

Notice of Review: Land at Hardengreen House, Dalhousie Road, Dalkeith

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of nursery building and formation of car park at land at Hardengreen House, Dalhousie Road, Dalkeith.

2 Background

- 2.1 Planning application 16/00758/DPP for the erection of nursery building and formation of car park at land at Hardengreen House, Dalhousie Road, Dalkeith was refused planning permission on 10 January 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 10 January 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled a site visit for Monday 6 March 2017; and
 - Have determined to progress the review by way of a written submissions.
- 4.2 The case officer's report identified that one consultation responses and two representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until the details of existing trees to be retained, removed, protected during development and in the case of damage, restored been submitted to and approved in writing by the Planning Authority. Development shall thereafter comply with the approved details unless otherwise approved in writing by the Planning Authority.
 2. Development shall not begin until temporary protective fencing is erected around all trees on the site to be retained. The fencing

shall be positioned in circumference to the trunk at a distance from it which correlates to the trees canopy unless otherwise agreed in writing with the local planning authority. No excavation, soil removal or storage shall take place within the enclosed area.

***Reason for conditions 1 and 2:** To ensure the development does not result in the loss or damage of a tree which merits retention in accordance with policies RP5 of the Midlothian Local Plan; policy ENV11 of the Midlothian Local Development Plan; and national planning guidance and advice.*

3. Prior to any external finish materials, including door and windows, being applied to the building; details, including samples if requested, of the finish materials shall be submitted to and approved in writing by the Planning Authority. Development shall comply with the approved details unless otherwise approved in writing by the Planning Authority.

***Reason:** To safeguard the character and setting of the listed building.*

6 Recommendations

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

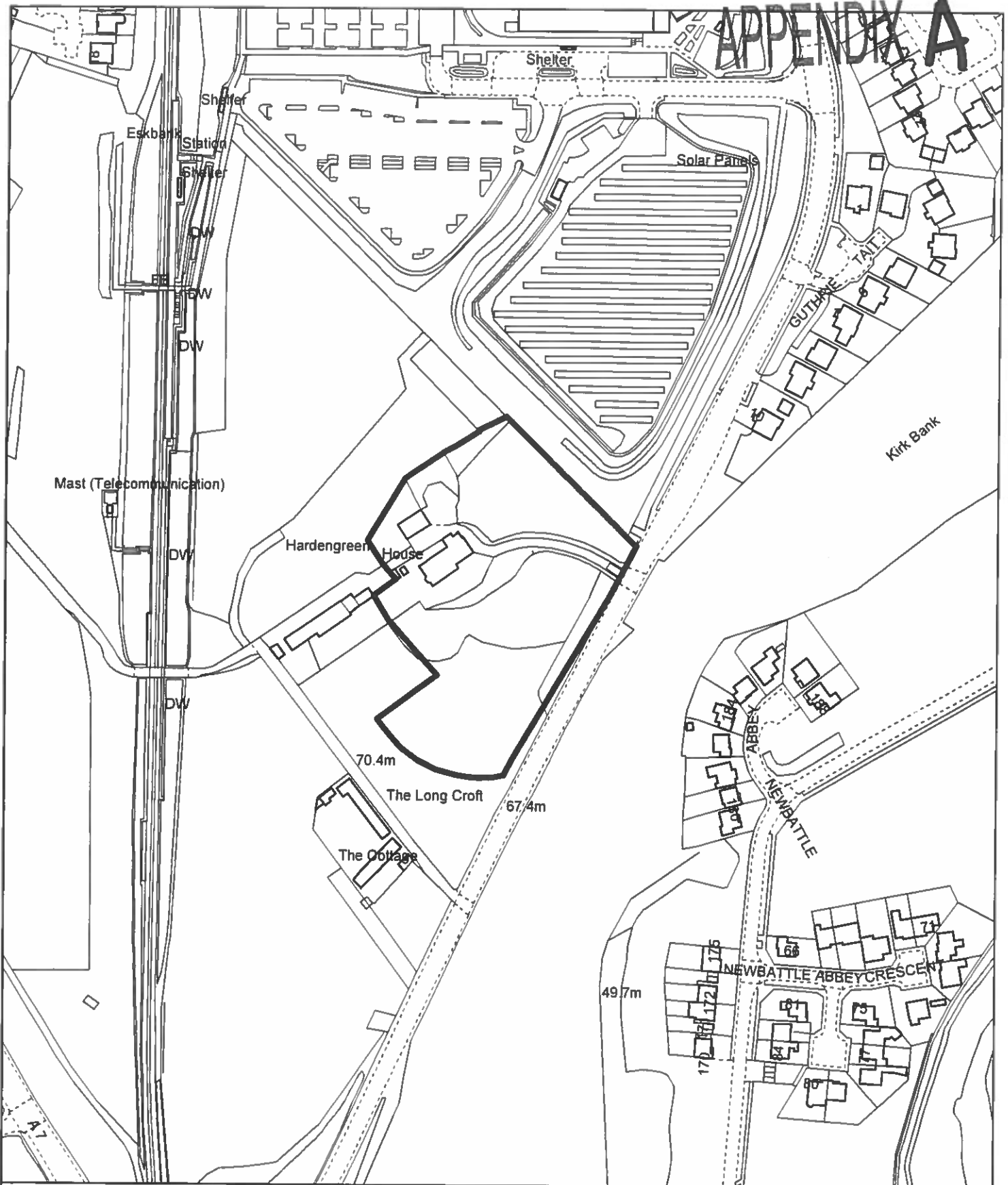
Date: 21 February 2017


Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 16/00758/DPP available for inspection online.

