



APPLICATIONS FOR LISTED BUILDING CONSENT 23/00674/LBC AND PLANNING PERMISSION 23/00675/DPP FOR THE INSTALLATION OF SOLAR PANELS AT NEWTONGRANGE PARISH CHURCH, MAIN STREET, NEWTONGRANGE

Report by Chief Officer Place

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The applications are for the installation of solar panels on Newtongrange Parish Church, Main Street, Newtongrange.**
- 1.2 There have been no representations received and a consultation response from the Newtongrange Community Council.**
- 1.3 The relevant policies, legislation and guidance for 23/00674/LBC are policy 7 of the National Planning Framework 4 (NPF4), Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (HEPS) and Historic Environment Scotland – Managing Change in the Historic Environment Guidance Notes on Micro-Renewables and Roofs. The relevant development plan policies for 23/00675/DPP are policies 1, 2, 3, 7, 11 and 14 of the National Planning Framework 4 (NPF4) and policies DEV2 and ENV22 of the Midlothian Local Development Plan 2017 (MLDP).**
- 1.4 The recommendation is to refuse listed building consent and planning permission.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is located centrally within the built up area of Newtongrange. This is within the Town Centre which extends to the immediate north, west and southwest. The Newtongrange Conservation Area lies to the south.**
- 2.2 The application site comprises a church set within its own grounds. The church (1939-42) is in a modern style with a long sloping slated pitched roof with dormers. A large tower is located at the entrance (west) of the church. The church walls are harled. There is a church hall to the east which is outwith the site but under the control of the occupant. This was the original church, built in 1935. The church and**

church hall are, together, a category C listed building. Planning permission and listed building consent have been granted for the demolition of the church hall, with planning permission in principle granted for residential development replacing the hall. The application site is at a prominent part of the streetscene and surrounding area.

- 2.3 There is a road and a row of traditional miners' cottages to the south. To the east is car parking associated with the church, with traditional miners' cottages beyond separated by a vehicular access track. There is open space and the Newtongrange Library to the north, again with traditional miners' cottages and low level housing beyond. To the west is an area of open amenity space and the site of the demolished Newtongrange swimming pool, which is earmarked for development as part of the Newtongrange Town Centre redevelopment.
- 2.4 The site comprises a square parcel of land measuring approximately 0.18 hectares. The land within the site and surrounding area is relatively level.
- 2.5 The existing built form within the area comprises of single and two storey brick terraced traditional miners' cottages in residential use. The church hall has a slate roof and rendered walls painted cream colour. The library building to the north is single storey with a flat roof and white painted render walls.

3 PROPOSAL

- 3.1 Listed building consent and detailed planning permission are sought for the installation of thirty solar panels on the south (side) elevation of the roof of the church. The solar panels are set out in 2 sections of 9 panels (3 by 3) and 2 sections of 6 (2 by 3) panels. The panels measure 2.1 metres by 1 metre and would produce 10,449KW annually. These are to be mounted over the existing roof slates.
- 3.2 Both applications are accompanied by:
- A Planning Statement;
 - An Energy Strategy Report;
 - Business Plan;
 - A condition survey of the building;
 - Report on the roof structure;
 - Supporting letters from the Community Council, Newtongrange Development Trust and the National Mining Museum; and
 - Public feedback forms.

4 BACKGROUND

- 4.1 There have been a number of applications submitted for works at the site. Listed building consent was approved in 2004 for the installation of ramped access to church and associated works (04/00530/LBC).

- 4.2 Listed building consent 16/00265/LBC was approved in 2016 to reduce the height of the boiler house chimney/flue on the rear of the hall.
- 4.3 Detailed planning permission 22/00129/DPP for 'external alterations to church including installation of replacement windows and doors, alterations to window openings to form door openings, infilling of window opening, rendering of external walls, installation of vent and installation of photovoltaic (PV) panels; formation of car park; formation of ramps/terrace; and installation of air source heat pumps' and listed building consent 22/00130/DPP for 'external alterations to church including installation of replacement windows and doors, alterations to window openings to form door openings, infilling of window opening, rendering of external walls, installation of vent and installation of PV panels; formation of ramps/terrace; and installation of air source heat pump' were refused in 2022. The applications did not demonstrate that the replacement windows, alterations, solar panels, air source heat pumps and ramps would not have an adverse effect on the character, appearance or historic interest of the listed building. The proposed works would have a significant adverse impact on the prominent listed building which did not comply with relevant policies and guidance.
- 4.4 Further to this, detailed application 23/00264/DPP for 'alterations to church building including; installation of PV panels and replacement windows, alterations to window openings to form door openings; formation of path, access ramp and car park' and listed building consent 23/00265/LBC for 'alterations to church building including; installation of PV panels and replacement windows, alterations to window openings to form door openings; and formation of paths and access ramp' were submitted in April 2023. While the application submissions did not include much more detail than the applications refused in 2022, there were significant discussions between the applicant's agent and the case officer which resulted in additional details being submitted. These addressed a number of concerns over the impact of the proposed works on the historic character and setting of the listed building and allowed both applications to be approved with conditions. However the proposed PV panels were conditioned out of both permissions as it was still considered that these would have an adverse effect on the character, appearance and historic interest of the listed building. These permissions have not been implemented.
- 4.5 Although outwith the site, the approved works at the adjacent church hall site should be noted. Planning permission 21/00701/PPP for planning permission in principle for residential development and associated work and listed building consent 21/00733/LBC for the demolition of church hall were approved in 2022. These permissions have not been implemented.
- 4.6 The detailed planning application has been 'called-in' Committee for determination by Councillor Bowen. Councillor Bowen has called the planning application in as the Newtongrange Community Council fully

supports the application. It is considered appropriate that the listed building application also be considered by the Committee, given that the same comments supporting the proposal have been submitted by the Newtongrange Community Council for both applications and that the listed building consent application is for the same development as the planning application.

