

Notice of Meeting and Agenda



Local Review Body

Venue: Virtual Meeting,

Date: Monday, 10 January 2022

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

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

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

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

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- 4.1** Minutes of Meeting held on 6 December 2021 - For Approval. 3 - 8

5 Public Reports

Decision Notice:-

- 5.1** 23 Larkfield Drive, Dalkeith (21/00542/DPP). 9 - 12

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

- 5.2** 8 St Davids Avenue, Dalkeith (21/00745/DPP). 13 - 34

- 5.3** Land South West of Mosshouses, Penicuik (21/00422/DPP). 35 - 76

6 Private Reports

No private reports to be discussed at this meeting.

7 Date of Next Meeting

The next meeting will be held on Tuesday 22 February 2022 at 1.00 pm.

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

Minute of Meeting



Local Review Body

Date	Time	Venue
Monday 6 December 2021	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor McKenzie	Councillor Muirhead
Councillor Munro	Councillor Smail

In Attendance:

Derek Oliver, Chief Officer Place	Matthew Atkins, Lead Officer Planning Obligations
Duncan Robertson, Lead Officer Local Developments	Whitney Lindsay, Planning Officer
Mike Broadway, Democratic Services Officer	Andrew Henderson, Democratic Services Officer

1 Apologies

Apologies for absence had been received from Councillors Lay-Douglas and Milligan.

2 Order of Business

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

3 Declarations of interest

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

4 Minute of Previous Meeting

The Minutes of Meeting held on 26 October 2021 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 10 Poplar Street, Mayfield (21/00481/DPP).	Matthew Atkins
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 26 October 2021, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr G Burnett, 10 Poplar Street, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (21/00481/DPP, refused on 30 July 2021) for the formation of driveway; erection of retaining walls/fence (retrospective) at that address and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Notice of Review – Land at Former Petrol Filling Station, Biggar Rd, Hillend (21/00148/DPP) – Determination Report.	Matthew Atkins
Executive Summary of Report		
There was submitted report, dated 19 November 2021 by the Chief Officer Place, regarding an application from Gilberts, 39 Grassmarket, Edinburgh seeking, on behalf of their client C M Roofing and Building Ltd, a review of the decision of the		

Planning Authority to refuse planning permission (21/00148/DPP, refused 6 August 2021) for the erection of nine dwellinghouses, formation of car park and associated works on land at the Former Petrol Filling Station, Biggar Road, Hillend, Damhead.

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.

Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from George Gilbert, Gilberts (the applicant's agent) and then from Whitney Lindsay, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development might have both in general terms but also more specifically in terms of road safety, given the objection from Transport Scotland and the need procedurally to refer the application to Scottish Ministers prior to any permission being issued, in the event that the LRB was minded to uphold the review request and grant planning permission. The applicants' acceptance of the suggested conditions detailed in the report and willingness to work with Officers was acknowledged, although it was felt by some Members that this would have been better done at the pre-application stage.

After further discussion, Councillor Alexander, seconded by Councillor Munro, moved to uphold the review request, and grant planning permission subject to the terms and conditions set out in the report.

As an amendment, Councillor Muirhead, seconded by Councillor Curran, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

On a vote being taken, three Members voted for the amendment and five for the motion, which accordingly became the decision of the meeting.

Decision

The LRB agreed to uphold the review request, and grant planning permission subject to:-

- (i) referral of the application to Scottish Ministers prior to any permission being issued, due the objection from Transport Scotland;
- (ii) a legal agreement to secure appropriate developer contributions. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant

planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration; and

(iii) the suggested conditions detailed in the report.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review – 23 Larkfield Drive, Dalkeith (21/00542/DPP) – Determination Report.	Matthew Atkins

Executive Summary of Report

There was submitted report dated 19 November 2021 by the Chief Officer Place, regarding an application from Arkiplan Ltd, 28 Grahamsdyke Place, Bo'ness seeking, on behalf of their client Ms R Lewis, a review of the decision of the Planning Authority to refuse planning permission (21/00542/DPP, refused on 24 August 2021) for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith.

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

Summary of Discussion

The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered at length the potential impact that permitting the proposed development would have on the character and appearance of the area; it being noted that it was at the rear of the property and also that a number of other neighbouring/nearby properties had dormer extensions of varying design and appearance, all of which led Members to the conclusion that, on balance, the scheme should be supported.

Decision

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

1. Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority.

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

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 11 January 2022 at 1.00 pm.

The meeting terminated at 2.05 pm.

Local Review Body: Review of Planning Application Reg. No. 21/00542/DPP

ARKIPLAN LTD
28 Grahamsdyke Place
Bo'ness
EH51 9QZ

Midlothian Council, as Planning Authority, having considered the review of the application by ARKIPLAN LTD, 28 Grahamsdyke Place, Bo'ness EH51 9QZ which was registered on 29 June 2021 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

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

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	28.06.2021
Elevations, Floor Plan and Cross Section	RLCB-001 1:250 1:500 1:100	04.10.2018
Proposed Floor Plan	RLCB-002 1:50	28.06.2021
Proposed Floor Plan	RLCB-003 1:50	28.06.2021
Proposed Elevations	RLCB-004 1:100	28.06.2021
Proposed Cross Section	RLCB-005 1:50	28.06.2021

Subject to the following condition;

- 1 Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority.
Reason: To safeguard the character of the application property and the visual amenity of the surrounding area.

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

The Local Review Body (LRB) considered the review of the planning application at

its meeting of 6 December 2021. The LRB carried out a site visit on the 6 December 2021

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Protecting Amenity Within the Built up Area

Material considerations:

1. The impact of the development on the character and appearance of the area;

Dated: 07/12/2021

A handwritten signature in black ink, appearing to read 'MJA', is positioned above the typed name of Matthew Atkins.

Matthew Atkins
Lead Officer – Planning Obligations and Enforcement (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

SCHEDULE 2

Regulation 21

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

Notice of Review: 8 Saint Davids Avenue, Dalkeith

Determination Report

Report by Derek Oliver, Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the installation of replacement windows and doors at 8 Saint Davids Avenue, Dalkeith.

2 Background

- 2.1 Planning application 21/00745/DPP for the installation of replacement windows and doors at 8 Saint Davids Avenue, Dalkeith was granted planning permission subject to conditions on 21 October 2021; a copy of the decision is attached to this report. Conditions 1 and 2 attached to planning permission 21/00745/DPP are subject to review and are as follows:

1. Notwithstanding the plans hereby approved, the replacement windows within the front elevation are hereby not approved.
2. The door as proposed is not hereby approved, it shall be of timber construction in a colour to be approved in writing by the planning authority.

Reason for conditions 1 and 2: *The introduction of uPVC within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local, Development Plan and Historic Environment Scotland policy and guidance. This part of the housing development was designed to incorporate traditional materials in order to integrate it in to the existing conservation area and the use of non-timber windows and door on the front elevation would significantly undermine that design approach.*

The applicant is requesting that the conditions are removed from the grant of planning permission and as a consequence enable uPVC windows and a composite/uPVC door to be installed in the front elevation of the building.

- 2.2 The review has progressed through the following stages:

- 1 Submission of Notice of Review by the applicant.
- 2 The Registration and Acknowledgement of the Notice of Review.
- 3 Carrying out Notification and Consultation.

3 Supporting Documents

3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisory notes, issued on 21 October 2021 (Appendix D); and
- A copy of the relevant plans (Appendix E).

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

4 Procedures

4.1 In accordance with procedures (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site instead of undertaking a site visit; and
- Have determined to progress the review by way of written submissions.

4.2 The case officer's report identified that there were no consultation response and one representation received. As part of the review process the interested party was notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.

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

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

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

4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.

4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

5.1 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.

6 Recommendations

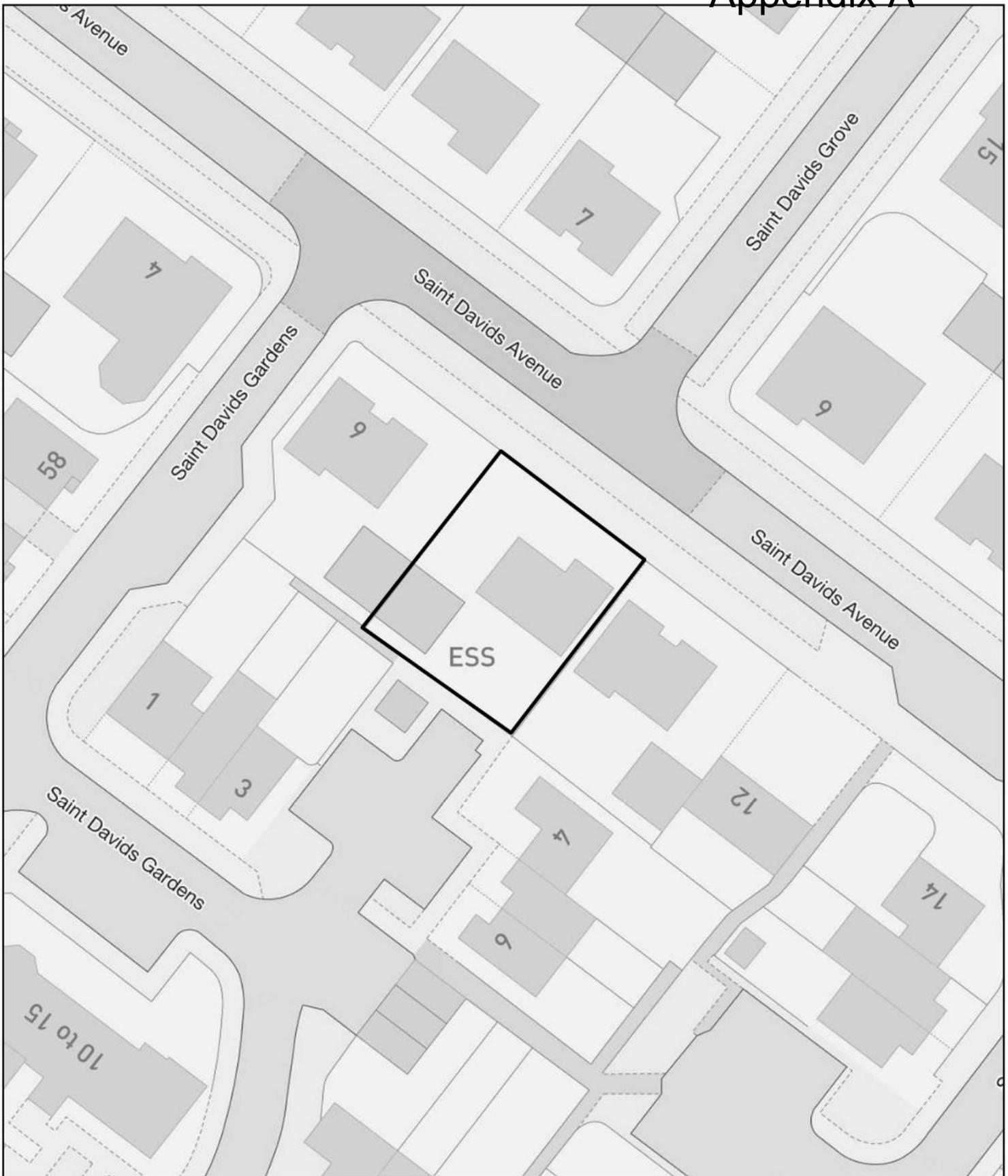
6.1 It is recommended that the LRB:
a) determine the review; and
b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 23 December 2021

Report Contact: Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 21/00745/DPP available for inspection online.