APPENDIX A



 <p>Education, Economy & Communities Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3AA</p>	<p>Erection of nursery building and formation of car park at Land At Hardengreen House, Dalhousie Road, Dalkeith</p>	
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Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100029726-003

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:	HALVORSEN ARCHITECTS		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Gail	Building Name:	Mountskip House
Last Name: *	Halvorsen	Building Number:	
Telephone Number: *	01875821266	Address 1 (Street): *	Mountskip House
Extension Number:		Address 2:	
Mobile Number:	07956 247858	Town/City: *	Gorebridge
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH23 4NW
Email Address: *	gail@halvorsenarchitects.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Christina	Building Number:	127
Last Name: *	Walters	Address 1 (Street): *	High Street
Company/Organisation	GENESIS (J&T) LIMITED	Address 2:	
Telephone Number: *		Town/City: *	Dalkeith
Extension Number:		Country: *	Midlothian
Mobile Number:		Postcode: *	EH22 1BE
Fax Number:			
Email Address: *	genesis.scotland@yahoo.co.uk		

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	HARDENGREEN HOUSE
Address 2:	DALHOUSIE ROAD
Address 3:	ESKBANK
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 3LF

Please identify/describe the location of the site or sites

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Northing	665729	Easting	332497
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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)

Two storey detached extension to Happy days nursery at rear of Hardengreen House on site of single storey garages / workshop that is to be demolished.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to accompanying document - Reasons for Review Statement

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)

Reasons for Review Statement Site Plan Revision A: Drg. no. HGWN 103A South Elevation Revision A: Drg. no. HGWN 106A Photomontage HGWN 115 Rev. A Photomontage HGWN 116 Rev. A Photomontage HGWN 117 Rev. A Photomontage HGWN 118 Rev. A

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00758/DPP

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

09/11/2016

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

10/01/2017

Review Procedure

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

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

☒ Yes ☐ No

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

As the site is a working pre-school nursery it would be necessary to contact the nursery prior to the visit to let them know when the inspection will take place.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Gail Halvorsen

Declaration Date: 29/01/2017

Reasons for notice of Review - Woodland nursery, Eskbank

Points raised in DPP report of 18/11/2016 addressed below:

Site description

Although the front elevation of Hardengreen House is relatively unspoilt, the rear of the building has been extended on so many occasions that the original house is barely visible. The DPP report claims that

“the original three bay Georgian villa is still clearly discernible”.

However this is not the case at the back of the house, where most of the 19th century extensions are (photo below) and where the new building is proposed to be sited.



Apart from Hardengreen cottage next door, the East side of the B6392 Dalhousie Road is primarily educational, retail and light industrial - Edinburgh College (Midlothian Campus) is to the North and then Hardengreen Business Park.

Retrospective planning

The play structures, animal enclosures and fencing referred to have all now had retrospective planning permission applied for. Planning officer, Graeme King, has indicated that they will all be given permission.

Representations

As stated in the DPP report “The local resident has no objection in principle to the building and welcomes the design and finish material”.

The objection on the grounds of the scale of the building and its impact on the setting will be dealt with later.

No trees covered by a TPO will be removed.

Similarly the second objection, which comes from the Architectural Heritage Society of Scotland, states that “we do not object to the general style or plan of the building”. They do object to the use of timber as a finish material for the roof and to the detailed design of the roof, citing Darlington Primary School as an example of a failed roof.

Firstly I would have thought that this is a building standards matter, not a planning one. Secondly the AHSS show little knowledge of the subject. The new building will be built within industry tolerances and in consultation with the Centre for Wood Science & Technology, Edinburgh Napier University. Peter Wilson, a former director of the Centre for Wood Science & Technology, who now runs Timber Research initiatives Ltd. says that:

“Darlington Primary School had a timber clad roof (sweet chestnut) roof, but there were design, detailing and construction quality issues that had nothing to do with the quality and performance of the timber products. The angle of some of the roof planes there, for example, was too shallow to prevent capillary action from driving rain, which is not the case with the Hardengreen nursery design”.

A better example to consider is the award-winning community centre on the Isle of Raasay by Dualchas Architects. It is clad entirely in Scottish larch. It was built in 2003 and has had no problems despite the inhospitable climate. (See photo below).

The Architectural Heritage Society of Scotland also express concerns about the stairs and balconies. As stated in the design statement, Genesis (J&T) Ltd., trading as Happy Days, has need for additional space as a result of an ever-increasing waiting list. To house the number of children



they would like, the floor plan of a comparable single storey building would have taken up too much of the garden which Happy Days uses to the full. Happy Days children spend a lot of time outdoors in all weathers. The balconies were part of the client's brief so that the younger children could spend as much time as possible in the open air.

Policy **RP2: Protection of the Green Belt**

The proposed building is located in the garden of Hardengreen House and not on ground that could be considered agricultural.

Policy **RP5: Woodland Trees and Hedges**

Most of the ground that is to be built on is the site of an existing garage so no valuable natural amenity or landscape will be lost. No trees covered by a TPO will be removed.

Policy **RP24: Listed Buildings**

As stated in the DPP report, Historic Environment Scotland's Extensions guidance note is the document relevant to this proposal. The report identifies *Assertive contrast* as the most appropriate approach, whereby the new addition is to be considered as a more or less equal partner to the old. The combination of the new and old should be of greater lasting value than either on its own.

The DPP report claims:

"The proposed design is compromised by its close proximity to the existing building and woodland".

But it is the proposed building's very proximity to the existing building that makes it an *Assertive contrast*. The new "Woodland nursery " has been designed in the way that it has because of its location on the edge of a wooded area. Happy Days nursery conducts many activities in the woods, including Forest Families and bushcraft, and requested a building that reflected this.

Rather than being "compromised" by the woodland the proposed building is inspired by it.

The DPP report claims:

"The proximity to the existing building and woodland reduces the clear views of the new building and means that the contrast between the open and regularly patterned principal elevation and the enclosed and irregularly patterned remaining elevations will be obscured".

