

# Notice of meeting and agenda



## Local Review Body

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

**Date:** Tuesday, 07 June 2016

**Time:** 14:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: [mike.broadway@midlothian.gov.uk](mailto:mike.broadway@midlothian.gov.uk)

**Further Information:**

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

**Audio Recording Notice:** Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

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## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declarations of Interest**

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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 Minutes of Previous Meeting**

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- |            |   |               |
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| <b>4.1</b> | Minutes of Meeting held on 26 April 2016 - For Approval | <b>3 - 10</b> |
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## **5 Public Reports**

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Decision Notices -

- |            |   |                |
|------------|---|----------------|
| <b>5.1</b> | Land at 22 Tipperwell Way, Howgate 15_00794_DPP | <b>11 - 14</b> |
|------------|---|----------------|

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| <b>5.2</b> | Land at Rosebank North Cottage, Roslin 15_00948_DPP | <b>15 - 18</b> |
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Notice of Review Requests Considered for the First Time – Reports by Head of Communities and Economy:-

- |            |  |                |
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| <b>5.3</b> | Land West of Springfield House, Lasswade 15.00994.DPP - Determination Report | <b>19 - 64</b> |
|------------|--|----------------|

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| <b>5.4</b> | Land at Gourlaw Farm, Rosewell 15.00939.DPP - Determination Report | <b>65 - 92</b> |
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| <b>5.5</b> | 1 Galadale Drive, Newtongrange 16.00044.DPP - Determination Report | <b>93 - 126</b> |
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| <b>5.6</b> | Cherrytrees, Fala, Bonnyrigg 15.00995.DPP - Determination Report | <b>127 - 232</b> |
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## **6 Private Reports**

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No private reports to be discussed at this meeting.

Plans and papers relating to the applications on this agenda can also be viewed online at [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

# Minute of Meeting



## Local Review Body

Date	Time	Venue
26 April 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor de Vink
Councillor Imrie	Councillor Milligan
Councillor Rosie	

## 1 Apologies

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Apologies received from Councillors Bennett, Constable and Montgomery.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 8 March 2016 were submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – St Mary's Lodge, Rosewell [15/00767/DPP]	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 8 March 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Dr L Collins, Capielaw Cottage, Rosewell, seeking a review of the decision of the Planning Authority to refuse planning permission (15/00767/DPP, refused on 12 November 2015) for the erection of an extension to dwellinghouse at St Mary's Lodge, Rosewell and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

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Agenda No	Report Title	Presented by:
5.2	Decision Notice – 42 Station Road, Roslin [15/00762/DPP]	Peter Arnsdorf



### Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 8 March 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Bergmark Architects, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr A Cormack, a review of the decision of the Planning Authority to refuse planning permission (15/00762/DPP, refused on 30 October 2015) for the erection of an extension to dwellinghouse at 42 Station Road, Roslin and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 4 Newmills Road, Dalkeith [15/00740/DPP]	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 8 March 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Hardies Property and Construction Consultants, London House, 20-22 East London Street, Edinburgh, seeking on behalf of their client Ms S Ballantyne, a review of the decision of the Planning Authority to refuse planning permission (15/00740/DPP, refused on 26 October 2015) for the change of use from office (class 4) to residential (class 9) at 4 Newmills Road, Dalkeith and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

### Eligibility to Participate in Debate

In considering the following item of business, only those LRB Members who had attended the site visits on 18 January 2016 and had attended the subsequent LRB meeting on 19 January 2016 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie Imrie and Rosie.

Councillors de Vink and Milligan whilst present during the debate had been unable to attend the site visit/previous meeting and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered at a Previous Meeting – Shewington, Rosewell [15/00158/DPP]	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 4 of the Minutes of 19 January 2016, there was submitted report, dated 19 April 2016, by the Head of Communities and Economy providing an update regarding the review request from Mainstream Renewable Power, 2 West Regent Street, Glasgow, on behalf of their clients Neart na Gaoithe Offshore Wind Ltd, for the formation of a temporary test piling facility, associated car parking, access road and buildings at Shewington, Rosewell.

The report reminded Members that the LRB had agreed to uphold the review request and where minded to grant planning permission, subject to suitable conditions, and also evidence of the provision of a suitable bond to cover any damage that might be caused as a result of the works.

The report detailed the proposed conditions and advised that with the exception of the condition relating to the restoration of the site, the applicants were in general agreement with them.

In addition, the report also advised that the applicants had stated that they were “not in a position to offer financial security” prior to the issuing of consent and that the “internal governance” of the applicant was such that consent with conditions was required to initiate the work necessary to secure restoration funds. They had suggested that in place of a bond/bank guarantee that a condition be attached to the consent to secure restoration funds prior to development commencing.

#### Summary of Discussion

Having heard from the Planning Adviser, the LRB discussed the position that had been reached giving particular consideration to the concerns that had belatedly been raised by SEPA and the weight that should be given to them and also to the issue of the lack of the required bond/bank guarantee.

In this particular instance, the LRB acknowledged the concerns being raised by SEPA regarding the proximity of the reservoir to the proposed development, but felt that this issue had already been taken into account in determined the review, however given SEPA’s position as a statutory consultee on planning matters, it was agreed to seek further clarification on the matter.

With regards the issue of the bond/bank guarantee, as this had been put in place to safeguard the local residents, the LRB were firmly of the view that the proposed development could not proceed until this had been put in place.

After further discussion, the LRB acceded to a request from Councillor Beattie that her motion to dismiss the review request and refuse planning permission for the reasons outlined in the planning officers decision on the basis that the applicant had not secured a bond/bank guarantee to mitigate the potential impact of the proposed development, which had failed to find a seconder and had thereby fallen, be recorded in the minutes.

#### Decision

Thereafter, the LRB agreed to

- (a) defer the review and reinforce the LRB's original decision only to grant planning permission if a bond/bank guarantee to mitigate the potential impact of the proposed development was secured and that the review be held in abeyance until such time as a bond/bank guarantee had been agreed; and
- (b) seek clarification of the procedural options available when additional information was received.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Notice of Review Requests Considered for the First Time – (a) Land at 22 Tipperwell Way, Howgate, Penicuik [15/00794/DPP]	Peter Arnsdorf

#### Executive Summary of Report

There was submitted report, dated 19 April 2016, by the Head of Communities and Economy regarding an application from Mrs Hilary Larkins, 22 Tipperwell Way, Howgate, Penicuik seeking, a review of the decision of the Planning Authority to refuse planning permission (15/00794/DPP, refused on 26 November 2015) for the change of use from agricultural land to private garden ground (retrospective) at land north of 22 Tipperwell Way, Howgate, 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 Monday 25 April 2016.

### Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, the LRB acknowledged concerns regarding the potential impact of overlooking on the neighbouring properties but were of the view that the measures proposed by the applicant should help to mitigate matters. In addition, if the boundaries were realigned to match the existing boundaries between the adjoining properties then this would also assist in addressing any issues of overlooking.

### Decision

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

*The proposed development does not undermine the aims and objectives of the countryside subject to appropriate conditions to mitigate the potential impact of overlooking on the neighbouring properties.*

subject to the following conditions:-

1. Within 3 months of this grant of planning permission:
  - i) The northeast boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 23 Tipperwell Way;
  - ii) The southwest boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 21 Tipperwell Way;
  - iii) The northwest boundary fence shall be reduced in length to align with the new positions of the northeast and southwest fences as stated in i and ii above; and
  - iv) No additional fencing shall be erected (with the exception of i – iii) unless otherwise approved in writing by the planning authority.

**Reason:** *To safeguard the amenity of neighbouring properties*

2. Within 3 months of this grant of planning permission details of a scheme of tree planting shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include the location, species and size of trees proposed to mitigate the potential impact of overlooking of neighbouring properties and to soften the impact of the development into the landscape. A programme for completion and subsequent maintenance shall also be submitted. The tree planting shall be carried out in accordance with the scheme approved in writing by the planning authority. Thereafter any trees removed, dying, becoming seriously diseased or damaged shall be replaced in the following planting season by trees of a similar species to those originally required.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and protect the amenity of neighbouring properties.*

**Action**

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	(b) Land at Rosebank North Cottage, Roslin [15/00948/DPP]	Peter Arnsdorf

**Executive Summary of Report**

There was submitted report, dated 19 April 2016, by the Head of Communities and Economy regarding an application from Ms Fiona Macaulay, Rosebank Cottage, Chapel Loan, Roslin seeking a review of the decision of the Planning Authority to refuse planning permission (15/00948/DPP, refused on 8 February 2016) for the demolition of derelict outbuildings and erection of replacement outbuilding at Land at Rosebank North Cottage, Roslin.

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 Monday 25 April 2016.

**Summary of Discussion**

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, the LRB expressed concern that the application site although adjacent to the applicant's property, was not within their ownership, and therefore did not form part of their garden ground or planning unit. Although a legal agreement did appear to exist between the landowners and the applicant, how robust it was, was not very clear and it only appeared to last for a year. What was not in dispute, however, was the unkempt state of the application site and surrounding land, which the LRB felt would benefit greatly from some attention.

**Decision**

To agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed development by means of its size, design and location does not distract from its rural location and as such could be supported.*

subject to the following conditions:-

1. Prior to the commencement of development, details and samples of the proposed external materials of the outbuilding shall be submitted to and approved by the Planning Authority. The development shall comprise all natural materials which are sympathetic to its rural setting.

**Reason:** *These details were not submitted with the original application: to ensure that the development is in keeping with and does not detract from the surrounding countryside, Green Belt, Area of Great Landscape Value, Conservation Area and listed building.*

In reaching this decision, the LRB also agreed to requested that the land was tidied up and that any disused materials, paraphernalia or articles stored on the site in association with the neighbouring residential use were removed. In addition, it should also be made clear to the applicant that the proposed building could only be used for agricultural/horticultural purposes as per the permitted land use of the site. A separate planning application would be required to use the land for any other purposes associated with, or incidental to, Rosebank North Cottage.

<b>Action</b>
Head of Communities and Economy

The meeting terminated at 2.56pm.

## Local Review Body: Review of Planning Application Reg. No. 15/00794/DPP

Mrs Hilary Larkins  
22 Tipperwell Way  
Howgate  
Midlothian  
EH26 8QP

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Hilary Larkins, 22 Tipperwell Way, Howgate, Midlothian, EH26 8QP which was registered on 25 February 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from agricultural land to private garden ground (retrospective) at Land North Of 22 Tipperwell Way, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PDR71585 1:1250	02.10.2015
Illustration/Photograph		02.10.2015

Subject to the following condition:

1. Within 3 months of this grant of planning permission:
  - i) The northeast boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 23 Tipperwell Way;
  - ii) The southwest boundary fence shall be removed and reinstated in alignment with the existing boundary between 22 and 21 Tipperwell Way;
  - iii) The northwest boundary fence shall be reduced in length to align with the new positions of the northeast and southwest fences as stated in i and ii above; and
  - iv) No additional fencing shall be erected (with the exception of i – iii) unless otherwise approved in writing by the planning authority.

**Reason:** *To safeguard the amenity of neighbouring properties*

2. Within 3 months of this grant of planning permission details of a scheme of tree planting shall be submitted to and approved in writing by the planning authority. Details of the scheme shall include the location, species and size of trees proposed to mitigate the potential impact of overlooking of neighbouring properties and to soften the impact of the development into the landscape. A programme for completion and subsequent maintenance shall also be submitted. The tree planting shall be carried out in accordance with the scheme approved in writing by the planning authority. Thereafter any trees removed, dying, becoming seriously diseased or damaged shall be replaced in the following planting season by trees of a similar species to those originally required.

***Reason:*** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and protect the amenity of neighbouring properties.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 26 April 2016. The LRB carried out an unaccompanied site visit on the 25 April 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The individual circumstances of the site.
2. The potential impact of the proposed development on neighbouring properties.

In determining the review the LRB concluded:

The proposed development does not undermine the aims and objectives of the countryside subject to appropriate conditions to mitigate the potential impact of overlooking on the neighbouring properties.

Dated: 26/04/2016

Councillor J Bryant  
Chair of the Local Review Body  
Midlothian Council



## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*



## Local Review Body: Review of Planning Application Reg. No. 15/00948/DPP

Ms Fiona Macaulay  
Rosebank Cottage  
Chapel Loan  
Roslin  
EH25 9PU

Midlothian Council, as Planning Authority, having considered the review of the application by Ms Fiona Macaulay, Rosebank Cottage, Chapel Loan, Roslin, EH25 9PU, which was registered on 22 March 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Demolition of derelict outbuilding and erection of replacement outbuilding at land to the rear of Rosebank North Cottage, Roslin, EH25 9PU**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed elevations		08.12.2015
Proposed floor plan		08.12.2015
Roof Plan		08.12.2015

Subject to the following condition:

1. Prior to the commencement of development, details and samples of the proposed external materials of the outbuilding shall be submitted to and approved by the Planning Authority. The development shall comprise all natural materials which are sympathetic to its rural setting.

**Reason:** *These details were not submitted with the original application: to ensure that the development is in keeping with and does not detract from the*

*surrounding countryside, Green Belt, Area of Great Landscape Value, Conservation Area and listed building.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 26 April 2016. The LRB carried out an unaccompanied site visit on the 25 April 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP4 Midlothian Local Plan – Prime Agricultural Land
4. RP6 Midlothian Local Plan – Areas of Great Landscape Value
5. RP22 Midlothian Local Plan – Conservation Areas
6. RP24 Midlothian Local Plan – Listed Buildings

Material Considerations:

1. The individual circumstances of the site.

In determining the review the LRB concluded:

The proposed development by means of its size, design and location does not distract from its rural location and as such could be supported.

Dated: 26/04/2016

Councillor J Bryant  
Chair of the Local Review Body  
Midlothian Council

## IMPORTANT NOTE

In granting planning permission the Local Review Body expressed concern with regard the unkempt state of the site and the land in close proximity of the application site. The LRB have requested that the land is tidied up. Please ensure any disused materials are removed from the site and any paraphernalia and miscellaneous articles stored on the site in association with the neighbouring residential use are removed from the land.

Furthermore the grant of planning permission is for the erection of a new building subject to a stated condition. The proposed building can be used for agricultural/horticultural purposes as per the permitted land use of the site. It is not a grant of planning permission to change the use of the building/land to a residential/garden use associated with the neighbouring dwellinghouse. A separate planning application is required to use the land for an office/studio or other purposes associated with, or incidental to, Rosebank North Cottage.

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*

## **Notice of Review: Land West of Springfield House, Lasswade 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 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade.

### **2 Background**

- 2.1 Planning application 15/00994/DPP for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade was refused planning permission on 17 February 2016; 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 advisor notes, issued on 17 February 2016 (Appendix D); and
  - Copies 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](http://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 an accompanied site visit for Monday 6 June 2016; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that four consultation responses and 14 representations (13 objections and one support) have been received. As part of the review process the interested parties were notified of the review. Three additional comments have been received, reinforcing their objection to the application. All the comments can be viewed online on the electronic planning application case file via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).
- 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 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i. existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;



- ii. existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii. boundary planting along the external boundaries of the application site;
- iv. location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v. schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi. programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii. drainage details and sustainable urban drainage systems to manage water runoff; and
- viii. proposed car park configuration and surfacing.

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

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.*

- 2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Unless otherwise agreed the wall finish materials shall be natural stone and smooth render and the roof material shall be natural slate. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP1 and DP1 of the Midlothian Local Plan and national planning guidance and advice.*

- 3. Development shall not begin, including the demolition of any existing buildings, until:
  - i. an ecological report, including a bat assessment (to identify the potential for roosting bats) has been undertaken by a qualified ecologist and any mitigation measures identified are implemented in accordance with details to be submitted and approved in writing by the planning authority; and

- ii. a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development.

***Reason:** In the interests of safeguarding and enhancing biodiversity to reflect the sites location in the countryside, green belt, Area of Great Landscape Value and adjacent to a conservation area.*

- 5.2** If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision, the Borders Railway and children's play provision. The legal agreement shall be concluded prior to the issuing of the LRB decision.

## **6 Recommendations**

- 6.1** It is recommended that the LRB:

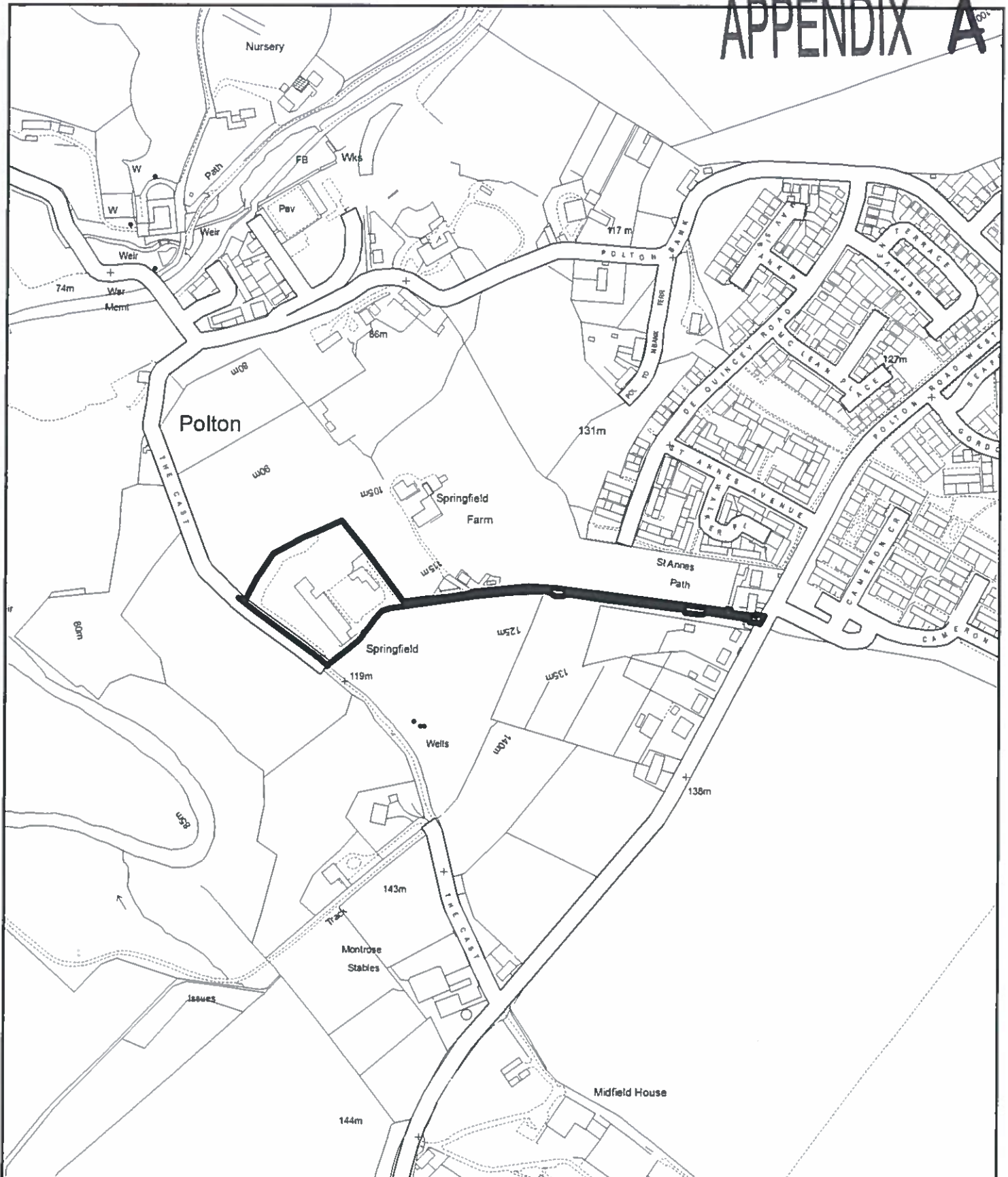
- a) determine the review; and
- b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 31 May 2016

**Report Contact:** Peter Arnsdorf, Development Management Manager  
peter.arnsdorf@midlothian.gov.uk

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 15/00994/DPP available for inspection online.



**Midlothian**

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

**Erection of 5 dwellinghouses; formation of access road  
and associated works at Land West Of Springfield House,  
Lasswade**

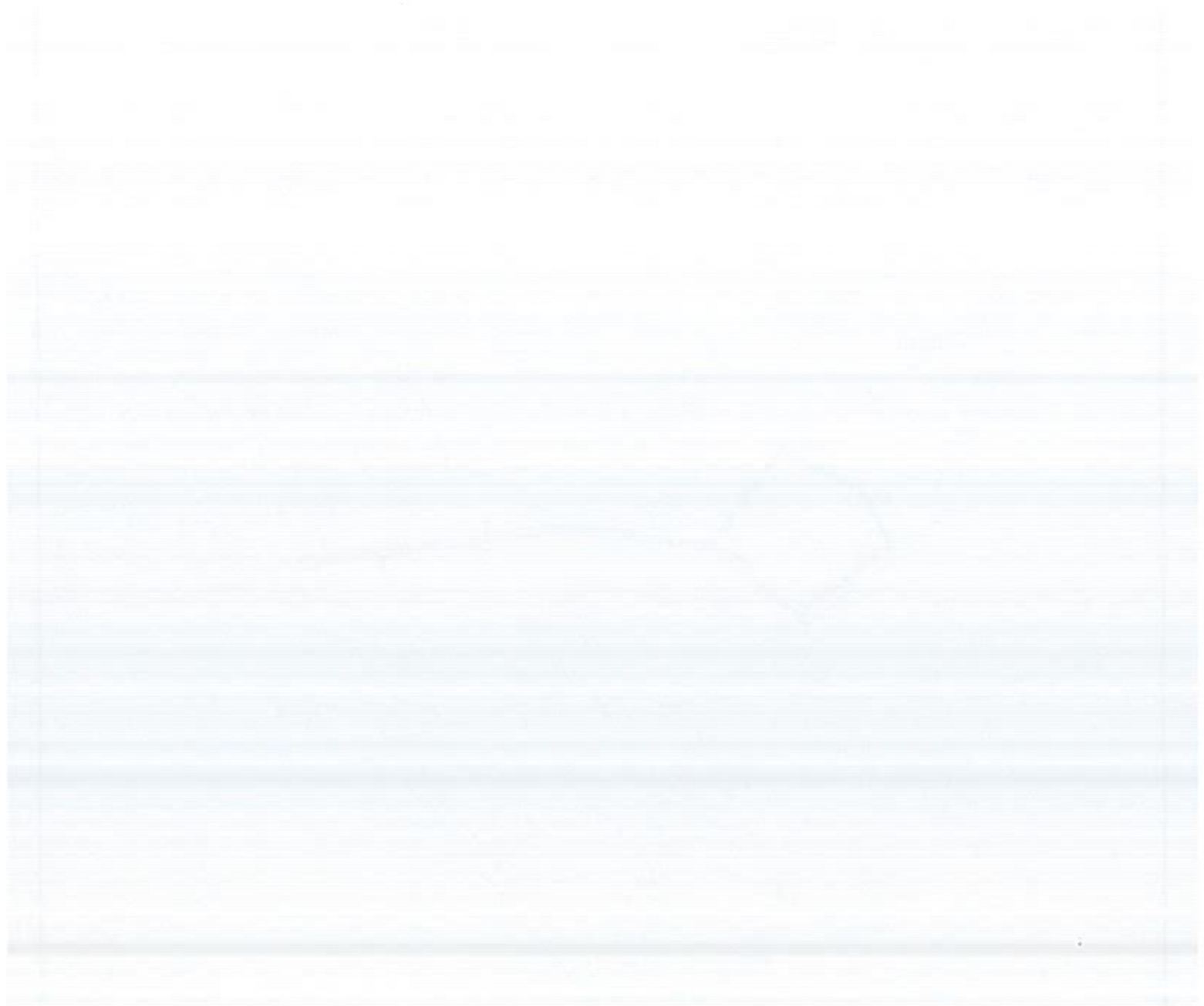
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Midlothian Council Licence No. 100023416 (2016)

**File No. 15/00994/DPP**

**Scale: 1:5,000**





Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100006265-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: apt planning & development ltd.

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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:	
First Name: *	John	Building Number:	6
Last Name: *	Lessels	Address 1 (Street): *	High Street
Company/Organisation	c/o apt planning & development ltd.	Address 2:	
Telephone Number: *	01620870371	Town/City: *	East Linton
Extension Number:		Country: *	United Kingdom
Mobile Number:	07747 780 852	Postcode: *	EH40 3AB
Fax Number:			
Email Address: *	tony@apt-plandevlop.co.uk		

## Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	JOHN LESSEL'S LANDSCAPING
Address 2:	SPRINGFIELD
Address 3:	POLTON
Address 4:	
Address 5:	
Town/City/Settlement:	BONNYRIGG
Post Code:	LASSWADE

Please identify/describe the location of the site or sites

--	--

Northing

664508

Easting

329002

## 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 5 dwellinghouses, formation of access road and associated works on land west of Springfield House, Lasswade.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see Supporting Document.

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

☐ Yes ☒ No

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

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

apt037 - App15-00994-DPP - Local Review Body Support Statement - March 2016

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00994/DPP

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

22/12/2015

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

17/02/2016

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

This is the second application for a similar proposal at Springfield House (the first was withdrawn in June 2015). We feel that the circumstances of the application warrant detailed and specific consideration, and this may require a hearing to better understand and debate these key issues.

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

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

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

The site currently accommodates an existing landscape contracting business. Access will have to be agreed in advance.



## 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 Tony Thomas

Declaration Date: 22/03/2016





# Review Statement

On behalf of

**Mr John Lessels**

**Application Reference: 15/00944/DPP**

***Erection of 5 dwellinghouses; formation of  
access road and associated work***

**Land West Of Springfield House, Lasswade.**

**March 2016**

apt planning &  
development

**6 High Street  
East Linton  
East Lothian  
EH40 3AB**

**Tel: 01620 870 371**

**[tony@apt-plandevelop.co.uk](mailto:tony@apt-plandevelop.co.uk)**

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**Midlothian Local Review Body - Support Statement**  
**Application 15/00994/DPP**

**Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,**

**Introduction**

1. apt planning & development has prepared this Review Statement on behalf of Mr John Lessels with regards to application 15/00994/DPP seeking planning permission for the erection of 5 new homes on the site of the existing storage yard, previously the site of a now disused and derelict piggery, at Springfield House. The application was refused via delegated powers on 17<sup>th</sup> February 2016.
2. Mr Lessels feels strongly that the reasons for refusal (and Officers Report) takes a very inflexible and overly restrictive approach to this application and specifically the implications of development in the Green Belt and Area of Great Landscape Value and that when put in its correct context, the application should have been granted planning permission. Consequently, we are lodging this Notice of Review and supporting statement seeking a Local Review of the merits of the application and initial decision reached.
3. Application 15/00994/DPP was lodged following an earlier application (14/00939/DPP) that was withdrawn in June 2015. This application was subsequently refused on 17<sup>th</sup> February 2016.





### Site Description

4. The application site lies adjacent to the existing Springfield House and is currently used as a storage yard for John Lessels Landscaping Ltd. (as per planning permission 05/00694/CL).
5. The site is well contained from the south, west and east by the natural rising landform. The proposed redevelopment would consist of a high quality rural steading conversion and be beneficial to the character and appearance of this site in its immediate context.
6. From the north, there are distant views of the site across the North Esk River Valley though any redevelopment of the appeal site would be viewed in a far wider context. The only impact the change would have would be beneficial. Existing and proposed landscaping further obscures views into and out of the site.
7. The site is surrounded by farmland except to the east where it shares its boundary with Springfield House which itself comprises the last remnants of a much larger house that stood on the site.
8. The original Springfield House was destroyed by fire in the mid-20<sup>th</sup> Century and extended to include much of the application site that later became the piggery – this is a genuine brownfield opportunity.

### Existing site photos





### Site History

9. The application site was formerly part of the original Springfield House, a large country house, substantially destroyed by fire in the mid-20<sup>th</sup> Century. It was a commercial piggery from 1948 until the 1970's with the landscape business being established on-site since 1979. This 'use' was confirmed by planning permission 05/00694/CL.

**Midlothian Local Review Body - Support Statement**  
**Application 15/00994/DPP**

**Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,**

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10. Due to the current state of disrepair, their general inappropriateness, size and shape, the former piggery buildings are not used by John Lessels Landscaping. It is the 'curtilage' of the former piggery that is used for the storage of materials, plant, machinery and vehicles associated with the permitted use.
11. Following a series of meetings with Midlothian Council, at which the principle and detail of the application was **discussed at length and agreed**, application 14/00939/DPP was lodged in December 2014. However we were notified of a change of case officer in early February 2015 and it became clear that the application no longer had the benefit of officer support. Consequently, and having considered our position, the application was withdrawn on the 2<sup>nd</sup> June 2015. This application is very similar to the previous application and follows further meetings with Midlothian Council.

### **Proposed Development**

12. The site lies in the Edinburgh Green Belt. It is accepted that a well-designed residential development would be a significant improvement in terms of the site's impact on and contribution to the Green Belt. Following on from the previous application, and following ongoing dialogue with Midlothian Council, **there is no dispute over the proposed layout and design of these proposals.**
13. The application promotes a limited development of **five steading style homes**, arranged around a central courtyard area and using traditional and high-quality design language and materials.
14. The northern part of the site will be returned to an area of open space or paddock, greatly improving the character and appearance of the site and the impact it has on the surrounding landscape and potentially benefitting residents who may wish to keep a horse in the adjacent field, encouraging country living and access to the countryside. The ability to live in such a location and to be able to accommodate a horse on adjacent land is difficult to achieve across the Lothian's.
15. Access will be from the existing private road into the site which currently accommodates staff and commercial vehicles associated with the landscaping business as well as the residents of Springfield House. The Council accepts that the access is appropriate and that there may well be benefits from a reduction in the volume of traffic and the type of vehicles typically using the access drive. The appellant owns land either side of the access road, and should it be deemed necessary has the ability to add passing places. To date this has not been deemed necessary.
16. The residential development will result in a **significantly reduced use of the access road.** Furthermore there are no restrictions in any potential expansion of the existing business, which would result in increased impacts on road safety and residential amenity.



17. The landscape business uses six commercial vehicles with additional plant trailers, large tractors and trailers (approximately a combined 20 tons) and three private cars. These vehicles are directly attached to the business and can be coming-and-going frequently throughout the day (not simply a case of leaving to go to a job in the morning and returning later in the afternoon).
18. On any given day there are twelve employee vehicles – arriving/departing as well as occasional lunchtime departures and arrivals.
19. Additional traffic will include visitors to and from the office as well as heavy goods vehicles making deliveries and collections.
20. This current pattern of use is **unrestricted** and could be **intensified** either as a consequence of a different business taking on the site (within the terms of the planning permission) or if the landscaping business expanded.
21. Beyond the construction of the five houses proposed, the development would generate trips from approximately 10 private vehicles only (and assuming each house has 2 cars) a vast reduction in the intensity of the use both in terms of frequency and especially the type of vehicles involved. We would estimate that the current use of the road leads to at least 60 vehicle trips per day involving a wide range of private and commercial vehicles (about half being private trips to and from work).
22. The knock-on effect of this is that the access on to Polton Road West will be used far less frequently than at present and by smaller vehicles.
23. The resulting design, layout and day-to-day use of the site will have a **materially positive impact on the Green Belt and the surrounding area**, offering a high quality and attractive development of four-bedroom homes adding variety to the housing market in the vicinity.

#### **Application 15/00994/DPP**

24. **apt planning & development** Ltd. lodged application 15/00994/FUL on 22<sup>nd</sup> December 2015. The two month statutory target determination period ended in February 2016 and the application was refused through delegated powers on 17<sup>th</sup> February 2016. There are three reasons for refusal (see below) and we shall comment on each in turn.



**Reason 1**

*The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.*

25. Policy RP1 (*Protection of the Countryside*) has a restrictive approach to new homes in the countryside. Again we cannot conform with Criteria 'A' to 'C' though we would contend that the development would accord with criteria 'B' to 'E' that follow in that the development will be; of an appropriate scale and character; be well integrated into its surroundings (and especially when compared to the current situation); does not involve the loss of high quality agricultural land; and is at an accessible location (with public transport services on Polton Road West).
26. Policy RP2 (*Protection of the Green Belt*) - the proposals cannot accord with criteria 'A' to 'D'. We maintain our position that **this proposal warrants an exception to the policy** in significantly improving the appearance and amenity of the site. It would reduce impacts on neighbouring land and residents as well as Polton Road West and the surrounding road network through the introduction of a less intensive use.
27. In assessing the proposals against Policy RP1 and RP2 we have always acknowledged that the proposals do not strictly adhere to each policy but that the **specific circumstances of these proposals warrant an exception to policy** and that the development would be a significant improvement in the character and appearance of existing site being far more compatible with surrounding uses.
28. The proposals represent the **redevelopment of a previously developed site** and a site that currently detracts from the surrounding area (countryside/green belt) with the continued operation of what is essentially a non-confirming use in the Green Belt.
29. **Housing per se is not a non-conforming use**, homes exist throughout Green Belts. It is the development of new homes that, in normal circumstances, tends to be resisted.
30. However this application represents the opportunity to replace a use that detracts from the area with a new development that, in comparison with the current situation, would significantly enhance the location with a high-quality and appropriate residential development.
31. In this regard the proposals would conform with **DP1 Development in the Countryside, Section 1.3.....Other Redundant Non-Residential Buildings in the Countryside**, with one significant exception. The policy excludes sites in the Green Belt.

32. There is no justification given as to why the Green Belt sites are excluded (and there is no inherent difference simply because one site is deemed to be within a Green Belt allocation) and in this instance the proposals would;
- *make a positive contribution to the landscape (and especially with regards to the current situation);*
  - *be of a character and scale appropriate to its immediate surroundings (there is no disagreement over the appropriateness of the design solution proposed);*
  - *be capable of being served by an adequate and appropriate access (existing);*
  - *be easily serviced and with no concern for water servicing; and*
  - *not exceed 5 houses.*
33. Not surprisingly, it was against this context that the initial discussions with Midlothian Council identified this particular proposal as being an appropriate exception to the relevant planning policy.