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

Installation of replacement windows and doors at 8 Saint Davids Avenue, Dalkeith, EH22 3FF

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File No: 21/00745/DPP

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Scale: 1:500
Page 16 of 76





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 100468274-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="John Gordon Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="John"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Gordon"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="01383850134"/>	Address 1 (Street): *	<input type="text" value="Dean Acres"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Comrie"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KY12 9XS"/>
Email Address: *	<input type="text" value="gordonassociates@sky.com"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="-"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text" value="Badger"/>	Address 1 (Street): *	<input type="text" value="St. David's Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH22 3FF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="8 SAINT DAVIDS AVENUE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 3FF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="666512"/>	Easting	<input type="text" value="333098"/>
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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)

Installation of replacement windows and doors

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.

The applicant believes condition 1 should be removed because there are numerous examples of PVCU windows on the front of properties within the surrounding area and this is one of last few properties left with timber windows installed & condition 2 should be removed because the existing door is composite, the same as the proposed composite door. The existing door is also the original door and it is unreasonable to expect it to be replaced with timber when it was never timber to begin with.

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)

APPLICATION FORM; APPLICATION DRAWINGS; DECISION NOTICE;

Application Details

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

21/00745/DPP

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

07/09/2021

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

21/10/2021

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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)

SITE VISIT REQUESTED TO VIEW EXAMPLES OF PVCU

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr John Gordon

Declaration Date: 19/11/2021

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 100468274-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Installation of replacement windows

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

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:	John Gordon Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	01383850134	Address 1 (Street): *	Dean Acres
Extension Number:		Address 2:	Comrie
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	-	Building Number:	8
Last Name: *	Badger	Address 1 (Street): *	St. Davids Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dalkeith
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH22 3FF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

8 SAINT DAVIDS AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DALKEITH

Post Code:

EH22 3FF

Please identify/describe the location of the site or sites

Northing

666512

Easting

333098

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: John Gordon

On behalf of: Mr & Mrs - Badger

Date: 07/09/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr John Gordon

Declaration Date: 07/09/2021

Payment Details

Online payment: XMEP00005091
Payment date: 07/09/2021 15:27:00

Created: 07/09/2021 15:27

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00745/DPP

Site Address: 8 Saint Davids Avenue, Dalkeith, EH22 3FF

Site Description:

The application site comprises a two storey detached dwellinghouse situated within a primarily residential area. The application property is finished externally in mix of cream coloured wet dash render and brick, with a slate roof, white painted timber framed windows, and timber front door.

The application property is located within a relatively modern housing development within the Newbattle Conservation Area.

Proposed Development:

Installation of replacement windows and doors

Proposed Development Details:

It is proposed to replace 14 existing windows with white uPVC double glazed windows, along with the replacement of the existing French doors to the rear of the property with white uPVC double glazed doors, white composite door in white uPVC to side of the dwelling, and the replacement of the existing front door of the property with grey composite door with grey uPVC frame.

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

History Sheet Checked.

Consultations:

None received.

Representations:

One representation was received objecting to the proposals on the basis that the proposed use of uPVC within the Conservation Area deviates from the original planning consent for the development, and impacts upon the character of the property and visual amenity of the surrounding area.

This has been assessed below.

Relevant Planning Policies:

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

Historic Environment Scotland Policy Statement 2016 and Scottish Planning Policy (SPP) offer guidance on the protection and management of the historic environment. Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The Policy Statement and SPP also indicated that the planning authority should consider the design, materials, scale and sitting of any development, and its impact on the character of the conservation areas and their setting.

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

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

Policy DEV2: Development 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.

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

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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 generally do not support uPVC window frames on properties within conservation areas, particularly on front or public elevations of buildings.

Plastic window frames can have an adverse impact on the visual amenity of the area, as well as making replacement window dimensions more bulky than traditional timber frames.

The use of uPVC framed double glazed windows and doors within the rear and side elevations is unlikely to result in an adverse visual impact upon the character or appearance of the conservation area or dwelling due to it being less open to public views. The rear of the property faces onto an area of parking associated with properties off St Davids Garden where public views are limited. It is noted that the installation of uPVC windows and doors has previously been approved on the rear elevation of properties within this housing development. In this instance the introduction of the uPVC double glazed windows and doors within the rear and side elevations of the application dwelling is considered to be acceptable.

Taking in to account the location of the application property within a conservation area ideally the windows on the front of the property should be replaced with timber windows reflective of the current design. The front elevation is exposed and open to public views from St Davids Avenue. Therefore the introduction of uPVC is not considered to be an appropriate option for the replacement windows. The use of uPVC windows within this elevations results in an adverse visual impact upon the character and appearance of the conservation area. A condition will be attached to refusing the proposed alteration to windows on the principle elevation.

Planning permission is also sought for the replacement of the existing front door to a grey composite door with grey uPVC frame double glazed door. The introduction of a non-timber door within the front elevation would look visually out-of-character within the streetscape and would result in an adverse visual impact upon the dwelling and conservation area. Therefore, a condition will be attached refusing the replacement door within the front elevation as proposed.

There is no adverse impact on neighbour amenity as a consequence of the proposal, due to the nature of the works.

Recommendation:

Grant planning permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 21/00745/DPP



John Gordon Associates Ltd
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Badger, 8 St. Davids Avenue, Dalkeith, EH22 3FF, which was registered on 8 September 2021, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Installation of replacement windows and doors at 8 Saint Davids Avenue, Dalkeith, EH22 3FF

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	5153/LP 1:1250	08.09.2021
Proposed Elevations	5153/2 1:100	08.09.2021
Illustration/Photograph (existing)	5153/1 1:100	08.09.2021
Proposed Window Details	625872	08.09.2021
Proposed Door Details	625871	08.09.2021
Proposed Window Details	625870	08.09.2021
Proposed Door Details	625867	08.09.2021

This permission is granted for the following reason:

The development will not have a significant adverse impact on the character of the area or on the amenity of neighbouring land and buildings and therefore complies with policies DEV2 and ENV19 of the adopted Midlothian Local Development Plan 2017 and Historic Environment Scotland policy and guidance.

Subject to the following conditions:

1. Notwithstanding the plans hereby approved, the replacement windows within the front elevation are hereby not approved.
2. The door as proposed is not hereby approved, it shall be of timber construction in a colour to be approved in writing by the Planning Authority.

Reason for conditions 1 and 2: *The introduction of uPVC within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local, Development Plan and Historic Environment Scotland policy and guidance. This part of the housing development was designed to incorporate traditional materials in order to integrate it in to the existing conservation area and the use of non-timber windows and door on the front elevation would significantly undermine that design approach.*

Dated 21 / 10 / 2021

A handwritten signature in black ink, consisting of the letters 'D' and 'R' joined together in a cursive style.

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



Northeast Elevation



Northeast Elevation



Northeast Elevation



Southeast Elevation



Southeast Elevation



Southwest Elevation

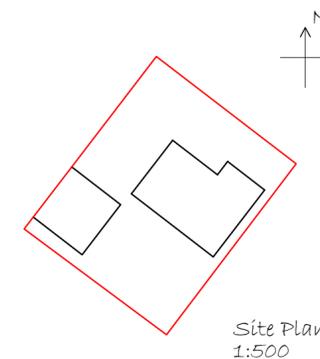


Southwest Elevation



Southwest Elevation

14 windows 3 door sets to be replaced in total.
 Existing windows & doors are white painted timber.
 Proposed windows are white PVCU, double glazed.
 Proposed French doors are white PVC, double glazed.
 Proposed side door is a white composite door with a white PVCU frame, double glazed.
 Proposed front door is a grey composite door with a grey PVCU frame, double glazed.



Mr. & Mrs. Badger,
 8 St. Davids Avenue,
 Dalkeith. EH22 3FF.

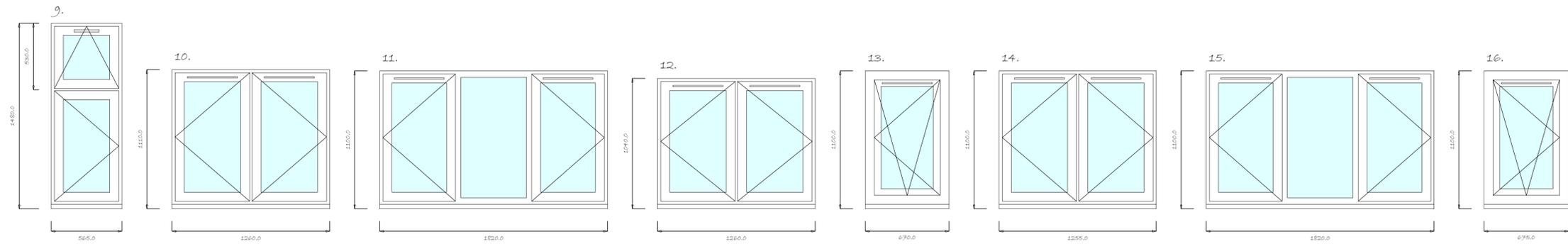
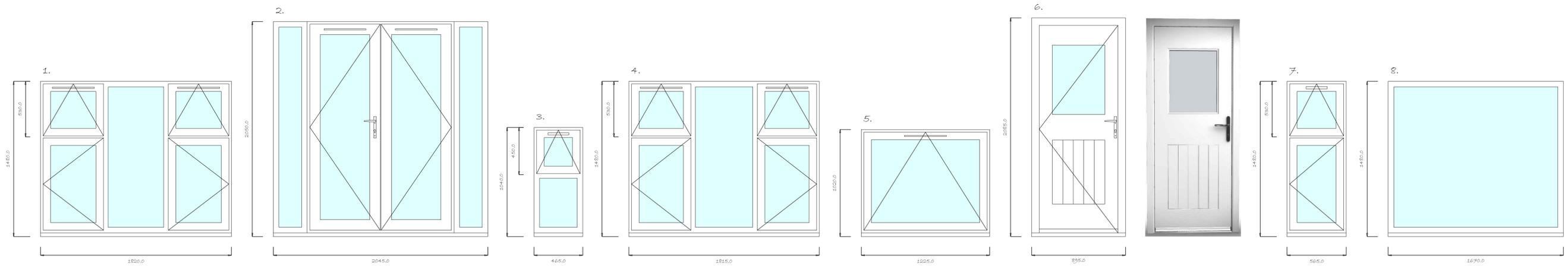
As Existing

17/8/21

Ref: 5153/1

John Gordon Associates Ltd.
 3 Bean Acres,
 Courie,
 Fife KY12 9XS
 Tel: 01333 250 134
 E-mail: gordonassociates@sky.com

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0 200 400 600
 Scale bar (mm) 1:20



Mr. & Mrs. Badger,
 8 St. Davids Avenue,
 Dalkeith. EH22 3FF.