Again, the planners are missing the point. The building is meant to be in the trees, partially hidden on one side. The one open, fully glazed elevation is the one with the best aspect overlooking views. (Happy Days is in the process of purchasing the adjoining land and will open up this aspect more once the purchase is completed). The 'enclosed' elevations - relatively plain facades of timber with a few feature windows - are deliberately simple because the trees themselves and their shadows will bring the elevations to life. The feature windows are there for the children to rediscover and sit amongst the trees (several being large bays with window seats).

Although the design is meant to contrast with the existing house it does refer to the design of Hardengreen House. The DPP report says that:

"The proposed design does not take any design cues from the profile, massing, bay rhythm, scale or proportion of either the original Georgian villa or the prominent 19th century additions."

I would disagree, pointing out the three repeating bays actually relate to the original Georgian house - echoing the angle of the gable end and having a similar end profile as can be seen in the photomontage below.



Location drawings

The DPP report is correct in identifying two discrepancies in the original submitted drawings. Contrary to the planners' assumption the proposed new nursery is shown too near Hardengreen House on the site plan. Please find a revised site plan attached: drawing number 103 A, showing the correct position, along with the amended 3D montages .

Please also find the revised South elevation attached: drawing number 106 A, showing the corner of the new building previously omitted.

Further points

Transport

House was chosen as the location for the new Happy Days nursery partly because of its proximity to Eskbank station on the new Borders Railway - a five minute walk away. The railway was introduced to stimulate economic growth in the areas it serves. Happy Days nursery is an example of a business wanting to expand to meet the growing demand for places.

As can be seen from the numerous awards that Happy Days has won (see appendix 1) it has impressive sustainable credentials. A lot of their employees and users arrive by train.

Appendix 1

Awards for Happy Days nurseries:

- NMT (Nursery Management Today) Best Outdoor Learning Environment UK 2014
- NMT Green Nursery Award UK 2015
- NMT Personality of the Year UK 2015
- NMT Best Outdoor Learning Environment UK 2016
- NMT Lifetime Achievement Award 2016
- Midlothian and East Lothian Chamber of Commerce, Family Business of the Year 2016
- Green Flag award - Happy Days, Dalkeith 2014 -
- Green Flag award - Happy Days, Hardengreen 2016 -

Appendix 2

Care Inspectorate support:

"I fully support the changes you propose to both nurseries, and look forward to seeing the impact of these changes in action".

- Isobel Reilly, Care Inspectorate officer

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

Case Officer: Graeme King **Site Visit Date:** 18/11/2016

Planning Application Reference: 16/00758/DPP

Site Address: Land at Hardengreen House, Dalhousie Road, Dalkeith

Site Description: Hardengreen House is a large two storey traditional stone-built villa situated to the South of the Edinburgh College campus at the Southern edge of Eskbank. The building dates originally from 1796 and was substantially extended circa 1830. The walls are stone, the roof is slate and the doors and windows are timber framed. There is a modern single storey conservatory attached to the South West elevation of the building. The building is a Category C Listed Building and was originally built as a farmhouse. It has been used as a single dwellinghouse for the majority of its history; in 2014 the use of the building was changed to a children's nursery.

The building is enclosed by a group of mature trees (covered by a TPO) to the North and East. Various individual trees to the South and West of the building are also covered by the TPO.

There is a large single storey garage situated to the rear of the building; two sheds to the side of the building; and a stable building South of the principal elevation of the building. There is an existing six bay car park at the front of the building and a ten bay car park at the rear. These structures and car parks all have planning permission.

There are various large timber play structures situated within the woodland to the North East of the building. There is a shed located in front of the building, approximately 15m South East of the principal elevation. There is an animal enclosure located approximately 20m South West of the building. There are 1.8m high timber fences along part of the South Eastern boundary of the site and the entire North Eastern boundary of the site. These structures do not have planning permission.

Proposed Development: Erection of nursery building and formation of car park

Proposed Development Details: It is proposed to erect a two storey detached building to the rear of the existing listed building. The proposed new building is to be 5.3m North West of the rear elevation. The proposed building is 16.9m wide, 12.4m deep, 5.8m tall to the eaves and 8.8m tall to the ridge. The building form comprises three blocks each with a pitched roof; creating a principal elevation with three gables. The South West elevation is entirely glazed; the remaining elevations are primarily solid with interest being created by irregular patterns of windows in different shapes and forms. The walls and roof of the building will be clad with timber cladding stained mid-brown.

An additional three car parking spaces will be formed adjacent to the existing car park at the rear of the building. The existing oil tank to the rear of the garage will be relocated to a site West of the proposed building.

To provide space for the new building the existing garage to the rear of the building will be demolished; no form of planning consent is required for the demolition of the garage.

Background (Previous Applications, Supporting Documents, Development Briefs): 14/00554/DPP – Change of use from dwellinghouse (class 9) to children's nursery (class 10); formation of car parking areas; and alterations to existing driveway – Consent with conditions

14/00555/LBC – Internal alterations – withdrawn

15/00047/DPP - Alterations to boundary wall to widen existing vehicular access; formation of car parking and associated roads – Consent with conditions

15/00048/LBC - Installation of access ramp; alterations to boundary wall to widen existing vehicular access; and internal alterations associated with change of use from dwellinghouse to nursery school – Consent with conditions

15/00505/DPP – Erection of sheds; formation of car parking and new entrance door; installation of roof vents and erection of fence (part retrospective) - withdrawn

15/00506/LBC - Installation of protective glazing system and protective stair barrier; formation of entrance door, roof vents and internal alterations – Consent with conditions

16/00046/DPP - Erection of shed and stable building; formation of car parking and new entrance door; installation of roof vents and erection of fence (part retrospective) – Consent with conditions

16/00759/LBC - Erection of nursery building and formation of car park – withdrawn (This application was submitted at the same time as the current application. The proposal relates to a detached building and does not include any alterations to the listed building, therefore listed building consent is not required and accordingly the application was withdrawn.)