**Reason 2**

*It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RPS, RP6 and RP7 of the adopted Midlothian Local Plan.*

34. Policy RP5 seeks to minimise the loss of or impact on existing woodland, groups of trees and those trees that contribute to designated landscape areas. The proposals at Springfield House represent a significant physical and visual improvement on the current situation. There will be no significant loss or damage to woodland, groups of trees, individual trees or areas forming part of any designated landscape (the AGLV in this instance).
35. From the outset this application has sought to significantly enhance both the actual appearance and the setting of this area of land. At no point during the determination of this application was this issue raised by Midlothian Council.
36. Existing boundary landscaping and trees will be retained and augmented, very much and integral part of creating an attractive development and improving the character and appearance of the site in its green belt and AGLV setting.
37. At no point in the application process (including the application submission documents) do we promote the removal of any of the boundary and landscape features (including woodland, groups of trees or even individual trees). Every effort will be made to supplement the existing boundary treatment (which is not of the highest quality).



**Midlothian Local Review Body - Support Statement**  
**Application 15/00994/DPP**

**Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,**

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38. **Policy RP6** addresses the location of the site within the AGLV. As we have consistently stated throughout the application process, this development will enhance the character and appearance of the area and therefore the AGLV.
39. The current use and appearance of the site blights on the area both operationally and physically/aesthetically. This is an opportunity to significantly enhance the character and appearance to this small pocket of land improving views into and out of the site.
40. The development has been designed, following considerable consultation with Midlothian Council, to offer an appropriate and high-quality response to the site characteristics taking account of its setting and offering an appropriate design with a matching palette of materials and design features.
41. There have been a number of meetings with Midlothian Council, specifically to address issues relating to the design and the applicant and architect have taken all of these on board and made the necessary changes. The general layout, scale and style of housing has always been accepted (and in itself followed consultation ahead of the lodging of the first application), further discussion concentrated on some of the detailed aspects involving materials and colours on specific elevations and features.
42. Given its Green Belt and AGLV setting, we had rightly assumed that having been through this collaborative process, there were no issues of design and layout that gave the Council any concerns at all, and that the only issue giving cause for concern was the principle of development set against the key planning policies, concerns that we have continually tried to address and allay.
43. **Policy RP7** adds a further layer, most of which is covered in our response to the location of the appeal site in the Green Belt and AGLV. However, it is worth re-emphasising that it is in our interest to deliver a well-thought out, high-quality development and environment that is as attractive to those looking into the site (mainly from across the North Esk or from alongside the Cask) as for those living there, looking out.
44. In adopting a modern steading style approach to the development we have addressed its specific locational character, with the addition of the formation of an area of paddock to the south of the built form to improve the character, amenity and appearance of the site. This will be an attractive place to live, but with more relevance to the policy considerations will be a significant improvement on the current situation. It will protect and enhance the Green Belt and AGLV.



**Reason 3**

*The development is contrary to Policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.*

45. **Policy RP9** deals with the protection of the River North Esk Valley. Much of what has been said before is relevant here with regards to the enhancement of a site that is currently a significant eyesore in its immediate surroundings and from distant views across the valley. It is worth pointing out that there are very few if any distant receptors in terms of the visual impact that the site has on the North Esk river valley.
46. Overall, the development will have a minor positive impact on the North Esk River Valley. The only reason that the impact is minor (as opposed to significant) is due to the local nature of the impact, but what impact there is will be positive.
47. **Policy RP9** follows a well-trodden path in terms of the locational need for development and this is replicated in RP1 and RP2. We have addressed the issue of locational need throughout the submission but to summarise again, we contend that this proposals represents a unique opportunity due to the history, current use and current physical appearance of the site. The site's redevelopment (worth repeating that this is not a greenfield development proposal) would be a significant improvement on the current situation and should be supported.

**Other Policy Considerations**

48. Although the specific context is different, the proposals would comply with the criteria set out at **Policy HOUS3 (Windfall Housing Sites)** whilst the site would also accord with the aims and objectives of **Policy DERL1 (The Treatment of Vacant and Derelict Land)** as the site does not reflect nor use the original buildings from the former piggery. As the photos show, the site accommodates a number of vacant and derelict buildings.
49. The emerging Local Development Plan has now passed the Proposed Plan stage, it represents the settled view of Midlothian Council. The plan has a number of Strategic Objectives and the proposals at Springfield House would meet many of these environmental, social and economic objectives without requiring compromise with regards to others.
50. The proposals for the application site at Springfield House....;
  - a. Represent an appropriate design response to the site;
  - b. Enhance the countryside and rural environment (in comparison to what exists);
  - c. Carefully integrate the development into the landscape;

**Midlothian Local Review Body - Support Statement**  
**Application 15/00994/DPP**

**Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,**

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- d. Seek the reuse of a brownfield site and represents the efficient use of a previously developed site;
  - e. Will help provide a mix of house types in the area;
  - f. Will support the growing economy in affording the existing business use an opportunity to relocate to a more appropriate site far better suited to its continued operation and future expansion.
51. The proposals must respond to its countryside and green belt location. Planning policy at all levels seeks to protect the integrity and role of the Edinburgh Green Belt, a role that is defined at Policy ENV2 of SESPlan as follows:
- *To maintain the identity of the city by clearly establishing its physical boundaries and preventing coalescence;*
  - *To provide countryside for recreation;*
  - *To maintain the landscape setting of the city; and*
  - *To protect the setting of neighbouring towns.*
52. The proposals will not compromise any of these aims and objectives of the Edinburgh Green Belt and in its current state and appearance the site detracts from its countryside setting and the visual amenity of the immediate area.
53. The site does not help define Edinburgh (or Bonnyrigg) nor does it help maintain the landscape setting of Edinburgh or any other settlement and in its current state detracts from the landscape setting of the immediate area. The development of the site would not increase the risk of coalescence.
54. The site plays no role in providing for countryside recreation, though the high-quality redevelopment of the site will make the pedestrian/cycle/bridleway access along the Cast a far more attractive proposition than at present. The creation of a paddock will also encourage the keeping of horses and countryside access and recreational uses.
55. The proposals will comply with Policy DEV6 of the emerging LDP (*Layout and Design or New Development*) and will have an appropriate scheme of landscaping to supplement an attractive location and ensure that the redevelopment of the site will enhance the character and appearance of the site and have a beneficial impact on the surrounding land uses. The layout and design of the proposals has never been the subject of any dispute with Midlothian Council.
56. Policy ENV1, Protection of the Green Belt contains similar criteria to the 2008 Midlothian Local Plan but does state that any development must not conflict with the overall objectives of the Green Belt. As we have identified above, these proposals will have no impact on the overall aims and objectives of the Edinburgh Green Belt.

57. Furthermore, the policy states that *'housing will normally only be permitted....'* And has a description of acceptable circumstances. **What we are proposing is not a normal situation** in that the redevelopment of the existing incompatible use will be a clear improvement on the current situation and create an appropriate, high-quality, limited residential development.
58. **We are not proposing the development of a greenfield site.** We are proposing the reinstatement of a paddock/grazing area to the north of the built form, whilst overall, the proposed use will be far more compatible than the existing use.
59. In looking further at the green belt issue, a review of the 2008 Green Belt Landscape Character Assessment highlights that the Upper North Esk Valley (Reference 82) does not actually include the application site or immediate surrounds. There is no explanation as to why this study does not tie-in with the Local Plan designation but one could clearly conclude that the site is not seen as been critical to the Upper North Esk Valley designation.
60. Finally SESPlan Policy 7 provides for greenfield housing development in order to maintain a five year housing land supply. In truth this is written with larger, potentially more controversial sites in mind, but even for sites much larger than these proposals, **development could be permitted in the green belt if the green belt objectives were not undermined and the appeal site isn't even a greenfield site.**

### Policy 7

#### MAINTAINING A FIVE YEAR HOUSING LAND SUPPLY

Sites for greenfield housing development proposals either within or outwith the identified Strategic Development Areas may be allocated in Local Development Plans or granted planning permission to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:

- a. The development will be in keeping with the character of the settlement and local area;
- b. The development will not undermine green belt objectives; and
- c. Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

61. We have stated consistently that the proposed redevelopment **will not undermine the green belt objectives** in any way at all, and in actual fact will significantly enhance the specific context of this site and its immediate surroundings.
62. Under normal circumstance therefore, the development would not comply with Local Plan and emerging Local Development Plan policies. However the positive physical and visual impact of the development provides **ample justification for a departure from this policy stance.**

### Precedent

63. The fear of setting a damaging precedent is a consistent concern of local authorities, elected members and local residents. First, and as we all know, each application must be assessed on its own merits, though previous decisions with similar characteristics can offer material considerations and provide important context and ensure consistency in decision making.
64. Second, and far more importantly, **the redevelopment of the former piggery at Springfield House would present a positive precedent**, and given the detailed discussions over design and layout, represent an example of how high-quality, appropriate (and marketable) development can be achieved in conjunction and consultation with the Council.
65. If similar, limited opportunities exist elsewhere exist, then they should be welcomed if they replace non-conforming, conflicting uses in the green belt and countryside with a sympathetically designed and limited residential development.,

### Summary

66. This appeal follows the refusal of planning permission (15/00994/DPP) for five new homes on the site of an existing landscape business storage yard, containing the derelict buildings once associated with a former piggery. The proposals are for an appropriate, high-quality residential development. This would represent the reuse of a previously developed site. **This is a genuine brownfield redevelopment opportunity.**
67. The development will be limited to 5 new homes, linked around a central courtyard with large gardens and an adjacent paddock. Additional landscaping, to supplement existing boundary trees will further add to the quality of the redevelopment of this eye-sore site. Access is provided from Polton Road West via the existing private drive. There are existing bus services available on Polton Road West.
68. **The planning officer's report states that the access, layout and design of the homes are all appropriate.** The key determining factor is strict implementation of planning policy, chiefly the implications of the site's location within the Edinburgh Green Belt and Area of Great Landscape.
69. We have never tried to argue that the site complies with the stipulations of relevant planning policy but that the redevelopment of this unsightly former piggery and storage yard presents a locationally specific and unique opportunity.



70. Whilst not conforming to the principles of Policies RP1 and RP2, the proposals do present an appropriate response to the site's characteristics, is of an appropriate size and scale, will not see the loss of any prime agricultural land (or any greenfield land at all) and is at an relatively accessible location.
71. The site will not have any impact on the wider objectives of the Edinburgh Green Belt, will see the improvement of this existing anomalous site in the green belt and any impact in the immediate locality will be positive.
72. Housing, per se, is not a prohibited use in the Green Belt and appropriate, high-quality residential development, responding to a set of site specific circumstances should be encouraged. This also summarises our response to the second and third reason for refusal citing Policies RP6, RP7 and RP9 (AGLV and North Esk River Valley).
73. But for its Green Belt location, the proposals confirm with Midlothian's policy with regards to redundant non-residential buildings in the Countryside. There is no explanation or any particular reason why an opportunity like this should be treated any differently, its location in the Green Belt (and AGLV and North Esk Valley designations) is incidental in the assessment of this site as an appropriate development site for appropriate high-quality development.
74. With regards to RP5, there will be no loss of woodland, groups of trees or individual trees of importance. No loss of trees is shown in any of the plans and drawings. The policy, whilst providing context in preparing this application, is irrelevant and should not have appeared on the decision notice. The development will seek to enhance the existing tree coverage to create an attractive setting and a harmonious place to live improving the aspect for those looking in as well as residents looking out.
75. Concern has been expressed by the case officer that because the proposed homes will be higher than the existing derelict sheds, they will have an increased and detrimental impact on the Green Belt, AGLV and river valley. As has already been stated, the design, materials, layout and access arrangements have all been agreed and deemed appropriate. The mix of materials, colours and the house design are bespoke and wholly site specific.
76. The existing and enhanced landscaping and boundary treatment will provide a significant degree of screening but we would argue that the sensitive and high-quality response to the site will result in an attractive that enhances the local role this site plays and enhances the setting of the AGLV, river valley and Green Belt. **An example of how it can be done.**
77. There are very few if any, distant receptors when considering visual impact and the impact of the distance of the views coupled with the landscape and boundary treatment and high-quality design will lead to a negligible positive visual impact.



**Midlothian Local Review Body - Support Statement  
Application 15/00994/DPP**

**Proposed Residential Development - Land at Springfield House, Bonnyrigg, EH18 1EB,**

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78. The Officer report of handling states that the current state of the yard is as can be expected of any farmyard. We don't agree with this statement, and even if this is the position of the Council, does that inherently mean that we cannot promote and consider a better option ?
79. The site is well-screened from the south, west and east whilst distant views from the north and across the North Esk river valley **would be enhanced** by a limited high-quality development and landscaping and especially when compared to the current situation.
80. **The existing site is incompatible with, and detracts from, its green belt and countryside setting.** Moreover there are no restrictions on the future growth of the existing business, expansion that would intensify impact on nearby residents and the road network and exacerbate the incompatible nature of this site in its countryside and green belt context.
81. The risk of precedent is an often stated concern. We have a site in the Green Belt, AGLV and the protected river valley landscape. We strongly contend that in developing this previously developed site, for an attractive, appropriate and high quality residential proposal and reducing the operational and visual impacts of the existing use **would set a positive precedent**, an appropriate example of how a site like Springfield can be improved from the current situation.
82. The site represents an **effective development site** (in the terms set out in PAN 2/2010) with a single owner promoting development, no insurmountable constraints and in a marketable location.
83. We contend throughout this submission that, given the unique circumstances of the site, this proposal **represents the justification for a wholly acceptable departure from extant (and emerging) planning policy** with regards to development in the green belt and countryside. It is important to remember that housing per se is not a non-conforming use in the Green Belt – there are homes all over the green belt.
84. **This application presents a set of circumstances not provided for in existing planning policy**, and a proposal that would significantly enhance a site that currently detracts from the surrounding green belt and countryside.
85. Two years ago, the case officer at the time encouraged us to lodge the first application, convinced that the proposals represented an appropriate justification for a departure from policy. Since his departure, we have been disappointed with the seemingly inflexible approach to these proposals and two years later, we now put forward the same argument and would ask that the Local Review Boy support these proposals and overturn the initial decision.



**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 15/00994/DPP.

**Site Address:** Land west of Springfield House, Lasswade.

**Site Description:** The application site comprises a former piggery and yard associated with an established landscape business. The site is accessed from Polton Road West. There is farmland and some woodland in the area surrounding the site, with trees to the northwest and southwest. The land slopes up to the northeast and southeast. There is a two storey house within the site. The existing non-domestic buildings are single storey and in a state of disrepair, currently used in connection with a landscape business. The site is within the countryside, Green Belt, an Area of Great Landscape Value and is adjacent to Mavisbank Conservation Area and a designed landscape.

**Proposed Development:** Erection of 5 dwellinghouses; formation of access road and associated works.

**Proposed Development Details:** It is proposed to remove the existing piggery buildings and replace these with five dwellinghouses, set out in a courtyard formation with integral garages. The boundaries within the site are to be hedges and post and wire fences. A paddock is to be formed to the north of the proposed houses. The existing access is to be used and the agent has confirmed additional passing places can be provided if necessary. The houses are to be connected to the public drainage network and water supply.

The agent has submitted justification for the proposed development as well as details of existing vehicle levels associated with the landscape business and responses to comments from representors. The existing landscape business will be relocated from Springfield. The agent has stated that although the redevelopment of the site does not fully comply with the relevant policy, it will significantly improve the surrounding area as compared to the existing situation.

The current application is almost identical to application 14/00939/DPP (see Background section below) with the exception of some design changes and an additional supporting statement.

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

Pre-application advice was sought for residential development at the site in 2014. The initial response from the planning case officer indicated that the proposal was unlikely to be supported as the proposal did not comply with relevant planning policy. The case officer then had two meetings with the agent to discuss the proposal – there is no formal written record of either of these meetings. It appears that the case officer suggested he would review his initial recommendation subsequent to these

meetings but there was no formal commitment to support the proposed residential development. The previous application (14/00939/DPP) was initially allocated to the case officer who dealt with the pre-application enquiry, however due to long term absence the application was subsequently allocated to another officer. The agent was then invited to meet with the new officer to discuss the information provided to the original case officer in support of the proposal. Subsequently, the application was withdrawn before a decision was issued.

#### Application site

14/00939/DPP Erection of five dwellinghouses; formation of access road and associated parking area. Withdrawn.

05/00694/CL Application for certificate of lawfulness of existing use as a yard for purposes associated with a landscaping business. Permitted.

#### Land to north of access

10/00425/PPP Land adjacent to Springfield Farm Application for planning permission in principle for the erection of a dwellinghouse and stable block. Refused – no justification for a house in the green belt and countryside. Upheld at LRB.

09/00333/PPP Land adjacent to Springfield Farm Application for planning permission in principle to erect a dwellinghouse. Refused – no justification for a house in the green belt and countryside.

09/00228/OUT land to south of St Ann's Path Outline application for erection of residential development. Refused by Planning Committee - the proposal is contrary to Local Plan and Structure Plan policies as it is development in the countryside and detrimental to the landscape character and amenity of the area.

09/00012/OUT Land to south of St Ann's Path Outline application for the erection of fourteen dwellinghouses and thirty-four flatted dwellings and associated access road, car parking and landscaping. Withdrawn.

#### Consultations:

The **Policy and Road Safety Manager** has concerns over the proposal as the existing access is narrow and unable to accommodate a two way flow of traffic. Although it does not meet the current highway design standards, the existing access appears to be operating with the current level of traffic and there would be a concern over any proposal which would increase the current level of traffic using the access and road. However, given the agent has submitted information about a reduction in traffic generated for the proposed houses as compared the existing use, there is no objection.

The Council's **Education** team state that a development of 5 houses will result in one additional pupil for non-denominational primary place and one non-denominational secondary place.

The **Biodiversity Officer** has visited the site as part of the previous application and has no concerns over any impact on protected species.

**Poltonhall and District Community Council** object that even if the houses were to be of high standard, the site remains within the Green Belt and adjoins Mavisbank

Conservation Area and is not a designated housing site. The North Esk Valley is a unique and rich heritage area for the public and should be protected. The application could also be used as a precedent and spoil the unique character of the area.

**Representations:** There have been fourteen letters of representation, thirteen objecting and one supporting the application. The letter of support states that the proposal is well suited for the site and will enhance an otherwise unsightly part of Springfield.

The objectors raise the following concerns:

- The site is within the Green Belt, a protected river valley and Area of Great Landscape Value and adjoins Mavisbank Conservation Area and the proposals in such a sensitive location contravene Local Plan policies RP1, RP2, RP6, RP9, RP22 and RP25;
- The site is not identified as a housing site in the Local Plan;
- The North Esk Valley should be treasured and protected and approving the application may lead to further applications which will erode the North Esk Valley and the encroachment into the river valley must be resisted;
- The proposal would have a detrimental impact on the amenity of the nearby houses in the area through noise and visual impact;
- The proposed houses are not of architectural significance;
- Queries raised over the amount of vehicle movements at the existing business and over the projected amount of vehicle movements of the proposed houses;
- Traffic relating to the proposed houses and construction of these will result in disturbance to local residents and potential damage to the lodge houses;
- The access track and access are narrow with no clear sightlines onto a busy road. Objectors state the existing access should be widened to avoid congestion and there are queries if the track should be upgraded to serve the additional traffic, ie made two way, or be adopted by the Council?;
- There is no mention of the division of financial upkeep for the private access road is private;
- Water and drainage is accommodated to fulfil the needs of the proposed dwellings without affecting the other dwellings and areas;
- The site is subject to water flow to Springfield Mill and retention;
- There is no explanation of the 'associated works' mentioned on the application form;
- The claim that the existing landscape business could intensify is a threat to nearby residents;
- There has been no mention of the existing business moving away from the area so there is potential for the landscape business to remain on site;
- At present the public access to the east, to the southwest of the site, is restricted by the applicant and is not open to the public and indicated that it will be as a result of development;
- Noise from the dwellings would result in nuisance in a conservation area;
- Bonnyrigg and Rosewell have already lost a significant proportion of surrounding open space to housing and the housing most needed in Bonnyrigg is good quality social housing within easy reach of schools and other services;



- Inaccuracies in the access statement over ownership;
- Precedent for future applications, especially given the history of the area;
- The removal of the 'eyesore' of the existing buildings would benefit the area, however the proposed development may result in the remainder of the applicant's land being used for further development;
- The suggestion that the only method of improving the unsightly application site is to erect houses is incredible and if approved would set a dangerous precedent;

One objector submitted a representation to the current application, a copy of their representation to the previous application and copies of representations received from other representors for their own previous application in the area which they consider relevant to the current proposal. They also made reference to a livery business operated by the applicant which the agent has responded to and does not have a material impact on the proposal.

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

**RP1 Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

**RP2 Protection of the Green Belt** advises that Development will not be permitted in the Green Belt except for proposals that

- A. are necessary to agriculture, horticulture or forestry; or
- B. are for opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or
- C. are related to other uses appropriate to the rural character of the area; or
- D. are in accord with policy RP3, ECON1, ECON7 or are permitted through policy DP1.

Any development proposal will be required to show that it does not conflict with the overall objectives of the Green Belt;

**RP5 Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance;

**RP6 Areas of Great Landscape Value** which advises that development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value;

**RP7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;

**RP9 Protection of River Valleys** requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development

must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities;

**RP22 Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas including sites adjacent to Conservation Areas. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings; **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;

**DP1 Development in the Countryside** is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections: Single Houses (not related to Housing Groups/Farm Steadings); Housing Groups; Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside; and Rural Buildings of Value. The section on Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside is relevant to this proposal. This states that where it can be demonstrated the non-residential buildings have become redundant, support will be given to their conversion or redevelopment. Sites within the Green Belt will not be permitted for redevelopment, only conversion. Redevelopment of sites will only be permitted where the proposal meets the following criteria: the resulting buildings will make a significant and positive contribution to the landscape; they will be of a character and scale appropriate to its immediate surroundings; be capable of being served by an adequate and appropriate access; and be capable of being serviced at a reasonable cost; and only exceptionally exceed 5 houses, unless the site is close to an existing settlement; 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 Planning Authority's local plan contains restrictive policies relating to proposals for new housing developments within the countryside and green belt. These policies aim to prevent the creeping suburbanisation of the Green Belt and countryside, which is under significant pressure due to the convenient commuting distance to Edinburgh. There are also some enabling policies, within the adopted Midlothian Local Plan, which support residential developments within the countryside in some limited circumstances.



Policy RP1 of the local plan sets out the terms for acceptable forms of development in the countryside. The policy aims to restrict development to that required for the furtherance of an established, and acceptable, countryside activity or business. Residential development is not specifically supported by this policy unless it complies with the terms of policy DP1 and some specific criteria relating to the siting and design of the development.

Policy RP2 of the local plan seeks to protect the Green Belt from development unless it is necessary for an acceptable countryside use or provides for opportunities to access the countryside for sport or recreation. Developments for other uses may be considered acceptable where they are appropriate to the rural character of the area. Residential development is not specifically supported by this policy unless it complies with the terms of policy DP1 and specific criteria which ensures development does not conflict with the overall objectives of the Green Belt.

As noted in the paragraphs above it is clear that in order for the development to comply with the development plan it is essential that it accords with the terms of policy DP1.

Policy DP1 sets out the circumstances under which residential development may be supported in the countryside and Green Belt. Policy DP1 contains a section specifically related to the conversion or redevelopment of redundant farm steadings and other redundant non-residential buildings in the countryside, subject to criteria being met. This policy clearly provides support for the conversion, but not redevelopment, of such buildings within the Green Belt. Policy supports only the renovation and conversion of existing redundant buildings within the Green Belt. The applicant has proposed the complete removal of the existing buildings and the redevelopment of the site, which is contrary to the terms of policy DP1.

The site is located within the river valley protection area of the River North Esk and is, therefore, covered by policy RP9. This policy states that there should be a locational need for the development in the river valley protection area. There is no specific locational need for the development at this site and so the proposal is contrary to policy RP9.

As can be seen in the 'Background' section above, there have been numerous applications for residential development in the surrounding area. All were refused as there was no justification for such development within this countryside and Green Belt area. One of these decisions was determined and refused by Planning Committee and another was reviewed and application refused by the Local Review Body. Residential development in this area has been consistently resisted by the Council.

The encroachment of residential development in to this area could undermine the objectives of the Green Belt by threatening the physical boundaries of the settlement.

Given that the proposed development is contrary to the policies of the local plan it is necessary to give consideration to the applicant's justification for departing from the planning policies.

The applicant's agent has submitted supporting information acknowledging that the proposal does not fully comply with planning policy but he offers his justification regarding improvements the development would have on the surrounding area. The applicant's agent asserts that the site is in such poor condition that its redevelopment would realise a significant improvement in terms of the impact on the landscape. He also states that the site is exceptional in its current and potential state detracting from the surrounding area and that the proposed development is of such high quality that it should be considered an exception from adopted policy. In addition he states that should there be an intensification of the existing 'yard' use it would have an adverse impact on the character and appearance of the area.

The applicant's main justification for not complying with the planning policies is the claim that the proposed development will lead to the improvement of an unattractive site which is having an adverse impact on the character and appearance of the area.

The site contains a collection of buildings, which are utilitarian in appearance and in a state of disrepair. Given that the buildings were originally in use in connection with a piggery business they are reasonably low-level and not widely visible. The site does not positively contribute to the landscape setting but is also not of an appearance that would be unexpected in an agricultural context. Given the nature of work on an agricultural unit (the most likely land use in the Green Belt), and the type and size of equipment used, it would not be unusual for farm yards to have a similar appearance to that of the application site.

While the site has not been maintained, it does not have such an exceptionally bad impact on the character and appearance of the area that it would justify the erection of five houses which would otherwise be contrary to the planning policies. It would be an undesirable precedent to set where any untidy or unattractive site within the Green Belt could be developed for residential use with the justification that the development will tidy the site up.

The agent has stated that the use of the site as a yard could intensify and have a more significant impact on the surrounding area whilst complying with the established use of the site. The use of the site as a yard associated with a landscape business was accepted through the certificate of lawfulness and is an established use. The reuse of areas, like the application site, in the countryside and Green Belt are necessary for locating some businesses that are appropriate for these areas and cannot be accommodated elsewhere. Although these may have an adverse visual impact on the surrounding area, subject to them complying with the established use of the site the continuation of a business use of the site would be acceptable. The agent's claim that the potential intensification of the site, in connection with either the existing or a new business, is not sufficient to justify a departure from policy. It is beneficial for such sites to be retained to allow businesses to relocate and develop, in compliance with relevant policies.

Although the principle of residential development at the site is not accepted and the agent's justification for not complying with planning policy is also not accepted it is necessary to fully assess the detailed aspects of the application, as well as taking the objectors' comments into consideration.

The proposed houses are proposed to be positioned in generally the same footprint as the existing buildings. The proposed houses are set out in a courtyard style with private garden ground around the outside of the buildings and hardstanding within the courtyard. The design of the houses would not detract from the surrounding area and are of a design and scale which is to be found in the countryside. The proposed layout and design of the houses are traditional in appearance, form and scale and take into account this sensitive site within an AGLV and adjacent to a conservation area. The proposed materials are largely traditional, with the exception of reconstituted stone. Natural stone would be required on this development in order to ensure that the houses do not detract from the area. There are also concerns over some details of the proposed houses, namely the colour of the window and door frames and the window details including timber areas above openings.

Sufficient garden ground will be provided for each of the houses. The proposed courtyard layout limits any overlooking from houses to neighbouring garden ground. It is proposed to locate hedges and post and wire fences along the boundaries of the site, which are in keeping with the character of the surrounding area, depending on their position. There are adequate distances between the properties within the site ensuring there is no overlooking or impact on privacy. There is parking provided for the houses within existing integral double garages as well, as hardstanding within the courtyard. The layout is designed with the private garden ground outwith the courtyard. It appears effort has been made in order to ensure that the majority of parking is provided in areas out of view from public areas, limiting its visual impact.

There have been a number of objections regarding the existing access. The Policy and Road Safety Manager had some concerns over the proposal but overall has no formal objection further to considering the objectors' comments and information submitted by the agent. It is difficult to compare the existing amount of traffic generated by the site to the proposed traffic levels, however the existing use is a landscaping business with larger than domestic vehicles using the access on a daily basis. Taking this into consideration, it is reasonable to assume that there would be a reduction in traffic number and size of vehicles using the existing access as a result of the proposed development.

The existing access onto Polton Road West does not comply with current road safety requirements. Any improvements to this are restricted by the two lodge houses on either side of the access. The existing access currently appears to be operating adequately and given that the likely reduction in traffic generated from the houses it is considered acceptable for the proposed development. There is no requirement for the existing access road to the site to be either upgraded to accommodate a two way flow of traffic or for additional passing places to be installed. Any damage to existing properties as a result of development is a private legal matter between the applicant and the owner of any properties being affected, as it the maintenance and upkeep of the private road. There is sufficient room for vehicles to use the existing access without damaging the lodge houses.



The site is located within an undulating landscape on the slopes of Roslin Glen and the existing buildings are accommodated in a dip in the land which has previously been levelled. There are shelterbelts along the northwest and southwest boundaries of the site comprising of a mix of deciduous trees, with the section along the southwest comprising mainly coppiced trees. These trees form important screens for views in and out of the site from the south, west and northwest with the existing farmhouse screening views from the north, east and southeast. The proposed houses will be higher than the existing buildings and therefore will have a more prominent landscape impact than existing. The coppiced section of treebelt is along the rear of plots 2, 3 and 4. Coppiced trees are less stable than non-coppiced trees and it is not advisable for development to be in such close proximity to such trees. It is likely that these trees will require to be either felled or re-coppiced in the future, therefore this shelterbelt cannot be relied on as a permanent screen. The combination of the increased height and visibility of the proposed houses, the proximity of trees to the houses and the potential loss of existing trees with inadequate proposed replacement landscaping would result in the proposed development having a detrimental impact on the landscape character of the area.

No details of materials of hardstanding area have been submitted. Should permission be granted, it would be conditioned that all areas of hardstanding constructed with porous paving and further details of the treatment of surface water run-off and drainage be submitted and approved by the planning authority. This would address any concerns regarding drainage and potential flooding. The agent has confirmed that the proposed houses will connect to the public water supply.

With regards to the IMP policies referred to earlier in this report, developer contributions are required for three of the proposed houses, should permission be granted. Developer contributions would be required towards education infrastructure, Borders Rail and play provision.

The following section responds to comments made by representors not addressed above. Sites do not require to be identified as housing sites in the Local Plan to be subject of applications. Each application is considered on its own merits and so the determination of the current proposal would not guarantee that a precedent would be set for future development. Disturbance to residents as a result of construction traffic is generally covered by non-planning legislation. The potential for noise as a result of the development is not considered to raise significant concerns for the planning authority given the proposed works and also in comparison to the existing situation on site. The inaccuracies over ownership relate to labelling within a plan of neighbouring land and does not relate to the ownership of the application site. The 'ancillary works' described in the application form appears to relate to the works related to the construction of the proposed houses.

The agent has confirmed that the landscape business will no longer operate from Springfield. In any case, the area of land permitted to be used as a yard in association with a landscaping business lies wholly within the current application site. Therefore, should the applicant decide to relocate the business to another site in the surrounding area, planning permission would be required and a full

assessment of any application would be made, including transportation issues and impact on the surrounding area.

Although the agent has had detailed pre-application discussions with a case officer and submitted a formal application with supporting information and a generally attractive proposal, the site is within the countryside and Green Belt and the principle of development is not in compliance with relevant policy nor is it considered that there has been adequate or sufficient material planning considerations which would indicate that the application should be dealt with otherwise.

