new building does not detract from the surrounding area.

4. The existing vehicle dropped kerb at The Loan shall be removed and replaced with a standard footway.

Reason: In the interests of road safety.

5. Prior to the commencement of development, a programme of site investigation works shall take place to confirm coal mining legacy issues at the site. This programme shall include the submission of a scheme of intrusive site investigation works to be submitted to and approved in writing by the planning authority which, if approved, shall be undertaken. A further report of findings arising from the intrusive site investigations shall be submitted along with a scheme to address any remedial works necessary to be approved in writing by the planning authority which shall then be implemented.

**Reason:** To ensure that the site is suitable for development given the previous coal workings in the area.

Dated 27 / 2 / 2017

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

## MIDLOTHIAN COUNCIL

## DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

## Planning Application Reference: 16/00106/PPP

Site Address: Land west of 14-18 The Loan, Loanhead.

**Site Description:** The application site comprises an area of ground and outbuildings. There are two storey traditional terrace buildings to the east which have stone and harled walls and a slate roof. These are in use as either commercial premises or flats on the ground floor and flats above. There is some accommodation in the roofspace, served by dormer windows. The building to the west is a two storey flatted development set back from the road. There are residential properties to the south of the site. The site is within Loanhead Town Centre.

**Proposed Development:** Application for planning permission in principle for erection of 3 flatted dwellings.

**Proposed Development Details:** The application is for planning permission in principle and so no details have been submitted of the appearance of the building. An indicative site plan has been submitted showing the footprint of the proposed building in line with the neighbouring terraced properties and with vehicular access coming from Muirfield Gardens to the rear serving 3 parking spaces.

The agent has stated that due to the change in ground levels within the site and the proposed access it is proposed that the parking area will be raised. Three two bed flats are proposed. The existing buildings on site are to be demolished.

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

Application site

01/00471/FUL Erection of replacement garage and railings. Consent with conditions.

11/00652/DPP 16 The Loan Subdivision of existing dwellinghouse to form shop and flatted dwelling. Consent with conditions.

07/00136/FUL land to rear of 12 The Loan Erection of dwellinghouse. Refused. 06/00728/FUL 7 Muirfield Gardens Change of use from public open space to private garden ground and erection of fence and gates. Permitted.

05/00932/FUL 12 The Loan Formation of two dwellings from existing flat and installation of dormer windows. Consent with conditions.

05/00645/DUL 9 The Loan Change of use from shop to dwellinghouse and associated works. Consent with conditions.

04/00689/FUL 14 The Loan Change of use from retail shop (use class 1) to financial services office (use class 2). Consent with conditions.

03/00714/FUL 10 The Loan Alterations and change of use from retail unit (class 1) to flatted dwelling. Consent with conditions.

**Consultations:** The **Coal Authority** has no objection subject to conditions being attached requiring a scheme of intrusive site investigations, their undertaking, the submission of a report of the findings as a result of these investigations, the submission of a scheme of any necessary remedial works and the implementation of those remedial works, prior to the commencement of development. The **Policy and Roads Safety Manager** has no objection subject to conditions being attached to any consent requiring the removal of the existing dropped kerb and secure cycle parking.

**Representations:** Three letters of representation have been submitted, two objecting and one neither objecting nor supporting. The objections are on the following grounds:

- No elevations have been submitted;
- The proposed building should continue the design and height of the existing buildings in the terrace;
- The proposed access is narrow and does not provide adequate space for cars to turn or pass;
- There is a drop in ground levels which will result in a ramp which will not afford visibility for the cars using it;
- Lack of parking provision;
- The demolition of walls and construction of any ramp would disrupt neighbouring properties and access to these;
- Additional car users will exacerbate road surfacing issues;
- There is no footpath access proposed, nor is there space for this;
- The removal of the walls, including retaining walls, could damage neighbouring properties;
- Disruption of parking for existing residents during construction; and
- The proposal could infringe on existing views.

The representor neither supporting nor objecting to the proposal thinks the principle of developing this brownfield site is sensible but has concerns that it will be much taller than the neighbouring buildings and the height should be carefully considered before a full application is submitted.

