

Notice of Review: Land at 24 Dalrymple Gardens, Cousland 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 erection of a dwellinghouse and associated works at land at 24 Dalrymple Gardens, Cousland.

2 Background

- 2.1 Planning application 21/00301/DPP for the erection of a dwellinghouse and associated works at land at 24 Dalrymple Gardens, Cousland was refused planning permission on 1 July 2022; 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 1 July 2022 (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 agreed procedures:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were three consultation responses and 18 representations received. 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 back to the 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 20 June 2022, 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) Details and samples of the external finishing materials of the proposed house;
 - b) Details of all wall, gates, fences or other means of enclosure to be erected;
 - c) Details of the surface material of the hardstanding;

- d) Details of the proposed surface water management scheme from the proposed house;
- e) Details of the proposed treatment and disposal of foul water drainage from the proposed house;
- f) Details of existing and finished ground levels for the proposed dwelling and associated external amenity space in relation to a fixed datum; and,
- g) 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.

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

Reason: *These details were not submitted with the original application; in order to protect the character and appearance of the existing house and the surrounding area; to ensure provision for biodiversity enhancements; to reduce the loss of existing trees and vegetation from the proposed development; to ensure that the house is provided with adequate drainage facilities.*

- 2. Within six months of the works being completed, the landscape plan approved under the terms of condition 1 f) 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.*

- 3. The surface water management scheme approved in condition 1d) shall demonstrate that the development does not increase the risk of flooding in the local area.
- 4. Unless otherwise agreed in writing by the planning authority the area of hardstanding agreed in terms of condition 1c) shall be surfaced in a porous material.

Reason for conditions 3 and 4: *To ensure that the site is adequately drained in the interests of the amenity of the area.*

- 5. A minimum of the first 2 metres of the driveway as measured from the heel of the footpath shall be surfaced in non-loose material.

Reason: *In the interests of road safety.*

- 6. Prior to the driveway being brought into use a dropped kerb footway crossing shall be constructed at the vehicle entrance.

Reason: *In the interests of road safety and the free flow of traffic*

7. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: *To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway*

8. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts and hedgehog highways throughout the development has been submitted to and approved in writing by the planning authority.

Within six months of the new house being completed or occupied, whichever is the earlier date the sustainability/biodiversity scheme shall be implemented in accordance with the approved details. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

Reason: *To ensure the development accords with the requirements of policy DEV5 of the adopted Midlothian Local Development Plan 2017.*

9. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of the dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan 2017.*

10. Development shall not begin until details of the provision and use of an electric vehicle charging station at the development have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the planning authority.

Reason: *To ensure the development accords with the requirements of policy TRAN5 of the adopted Midlothian Local Development Plan 2017*

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) the house as extended/the building shall not be enlarged, or altered externally in anyway unless planning permission is granted by the planning authority.

Reason: *To safeguard the character of the building/as extended.*

12. The development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;
 - ii. measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
 - iii. measures to deal with contamination and/or previous mineral workings encountered during construction work; and
 - iv. the condition of the site on completion of the specified decontamination measures.
13. On completion of the decontamination/ remediation works referred to in Condition 12 above and prior to the dwellinghouse on the site being occupied, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the development shall be occupied unless or until the planning authority have approved the required validation.

Reason for Conditions 12 and 13: To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

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: 16 September 2022
Report Contact: Alison Ewing, Planning Officer
alison.ewing@midlothian.gov.uk

Background Papers: Planning application 21/00301/DPP available for inspection online.

Appendix A



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

Erection of dwellinghouse Garden of 24 Dalrymple Gardens, Cousland

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File No.22/00301/DPP

Scale: 1:1,250





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 100583176-001

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

Applicant or Agent Details

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

≤ Applicant T Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="James"/>	Building Number: <input type="text" value="24"/>
Last Name: *	<input type="text" value="Sally"/>	Address 1 (Street): * <input type="text" value="Dalrymple Gardens"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Dalrymple Gardens"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH22 2PW"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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="24 DALRYMPLE GARDENS"/>
Address 2:	<input type="text" value="COUSLAND"/>
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 2PW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="668259"/>	Easting	<input type="text" value="337648"/>
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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)

The Erection of a two bedroom Bungalow in the large Garden of 24 Dalrymple Gardens

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.