**Recommendation:** Refuse planning permission.

## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 15/00994/DPP**

APT Planning and Development  
6 High Street  
East Linton  
EH40 3AB

Midlothian Council, as Planning Authority, having considered the application by Mr John Lessels, C-O Apt Planning And Development Ltd, 6 High Street, East Linton, EH40 3AB, which was registered on 22 December 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of 5 dwellinghouses; formation of access road and associated works at Land West Of Springfield House, Lasswade.**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14081(OS)100-B 1:2500	22.12.2015
Site Plan	14081(PL)100-B 1:500	22.12.2015
Site Plan	14081(01)001-A 1:500	22.12.2015
Proposed floor plan	14081(PL)001-B 1:200	22.12.2015
Proposed floor plan	14081(PL)002-B 1:200	22.12.2015
Roof plan	14081(PL)003-B 1:200	22.12.2015
Proposed floor plan	14081(PL)010-B 1:200	22.12.2015
Proposed floor plan	14081(PL)011-B 1:100	22.12.2015
Proposed floor plan	14081(PL)012-B 1:100	22.12.2015
Proposed floor plan	14081(PL)013-B 1:100	22.12.2015
Proposed floor plan	14081(PL)014-B 1:100	22.12.2015
Proposed floor plan	14081(PL)015-B 1:100	22.12.2015
Proposed elevations	14081(PL)020-B 1:100	22.12.2015
Proposed elevations	14081(PL)021-B 1:100	22.12.2015
Other statements		22.12.2015
Design and Access Statement		22.12.2015

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

- The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.*
- It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not*

*have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.*

3. *The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.*

Dated 17 / 2 / 2016



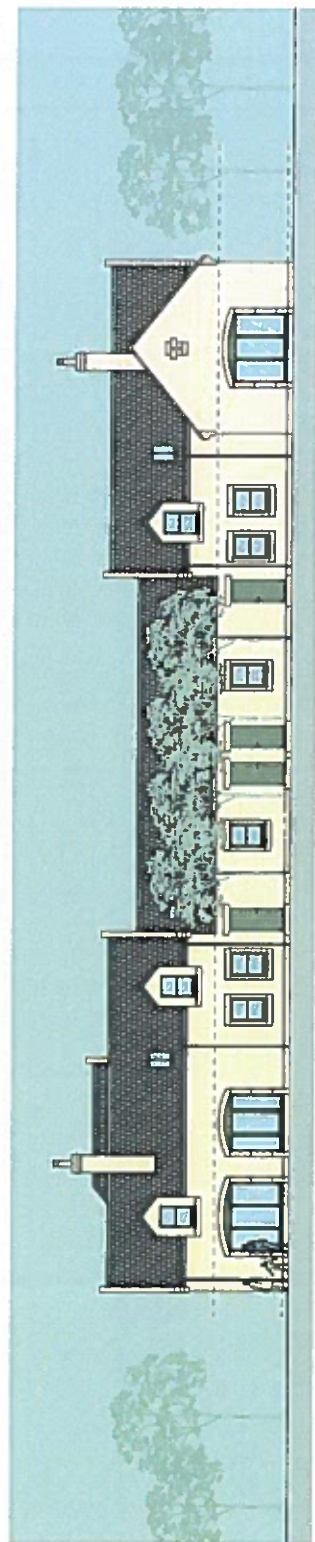
.....  
Duncan Robertson  
Senior Planning Officer; Local Developments  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



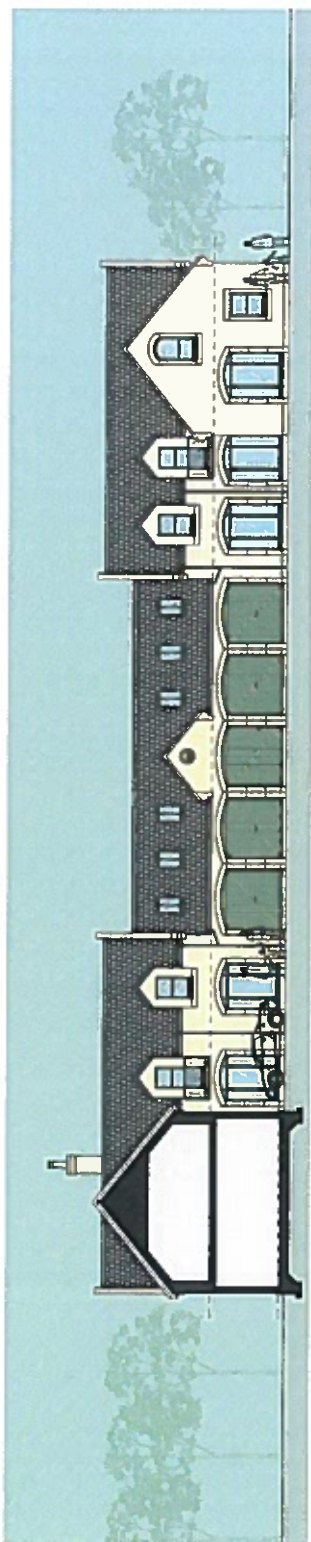




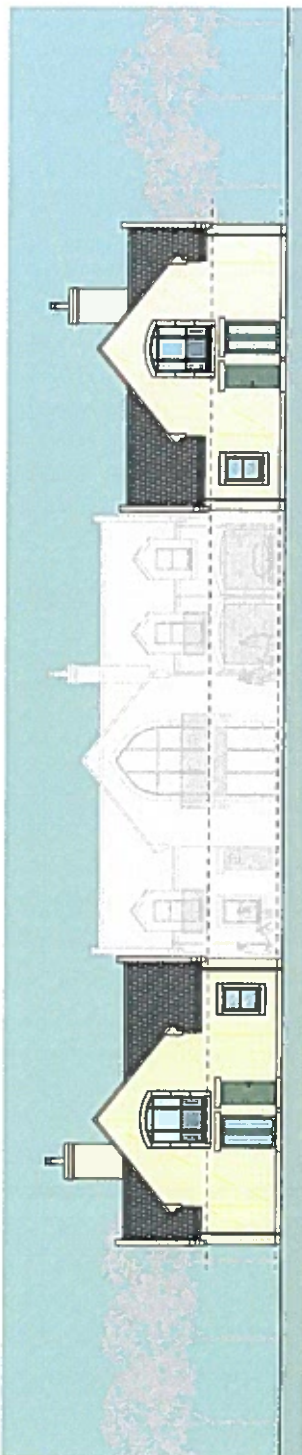


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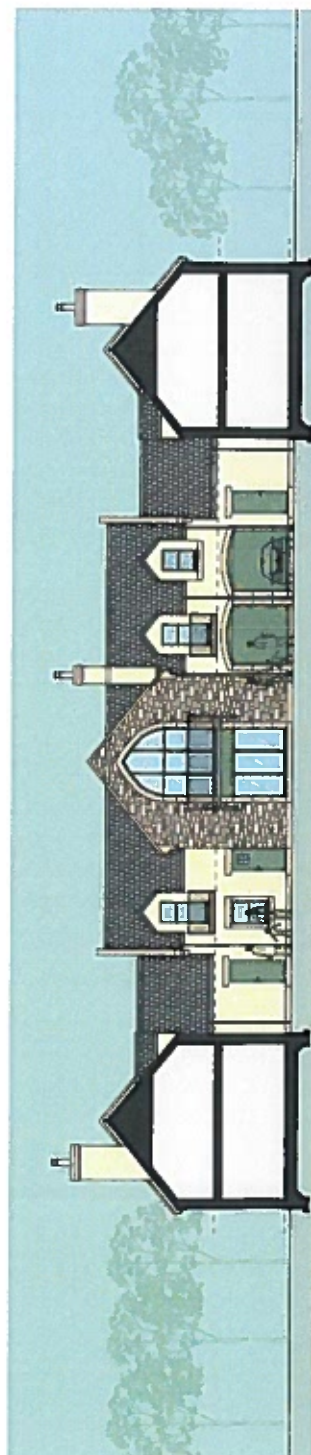
### ELEVATION A



ELEVATION @



ELEVATION C



ELEVATION D

ema

**ARCHITECTURE + DESIGN**  
John Lessels Limited  
Springfield, Bonnyrigg

ELEVATIONS A, B, C &amp; D

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				14081/PL1020-B			
LABORING				DE TIA DE DEAN			
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<p>CHARTERED ARCHITECTS</p> <p>The Studio, 341 Stonyfield Road,          Cambridge, MA 02142, USA          T 617 445 8347          F 617 445 8346          E <a href="mailto:info@studio-architects.co.uk">info@studio-architects.co.uk</a></p>							

Table 1: Summary of Key Findings and Recommendations									
Findings					Recommendations				
1. Data Collection	2. Analysis	3. Results	4. Discussion	5. Conclusion	6. Recommendations	7. Implementation	8. Monitoring	9. Evaluation	10. Reporting
11. Data Collection	12. Analysis	13. Results	14. Discussion	15. Conclusion	16. Recommendations	17. Implementation	18. Monitoring	19. Evaluation	20. Reporting
21. Data Collection	22. Analysis	23. Results	24. Discussion	25. Conclusion	26. Recommendations	27. Implementation	28. Monitoring	29. Evaluation	30. Reporting
31. Data Collection	32. Analysis	33. Results	34. Discussion	35. Conclusion	36. Recommendations	37. Implementation	38. Monitoring	39. Evaluation	40. Reporting
41. Data Collection	42. Analysis	43. Results	44. Discussion	45. Conclusion	46. Recommendations	47. Implementation	48. Monitoring	49. Evaluation	50. Reporting
51. Data Collection	52. Analysis	53. Results	54. Discussion	55. Conclusion	56. Recommendations	57. Implementation	58. Monitoring	59. Evaluation	60. Reporting
61. Data Collection	62. Analysis	63. Results	64. Discussion	65. Conclusion	66. Recommendations	67. Implementation	68. Monitoring	69. Evaluation	70. Reporting
71. Data Collection	72. Analysis	73. Results	74. Discussion	75. Conclusion	76. Recommendations	77. Implementation	78. Monitoring	79. Evaluation	80. Reporting
81. Data Collection	82. Analysis	83. Results	84. Discussion	85. Conclusion	86. Recommendations	87. Implementation	88. Monitoring	89. Evaluation	90. Reporting
91. Data Collection	92. Analysis	93. Results	94. Discussion	95. Conclusion	96. Recommendations	97. Implementation	98. Monitoring	99. Evaluation	100. Reporting









## **Notice of Review: Land at Gourlaw Farm, Rosewell**

### **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 change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell.

#### **2 Background**

- 2.1 Planning application 15/00939/DPP for the change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell was refused planning permission on 29 January 2016; 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 advisor notes, issued on 29 January 2016 (Appendix D); and
  - Copies 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](http://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 an accompanied site visit for Monday 6 June 2016; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that two consultation responses and four representations (two objections and two support) have been received. As part of the review process the interested parties were notified of the review. Two additional comments have been received, reinforcing their objection to the application. All the comments can be viewed online on the electronic planning application case file via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).
- 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 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
    - a. a green transport plan designed to minimise the number of vehicles accessing the site. The plan should include measures to ensure that dogs are not dropped off and collected by individual owners; and details of the size and number of vehicles that will be used by the applicant to collect and return the dogs.

- b. a scheme of advanced signage to be displayed on roads approaching the two concealed entrances.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

*Reason: To ensure safe and convenient access to/from the site.*

- 2. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
  - a. Details of the design, height, specification and location of acoustic fencing to be located around the external paddocks and the parking area.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

*Reason: To minimise noise disturbance to nearby residential properties.*

- 3. The use hereby approved shall accommodate a maximum of 20 dogs at any one time.
- 4. No dog shall be allowed into any external run area outwith the hours of 9.00am to 6.00pm Monday to Saturday unless otherwise approved in writing by the Planning Authority.
- 5. There shall be no overnight boarding of dogs.

*Reason for Conditions 3- 5: To minimise noise disturbance to nearby residential properties.*

- 6. The dog day care use hereby approved shall be operated by the occupant of the house known as Gurlaw Farm, Rosewell.

*Reason: Occupation of the house by persons unconnected with the business would create a sub-standard level of amenity for the occupants of the house.*

## **6 Recommendations**

### **6.1 It is recommended that the LRB:**

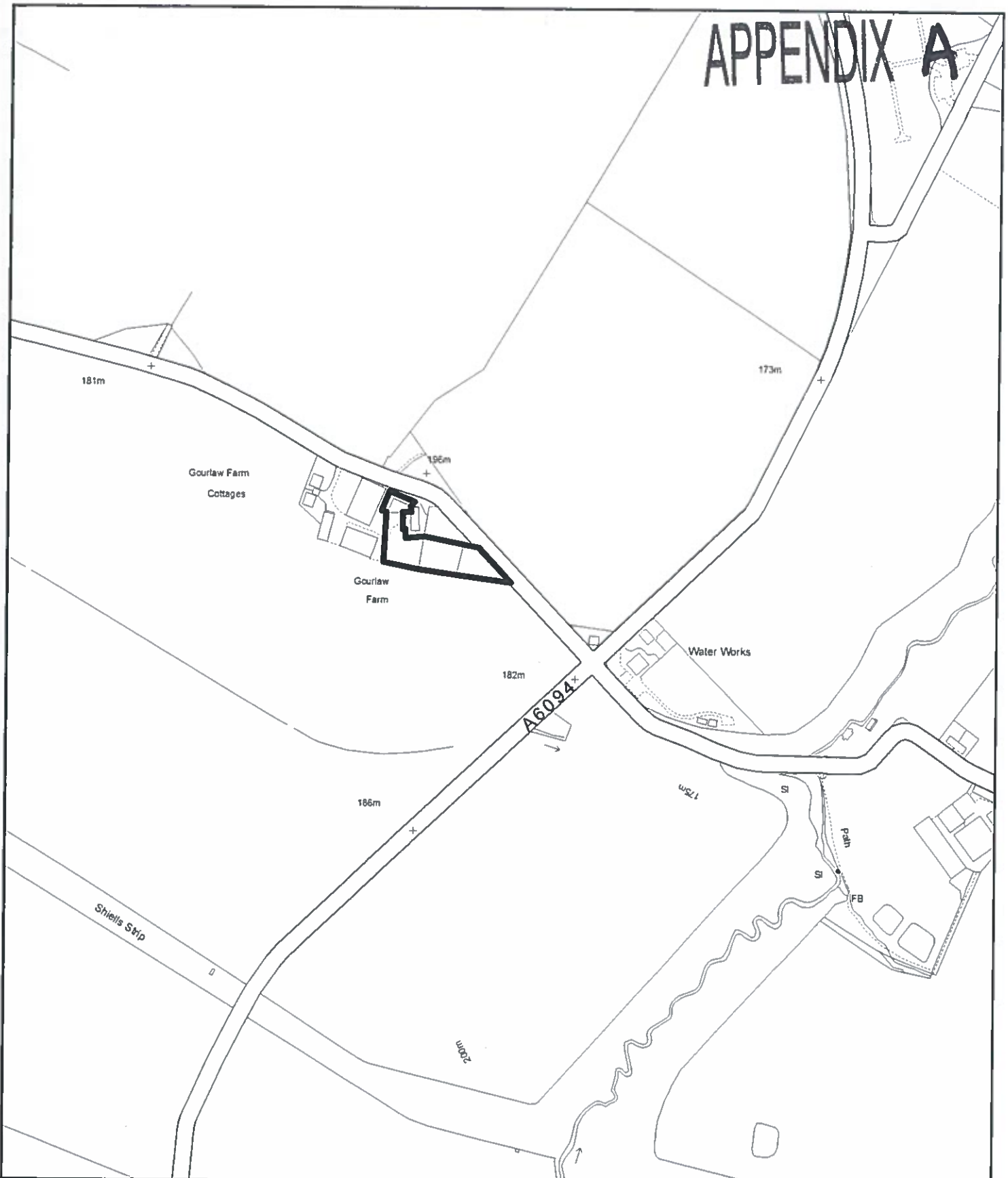
- a) determine the review; and
- b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 31 May 2016  
**Report Contact:** Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk  
**Tel No:** 0131 271 3310

**Background Papers:** Planning application 15/00939/DPP available for inspection online.



# APPENDIX A



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

**Change of use of steading building to dog day care centre at  
Gourlaw Farm, Rosewell**

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prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2016)

**File No. 15/00939/DPP**

**Scale: 1:5,000**







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 100006521-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Format Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bob	Building Name:	
Last Name: *	Tait	Building Number:	146
Telephone Number: *	01316617666	Address 1 (Street): *	Duddingston Road West
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH16 4AP
Email Address: *	formatdesign@aol.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Format Design
First Name: *	Lyn	Building Number:	146
Last Name: *	Sillars	Address 1 (Street): *	Duddingston Road West
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH16 4AP
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	GOURLAW FARM
Address 2:	ROSLIN
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	ROSEWELL
Post Code:	EH24 9DU

Please identify/describe the location of the site or sites

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Northing	661355	Easting	328064
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## Description of Proposal

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

Change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see separate grounds of appeal document

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

☐ Yes ☒ No

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

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

Grounds of appeal

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00939/DPP

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

30/11/2015

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

29/01/2016

## 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)

To allow the Local Review Body to view the site for the proposal

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

To be able to address the Local Review Body and provide them with a better understanding of what is proposed

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: Mrs Shona Mackay

Declaration Date: 15/03/2016



**PROPOSED DOG DAY CARE FACILITY  
AT  
GOURLAW FARM  
ROSEWELL  
MIDLOTHIAN  
EH24 9DU**

**APPEAL TO LOCAL REVIEW BODY AGAINST REFUSAL OF  
PLANNING PERMISSION REF: 15/00939/DPP**

**10 February 2016**

**Format Design  
Holyrood Business Park  
146 Duddingston Road West  
Edinburgh, EH16 4AP  
Tel: 0131 661 7666 Fax: 0131 659 6033  
formatdesign@aol.com www.formatbuildingdesign.com**

#### **Applicant's response to Reasons for refusal**

***"1. It has not been demonstrated, to the satisfaction of the planning authority, that the proposed use would not have a significant impact on the amenity of residents in the vicinity of the site due to noise from dogs barking. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan."***

It is stated that the proposal is contrary to policy ECON8 of the Midlothian Local Plan. This policy states at paragraph 3.3.36 that there may be scope to encourage economic activity in the countryside, particularly with regards rural business development, without compromising the character of the countryside. This can be in the form of conversion of farm buildings and farm diversification. The policy supports rural economic development opportunities subject to a set of 7 criteria, A to G. The applicant considers that the development can satisfy all of these criteria, however the planning officer has concluded in reason 1 that it fails on criterion D *"the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site"*.

It is of note that this criterion has not been continued in Policy RD1 of the Proposed Midlothian Local Development Plan which will replace ECON8. This reflects a more up to date Council policy position.

There are several facts that need to be made clear at the outset.

Firstly, this is a day boarding service only, predominantly weekdays but restricted use on a Saturday and no use on a Sunday. There is no overnight boarding.

Second, the owners have their own dogs and it may reasonably be expected for them to be outside and for them to bark. This is normal behaviour. It is very common for there to be high dog ownership in rural areas. The complaint in February 2015 referred to by the environmental health officer should therefore be discounted as this refers to the applicant's own dogs and not as a result of any change of use. The "escaped" dog was also not a client's dog, but was a friend's dog, which therefore was not under the controls that daycare dogs would be.

Finally, dogs are not picked up and dropped off by their owners. There will be a dog taxi service run by the owners, predominantly at the start and end of the day.

The statement by the environmental health officer that *"Previous experience of these types of premises has demonstrated that dog barking is likely to be a nuisance to neighbours in relatively close proximity, particularly when dogs are picked up and dropped off at the day care premises. The dogs tend to get excitable at pick up and drop off times and set each other off barking"* is therefore misleading. It is more appropriate in the case of a boarding kennel operation. The applicant is of the opinion that there are no other similar premises in Midlothian for comparison in any case (i.e. day care facilities). It is not reasonable to compare to a boarding kennels. The planning statement is clear at page 9 the *"By comparison, the daycare business operating times will be generally 0800 to 1800. The dogs will be attended much more frequently and will have access to exercise. Dogs do not have to be contained in caged kennels. Dogs will therefore be less inclined to make any significant amount of noise. Dogs owners do not come to the site as the staff collect and drop off dogs. Again this will result in less noise than experienced at kennels when owners arrive"*.

There have been two objections received from the houses at the Gourlaw crossroads. These two properties are around 100 and 150 metres from the nearest paddock respectively. Both are single storey bungalows adjacent to a busy road (A6094). There will be vegetation and fencing between the paddock and these properties. The premises are only operational during a 12 hour daytime period.

***"2. The existing vehicle access points to the farm have limited visibility and do not meet the standards that would be required of a new road junction onto a 60mph road. It has not been demonstrated that the proposed use is capable of being served by an adequate and appropriate access. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan. "***

The planning officer has therefore concluded in reason 2 that the proposal fails to satisfy criterion E of Policy ECON8, which requires *"the proposal is capable of being served by an adequate and appropriate access"*.

This criterion is continued in Policy RD1, clause b, of the Proposed Midlothian Local Development Plan which will replace ECON8, and therefore remains the ongoing policy stance.

The sub-standard visibility from the existing access points has already been acknowledged in the applicant's planning statement. It is also however also recognised that this is not a busy road. Furthermore this is an existing access to a farm yard and it has catered well for existing and past farm activities. The site has a pair of accesses.

It is considered to be misleading to describe this as a 60 mph road. It is a minor country road which is subject to the national speed limit. There is a corner 40 metres south of the nearest access and it is unlikely many vehicles would pass this at much more than 30 mph. It has existed with the current access arrangements for many decades.

It has already been stated clearly in the applicant's planning statement that *"there will only be the vehicle(s) belonging to the business using this access at the start and the end of the day. Owners will not need to visit the site to collect animals"*. The diversification of the farm into the dog daycare facility will see existing farm activities replaced by the new activity. It is not anticipated that there will be any significant change (increase or decrease) in vehicle activity.

#### **Further comment**

Reference is made to a recent decision to grant on review a dog boarding kennels at 25 Damhead (13/00805/DPP). That case was for a boarding kennels and it was in the green belt. On both counts a more sensitive situation than the present proposal.



## Conclusion

The applicant has proposed a legitimate business proposal which is best sited to a rural location. It is an appropriate form of rural diversification.

The applicant has found a site that achieves a good balance of being remote from centres of population, and yet accessible to them. It provides a good healthy environment for the dogs. There are only two houses relatively close by (>100 metres) which are outwith the control of the applicant/landowner. The use is as an animal daycare facility and not as a 24 hour boarding kennel. Owners will not be coming to the site due to the pet taxi service that the owners will operate.

It is concluded that the submitted supporting statement and the content of this further fully justifies the granting of planning permission in light of current and proposed development plan policies.

**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:****Case Officer:** Graeme King **Site Visit Date:** 14/12/2015**Planning Application Reference:** 15/00939/DPP**Site Address:** Gourlaw Farm, Rosewell

**Site Description:** Gourlaw Farmhouse is a 19thC 2 storey farmhouse. The walls are finished with stone; the roof is slate; and the window frames are timber framed. The North elevation of the building is attached to a single storey steading consisting of a North and West range. The farmhouse and steading are located at the Eastern edge of a larger grouping of buildings comprising 3 agricultural sheds and 2 modern cottages; all of the properties in the grouping are accessed via a private access track that has 2 accesses onto the public highway.

The farmhouse is in separate ownership from the farm buildings and the farmland. In addition to a large garden the farmhouse also has 3 paddocks, totalling approximately 0.35 hectares in area. The closest residential properties are at Gourlaw Farm Cottages, 90m West of the farmhouse; the closest point of the application site is 70m from these properties. The residential properties at Gourlaw crossroads, Crossroads Cottage and Gourlaw Cottage, are 200m and 240m South West of the farmhouse respectively; the closest point of the application site is 95m and 135m from the properties.

**Proposed Development:** Change of use of steading building to dog day care centre

**Proposed Development Details:** The proposal relates to the use of the steading buildings; the courtyard and parking area to the South of the steading buildings; and the 3 paddocks. The steading buildings would house a dog daycare facility, a puppy crèche and a grooming room; the grooming room would only be used by dogs using the day care facilities. The 3 paddocks would be used as external exercise areas for the dogs. It is intended to accommodate 40 dogs. The dogs would be picked up from and returned to the owners.

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

11/00133/DPP – Alterations to agricultural building at Gourlaw Farm, Rosewell. Permitted (This application relates to the agricultural shed to the West of the steading buildings)

**Consultations:** The Council's **Transportation Policy** and Road Safety Consultant notes that the existing vehicle access points to the farm are poor with limited visibility for drivers exiting onto the public road. The visibility falls well short of the minimum requirement for a new road junction onto a 60 mph road. It is noted that while the current access currently appears to safely accommodate the present level of use,

the proposal would result in a significant intensification of that traffic. It is recommended that the application be refused.

The Council's **Environmental Health** section has serious concerns about the application due to the potential noise nuisance from barking dogs. The response notes that previous experience of these types of premises has demonstrated that dog barking is likely to be a nuisance to neighbours in relatively close proximity; barking can be particularly noticeable at times of drop off and collection. Particular reference is made to the 2 cottages that form part of the farm complex and of the 2 cottages located at a lower ground level at Gourlaw crossroads.

It is noted that close boarded fences have been erected along the boundaries of the paddock fields; however due to open nature of the fields it is noted that these fences are unlikely to be effective in reducing noise levels. Reference is made to a complaint made by a local resident in February 2015 with regard to dogs in a field at Gourlaw Farm barking; the complaint related to a Sunday and could not be verified by Environmental Health Officers. The response concludes by recommending that the application be refused as it is highly probable that dog barking will be a nuisance to neighbours and that it will not be possible to control or mitigate the barking noise effectively.

**Representations:** Two letters of support and two letters of objection have been received.

The letters of **support** are from a resident of Gourlaw Farm Cottages and a former resident of the cottages. The current resident states that she has no issues with the proposal. The former occupant states that the applicant has previously looked after the representor's dogs; reference is also made to a previous neighbour running a dog care business at Gourlaw.

The letters of **objection** are from the residents of the residential properties at Gourlaw crossroads. The grounds for objection are the loss of amenity from the noise of dogs barking. Both objections also make reference to the nuisance caused by a fireworks display at the applicant's property. One of the objections makes reference to two instances where a dog being looked after by the applicant escaped from the property and found its way to the representor's house.

**Relevant Planning Policies:**

**Policy RP1: Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1 or certain other policies in the Local Plan, including ECON8.

**Policy ECON8: Rural Development** states that rural economic development opportunities will be permitted provided that they meet all other relevant Local Plan policies and proposals and they meet the following criteria:

- The proposal is located adjacent to a smaller settlement unless there is a locational requirement to be in the countryside;

- The proposal is well located in terms of the strategic road network and access to public transport;
- The proposal's character and scale is in keeping with the rural setting;
- The proposal will not introduce unacceptable levels of noise, light or traffic to localities nor cause a nuisance to residents in the vicinity;
- The proposal is capable of being served by an adequate and appropriate access;
- The proposal is capable of being provided with drainage and water supply; and
- The proposal is not primarily of a retail nature.

**Planning Issues:** The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation responses received are material considerations.

Canine uses such as dog day care and kennels are not specifically referred to in policy RP1; however the specific nature of such uses, with a need for space and physical separation from neighbours, means that they are often better suited to remote countryside locations. Dog day care and kennels uses within Midlothian have been supported in countryside locations where the Planning Authority was satisfied that there were no significant amenity issues associated with the proposal and that the site could be safely accessed.

As noted above the Council's Transportation Policy and Road Safety consultant recommends refusal of the application on the grounds of road safety. The existing access points to the farm take access from an unrestricted road, i.e. a road with a 60mph speed limit. Both access points have visibility levels significantly below that which would be expected were a new access being formed; the Eastern access which is adjacent to the steading building has particularly poor levels of visibility.

The applicant submitted a pre-application enquiry prior to the submission of the application and was advised that the access arrangements at the farm were inadequate and that an application would not be supported. The application is accompanied by a supporting statement which seeks to address the concerns over access by emphasising that the Western access will be used rather than the Eastern access; the fact that the road is not heavily used; and the fact that dogs will be brought to and from the site by the operator.

While it is acknowledged that the Western access has the better visibility of the 2 access points; the curvature and relief of the road mean that even this point has sub-standard visibility. It would not be feasible for the Planning Authority to enforce a condition restricting use to only the Western access point, as enforcement would require continuous monitoring. The road is relatively lightly used at present however the road forms part of the vehicular access to the former Rosslynlee Hospital; it would have seen greater use when the hospital was in operation. The hospital site is identified as a Rural Building of Value and the Local Plan offers support for development at the site to support the retention and refurbishment of the listed building; it is likely that use of the road will increase in the future.

The supporting statement highlights the fact that dogs will be collected and dropped off and that this will help to reduce the number of vehicle journeys. As it is likely that many of the owners will require their dogs collected and/or dropped off at similar times of day; to facilitate this, similar sized operations elsewhere in Midlothian utilise at least 3 vans. While efforts will be made to minimise customer visits, it is to be expected that prospective customers will want to visit the premises and that customers will on occasion need to visit the site to collect or drop off dogs. Further vehicle movements associated with staff journeys; and deliveries of feed and supplies will also increase the usage of the access points. It is acknowledged that the applicant will endeavour to restrict the number of vehicle movements; however if granted the Planning Authority would have no realistic means of restricting the number of vehicles accessing the site or the access point used. Given the clearly expressed road safety concerns it would be irresponsible of the Planning Authority to grant planning permission with no realistic means of addressing the concerns.

A further reason for the lack of support of the pre-application enquiry was the likely impact of noise from dogs barking. The supporting statement seeks to address this issue by highlighting the fact that the occupants of the 2 farm cottages are aware of the proposal and do not have any concerns; the fact that screen fencing has been erected; and the fact that the dogs will receive regular attention and access. While it is acknowledged that the applicant has identified some mitigation measures and is optimistic that barking can be controlled; the professional experience of the Council's Environmental Health officers indicates that these measures are unlikely to be sufficient to remove noise concerns.

Experience at other canine sites indicates that the arrival and departure of dogs encourages barking, the delivery and collection times will result in significant levels of noise from dogs barking. Regular external exercise of the dogs in the paddocks will create an enjoyable environment for the dogs that will increase the likelihood of barking. As dogs are naturally sociable animals, the presence of 40 dogs in close proximity is likely to ensure that when one dog starts barking others will follow. The sloping ground of the paddocks, which slope down towards Gourlaw crossroads; and the open nature of the paddocks mean that any fencing will be ineffective in terms of reducing noise.

The Council's Environmental Health section has statutory responsibilities relating to the licensing of kennels, home boarding and commercial day care establishments; and to the licensing of dog breeders. The Council's Environmental Health Officers have longstanding professional experience with regard to commercial dog activities and are familiar with the noise issues and potential mitigation measures associated with such uses; in light of this experience the Council's Environmental Health section is clear that the proposed use is likely to create noise issues that it will not be possible to mitigate against. While it is accepted that the applicant would endeavour to minimise noise nuisance longstanding experience suggests this is unlikely to be achievable. It would be unrealistic of the Planning Authority, and unfair on the applicant, to grant planning permission with the knowledge that it was likely to generate noise complaints that cannot be mitigated against.



Gourlaw Farmhouse and its associated steading are not listed and are not located within a conservation area; however the buildings are an attractive traditional grouping that by virtue of its raised position in the landscape are prominent in the surrounding area. The existing sections of fencing that have been erected have not enhanced the views of the property; however it is acknowledged that the proposal would not significantly detract from the landscape character of the area.

Midlothian Council accepts that dog daycare uses have a valid locational requirement for a countryside location; however this locational requirement must be balance against other criteria identified in policy ECON8. In particular such uses must have adequate and appropriate access; and must avoid causing a nuisance to residents in the vicinity of the site. The factors within the applicant's control would not allow these criteria to be met; on balance the proposal is unacceptable and should therefore be refused.

**Recommendation:** Refuse Planning Permission

**Reasons for Refusal:**

1. It has not been demonstrated, to the satisfaction of the planning authority, that the proposed use would not have a significant impact on the amenity of residents in the vicinity of the site due to noise from dogs barking. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan.
2. The existing vehicle access points to the farm have limited visibility and do not meet the standards that would be required of a new road junction onto a 60mph road. It has not been demonstrated that the proposed use is capable of being served by an adequate and appropriate access. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan.





## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 15/00939/DPP**

Format Design  
146 Duddingston Road West  
Edinburgh  
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Ms Lyn Sillars, Format Design, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 30 November 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell, Midlothian, EH24 9DU**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	9963 03 1:1250	30.11.2015
Existing Site Plan	9963 01 1:500	30.11.2015
Proposed Site Plan	9963 02 1:500	30.11.2015
Planning Statement	Planning Statement	30.11.2015

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

- It has not been demonstrated, to the satisfaction of the planning authority, that the proposed use would not have a significant impact on the amenity of residents in the vicinity of the site due to noise from dogs barking. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan.*
- The existing vehicle access points to the farm have limited visibility and do not meet the standards that would be required of a new road junction onto a 60mph road. It has not been demonstrated that the proposed use is capable of being served by an adequate and appropriate access. The proposal is therefore contrary to policy ECON8 of the Midlothian Local Plan.*

Dated 29 / 01 / 16

.....  
Joyce Learmonth  
Principal Planning Officer  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

*If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at [www.midlothian.gov.uk](http://www.midlothian.gov.uk)*

*If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.*

**Prior to Commencement (Notice of Initiation of Development)**

*Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site [www.midlothian.gov.uk](http://www.midlothian.gov.uk)*

**IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION**

**Making an application**

*Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.*

**Making comment on an application**

*Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.*

*The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.*



SITE PLAN (1:500)

Scale

0m 10m 20m 30m 40m 50m

100

rev	date	by	date	rev	date	by	date

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 NEW BUILDS

PLANNING APPLICATIONS  
 LISTED BUILDING APPLICATIONS  
 BUILDING WARRANT APPLICATIONS  
 LONDON LICENSING DRAWINGS  
 DEED PLANS

drawing title: Change of use from standing building to dog daycare centre  
 job title: We Courtes farmhouse, Rosewell, Midlothian, EH24 8DU  
 client: Lyn Sellers  
 status: Planning Application  
 scale: 1:500 (A3)  
 drawing no: 8003 02  
 date: 16.10.2013  
 drawn: SK

**format design**  
 FGDQS Limited  
 1017006 Business Park 146 Duddingston Road West Edinburgh EH16 4AP

Tel: 0131 661 7000  
 Fax: 0131 668 0033  
 Email: formatdesign@format.com  
 Web: www.formatdesign.co.uk





NORTH



Application area



Applicant's private area



Mutual area

AG094 TO ROSEWELL

AG094 TO HOWGATE

GOURLAW FARM

Scale



LOCATION PLAN (1:1250)

rev	date	details	by	rev	date	details	by

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**format design**  
 FADOUR Limited  
 146 Duddingston Road, West Edinburgh EH16 4AP  
 Tel: 0131 661 7068  
 Fax: 0131 659 0033  
 Email: info@formatdesign.co.uk  
 Web: www.formatdesign.co.uk

scale: 1:1250@A4  
 drawing no: 0000 (0)  
 date: 15.10.2016  
 client: Lyn Sillers  
 sheet: Planning Application  
 of: 1 sheet, 1 sheet

drawing title: Change of use from existing building to day daycare centre  
 job title: Gournal Farmhouse, Rosewell, Midlothian, EH26 0DZ



## **Notice of Review: 1 Galadale Drive, Newtongrange**

### **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 extension at 1 Galadale Drive, Newtongrange.

#### **2 Background**

- 2.1 Planning application 16/00044/DPP for the erection of extension at 1 Galadale Drive, Newtongrange was refused planning permission on 14 March 2016; 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 advisor notes, issued on 14 March 2016 (Appendix D); and
  - Copies 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](http://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 an unaccompanied site visit for Monday 6 June 2016; and
  - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and no representations have been 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 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until samples of materials to be used on external surfaces of the extension have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the quality of the development is enhanced by the use of complementary materials to reflect its setting in accordance with policies RP20 and DP6 of the Midlothian Local Plan and national planning guidance and advice.