Proposed Details

Scale: 1:20

17/8/21

Ref: 5153/2

John Gordon Associates Ltd.
 31 Dean Acre,
 Cowrie,
 Fife KY12 9XS
 Tel: 01823 560 184
 E-mail: gordonassociates@bt.com

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Notice of Review: Land South West of Mosshouses, Penicuik Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use of land to form dog park; erection of cabin, field shelters and fencing at land south west of Mosshouses, Penicuik.

2 Background

- 2.1 Planning application 21/00422/DPP for the change of use of land to form dog-park; erection of cabin, field shelters and fencing at land south west of Mosshouses, Penicuik was refused planning permission on 12 October 2021; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 12 October 2021 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have determined to consider a visual presentation of the site instead of undertaking a site visit; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were two consultation response and 43 representations received (41 support and 2 objections). As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:
 - a) A Management Plan;
 - b) Details of the colour finish or treatment of the external walls of the cabin and field shelters;
 - c) Details of the proposed floodlighting system and security lights;

- d) Details of any proposed drainage works; and
- e) Details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

Reason: *These details were not submitted with the original application; in order to protect the character and appearance of the surrounding rural area.*

- 2. The maximum number of dogs in either activity field hereby approved at any time will be 8.
- 3. The hours of operation of the activity fields hereby approved shall be restricted to the following:

Mondays to Sundays - 9am to 8pm.

- 4. Notwithstanding the plans hereby approved, the proposed perimeter fencing shall be erected at a height of 2 metres.

Reason for conditions 2 to 4: *In the interests of clarification; to protect the character and amenity of the surrounding rural area.*

- 5. The floodlight and/or security lighting approved in condition 1c) shall not be used between the hours of 8.30pm and 7.30am and shall be designed to minimise the spillage of light out with the site boundaries or up into the sky. No other floodlighting or security lighting to that approved shall be installed.

Reason: *To minimise any impact on amenity from floodlighting and security lighting on the surrounding area.*

- 6. The landscaping plan required in terms of condition 1e) shall include details of hedgerow planting with trees in a position to be agreed in writing by the planning authority around the boundary of the activity areas. The hedgerow planting shall comprise species such as mixed hawthorn, blackthorn and beech or single species hedgerows of hawthorn or beech unless otherwise agreed in writing by the planning authority.

Reason: *To integrate the development into the surrounding countryside.*

- 7. Within six months of the use hereby approved being implemented, the landscape scheme approved under the terms of condition 1e) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged within five years of planting shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To enhance the landscaping of the area by ensuring that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.*

6 Recommendations

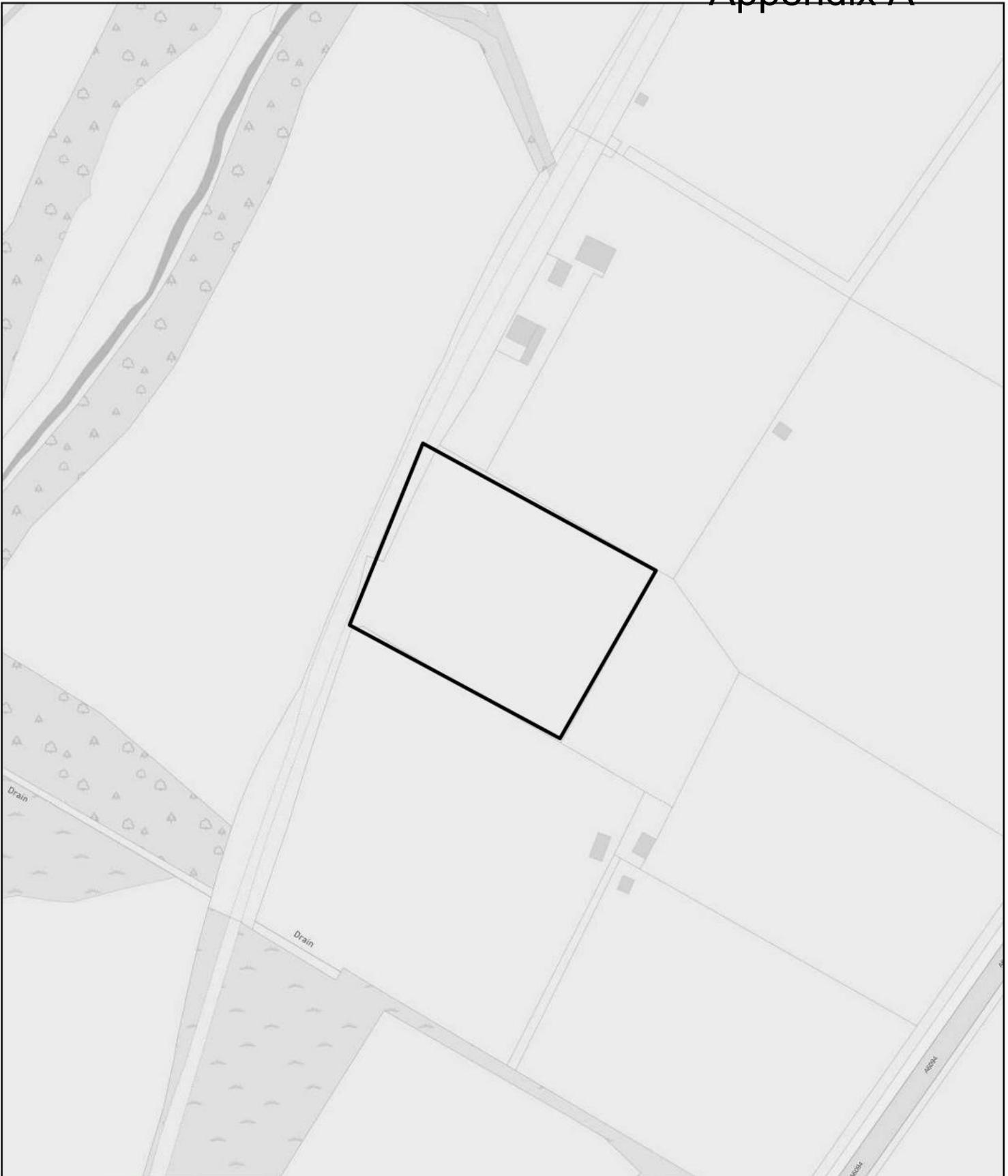
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 23 December 2021

Report Contact: Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 21/00422/DPP available for inspection online.



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

Change of use of land to form dog park; erection of cabin, field shelters and fencing at Land South West of Mosshouses, Penicuik,

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File No: 21/00422/DPP



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Scale: 1:1,500
Page 39 of 76

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	<input type="text" value="Miss"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Caroline"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Wilson"/>	Surname	<input type="text"/>
Company Name	<input type="text" value="The Stackyard Run Free Dog Pa"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="C/O"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="9 Wilson Street"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Penicuik"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="EH26 9BS"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value="[REDACTED]"/>	Telephone	<input type="text"/>
Mobile	<input type="text" value="[REDACTED]"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value="[REDACTED]"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Midlothian Council Planning"/>		
Planning authority's application reference number	<input type="text" value="21/00422/DPP"/>		
Site address	<input type="text" value="The Stackyard Park
Milkhall Road, Next to The Wellington School
Penicuik
EH26 8PT"/>		
Description of proposed development	<input type="text" value="Change of use of land (from Equestrian/Livery Yard) to form dog park; erection of cabin, field shelters and fencing Land South West of Mosshouses Penicuik"/>		

Date of application

Date of decision (if any)

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.

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:

We have a number of entrance/field gates so access would be possible if able to climb these, i cannot leave these open and unlocked due to security reasons and having horses and ponies on site

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.

Historically the transportation officer has allowed several developments adjacent to our site, on a far larger, commercial basis. These include 3 landfill sites - all granted permission - which saw in excess of 100 HGV vehicles a day, over many years, using the same route as we use to our site. Furthermore, 2 new house builds and a large development (at the former Howgate restaurant) were permitted further along Milkhall - a stretch of road after our site entrance that has absolutely no passing places. I also thought there would not be a bias towards the new housing development at the Wellington School - the decision to refuse our planning application is apparently in favour of the development at the Wellington school - from viewing site map plans, there are 2 pedestrian accesses marked out that go on to Milkhall Road. Please note that Milkhall Road has never been a pedestrian route - it is a road that serviced the former Wellington School, private residences and businesses. IF it had been pedestrian then the route would have had a pavement along it similar to that that runs from Penicuik to Leadburn.

It is a short 0.2 miles to our entrance from the main road along Milkhall - which has 3 passing places in this distance - visibility is very good as it is a straight clear line - we manage to take horseboxes up to 40ft long and horse trailers along this road with no issues. If we cannot gain permission for the dog park the traffic to the livery yard will be far more frequent as we will need to increase our livery yard clients and ruin clinics etc on site to bring in revenue. Dog park traffic would be far less detrimental.

This route has FAR LESS TRAFFIC at present due to the school being closed down - previously there were around 30 to 40 cars in the school car park daily and 2 daily runs of Taxi's used by individual pupils at the Wellington School.

MY BIGGEST CONCERN is - nothing is stopping the development site new house owners using Milkhall road - the increase in housing at the Wellington - Wellington Cottages and the 3 new builds right opposite Milkhall entrance (why were these granted planning permission when you state in the refusal letter that traffic is busier now???) the Livery Yard at Springfield and now a further development just along from Milkhall Road entrance for housing - why has this been granted permission if there are issues with traffic??? ALL OF THESE residents USE MILKHALL ROAD and the home owners at Wellington will use the road - I see this daily at rush hour when I am on site! THIS is an UNFAIR decision to refuse myself permission when everything else around us IS BEING PERMITTED/GRANTED planning permission.

Planning permission has been granted to turn the Howgate restaurant in to several houses - another fairly recent new build just along from Milkhall Cottages was granted planning permission as was the large build now called Lionsgate - where the visibility and road is dire with absolutely NO PASSING PLACES and a road in a substandard state. Our access route is a far better standard and yet they were allowed planning along this section of poor visibility and narrower section of road.

Unless the new home owners of Wellington School are barred from using Milkhall Road how do you plan to police this - I can guarantee it will be used for their vehicles to avoid them having to drive down to Penicuik

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.

Sorry however [REDACTED] am unable to determine what this question is asking/meaning.