I will upload Document DOC 1465 Reply to Planning refusal for 24 Dalrymple Gardens.

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)

I will upload Document DOC 1465 Reply to Planning refusal for 24 Dalrymple Gardens.

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)

DOC 1465 Reply to Planning refusal for 24 Dalrymple Gardens. Proposed Block Plan DCD 2A REV 4 Proposed Bungalow site position DCD 5 REV 4

Application Details

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

22/00301/DPP

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

02/05/2022

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

01/07/2022

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

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 Stewart

Declaration Date: 12/07/2022

APPEAL FOR PLANNING APPLICATION REFUSAL AT 24 DALRYMPLE GARDENS, COUSLAND, DALKEITH , EH22 2PW. - REG No 22/00301/DPP		
PLANNING AUTHORITY REASONS FOR REFUSAL OF PLANNING PERMISSION AT 24 DALRYMPLE GARDENS, COUSLAND, DALKEITH REG NO. 22/00301/DPP		REPLY TO THE PLANNING APPLICATION REFUSAL COUSLAND, DALKEITH
1	<p>It has not been demonstrated to the satisfaction of the Planning Authority that that the proposed dwelling will not be subject to levels of amenity, with a garden size smaller than that required for a modern dwelling house.</p>	<p><i>The guidelines that I am working with is :- usable garden space of 175m² The proposed garden area would give 190.7m² Of usable garden space. This includes both sides of the house for Border Vegetation and other plants. Site Area : 316.1m² Proposed bungalow Foot print: 99m² Parking area: 26.4m² Total Garden Area: 190.7m²</i></p>
2	<p>The Proposed dwelling house fails to connect visually to the character, appearance and layout area. the proposed dwelling house will materially detract from the character of the area</p>	<p><i>The house frontage has been designed as to reflect the frontage of the existing house at 24 Dalrymple Gardens. The proposed dwelling is at a slightly different height, this can easily be resolved by making the garden level with 24 Dalrymple Gardens. Refer To Drg No DCD 05 REV 4</i></p>
3.	<p>It is not demonstrated to the satisfaction of the Planning Authority that the proposed dwelling house could be afforded and adequate level of off street parking spaces. The proposed dwelling house may result in pressure for parking spaces will have a significant detrimental impact on the character and the amenity of the surrounding area.</p>	<p><i>Off street parking will be increased to 26.4m² As Shown in Point 1 Refer To Drg No DCD 02 REV 4</i></p>
4.	<p>It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not lead directly or indirectly to the loss of or damage to existing vegetation and landscaping within the site which contributes to the residential visual amenity of the site and surrounding area.</p>	<p><i>The existing boundary vegetation would indeed be affected, if this application were granted. Some existing vegetation would be removed from site to allow the construction of the proposed dwelling house, but when complete, the area would be fully landscape and give new boundary vegetation. Note:- At present the site vegetation is very untidy and in our opinion and badly planned. The area would benefit from a better planned garden and new boundary bushes etc.</i></p>
5.	<p>For that above reasons the proposal is contrary to policies DEV2, DEV6, and ENV11 of the Midlothian Development plan. If the proposal were approved it would undermine the consistent implementation of the policy, the objective of which is to protect the character and the amenity of the built- up area and ensure that good levels of residential amenity are achieved in new developments.</p>	

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00301/DPP

Site Address: Garden Ground of, 24 Dalrymple Gardens, Cousland, Dalkeith

Site Description:

The application site comprises an existing single storey detached dwellinghouse and associated garden area. The house is finished in mix of dry dash render and stone, with wooden panelling to half of roof gable to the principle elevation. The windows of the existing property are brown upvc with grey concrete roof tiles to pitched roof.