## **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

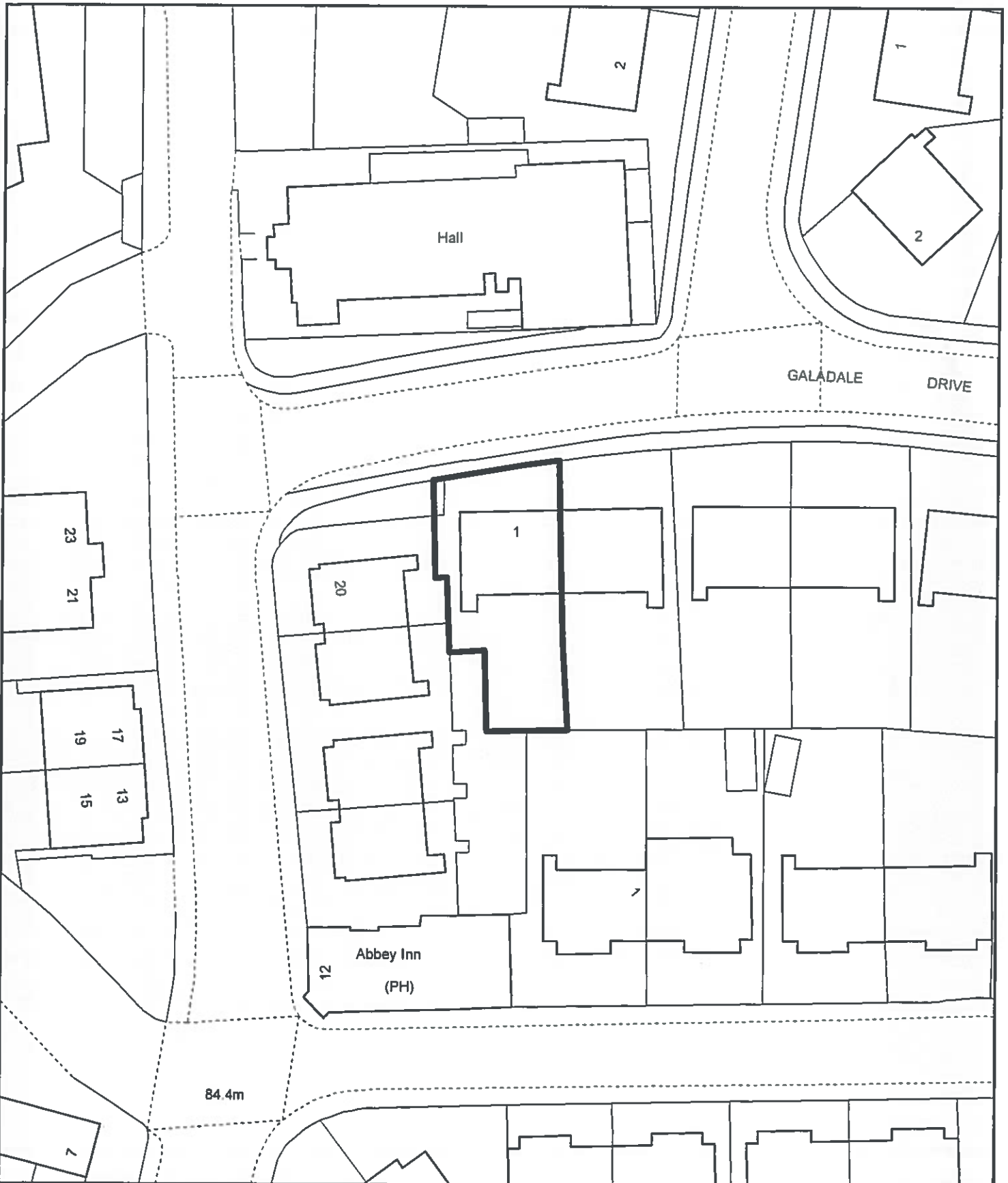
**Date:** 31 May 2016

**Report Contact:** Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 16/00044/DPP available for inspection online.





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

**Extension to dwellinghouse at 1 Galadale Drive,  
Newtongrange**

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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 100011902-001

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	G.S.M. Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Greig	Building Name:	
Last Name: *	McCauley	Building Number:	36-12
Telephone Number: *	0131 258 2138	Address 1 (Street): *	Malbet Park
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Midlothian
		Postcode: *	EH16 6SY
Email Address: *	greig@gsmarchitecture.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:	
First Name: *	Andrew	Building Number:	1
Last Name: *	Willkie	Address 1 (Street): *	Galadale Drive
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Newtongrange
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH22 4RP
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	1 GALADALE DRIVE
Address 2:	NEWTONGRANGE
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 4RP

Please identify/describe the location of the site or sites

--	--

Nothing

664708

Easting

333281

## 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)

EXTENSION TO DWELLINGHOUSE.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

PLEASE SEE ATTACHED 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 SEE ATTACHED SUPPORTING DOCUMENTS FOR EXPLANATION.

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)

ADDITIONAL MATTERS RAISED. APPEAL REPORT TO SUBSTANTIATE AND SUPPORT APPLICATION PROPOSALS.  
LETTERS OF SUPPORT FROM NEIGHBOURING PROPERTIES REFERENCED IN REFUSAL REPORT. PHOTOGRAPHIC  
EXAMPLES OF SIMILAR EXTENSIONS AS-BUILT.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00044/DPP

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

26/01/2016

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

26/01/2016

## 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)

To assess the impact the extension would have on neighbouring properties and clarify stated measurements on the Planning refusal report.

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

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

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

☒ Yes ☐ No

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

## 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 Greig McCauley

Declaration Date: 09/05/2016





**1 GALADALE DRIVE, NEWTONGRANGE, MIDLOTHIAN, EH22 4RP**  
**PLANNING APPLICATION NUMBER: 16/00044/DPP -**

**ADDITIONAL MATTERS RAISED**

Matters raised which were not before the appointed officer at the time the determination on our application was decided.

One additional photo sheet has been submitted showing examples of rear extensions which have been granted planning permission and built elsewhere within Galadale Drive, Galadale Crescent, Eighth Street, Ninth Street and Tenth Street. All examples are in close proximity of no. 1 Galadale Drive and are of similar style houses. These examples are in support of our application further to receiving the reasons for refusal by local delegated decision. We have also responded to points raised in the case officer's report which we were unaware of until the final refusal was issued.

Further to planning refusal we have obtained letters of support for this application from two of the properties referenced in the Planning Refusal Report.

At the time of the determination on our application by the appointed officer there was no written or verbal communication within the process timescales advising us of the recommendations for refusal or what the final decision was to be. We received the formal refusal with no correspondence prior to this.

The Planning application was registered on 26th January 2016. We received no further response beyond the formal acknowledgement registration letter. The determination deadline for the application was 26th March 2016. The refusal was issued on 14th March 2016. This was the only correspondence or communication throughout the planning process. We were given no opportunity within the determination period to respond to any recommendations or feedback prior to the final decision being issued. We were not made aware of the case officer's recommendations to their report being placed on the council's scheme of delegation list and were not provided with any information as to when this stage was progressing.

We received no response and were disappointed with this.

The local review submission has been the only opportunity for us to substantiate and respond to the case officer's report and reasons for refusal with the additional information included.



**1 GALADALE DRIVE, NEWTONGRANGE, MIDLOTHIAN, EH22 4RP**

**REFUSAL OF PLANNING PERMISSION - Decision date: 14 March 2016**

**APPLICATION NUMBER: 16/00044/DPP -**

**Proposed extension to existing dwellinghouse.**

**Additional notes and supporting information for the Council's Local Review Body.**

The following additional supporting statement and photographic examples have been considered and provided further to assessment of the conditions and reasons for refusal detailed in the case officers report determined by local delegated decision. The information is in response to the Planning Authority's grounds and reasons for refusal, which are as follows:

Reasons:

- 1. The proposed extension would be an overly dominant feature with an overbearing impact on the outlook of no. 20 Newbattle Road, to the detriment of the amenity of the occupiers of this property.**
- 2. The proposed extension would result in increased overlooking of no. 1 Galadale to the detriment of the amenity of the occupiers of this property.**
- 3. For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seeks to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.**

#### **Relevant Planning Policies**

The relevant policies of the 2008 Midlothian Local Plan.

RP20 - Development within the built-up area - seeks to protect the character and amenity of the built-up area.

DP6 - House Extensions - Requires that extensions are well designed in order to maintain or enhance the appearance of the house and locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

SPG - Rear extensions to single storey and semi-detached houses - This was prepared partly in response to concern regarding the impact of extensions on the character of the original house. The SPG provides guidance on the design, size and proportions of extensions.

## **Comments to substantiate and support the application proposals:**

### **ORIGINAL CLIENT DESIGN BRIEF:**

The proposed single storey extension to the rear of the house was designed to incorporate self-contained sleeping accommodation for an elderly family member with the provision of private shower/toilet facilities and glazed french doors providing direct access to the rear garden area. The current kitchen and bathroom are small and the circulation space narrow and tight. The proposed alterations involve removal of a section of the rear external wall enlarging the kitchen with an open plan dining area and the bathroom relocated to enhance all new rooms and circulation areas, greatly improving the ground floor living accommodation and existing activity spaces to satisfy compliance with current Scottish Building Standards.

The original design brief was for an extension spanning the full width of the rear elevation to create as much additional floor space as possible. This idea was based on the existing full length rear extensions at no. 2 Galadale Drive which extends 2.5m from the face of the rear house wall and the extension at no. 15 Galadale Drive which projects 4m from the face of the house wall. There are also a number of full length rear extensions, some with pitched roofs within Galadale Crescent, which were taken into consideration when assessing the design of our extension. We determined that a precedence had clearly been established in Galadale Drive and Galadale Crescent. When finalising the requirements for our application it was decided that the proposed extension could be more sympathetically designed within a smaller footprint having less impact on neighbouring properties and still include all the facilities without the need to extend full width of the house. The existing external lean-to store was altered and extended at the existing roof height to accommodate additional storage space. Over half of the new extension width projects 3.46m deep from the face of the rear external wall of the house on the side of no. 20 Newbattle Road. However the proposed house extension projects 2.1m deep from the face of the existing lean-to store, as shown on the proposed floor plan. The remaining dining area section is 4m deep at the side of no. 3 Galadale Drive.

### **RESPONSE TO PLANNING ISSUES RAISED**

It has been noted on the Planning Refusal Report that the proposed extension will be positioned 1.9m from the rear boundary of no. 20 Newbattle Road and 5.41m from the house at no. 20. We would comment that the side wall of the new house extension is actually positioned 7.1m away measured from the face of the side wall to the face of the rear wall at no. 20 Newbattle Road. The proposed extension is situated 3.2m from the rear boundary of the property at no. 20 Newbattle Road. The dimensions stated in the case officers report would seem to relate to the smaller extended store. We feel it would be unreasonable to assess the distances measured from this point. It's our view that this small lean-to building would fall within permitted development under the current Householder Permitted Development Rights In Scotland. The store has no impact on the adjoining property and the distances should be assessed from the house extension footprint. We would hope that confirmation of these dimensions can be clarified on-site prior to a final determination by the Local Review Body. It's our view that the stated dimensions are misleading.

It was also noted on the refusal report that the proposed extension satisfies the vertical sky component test for daylight to the living room of no. 20 Newbattle Road and that the impact of sunlight was not in itself sufficient to warrant refusal of planning permission.

In response to the point raised in the Planning Refusal Report stating that the proposed extension would bring the building closer to the boundary with no. 1 Galadale resulting in increased overlooking of the house and garden of this property we would comment as follows:

The outer face of the external back wall of the proposed extension is located approximately 20m from the face of the rear elevation at no. 1 Galadale. This property also has a large timber shed directly in the sight-lines of where the new extension is proposed as well as a timber boundary fence approximately 1.8m high. Our response to the proximity of the new building resulting in increased overlooking to the detriment of the amenity of the occupiers of this property is that it would be unreasonable to determine that this distance is unacceptable in view of what has been deemed as acceptable elsewhere in the area.

It has also been stated on the Planning Refusal Report that sufficient garden area would remain after the erection of the extension. We would add that the remaining garden area further to erection of the extension is substantial when calculating the minimum requirements under the current Planning Guidelines.

Consideration of the development, design, layout and orientation of the proposed single storey extension was assessed at an early stage in the design brief prior to planning submission. An appraisal was carried out to evaluate the impact on the existing spatial character and appearance of the surrounding areas. A detailed analysis was provided to establish what has been built, extended and altered within close proximity of the application site, and has been deemed as acceptable in the wider community by Midlothian Council Planning Department. Photographs have been taken to record the development of domestic extensions situated within and around the surrounding areas of Galadale Drive. We found that there were a large number of houses of very similar design with examples encompassing a varied mix of larger scaled modern styles of rear extended properties which have subsequently been constructed and modernised, dramatically altering the character and visual appearance of the buildings and surrounding areas within the Newtongrange catchment area, which have been granted planning consent. When assessing and comparing these larger extensions that have been granted planning permission by Midlothian Council it seems unreasonable and unfair to refuse our application on the grounds that the proposed extension will result in an overly dominant feature with an overbearing impact and the proposed extension would result in increased overlooking to the detriment of the amenity on the neighbouring properties.

The scale and form of our proposed extension has a smaller footprint, lower eaves height and far less of an overly dominant feature and overbearing impact than the majority of the examples shown. As stated above the rear elevation wall of the extension is positioned over 20m away from the face of the rear elevation to no. 1 Galadale which has been assessed as resulting in increased overlooking to the detriment of the amenity of the occupiers of this property. We are very aggrieved and unhappy with Midlothian Council's grounds for refusal and as a result have approached the owner of no. 1 Galadale, Mr John Stewart to consult and

discuss his views on the matter. Mr Stewart has subsequently written a letter in clear support of the application and has advised that he does not believe that the development would have any negative impact on his property. A copy of this letter is attached. The client has also received a letter of support further to Planning refusal from the neighbour at no. 3 Galadale Drive, Mary Gray. Again copy of letter attached for information.

## **IN CONCLUSION**

We feel we have demonstrated that the design of the proposed house extension has been sympathetically and carefully considered to compliment the surrounding areas.

There have been no comments of objections from any of the surrounding affected neighbours notified or any members of public.

Further to refusal we have obtained letters of support for this application from two of the properties referenced in the Planning Refusal Report.

There are a large number of examples of similar and much larger scaled developments which have been granted planning permission within and around the surrounding area which visually have a greater density of development to the existing spatial character and have a greater detrimental impact on the character and appearance of the existing properties of similar style.

The example at no. 15 Galadale Drive is the most recent Planning Application prior to this application being refused, in Galadale Drive. Planning Permission was granted by Midlothian Council in August 2013, Ref. No. 13/00509/DPP, assessed under the relevant policies listed above and deemed as acceptable and has subsequently successfully been extended.

This would seem to be in contrast to the reasons that our application has been refused Planning Permission on the grounds that if the proposal were approved it would undermine the consistent implementation of these policies. We strongly disagree with the grounds for refusal and would hope that the Local Review Body view this application more favourably with a view to overturning the decision.



3 Galadale Drive  
Newtongrange  
MIDLOTHIAN  
EH22 4RP

Midlothian Council  
Planning Applications

4<sup>th</sup> May 2016

Dear Sir

I am writing with regard to the planning application of my neighbour Mr Andrew Wilkie for an extension to his property – 1 Galadale Drive, Newtongrange, EH22 4RP.

I believe that permission to extend has been refused and ahead of any consideration of an appeal I wish to record my support for this extension to go ahead, which is entirely in keeping with other permitted developments in the area.

I do not believe that the extension would have any detrimental impact on my property or any of the neighbouring properties. I understand that Mr Wilkie wishes to extend the property to provide more suitable accommodation for his elderly father to stay and I think the Council should take this into account and allow the extension to go ahead.

Yours truly

A black rectangular box redacting the signature of Mary Gray.

Mary Gray

1 Galadale  
Newtongrange  
Dalkeith  
Midlothian  
EH22 4R11

Planning Appeals Review Group  
Midlothian Council

28 April 2016

To whoever it concerns

Re. Planning Application for 1 Galadale Drive, Newtongrange, Dalkeith EH22 4RP

I am writing in support of the application by my neighbour Andrew Wilkie to extend his property to the rear at the above address. I understand that the impact on my property has been cited as a reason to refuse permission.

I do not believe that this development will have any negative impact on my property. It is not inconsistent with similar developments that have been allowed in the area and in adjacent properties.

I would ask the Planning Review Group to overturn the decision of the Planning Committee to refuse permission and would emphasise again that I am supportive of my neighbour's extension application.

Yours sincerely



John Stewart



VIEWS LOOKING FROM NO. 1 GALADALE DRIVE

EXISTING REAR EXTENSIONS APPROVED AND ERECTED IN GALADALE CRESCENT



SINGLE AND TWO STOREY REAR EXTENSIONS LOCATED IN EIGHT, NINTH AND TENTH STREET. ALL IN CLOSE PROXIMITY TO NO. 1 GALADALE DRIVE AND ARE OF SIMILAR STYLE HOUSES.



EIGHT, NINTH AND TENTH STREET.

1 GALADALE DRIVE, NEWTONGRANGE - PLANNING REFUSAL APPLICATION NO: 16/00044/DPP.

EXAMPLES SHOWING HOUSE EXTENSIONS SITUATED CLOSE TO APPLICATION SITE, GRANTED PLANNING PERMISSION BY MIDLOTHIAN COUNCIL - PHOTO SHEET.

gsmlarchitecture



**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 16/00044/dpp

**Site Address:** 1 Galadale Drive, Newtongrange

**Site Description:**

The application property comprises a semi-detached single storey dwellinghouse finished externally in drydash render with a brick base course and quoin details, white plastic framed windows and a slate roof. There is large box dormer at the rear of the house. There is an existing sunroom at the rear of the house and a small shed in the rear garden. The ground level at the rear of the house is approximately 0.5m higher than that at the side.

**Proposed Development:**

Extension to dwellinghouse

**Proposed Development Details:**

It is proposed to erect a flat roof extension at the rear of the house measuring 7.8m wide and varying in depth between 3.5m and 4m. The scheme also includes extending an existing store attached to the rear elevation of the house from 1.4m deep to 3m deep and changing the orientation of the roof. The extension is to be rendered to match the house with white upvc framed windows and doors on the rear elevation.

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

History sheet checked.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

SPG - Rear extensions to single storey terraced and semi-detached houses – this was prepared partly in response to concern regarding the impact of extensions on the character of the original house. The SPG provides guidance on the design, size and proportions of extensions.

**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.

Paragraph 11 of the SPG states that single storey flat roof extensions to the rear of dwellinghouses shall not exceed 3m in depth as beyond this size the disparity between the appearance of a flat roofed extension and the original house with its pitched roof will become more noticeable. However there is a large box dormer at the rear of the house which has already altered the original character of the house. Taking this in to account the proposed extension would not have a significant impact on the character of the house as compared to existing. Also the large areas of glazing on the rear elevation help to give it a more lightweight appearance.

Sufficient garden area would remain after the erection of the extension.

There is an existing 2.5m deep flat roof extension at no. 3 next door. The proposed extension will not have a significant impact on the amenity of this property.

The application property is located around the corner from 20 Newbattle Road. The ground level at no. 20 is approximately 1.7m lower than the lower ground level at the rear of the application property with the rear elevation of no. 20 facing the gable of the application property. The proposed extension will be 1.9m from the rear boundary of no. 20 and 5.41m from the house at no. 20. As a result of a combination of the proximity of the two properties and the change in ground levels the proposed extension will be a very prominent feature with an overbearing impact on the outlook of the living room window of no.20. It will also be overbearing to the rear garden of no 20. It will also be very prominent to the outlook from the first floor bedroom window on the rear elevation of no. 20.

The extension satisfies the Vertical Sky Component test for daylight to the living room window of no. 20.

The extension will impact on sunlight to no. 20 in the early morning, however this in itself is not sufficient to warrant refusal of planning permission.

The existing sunroom overlooks the property to the rear at no. 1 Galadale. The proposed extension would bring the building closer to the boundary with no. 1 resulting in increased overlooking of the house and garden of this property.

**Recommendation:**

Refuse planning permission.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 16/00044/DPP**

G.S.M. Architecture  
36-12 Malbet Park  
Edinburgh  
Midlothian  
EH16 6SY

Midlothian Council, as Planning Authority, having considered the application by Mr Andrew Wilkie, 1 Galadale Drive, Newtongrange, Scotland, EH22 4RP, which was registered on 26 January 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Extension to dwellinghouse at 1 Galadale Drive, Newtongrange, EH22 4RP**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing floor plan	36/101 1:50	26.01.2016
Existing floor plan	36/102 1:50	26.01.2016
Existing elevations	36/103 1:100	26.01.2016
Proposed floor plan	36/104 1:50	26.01.2016
Proposed floor plan	36/105 1:50	26.01.2016
Proposed elevations	36/106 1:100	26.01.2016
Location Plan	36/107 1:1250 1:200 1:100	26.01.2016

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

1. *The proposed extension would be an overly dominant feature with an overbearing impact on the outlook of no. 20 Newbattle Road, to the detriment of the amenity of the occupiers of this property.*
2. *The proposed extension would result in increased overlooking of no. 1 Galadale to the detriment of the amenity of the occupiers of this property.*
3. *For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.*

Dated 14 / 3 / 2016

A handwritten signature in blue ink, consisting of a stylized 'D' and 'R'.

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

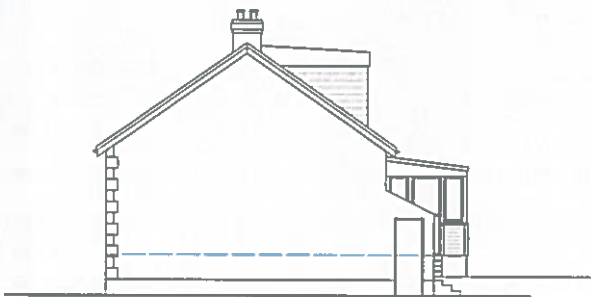
# APPENDIX E



FRONT (NORTH) ELEVATION



REAR (SOUTH) ELEVATION



SIDE (WEST) ELEVATION



SIDE (EAST) ELEVATION

EXISTING ELEVATIONS -  
1 GALADALE DRIVE, NEWTONGRANGE

SCALE - 1:100 @ A3  
DATE: . JAN. 2016.

DRG NO. GM 36/ 103  
**gsmlarchitecture**  
gsml@gsmlarchitecture.co.uk T 0131 258 2138  
gsmlarchitecture.co.uk M 0719 800 871



20  
21

22



FRONT (NORTH) ELEVATION

**EXTERNAL WALL FINISH -**

New single storey Extension, external walls are to be roughcast render to match existing house.

**WINDOWS AND DOORS -**

New external window, glazed 3-Leaf Bi-fold door system and french doors are to be PVC-u framed double glazed units, Argon filled with Low emissivity 'K' glass, 4mm Optifloat, 8mm cavity units. Glazing type providing band 'A' Energy Rating (WER).

**NEW FLAT ROOFING SECTIONS -**

Flat sections of new roofing finish to be single ply 'TOPSEAL' or similar GRP waterproof weathering system, and associated GRP edge trims/flashings/aprons.



REAR (SOUTH) ELEVATION

**EXTENDED STORE DOORS -**

New external doors are to be good quality Redwood timber framed, ledged & boarded door system.

**VELUX ROOFLIGHTS - WHITE FINISH**

2no. Velux 'CVP' Flat roof windows (fixed), 980 x 980mm each. Located above new Dining/Kitchen area.

1no. Velux 'GGU' Centre-pivot roof window, 780mm wide x 1180mm above new En-suite.

All new rainwater pipework connections and guttering are to be PVC-u to match existing house.

All new flashings/Aprons to be Code 5 Lead, at connections to existing house.

New R.W.P.'s. with handhole access at base.



SIDE (WEST) ELEVATION

New window opening to Bathroom, obscured glass for privacy screening.



SIDE (EAST) ELEVATION

500mm deep Roof overhang at eaves with recessed soffit downlighting.

PROPOSED ELEVATIONS -  
1 GALADALE DRIVE, NEWTONGRANGE

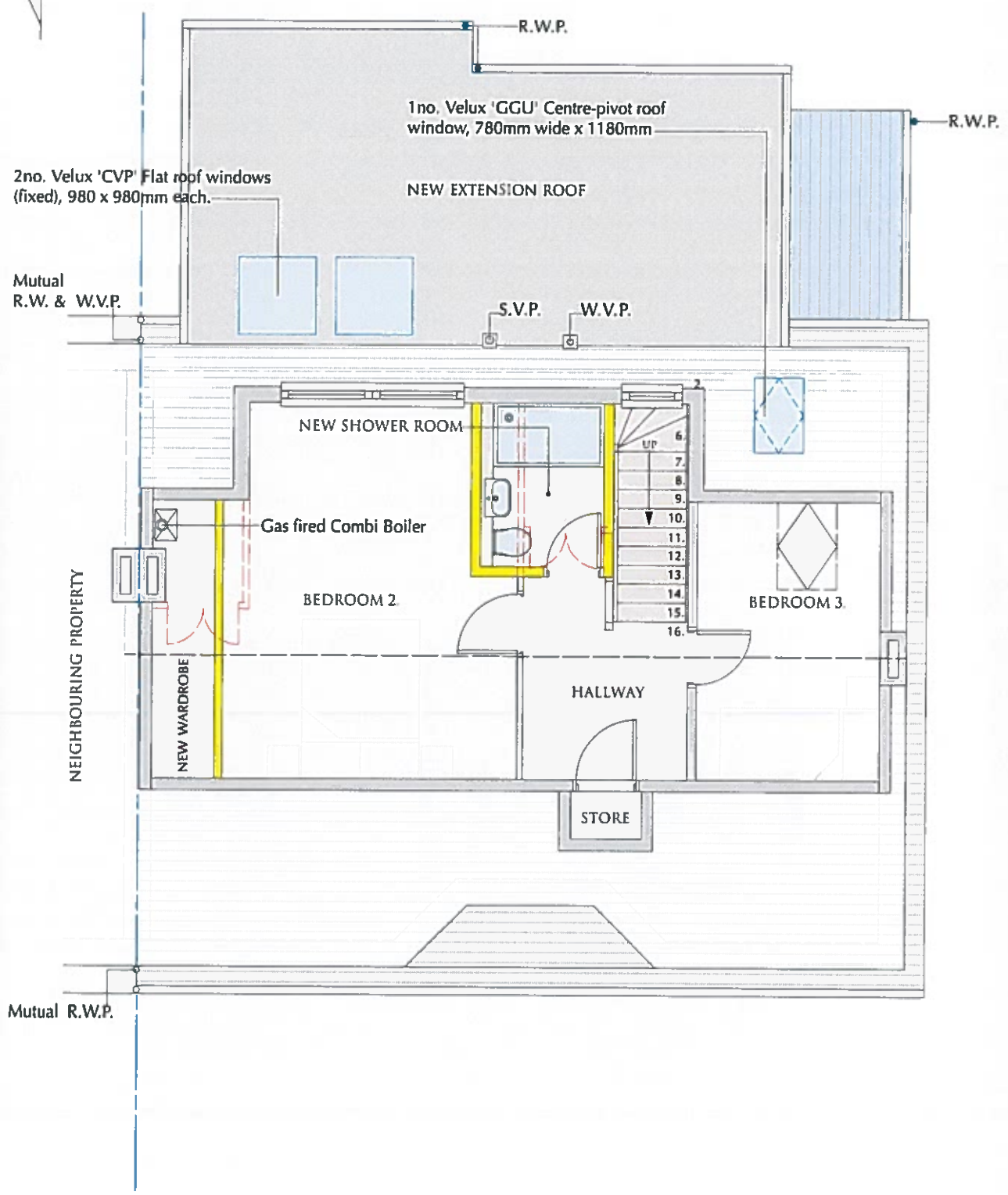
SCALE - 1:100 @ A3  
DATE: . JAN. 2016.

DRG NO. GM 36/ 106

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gsmiarchitecture.co.uk 0715 400 8771





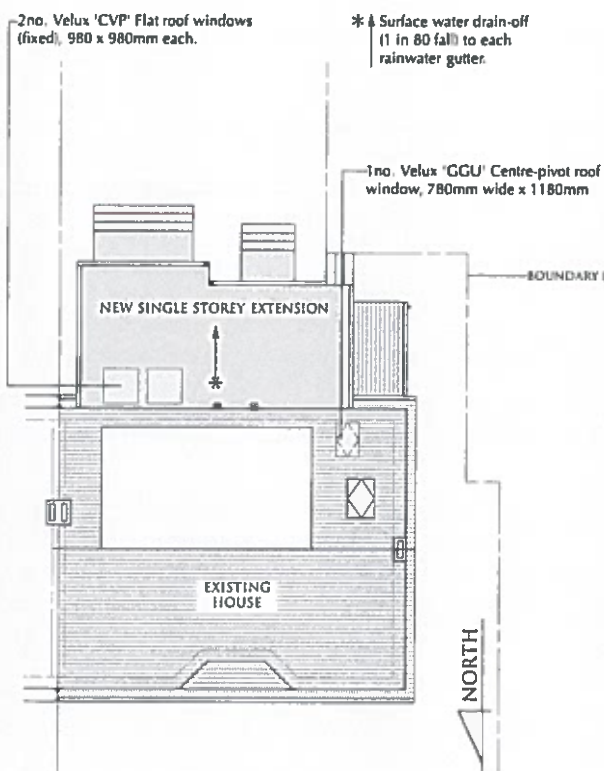


PROPOSED FIRST FLOOR PLAN -  
1 GALADALE DRIVE, NEWTONGRANGE

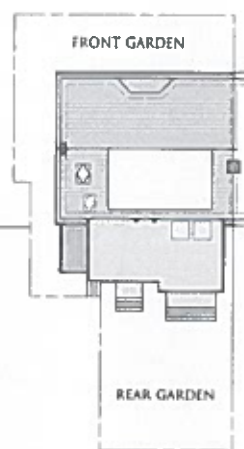
SCALE - 1:50 @ A3  
DATE: . JAN. 2016.

DRG NO. GM 36/ 105  
**gsm|architecture**  
greig@gsmarchitecture.co.uk T 0131 258 2138  
W gsmarchitecture.co.uk M 07915 600 871

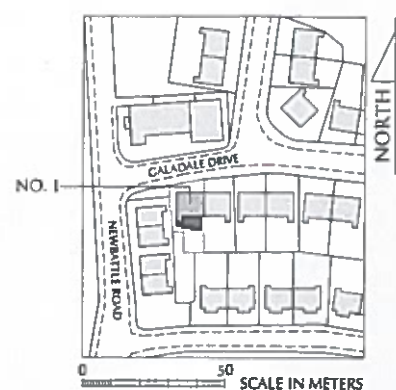




PROPOSED ROOF PLAN - SCALE 1:100



SITE PLAN - SCALE 1:200



LOCATION PLAN - SCALE 1:1250

PROPOSED SITE, ROOF AND LOCATION PLAN -  
1 GALADALE DRIVE, NEWTONGRANGE

SCALE - 1:100/1:200 & 1:1250 @ A3  
DATE: JAN. 2016.

DRG NO. GM 36/ 107  
gsmiarchitecture  
greg@gsmanarchitecture.co.uk 0131 218 2158  
W gsmanarchitecture.co.uk M 07715 400 871



## **Notice of Review: Cherrytrees, Fala, Pathhead 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 demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Pathhead.

### **2 Background**

- 2.1 Planning application 15/00995/DPP for the demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Pathhead was refused planning permission on 22 February 2016; 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 advisor notes, issued on 22 February 2016 (Appendix D); and
  - Copies 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](http://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 an unaccompanied site visit for Monday 6 June 2016; 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 10 representations (10 support) have been received. As part of the review process the interested parties were notified of the review. No comments have been received from the original 10 representors. However, four additional representations, post decision, were received supporting the application/review. Furthermore, a post decision letter, addressed to the LRB, was submitted by Councillor Kenny Young advising the LRB that he had received representations from those parties supporting the application/review and that local residents had expressed disappointment that planning permission had been refused. All the comments can be viewed online on the electronic planning application case file via [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

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 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.



1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii boundary planting along the external boundaries of the application site;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details and sustainable urban drainage systems to manage water runoff; and
- viii proposed driveway configuration and surfacing.