5 CONSULTATIONS

5.1 The **Newtongrange Community Council** has submitted the same comments in support of both applications. They aim to support local organisations and so see the proposed church redevelopment as positive for the local area. They state that:

- the works will enhance and improve the village;
- the use of renewable energy is sensitively included on the listed building;
- the works will provide measures for disabled access;
- these works will also sustain the important heritage links in the village, as it is recognised that churches are closing throughout Scotland and Newtongrange is bucking this trend; and
- the works will also retain a local landmark and listed building in main street of the village.

They state that the Community Council also intend to make good use of the building once complete.

5.2 This consultation response is available to view in full on each online application case file.

6 REPRESENTATIONS

6.1 There have been no representations received.

7 PLANNING POLICY

7.1 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017.

7.2 The following policies are relevant to the proposal:

National Planning Framework 4 (NPF4)

7.3 **Policy 1 Tackling the climate and nature crises**; sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

7.4 **Policy 2 Climate mitigation and adaptation**; sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

- 7.5 Policy **3 Biodiversity**; sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
- 7.6 Policy **7 Historic assets and places**; sets out to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
- 7.7 Policy **11 Energy**; sets out to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).
- 7.8 Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Other National Policy

- 7.9 **Designing Places, A Policy Statement for Scotland** sets out the six key qualities which are at the heart of good design namely identity, safe and pleasant environment, ease of movement, a sense of welcome, adaptability and good use of resources.
- 7.10 The **Scottish Government's Policy on Architecture for Scotland** sets out a commitment to raising the quality of architecture and design.
- 7.11 **Historic Environment Scotland - Managing Change in the Historic Environment Guidance Notes – Micro-renewables** states the use of renewable energy technology in the historic environment is supported where the character of the historic building or place can be protected through careful siting and design. Renewable energy systems will often have some visual or physical impact on the building or site they serve and it is important to minimise this impact to maintain the character and significance of the historic asset. Micro-renewable installations should be planned carefully to minimise intervention affecting historic character while balancing the potential of available renewable energy sources. Where possible, installations on a building should avoid its main and visible elevations, such as secondary parts of the building, adjacent outbuildings or on the ground nearby. During installation, it may be necessary to alter or remove historic building fabric, which can include attaching frames or fixtures to roofs, passing pipes and wires over facades and through the building interiors, and integrating pumps, boilers and storage tanks into existing conventional systems. Any intervention to historic fabric should be minimised and undertaken only after careful analysis and design of the system. For solar panels, it is usually desirable to mount panels over existing slates, rather than replace historic fabric with look-alike materials.

Installation of solar panels on the principal elevation of a historic building should be avoided because of the detrimental visual impact. Therefore, if historic buildings face south, their main roof slopes may be inappropriate as locations for solar panels. Alternative solutions should be explored, such as installation on secondary roof slopes, on locations hidden from main views, or on surrounding areas such as sheds, gardens or fields. Solar systems installed on roofs can be heavy, and an appropriate survey should be carried out to determine the structural impact and safety of such systems.

- 7.12 **Historic Environment Scotland Managing Change in the Historic Environment Guidance Notes – Roofs** states roofs and associated features form important elements in defining their character. The significance of a historic roof comes from a number of factors including its age, functional performance, shape and pitch, profile, and the qualities of its supporting structure, covering materials and associated features. Alterations and repairs to roofs and their associated features should protect the character of the historic building.

Midlothian Local Development Plan 2017 (MLDP)

- 7.13 Policy **DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.
- 7.14 Policy **ENV22: Listed Buildings** does not permit development which would adversely affect the character or appearance of a listed building, its setting or any feature of special architectural or historic interest.

8 PLANNING ISSUES

Listed Building Consent Context

- 8.1 Applications for Listed Building Consent are to be assessed in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the LBCA Act). The LBCA Act states:

In considering whether to grant listed building consent for any works, the planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This legislative requirement is significantly different from the assessment criteria set out in the Town and Country Planning (Scotland) Act 1997 (the Planning Act) where it is necessary to determine a planning application in accordance with the development plan unless material considerations indicate otherwise. There is no

provision in the LBCA Act for material considerations to influence a decision in an application for Listed Building Consent.

Planning Application Context

- 8.2 The main issue to be considered in determining a planning application is whether the proposal complies with relevant policies, unless material planning considerations indicate otherwise. It needs to be considered whether or not the proposal has an adverse impact on the character, appearance, fabric or historic importance of the listed building. The consultation responses received are material considerations.

Assessment

- 8.3 While the Newtongrange Parish Church remains on the statutory list of listed buildings it is a statutory requirement to protect it from development which will harm its special architectural interest. Part of the architectural interest of the building stems from its design and form, which includes its long sloping dominant roof planes, finished in natural green slate.
- 8.4 Thirty solar panels are proposed to be installed on the roof of the south (side) elevation of the church, fitted on top of a large area of the existing natural slates. Historic Environment Scotland guidance states that alterations to roofs should protect the character of the historic building. They also state that solar panels on the principal elevations of a historic building should be avoided due to the detrimental visual impact that they would have. Alternative solutions should be explored, such as the use of different technologies and equipment, installation of solar panels on locations hidden from main views, or on surrounding areas such as outbuildings or the use of ground mounted solar panels.
- 8.5 The proposed solar panels are on a highly publicly visible elevation which makes a significant positive contribution to the character and appearance of the church and the wider street-scene and adjacent conservation area. It is arguable that the south (side) elevation of the church makes as significant contribution to the architectural quality of the church, and character of the area, as the principle elevation. The solar panels are bulky additions which cover a large section of this prominent elevation, dominating, and distracting from, the south facing roof slope. The solar panels would be large black, contrasting, additions to this natural slate roof plane.
- 8.6 There are significant concerns regarding the siting of the solar panels on this prominent roof plane and the impact the highly visible panels will have on the special architectural interest of the listed building. While the south elevation is not the front elevation, the side elevation, where the solar panels are proposed, is highly prominent in the surrounding area and the solar panels would be an unsympathetic and unattractive addition, significantly prominent on this roof plane. They

would be out of character and out of context. The site is a landmark building at the centre of Newtongrange and has a significant presence on Main Street. The installation of these solar panels would seriously diminish the special architectural interest of the church.