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

**RP20 Development Within the Built-Up Area** states that development will not be permitted within built up areas where it is likely to detract materially from the existing character or amenity of the area;

HOUS3 Windfall Housing Sites states 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, including policies IMP1, IMP2 and DP2;

SHOP1 Town Centres states that development proposals bringing about an improvement to the range and quality of retail facilities in town centres will be

considered favourably. Given the nature of the proposed development, it is not considered that this policy relates to this application;

**IMP1 New Development** advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure, community facilities and services (see list in local plan);

IMP2 Essential Infrastructure Required to Enable New Development to Take Place aims to ensure that development does not proceed until provision has been made for essential infrastructure and environmental requirements, related to the scale and impact of the proposal, imposed through planning conditions and legal agreements to secure the appropriate developer funding and the proper phasing of development; and

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

**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 site is located within the built up area of Loanhead and as such the principle of a residential development is acceptable. The site is within a mixed use area with predominantly residential properties to the south and west comprising either flats or terraced or semidetached properties. The plot is a gap site which is large enough to accommodate the footprint of development as proposed, in keeping with the other properties in this terrace.

Given that the site is within, but at the edge of, the town centre with mainly two storey properties to the west and south it would be prudent to condition that any future building be no higher than the properties at 14-18 The Loan. This would continue the scale of the existing buildings, in keeping with the character and appearance of the surrounding area, whilst limiting the impact on the amenity of the surrounding properties. Three flatted dwellings were erected at the other end of the terrace of the same scale as the terrace but with a more modern design. It would not be reasonable for the planning authority to restrict the design of the proposed flats given the mix of building designs in the area. Given the orientation of the site, it is unlikely that the proposed building would have a significant detrimental impact on the amenity or privacy of surrounding properties.

Although only an indicative site plan has been submitted, there does not appear to be sufficient space within the site to accommodate the required garden ground for three flatted properties, or the required parking spaces, in terms of compliance with policy DP2 of the adopted local plan. The planning authority can accept reductions in levels of such amenity provided where the sites are within town centres and are afforded an otherwise high level of amenity. There are two public parks in the nearby area and the site benefits from good public transport links. Given the location within a town centre with easy access to local amenities and public transport, in this instance the planning authority consider the lack of amenity space within the application site is acceptable.

As noted above, the Policy and Roads Safety Manager has no objection to the proposal. Further details of the access would be conditioned should permission be granted. The applicant has stated that the proposed parking will be raised in height to match the proposed access. There is a pedestrian path close to the proposed access.

One of the existing outbuildings forms part of the boundary wall around the site. Further details of the proposed boundary treatments will be required should permission be granted.

The following considers comments made by representors not addressed above. No elevations were required to be submitted as the application is for planning permission in principle. Should this application be granted, further detailed drawings would need to be submitted as part of an MSC application, which would be subject to neighbour notification. The loss of a view is not a material planning consideration. The condition of road surfaces is not something that can be controlled by the planning authority but rather the roads section.

## Planning Obligations

Given the scale of the development, developer contributions are required for one of the proposed residential units. The applicant has paid this through a one-off payment relating to Section 69 of the Local Government (Scotland) Act 1994, rather than entering into a Section 75 agreement, which is related to the Town and Country Planning (Scotland) Act 1997.

In relation to Midlothian Council, policies relevant to the use of such payments are set out in the 2008 Local Plan Policies 2015 Draft Midlothian Local Development Plan and Midlothian Council Developer Contributions Guidelines (Supplementary Planning Guidance) and Supplementary Planning Guidance on Affordable Housing both approved in March 2012.

This proposed development of which the principal element is the provision of three residential units has been assessed in relation to the above guidance and it is considered that a developer contribution is required in respect of the following areas;

## Non Denominational Primary School Capacity

Additional capacity is required in Loanhead as a result of residential developments and therefore developer contributions towards this will be required.

## **Denominational Secondary School Capacity**

The Midlothian- wide developer contribution requirement towards the provision of additional denominational capacity at the Dalkeith Schools Community Campus has been set at £135 per consented unit, following a previous Midlothian Council decision.