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

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP7 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

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

***Reason:*** To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

*Reason: In order to safeguard the visual amenity of the Fala Conservation Area.*

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

*Reason: To protect the residential amenity of surrounding properties.*

## **6 Recommendations**

6.1 It is recommended that the LRB:

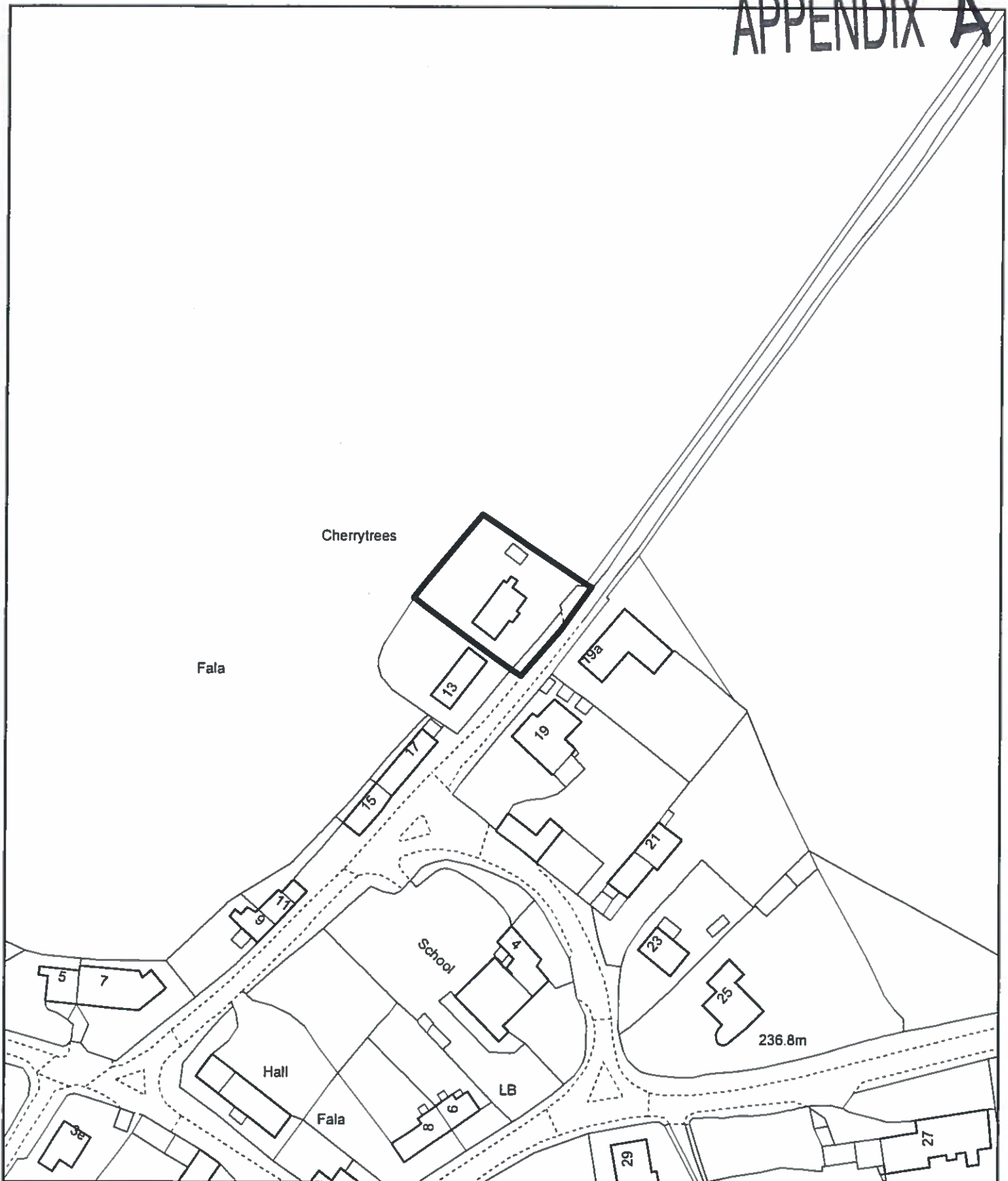
- a) determine the review; and
- b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 31 May 2016

**Report Contact:** Peter Arnsdorf, Planning Manager  
peter.arnsdorf@midlothian.gov.uk

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 15/00995/DPP available for inspection online.



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

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead.

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**Midlothian Council Licence No. 100023416 (2016)**

**File No. 15/00995/DPP**

**Scale: 1:1,250**





## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Dr's	Ref No.	ep485
Forename	Christopher & Victoria	Forename	Derek
Surname	Rofe	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	63	Building No./Name	
Address Line 1	Woodhall Road	Address Line 1	21 Lansdowne Crescent
Address Line 2	Colinton	Address Line 2	
Town/City	Edinburgh	Town/City	Edinburgh
Postcode	EH13 0HQ	Postcode	EH12 5EH
Telephone		Telephone	0131 535 1103
Mobile		Mobile	07802 431970
Fax		Fax	0131 535 1104
Email		Email	enquiries@derekscottplanning.com
<b>3. Application Details</b>			
Planning authority		Midlothian Council	
Planning authority's application reference number		15/00995/dpp	
Site address			
Cherrytrees Fala Hall Road Fala Pathhead EH37 5SY			
Description of proposed development			
Demolition of existing dwelling house and erection of replacement dwelling house and detached garage; erection of fence; and installation of air sourced heat pump, bin store, decking and paving.			

Date of application

21/12/15

Date of decision (if any)

22/02/16

**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

**4. Nature of Application**

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐**5. Reasons for seeking review**

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐**6. Review procedure**

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

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

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

N/A

**7. Site inspection**

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

Can the site be viewed entirely from public land?

☒

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

☒



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

None.

#### 8. Statement

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

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to attached Statement

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

### 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to attached Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

### 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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

### DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

# **REVIEW STATEMENT**

**15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF  
REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE; AND  
INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING**

At

**Cherrytrees  
Fala Village  
Pathhead  
Midlothian EH37 5SY**

Prepared by

**Derek Scott Planning  
Planning and Development Consultants**



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E-Mail: [enquiries@derekscottplanning.com](mailto:enquiries@derekscottplanning.com)**

On behalf of

**Dr. Christopher Rofe & Dr. Victoria Rofe**



*Existing view looking towards North East*



*Proposed view looking towards North East*



# Executive Summary

## **15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY**

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- The application site is located at the northern edge of the village of Fala, near Pathhead and lies within a designated Conservation Area. Measuring approximately 925 square metres in area the site is currently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. Its appearance has an adverse effect on the character and appearance of this part of the village.
- The application has been submitted by Dr. Christopher Rofe and his wife Dr. Victoria Rofe. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner at the Tranent Medical Practice in Tranent. They currently have two children aged four and six. The village of Fala is viewed as an ideal location for them to establish a permanent family home, strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.
- The Planning Application sought detailed planning permission to demolish the existing dwelling house on the site and to erect a replacement dwelling house. Other aspects of the proposal include the erection of a detached garage and fencing and the installation of an air source heat pump, bin store, decking and paving. Conservation Area Consent has previously been granted by the Council for the demolition of the existing house under Conservation Area Consent Reference Number 15/00384/CAC.
- The application, which has taken due cognisance of the existing architectural vernacular of the village, proposes the use of historical forms in a modern, contemporary and highly sustainable dwelling house as the replacement property. A detached two-storey garage is also proposed within the plot which will accommodate a traditional garage and garden store on the ground floor and an office/study with WC on the first floor.
- The accommodation within the proposed dwelling house is contained within three distinct elements, reflecting, in light of the site's semi-rural location, a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height and in plan form so that it reads as a building with single, one and a half and two storey elements.
- A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and grey zinc rainwater goods are also proposed.
- A number of trees within the site require to be felled due to their existing condition or to otherwise facilitate the proposed development.

- **The application has been refused by the appointed Planning Officer for the following reasons as stated within the decision notice:**
  - (1) The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
  - (2) For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*
- **The Planning Officer's Report on the application advises that the principal concerns about the proposal relate, firstly, to the front part of the building which is considered as being unduly prominent and rendering the entire scheme out of character with the predominant scale and design of buildings within the village and secondly, to the use of zinc as a finishing material on the roof(s).**
- **We disagree with the Planning Officer's views on the prominence of the front part of the building and the alleged adverse impact that the entire building would have as a result of this on the character and appearance of the conservation area for the following reasons:**
  - **The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.**
  - **The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.**
  - **The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.**
  - **The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbours.**
  - **The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the neighbouring dwelling house (No. 13) adjacent.**
  - **The front of the proposed dwelling house is set back c.15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.**
  - **The materials proposed which consist of timber clad walls and a zinc roof will ensure that the dwelling is respectful to both the countryside and to the village context within which the site is located.**
- **Other key considerations in support of the application include the following:**



- The dwelling house currently occupying the site has a significant adverse effect on the character and appearance of the Conservation Area. The proposal, if approved, will result in the demolition of the existing structure and the erection of a modern, contemporary but entirely sympathetically designed dwelling which will substantially enhance the character and appearance of the Conservation Area.
  - The proposal will lead to the introduction of a new family within a village which has seen its population decline from the 70 specified in the Fala Conservation Area Appraisal in 2008 to 46 in 2016.
  - Ten representations have been submitted to the Council in support of the application during its consideration and a further four since the application was refused. Eleven letters have come from residents within the village with further letters being submitted by Oxenfoord Castle which has ownership interests in the village and from another party in Fala Dam who regularly visit the village. A statement has also been submitted in support of the application by a Tynewater Community Councillor. Not a single letter of opposition has been submitted to the proposal from third parties or consultees.
- Based on our consideration of the development plan and all other material considerations it is our strongly held view that that the application should not have been refused and as such it is respectfully requested that it be granted.



*Existing view looking towards South West*



*Proposed view looking towards South West*

# REVIEW STATEMENT

**15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY**

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Document 1 -	Copy of Planning Application submitted to Midlothian Council
Document 2 -	Photographs and Photomontages showing existing and future views of application site.
Document 3 -	Fala Conservation Area Appraisal
Document 4 -	Letters submitted to Council in support of application
Document 5 -	Copies of letters submitted to Council in support of proposal since application was refused.
Document 6 -	Copy of Decision Notice
Document 7 -	Planning Officer's Report of Handling
Document 8 -	Larger scale copies of Plans referred to in Text





*Existing View from Humble Road*



*Proposed View from Humble Road*

# REVIEW STATEMENT

**15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY**

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## **1. INTRODUCTION & BACKGROUND**

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our clients, Dr. Christopher & Dr. Victoria Rofe. We dispute, on behalf of our clients, the appointed Planning Officer's reasons for refusing the above-mentioned application, which sought detailed planning permission to demolish an existing dwelling house and to erect a replacement dwelling house and garage, a fence, the installation of an air source heat pump, bin store, decking and paving at Cherrytrees, Fala, Pathhead. A copy of the planning application submitted to and refused by the Council is attached as **Document 1**.
- 1.2 Our clients are both doctors. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner in East Lothian. They currently have two children aged four and six. Although our clients acquired the site in August 2015 they had, prior to that, a conditional option to purchase it from February 2015. It has always been their intention to demolish the existing dwelling and to erect a new family home which would be strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.
- 1.3 Helen Lucas Architects (HLA) were appointed by our clients in February 2015 after consideration of their experience of working in contexts with challenging statutory constraints, including National Parks, National Scenic Areas, Conservation Areas and Areas of Outstanding Natural Beauty. HLA have also been commended by the Royal Incorporation of Architects in Scotland, for their use of timber cladding on a project at Stoer, and by the Saltire Society/Scottish Government for a project in Edinburgh.
- 1.4 Applications for Planning Permission (15/00362/DPP) and Conservation Area Consent (15/00384/CAC) were submitted in May 2015. Conservation Area Consent for the demolition of the existing house was granted on 27<sup>th</sup> July 2015 but the application for planning permission was withdrawn on 31<sup>st</sup> July 2015 to allow for revised design proposals to be negotiated with the Council's Planning Department. After a long period of dialogue with both the Planning Authority and local residents as well as very significant compromise from our clients a revised application was submitted in December 2015. Whilst all parties have moved considerably closer to a mutually acceptable compromise in terms of design there remain a number of outstanding issues which our clients are not prepared to compromise on any further as they would result in a house, the design of which, and accommodation within, would not be acceptable.

## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is located within Fala, near Pathhead approximately 15 miles to the south of Edinburgh.
- 2.2 The village is located within a Conservation Area originally designated by Midlothian Council in 1996. Its current population consists of 46 persons. Community facilities include a church, a village hall, a play park, allotments and a former school which is now used as a children's nursery.



*Community Facilities*

- 2.3 There is no consistent vernacular within the village and it contains a wide variety and diverse range of building styles built in different eras including single, one and a half, two and two and a half storey properties contained within a variety of plot sizes.



*Wide Variety of Designs within Village*





*Wide variety of designs within Village*

- 2.4 The site itself is located at the northern tip of the village and enjoys open views across the agricultural fields adjoining. Measuring approximately 925 square metres in area it is presently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. The building detracts significantly from the character and appearance of the Conservation Area in recognition of which Conservation Area Consent has already been granted by the Council for its demolition under Conservation Area Consent Reference Number 15/00384/CAC. That demolition will take place once planning permission is granted for a redevelopment proposal.
- 2.5 Surveys commissioned by our clients have also revealed that it contains significant quantities of hazardous materials in the form of asbestos.



*Location Plan*



*Existing house detracts from character and appearance of Conservation Area*

- 2.5** Hedging and a narrow grass verge currently form the site boundary to the public road to the south east. A combination of 1.1 metre high timber fencing and low hedging delineate the boundaries to the adjacent property at the south-west and the surrounding fields. The hedging is broken, sparse and generally in an unkempt state. There are a number of trees on the site. Existing access arrangements are located in the eastern corner.
- 2.6** There are three properties immediately neighbouring/in the immediate vicinity of Cherrytrees. The property to the south west (No. 13) is a one and a half storey dwelling house dating from the 1970's. It is harled in grey with a double pitch slate roof. A single storey garage sits against the boundary of the application site. There are two properties on the opposite side of the access road to the south/south east. No 19a, which is directly opposite the application site dates from the 1980's and is an art-stone clad bungalow with a double-pitched red clay pantile roof. No. 19, to the south, is a very substantial two and a half storey Victorian dwelling house with walls finished in stone and harl and the roof in natural slate.



*Front and rear views of neighbouring house*



*Dwelling House Opposite*

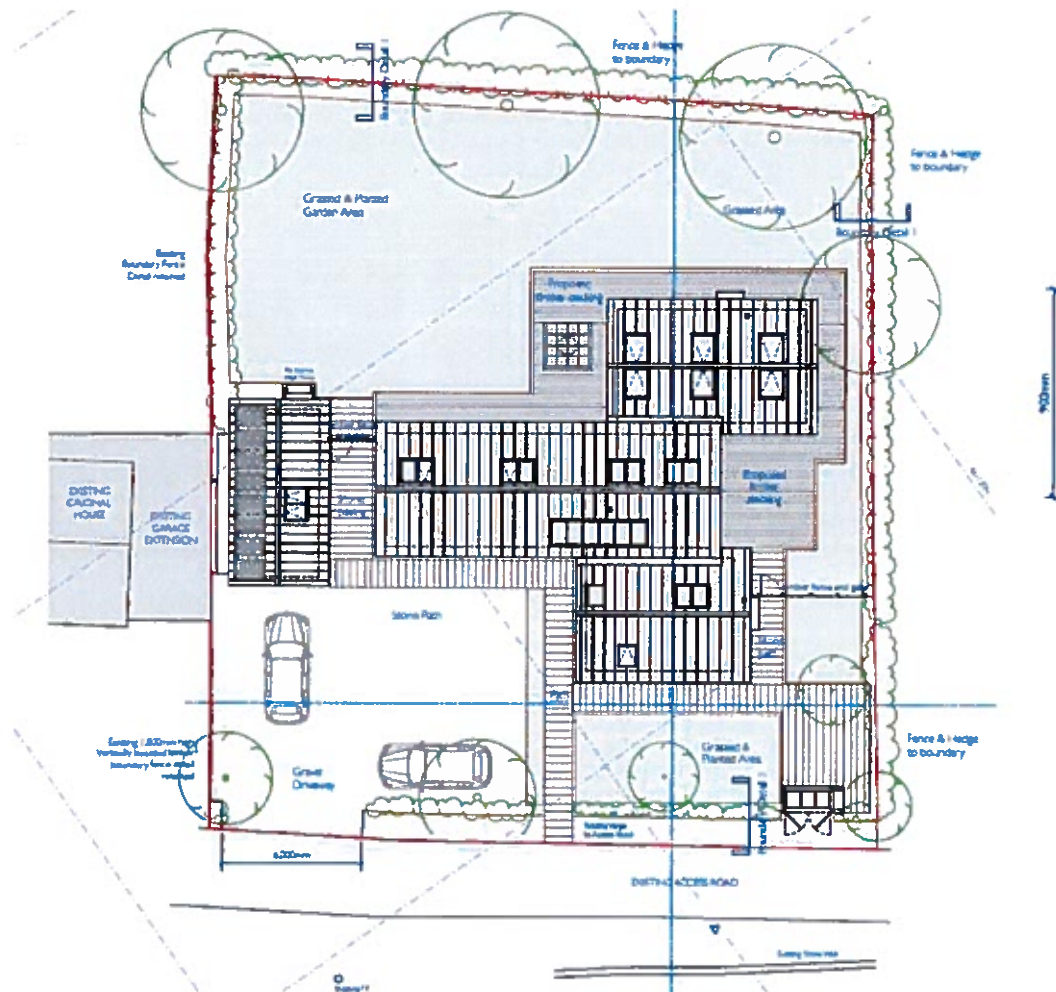


*Victorian House Diagonally Opposite*



### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

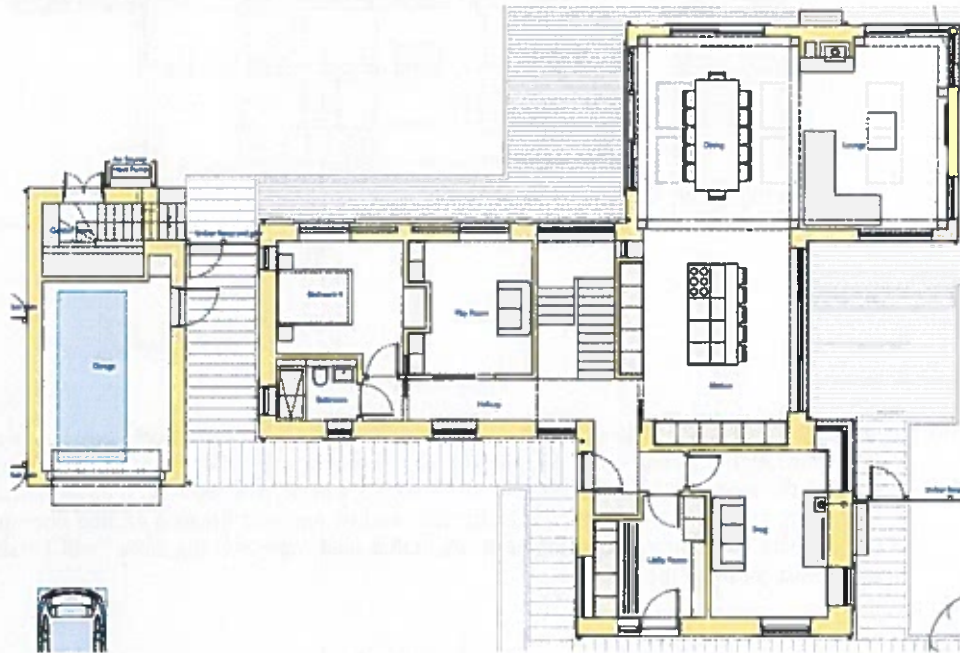
- 3.1 The application submitted to and refused by the Appointed Officer, seeks full planning permission to demolish the existing dwelling house on the site and to erect a replacement dwelling house. Other aspects of the proposal include the erection of a detached garage and fencing and the installation of an air source heat pump, bin store, decking and paving.



*Proposed Site Plan*

- 3.2 The application, which has taken due cognisance of the existing architectural vernacular in the village, proposes a modern, contemporary and highly sustainable dwelling house which utilises historical forms as the replacement property. Comprising single, one and a half and two storey elements the proposal accommodates a dining room, lounge, kitchen, snug, utility, playroom, bedroom and bathroom on the ground floor; and a further three bedrooms (one en-suite), mezzanine/study and bathroom on the first floor. A detached two-storey garage is also proposed within the plot which will accommodate a traditional garage and garden store on the ground floor and an office/study with WC on the first floor.

- 3.3 The accommodation within the dwelling house is separated into three distinct elements, reflecting, the site's semi-rural location, and a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height so that it reads as a building with single, one and a half and two storey elements. This combined with the staggering of the units in plan form mitigates visual impact from the access track to the north east and from within the village itself. As the proposed dwelling house sits on a downward slope on the edge of the village the ridge height of the 2 storey element is no higher than the ridge height of the immediately adjacent property at No. 13. The units are also of a depth analogous with the surrounding forms of vernacular buildings.



*Proposed Ground Floor Plan*

- 3.4 The proposed house is set back from the access road by approximately 7 metres thus having a similar relationship with the access road as the neighbouring property at No. 13. The front of the proposed dwelling house is also set back 15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.



*Elevation to South East*

- 3.5 A gravelled parking area/driveway will be formed at the southern corner of the plot and an adjoining small area of garden space created to the north of that. Circulation within the plot is facilitated through the introduction of stone paving and timber decking. The principle area of useable private garden space will be located at the rear of the dwelling. Living spaces within the

house are also located to the rear where they can have open glazed elevations to maximise views, natural light and solar gain.



*Proposed First Floor Plan*

- 3.6 The north east, north west and south east boundaries of the plot will be delineated with a post and rail fence and a mixed species hedge (beech, hawthorn and wild rose). The existing fencing around the south western boundary, next to No. 13 will be retained with a mixed species hedge planted at the rear. A number of existing trees will be removed because of their poor quality and to facilitate the proposed development. A timber clad 'bins and log store' will be sited at the south east corner of the site.



*Elevation to North West from adjoining agricultural land*

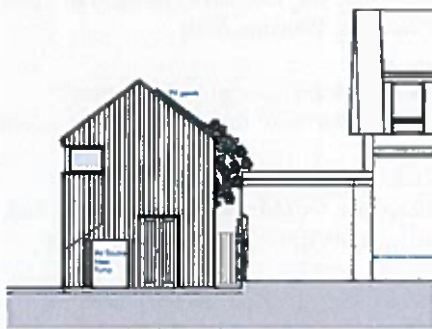
- 3.7 The density of the development proposed on the plot (i.e. plot ratio) is entirely in keeping with that of the immediate neighbours. The footprint of the proposed development occupies 24% of the plot area compared to 20 % at Nos 13 and 19a and 27% at No. 19.
- 3.8 A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. Although zinc is the preferred material for the roof our client's would, albeit reluctantly, accept a condition requiring the roofs to be finished in natural slate if considered by the Review Body to be preferable. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and dark grey zinc rainwater goods are also proposed.



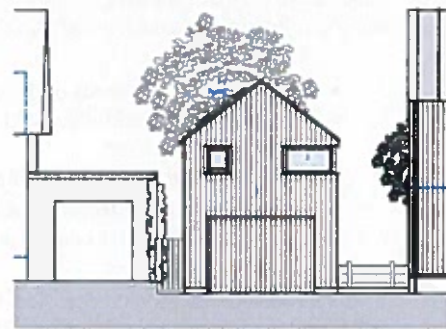
- 3.9 The overall design employs simple and sensible principles of passive design, providing slim floor plan depths for ventilation and opening towards the sun on the south with views to the north east. The super insulated timber framed envelope represents an appropriate response to environmental prerogatives. Lightweight and locally available, timber frame construction reduces foundation depths and hence excavations and concrete use. The air source heat pump will provide for hot water and heating needs supplemented by photovoltaic panels on the south facing side of the garage roof. Photographs of the site as it exists at present and photomontages showing the proposed development in context are attached as **Document 2**.



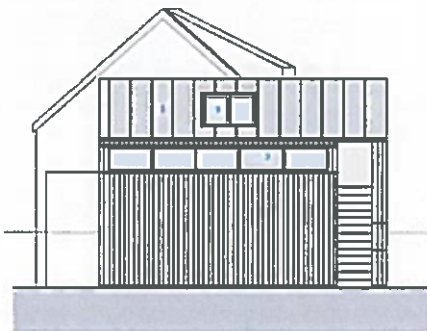
*Elevation to North East from the track to Fala Hall*



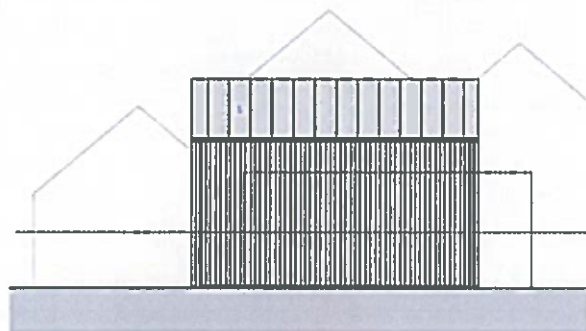
ELEVATION TO NORTH WEST



ELEVATION TO SOUTH EAST



ELEVATION TO NORTH EAST



ELEVATION TO SOUTH WEST (TO VILLAGE)

**Garage Elevations**

## 4. PLANNING POLICY

### 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

*'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'*

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that:

*'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

(2) Those provisions are—

- (a) the planning Acts, and
- (b) Part I of the Historic Buildings and Ancient Monuments Act 1953.'

### 4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- 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; and
- assess whether these considerations warrant a departure from the development plan.

### 4.3 The relevant development plan for the area comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the Midlothian Local Plan 2008. Other material considerations in the determination of the application include Scottish Planning Policy, the Draft Fala Conservation Area Appraisal, a previous application/appeal decision relating to the erection of a dwelling house at No. 21 Fala Village, third party representations and consultation responses.



#### **Strategic Development Plan for Edinburgh and South East Scotland**

- 4.4 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However, it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further analysis in the context of the appeal proposals.

#### **Midlothian Local Plan 2008**

- 4.5 Midlothian Council adopted the Midlothian Local Plan on 23<sup>rd</sup> December 2008. The application site lies within the Fala Settlement Envelope as defined in the Plan and also within the Fala Conservation Area. The agricultural land surrounding the site lies within an Area of Great Landscape Value. Policies within the Plan which are of relevance to the application under consideration include the following:

Policy RP5 – Woodland, Trees and Hedges  
Policy RP6 – Areas of Great Landscape Value  
Policy RP7 – Landscape Character  
Policy RP20 – Development within the Built-Up Area  
Policy RP22 – Conservation Areas

Midlothian Local Plan Policy DP2: Development Guidelines sets out Guidance for residential dwellings but relates almost exclusively to housing layouts rather than individual housing proposals. As such we do not consider it merits any further comment in the context of the appeal proposals.

- 4.6 Policy RP5 on 'Woodland, Trees and Hedges' states the following:

*'Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance.'*

*Where an exception to this policy is agreed, any trees lost will be replaced with equivalent.'*

- 4.7 Whilst there are a number of trees requiring to be felled to facilitate the proposed development they do not contribute to the character or appearance of the Conservation Area. Our clients are proposing compensatory planting within the plot and in this respect are not at all adverse to the imposition of a condition on any planning permission granted requiring the submission and subsequent implementation of a landscaping scheme to be approved by the Council's Planning Department.



*Existing Trees do not make positive contribution to Conservation Area*

- 4.8 Policy RP6 on 'Areas of Great Landscape Value' states the following:

*'Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).*

*The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.'*

- 4.9 Areas of Great Landscape Value (AGLV) are designated as such as they are considered by the Council to be of outstanding local landscape value and attractiveness. Whilst the site, itself, does not lie within the AGLV it immediately adjoins it and as such any development proposed on it has the potential to have an adverse effect on its value and attractiveness. As noted previously the application proposals have been designed to represent a series of conjoined rural buildings bearing a visual relationship not dissimilar to the one that exists between Fala Church and the building adjacent to it (No. 27) on the south eastern side of the village. The design is considered to be entirely appropriate at the juncture of the settlement and the surrounding countryside and will not have an adverse effect on the AGLV. It is significant and telling to note that the Planning Officer has not cited Policy RP6 in support of her reasons for refusing the planning application. One can only assume from this that she has no concerns about the impact of the proposal on the AGLV.

- 4.10 Policy RP7 on 'Landscape Character' states the following:

*'Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement.*

*New developments will incorporate proposals to:*

*A. maintain the local diversity and distinctiveness of landscape character including natural and built heritage features of landscape value such as woodland, hedges, ponds, stone walls and historical sites; and*

*B. enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features.*

- 4.11 Our response to Policy RP6 applies equally to the terms of Policy RP7, as does the fact that the Planning Officer has not referred to this policy either, in her reasons for the refusal of the planning application. As we have outlined previously our clients are proposing to define the boundaries to the plot with a post and rail fence and a beech hedge. They are also proposing additional tree planting within the plot to assist with the integration of the proposed development into the landscape, at what is acknowledged as an important juncture between the built up area and the surrounding countryside.

- 4.12 Policy RP20 on 'Development within the Built-Up Area' states the following:

*'Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.*

- 4.13 The purpose of Policy RP20 is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. As noted in earlier sections of this statement it is clearly evident that our clients have gone to great lengths to ensure that the proposals for the site will contribute to rather than detract from the character of the area by designing a dwelling house which pays due regard to its



setting and surrounding context with particular reference to massing, scale, density and materials. Particular points to note in this regard include the following:

- The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.



*Offset Gable end visual form at south eastern side of village*

- The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.
- The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.

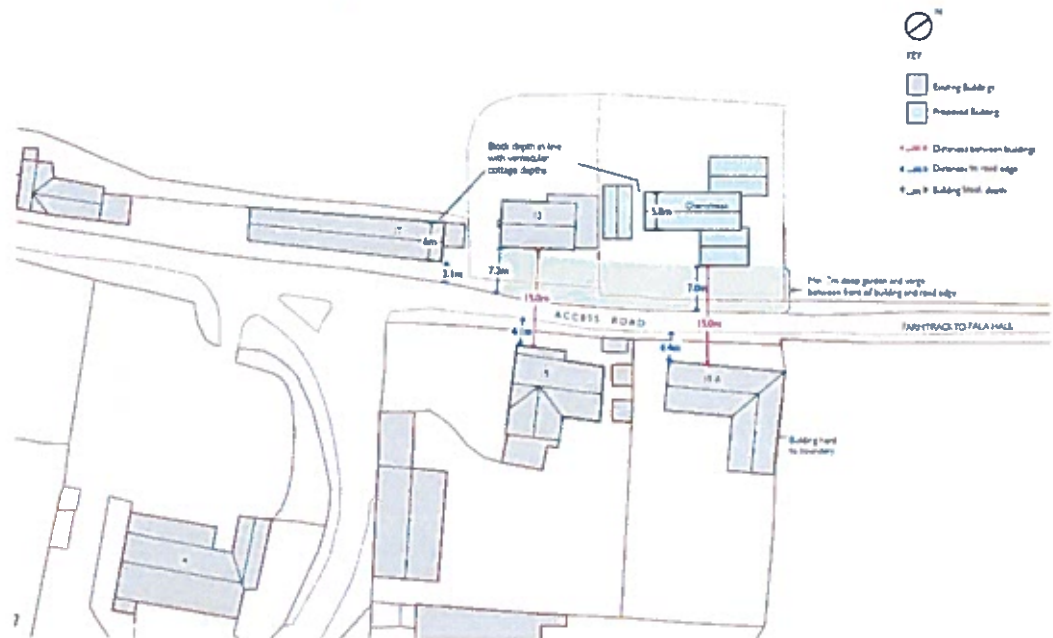


*Ridge height of proposed dwelling house matches neighbouring dwelling house*

- The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbours.
- The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the existing dwelling house (No. 13) adjacent (7.03 metres and 7.2 metres respectively, a difference of just 17 centimetres).



- The front of the proposed dwelling house is set back c.15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus maintaining consistency in the street form.



**Proposed dwelling house set back similar distance from road to neighbouring property and 15 metre distance between opposite dwellings (See Document 8)**

- The materials proposed which consist of timber clad walls and a zinc roof (although slate would be reluctantly accepted as a compromise) will ensure that the dwelling is respectful to the countryside and village context within which the site is located.

#### 4.14 Policy RP22 on 'Conservation Areas' states the following:

*'Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.'*

##### **New Buildings, Extensions and Alterations**

*In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.*

##### **Demolition**

*A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:*

- *the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and*
- *the Conservation Area will be enhanced as a result of the redevelopment of the site; and*
- *there is no alternative location physically capable of accommodating the proposed development.*

**B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.**

*Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.*

*These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.'*

- 4.15 It is significant to note, within the context of the above policy, that the Council, in granting Conservation Area Consent for the demolition of the existing dwelling house, has already accepted that it is of no architectural or historic value and furthermore makes no material contribution to the character of the Conservation Area. Whilst this is evident in itself; the further reality of the situation is that the existing building significantly detracts from the character and appearance of the area. Its removal and replacement with the building proposed will result in a significant improvement to that character and appearance for reasons previously mentioned. Whilst our views on the merit of the proposal differ from those of the Planning Officer, for reasons commented upon further in Section 5 of this Statement, we are very firmly of the opinion that the proposal is entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

**Other material considerations**

- 4.16 There are a number of other material considerations which must be addressed in the consideration of the proposal by the Local Review Body including Scottish Planning Policy, the Draft Fala Conservation Area Appraisal, a previous application/appeal decision relating to the erection of a dwelling house at No. 21 Fala Village, third party representations and consultation responses.

**Scottish Planning Policy**

- 4.17 The Scottish Planning Policy Document was produced by the Scottish Government in June 2014 with its purpose stated as being 'to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.' The document advocates the efficient use of existing capacities of land, buildings and infrastructure and as such supports, in principle, the development of new residential homes on brownfield sites as proposed by our clients. As far as development within Conservation Areas is concerned the document states the following:

*'Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.*

*Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.'* (Paragraphs 143 – 144)

- 4.18 The proposed dwelling house complies with the terms of Scottish Planning Policy.

- 4.19 ***Fala Conservation Area Appraisal***  
Midlothian Council produced a Conservation Area Appraisal for Fala in 2008 (See Document 3) which remains in draft form and has not been formally approved or adopted by elected members. The draft appraisal attempts to set out the main characteristics of the area, identifies where enhancement is required and where stronger controls over certain types of development are necessary. It is interesting that the population of the village was approximately 70 when the Conservation Area Appraisal was produced in 2008 and that it has declined to 46 in the intervening period. It is clearly a village in need of redressing population decline.



- 4.20 The appraisal describes, somewhat inaccurately in our opinion, that existing buildings within the village are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian House), two 20<sup>th</sup> Century bungalows at the northern end and the Blackshiels Farm Building. Assuming the definition of a cottage in the context of the Conservation Area Appraisal relates to a 'small house of vernacular appearance' our analysis of the urban form as outlined in the following table suggests that a maximum of only twelve of the twenty four existing dwelling houses (50%) within the village should be described as such.