Consultations: The **Coal Authority** has no objection to the proposed development.

Representations: Two objections have been received; one from a local resident and one from the Architectural Heritage Society of Scotland. The local resident has no objection in principle to the building and welcomes the design and finish material; the objection is on the grounds of the scale of the building and its impact on the setting of the listed building. The objection also states that it is unclear whether any trees would be removed.

The Architectural Heritage Society of Scotland objects due to the use of timber as a finish material for the roof and due to the design of the roof. The objection suggests that a timber roof is unlikely to be watertight and is likely to cause the building to fail in the longer term. The objection also states that the triple gable profile will be out of character with the listed building.

Relevant Planning Policies: Policy **RP1: Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1. For countryside areas that are also Green Belt, policy RP2 takes precedence.

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

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

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

- Maintain the identity of the city and Midlothian towns by clearly establishing their physical boundaries and preventing coalescence.
- Provide countryside for recreation and institutional purposes of various kinds.
- Maintain the landscape setting of the city and Midlothian towns.

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

Policy **RP24: Listed Buildings** states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building, or its setting. New development within the curtilage of a listed building will only be permitted where it complements the special architectural or historic character of the listed building.

There are two **Historic Environment Scotland Managing Change in the Historic Environment: Guidance Notes** that could be considered to relate to an application of this type. These are Extensions and New Design in Historic Settings.

Planning Issues: The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless

material planning considerations indicate otherwise. Any representations and consultation responses received are material considerations.

The Design Statement submitted with the application states the nursery at Hardengreen House is at capacity and has a long waiting list. The new building will cater for 16 0-2 year olds, 10 2-3 year olds and 12 3-5 year olds; an additional 15 members of staff will be required. An extension to Hardengreen House was considered but the option was not pursued as it was felt that the character of the building would be overwhelmed and the circulation space to the rear of the house would be disrupted. A single storey building was not pursued as it would not provide the desired accommodation space and would be more costly to build.

As noted above there are two Historic Environment Scotland guidance notes that could be considered as being relevant to this proposal. The New Design in Historic Settings guidance primarily relates to the incorporation of new designs within historic urban areas and within historic landscapes. While the current proposal is for a new design within a historic setting, i.e. the curtilage of a listed building; the proximity of the proposed building to the listed building means that the guidance contained within the Extensions guidance note is more applicable to the assessment of the application.

The Extensions guidance note states that new work must acknowledge the old and identifies five possible approaches for this:

Restoration, whereby alterations seek to restore the appearance of a building to an optimum point in its history.

Replication, whereby additions seek to accurately match the design, dimensions (both overall and in detail) and finish materials of the building.

Complementary additions, whereby additions take the profile, massing, bay rhythm, scale and proportion of the existing building as the design cues. An approach such as this would not seek to replicate the detail of the original design.

Deferential contrast, whereby the new addition becomes a self-effacing backdrop to the old.

Assertive contrast, whereby the new additions is to be considered as a more or less equal partner to the old. The combination of the new and old should be of greater lasting value than either on its own.

The proposed building is a contemporary design finished in different materials to the original building; it is clear that the Restoration and Replication approaches are not relevant in this instance.

Hardengreen House has been significantly altered through its history; however the original three bay Georgian villa is still clearly discernible, in particular on the front elevation of the building. The 19th century additions introduced a number of different building lines and roof designs. The proposed design does not take any design cues from the profile, massing, bay rhythm, scale or proportion of either the original

Georgian villa or the prominent 19th century additions. A visualisation of the South West elevation of the house and new building states that the glazing pattern of the principal elevation of the new building picks up the rhythm of the glazing on the modern conservatory; as the modern conservatory is an unsympathetic addition that detracts from the character of the building it is unclear why this design cue has been focussed upon. The proposed new building cannot be considered to be a complementary addition to the listed building and its setting.

The new building is a bold contemporary design which by virtue of the contrast between the regular pattern of the glazed principal elevation and the irregularly patterned remaining elevations; staggered plan form; and its finish materials, emphasises its modernity. The building seeks to make a significant statement and cannot be considered to be a self-effacing deferential contrast to the listed building.

By a process of elimination the one remaining approach that could be used to justify the scheme is that of assertive contrast. As noted above the new building seeks to make a significant statement; however for an application to be supported on the grounds of an assertive contrast the combination of new and old should have a greater lasting value than either on its own. The proposed design is compromised by its close proximity to the existing building and woodland; and its location at the rear of the building. The proximity to the existing building and woodland reduces the clear views of the new building and means that the contrast between the open and regularly patterned principal elevation and the enclosed and irregularly patterned remaining elevations will be obscured. The design of the new building merits a prominent location that will enhance the views of its contrasting elevations and allow the occupants to benefit from views out from its principal elevation. The location of the new building appears to have been chosen primarily on the grounds of convenience; the garage plot to the rear was already developed and could be re-developed with minimal disruption to the existing nursery operations.

While the plot could be argued to be in a subordinate location in relation to the existing house its location significantly hampers the prospect of the proposed building realising its full potential. The chosen location to the rear of the building results in a proposal that seeks to erect an assertive building in a self-effacing location; the combination of the design and the location results in a proposal that is neither a deferential contrast nor an assertive contrast. The proposed building significantly detracts from the character and setting of the listed building; while at the same time the proximity of the listed building creates a poor setting for the new building thereby significantly diminishing its character.

The principle of extending the car park at the rear of the building is acceptable.