The garden of the property sits to the rear, and side elevation and comprises predominantly grassed areas. To the southern boundary (bounding Cranston Drive) the site is bound by existing hedging. To the northern boundary sits further residential properties. There is an existing driveway to the rear of the property accessed off Cranston Drive.

The land to the south of the existing house gently slopes towards the existing property.

Proposed Development:
Erection of Dwellinghouse

Proposed Development Details:

It is proposed to erect a single storey pitched roof detached dwellinghouse in the area of vacant garden land adjacent to the existing dwellinghouse at 24 Dalrymple Gardens. The proposed dwellinghouse will be 8m wide at its maximum extent and protrude 12.4m in length. It is proposed to be pitched roof in design with maximum ridge height of 5.98m, and maximum eaves height of 3.3m.

The building line of the proposed dwellinghouse will be in line with the existing property at no.24. It will be set 1.35m off the boundary to the property at no.24, with a separation of 2.35m between the side elevations of each dwellinghouse. There will be a separation distance of 10.2m between the rear elevation of the proposed dwellinghouse and the side elevation of No.2 Cranston Drive.

The walls are proposed to be finished in white render with fyfestone wall to northern side of principle elevation, and basecourse to all elevations. The gable of the southern side of the principle elevation it is proposed to be finished with upvc cladding in rose wood effect. The roof will be finished in grey concrete roof tiles, with rosewood effect upvc windows and doors.

The proposed dwellinghouse features under build to the northern side to take account of the topography of the site.

To the southern and eastern boundary it is proposed to install 0.0215m blockwork retaining wall. No further details of landscaping or boundary treatments have been provided.

The proposals include a driveway located to the rear of the application site to facilitate the parking of one vehicle. No details of driveway materials were submitted.

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

History Sheet Checked.

Consultations:

The Wildlife Information Centre (TWIC) recommended the implementation of biodiversity enhancement through the proposals.

The Council's **Policy and Roads Safety Manager** raised no objection to the proposals however recommended the use of conditions relating to road safety considerations should the application be approved. Comment was also made on the requirement to submit details of the proposed surface water management scheme.

Scottish Water raised no objection to the application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced. It was confirmed that Scottish Water will not accept surface water connections into their combined sewer system.

Representations:

Two representations were received in support of the application. The representations commented that the proposals would allow the provision of additional housing to the local community; would result in a positive contribution to the streetscene; and would allow the use of currently underutilised land.

Sixteen representations were submitted objecting the planning application. The comments can be summarised as follows:

- The proposals would detract from the layout of the street, and would be at odds to the character of the surrounding area and existing development;
- Creation of an overcrowded plot detracting from the existing character;
- Comment on the existing use of the land as a well maintained garden which contributes to the character and setting of the area;
- The proposals would lead to overdevelopment with a loss of garden ground and a loss of amenity afforded to residents of the proposed development and existing house on site;
- Comment that the size of site is not appropriate for the creation of a dwellinghouse;
- Potential for overlooking and loss of privacy to neighbouring properties as a consequence of the proposals;

- Concern was raised surrounding the removal of trees and the associated impact on the appearance of the area, and on the ecology at the site with nesting birds and wildlife associated with existing landscaping;
- Concern over the proposed parking provision being insufficient with the proposals likely to lead to increased traffic congestion and exacerbate existing parking issues within the estate, with particular note made to the impact during the construction period;
- Concern over road safety with the application sites position at a T junction;
- Lack of provision of electric charging points within the proposals;
- Lack of public transport in surrounding area leading to reliance on cars within village enhancing parking issues; and
- Comment that the deeds for the houses within the development where the site is located are said to state that there should be only one dwelling house per plot.

Matters of the deeds associated to the property are private legal matter between the relevant parties and are outwith the planning remit.

Other matters are addressed below.