- 8.7 It has not been demonstrated that the church can accommodate the solar panels without having a detrimental impact on the fabric of the listed building, either in terms of the structure, the details of their fixing onto the slates or necessary installation works, including pipeworks through the building. The submissions include a report from a civil engineer which states that the roof should be able to hold the panels. However, the applicant states that the roof structure will only be fully surveyed in order to verify that it is able to accommodate the panels structurally by detailed calculation at Building Warrant stage. A building warrant to 'alter church to include formation of new family room, kitchen, toilets, vestry, stores and two additional exit doors, provide new external access ramps and photo-voltaic panels on roof' has been submitted. However, this does not include any details of the roof structure and its ability to hold the panels. Indeed, more information on this point has been submitted as part of the current listed building consent and planning applications than in the building warrant. Supporting information is not being submitted by the applicant to satisfy concerns which are being raised by the planning authority.
- 8.8 The concerns regarding the solar panels were clearly highlighted in the report of handling and decision notices for the applications considered in April 2022 and August 2023. There were no pre-application discussions or correspondence with the planning authority regarding these concerns after these applications were determined and before the current applications were submitted. During the assessment of the applications determined in 2023 concerns regarding the solar panels and other elements of the proposal were raised by the case officer to the agent early in the application process. While some matters were addressed the planning authority's concerns regarding the solar panels remained. It is clear that the planning authority has maintained serious concerns regarding the solar panels throughout the assessment of proposed alterations to the church and the applicant has been aware of these concerns since early 2022. The current proposal does not attempt to resolve these concerns nor does it find a suitable alternative to panels on the roof.
- 8.9 The planning authority has a duty to consider the climate crisis when assessing development proposals. The planning authority makes a significant effort to support measures to reduce carbon emissions and improve energy efficiency across all development proposals. This approach is clear from attempts to protect trees, create sustainable developments and supporting a range of other microrenewable developments across the Council area, which includes sites within Newtongrange itself. However, there is a balance to be struck between the Council's responsibility to protect the historic environment and

addressing the climate crisis, particularly where a range of alternative, less intrusive, technologies could be employed.

- 8.10 As the applicant's agent has stated, the applicant considers that the inclusion of solar panels are integral to the overall works at the site. The planning authority has suggested investigating alternative solutions, including ground mounted solar panels. However, the applicant is resistant to this as an option, due to the limited space within the applicant's ownership; some of the land is being used for landscaping work; the land is not suitable for this development as the area is utilised for various events throughout the year; and these would be susceptible to vandalism as the grounds cannot be properly secured. The submissions state ground mounted panels could be more prominent than roof mounted panels and would potentially cause significant harm to the appearance and setting of the listed building. The case officer considers that there is a large amount of ground surrounding the church so there is adequate room for ground mounted panels, any events and the previously approved works. The siting of ground mounted panels to the south of the church would have much less impact on the setting of the C listed building than the significant adverse impact of solar panels on the roof.
- 8.11 The applicant's agent has referenced the siting of solar panels on other buildings in the surrounding area, mainly on residential properties but also at the mining museum. The solar panels on the residential properties are of a lower scale and on less prominent buildings which are not listed. The solar panels at the listed mining museum are sited on secondary and rear elevations which are not open to public view. These do not cover a large area of the roof plane and do not dominate the original roof. In the assessment of the panels at the mining museum it was considered they did not result in an adverse impact upon the character or appearance of the listed building or the conservation area and there were no significant adverse amenity implications. These examples do not raise the same adverse impacts and concerns as the proposed works being considered here.
- 8.12 The prominent siting of thirty solar panels on the south facing roof plane of the church will not preserve the architectural interest of this listed building, they will cause significant harm, and will therefore not comply with the legislative requirements as set out in paragraph 8.1 of this report.
- 8.13 The above position is consistent with the national position. The Scottish Government has recently refused solar panels on a listed building in West Lothian as they considered that the visual effects of these would be significant and would have an adverse effect on the architectural and historic features of the listed building. It was considered that the proposals would not preserve the features of special architectural or historic interest of the listed building.

- 8.14 The relevant legislation, Historic Environment Scotland guidance, recent Scottish Government appeal decision, similar refusal in Midlothian and the requirement for planning authorities to protect listed buildings mean that the proposed solar panels should not be supported.
- 8.15 The planning authority does not expect any disruption to the local road network more than any other small scale development as a result of the proposed works.

9 RECOMMENDATIONS

- 9.1 That listed building consent and planning permission be refused for the following reasons:

23/00674/LBC

1. The proposed solar panels would dominate the appearance of the host building as viewed from the south and west and significantly detract from the character and appearance of this prominent listed building.
2. It has not been demonstrated to the satisfaction of the planning authority that the proposed solar panels would not have a detrimental impact on the fabric or structure of the host listed building.
3. For the above reasons, the proposed works will have a significant adverse impact on the character, appearance, fabric, setting and historic context of the listed building and therefore are contrary to the Historic Environment Scotland policy and Managing Change guidance on roofs and section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended).