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

Personal Letter to Review Board.
Site Map of area and accompanying document for each point numbered.
Site Map of Wellington School development.
Document of new house build granted permission this year.

PLEASE NOTE I DO NOT have a printer to print this document off to sign it - please accept this as my digital signature:
Caroline L Wilson 11th November 2021

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 Data Protection Legislation.

This is a personal letter to those who will decide the decision of my appeal.

We have rented land in this area since I was 13 years old and we bought the Stackyard Park in 2002 when the opportunity arose.

Back then we approached the council to ask if it was possible to build a house on the site as I was breeding and competing ponies and horses to a high standard and being regularly approached by owners for either livery or show livery. We were advised that there would be absolutely no planning for house/s in this area and that we also would not be granted permission for an access road from the Leadburn to Howgate road due to it being a busy road.

Several years later Roseview Farm was sold, it was a listed farmhouse however planning was granted for several large houses on the site and with this being the case we applied in principal for a house on site as I was working long hours with the stud and livery and it was essential to live on site to ensure their safety and also to stop the up to five times a day commute backwards and forwards from our house in Penicuik. As planning had granted housing development at Roseview – for homes that had no occupants working the land etc we felt we were justified after many years of working the land to ask for planning permission.

Midlothian planning refused this application stating there was no need to live on site – this went to appeal and the Counsellors at the Appeal hearing stated that it was an unfair decision and granted us planning permission. This was in 2012.

What we thought would be a fairly straightforward procedure turned in to a living nightmare, which to this day is still ongoing.

Personal savings of over [REDACTED] for building control stipulations spent and around a further [REDACTED] on trees and hedging to screen our site we have absolutely nothing to show for it. My mum was continuously told by building control that there was only one more point to address and this became the response over the next 9 years. We are not rich property developers and the toll on our personal, life savings and the stress of building control not being able to understand an Eco house build (using Solar pv etc) meant the process was long and arduous taking a real toll on my parents health and mine – I was

living with my parents with my daughter to enable us to keep saving for the next round of requirements – a list that just kept extending and costing.

We were left in limbo and still are 9 years later, our lives have been on hold throughout this time as we clung on to the hope that the one more issue or point would actually be the final one – this is still not the case.

In the meantime we watched Roseview be built, the open countryside no longer and then when the concrete stable block was set on fire - The developer put in a planning application for a 3 storey house and was granted planning permission for this as it was to be the developers residence – again permission was granted even though we were previously told about not housing being allowed and that the road was too fast and dangerous for a house on our site and access on to this road. Fast forward to 2021 and the developer then sold this house, still nowhere near completed (the new owner is doing a grand job clearing the site of rubbish and getting the build finished).

We witnessed three planning applications for landfill – the first to commence was on the land adjacent to us and the Wellington School. We had concerns about a shared access drive with many HGV lorries using it but were reassured it would not cause any issues to us. This was so wrong on so many levels. I would end up stuck getting access to our land by up to 100 large HGV vehicles daily. They were not meant to use the original brick bridge on to the site and build a separate bridge however due to the volume of traffic they were using both bridges and when I raised this issue with planning and the landfill operators I was told it would stop and it never did. They over filled the site, ruined the surfacing of the brick bridge track, tipped unscreened dangerous rubble on our access track that we had professionally upgraded when we purchased our land and then to top it all dumped excess landfill next to our access road, on a field drain and my track ended up sinking which meant for a month one winter I had to walk with horse food, water barrels etc while getting nowhere with repair to it – both the council, landfill operators and land owner were contacted with absolutely nothing done to resolve it for a good month.

Then when we had a meeting when the site was going to be signed off we raised concerns about the state our once good access track was going to be left in and the fact the levels were far higher on the site with the track now several feet lower, meaning when it snowed it would fill up and become unusable. These concerns were ignored and the site was signed off leaving us with an

access track/road in a state of disrepair. We have spent over [REDACTED] to sort this track out – this should have been addressed when we raised concerns. Yet again another blow to our personal savings on something that was caused by greed and lack of concern to us.

These same landfill operators were then granted planning permission for landfill at Bowlea. Again hundred plus lorries using the road along past the Wellington school daily. A third landfill site was granted permission at Nethermoss – again the route to this would be along passed the Wellington school and then down our access track. Although this operation did not go ahead (most likely due to the illegal operations at Bowlea by the landfill operators) planning was still granted which meant the possibility of large volumes of lorries using Milkhall road and our access track.

Why was all this granted planning permission when our planning permission to run a dog park has been turned down – because of the car traffic that will use Milkhall Road to our site? How can anyone compare a small number of cars a day to our parks to 100+ HGV vehicles a day? It states that since the landfill operations the road has become busier so some cars coming to our site would not be a good idea.

It is 0.2 of a mile on a clear stretch of straight road to our site with 3 passing places (1 including our entrance that accommodates cars passing) one of these passing places was built to accommodate the landfill HGV's. Therefore, there is space for at least two cars in this passing place and four at the Wellington school passing place (this is currently being used for parking for demolition works at the school). I would also like to point out that the same road we have been told is unsuitable for cars coming to our site is currently being used for demolition vehicles – if the road was so unsuitable why is the demolition company using it? Some of the vehicles and equipment on site are up to or possibly over 30ft long. I would also like to point out that the Wellington school used to have around 30 to 40 cars parked there daily that would use Milkhall road plus the various taxi's Edinburgh city council ran on a daily basis to take individual pupils to and from school – on a daily basis. The road here has not got busier since the school was closed but quieter – I hack out the horses along it and can easily stop and let cars etc pass us – yet you state it is no good for traffic to our site.

IF there was such an issue with traffic in the area why have several house builds been granted planning permission – Lionsgate for one – it is on a stretch

of Milkhall road which has absolutely no passing places unlike our access route – then another large build further along this road and now Howgate restaurant being turned in to a housing development.

Then there are the houses that were recently built on the main road right opposite Milkhall road entrance. Granted planning permission even though on a busy road and now again there is another house being granted permission 100 metres from the entrance of Milkhall – even though roads are deemed too busy and why allowed when planning refused our essential house build.

I absolutely feel personal sabotage and bias towards me and my family considering everything else that has been granted planning permission around us.

The stress over the years [REDACTED] the point that I was diagnosed with [REDACTED] The reason we have then applied for planning permission to change part of our land from a Stud and livery yard to a dog park was due to this debilitating health condition. It was also due to the fact that unscreen soil was used in the landfill operations and also by the developer at Roseview who dumped many tons of soil to create a banking next to the main road. This unscreened soil was full of Horse Tails weed – this has now spread on to our horses grazing land – I have approached both landowners and the council with my extreme concern and nothing has ever been done – I have spent hundreds trying to eradicate this to no avail – again financially and mentally punished by the greed of others gaining from their own developments.

Horsetail is extremely dangerous to grazing horses, as it inhibits the production of vitamin B1. Symptoms of Horsetail poisoning in horses include scruffy physical appearance, weight loss, diarrhoea, uncoordinated movements, loss of muscular control, staggering gait, balance issues, seizures, death from exhaustion.

So between [REDACTED] and our grazing loss I had to find a way to earn a living for my family and keep the roof over our heads. We are experienced dog breeders and with the rise in dog ownership in the UK there is a great need for dog park facility and it is a non evasive way to diversify our Stud Farm and livery business which due to the above mentioned issues would be something suitable to work with giving my health and loss of grazing land.

Furthermore with 46 houses granted planning permission at the Wellington school and all the surrounding farmland being grazed on predominately by sheep and cattle there is absolutely no where safe or legal to walk dogs – the school ground was being used/still is by dog walkers who drive along Milkhall to park in the passing places to walk their dogs there. Once the school is developed, where do they take their dogs, where do the new residents take their dogs – unless by car further afield to dog parks miles away or few places people can still walk their dogs on lead? Impact on the environment to say the least.

The concerns raised by 2 local residents, only 2 objections received on our application whereas we have 42 in favour – about this being the only dark area left in Scotland is ludicrous considering they are lighting up the countryside in their 2 and 3 storey houses with outside lights etc. We have used arena lighting for years at our yard and lights at our stabling etc with absolutely no impact. We have 6 dogs and they regularly are seen in the dog park while the deer graze less than 50 metres away. Our site has had hedgerows and trees planted to support the wildlife we love up here. Our ponies and horses graze happily alongside the dogs. We have never caused any road traffic collisions by having lights on site for the last 19 years! Furthermore the screening trees and hedging around the majority of our site are becoming well established and soon there will be no visibility on to our land from surrounding housing and road traffic users. Furthermore our site is and always has been an ECO friendly site – we use solar down lights that have less of a lighting impact than the objectors house does.

The noise impact is absolutely minimum – our dogs were trained to be my alert dogs when I work on the site in the dark on my own – they have now been trained to only alert if I am in immediate danger furthermore the traffic from the top road drowns out everything! I am out working the land so know this. Furthermore one objector has a dog that barks every time they allow them in their garden. They have stated their young dog is reactive and I feel being able to use our dog park facility would help this dog's mental and emotional well-being. Dogs coming to our parks will be so well stimulated they do not bark – dogs bark for attention, if scared or lonely – this doesn't happen to dogs in a dog park – far from it! We have had so, so many Penicuik locals wanting to use this dog park as most have to travel over 10 miles some up to 30 miles to Fife! To use these types of facilities. Furthermore not only will our business help other local businesses it will also attract tourism – now there are so many dog

owning families, couples, single people – they look for these types of facilities when holidaying – it will help support local hotels, B&B, restaurant's etc within Penicuik and the surrounding areas – PLEASE see sense in how this can help our community.

I also want to help support others [REDACTED] most have assistance dogs but find it hard to exercise them due to their disabilities – I would like to offer reduced rates for others who suffer such debilitating conditions. These dog parks have such a wide and far-reaching cause.

I have attached a map to point out some of the developments around us that have been granted planning permission – we are marked as an X – as you can see and will be able to understand – the decisions planning have always made towards myself and my family have been 100% unfair. For 9 years, our lives have been mental torture whilst we watch everyone else gain planning permission for whatever they wish to do.

All I am asking for is to earn a living on my land, try, and give my parents back their life savings spent as mentioned above. The stress, grief and turmoil they and I have been put through and are still going through I thought for once planning would be fair to us. We have lost so much money as highlighted in some of the examples noted above and throughout my letter but it is witnessing the impact [REDACTED] I appeal for you to be kind and fair in your decision on my appeal. This has been my life and soul for 3 decades and I owe it to my parents, myself and my daughter to get some justice out of all of this hell.