## Non Denominational Secondary School Capacity

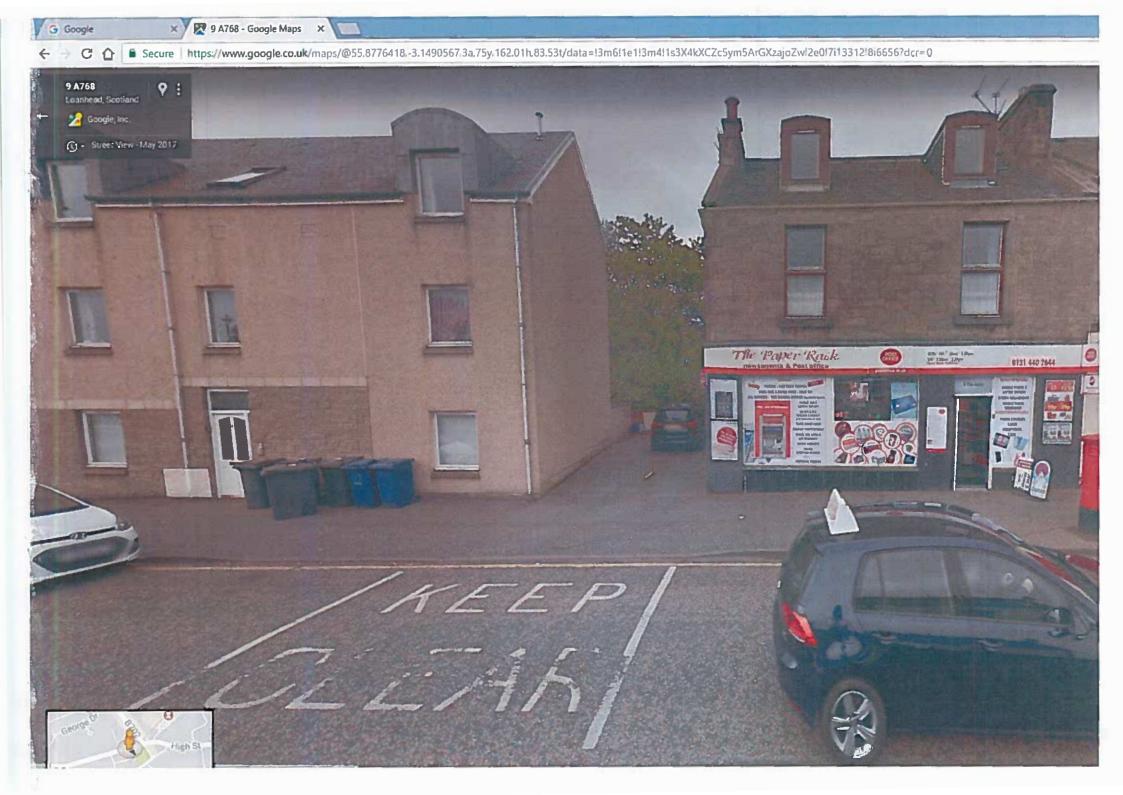
Additional capacity is required towards non denominational secondary educational provision at Lasswade High School.

## **Community Facilities**

The 2008 Local Plan requires that this development provides contributions towards community facilities within Loanhead.

## Recommendation:

Grant planning permission in principle.



## MIDLOTHIAN COUNCIL

## DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

## Planning Application Reference: 17/00930/DPP

Site Address: Land west of 14-18 The Loan, Loanhead.

**Site Description:** The application site comprises a vacant area of ground and garage. There is a change in ground levels from the front to the rear of the site, with the garage on a lower level. There are two storey traditional terrace buildings to the east, with stone and harled walls and a slate roof. These are either commercial premises or flats on the ground floor and flats above, with some accommodation in the roofspace served by dormer windows. There is a two storey flatted development set back from the road to the west and residential properties to the south. The site is within Loanhead Town Centre.

**Proposed Development:** Erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows.

**Proposed Development Details:** A three storey building is proposed facing The Loan, following the building line of the adjacent buildings. The building is slightly higher than the adjacent buildings, with dormer windows rising from the wallhead. The walls are to be dry dash render and brick, with cement rooftiles. The garage is to remain largely as existing, with the existing rooflight replaced and windows fitted into the existing door opening, with timber cladding infill below. All window and doors are to be white uPVC. Due to the change in ground levels from The Loan to the rear of the site, a retaining wall is proposed by the pedestrian access to the converted garage.