23/00675/DPP

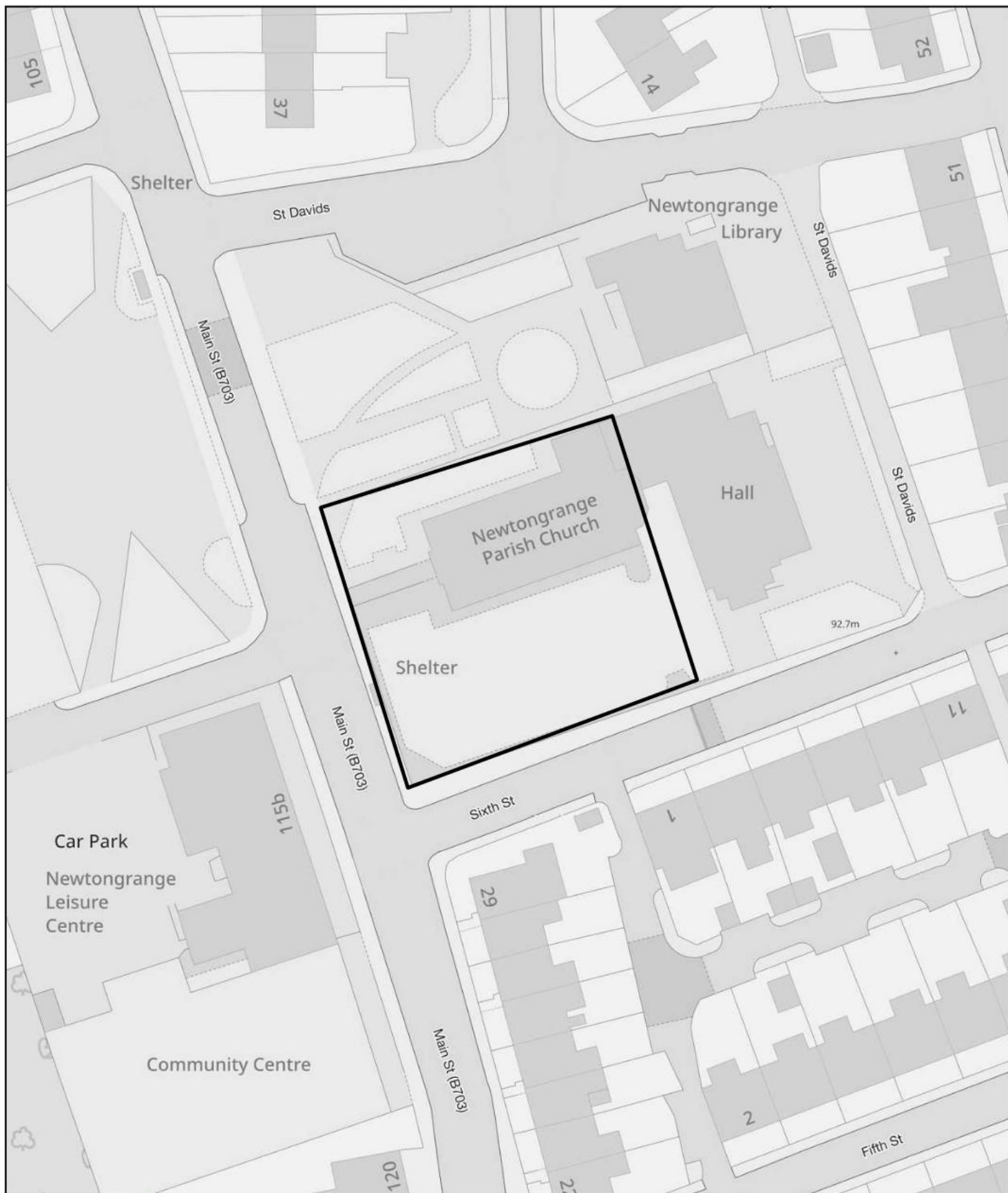
1. The proposed solar panels would dominate the appearance of the host building as viewed from the south and west and significantly detract from the character and appearance of this prominent listed building.
2. It has not been demonstrated to the satisfaction of the planning authority that the proposed solar panels would not have a detrimental impact on the fabric or structure of the host listed building.
3. For the above reasons, the proposed works will have a significant adverse impact on the character, appearance, fabric, setting and historic context of the listed building and therefore are contrary to

DEV2 and ENV22 of the adopted Midlothian Local Development Plan 2017, the requirements set out in planning legislation and policy 7 of the National Planning Framework 4.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 12 January 2024

Application Nos: 23/00674/LBC and 23/00675/DPP
Applicant: Parish of Newbattle
Agent: Kieran McFarlane, Ferguson Planning
Validation Date: 18 October and 14 November
Contact Person: Mhairi-Anne Cowie, Planning Officer
Email: mhairi-anne.cowie@midlothian.gov.uk
Background Papers: Applications 23/00264/DPP, 23/00265/LBC, 22/00129/DPP and 22/00130/LBC
Attached Plans: Location plan, site plan, elevations and indicative illustrations.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
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Installation of solar panels