Some of the granted planning applications around our site – our applications have been the only applications to each time be refused planning permission – whilst we have been here for nearly the longest time working on our land – it has been extremely unfair treatment:

1: Residential development of 46 houses. Advised Milkhall Road is not suitable for the development and they will be installing a new access road – HOWEVER – Milkhall Road is being used for demolition vehicles and this has been going on now for many months with several still to go. I believe our planning has been refused in favour of this development, please refer to the site map of this development. Two pedestrian access routes on to Milkhall Road but no plans to install pavements however for 30 years I have used this road to walk on, hack along and for our livery yard clients to use without any issues, as there are 3 passing places along a straight 0.2 miles of road to our site with clear visibility.

The traffic to our site for the dog park will be no different from the traffic to our stud and livery yard and there will be less horse Lorries and horse trailers using it if we were to be granted planning permission for the dog parks. Surely, this is a more viable option?!

A 46 housing development will have a big impact on noise and traffic – a little dog park business isn't anywhere near this scale.

Furthermore – nothing will stop residents from the Wellington school site using Milkhall road as a short cut – residents of new and existing houses in this area use it daily – our stretch of road we use is the safest and easiest to use – further along Milkhall there are absolutely no passing places for traffic. At least we have a very short, visible section with passing places for our access – which is currently used for the livery and stud farm. Why is everything else being allowed and not ours?

Two: Roseview Farm Steading – former listed farmhouse now has six two storey large houses and there is a further three storey house in construction. Please refer to my letter – this was allowed on to a fast, busy road (not the road we use for access) planning granted planning permission for the six dwellings and then a further 3-story dwelling whilst refusing ours – the unfairness shown was devastating. It also has lit up the countryside and is no way classed as rural anymore.

3: Planning permission granted for holiday accommodation/multiple builds – again after we were refused for house built and livery yard (which we got at appeal as it was deemed unfair!)

4: Large landfill operations granted permission right next to us – the site was then to accommodate horses and stabling which has not happened as the landowner has advised me he is going to apply for planning for a house. Please again see my letter of the awful time we have had and still have when the site was signed off leaving us with damages we had to pay to repair ourselves.

5: Landfill site granted permission at Nethermoss with access using Milkhall road and our access track – again after we were refused permission

6: Livery Yard – change of use from residential to a livery yard – access on to the busy Leadburn to Howgate road – granted permission when ours was already refused (ours having a far safer access route)

7: Outdoor arena with lighting next to this busy road granted permission – the two objectors to our planning application stated we would cause accidents having lights on site! This arena is far closer to the road – hasn't caused accidents and our site has had arena and stable lighting for 19 years and never once caused any such thing!

8: Planning permission granted recently to change of use from Howgate restaurant to houses – this is on to Milkhall road at the worst point for traffic!

9: 2 storey residential house build granted permission despite road conditions at this end of Milkhall Road – again granted after ours was refused and also without the conditions that planning enforced on our house build (after it was granted by the appeal board) we could not get a mortgage or bridging loan for our house due to the tie the planners put on our house build – correct me if I am wrong but NO OTHER house build had this as a stipulation in our area – again really unfair.

10: Lionsgate – a large house build given permission as the owner wanted to grow herbs. Again on a stretch of Milkhall with no passing places. Owner did not have any issues with getting planning permission even though they were not working the land at the time. Planning refused our application for a house, as they stated no need to be on site with horses 24/7 (the most accident prone of animals) but growing herbs was deemed essential for a house build to be allowed....

11: Planning permission granted for off road biking activities, right next to our neighbours house. Milkhall was used as a car park and for several years, our drive entrance would be blocked regularly with several cars parking in our entrance. The noise levels from this for years was shocking.

12: Wellington Cottages – granted planning permission for 3 dwellings, right next to the main road

13: Very recent development of 3 separate dwelling houses, right on the main road and opposite Milkhall Road entrance – again extremely unfair after we were refused

14: Planning granted for agricultural sheds when our planning had been refused.

15: Fairly recent planning granted for a large agricultural shed with access off the busy Leadburn to Howgate road, again after ours was refused.

16: Planning permission granted for a new dwelling house on to the main road this year, plot now being sold with full planning permission – not for working on the land – again after ours was refused even though our application was for rural pursuits and work on our land.

I trust that anyone reviewing my appeal will be able to understand the unfairness we feel. I am not asking to turn our site in to a money making housing development, all I am asking is to be able to work on my land, offer good facilities for locals of Penicuik, support my family financially so we do not lose the roof over our heads. [REDACTED]

over the past 9 years has meant I can no longer work as well running a yard and in my current job at the Royal Dick Veterinary Hospitals. [REDACTED] and there are few vocations I am able to do now. Being able to run the dog park would ensure we can have some form of a life after all these years of hell, it is something with [REDACTED] at I can manage due to the fact

[REDACTED] please, please put yourself in my shoes, my parents and daughter's shoes and think for a minute the small request I am asking in the grand scheme of things.

Lastly I ask - plead - for you to be fair to my family and myself. We are not rich landowners, developers etc we have lost most of our life savings over the past 9 years with everything that I have mentioned in my letter to you.

Thank you for your time and consideration.

Caroline Wilson 11th of November 2021

Business Operations

We have set up a Facebook business page and bookings and payment will be via the Facebook business manager tools.

The owner has many years working in banking and studied Accounts and Finance at University so we will be able to provide full trading accounts, profit and loss and balance sheets for tax calculation purposes.

We will be fully insured - we are currently requesting quotes and this will be in place prior to our gates opening

Please see Penicuik Residents Forum where we have obtained hundreds of positive feedbacks from local dog owners wanting to use our facilities

We are surrounded by farmland, with the adjacent Wellington School planning for 56 houses we will be able to safeguard local farmers fields and livestock by offering residents dogs the use of our facilities and stop them accessing farm land that predominately has grazing sheep all year round. The increase in dog attacks and worrying on farms is increasing at an alarming rate year on year, please see link to one study in 2019

<https://www.gov.scot/publications/sheep-attacks-harassment-research/pages/2/>

Access to our site is from Milkhall Road, from the Penicuik to Leadburn road, this road (Milkhall) had an additional passing place installed when there was landfill site operations next to our site. This consisted of 50+ HGV vehicles using this access daily for a number of years for the site to the north of the Wellington School and then for a further landfill site at Bowlea. The road accommodated this and planning was granted with the number of vehicles noted so we are, in comparison, on a tiny scale for traffic coming to use our facilities. There is currently demolition works

at the adjacent Wellington School and again we will not have heavy traffic in comparison. There have also in the past 4 years planning granted and 3 5 bedroom houses built opposite Milkhall Road end, along from Wellington Cottages, this has not caused issues with traffic and therefore do not envisage objections with the proposed traffic to our parks.

Furthermore, the Wellington school site has seen a large increase of cars being parked over the years since closure, for dog walkers/dog owners to park and use the site for dog walking so in effect the road is already accommodating the number of dog park clients that will use our site.

We have planted in excess of 1000 trees and hedging on our site over the years and accommodate several species of birds. Everything we do is eco-friendly, we recycle rainwater, use solar power for lights and electric fencing and recycle dumped waste timber, stones etc for our buildings etc

There will be a take home rubbish policy and biodegradable dog poo bags provided, with a bird and wild life safe doo waste bin in each park. We use green clean dog poo bin currently and we are researching other makes with further installations of similar products

<https://www.originalorganics.co.uk/wormeries/pet-dog-poo-wormeries>

THE BUSINESS After lengthy research in the dog industry (dog daycare services, dog walking and dog adventure parks in particular) we have assessed this to be a viable business in this location. Dogs and puppies get to enjoy nature at it's very best!

We firmly believe this is a quality product where the safety of dog(s)/puppies and owners is of paramount importance.

Private Park Hire - customers are able to pre-book sessions online (pre-booking essential) for private hire of one of the two parks. The sessions last 50 minutes and allow five minutes either side for the occupier of the adventure park to pack their car with their dog and safely exit the in-field parking without interacting with the incoming user (thus limiting/preventing any barking or reactivity).

As we have a reactive dog we have found the in-field parking to be a great success and stress free - this will keep dogs, puppies, children and owners safe in their booked area for the duration of their session.

Booking Process ● Customer's would book an introduction session where they would meet the parks owner and learn the safety aspects of the site.

Prior to this we receive an owners completed questionnaire to check the dog's vaccination record to ensure they are up-to-date, along with confirmation of regular worming schedule and confirmation that they will supply their own water and water dish to prevent Giardia occurring. They will also answer questions on the dog's nature and if there is anything we can do to assist - perhaps for less able bodied owners or nervous owners etc

We will also have a feedback book that an owner can pop down ideas and thoughts.

● A booking would include 1-3 dogs with the ability to add additional dogs up to a maximum of 8. We would insist on a ratio of 1 adult to 4 dogs as a maximum to monitor dog waste and allow a safe ratio for control.

Opening Hours It is proposed the park would be open from 2pm until 9pm with additional flood lighting providing illumination in the winter months although at present we need to decide exact times as the owner works for the Royal Dick Veterinary hospitals so opening hours would be around working hours, as I have [REDACTED]

[REDACTED] business is to support the fact I am no longer able to work my current hours, we also would like to offer employment to cover hours the owner cannot manage thus creating a job to support a person unable to gain employment.

As we are an eco friendly business we have always used solar lighting, it is less noticeable in the vicinity and positioning of these lights will be unintrusive.

The Design Effectively designed much like a children's adventure playground, the parks are designed to stimulate the dogs mentally and physically whilst ensuring safety of our client's and dogs.

As we have a reactive dog we plan to further create sensory gardens that are packed full of natural smells and textures that help reduce a dog's stress and anxiety.

Each park features a hand crafted shelter and picnic tables for customers to relax and enjoy their surroundings while their dog or puppy plays and explores. There is a proposed small shelter to allow dogs to be towel dried before going back in to their car.

The agility zone is full of balancing equipment and a range of platforms to allow dogs to climb and use up some of their stored up energy. As we are an eco friendly site we recycle wood etc to reduce carbon footprint and help with lessening the need for items that can be recycled, using hand crafting, to go to landfill. You will see many unique items that are built with the theme of nature and our surrounding area within the parks and throughout the larger site.

Safety is of paramount importance. Our perimeter fencing is 1.9m deer fenced and has a 1.050m high rabbit net with a small ground tail to prevent burrowers from escaping. This netting isn't abrasive/doesn't cut paws but does prevent smaller dogs from going through the deer netting squares at lower heights. There is a stipulation in owners questionnaire that asks that dogs are prevented from digging at the perimeter fencing

- we have created dedicated digging areas to allow this natural instinct.

As mentioned we have designed the entry system with infield parking to prevent any reactive dogs from meeting one-another and giving customers complete privacy for their session length.

The main site has established hedgerows and trees bordering the Howgate to Leadburn road and within a further few years this will provide good screening. This was carried out approximately 10 years ago so the hedging and trees are well established alongside newer planting. We have also planted conifers - great sound buffers alongside hedgerows of hawthorn and blackthorn - which the birds all love and hornbeam in the areas where the ponies graze along the boundary field between Roseview and ourself.