***Buildings two storey in height or greater***

Address	Building Type
1 Fala	Single Storey Vernacular Cottage
2 Fala	Single Storey Vernacular Cottage
3 Fala	2 Storey Dwelling
3e Fala	Single Storey Modern Dwelling
3 Blackshields, Fala	Single Storey Modern Dwelling
4 Fala – Former School	2 Storey Building
5-7 Fala	Single Storey Vernacular Cottage
6 Fala	1.5 Storey Vernacular Cottage
8 Fala	1.5 Storey Vernacular Cottage
9 Fala	Single Storey Vernacular Cottage
11 Fala	Single Storey Vernacular Cottage
13 Fala	1.5 Storey Modern Dwelling
15-17 Fala	Single Storey Vernacular Cottage
Cherrytrees	Single Storey Modern Dwelling
19 Fala	2.5 Storey Dwelling
19a Fala	Single Storey Modern Dwelling
Session House	Single Storey Vernacular Building
21 Fala	Single Storey Vernacular Cottage
23 Fala	1.5 Storey Vernacular Cottage
25 Fala	Single Storey Vernacular Cottage
27 Fala	2.5 Storey Dwelling
Fala West Church	2 Storey Public
29 Fala	Single Storey Modern Dwelling
31 Fala	2 Storey Dwelling
33 Fala	Single Storey Modern Dwelling
Village Hall	2 Storey equivalent Public
Blackshields/Fairshields	2.5 Storey Dwelling

Vernacular Cottage    Modern Single/1.5 Storey Dwelling    2 Storey or Greater

- 4.21 More significantly perhaps is the fact that five of the existing dwellings (21%) are 2/2.5 storey in height with a further two buildings the equivalent of two storeys in height (Former School and Church).



*Buildings 2 storey in height or greater (See Document 8)*





*Buildings two storey in height or greater*

- 4.22 Setting the above aside for further comment in Section 5 below the Appraisal notes that *'well-designed buildings are evident in all ages and it is their design per se that is the critical factor. No one age has a monopoly of good build design. New building is neither always worse, nor old building necessarily better.'* It further outlines a number of design approaches that may be acceptable within the Conservation Area, one of which relates to *'modern buildings'* in respect of which it states the following *'The design is clearly of its time yet respectful of its context. It may use traditional materials in contemporary manner, or modern materials in historical forms.'* It further states that *'a high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area.'*

- 4.23 The dwelling house proposed by our client evokes all of the above principles particularly in the use of historical forms interpreted in a modern contemporary way. Other principles specified in the appraisal to which due respect has been paid include:

- the retention of the grass verge next to the public road;
- respecting the established pattern of low density development;
- the re-establishment of hedges to form the means of enclosure;
- the use of traditional materials such as timber on the walls and modern materials such as zinc on the roof which relate well to the countryside setting; and
- a density of development in keeping with the parameters established by its immediate neighbours.



*Buildings two storey in height or greater*



- Appeals at 21 Fala Village (P/PPA/290/161 & P/CAC/290/004)**
- 4.24 Planning Permission and Conservation Area Consent were granted on appeal by the Scottish Government for the demolition of a cottage at 21 Fala Village and its replacement with a two storey dwelling house on 17<sup>th</sup> April 2008. The application had been recommended for approval by the Planning Department despite fervent and widespread opposition to the scale of the proposal but was refused by elected members. The determination of the current application/appeal will be made by locally elected representatives on the Council's Local Review Body due to legislative changes which have occurred in the intervening period. Prior to our client's application this was the only site, insofar as we are aware, that had been the subject of proposals for erection of a new dwelling house in the village since it was designated as a Conservation Area in 1996.



*Permission previously granted for erection of two storey dwelling house to replace single storey cottage*

- Third Party Representations**
- 4.25 Ten written representations (See Document 4) were submitted to the Council following the submission of the application. All representations were in support. There were no objections. Nine of the supporting comments came from existing residents of the village; and one from Oxenfoord Castle which has land ownership interests within the village. Grounds of support include the following:
- The proposed building is in keeping with neighbouring houses and the semi-rural location;
  - The proposed building represents a significant improvement on the existing house and garden;
  - A new young family would be openly welcomed in the village;
  - A modern innovative house will enhance the village and add to the variety of styles and house sizes which have been built over the years; and
  - The proposed house complies with planning guidance and the conservation area appraisal.
- 4.26 Since the application was refused by the Planning Officer it has been brought to our attention that four further people have written to the Council expressing their surprise at the decision and requesting that any appeal made against the refusal be upheld. Copies of the said letters are included as Document 5. There is clearly an exceptional level of local support for the proposed scheme within the community which is reflective of the care and attention that has been taken in the development of the proposals and the enhancement that they will have on the Conservation Area.
- Consultation Responses**
- 4.27 Consultation responses on the application have been received from the Council's Policy and Road Safety Manager; the Council's Environmental Health Department; and from the Wildlife Information Centre. There are no objections from the Policy and Road Safety Manager or from

the Wildlife Information Centre. The Council's Environmental Health Department expressed some concern in respect of noise from the air source heat pump but acknowledged that such concerns could be controlled by condition. The imposition of a condition in respect of contamination was also recommended. Our clients have no objection in principle, to the imposition of such conditions in the event of the Local Review Body being minded to support the proposal.

- 4.28 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that there are no sound reasons for refusing this application.

## 5. COMMENTS ON REASONS FOR REFUSAL

5.1 The application has been refused by the Planning Officer for two inter-related reasons as stated in the decision notice attached as **Document 6**

1. *The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
2. *For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*

5.2 Further reasoning for the refusal of the application can be found within the Planning Officer's Report of Handling on the application which is attached as **Document 7**. According to that report the main issue in the consideration and refusal of the application has been the design and massing of the proposed house and its impact on the character of the Conservation Area. The Planning Officer had particular concerns about the massing of the building and about the proposed use of zinc on the roof.

5.3 In terms of scale, massing and form the Planning Officer considers the central two storey and rear single storey parts of the design to be acceptable but expresses concern about the one and a half storey part of the building at the front which is described in her report as being '*unduly prominent rendering the entire scheme out of character with the predominant scale and design of buildings within the village.*'

5.4 Picking up on points made previously in Paragraph 4.20, we are of the strongly held view that the Planning Officer, in relying on the inaccurate description of the existing village as contained in the Fala Conservation Area Appraisal has come to the conclusion that all of the existing buildings, with the exception of six (i.e. the former school, the village hall, the former Manse, two 20<sup>th</sup> Century bungalows at the north end and the Blackshiels Farm Building) are cottages, which in our opinion imply small single or one and a half storey dwellings of, in this context, vernacular appearance. As previously demonstrated eight of the existing buildings in the village are two storeys or more in height. Five of those properties which are two storeys or more in height are residential properties. As a consequence of this any inference or claim that the dwelling house proposed by our client is not sympathetic to or in keeping with the wider character of the village, in terms of storey heights, cannot be supported.



**Buildings 2 storey in height or greater (See Document 8)**

- 

- 5.6 Assessing the proposal in the more immediate context of the appeal site we would point out that the highest central part of the dwelling house proposed is the same height as the neighbouring property (13 Fala) with the other components subservient in height to this. Further attention is drawn to the Victorian property to the south at No 19; the height, scale and massing of which is significantly greater than the proposal. In light of these considerations the proposed dwelling house, in terms of scale and massing, is entirely respectful to its neighbours as well as to the wider village and in no way prominent.
- 5.7 The Planning Officer acknowledges in her report on the application that the main two storey central block and the rear single storey block are acceptable. She has claimed that the front block, which is subservient in scale and height to the central block will appear as a bulky and prominent feature fixed to the front of the house when viewed from within the village and from the Humble Road. It is also claimed that the building lines of the principal elevations of houses in the village are generally in a single plane.
- 5.8 We fundamentally disagree with the Planning Officer's assessment of the front block and its impact on the overall proposal. As noted previously the front of the block respects both the established building line on the north western side of the public road and the relationship, in terms of distances between houses on the opposite side of the road in this part of the village. As far as



views from Humble Road are concerned the photomontage below clearly demonstrates that this is not the case.



*View of Proposed Development from Humble Road*

- 5.9 Whilst it is acknowledged that the building lines of the principal elevations are predominantly in a single plane there are examples where this is not so, in which respect we would draw specific attention to Nos 2, 3 and 31 Fala. As previously noted the village contains a wide variety of architectural styles reflecting the period within which each property has been erected. The proposed development will add further diversity and interest to the street scene by introducing a modern contemporary home which is entirely respectful to and in keeping with the form, scale and massing of existing buildings.



*Not all front elevations are in a single plane*

- 5.10 The Planning Officer has made reference in her report to a sketch scheme submitted by our client's architects under cover of e-mails dated 02<sup>nd</sup> and 03<sup>rd</sup> December 2015. The said sketches had been produced by our client's architect in an attempt to interpret and present to our client what, in terms of design changes, the Planning Officer would be prepared to support. What the Planning Officer's Report fails to state is that the resultant sketch designs, which in our opinion are less appropriate to the character of the Conservation Area than the appeal proposals, resulted in a significantly smaller house than originally proposed and as such did not fulfil the requirements of our client's brief in terms of the accommodation required.



- 5.11 The other concern highlighted in the Planning Officer's Report relates to the use of zinc as opposed to natural slate on the roof of the proposed dwelling house. Whilst our clients have a very strong preference to employ the use of zinc on the roof they would reluctantly agree to the imposition of a condition on any consent granted requiring it to be finished in natural slate.
- 5.12 Based on our analysis of the Planning Officer's reasons for the refusal of the application, as outlined, it is evidently clear that insufficient weight has been given in the determination of the application to the substantial visual improvement that the proposal will bring to the village and Conservation Area. Whilst the Planning Officer may be of the view that the existing house occupying the site is '*relatively discreet in terms of scale and being set back from the road*' there are few in the village who share that opinion.

## **6. SUMMARY AND CONCLUSIONS**

### **6.1 Our client's appeal is summarised in the following terms:**

- **The application site is located at the northern edge of the village of Fala, near Pathhead and lies within a designated Conservation Area. Measuring approximately 925 square metres in area the site is currently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. Its appearance has an adverse effect on the character and appearance of this part of the village.**
- **The application has been submitted by Dr. Christopher Rofe and his wife Dr. Victoria Rofe. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner at the Tranent Medical Practice in Tranent. They currently have two children aged four and six. The village of Fala is viewed as an ideal location for them to establish a permanent family home, strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.**
- **The Planning Application sought detailed planning permission to demolish the existing dwelling house on the site and to erect a replacement dwelling house. Other aspects of the proposal include the erection of a detached garage and fencing and the installation of an air source heat pump, bin store, decking and paving. Conservation Area Consent has previously been granted by the Council for the demolition of the house under Conservation Area Consent Reference Number 15/00384/CAC.**
- **The application, which has taken due cognisance of the existing architectural vernacular of the village, proposes the use of historical forms in a modern, contemporary and highly sustainable dwelling house as the replacement property. A detached two-storey garage is also proposed within the plot which will accommodate a traditional garage and garden store on the ground floor and an office/study with WC on the first floor.**
- **The accommodation within the proposed dwelling house is contained within three distinct elements, reflecting, in light of the site's semi-rural location, a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height and in plan form so that it reads as a building with single, one and a half and two storey elements.**
- **A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and grey zinc rainwater goods are also proposed.**
- **A number of trees within the site require to be felled due to their existing condition or to otherwise facilitate the proposed development.**

- The application has been refused by the appointed Planning Officer for the following reasons as stated within the decision notice:
  - (1) *The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
  - (2) *For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*
- The Planning Officer's Report on the application advises that the principal concerns about the proposal relate, firstly, to the front part of the building which is considered as being unduly prominent and rendering the entire scheme out of character with the predominant scale and design of buildings within the village and secondly, to the use of zinc as a finishing material on the roof(s).
- We disagree with the Planning Officer's views on the prominence of the front part of the building and the alleged adverse impact that the entire building would have as a result of this on the character and appearance of the conservation area for the following reasons:
  - The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.
  - The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.
  - The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.
  - The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbors.
  - The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the neighboring dwelling house (No. 13) adjacent.
  - The front of the proposed dwelling house is set back 15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.
  - The materials proposed which consist of timber clad walls and a zinc roof will ensure that the dwelling is respectful to both the countryside and to the village context within which the site is located.
- Other key considerations in support of the application include the following:

- The dwelling house currently occupying the site has a significant adverse effect on the character and appearance of the Conservation Area. The proposal, if approved, will result in the demolition of the existing structure and the erection of a modern, contemporary but entirely sympathetically designed dwelling which will substantially enhance the character and appearance of the Conservation Area.
- The proposal will lead to the introduction of a new family within a village which has seen its population decline from the 70 specified in the Fala Conservation Area Appraisal in 2008 to 46 in 2016.
- Ten representations have been submitted to the Council in support of the application during its consideration and a further four since the application was refused. Eleven letters have come from residents within the village with further letters being submitted by Oxenfoord Castle which has ownership interests in the village and from another party in Fala Dam who regularly visit the village. A statement has also been submitted in support of the application by a Tynewater Community Councillor. Not a single letter of opposition has been submitted to the proposal from third parties or consultees.
- Based on our consideration of the development plan and all other material considerations it is our strongly held view that that the application should not have been refused and as such it is respectfully requested that it be granted.

6.2 In light of the considerations outlined above it is respectfully requested that the appeal be upheld and planning permission granted for the proposed dwelling house and all ancillary development. We reserve the right to provide additional information in support of this appeal in the event of further representations being made by the Appointed Planning Officer or by third parties prior to its determination by the Local Review Body.

Signed



Derek Scott

Date

26<sup>th</sup> April 2016





664 FLX Cherrytrees, Fala, Midlothian  
**Planning & Design Statement**  
to accompany full Planning Application  
21.12.15



helen lucas ARCHITECTS  
helen@helenlucasarchitects.co.uk  
0131 627 8844

0/ Application details

**Application:** Full Planning Permission to demolish existing dwelling house and erect new dwelling house  
**Address:** Cherrytrees, Fala Village, nr. Pathhead, Midlothian, EH37 5SY

**On behalf of:** Dr's C. & V. Rofe

0.1 Relevant Planning policy

Listed Building:	Property not listed
Historic Scotland Building ID:	Property not scheduled by Historic Scotland
Conservation Area:	Property situated within Fala Village Conservation Area
	Designated: 28 <sup>th</sup> March 1996
Trees:	Trees within the property curtilage protected as a result of being within the Fala Village Conservation Area

0.2 Planning Application History

A previous Planning Application for the site was made on 30 April 2015 with drawings revised in June and July 2015.

The main concerns Midlothian Planning Department raised over this proposal were:

1. The scale and massing of the proposal, in particular the length of the central block.
2. The mix of materials on the elevations and the resulting visual complexity.
3. Insufficient glazing particularly on the south-east and north-east elevations.
4. The position of the garage abutting the neighbour's garage.

The application was withdrawn on 31st July 2015 to allow thorough re-investigation of the proposals.

Subsequent pre-application discussions have taken place in order to address the concerns raised resulting in this revised submission.

1/ Introduction

1.1 Executive summary

We propose to replace an existing dilapidated bungalow dating from the 1960s with a two storey house suitable for the needs of a growing young family. This statement details the planning considerations taken into account in relation to context, scale, materiality and sustainability.

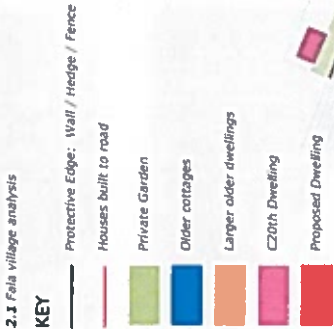
2/ Context

2.1 Fala Village

Situated on a gently sloping promontory, evidence of inhabitation dates back to around 1200. Fala currently has a population of 70 (Fala Conservation Area Appraisal, pg. 5, section 12) with an average age higher than that of Scotland highlighting the need to accommodate a younger demographic. Fala is designated as a Conservation Area.

Fala village is predominantly composed of private housing diverse in scale, from single storey worker's cottages to grander, two and a half storey buildings which speak of the village's historic significance as a focus for its agricultural surroundings. More modern, detached twentieth century properties of varying quality and scale have been added, expanding the village edges. The map opposite demonstrates this diversity.

Fala is an attractive village with housing suitable for the elderly, young couples and larger families. This proposal replaces a dilapidated building with a modern house which is respectful of the conservation area's existing rural vernacular to provide a long term home for a family.



(A) Example of older cottage built to road edge

(B) Example of larger older dwelling set back from road with wall

(C) Example of C20th dwelling set back from road with hedge / fence

2.2 Neighbouring Houses

The houses immediately neighbouring the site are briefly described with the images opposite.

Number 13 and 19a are late twentieth century additions to the village. Neither are of historical significance and use a mix of materials and massing somewhat out of keeping with the agricultural cottage vernacular, as described in the Fala Conservation Area appraisal document.

Number 19 is a historic building of significant scale, being a two and a half storey ex-manse house of stone, harling and slate roofing.

The buildings in this small group at the north edge of the village are all set back from the road in the established village pattern.



2.3 Existing Site & Property

The site is on the edge of the village of Fala with open views to the fields surrounding Fala to the north.

The existing structure, built in the 1960's, is in a complete state of disrepair having undergone no renovation or upkeep for many years. It is considered an eyesore by the local community and the neighbours in particular. In addition, surveys have revealed a large volume of hazardous material. In its current run-down and uninhabitable state, any potential repair and renovation as advocated by the conservation area guidance are non-viable. Given the lack of historical standing and intrinsic aesthetic value demolition and replacement would enhance the conservation area.

Conservation Area Consent has already been granted for the demolition of the existing house (ref. 15/00384/CAC).

Hedging and a narrow grass verge currently form the site boundary to the access road on the south east. A mixture of 1.1m high timber fencing and low hedging delineate the boundaries to the adjacent property at the south-west, and the surrounding fields. The hedging is broken, sparse and generally in an unkempt state.



2.2 Neighbouring house photographs



No. 19a Fala Village  
A two-and-a-half storey house dating from 1970's. Grey-harled with a slate double pitched roof. A single storey garage sits against the boundary of the application site.



No. 13 Fala Village  
A one-and-a-half storey house dating from 1970's. Grey-harled with a slate double pitched roof. A single storey garage sits against the boundary of the application site.



No. 19 Fala Village  
A two-and-a-half storey house dating from 1970's. Grey-harled with a slate double pitched roof. A single storey garage sits against the boundary of the application site.

2.3 Existing site photographs



North West Elevation



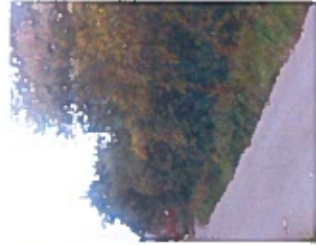
North East Elevation



Unkempt boundary vegetation



Vegetation to boundary



Vegetation to boundary



South East Elevation



### 3/ Proposal

#### 3.1 Brief

The brief is for a contemporary, sustainable family house with adequate provision for secure and separate home working, due to the nature of our clients' work as a consultant radiologist and a general practitioner. The clients are keen to create a property of suitable size and flexibility to allow for a growing family intending to establish themselves as part of the community of Fala.

#### 3.2 Massing

Accommodation has been divided into three elements. Each element has its own parallel pitched roof staggered in height to reduce impact and scale when approaching the village from the access track to the north east.

The units are also staggered in plan to mitigate visual impact from the village. Living spaces are located to the rear where they can have open glazed elevations to maximise the views, natural light and solar gain whilst retaining privacy.

The building housing the garage and study is separate to reduce the impact of the house length to the street side.

#### 3.3 Scale

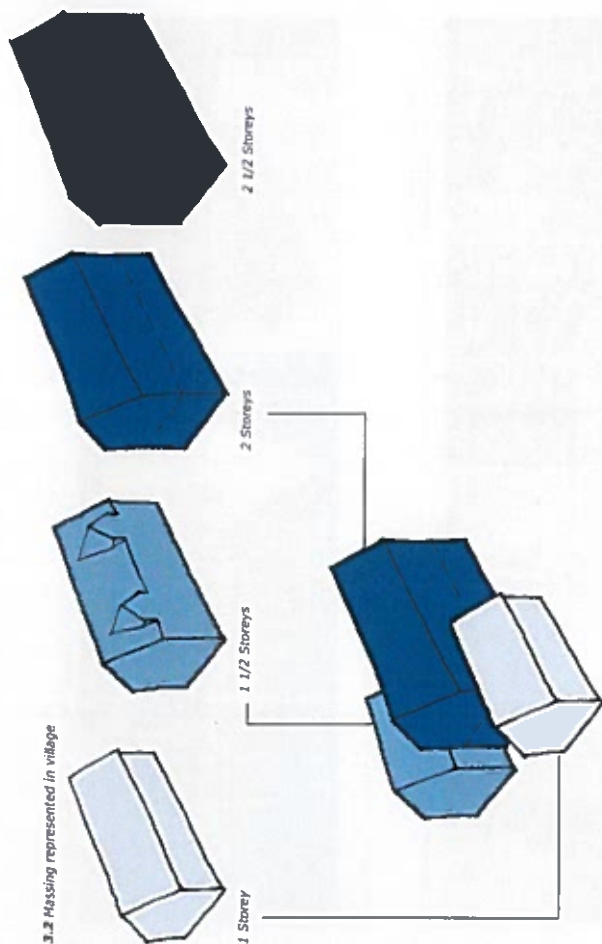
The proposal is appropriate in scale for its context and siting on the downward slope at the village edge. The ridge height of the 2 storey element proposed is no higher than the adjacent property at No. 13 and, in plan, the three units are of a depth analogous with surrounding vernacular 'cottage' forms.

Whilst the proposed does increase the density of construction on the plot it is an appropriate density in the village context. The proposed footprint occupies 24% of the plot, with the buildings in the immediate vicinity occupying 20% (13, 19a) to 27% (19).



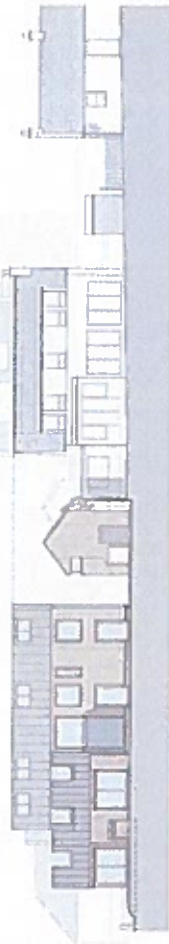
A A: North East View  
Elements of differing scales to break elevation  
(Larger version on drawing 664 FLH 125)

664 FLH 125

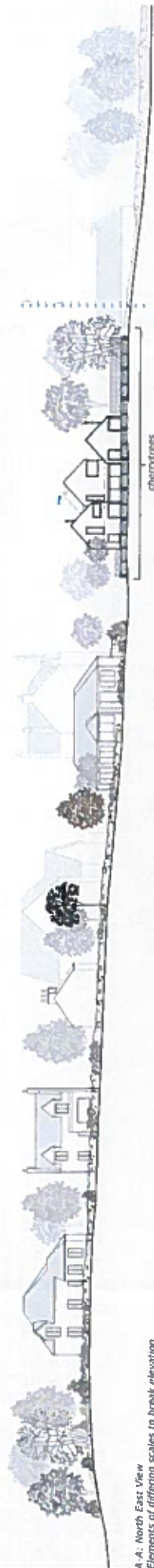


Proposed building elements utilise a diversity of massing based on the village context.

#### 3.3 Scale in context



B-B: North West View  
(Larger version on drawing 664 FLH 125)





3.4 Position

The house is positioned set back from the access road by 7m, similar to its neighbour at no. 13, and in a position on the site to enable use of both front and back gardens. The distance across the access road between the proposed house and no 19a is 15m, the same as that between no. 13 and no. 19. Therefore the positioning of the property will maintain views along the access road to the north east and continue the established streetscape of this part of the village.

3.5 Materiality and Detailing

A simple palette of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather silver, with zinc standing seam roofs grey in colour, in keeping with traditional slate, to nestle discreetly within the countryside and village context.

High performance painted timber windows with metal head and sill flashings, metal framed low-profile rooflights and grey zinc rainwater goods are proposed.

The aesthetic is reminiscent of agricultural buildings and there are many successful examples of this approach to new building in the countryside, as illustrated below.

Helen Lucas Architects have demonstrated the use of this materiality successfully in a number of contexts with challenging statutory constraints such as National Parks and Areas of Outstanding Natural Beauty.

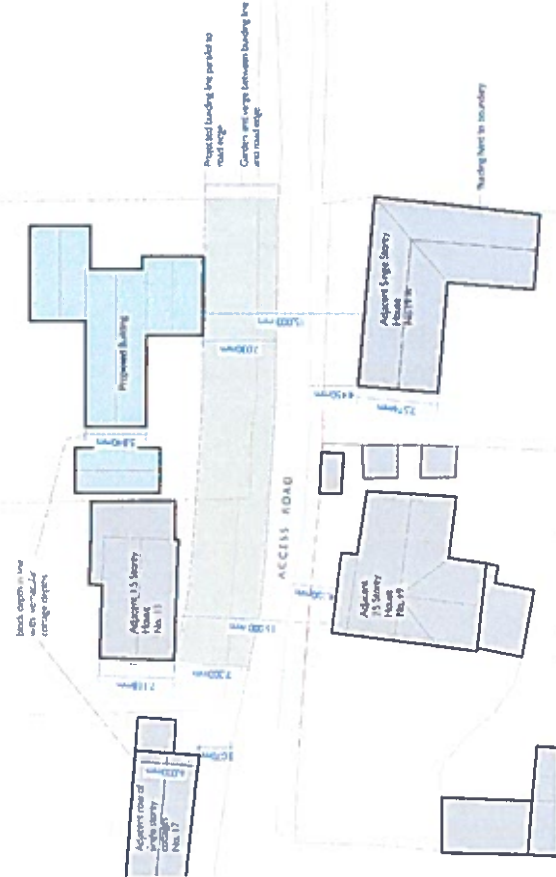
3.6 Sustainability

This house aims to deliver excellence in sustainable local development and to reap the rewards of doing so. In open dialogue with neighbours and residents of the local village, the design has evolved with local consultation and aims to provide a complementary and engaging addition to the village.

Invoking strategies of sustainability in its approach to this unoccupied village site, prioritising efficient use of resources and looking at the impact of products and materials across their whole life-cycle. Orientated in three linked but discrete volumes across the site, it employs sensible principles of passive design, providing slim plan floor depths for ventilation and opening towards the sun on the south with views to the north east.

Its super insulated, timber framed envelope is an appropriate response to these environmental prerogatives. Light weight and locally available, timber frame construction reduces foundation depths and hence excavations and concrete use. An air source heat pump provides for the hot water and heating needs, supplemented by photovoltaic panels discreetly located on the garage roof. The positive, long-term economic and environmental benefits of these design decisions are a fundamental tenet of the resultant form.

3.4 Position in streetscape



3.5 Examples of Helen Lucas Architects' detailing and materiality



3.5 Examples of contemporary rural buildings



3.7 Landscaping

A new access will be formed adjacent to the neighbour at No. 13's access. The remainder of the site will comprise soft landscaped gardens, areas of timber decking and paving. Grass verges will be retained to the road edge in keeping with the rest of the village and the site boundary will have a 900mm high post and rail fence with planted hedges in Beech, Hawthorne and Wild Rose.

Conservation Area Consent has already been granted (ref. 15/00384/CAC) for removal of self-seeded trees on the site and the remaining boundary hedges and trees will be preserved and supplemented with new planting of appropriate species.

Reduction in height and volume of the existing boundary vegetation is proposed in combination with planting and ongoing boundary management. The result will be to open up and enhance the views to the landscape, particularly along the access road to the north-east.

4/ Summary

We have clearly illustrated a considered and sympathetic approach to the planning context. The resultant proposal is a discreet, but strong, contemporary approach to a village edge condition, maintaining site and property boundaries, respecting adjacent materiality, massing and scale.

Our proposal offers a committed, high quality solution to replace a dilapidated and unoccupied house on an important village approach. The new house is conversant with the local vernacular, using familiar, modestly sized pitched roof forms to provide shelter and define gardens.

Its high quality contemporary detailing takes its place amongst the best of the village's historic houses. All efforts have been made to respect and refresh the village, in order to house a young family who wish to become an active part of Fala's ongoing community.

Front View  
pitched agricultural forms



North East View  
existing



proposed







# FALA CONSERVATION AREA



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**Fala**

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## PREFACE

### Conservation Areas

- 1 It is widely accepted that the historic environment is important and that a high priority should be given to its conservation and sensitive management. This includes buildings and townscapes of historic or architectural interest, open spaces, historic gardens and designed landscapes, archaeological sites, and ancient monuments. These contribute to the distinctive character of the urban and rural environment, are a valuable part of our heritage and have an important role to play in education, recreation and the wider economy.
- 2 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that local authorities determine if there are "areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance", and if so, to designate these as conservation areas.

### Character Appraisals

- 3 A character appraisal is an effective tool in defining the character and appearance of conservation areas and their special interest. The appraisal sets out the main characteristics of the area, identifies where enhancement is required and where stronger controls over certain types of development are necessary. The appraisal forms Supplementary Planning Guidance and will be a material consideration in the determination of development proposals.
- 4 Once a conservation area has been designated it becomes the duty of

Midlothian Council to pay special attention to the character and appearance of the area when exercising its powers under planning legislation. Conservation area status means that the character and appearance of the conservation area will be afforded additional protection through development plan policies and other planning guidance that seeks to preserve and enhance the area whilst managing change. This does not mean that development will be prohibited but that proposals should be of an appropriate character, scale and appearance to the area.

### Additional Controls

- 5 The additional powers automatically conferred by designation of the conservation area extend only to the demolition of unlisted buildings and to the protection of trees. Minor developments, such as small alterations to unlisted buildings, still do not require consent. The cumulative effect of such changes can greatly erode the character and appearance of the conservation area. Midlothian Council therefore intends to make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 which will bring these small alterations under planning control. This control is set out in greater detail in Section 10. Before carrying out any tree work within the conservation area prior written notice must be given to Midlothian Council detailing the nature and extent of the proposed work and identifying the trees. Failure to notify the Council is an offence under the 1997 Town and Country Planning Act.
- 6 Separate legislation exists with respect to Listed Buildings and Scheduled and Ancient Monuments.

## PLANNING CONTEXT

- 7 The character appraisal is important to the formulation and information of planning policy and proposals for the conservation, protection and positive management of the natural and built heritage. Management is achieved through non-statutory and statutory planning policy, enhancement schemes and Article 4 Direction Orders.

### National Guidance

- 8 **National Planning Policy Guideline 18: *Planning and the Historic Environment*** requires conservation area character appraisals to be prepared when local authorities are reconsidering existing conservation area designations, promoting further designations or formulating enhancement schemes. Article 4 Direction Orders will not be confirmed by the Scottish Ministers unless a character appraisal is in place (NPPG18, 1999, para 40).
- 9 **Planning Advice Note PAN 71: *Conservation Area Management*** complements existing national policy and provides further advice on the management of conservation areas.

### Statutory Policies

- 10 The Edinburgh and the Lothians Structure Plan 2015 (ELSP) provides

the strategic context for development until 2015 and contains a policy (ENV1D) that seeks to protect and enhance the character of conservation areas. Policy ENV1D states development affecting conservation areas or their setting will only be permitted where it can be demonstrated that the objectives and overall integrity of the designated area will not be compromised, or the social or economic benefits to be gained from the proposed development outweigh the conservation or other interest of the site.

- 11 **The Adopted Midlothian Local Plan (2003)** seeks to guide development while protecting the environment. The Plan seeks to protect the character and appearance of the natural and built heritage. Within the Fala village envelope the Plan envisages no further development other than the development of brownfield / infill land and / or conversion of buildings within the conservation area. The Plan allows for sensitive alteration and/or extension of existing properties in the Conservation Area (policy RP20). Outwith the built up area, the remaining part of the Conservation Area is covered by the Protection of the Countryside policy (RP1) which limits development, and Areas of Great Landscape Value policy (policy RP6). Other policies apply.

## Fala Conservation Area



### LOCATION AND POPULATION

- 12 Fala (population 70) lies on the A68 at the south-most edge of Midlothian, some 22 km south east of Edinburgh.

### DATE OF DESIGNATION

- 13 Fala Conservation Area was designated by Midlothian District Council on 28th March 1996.

### ARCHAEOLOGY AND HISTORY

#### Ancient Monuments

- 14 There are no Scheduled Ancient Monuments within the Fala conservation area.

#### History

- 15 Fala is an old settlement located near a branch of the Roman road "Dere

Street". By 1200 there was evidence of a farming settlement here and there are references to Fala Kirk as early as 1137. Fala was also an important stopping place as a stage on the road south from Edinburgh. Blackshiels Inn with its adjacent steading operated as a coaching inn until the 1880s.



Former Blackshiels Inn

Dr Johnson and James Boswell stayed at Blackshiels Inn on 23 November 1772 towards the end of their Scottish tour. At one time 31 Fala was



also an inn. The nearby A68 was laid out in 1834 by Thomas Telford to speed the mail coaches between Edinburgh and Lauder. As the centre of an agricultural community and a stage point Fala possessed some commercial vitality with its two inns and associated services. In the 19<sup>th</sup> century houses were lost to the village by the burning of the thatched 18<sup>th</sup> century cottages known as Long Row. William Adam built Fala House known also as Hamilton Hall, demolished c.1830. Today Fala is largely a commuter village.



31 Fala, Category B Listed Building

## CHARACTER ANALYSIS

### Setting and Views

- 16 Fala although close to the A68 main road lies just far enough away to be in a quiet rural setting on the northern foothills of the Lammermuir Hills. There are many views outward from the settlement to the surrounding landscape, especially where the land falls away to the east. The view along the road northwards to Fala Dam is pleasingly enclosed by a gentle curve and rise in the road at the boundary of the village. The view out from the village to the A68 is terminated by a mature tree belt. Fala is set on rising ground and the village is therefore viewable from a distance around.



View out of the village on Fala Dam Lane

### Urban Structure

- 17 Fala has an irregular plan, the three main approaches being not quite at right angles to each other. The central road is circular containing cottages, the village hall and the former school, now converted to a children's nursery. Cottages and other buildings are grouped informally. The two most substantial buildings are the church, set prominently on a knoll on the eastern edge, and Blackshiels Farmhouse and steading, the house now returned to hospitable use as a bed and breakfast establishment.