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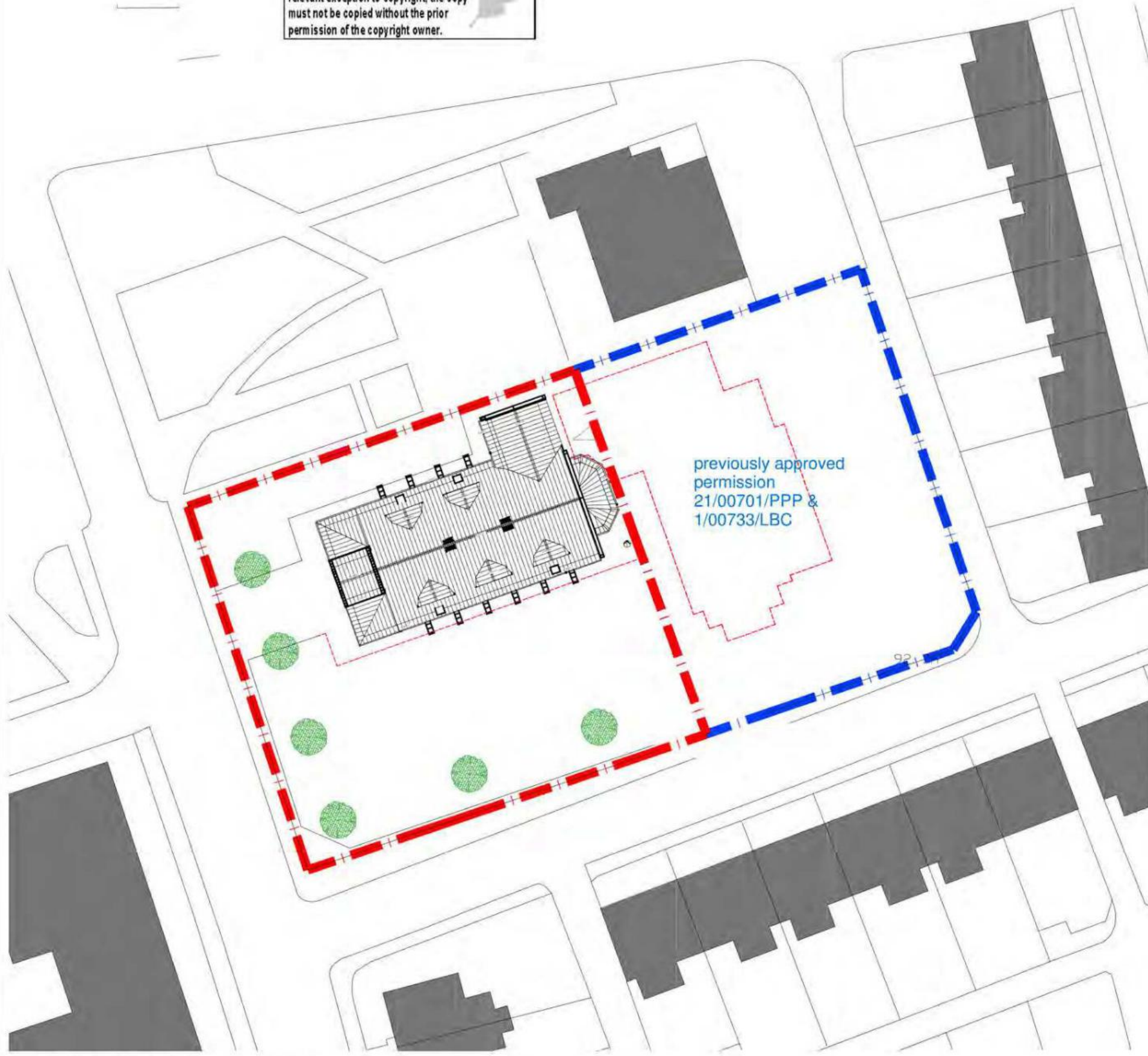
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Site Plan - as existing
Scale 1:500
0 5m 10m 15m
NORTH



Location Plan - as existing
Scale 1:1250
0 10 20 30m
NORTH

ECCLESIASTICAL EXEMPTION:
NEWTONGRANGE PARISH CHURCH IS AN "ECCLESIASTICAL BUILDING" IN THE TERMS OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997 AND THE CORRESPONDING HISTORIC ENVIRONMENT SCOTLAND ECCLESIASTICAL EXEMPTION GUIDE. LISTED BUILDING CONSENT IS SOUGHT FOR PROPOSED EXTERNAL ALTERATIONS ONLY, WHICH INCLUDE ALTERATIONS TO EXTERNAL DOORS AND WINDOWS. ALTERATIONS TO THE INTERIOR ARE SUBJECT TO THE ECCLESIASTICAL EXEMPTION AND DO NOT FORM PART OF THE LISTED BUILDING CONSENT APPLICATION. THE ECCLESIASTICAL EXEMPTION DOES NOT APPLY TO PLANNING PERMISSION.