The building location has been assessed on the basis of the location shown on the site plan submitted; this location agrees with the location shown in the various visualisations submitted with the application. The proposed East and West elevations show the building in a different location with greater separation (8.4m from the main rear elevation rather than the 5.3m shown on the site plan) between the existing building and the proposed building. While it is assumed by the Planning Authority that the incorrect location shown on the drawings is a drafting error; it does have the unfortunate side-effect of suggesting that the proposed building will have

less impact on the setting of the listed building than the assumed correct location. Furthermore the existing and proposed South elevation drawing, showing the relationship of the new building to the principal elevation, suggests that only a small portion of the roof of the new building will be visible in views of the front of Hardengreen House; comparison with the site plan and the proposed North elevation drawing indicates that a 2.6m wide portion of the building will be visible at the left hand side of the principal elevation view of Hardengreen House.

While the design and location of the proposed building are unacceptable it is possible that an amended design in an alternative location could be acceptable. During a telephone conversation between the case officer and the applicant's agent the agent indicated that her preferred option was to continue with the current application and seek to gain consent via the Local Review Body.

During the site visit a number of structures erected without planning permission were noted by the case officer; these structures are referred to in the site description above. The applicant's agent will be informed of these and advised to submit a retrospective application.

Recommendation: Refuse Listed Building Consent

Reasons for refusal:

1. By virtue of its design and location the nursery building will have a detrimental impact on the character and setting of a listed building. The proposal is therefore contrary to policy RP24 of the Midlothian Local Plan.
2. The proposed East, West and South elevation drawings do not correspond with the building location shown on the proposed site plan.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00758/DPP

HALVORSEN ARCHITECTS
Mountskip House
Gorebridge
EH23 4NW

Midlothian Council, as Planning Authority, having considered the application by Mrs Christina Walters, 127 High Street, Dalkeith, EH22 1BE, which was registered on 14 November 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of nursery building and formation of car park at Land At Hardengreen House, Dalhousie Road, Dalkeith

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	HGWN 101 1:1250	14.11.2016
Site Plan	HGWN 102 1:500	14.11.2016
Site Plan	HGWN 103 1:500	14.11.2016
Proposed floor plan	HGWN 104 1:100	14.11.2016
Proposed floor plan	HGWN 105 1:100	14.11.2016
Roof plan	HGWN 106 1:100	14.11.2016
Existing elevations	HGWN 107 1:100	14.11.2016
Proposed elevations	HGWN 108 1:100	14.11.2016
Existing elevations	HGWN 109 1:100	14.11.2016
Proposed elevations	HGWN 110 1:100	14.11.2016
Proposed elevations	HGWN 111 1:100	14.11.2016
Elevations	HGWN 112 1:100	14.11.2016
Existing elevations	HGWN 113 1:100	14.11.2016
Proposed elevations	HGWN 114 1:100	14.11.2016
Illustration/Photograph	HGWN 115	14.11.2016
Illustration/Photograph	HGWN 116	14.11.2016
Illustration/Photograph	HGWN 118	14.11.2016
Illustration/Photograph	HGWN 118	14.11.2016
Design Statement		14.11.2016
Access Statement		14.11.2016
Coal Mining Risk Assessment		14.11.2016

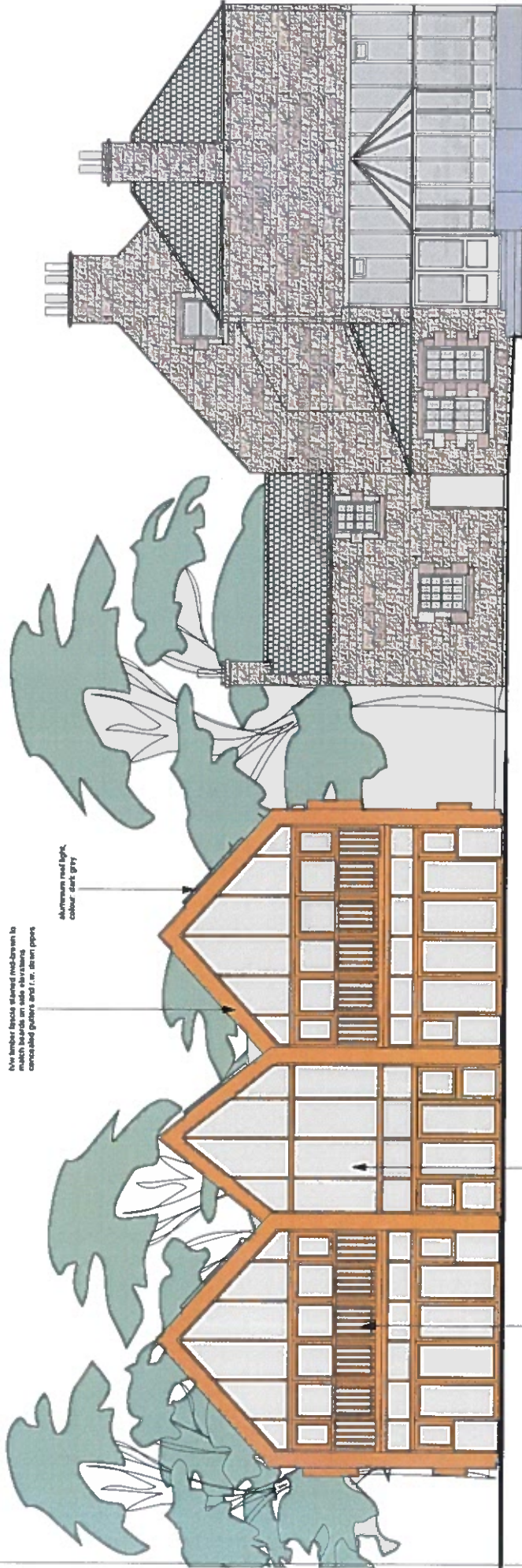
The reasons for the Council's decision are set out below:

1. *By virtue of its design and location the proposed nursery building will have a significant detrimental impact on the character and setting of a listed building. The proposal is therefore contrary to policy RP24 of the adopted Midlothian Local Plan and Historic Environment Scotland guidance.*
2. *The proposed East, West and South elevation drawings are inaccurate and do not correspond with the building location shown on the proposed site plan.*

Dated 10 / 1 / 2017



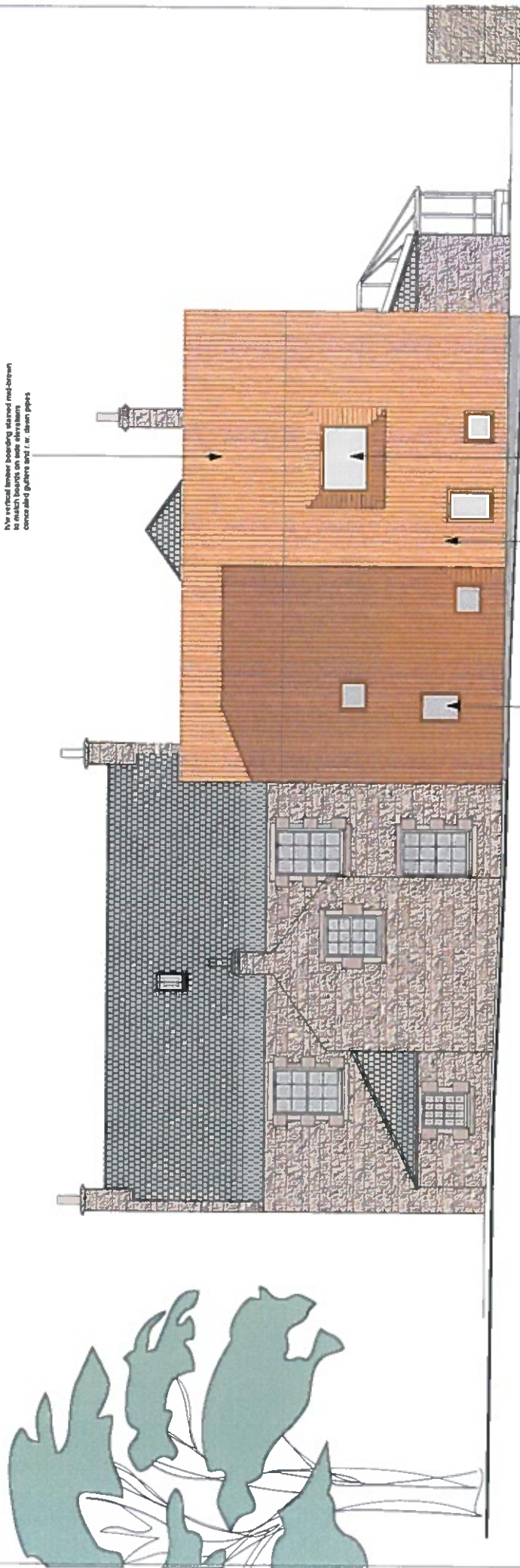
.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



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Project title	Happy Days Nursery, Hardengreen	Ref	HD HG W
Drawing title	PROPOSED WEST ELEVATION	Date	23/10/16
Drawing no.	HGWN 108	Purpose	PLANNING
		Scale	1:100