Noise Management Plan

Although The Stackyard park is a fairly secluded spot, we have taken several steps to ensure that noise/barking is kept to an absolute minimum onsite.

A lot of this has been reinforced learning from our own five dogs plus family dogs using the parks over the past year.

General Management - All owners and dogs will be met for an induction session, following receipt of our owner and dog form completion and will be required to provide vaccination certificates and assessed for their suitability for the environment. Any noise complaints made about a particular visitor will be investigated and any repeat offenders will be asked not to return.

We have found from our experience with our own dogs and puppies that dogs and puppies that are stimulated within an environment that is enticing both physically and mentally are much less anxious and unlikely to exhibit anti-social behaviours.

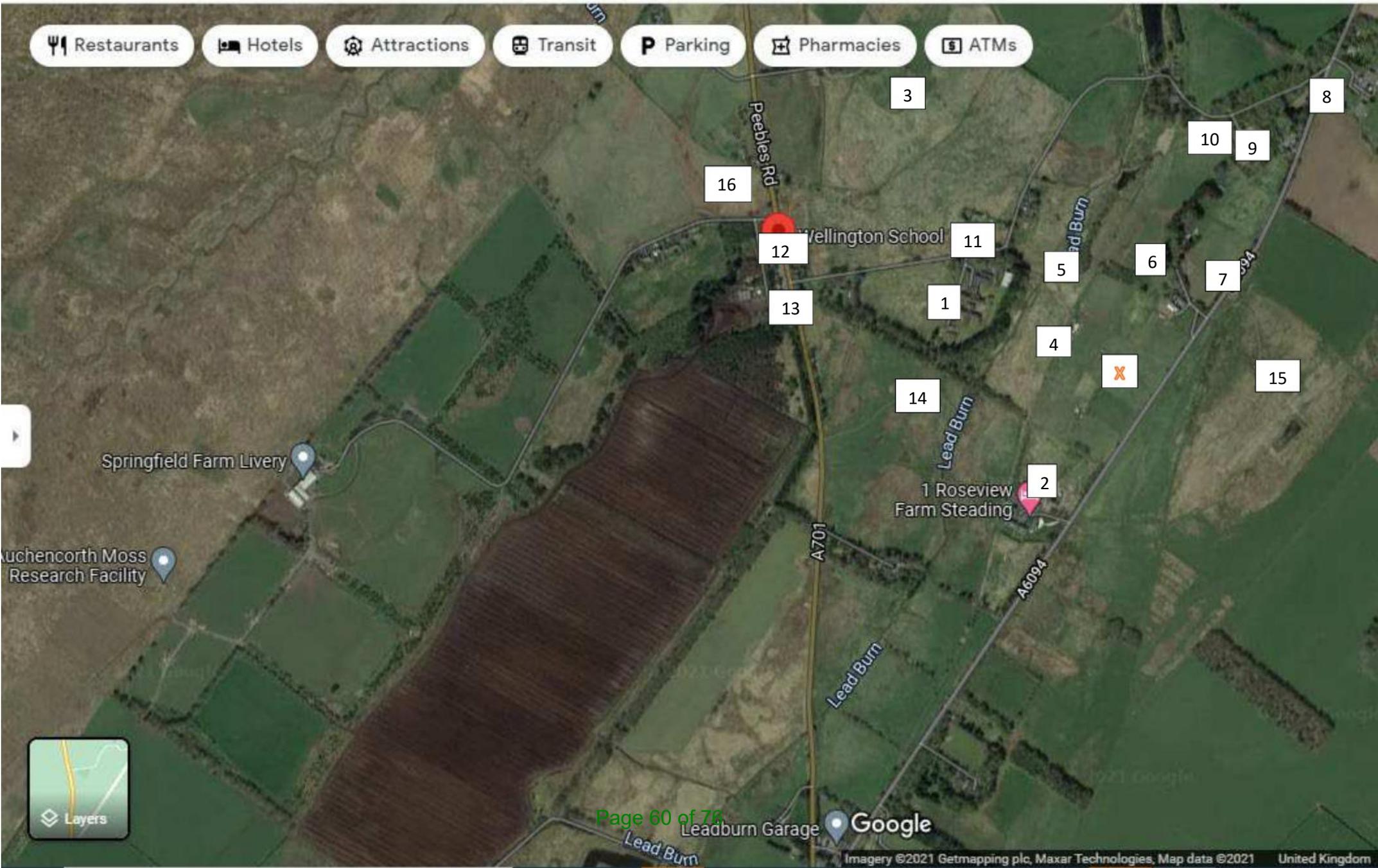
When groups of dogs that are unfamiliar to one another meet this can lead to barking and excited or defensive behaviours. We avoid this by not allowing dogs to be loose/on leads in the public car park. Our in-field parking allows the dog owner to control the dogs and humans in their space for the length of the session and can leave with the car packed safely for the next visitor to drive in.

In addition to above we have also install 98% Privacy netting (1.5m high) along the deer fencing between dog parks and have planted conifers (excellent noise buffers) between the 2 dog parks, plus native hedgerows all around the fence lines along with further hedging along the fence line next to Roseview to obscure the different dog group's views of each other at all times, this mitigates any potential excited behaviour/barking. There is also a 6m buffer zone between the parks preventing any fence-line aggression although this is very unlikely, as we will dedicate time slots to those more anxious dogs who need quiet time to enjoy the park fully.

Where we are situated - we are between two busy roads - Howgate to

Leadburn and Penicuik to Leadburn - the traffic noise drowns out any occasional barking. We have found having fully trialled the parks with our own dogs, all with different temperaments that they only ever bark if they are left in the park themselves (when I am feeding the ponies) - when they have human interaction (which is what these parks are all about) they never bark! They are too stimulated with play and interaction with us!

We are currently trialling and continually researching devices that eliminate barking and we will have these devices installed all around the park fencing.





PROPERTY DETAILS

CONTACT AN AGENT

Offers over

£160,000

Plot On Peebles R

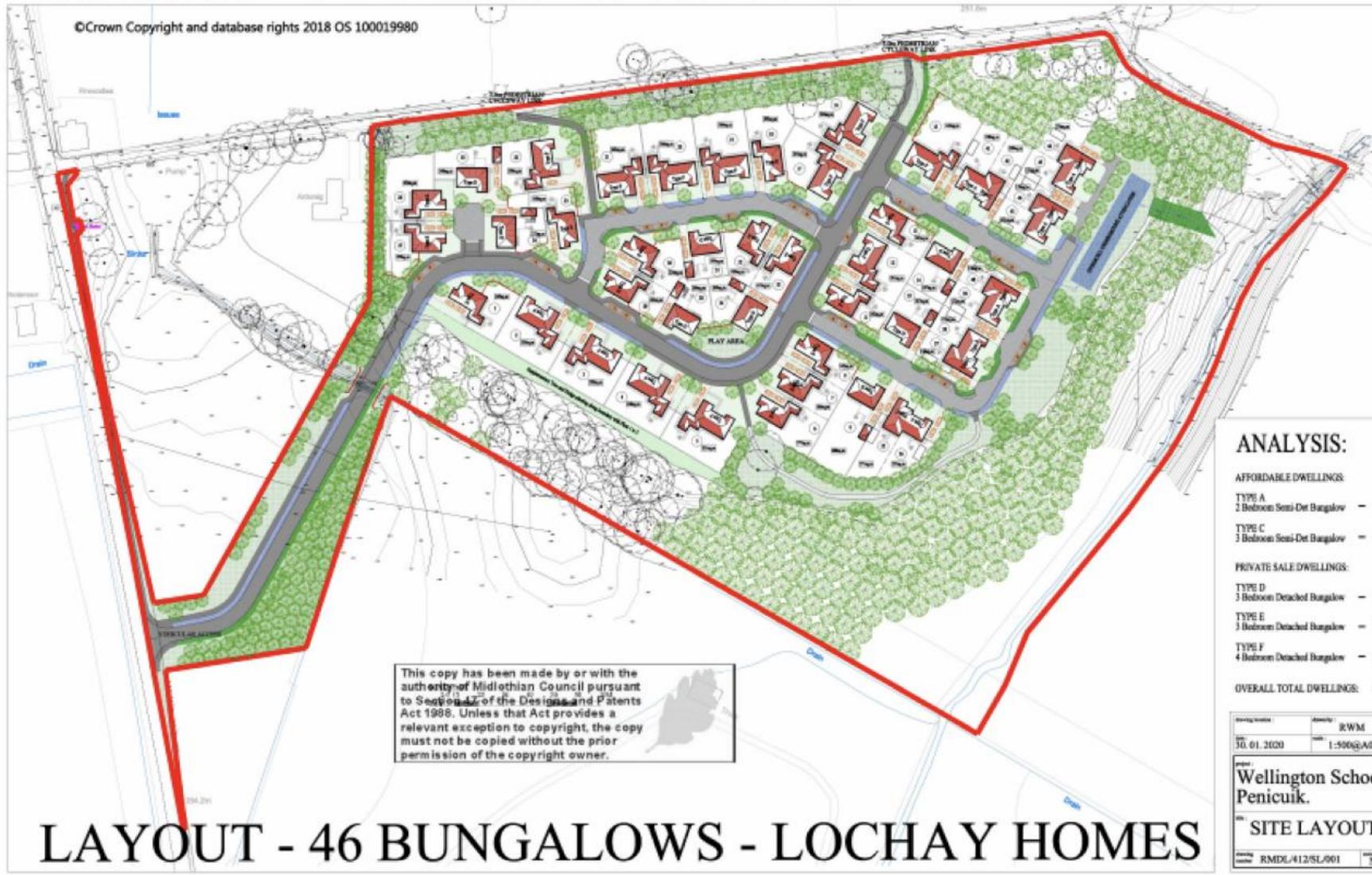
Would you be interested in arranging a viewing of this property?



SITE OF THE FORMER WELLINGTON SCHOOL, LOCATED SOUTH OF PENICUIK.



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ANALYSIS:

AFFORDABLE DWELLINGS:

- TYPE A
2 Bedroom Semi-Det Bungalow - 6
- TYPE C
3 Bedroom Semi-Det Bungalow - 6

PRIVATE SALE DWELLINGS:

- TYPE D
3 Bedroom Detached Bungalow - 8
- TYPE E
3 Bedroom Detached Bungalow - 14
- TYPE F
4 Bedroom Detached Bungalow - 12

OVERALL TOTAL DWELLINGS: 46

Drawing number:	Author:
30.01.2020	RWM 1-506@A0

Wellington School
Penicuik.

SITE LAYOUT

Project:	Scale:
RMDL/412/SL/001	M

LAYOUT - 46 BUNGALOWS - LOCHAY HOMES

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00422/DPP

Site Address: Land South West of Mosshouses, Penicuik.