Cottages up to the edge of the road give a sense of enclosure to the street scene

### Architectural Character

- 18 Building Types and Use** The layout is informal both in plan and construction. Roadways are often unbound without pavements and with wide grass verges. Buildings are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian house), two 20<sup>th</sup> century bungalows at the north end and the Blackshiels farm building. Almost all the buildings are vernacular.



Slate roofed cottage with skew gable and rendered chimney



Former Fala School

**Scale, Massing and Composition** The scale is domestic, single or two storey with buildings mostly individually sited although some houses are joined. Walls are largely rubble sandstone with plain detailing and dressed stone quoins, the predominant use of stone giving a unity to the village. The stone colour varies from yellow through terracotta

to pink. Older buildings are harled the newer having a pebbledash finish. Doors have frequently been replaced but some traditional vertically boarded and panelled doors have survived.



A bipartite sash with astragals

Windows are mainly timber sash and case many having lost their astragals. Some (including the school) have been replaced with UPVC. Both door and window openings are in the correct scale and proportion with their buildings. Roofs are of natural slate, gabled with skewes on the vernacular buildings.



Detailed gable dormer & 'corbie-steps'



Chimney stacks and pots have usually been retained and give skyline interest.



Variety of rooflines at Fala School

**Rain Water Goods** Some cast iron gutters and down pipes survive. Others are plastic replacements. **Details** Barge boarding and timber finials on the former school and a ball finial on the gable of 18 Fala. **Floorscape** There are significant unbound surfaces without kerbstones and sometimes wide grass verges. These form an important part of the rural character of the village. **Walls, Fences and Hedges** Low stone walls fronting gardens are a continuous and attractive part of the street scene.

Substantial hedges predominate. **Street Furniture** Lighting is by modern concrete columns with standard lanterns. An Edwardian wall-set pillar box "GR" survives. A cast iron village water pump remains opposite the school.



Original cast iron water pump

### Key Buildings

<b>Blackshiels farmhouse and steading</b>	17 <sup>th</sup> century. An extensive and dominant group and much larger in scale than the other village buildings.
<b>2 Fala</b>	Single storey, slated skews, stone hood moulds. Key corner building.
<b>31 Fala</b>	Later 18 <sup>th</sup> century traditional 1 ½ storeys, harled and skew gabled cottage with a slated roof. Four gabled dormers. Single storey additions at the ends.
<b>Fala Primary School</b>	1875. Two storey Victorian, gabled and barge boarded primary school with bell tower provides a visual focus for the village
<b>Fala Church</b>	A landmark building in an elevated and prominent position.
<b>Kirkland House (former Fala Manse)</b>	1792. Traditional 2 storeys and garret, 5 bay front, harled and skew gabled house with slated roof. Piended dormers. Single storey offices added in 1831 with subsequent additions in 1889.



The former Blackshiels Inn

### Landscape Character

- 19 Despite the proximity of the A68, the landscape character of the Fala conservation area is unmistakably rural. The largest part of the conservation area comprises well managed agricultural fields which surround the village on three sides. This is a rolling agricultural landscape which rises from the north-east to the south-west. It has well kept hedges, often beech, and well maintained verges.



Elevated views from the north of Fala

Panoramic views are afforded of the Forth Estuary to the north and north-west and of the Lammermuir Hills to the east. Views to the south are restricted by landform and woodland. Fala Church and the adjacent former manse sit in a prominent location on a small knoll above the rest of the village. The churchyard contains a group of magnificent mature

sycamore trees. Other significant groups of trees include a mixed mature woodland to the south west of the village and a large area of coniferous woodland along the western boundary of the conservation area. Other small tree groups and individual garden trees are scattered throughout the village.



Fala Churchyard

### Issues

- 20 Fala is a little-altered rural settlement with a natural edge which relates well to the attractive surrounding countryside. The small village occupies a significant position on rising ground in the foothills of the Lammermuirs and the setting of the village should be safeguarded.



Skyline view of Fala seen from the north-east

The village has an informal layout with few urban elements such as pavements and kerbs. It is important that this predominantly rural character of Fala is maintained. The roadways should remain informal and unbound. The layout is sporadic the intervening spaces contributing to the open character of the village. This sense of informality and spaciousness should be retained with very careful consideration being given to any proposal for infill.



**Boundary walls on a grassy slope**

The natural building materials of stone, slate and timber provide cohesiveness and relate well to the countryside setting. This should not be eroded by the use of unsympathetic building materials. The smallness of scale and good proportions of the buildings should be retained in any extension or new building as should the appropriate detailing of doors, windows and other elements to the facades. Means of enclosure, mainly stone walls and hedges are suitable to their setting and should be retained and emulated. Any new development should be of a low density similar to the existing. Landmarks such as the telephone box and letter box should be retained and vernacular detail should not be lost. The building conservation principles

set out in paragraphs 36-42 should be observed.



**Traditional boarded & studded door at former Blackshiels Inn**



**Traditional panelled door with drip mould cover**



### Enhancement Opportunities

- 21 Midlothian Council has a duty to draw up proposals for the preservation and / or enhancement of conservation areas. The Council may also take action to secure the repair of unoccupied and unlisted buildings within the conservation area.
- 22 The extension to the former primary school is unsympathetic and should be removed when the opportunity arises. The village hall (an ex-army hut) might be replaced or improved and the adjacent car park improved with sensitive landscaping. The street lighting is insensitive both in height and design and the opportunity should be taken to provide new lighting that has the proper scale and character when possible. Overhead lines detract from amenity in several parts of the hamlet. When possible these should be placed underground or re-sited more unobtrusively. **Landscape Enhancements** Although most hedges in the conservation areas are in good condition there are parts where the hedges are more broken and sparse. Hedges are an important feature of the area and a programme of hedgerow replacement and enhancement would be very beneficial. The sycamore trees adjacent to Fala Church are now at or past maturity. Some under planting has already taken place, but more should be encouraged. Urbanisation of the village landscape should be resisted.

substantial improvement to the conservation area. For alterations, extensions and new building it is essential that the existing character of the area is respected. Important architectural detail should be retained. Materials for all new building must be of a high quality. A high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area. Important details should be retained. Street furniture should be of an appropriate design, and lighting standards should be of an appropriate height. Any new development should be of an appropriate density. The building conservation principles set out in paragraphs 36-43 should be observed

- 24 Development briefs should be prepared for new development, and planning applications should include a design statement indicating how the proposed development is sympathetic with the character of the conservation area.



Village Hall

### GENERAL ISSUES

- 23 Maintenance, repair and re-use of existing buildings is the preferred option to redevelopment unless this can be demonstrated to bring





## LISTED BUILDINGS

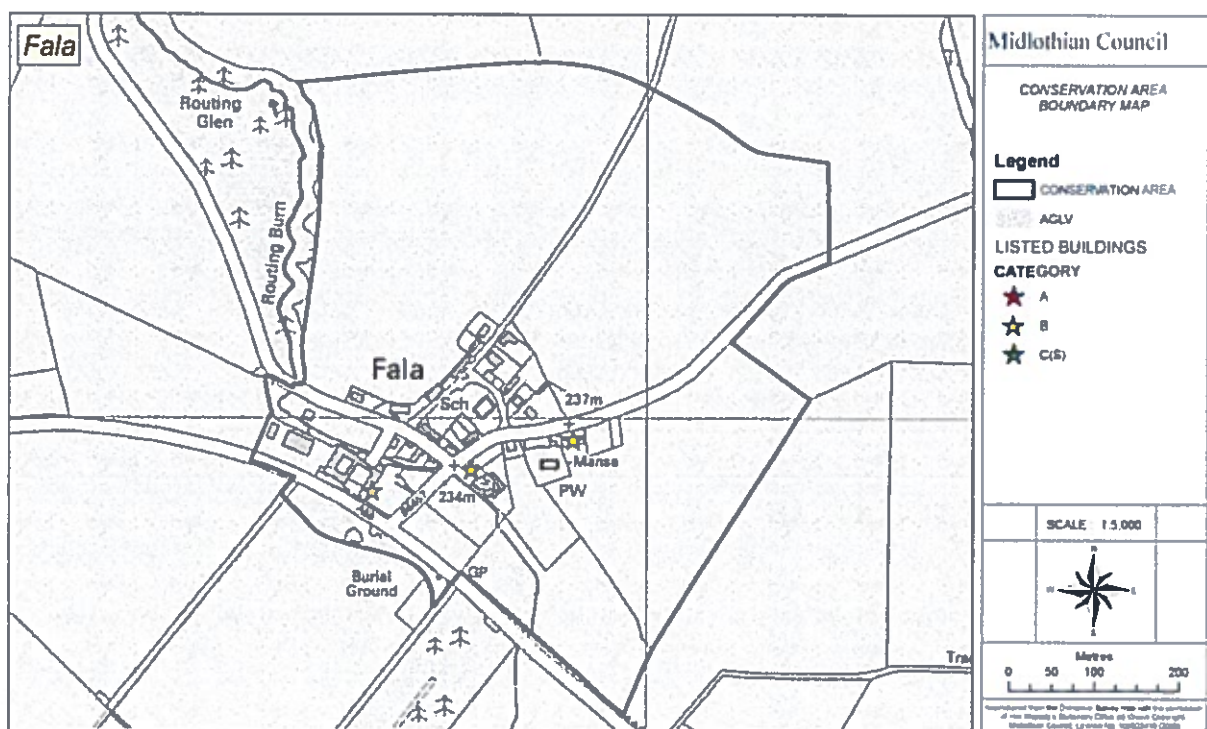
- 25 The following is extracted from the List of Buildings of Architectural or Historic Interest for the Fala Conservation Area.

Fala	Category	Fala and Soutra Parish Item No.
<b>Former Blackshiels Inn (now farmhouse)</b> 17 <sup>th</sup> century 1 ½ storeys with laigh floor, rubble, skew gabled, slated roof, shed dormers and corbie-stepped gabled. 19 <sup>th</sup> century addition at the west end. Offices 1 ½ storeys to the north with two arms around a yard. An elliptical arch to the pend.	B	3
<b>31 Fala, cottage</b> Later 18 <sup>th</sup> century traditional 1 ½ storeys, harled and skew gabled cottage with a slated roof. Four gabled dormers. Single storey additions at the ends.	B	2
<b>Fala Manse (former now Kirkland House)</b> 1792. Traditional 2 storeys and garret, 5 bay front, harled and skew gabled house with slated roof. Piended dormers. Single storey offices added in 1831 with subsequent additions in 1889.	B	1

## CONSERVATION AREA BOUNDARY

- 26 The Conservation Area boundary includes the whole village. The rising fields to the north and south east have been included to protect the setting of the village as viewed from these directions.

CONSERVATION AREA BOUNDARY MAP



**ARTICLE 4 DIRECTION ORDER**

- 27 By making a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Midlothian Council may, following approval from the Scottish Ministers, direct that general planning permission granted for certain classes of development through the Order shall not apply within the Conservation Area. Midlothian Council now intends to seek the approval of the Scottish Ministers to introduce a Direction to cover the Conservation Area for the following classes of development (as defined in the General Permitted Development Order 1992) for the undernoted reasons. The following classes of development would then require planning consent within the Conservation Area. Such development is not precluded but careful attention will be given to the effect on the Conservation Area of such proposals.

**Development within the curtilage of a dwellinghouse (Classes 1, 3 and 6)**

- 28 The conservation area contains a number of unaltered traditional buildings. The cumulative effect of new development and inappropriate alterations, even though each should be small in scale, could have a negative impact on the architectural quality of buildings in the conservation area. Unlisted buildings provide a complementary backdrop for their listed counterparts and any erosion of unifying elements such as the replacement of doors and windows could have an adverse impact on the character of the conservation area.

**Sundry minor operations (Classes 7 and 8)**

- 29 Traditional means of enclosure to areas, such as walls and fences, are crucial in establishing the character and appearance of a conservation area. Insensitive alterations or unsuitable new means of enclosure could visually damage the conservation area. The use of inappropriate material for the construction of new accesses could be visually damaging.

**Caravan sites (Classes 16, 17)**

- 30 A caravan site, however small in scale, carelessly located and inappropriately landscaped will spoil the quality and rural character of the Conservation Area.

**Agricultural buildings (Class 18)**

- 31 The Conservation Area includes an area of agricultural activity. Without this control large barns and storage sheds could be erected without planning permission which could significantly adversely effect the character and appearance of the Conservation Area.

**Land drainage works (Class 20)**

- 32 Land drainage works required for agricultural operations could cause severe damage and detract from views across the landscape surrounding the village.

**Repairs to private roads and private ways (Class 27)**

- 33 The present appearance of private roads, lanes and paths is predominantly rural and in keeping with the surrounding historic buildings and rural character of the conservation area. Inappropriate repairs to and surfacing of these traditional features (such as the renewal of a track in tarmac and with concrete kerbstones) could have an adverse impact on the visual amenity of the Conservation Area.

**Development by statutory undertakers (Classes 38, 39, 40 43 and 43a)**

- 34 Development by statutory undertakers can be contemporary in nature and visually obtrusive. All such development should be controlled and be sensitively sited.

**Development by telecommunications operators (Class 67)**

- 35 Telecommunications apparatus could have an adverse effect on the character and appearance of the conservation area.

**BUILDING CONSERVATION PRINCIPLES**

- 36 Well-designed buildings are evident in all ages and it is their design per se that is the critical factor. No one age has a monopoly of good building design. New building is neither always worse, nor old building necessarily better.
- 37 Building within an historic context requires particular sensitivity. This sensitivity however, may be expressed through a number of different styles the appropriateness of which will depend on both the quality of the design and its relationship to its setting.
- 38 There can be no substitute for the skill of the individual designer. It is possible to apply the "rules" of good design and yet to produce a building that is bland in the extreme.
- 39 A number of design approaches are possible and Conservation Areas can be capable of absorbing a range of these. Diversity can enrich an area and variety is frequently desirable. Design approaches may be broadly categorised under the following headings:

**Pastiche** This is an exact copy of an old building as is possible. To be successful this relies on excellent knowledge and careful choice of details.

**Traditional** This is often used to follow the local vernacular. Form, materials and detailing are borrowed from the past but are slightly contemporary in style.

**Modern** The design is clearly of its time yet is respectful of its context. It may use traditional materials in contemporary manner, or modern materials in historical forms.

- 40 Which of these styles is used will depend upon the skill and philosophy of the architect and patron, as well as the particular setting. In all cases, however, quality of design must be allied to quality of materials.
- 41 As a general rule, old buildings should be conserved as found with original architectural detail respected. It can be hard to replace the design and building quality found in many traditional buildings. Old buildings and their surroundings have a great visual appeal and reinforce local identity. They are of immense importance for education, recreation, leisure, tourism and the wider economy. Equally, well-designed modern development forms an important part of our heritage.
- 42 A very large number of buildings in Midlothian were built in the 18<sup>th</sup> and 19<sup>th</sup> centuries. This is certainly the case within the many conservation areas. These buildings exhibit in the main



the following characteristics. Which should be respected in all repairs, alterations and new buildings.

<b>Masonry Walls</b>	Masonry walls are important both in building and as space enclosures. They contribute to character and are difficult to replicate and should therefore be retained wherever possible. They are commonly of rubble (random or coursed), occasionally ashlar. Original masonry surface coverings such as harling should be kept. Pointing should be correctly carried out. Stone cleaning should only be carried out where an entire façade is being cleaned and is a demonstrable improvement to the appearance of a building. Stone cleaning must not harm stonework.
<b>Doors</b>	Original door openings invariably possess the current proportions for a building and should be retained to preserve the architectural integrity of the building. Doors themselves should be repaired rather than replaced. Where replacement doors are required these should be replaced in timber or another suitable material. UPVC is incongruous with the historic environment.
<b>Windows</b>	Original window openings invariably possess the correct proportions for a building and should be retained to preserve the architectural integrity of the building. Original mullions should always be retained. Additional window openings should be of an appropriate size and proportion and should not spoil symmetry. Timber sash and case windows and their astragals should almost always be retained. Where replacement windows are required these should be in timber or another suitable material. UPVC is incongruous to the historic environment.
<b>Roofs</b>	Roofs are dominant elements that give a building its profile. Original roof pitches and coverings should be preserved. Chimney stacks and pots should be retained. Dormers are often important features and new dormer windows should be carefully designed to relate to existing in scale, design and materials. Where appropriate consideration should be given to the use of rooflights rather than new dormers which can alter the character of the building. It may be preferable for rooflights and dormers to be located on less visible elevations.

Conservation-style rooflights, which are smaller and have a lower profile than standard rooflights, should be used in the conservation area.

Where there are soil vent pipes or extractor vents at roof level consideration should be given to locating these at the rear of the property or on less visible elevations. This will minimise visual impact. Where soil stack or extract vents in the roof cannot be avoided a slate or tile vent is preferable. The vent colour should be matched to the roof.

The same applies to rooflights and skylights.

**Details** A wide range of details contributes immensely to the character of a conservation area and, if its good appearance is to be retained, these must not be incrementally eroded. The loss of one detail may not make a substantial difference but the loss of many will. Important details include:

- external guttering and pipework, and finials;
- stone details including skews, door and window surrounds, cornices, balustrades and other ornamentation.

Care should be taken to ensure that that all new detailing accurately reflects the scale, material and context of traditional detailing.

**Floorscape** Original paving and other floorscapes should always be retained.

**Enclosures** Stone garden and field walls, fences and railings add to the overall character of the conservation area and should be retained.

**Street Furniture** Street furniture including lampposts, telephone boxes, bins and benches should be retained where original and where new must be in character with the area.

- 43 Further advice on the repair and extension of buildings and the construction of new buildings within the conservation area is available from the Strategic Services Division of Midlothian Council.

#### GLOSSARY OF TERMS

Abutments	The solid part of a pier or wall against which an arch abuts	Canted	Any part of a building on a polygonal plan
Architrave	The lowest of 3 main parts of entablature. The moulded frame surrounding a door or window.	Capitals	The head of a column, pilaster etc in classical architecture
Archivolts	The continuous architrave moulding on the face of an arch, following its contour	Castellated	Decorated with battlements
Arrises	A sharp edge produced by the meeting of 2 surfaces.	Cat slide	A single pitch roof
Ashlar	Hewn blocks of masonry wrought to even faces and square edges lain in horizontal courses with vertical, fine joints, usually polished on the face.	Classical	Greek and Roman architecture and any subsequent styles inspired by this.
Astragals	A glazing bar for subdividing a window into small panes	Coadstone	Artificial cast stone, widely used in the 18 <sup>th</sup> and early 19 <sup>th</sup> century for all types of ornamentation.
Balustrading	Short posts or pillars in a series supporting a rail or coping	Coping	A capping or covering to a wall

Barge boards	Projecting boards placed against the incline of the gable of a building and hiding the ends of roof timbers	Corbelling	Brick or masonry course, each built out beyond the one below to support a chimney stack or projecting turret
Bartizan	A corbelled turret at the top angle of a building.	Corbie or crow stepped gables	Stepped ends on top of a stone gable taking the place of a stone cope on a skew.
Bell-cote	A framework on a roof from which to hang bells	Cornice	A moulded projection at the top of an opening or wall.
Bipartite	Double eg bipartite sash windows – 2 sash windows side by side	Corps de logis	A French term commonly used to describe the main building as opposed to the wings or pavilions.
Buttress	A mass of masonry or brickwork projecting from or built against a wall to give extra strength	Coursed stone	Stone laid in horizontal courses
Canopy	A projection or hood over a door, window, tomb, altar, pulpit niche etc	Crenellated	A parapet with alternating indentations and raised portions, for example a battlement.
Cruciform	A cross shaped plan form, for example in a church	Machicolations	A gallery or parapet projecting on brackets and built on the outside of castle towers and walls (with openings for pouring lead on the enemy)
Dentil	A small square block used in series in Ionic, Corinthian and Composite columns.	Mullion	Vertical member between the lights of a window.
Doric	The earliest of the Greek classical orders of architecture	Mutulated	From mutule – the projecting square block above the triglyph under the corona of a Doric cornice.

Dormer window	Window standing up vertically from the roof.	Nave	The western limb of a church, west of the crossings flanked by aisles.
Drip stone or hood mould	A projecting moulding to throw off the rain on the face of a wall, above an arch, doorway or window.	Ogee	A double curved line made up of a convex and concave curve.
Droved	An approximately parallel series of grooves in stone work made by a hammer and bolster	Pantiles	A roofing tile of curved s-shaped sections
Eaves	Overhanging edge of the roof.	Parapet	A low wall placed to protect any spot where there is a sudden drop for example a house top
Finial	A formal ornament at the top of a canopy, gable or pinnacle (often in the form of a fleur de lys)	Pastiche	Generally used as a derogatory term to describe a poor copy of an architectural element
Gable	The triangle at the end of a double pitched roof.	Patina	The weathered appearance of a building material
Gable head stack	A chimney stack rising directly from the gable wall of a building	Pediment	a low pitched gable over a portico, door or window
Gothic arched window	A window with a pointed arch	Pepper pot turret	Turret with conical or pyramid roof.
Harling	A thrown wall finish of lime and aggregate.	Pilaster	A shallow pier or column, projecting very slightly from a wall
Hip roof	A roof with sloping ends instead of vertical ends (or piend - Scots)	Plinth	The projecting base of a wall or column pedestal usually chamfered or moulded at the top
Hipped dormer	A window placed vertically in a sloping roof with a sloping roof.	Portico	A roofed space, open or partly closed, forming the entrance and centre-piece of the front of a building



Hopper	The enlarged entrance at the head of a down pipe.	Quoins	The dressed stone at the corner of buildings, usually laid so that their faces are alternatively large and small
Impost	A member in a wall, usually in the form of a projected bracket-like moulding upon which an arch rests.	Rainwater goods	Gutters and down pipes which channel rainwater from the roof of a building.
Random rubble	Uncoursed stone work with rough faces.	Stucco	A kind of plaster work.
		Stugged Ashlar	Stone with a punched finish.
Reconstructed stone	Artificial stone	Thack stane	Projecting stone on a chimney to cover a thatch.
Reveal	That part of the surround which lies between the glass or door and outer wall surface.	Timpany gable	Gable in the middle of a house front generally for carrying up the flue and provides a small attic apartment.
Romanesque	The style current until the advent of Gothic, origins conjectured between 7 <sup>th</sup> and 10 <sup>th</sup> centuries AD	Tempietto	A small temple.
Rusticated	Masonry cast in large blocks separated from each other by deep joints	Tooled	Marks made by tooling or cutting into stone
Skew putts	The lowest stone at the foot of a skew built into the wall for strength, sometimes moulded.	Traceried	The ornamental intersecting work in the upper part of a window.
Skews	Sloping stones upstanding above a roof and finishing a gable.	Turret	Small tower, usually attached to a building.
Squared dressed stone	Stones squared and worked to a finished face	Vernacular	Nature or indigenous, not designed or taught

Street scene	The street seen as a whole, defined by its constituent parts e.g. buildings, walls, roads etc	Vista	View of features seen from a distance
String course	Intermediate stone course or moulding projecting from the surface of a wall.	Voussoirs	A brick or wedge shaped stone forming one of the units of an arch

## REFERENCES

Jane Thomas 1995 – *Midlothian – An Illustrated Architectural Guide* – (published by the Rutland Press).

Nikolaus Pevsner, Colin McWilliam 1978 – *Lothian (except Edinburgh)* – (published by Penguin Books).

**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:****Planning Application Reference:** 15/00995/dpp**Site Address:** Cherrytrees, Fala, Pathhead**Site Description:**

The application property comprises a single story dwellinghouse finished externally in a mix of render and reconstituted stone with timber windows and concrete roof tiles and its associated garden. The house measures approximately 15m wide and 8m deep. There are a number of trees within the garden and along the site boundaries. There are fields to the north east and north west of the site, a residential property to the south west and to the south east on the opposite side of the road.

The application property is located within the Fala Conservation Area.

**Proposed Development:**

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving

**Proposed Development Details:**

It is proposed to demolish the existing house, clear the site and erect a new house in its place. The new house comprises of three blocks with roof ridge lines running parallel to the road. The front block is over 1 ½ storeys high and measures 7.5m wide by 5.4m deep. The main central block is 2 storeys high and measures 15m wide and 5.8m deep. The rear block is single storey and measures 9m wide by 6m deep. The house is to be finished externally in vertical timber cladding with timber framed windows, timber boarded doors and with a zinc standing seam roof incorporating rooflights. The accommodation comprises 4 bedrooms, 1 en-suite, a kitchen, dining/living room, playroom, snug, utility room, 2 bathrooms and a mezzanine study.

Timber decking is proposed at the rear and north east side of the house with stone paving around the south west and south east sides of the house.

The proposals include a separate garage with an office/study above to the west of the site close to the boundary with no. 13. It measures 4.3m wide and 8m deep. It is to be finished externally in the same materials as the house with solar panels on the west facing roof slope and an air source heat pump to the rear of the building. A timber log/bin store is proposed towards the east end of the site frontage. It measures 2.6m wide, 1.1m deep and a maximum of 1.6m high.

The proposals also include relocating the driveway from the north east end of the site to the south east end of the site. The drive way is to be surfaced in gravel. It is proposed to remove a number of trees and vegetation from the site and erect a

900mm high post and rail fence along with hedge planting along the north west, north east and south east boundaries of the site.

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

History sheet checked.

15/00384/CAC – Demolition of dwellinghouse at Cherrytrees – granted 27.07.15  
15/00362/dpp – Demolition of existing dwellinghouse, erection of replacement dwellinghouse, erection of fence and installation of decking and paving at Cherrytrees – withdrawn.

Two meetings were held with the applicant's agent with regard to the proposed house at the site at which concern was raised with regard to, amongst other things the scale and massing of the proposed house. Subsequent to the original application being withdrawn the applicant's agent submitted a number of alternative schemes for comment, one of which was not dissimilar to the current scheme. Concern was expressed regarding the bulky nature of the front block and consequently the massing of the building overall. Also slate was suggested for the roof of the house. On 11 December 2015 the applicant's agent was advised that the sketch scheme submitted under cover of e-mails dated 2 and 3 December 2015 appeared to be acceptable. This included a single storey flat roof entrance incorporating a utility room 2.8m deep rather than the current 1 ½ storey 5.4m deep current front block with the result that the main part of the building remained the dominant element the linear form of which respects the form of the majority of the traditional properties in Fala.

The applicant's agent has submitted statements in support of the application describing the proposals the main points of which are summarised as follows:

- There is a need to accommodate a younger demographic in Fala
- There is a diverse mix of housing in Fala including single storey workers cottages, grander two and a half storey buildings and more modern twentieth century properties
- The proposals replace a dilapidated building with a modern house which is respectful of the conservation areas existing rural vernacular and which would enhance the conservation area
- Conservation Area consent has already been granted for the demolition of the existing building
- The accommodation has been divided into three elements in order to reduce its scale and massing and respects the density of surrounding development
- The block depth respects that of vernacular cottages within the village
- The house is set back from the road similar to the neighbouring property therefore retaining views along the access road
- A simple palette of high quality sustainable materials are proposed – Siberian larch timber, zinc standing seam roof and painted timber windows the design of which has evolved with local consultation
- Site boundaries will comprise of 900mm post and rail fences with hedges.

Biodiversity and asbestos surveys have also been submitted. It is the responsibility of the land owner to comply with legislation with regard to asbestos.

**Consultations:**

Policy and Road Safety Manager – No objection.

The Wildlife Information Centre – no objection.

Environmental Health – Concern regarding noise from air source heat pump - conditions recommended. Condition also recommended in relation to any contamination of the site.

**Representations:**

Ten written representations have been received in relation to the application, 9 from residents of Fala and one from Oxenfoord Castle, all in support of the application on the following grounds:

- Proposed building is in keeping with neighbouring houses and the semi-rural location and is an improvement on the current house and garden;
- Welcome a young family in Fala;
- Welcome a modern house/innovation which will enhance the village which has seen different styles and house sizes built over the years; and,
- The proposed house complies with planning guidance and the conservation area appraisal.

**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.

The relevant policies of the **2008 Midlothian Local Plan** are;

Policy RP5 - Woodland Trees and Hedges - does not permit development that would lead to the direct or indirect loss of woodland/trees/ hedges which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter

Policy RP7 - Landscape Character - which advises that development, will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

RP22 – Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas. It states that in the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings ..... preserve or enhance the character and appearance of the conservation area.

The fields surrounding the site are covered by policy RP6 – Areas of Great Landscape Value - development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value.



Midlothian Local Plan Policy DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

There is a draft Conservation Area Appraisal for Fala which describes the character of the conservation area as being domestic with single or two storey buildings set within a rural context. It states that the smallness of scale and good proportions of the buildings should be retained in any extension or new building. A high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area.

**Planning Issues:**

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

There is currently a house at the application site. It is not the normal practice of the Planning Authority to attach conditions regarding contaminated land unless a particular site specific issue has been raised which is not the case in this instance.

The demolition of the existing house at the site will not have a significant impact on the character of the conservation area. Conservation area consent has been granted for its demolition.

The main issue in the consideration of the application is the design and massing of the proposed house and its impact on the character of the settlement of Fala and the surrounds which is designated as a conservation area. The issue of the occupancy of the house by a young family is not a material planning consideration in the assessment of the application.

Fala is made up of a mix of two storey, 1 ½ storey and single storey buildings finished in predominantly random rubble stone and render with predominantly slate roofs. The Conservation Area appraisal notes that buildings are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian house), two 20th century bungalows at the north end and the Blackshiels farm building. Almost all the buildings are vernacular. The scale is domestic, single or two storey with buildings mostly individually sited although some houses are joined.

Whilst the existing house does not make a positive contribution to the character of the conservation area it is relatively discreet in terms of its scale and being set back from the road.

As noted above it is acknowledged that there are a few larger buildings in Fala included as key buildings in the conservation area appraisal. These generally had a community role or reflected the position of the occupant in the community eg Blackshiels – a former coaching inn, Fala church and the former manses including no.19 Fala. Also generally the building lines of the principal elevations of houses in the village are in a single plane.

The currently submitted scheme is the same as a previous scheme submitted at pre-application stage albeit set back 1m further within the site. With regard to this proposal the applicant's agent was advised that the proposed scheme did not address the concerns raised in relation to the original application with regard to the massing of the building particularly at the front and that slate should be used on the roof in order to be more in keeping with the character of the village.

The agent states that the house has been spilt in to three blocks in order to break up its massing. During the processing of the original planning application and subsequent pre-application discussions it was established that subject to its massing and detailed design treatment a two story house may be acceptable at the site. As stated in the conservation area appraisal, in order to preserve the character of the conservation area the smallness of scale should be retained with careful attention to be paid to scale, details and the use of materials. Subject to details the main central two storey block and the rear single storey block are acceptable. However as a result of its depth/forward projection and height the front block will appear as a very bulky feature fixed on to the front of the main part of the house. This part of the building will appear unduly prominent with the overall effect of the design and massing of the building being out of character with the predominant domestic scale and design of the buildings within the village.

The applicant's agent states that the proposed house is respectful of the existing rural vernacular. The use of timber cladding and a metal roof gives the house a barn like appearance. However the massing, proportions and architectural detailing including the number and arrangement of the openings do not reflect traditional vernacular barns and are clearly residential in nature. Whilst it is acknowledged that the application site is on the edge of the village which is set within a rural context the site itself is domestic in both size and character with a barn like complex appearing out of scale and character within this context.

The building will be very prominent from the B6457 road to Humble and from the access to Fala Hall.

The current proposal will detract from the established historic character and integrity of the conservation area contrary to Government and local plan policy.

Set back behind the front building line of the neighbouring property the proposed garage building will not have a significant impact on the character of the conservation area. Similarly albeit fronting the road due to its small scale the proposed bin and log store will not have a significant impact on the conservation area.

The proposed surface materials within the site are in keeping with the proposed residential use of the site and will be softened by the proposed hedge planting. The details of the proposed boundary fence and hedge planting are appropriate to this location and the house would have a sufficient garden area. The north east boundary would benefit from additional tree planting.

Noise emissions from the air source heat pump and any necessary screening could be covered by condition.

#### Impact on neighbours

No 19a on opposite side of road.

No 19a is set back approximately 5.5m from the road and sits at an elevated level 0.8m (approx) above the road. The proposals will not have a significant impact on the amenity of this property. (Windows on the elevation facing the application site serve a bathroom, bedroom and living room the latter of which is also served by windows on the other side of the house.

No 13

There is a bathroom window on the side of the gable of the house at no 13 facing the application site with a flat roof garage attached to the gable adjacent to the boundary with the application site. The proposals will not have a significant impact on the amenity of this property.