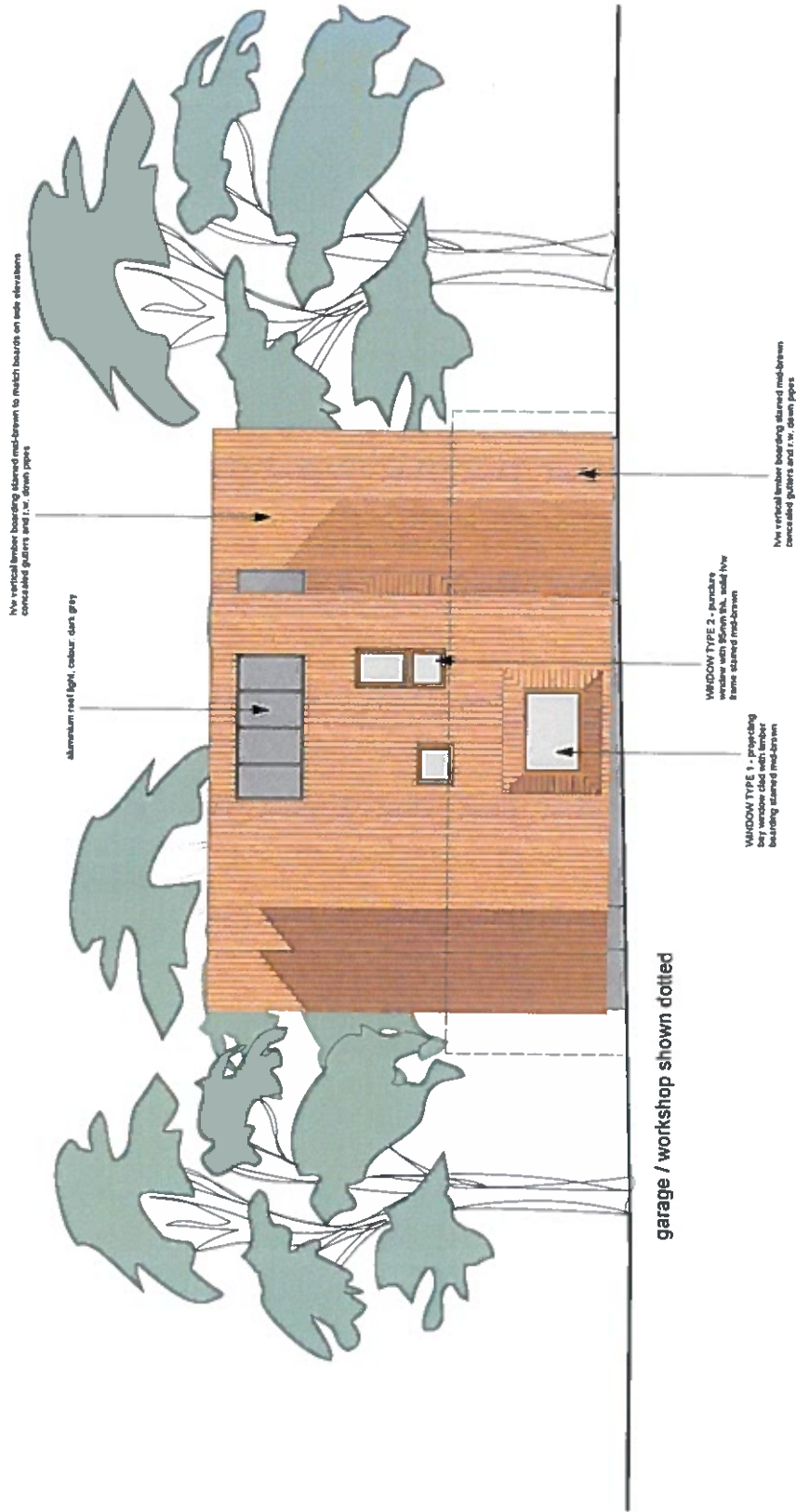




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Project title	Happy Days Nursery, Hardengreen	Ref	HD HG WN
Drawing title	PROPOSED NORTH ELEVATION	Date	23/10/16
Drawing no.	HGWN 110	Purpose	PLANNING
		Scale	1:100



garage / workshop shown dotted

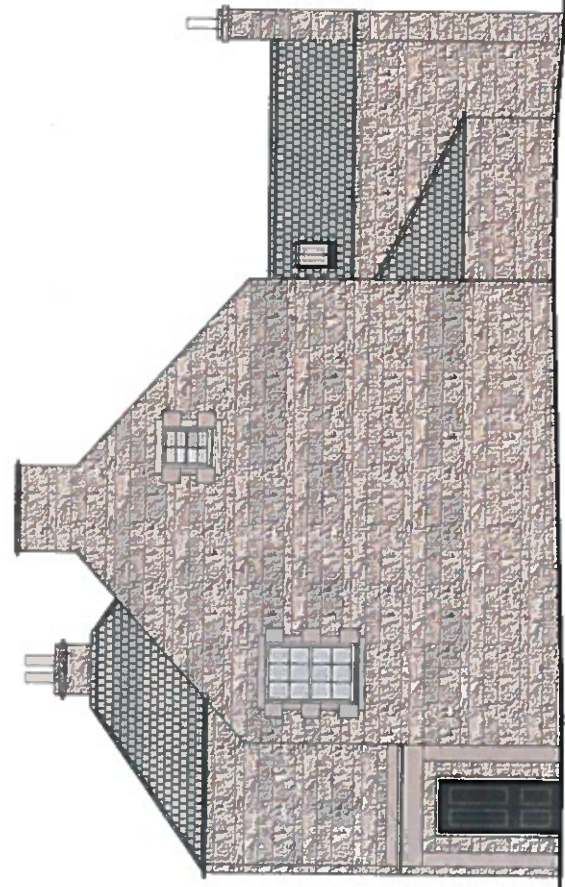
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Project title	Happy Days Nursery, Hardengreen	Ref	HD HG WN
Drawing title	SOUTH ELEV PROPOSED BUILDING	Date	23/10/16
Drawing no.	HGWN 111	Purpose	PLANNING
		Scale	1:100

Five vertical timber boarding stained mid-brown to match boards on side elevations
concealed gutters and 1 m. down pipes


aluminium roof light colour dark grey



WINDOW TYPE 1 - projecting
grey stained solid with timber
boarding stained mid-brown

Five vertical timber boarding stained mid-brown
concealed gutters and 1 m. down pipes

WINDOW TYPE 2 - projecting
timber stained mid-brown
window with 16mm thick solid 1 m
frames stained mid-brown