Site Description: The site is within the countryside and is currently used for horse grazing. This is set across a number of open fields adjacent to the A6094, at the Howgate to Leadburn section, between the small group of buildings at Mosshouses and a number of houses at Roseview Farm. The land slopes down from the A6094 through the site and to the fields and stream beyond, to the west. There are a number of stables and associated buildings within the site. These buildings are accessed from Milkhall Road which runs between the A6094 and the A701. To the west is a former landfill site. The site is visible from the A6094 and the A701. Planning permission was previously approved for the equestrian use of this site, as well as an associated house, structure and ménage.

Proposed Development: Change of use of land to form dog park; erection of cabin, field shelters and fencing.

Proposed Development Details: It is proposed to change the use of the site from equestrian to two dog parks. One is 60 metres by 60 metres, the other 100 metres by 100 metres. These are bound at 1.9 metre high deer fencing with additional mesh 1 or 1.5 metres from the ground. A welfare cabin is proposed by the park 5.3 metres wide by 5.9 metres deep with a pitched roof 3.5 metres high. Two field shelters are proposed 3 metres wide by 2 metres deep with a monopitched roof a maximum of 2.4 metres high. These are all timber.

The applicant has provided information on how this use will operate. There will be a maximum of 6 or 8 dogs in each park with a ratio of 1 adult per 4 dogs. Users will pre-book 50 minute sessions online, with 5 minutes at the beginning and end of each session to allow them to arrive and vacate the site before other users arrive. All owners will be met on site by the owner for an induction on their first visit. Any noise complaints will be investigated with persistent offenders not allowed to return. There will be field shelters and picnic tables for owners to use, as well as equipment to stimulate the dogs. The hours of operation will be: British Summer Time – 9am to 9pm Mondays to Fridays, 8am to 9pm weekends; British Winter Time – 9am to 7pm Mondays to Fridays, 8am to 7pm weekends, however the applicant also states the hours will be 2pm to 9pm. There will be floodlights in winter months. Conifer trees have been planted between the parks and hedgerow around all boundaries. Any barking will be drowned out by traffic noise. The applicant states that surface water drainage is provided for but no details were submitted.

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

15/00432/DPP Erection of free standing solar array; two sheds and screen fencing and installation of diesel fuel tank. Consent with conditions.

14/00295/DPP Erection of dwellinghouse. Consent with conditions.
12/00654/PPP Application for Planning Permission in Principle for the erection of a dwellinghouse. Refused – allowed at LRB.
12/00218/DPP Change of use of land from agricultural to equestrian use (part retrospective); erection and siting of associated structures; and formation of menage. Consent with conditions.
11/00805/PPP Application for Planning Permission in Principle for erection of dwellinghouse. Withdrawn.

Land at Wellington School (west of the site)

20/00144/DPP Residential development formation of access roads and car parking and associated works. Pending consideration.
19/00786/SCR EIA screening opinion for proposed residential development. Screening opinion issued.
19/00252/PAC Proposal of application notice for residential development and associated access, drainage infrastructure and open space. PAC agreed.

Roseview Farm (south of site)

13/00658/DPP Erection of dwellinghouse. Consent with conditions.
12/00258/DPP Erection of 4 dwellinghouses (amendment to house types approved by planning permissions 09/00008/FUL and 09/00514/DPP). Consent with conditions.
09/00514/DPP Erection of 3 dwellinghouses, incorporating amended design to the dwellinghouse on plot 3 (amendment to planning permission ref no 07/00290/FUL) partly retrospective. Consent with conditions.
09/00306/FUL Erection of two wind turbines. Consent with conditions.
09/00008/FUL Erection of two dwellinghouses and ancillary building and formation of stable yard and exercise area. Consent with conditions.
07/00290/FUL Erection of 3 dwellinghouses and ancillary building. Consent with conditions.
06/00210/FUL Erection of dwellinghouse. Consent with conditions.

Land between site and Wellington School

10/00203/DPP Amendment to condition 1 of Planning Permission 07/00678/FUL (change of use of agricultural land to equestrian centre, landfilling of part of site and erection of stables, barn, outdoor area and formation of bridge) to extend timeframe of landfilling operation. Consent with conditions.
07/00678/FUL Change of use of agricultural land to equestrian centre, landfilling of part of site and erection of stables, barn, outdoor arena and formation of bridge. Consent with conditions.
06/00681/FUL Change of use of agricultural land to equestrian centre. Landfilling of part of site and erection of stables, barn, outdoor arena and siting of residential caravan, and culverting of burn. Refused.

Consultations:

The Council's **Policy and Road Safety Manager** has road safety concerns does not support the proposal. The new business would be accessed from Milkhall Road which is a public road running between the A701 and the A6094. Milkhall Road is narrow with no footways and sections with very poor forward visibility. The majority

of the route is unable to accommodate two-way traffic flow with drivers requiring to give way to vehicles approaching from the other direction. As this site is remote, it is likely that the majority of users with their dogs would require to arrive by private car or van. This would result in an intensification in the level of traffic currently using the route. It is noted that due to road safety concerns over the suitability of Milkhall Road to accommodate additional traffic, the nearby Wellington School application for a small residential development has been designed with no direct vehicle access to it.

The Council's **Environmental Health Manager** has some concerns over noise from dogs barking affecting the amenity of nearby residential properties. If permission is approved, conditions should be attached requiring a Management Plan to be submitted and agreed, the floodlights designed to ensure there is no direct illumination of any neighbouring sensitive property, operating hours of 9am to 8pm, perimeter of the facility must be suitably fenced to the height of 2 metres, the maximum number of dogs in either field at any time will be 8, 98% privacy netting must be installed between the fields to a height of 1.5m, a double gate system shall be provided at the entrance / exit to each field to permit a phased access and egress and thus prevent the escape of dogs and dogs must only be unloaded from vehicles situated within either of the double gate system.

Representations: Forty-one letters of support were received supporting the proposal:

- They welcome this facility locally;
- It would be a safe place for dogs;
- There would be no noise issues;
- There is lots of housebuilding in the area and this is a more appropriate use; and
- This is a rural area and so is appropriate for this.

Two objections were received on the following grounds:

- The number of dogs using the parks will result in noise that will have a detrimental impact on nearby residential properties;
- Use of the site by the applicant's dogs already create a noise nuisance in the area;
- Light pollution from floodlights;
- The requirement for floodlights is contrary to the applicant's statement that the site is in keeping with the countryside;
- Floodlights could affect wildlife in the area, as well as be a road safety issue for drivers on the A6094 to the east;
- The current site is poorly maintained and there is a concern that if the proposed buildings are kept in the same condition these could be a risk to customers;
- Horses and other livestock kept in the area will be stressed by the use;
- The access road is only suitable for agricultural vehicles; and
- While there is demand for such a use, this is not the right site.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

RD1 Development in the Countryside states 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 or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour. In the case of businesses, these should not be primarily of a retail nature and do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; and

ENV18 Noise states that the Council will seek to prevent noisy developments from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or required to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately. Where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of the established operation is not adversely affected.

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.

Policy RD1 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 or tourism; it is within a designated non-conforming use in the Green Belt; or it accords with policies RD2, MIN1, NRG1 or NRG2. In addition, all such development will need to: demonstrate the requirement for a countryside location; be of a scale and character appropriate to the rural area; be well integrated into the rural landscape; avoid a significant permanent loss of prime quality agricultural land; and take account of accessibility to public transport and services (where appropriate). It also supports development in the countryside where it relates to countryside recreation so long as it demonstrates a requirement for a countryside location, is of a scale and character appropriate to the rural area and avoids the significant permanent loss of prime agricultural land. The application site and the land to the west is currently in use as grazing land for horses.

In general terms, dog walking and exercising businesses are often appropriate in remote countryside locations as the potential noise impacts means these are not normally appropriate in built up areas. There is therefore a general presumption in

favour of these types of uses in countryside area, provided there are no adverse noise, light, traffic or landscape character concerns.

There are residential dwellings to the northeast and southeast, approximately 200 metres from the application site. These are on slightly higher land than the application site. The Council's Environmental Health Manager has raised concerns over the impact the proposed use could have on the amenity of these local residents through noise and light pollution. They recommend that conditions could be attached to any permission to address these concerns to ensure that the proposed change of use does not result in a harmful loss of amenity. Should planning permission be approved, conditions would be attached to restrict the hours of operation and lighting, the maximum number of dogs, to ensure the proposal operates as per the noise management plan and ensure the lighting is installed to a standard that does not result in an adverse impact. Therefore, subject to conditions being attached to any permission to control noise and light in the surrounding area, the proposed change of use will not result in a harmful loss of amenity.

The access to the site and proposed use is from Milkhall Road. This is a public road that links the A701 to the west and the A6094 to the east. This is a narrow road with no footways and sections with very poor forward visibility. The majority of the route is unable to accommodate two-way traffic flow with drivers requiring to give way to vehicles approaching from the other direction. As this site is remote, it is likely that the majority of users with their dogs would require to arrive by private car or van. This would result in an intensification in the level of traffic currently using the route that is already operating at substandard levels.

The applicant has stated that the proposal would result in a small scale increase in traffic on this road compared to the traffic previously generated for the nearby landfill site. This landfill use was approved on a temporary basis and was considered acceptable at that time, which was some 13 years ago. Since this time, the road safety concerns in this area have become more acute. The redevelopment of the former Wellington School site has been designed with no direct vehicle access onto Milkhall Road due to road safety concerns of an increase in traffic on this road. The proposed use of the site would increase vehicle numbers of this substandard road which would present a significant road safety risk and so cannot be supported.

Had the vehicular access been acceptable, there is sufficient parking from the proposed use and the Council's Policy and Road Safety Manager offered no objection to this element of the proposal.

The proposed boundary treatments/fencing, field shelters and associated structures will all visually read as being associated with the dog activity park. Due to the site and surrounding area being in equestrian use and the existing structures in the area, the proposed use would not have a detrimental impact on the character or appearance of the surrounding countryside as compared to the existing situation. Also it is noted that the fencing could be erected under permitted development rights without requiring planning permission.

Recommendation: Refuse planning permission.

Reg. No. 21/00422/DPP

The Stackyard Park - Run Free Dog Parks
9 Wilson Street
Penicuik
EH26 9BS

Midlothian Council, as Planning Authority, having considered the application by The Stackyard Park - Run Free Dog Parks, Miss Caroline Wilson, 9 Wilson Street, Penicuik, EH26 9BS, which was registered on 13 August 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use of land to form dog park; erection of cabin, field shelters and fencing at Land South West of Mosshouses, Penicuik

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	13.08.2021
Site Plan	1:800	13.08.2021
Illustration/Photograph		13.08.2021
Illustration/Photograph		13.08.2021
Proposed Elevations		13.08.2021

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

- The proposal presents a significant threat to road safety given that the access road is narrow with no footways, sections of very poor forward visibility with the majority of the route unable to accommodate two-way traffic flow. Given the remoteness of the site and nature of the proposed use, the majority of trips will be made by private car. This would result in an intensification in the level of traffic currently using the route and would have a significant adverse impact on the current users of this road and a harmful impact on the road safety within the local road network.*

Dated 12 / 10 / 2021



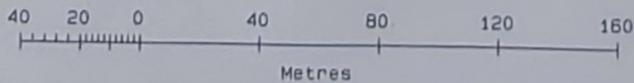
.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



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Scale 1: 2500

National Grid sheet reference at centre of this Superplan: NT2356

The representation of a road, track or path is no evidence of a right of way.