#### **Recommendation:**

Refuse planning permission.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 15/00995/DPP**

Helen Lucas Architects  
31-35 Marchmont Road  
Edinburgh  
EH9 1HU

Midlothian Council, as Planning Authority, having considered the application by Dr's Christopher And Victoria Rofe, 63 Woodhall Road, Colinton, Edinburgh, EH13 0HQ, which was registered on 22 December 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead, EH37 5SY**

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	664/FLM 101 1:1250	22.12.2015
Site Plan	664/FLM 102 1:100	22.12.2015
Existing elevations	664/FLM 103 1:100	22.12.2015
Site Plan	664/FLM 105 1:100	22.12.2015
Site Plan	664/FLM 106 1:100	22.12.2015
Elevations	664/FLM 107 1:100	22.12.2015
Site Plan	664/FLM 108 1:200	22.12.2015
Site Plan	664/FLM 111 1:100	22.12.2015
Proposed floor plan	664/FLM 112 1:50	22.12.2015
Proposed floor plan	664/FLM 113 1:50	22.12.2015
Roof plan	664/FLM 114 1:50	22.12.2015
Proposed elevations	664/FLM 121 1:50	22.12.2015
Proposed elevations	664/FLM 122 1:50	22.12.2015
Proposed elevations	664/FLM 124 1:100	22.12.2015
Proposed elevations	664/FLM 125 1:100	22.12.2015
Proposed elevations and floor plan	664/FLM 131 1:20	22.12.2015
Proposed cross section	664/FLM 132 1:25	22.12.2015
Proposed elevations	664/FLM 133 1:50	22.12.2015

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

1. *The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
2. *For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of*

*the built-up area and preserve or enhance the character and appearance of conservation areas.*

Dated 22 / 2 / 2016

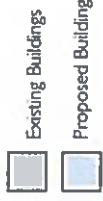
A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

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

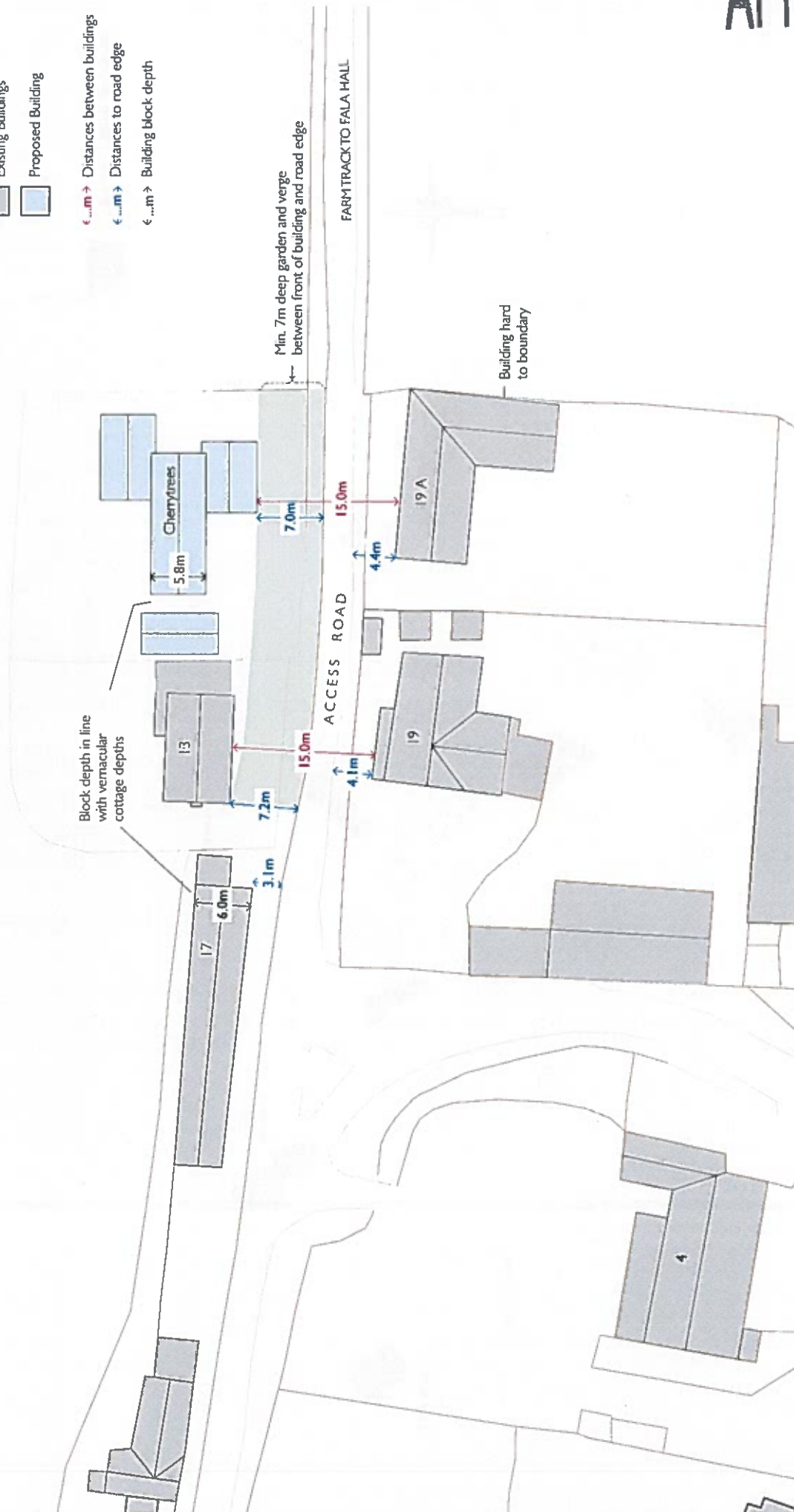




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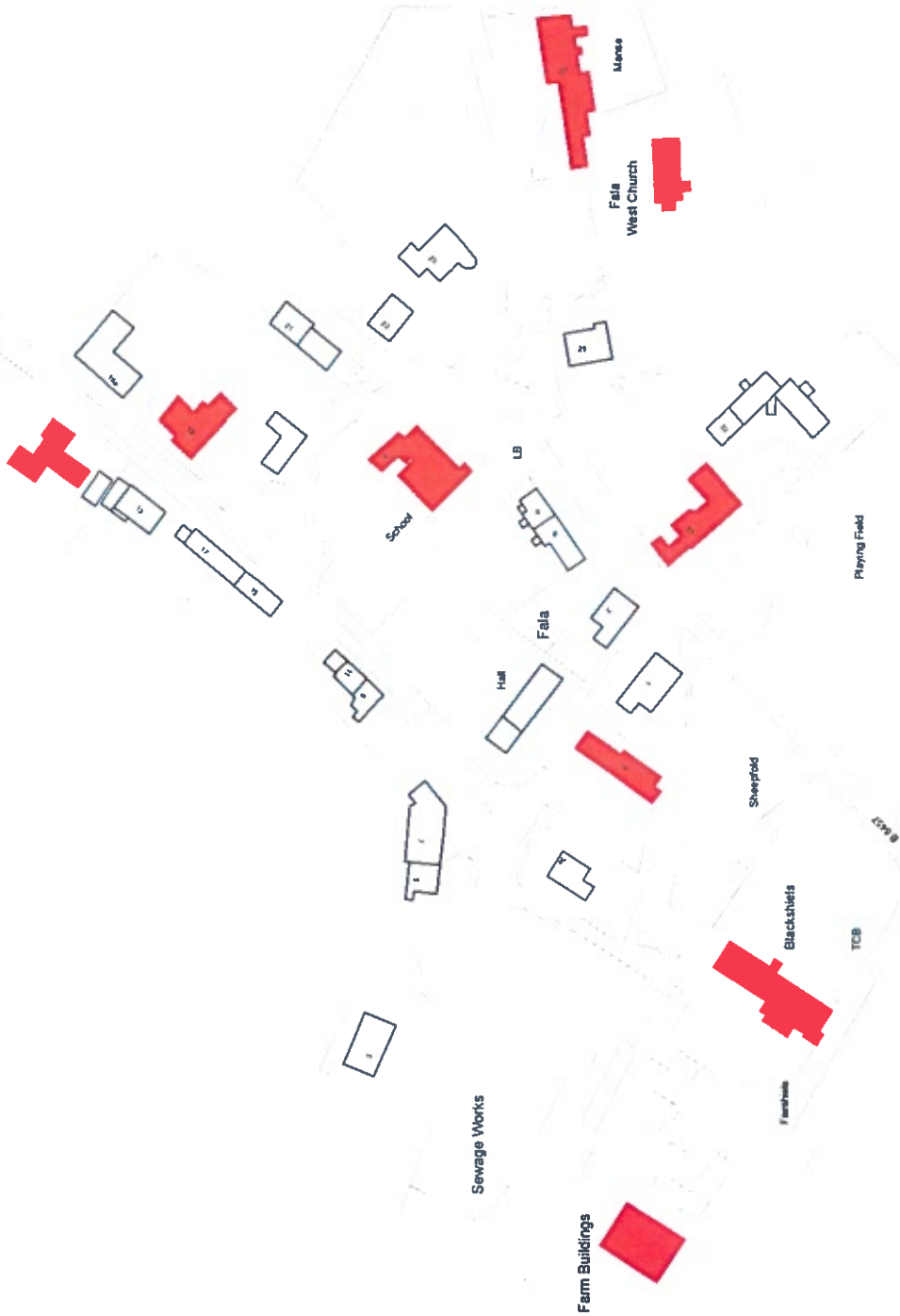


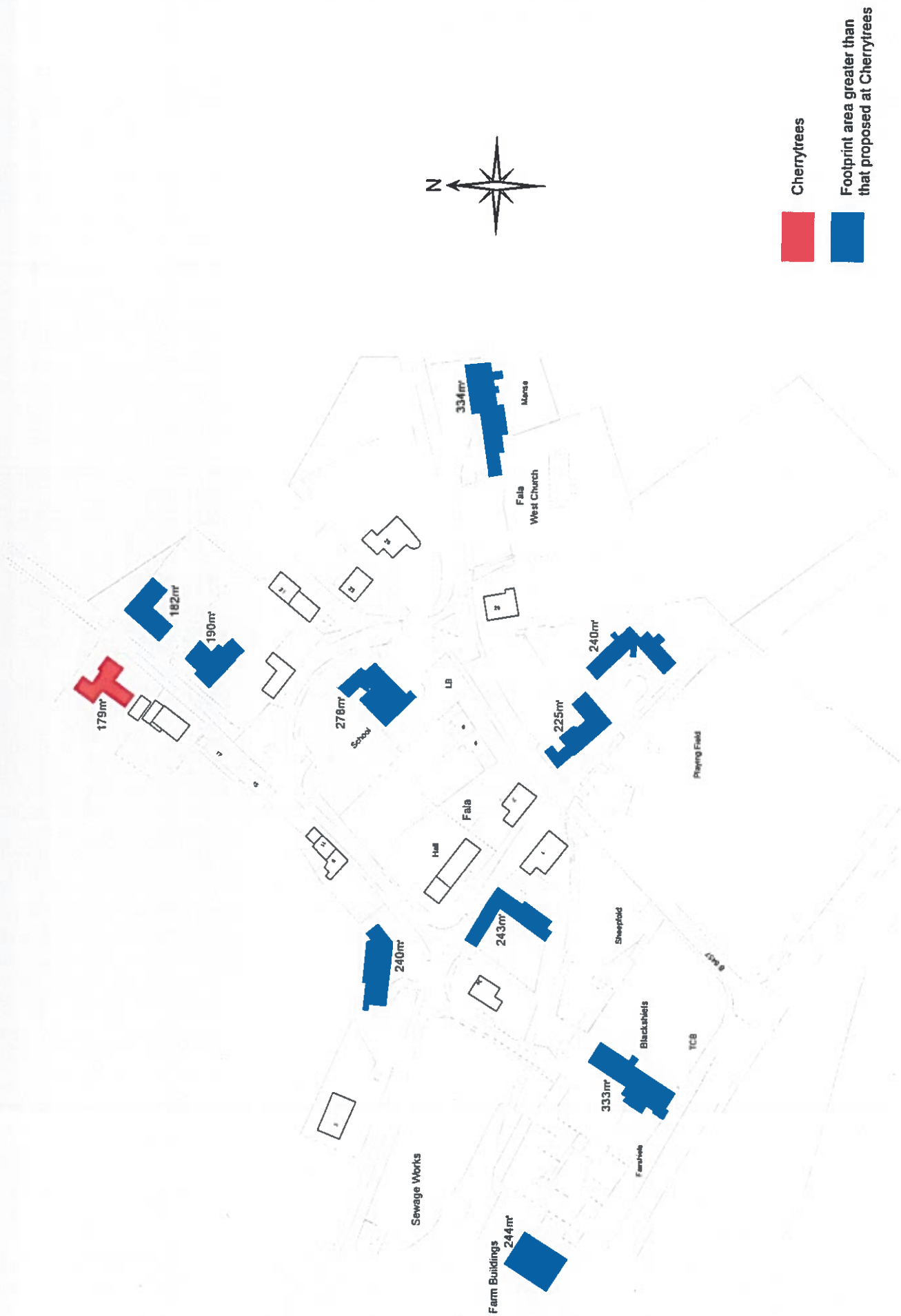
- ← ...m → Distances between buildings
- ← ...m → Distances to road edge
- ← ...m → Building block depth



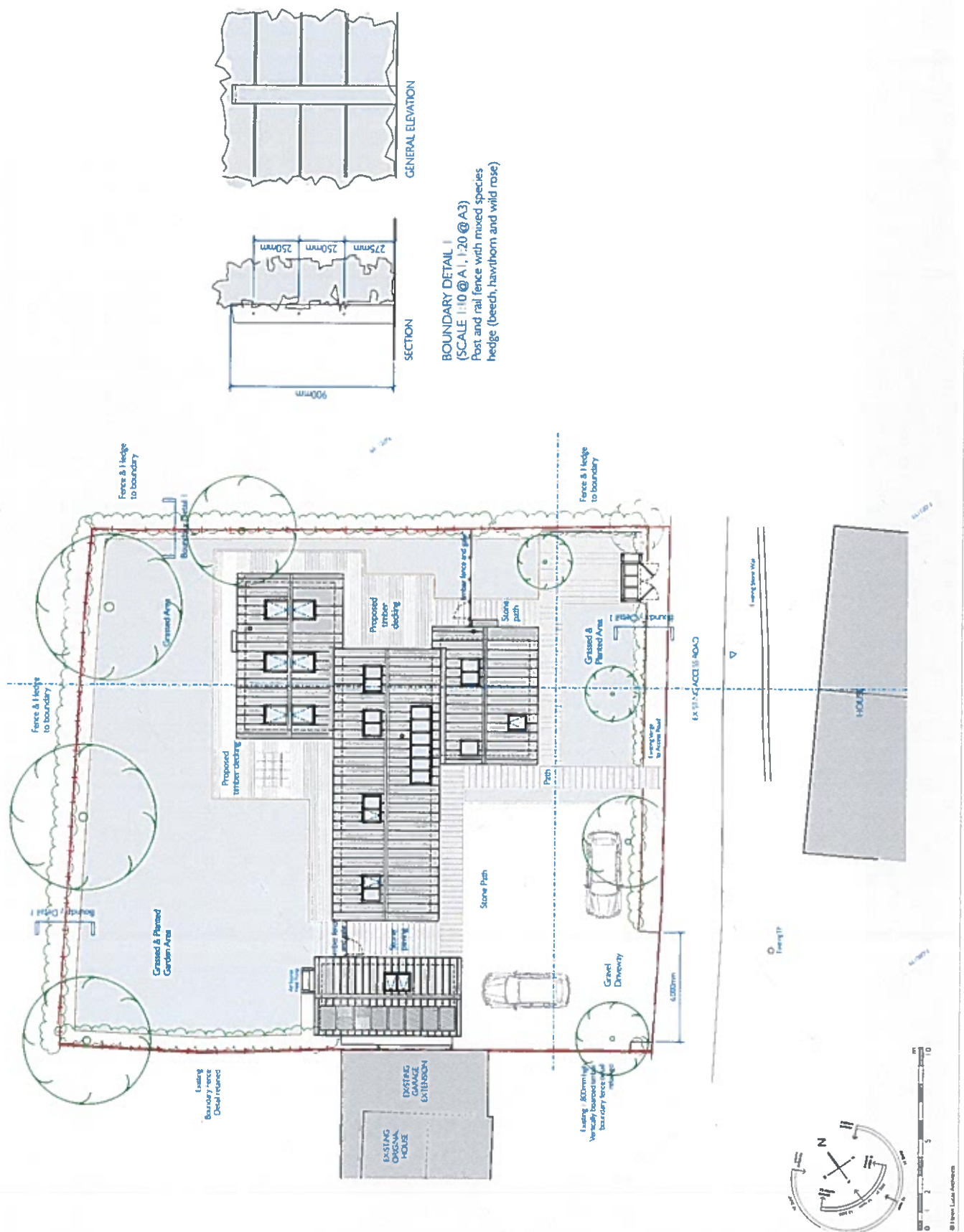


2 storey building or greater















## PLANNING APPLICATION

helen lucas ARCHITECTS

Tracy J. Waples, DVM, MS, DACVP

Chemisches Fabrikations

Cherry Trees, Fala Village,  
Porthhead, Midlothian, EH37 5SY

### Streetscape Comparison

664 / FLM 108

200 @ A1 1400 @ A3

[illegible]

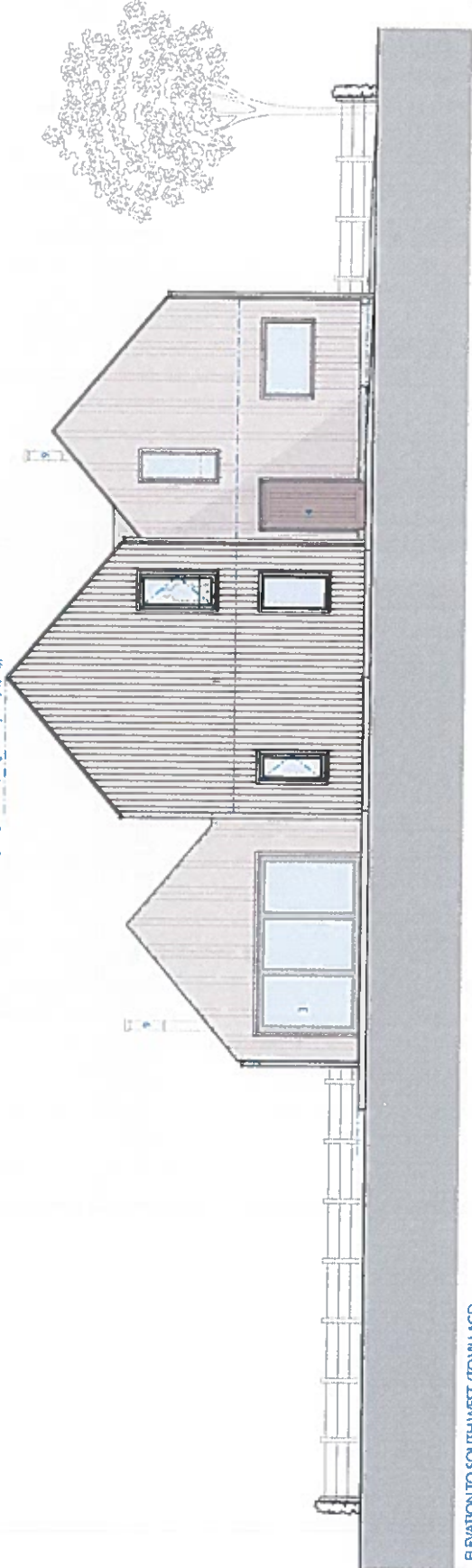
**© 1999 by The McGraw-Hill Companies**



# MATERIALS LEGEND

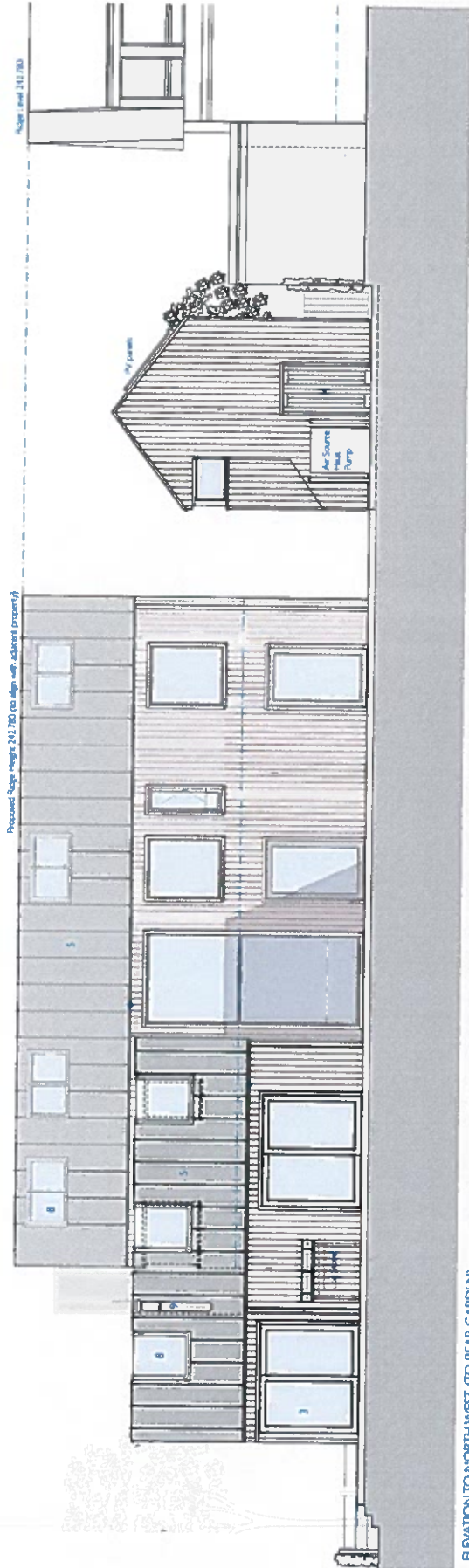
1. Vertical Timber Cladding
2. Grey Engineering brick base course
3. High-performance Painted Timber-framed Triple-glazed Windows
4. Timber-Boarded Doors
5. Pre-patinated Zinc Standing Seam Roofing
6. Pre-patinated Zinc Half-round Gutters
7. Pre-patinated Zinc Circular Rainwater Pipes
8. Roof windows by Velux, Glazing Vision or The Rooflight Company, with recessed flashings
9. 3x steel stone flue

Proposed Ridge Height: 24.2700 (to align with adjacent property)



ELEVATION TO SOUTH WEST (TO VILLAGE)

Proposed Ridge Height: 24.2700 (to align with adjacent property)



ELEVATION TO NORTH WEST (TO REAR GARDEN)



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REVISION DATE NOTES

PLANNING APPLICATION

helen lucas ARCHITECTS

multiple work blocks  
1. 2D MASSING AND ELEVATIONS  
2. 3D RENDERING AND PHOTOGRAPHY

Cherryvees, Fala Village,  
Porthhead, Midlothian, EH37 5SY  
Proposed Drawings  
GA Elevations, Sheet 2  
664 / FLM 122

1:50 @ A1 1:100 @ A3

This set of drawings is to be used for planning purposes only. It is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawings are used for the intended purpose. The client is responsible for obtaining all necessary permissions and consents. The client is responsible for ensuring that the drawings are used in accordance with the relevant legislation and regulations. The client is responsible for ensuring that the drawings are used in accordance with the relevant legislation and regulations.





# MATERIALS LEGEND

- 1 Vertical Timber Cladding
- 2 Grey Engineered brick base course
- 3 High performance Painted Timber-framed Triple-glazed Windows
- 4 Timber-Boarded Doors
- 5 Pre-patinated Zinc Standing Seam Roofing
- 6 Pre-patinated Zinc Half round Gutters
- 7 Pre-patinated Zinc Circular Rainwater Pipes
- 8 Roof windows by Velux, Cladding Vision or The Rooflight Company, with recessed flashings
- 9 5% steel stone flue

Existing Ridge level of adjacent property 241.2700

ELEVATION TO NORTH EAST (TO ACCESS ROAD AND FIELDS)

Existing Ridge level 241.270

Proposed Ridge height 242.780 (to align with adjacent property)

ELEVATION TO SOUTH EAST (TO PUBLIC HIGHWAY)



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REVISION DATE NOTES  
2/11/16

PLANNING APPLICATION

helen lucas ARCHITECTS

0479 664121  
21, 35, WAREHOUSE, 107-109, CHURCH STREET, LONDON, E1 1AA  
1.5, 1.475 PMG

Cherrytrees, Fala Village,  
Pathhead, Midlothian, EH37 5SY  
Proposed Drawings  
GA Elevations, Sheet 1  
664 / FLM 121

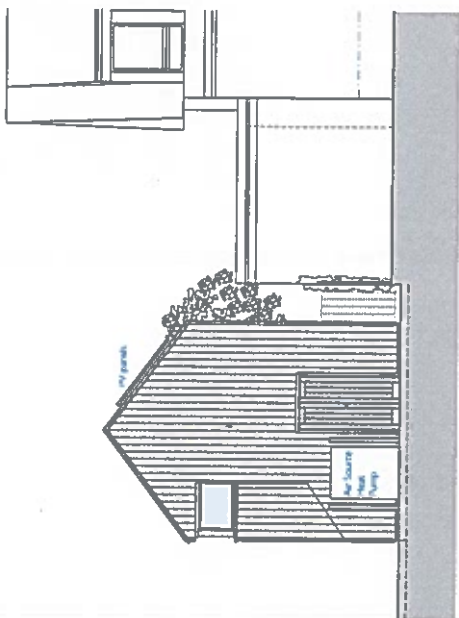
1:50 @ A1, 1:100 @ A3

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4. The client is responsible for ensuring that the drawing is used for the purpose for which it was prepared.

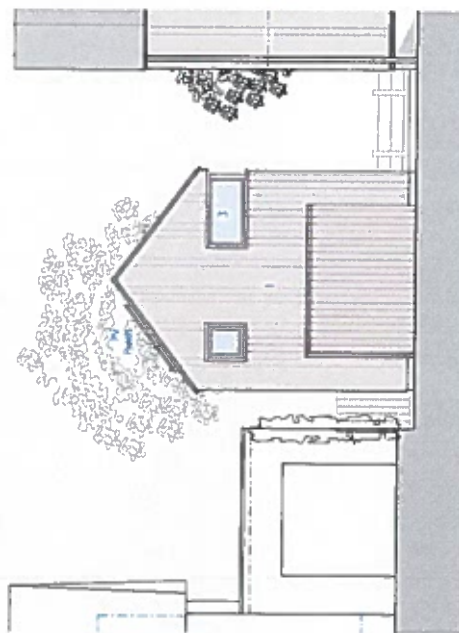


# **MATERIALS LEGEND**

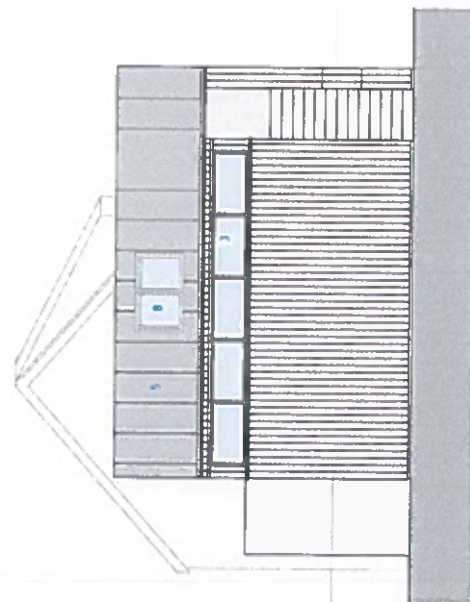
- 1 Vertical Timber Cladding
- 2 Grey Engineering brick base course
- 3 High-performance Painted Timber-framed Triple-glazed Windows
- 4 Timber-boarded Doors
- 5 Pre-painted Zinc Standing Seam Roofing
- 6 Pre-painted Zinc Half-round Guttering
- 7 Pre-painted Zinc Crook Rainwater Pipes
- 8 Road windows by Velux, Glazing Vision or The Rooflight Company with recessed flashings
- 9 55 steel stone flue



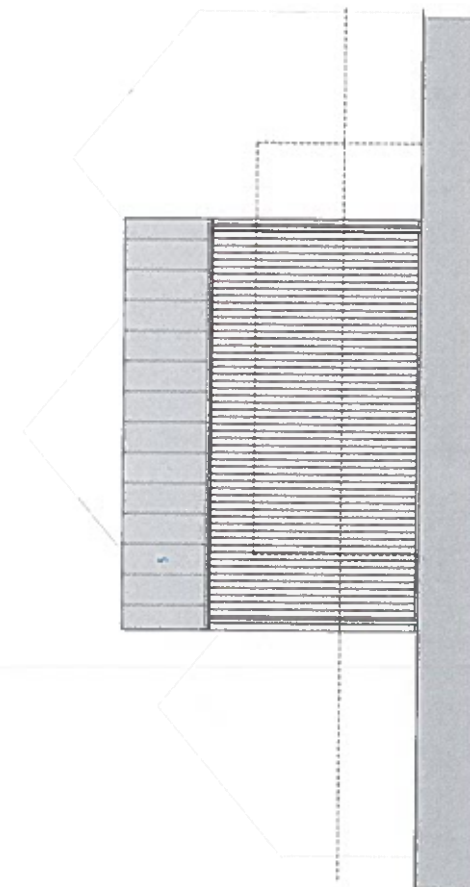
ELEVATION TO NORTH-WEST



ELEVATION TO SOUTH-EAST



ELEVATION TO NORTH-EAST



ELEVATION TO SOUTH-WEST (TO VILLAGE)



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REVISION DATE NOTES  
21/12/21

PLANNING APPLICATION

helen lucas ARCHITECTS

0458 789 6466  
37, BRIMCOMBE ROAD, LONDON, E14 6JH

Cherryhess, Fala Village,  
Puththead, Midlothian, EH37 5SY

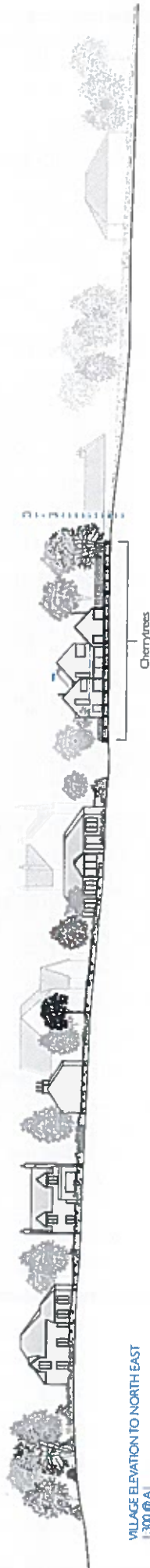
Proposed Drawings  
Garage Elevations

664 / FLH 133

1:50 @ A1, 1:100 @ A3

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VILLAGE ELEVATION TO NORTH EAST  
1:300 @ A1



ELEVATION TO NORTH EAST

REVISION DATE NOTES  
2/1/15  
PLANNING APPLICATION

helen lucas ARCHITECTS

1000 Power Lane, Suite 100  
1000 Power Lane, Suite 100  
1000 Power Lane, Suite 100

Cherryrees, Fala Village,  
Pathhead, Midlothian, EH37 5SY

Proposed Drawings  
Contextual Elevations NE  
664 / FL11 125

1:100 @ A1, 1:200 @ A3

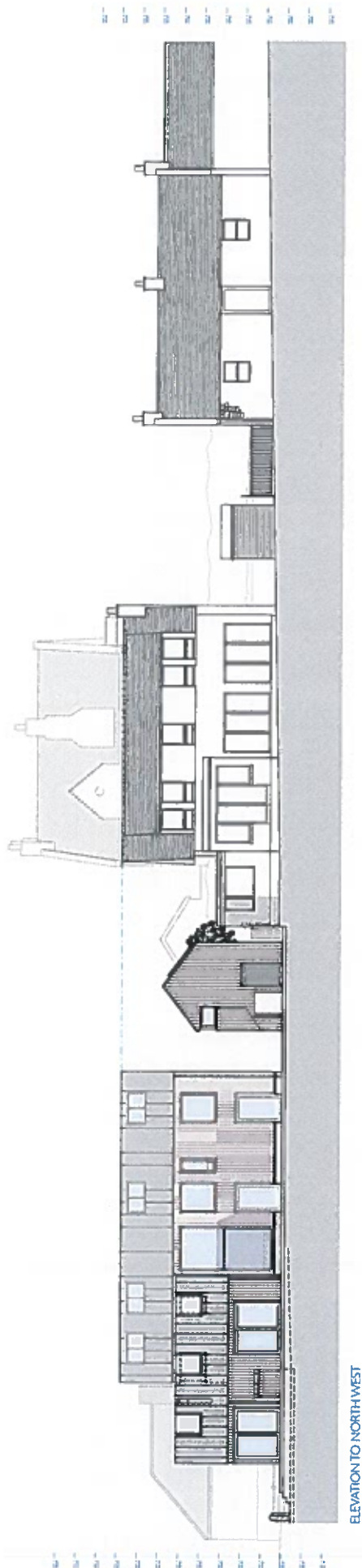
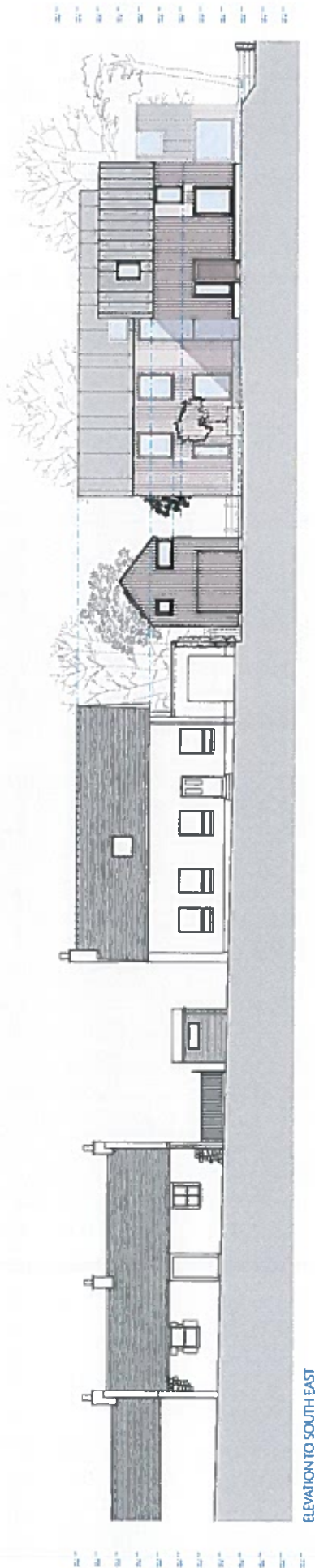
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REVISION DATE NOTES  
 1/1/18 1/1/18 1/1/18  
 PLANNING APPLICATION

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Cherrytrees, Fala Village,  
 Pathhead, Midlothian, EH37 5SY  
 Proposed Drawings  
 Contextual Elevations  
 664 / FL11 124

1:100 @ A1, 1:200 @ A3

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*Existing view looking towards North East*



*Existing view looking towards North East*





*Existing view looking towards South West*



*Proposed view looking towards South West*