- REMOVED WORKS
- EXISTING BUILDING
- PROPOSED WORKS
- EXISTING TREES

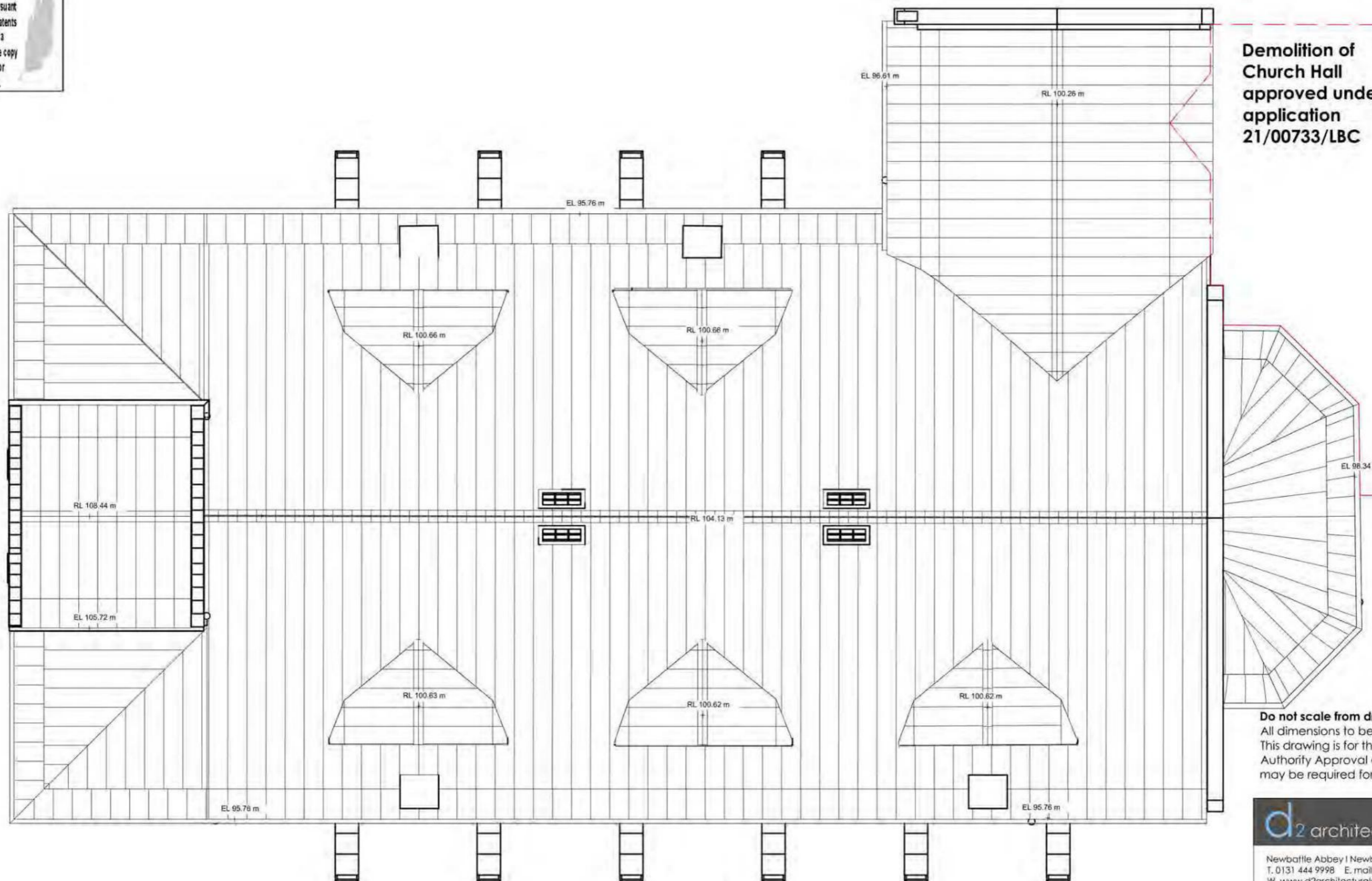
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PLANNING
PROJECT
Proposed Refurbishment & Alterations
Newtongrange Parish Church
Main Street
Newtongrange, EH22 4LE
DRAWING
Location & Site Plans - as existing

DATE	DRAWN	SCALE
20.03.23	AS	As noted @ A3
PROJECT	DRAWING No.	REVISION
23002	EX01	

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**Demolition of
Church Hall
approved under
application
21/00733/LBC**

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**Roof Plan - as existing
Scale 1:100**

0 1m 2m 3m 4m 5m

- REMOVALS
- EXISTING WALL
- NEW WALL
- PROPOSED NEW WORKS

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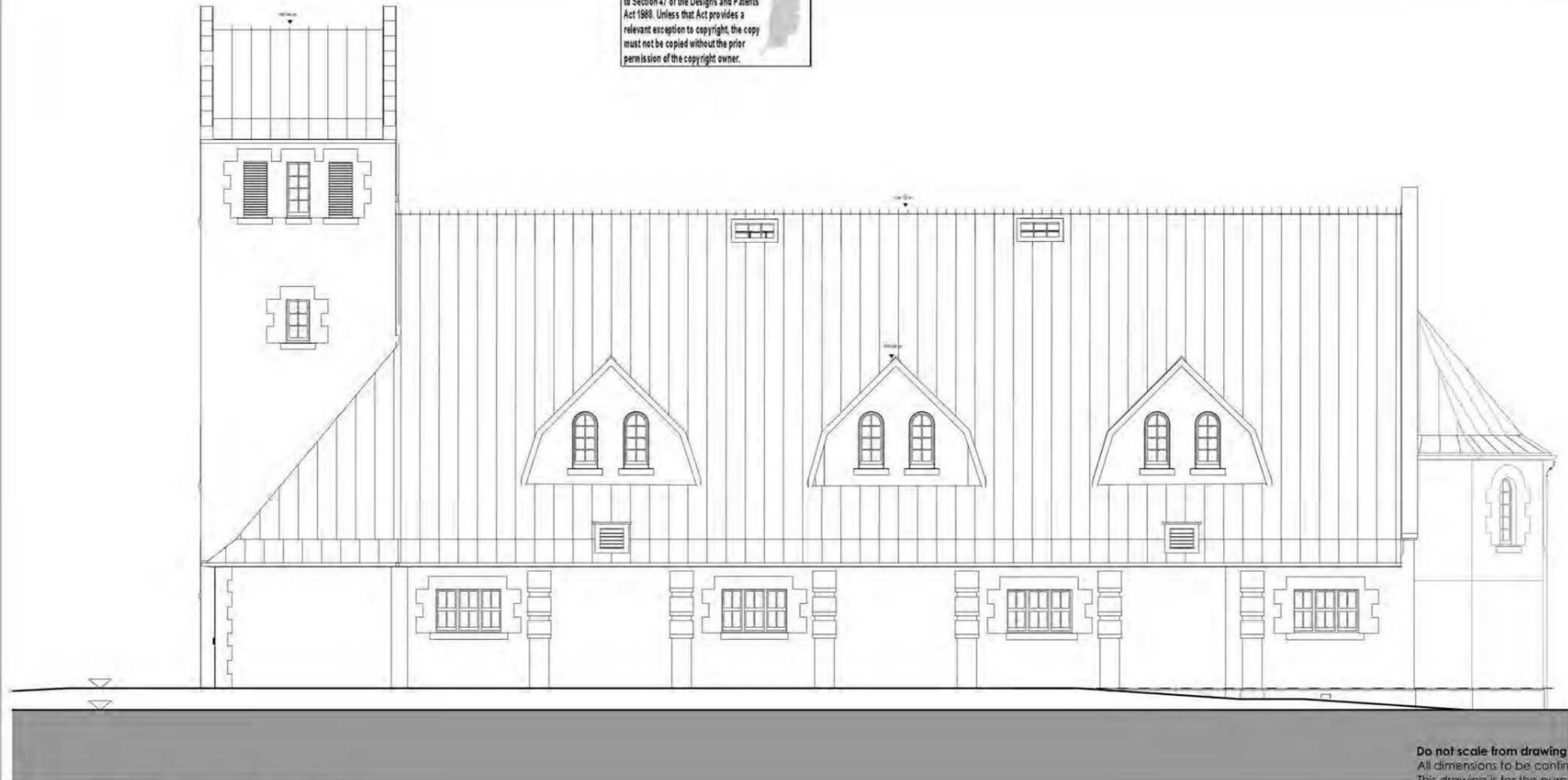
PROJECT