Heights are given in metres above Datum.

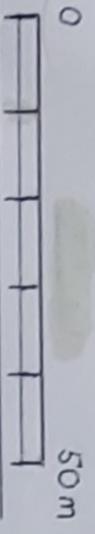
The alignment of tunnels is approximate.

Centre Coordinates: 323962 656546
 Supplied by: Edinburgh TSO
 Serial Number: 00230900

PROPOSED DOG PARKS
ON LAND

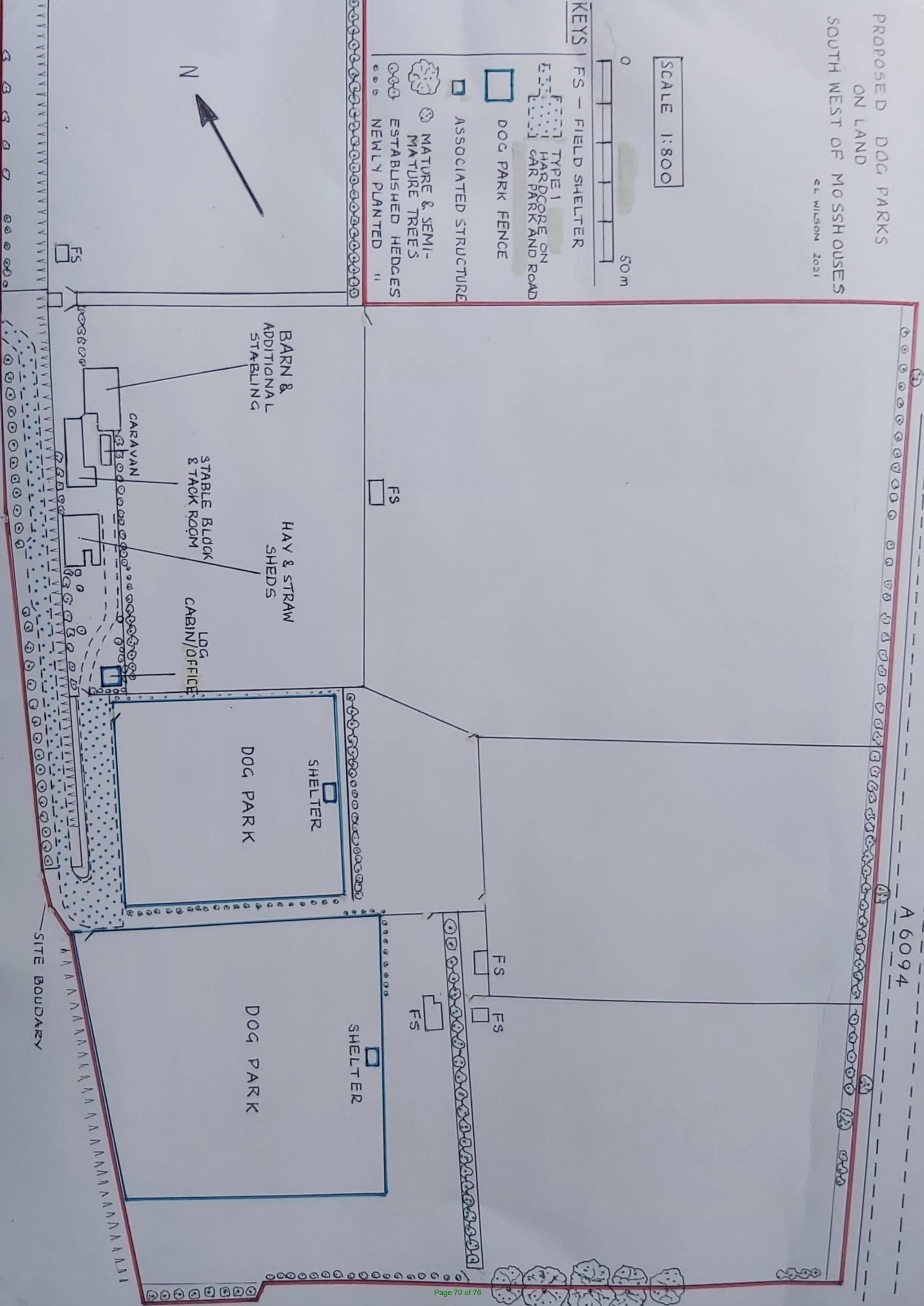
SOUTH WEST OF MOSSHOUSES
G.L. WILSON 2021

SCALE 1:800



KEYS

- FS - FIELD SHELTER
- ESTABLISHED HARDSCAPE ON CAR PARK AND ROAD
- DOG PARK FENCE
- ASSOCIATED STRUCTURE
- MATURE & SEMI-MATURE TREES
- ESTABLISHED HEDGES
- NEWLY PLANTED "

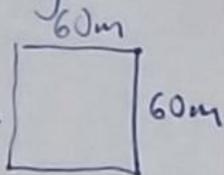


A 6094



-  field shelters for animal welfare already built - timber construction part of Eskvalley Stud & Livery - established
-  established stables
-  barn shelter - established
-  hay shed - established
-  parking - established

Dog Park 1 60 metre lengthed fencing timber & deer fencing - built



Dog Park 2 as above by 100 metre each length of fence



office/log cabin - as per attached document in supporting documents

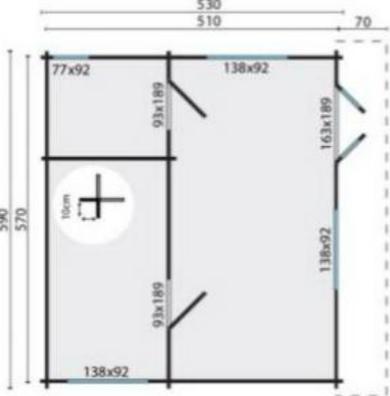
Chwini
10-05-21

Resources Council House Road H22 3ZQ	Application for Planning Permission in Prior erection of a dwellinghouse at Land To So Mosshouses, Penicuik <h1 style="text-align: center;">APPENDIX</h1>
<small>With the permission of the Council, the copyright in this document is reserved. No part of this document may be reproduced without the permission of the Council.</small> 416 (2013)	File No. 12/00654/PPP Scale: 1:5,000

Type here to search

Product Search...

HOME CATEGORIES LOG CABINS REVIEWS HELP 4 of 6

Big Llanes Log Cabin Spec

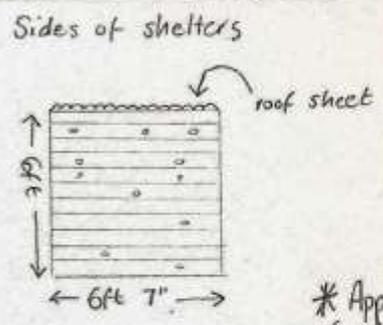
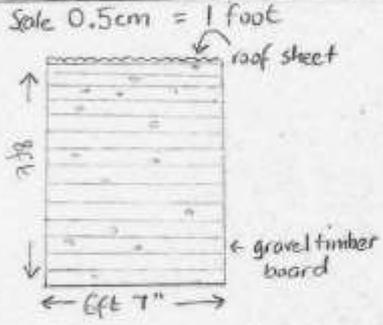
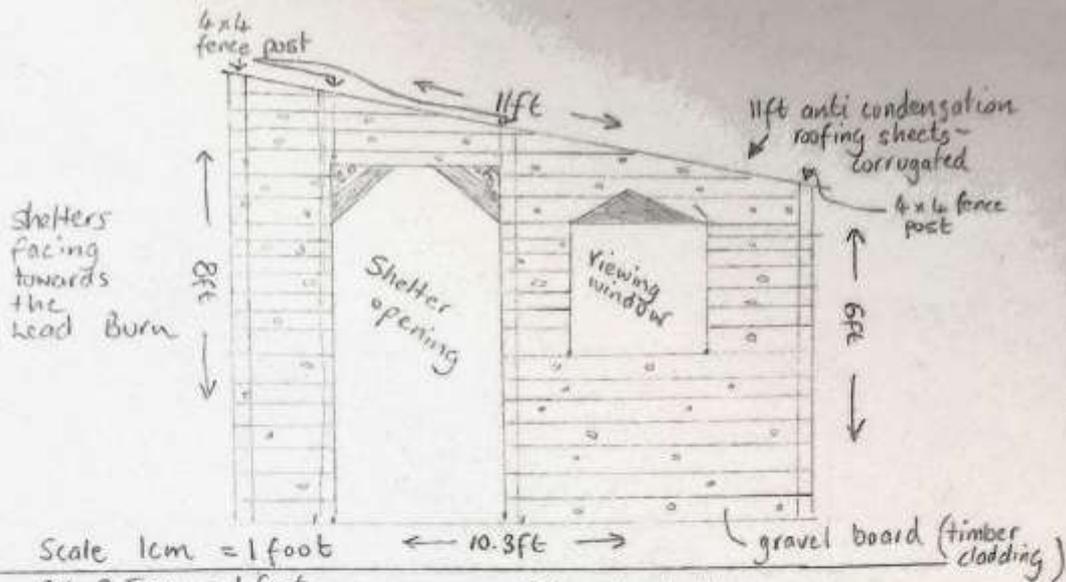
 29,1m ²  87,2m ³  40,8m ³	 44mm  4-6-4mm	 1375/1375kg  620x120x65cm  620x120x67cm
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All sizes are approximate and in cm

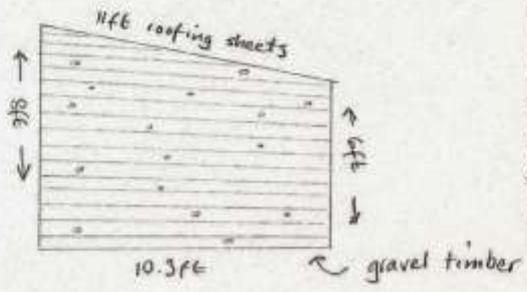
Questions?

16:21 20/05/2021

To be positioned next to dog park 1, as per site plan. As I have debilitating CFS/ME and neuropathic and chronic pain this will be used as an office space and also provide me with a sleeping area as my condition can be variable and at times I will need to have a sleeping space to use in between bookings.



Back of Shelters



* Approximately 85% of all our shelters & stables on site are built using recycled materials !!! Most destined for land-fill or burning !!!

We save, recycle & upcycle to save the environment.

Or we source some materials from local companies from sustainable sources *

Craniborn 2021