Relevant Planning Policies:

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

STRAT2 Windfall Housing Sites advises that within the built-up areas, housing development on non-allocated sites and including the reuse of buildings and redevelopment of brownfield land, will be permitted provided that: it does not lead to the loss or damage of valuable public or private open space; it does not conflict with the established land use of the area; it respects the character of the area in terms of scale, form, design and materials; it meets traffic and parking requirements; and it accords with other relevant Local Plan policies and proposals;

DEV2 Protecting Amenity within the Built-Up Area advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

DEV5 Sustainability in New Development sets out the requirements for development with regards to sustainability principles;

DEV6 Layout and Design of New Development requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria;

DEV7 Landscaping in New Development requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

TRAN5 Electric Vehicle Charging seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals; and

IT1 Digital Infrastructure supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals.

ENV11 Woodland, Trees and Hedges - states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance. Where an exception to this policy is agreed replacement planting will be required.

The policy **DP2 Development Guidelines**, from the now superseded 2008 Midlothian Local Plan, set out the development guidelines that are to be applied for residential developments. The policy set the standards that should be applied when considering applications for dwellings. 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 (SG) 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 application site is located within the built-up area of Cousland, where there is a presumption in favour of appropriate development which does not detract materially from the character or amenity of the area. Therefore, while the principle of a residential development on this site is acceptable, the detailed elements of the proposal require to be assessed.

The street scene, and surrounding area, and predominantly characterised by single storey dwellings with pitched roofs and of a similar palate of materials to one another. Whilst respecting the character of the surrounding area in terms of material palate, and design principles, the proportions of the proposed dwellinghouse are at odds to the surrounding dwellinghouses. The proposals include an underbuild of 1m. An underbuild of a maximum of 0.5m is sought through development proposals and such a large feature is not desired. The proposed dwellinghouse by virtue of its scale and siting fails to connect visually into the layout of the existing residential area and will be a prominent addition to an area of visual focus within the streetscene when entering into the estate. Overall, it is considered that the proposed dwellinghouse will materially detract from the character of the area which is contrary to adopted policy DEV2.

The proposals have been designed to minimise the impact on the amenity and privacy of neighbouring properties. Given the proposed spacing between the dwellinghouse and the property at No.2 Cranston Drive, there will not be a significant loss of sunlight and daylight to the property to warrant refusal on these grounds. The existing window to the southern elevation of No.24 Dalrymple Gardens is proposed to be removed. There are no windows proposed to the northern elevation of the proposed dwellinghouse. There will therefore be no impact to daylight or sunlight received to the property at No.24. Further given that the proposal is for a single storey dwellinghouse there will not be a significant impact on the amenity or privacy of surrounding properties. The proposed development will result in some overshadowing to the remaining garden of the existing property at No.24 Dalrymple Gardens in the early morning, however this will not be significant.

There are concerns in relation to the ability of the site to provide sufficient amenity space for the proposed dwellinghouse. Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Private open space attached to the dwelling is required for all non-flatted properties. The Council's standard requires that houses of 3 apartments to have useable garden ground no less than 110m². The proposed dwellinghouse is to be afforded approximately 73m² of useable rear garden ground; there is also a small area of garden ground to the front and sides of the proposed dwelling. The proposed dwellinghouse will not be afforded an adequate level of amenity and therefore do not comply with adopted policy DEV6 and DEV2. Furthermore, the garden space provided would be significantly smaller than that of surrounding dwellinghouses and would therefore be at odds to the character of the surrounding area.

The proposed dwellinghouse is to be located within the garden ground associated with no.24 Dalrymple Gardens which results in the reduction of private garden ground, it is noted that no.24 will be still be left with adequate garden ground.

Within the existing garden of no.24 an established hedgerow incorporating trees and shrubs is present along the south and eastern boundaries; this provides containment to the site in views from nearby properties and contributes to residential visual amenity. No landscape plans or proposals for retention/ removal of existing vegetation have been submitted with the application. The Council's Climate Change Strategy furthermore sets out a presumption against the loss of healthy, mature trees and requires replacement tree planting where loss of trees is deemed unavoidable. For these reasons the proposals are contrary to adopted policy ENV11.