The applicant has submitted a design and access statement explaining the rationale of the proposal. The wall to The Loan is to be removed, with pedestrian access from Muirfield Gardens to the rear. No parking spaces are proposed.

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

Application site

16/00106/PPP Application for planning permission in principle for erection of 3 flatted dwellings. Consent with conditions – standard PPP conditions, restriction on the height of the buildings to match adjoining building and coal information. 01/00471/FUL Erection of replacement garage and railings. Consent with conditions.

11/00652/DPP 16 The Loan Subdivision of existing dwellinghouse to form shop and flatted dwelling. Consent with conditions.

07/00136/FUL land to rear of 12 The Loan Erection of dwellinghouse. Refused. 06/00728/FUL 7 Muirfield Gardens Change of use from public open space to private garden ground and erection of fence and gates. Permitted.

05/00932/FUL 12 The Loan Formation of two dwellings from existing flat and installation of dormer windows. Consent with conditions.

05/00645/DUL 9 The Loan Change of use from shop to dwellinghouse and associated works. Consent with conditions.

04/00689/FUL 14 The Loan Change of use from retail shop (use class 1) to financial services office (use class 2). Consent with conditions.

03/00714/FUL 10 The Loan Alterations and change of use from retail unit (class 1) to flatted dwelling. Consent with conditions.

## **Consultations:**

The **Policy and Road Safety Manager** has no objection to the principle of development, however they state there is no parking proposed. The lack of parking would place additional pressure on the limited number of on-street parking available and may lead to inconsiderate or illegal parking to the detriment of road safety in the area. For these reasons they recommend refusal.

The Loanhead and District Community Council object due to the lack of parking proposed, with unsuitable on street parking.

The **Coal Authority** has no objection subject to conditions being attached requiring a scheme of intrusive site investigations, their undertaking, the submission of a report of the findings as a result of these investigations, the submission of a scheme of any necessary remedial works and the implementation of those remedial works, prior to the commencement of development.

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

- poor site access and damaged roads;
- lack of parking;
- difficulty for emergency vehicles access;
- access to the driveway of a blue badge holder;
- disturbance during construction; and
- queries how long development would take.

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;

**DEV5 Sustainability in New Development** states it is expected that development proposals will have regard to the following principles of sustainability: building in

harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with other MLDP policies;

**DEV6 Layout and Design of New Development** states good design and a high quality of architecture will be required in the overall layout of development proposals. There is guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking; **TCR1 Town Centres** states proposals for retail, commercial leisure development or other uses which will attract significant numbers of people, will be supported in Midlothian's town centres, provided their scale and function is consistent with the town centre's role, as set out in the network of centres and subject to the amenity of neighbouring uses being preserved. The conversion of ground level retail space to residential uses will not be permitted. Residential units at ground floor level in retail units will not be permitted but the conversion of upper floors to housing and the formation of new residential space above ground-level structures in town centres is supported; and

IMP1 New Development and IMP2 Essential Infrastructure Required to Enable New Development to Take Plan both identify where there are deficiencies in services, infrastructure and facilities as a result of developments that these should be resolved through those developments.

**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 site is located within the built up area and as such the principle of residential development is acceptable. The site is within a mixed use area with predominantly residential properties to the south and west comprising either flats or terraced or semidetached properties. The proposed flats are in the area indicated for development in the previous approval at the site, which is acceptable in principle. The previous permission restricted the height of the flats to match the adjoining building to protect the character and appearance of the surrounding area and to ensure the scale of the building does not detract from this. The adjoining building is of traditional design and proportions.

The proposed building is to be slightly higher than the adjoining, with higher eaves and dormer windows rising from the wallhead. This has a somewhat bulky appearance, with unusual proportions that do not relate to the adjoining building. The proposed flats will adjoin this traditional building which will exacerbate the bulk of the dormer windows and proportions and be at odds with the buildings in the immediate area. There is to be a horizontal subdivision of materials between the ground and first floors with brick at lower level and harling about. Not only would this material treatment exacerbate the bulk of the building by giving a more horizontal than vertical emphasis, it also includes the use of brick which is not a material which is used on any buildings facing onto The Loan in the surrounding area, although it is acknowledged that this relates the building to the outbuilding.