Proposed Refurbishment & Alterations
Newtongrange Parish Church
Main Street
Newtongrange, EH22 4LE

DRAWING

Roof Floor Plan - as existing

DATE 20.0323	DRAWN AS	SCALE As noted @ A3
PROJECT 23002	DRAWING No. EX04	REVISION A



South Elevation - as existing
Scale 1:100

0 1m 2m 3m 4m 5m

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PLANNING APPLICATION

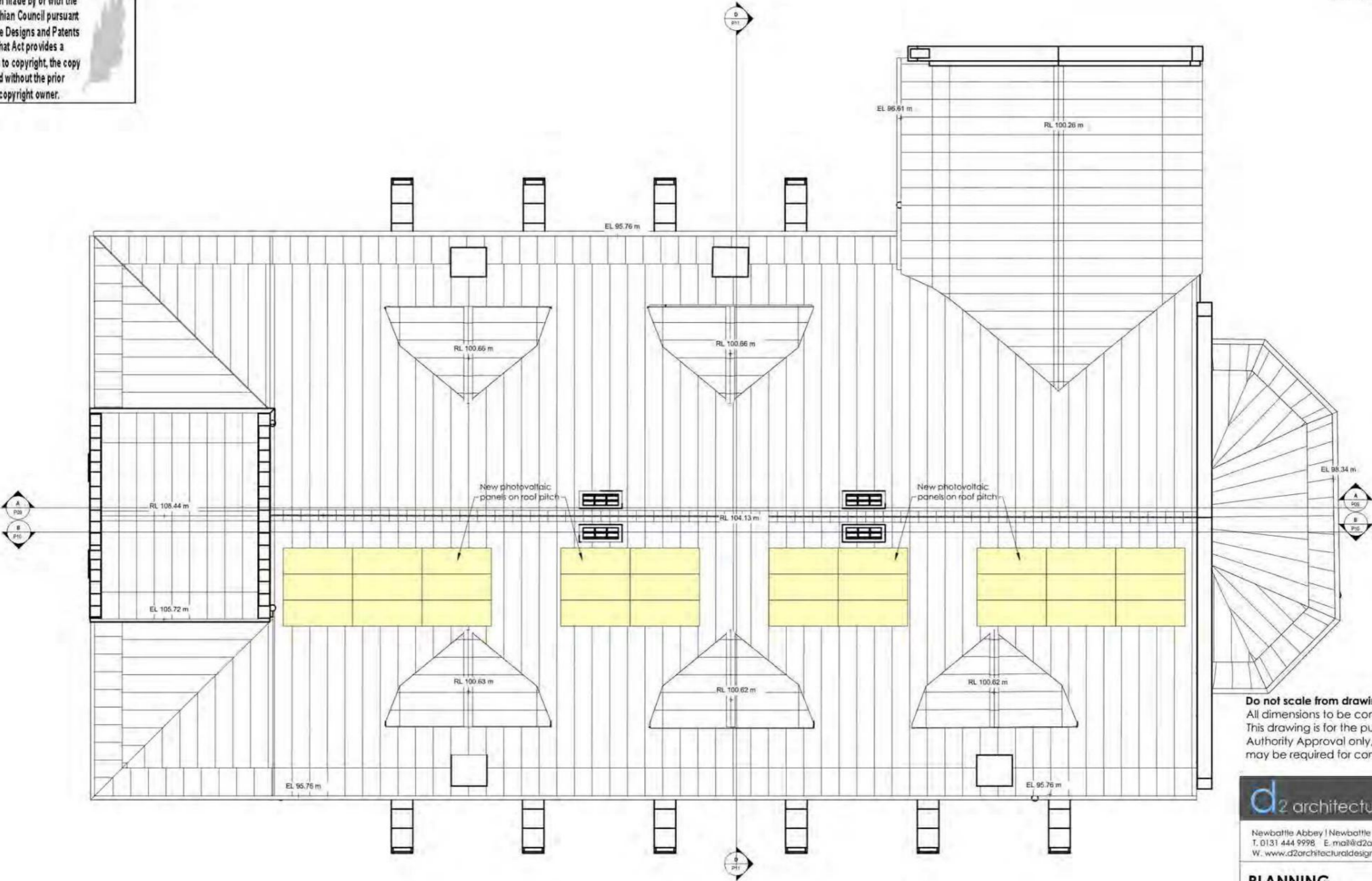
PROJECT
Proposed Refurbishment & Alterations
Newtongrange Parish Church
Main Street
Newtongrange, EH22 4LE