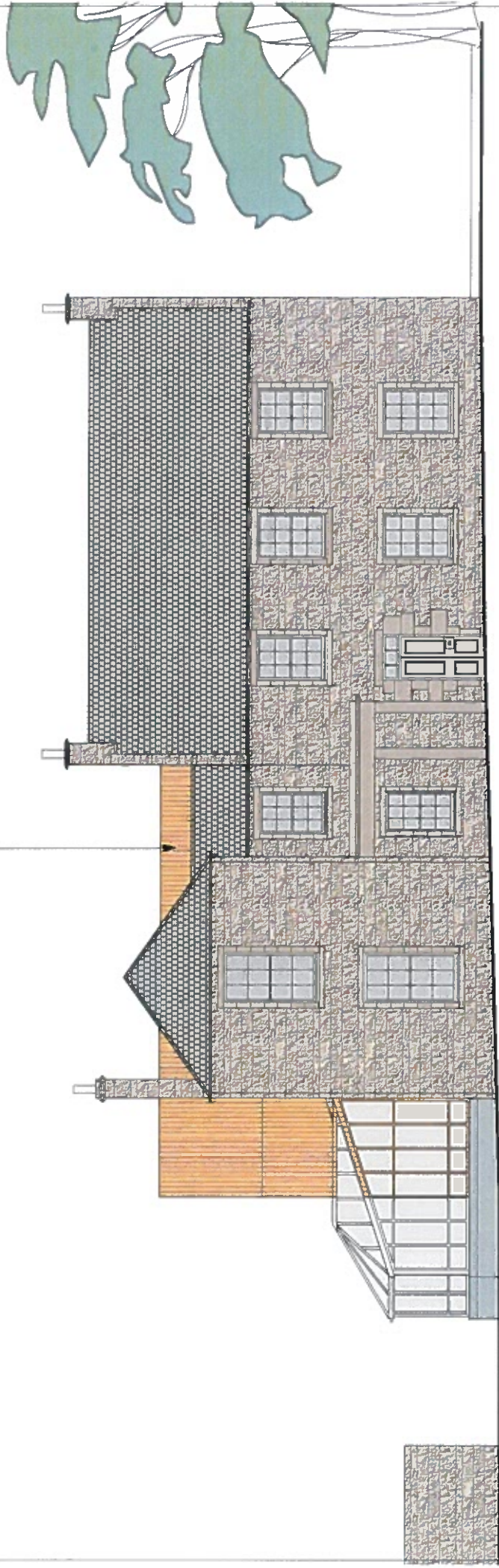


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Project info	Ref	HD HG WN
Drawing title	Date	23/10/16
Drawing no.	Purpose	Scale
HGWN 114	PLANNING	1:100

No vertical timber building stained red-brown to match boards on side elevations
concealed gutters and s.w. down pipes

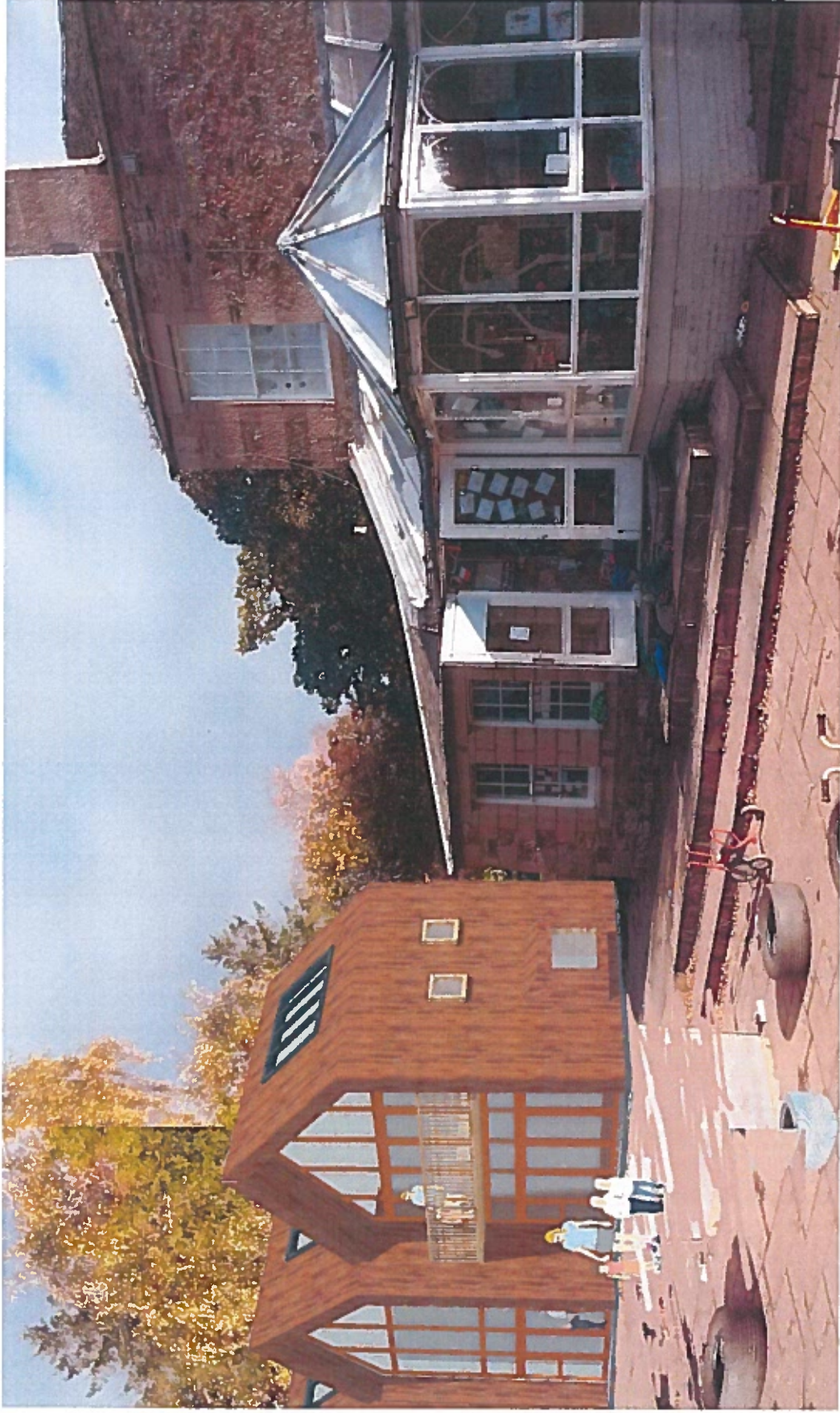




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Project title	Happy Days Nursery, Hardengreen	Ref	HD HG WN
Drawing title	SOUTH ELEV. EXISTING & PROPOSED	Date	23/10/16
Drawing no.	HGWN 106	Purpose	PLANNING
		Scale	1:100

Area of proposed building amended	A	Date	26/01/17
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View from South of SW elevations of existing and proposed buildings. The original Georgian house is behind two extensions. The proposed building picks up the rhythm of the glazing of the latest extension - the conservatory.



View from South West towards front of proposed building



View from staff car park lot rear of proposed building



Aerial view from South ◀

▶ View to West as entering staff car park



View from B4392. NB this is the only place from the road from which the proposed building is visible due to the existing house and otherwise good tree / shrub screening both along the road and closer to the site.