The design of the flats is similar to another block of flats situated to the other side of this row of buildings. This has dormers rising from the wallhead and unusual proportions, resulting in a relatively bulky building. However there is a degree of separation between that building and the traditional properties as it is detached. This separation makes it read as a standalone building which limits the visual impact on the traditional row.

The design of the proposed flats would be of a scale, design and bulk which would have a detrimental impact on the character and appearance of the surrounding area and result in a building which is incongruous in the surrounding area. The approach is neither traditional to reflect the adjoining building, nor of high quality contemporary design to allow support.

It is possible that a building which matches the proportions, height, roof pitch and eaves of the adjoining building may be appropriate. This could either be of a fully traditional design to reflect the adjoining building, or a more modern, contemporary approach whilst respecting the scale and form of the buildings in the area. Dormer windows fully within the roofspace could be acceptable. Given that the adjoining roof is finished in slate, should permission be granted it would be appropriate for the proposed roof to match.

The proposed change of use of the garage to a residential unit is acceptable in principle, given the uses in the surrounding area. The proposed alterations are in keeping with the character of the existing building and would be unlikely to result in any significant overlooking issues. Should permission be granted, it would be prudent to remove permitted development rights to restrict any new openings which may impact the privacy of the occupant or surrounding properties.

However notwithstanding the above, the combination of the provision of three flatted dwellings and the change of use of the garage raises strong concerns to the Planning Authority over the amount of amenity offered to the occupants. Residential properties require adequate amenity space and only 162 square metres is provided for four dwellings. No cross sections have been submitted so it is not clear how the change in levels is to be dealt with or how this would affect the provided amenity space.

A development of this size would require eight parking spaces and cycle parking, though none have been provided. The lack of parking has been raised as a concern by the Policy and Road Safety Manager, the Community Council and local residents, due to the limited parking in the area and over road safety issues.

In some cases the Planning Authority can accept reductions in levels of amenity, for example car parking and amenity ground, where sites are within town centres and are afforded an otherwise high level of amenity. The Planning Authority has already accepted a reduction in the required standards in the previous permission where three parking spaces were proposed and limited garden ground. It is now proposed

to retain the garage, which was to be removed in the previous proposal to offer more room within the site, and turn this into another residential unit. This would further reduce the amenity offered to the occupants and appears as overdevelopment given the low standard of amenity provided.

Overall, the Planning Authority are supportive of some form of development at the site, however the current proposal is considered to be overdevelopment and out of keeping with the surrounding area, to the detriment of its character, appearance and amenity.

Recommendation: Refuse planning permission.

## **Refusal of Planning Permission**

Town and Country Planning (Scotland) Act 1997



## Reg. No. 17/00930/DPP

David Paton Building Consultancy 13 High Street Loanhead EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr Bryan Campbell, 13 High Street, Loanhead, EH20 9RH, which was registered on 4 December 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows at Land West Of 14 - 18 The Loan, Loanhead

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

Document/Drawing.	Drawing No/Scale	Dated
Location Plan, Site Plan	17-36-EX1 1:1250 1:100	04.12.2017
Floor Plan, Elevations	17-36-EX2 1:100 1:50	04.12.2017
Floor Plan, Elevations	17-36-PL01 1:100 1:50	04.12.2017
Floor Plan, Elevations	17-36-PL02 1:100 1:50	04.12.2017
Design and Access Statement		04.12.2017

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

- 1. The design, proportions and subdivision of materials of the proposed flatted dwellings result in an incongruous building which would have a detrimental impact on the character and appearance of the surrounding area.
- 2. The proposed development would result in a low standard of amenity for future occupants as inadequate amenity space and parking is provided.
- 3. For the above reasons the proposed development is an overdevelopment of the site, contrary to policies STRAT2 and DEV2 of the adopted Midlothian Local Development Plan 2017.
- 4. The lack of parking provision within the site is likely to lead to a road safety issue over inconsiderate or inadequate parking in the area.

Dated 19 / 2 / 2018



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

## Appendix E