DRAWING
South Elevation - as existing

DATE 20.03.23	DRAWN AS	SCALE As noted @ A3
PROJECT 23002	DRAWING No. EX06	REVISION

- REMOVALS
- EXISTING WALL
- NEW WALL
- PROPOSED NEW WORKS

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Roof Plan - as proposed
Scale 1:100

0 1m 2m 3m 4m 5m

- REMOVALS
- EXISTING WALL
- NEW WALL
- PROPOSED NEW WORKS

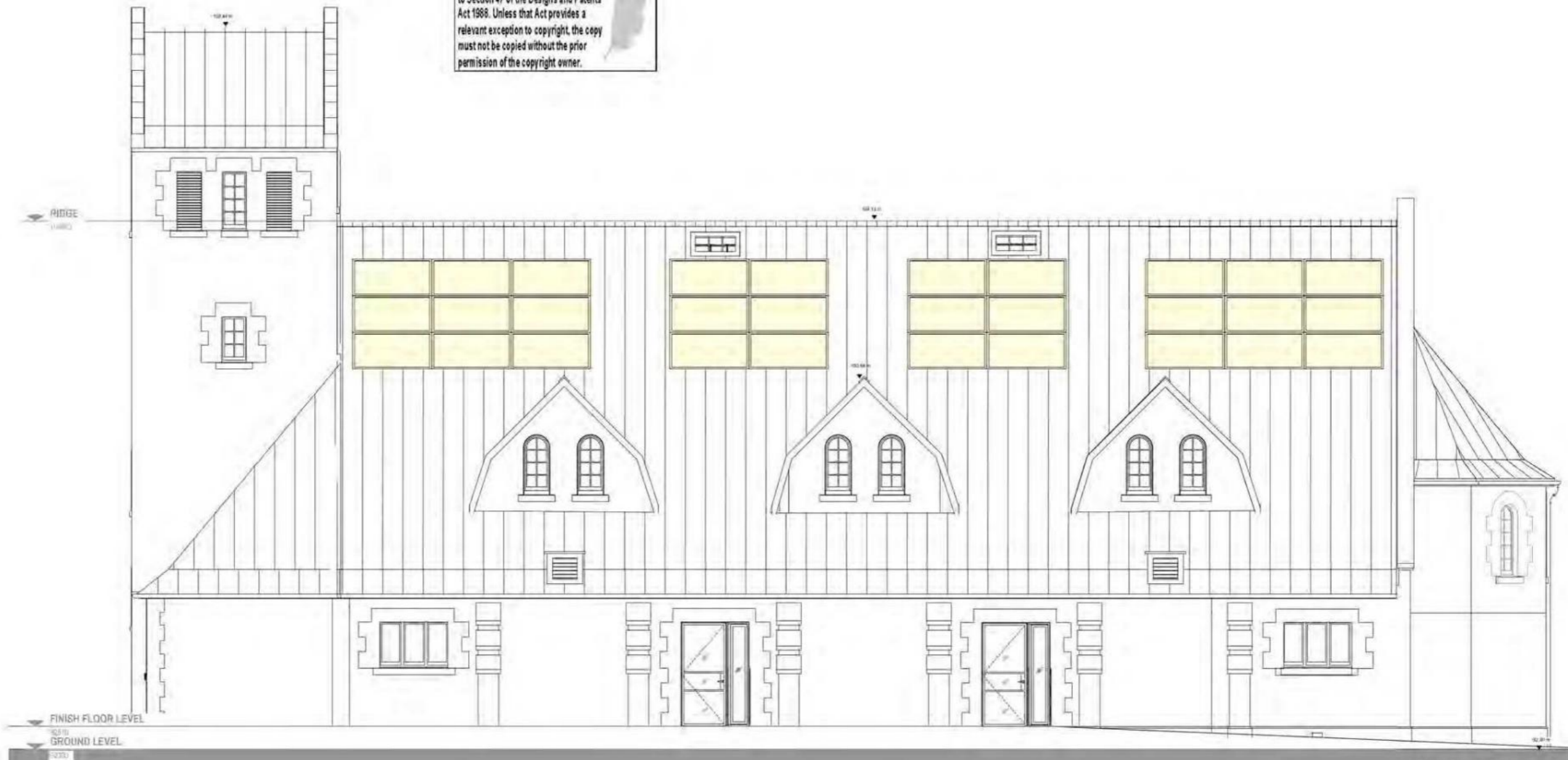
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PLANNING		
PROJECT		
Proposed Refurbishment & Alterations		
Newtongrange Parish Church		
Main Street		
Newtongrange, EH22 4LE		
DRAWING		
Roof Floor Plan - as proposed		
DATE	DRAWN	SCALE
20.0323	AS	As noted @ A3
PROJECT	DRAWING No.	REVISION
23002	P04	B

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South Elevation - as proposed
Scale 1:100

0 1m 2m 3m 4m 5m

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PLANNING APPLICATION

PROJECT
Proposed Refurbishment & Alterations
Newtongrange Parish Church
Main Street
Newtongrange, EH22 4LE

DRAWING
South Elevation - as proposed

DATE	DRAWN	SCALE
12.10.23	DL	As noted @ A3
PROJECT	DRAWING No.	REVISION
23002	P06	-

- REMOVALS
- EXISTING WALL
- NEW WALL
- PROPOSED NEW WORKS