The proposed creation of a retaining wall to the site boundary would raise the need for the provision of boundary treatments. Should the existing vegetation be proposed to be removed, the erection of a fence hard up against the road at Cranston Drive would be resisted owing to its impact on the amenity and character of the area, and potential implications on road safety. Should permission be granted it would be conditioned that the applicant submit a landscape plan for approval indicating existing vegetation to be retained/ removed and details of any new boundary treatments. Should existing vegetation be lost replacement tree planting would be sought to compensate for any loss of trees that may result from the proposed development.

No details of biodiversity enhancements for the site have been submitted. Should permission be granted for the development it would be conditioned that details of the provision of biodiversity enhancements were submitted to the planning authority for approval such as the use of integrated bird boxes or bee bricks into the new build property and hedgehog highways in boundary walls/ fences to maintain connectivity through gardens.

The proposed site plan indicates that one parking space will be afforded to the proposed dwelling which is accessible via Cadwell Crescent. The development proposal fails to meet the parking standard. The proposed dwellinghouse is a three bedroom dwellinghouse which requires a total of 2.5 parking spaces to be included within the curtilage of the proposed dwellinghouse. The proposed dwellinghouse may result in a pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan.

The proposals do not include the provision of electrical charging points for the proposed dwellinghouse. This could be attached as a condition should the application be approved.

As noted above, Scottish Water advised that they will not accept any surface water connections into the combined sewer system.

Overall, all relevant matters have been taken into consideration in determining this application. It is not considered that the proposal accords with the principles and policies of the adopted Midlothian Local Development Plan 2017 and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation:

Refuse planning permission

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 22/00301/DPP

Appendix D

John Stewart
30 Crawford Drive
Wallacestone
Falkirk
FK2 0DL

Midlothian Council, as Planning Authority, having considered the application by Mr James Scally, 24 Dalrymple Gardens, Cousland, Dalkeith, EH22 2PW, which was registered on 2 May 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at Garden Ground of, 24 Dalrymple Gardens, Cousland, Dalkeith

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
PSAD Location Plan	PSAD DCD01 REV3	02.05.2022
PSAD Specifications and Drawing Register	PSAD DCD00 REV3	02.05.2022
PSAD Existing Block Plan	PSAD DCD02 REV3	02.05.2022
PSAD Proposed Block Plan	PSAD DCD02A REV3	02.05.2022
PSAD Easterly Elevation of Proposed Bungalow	PSAD DCD 03 REV 3	02.05.2022
PSAD Westerly Elevation of Proposed Bungalow	DCD03A REV3	02.05.2022
PSAD Southerly Elevation of Proposed Bungalow	DCD03B REV3	02.05.2022
PSAD Northerly Elevation of Proposed Bungalow	DCD03C REV3	02.05.2022
PSAD Proposed Floor Plan	DCD04 REV3	02.05.2022
PSAD Section Through A - A	DCD04A REV3	02.05.2022
PSAD Section Through B - B	DCD04B REV3	02.05.2022
PSAD Proposed Elevations	DCD05 REV3	02.05.2022
PSAD Existing Floor Plan	DCD06 REV3	02.05.2022
PSAD Proposed Floor Plan	DCD06A REV3	02.05.2022

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

1. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed dwellinghouse will not be subject to substandard levels of amenity, with a garden size smaller than that required for a modern dwellinghouse.*
2. *The proposed dwellinghouse fails to connect visually to the character, appearance and layout of the area. The proposed dwellinghouse will materially detract from the character of the area.*
3. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed dwellinghouse could be afforded an adequate level of off-street parking spaces. The proposed dwellinghouse may result in a pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area.*
4. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not lead directly or indirectly to the loss of, or damage to existing vegetation and landscaping within the site which contributes to the residential visual amenity of the site and surrounding area.*
5. *For the above reasons the proposal is contrary to policies DEV2, DEV6, and ENV11 of the adopted Midlothian Local Development Plan. If the proposal were approved it would undermine the consistent implementation of the policy, the objective of which is to protect the character and amenity of the built-up area and ensure that good levels of residential amenity are achieved in new developments.*

Dated 1 / 7 / 2022



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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

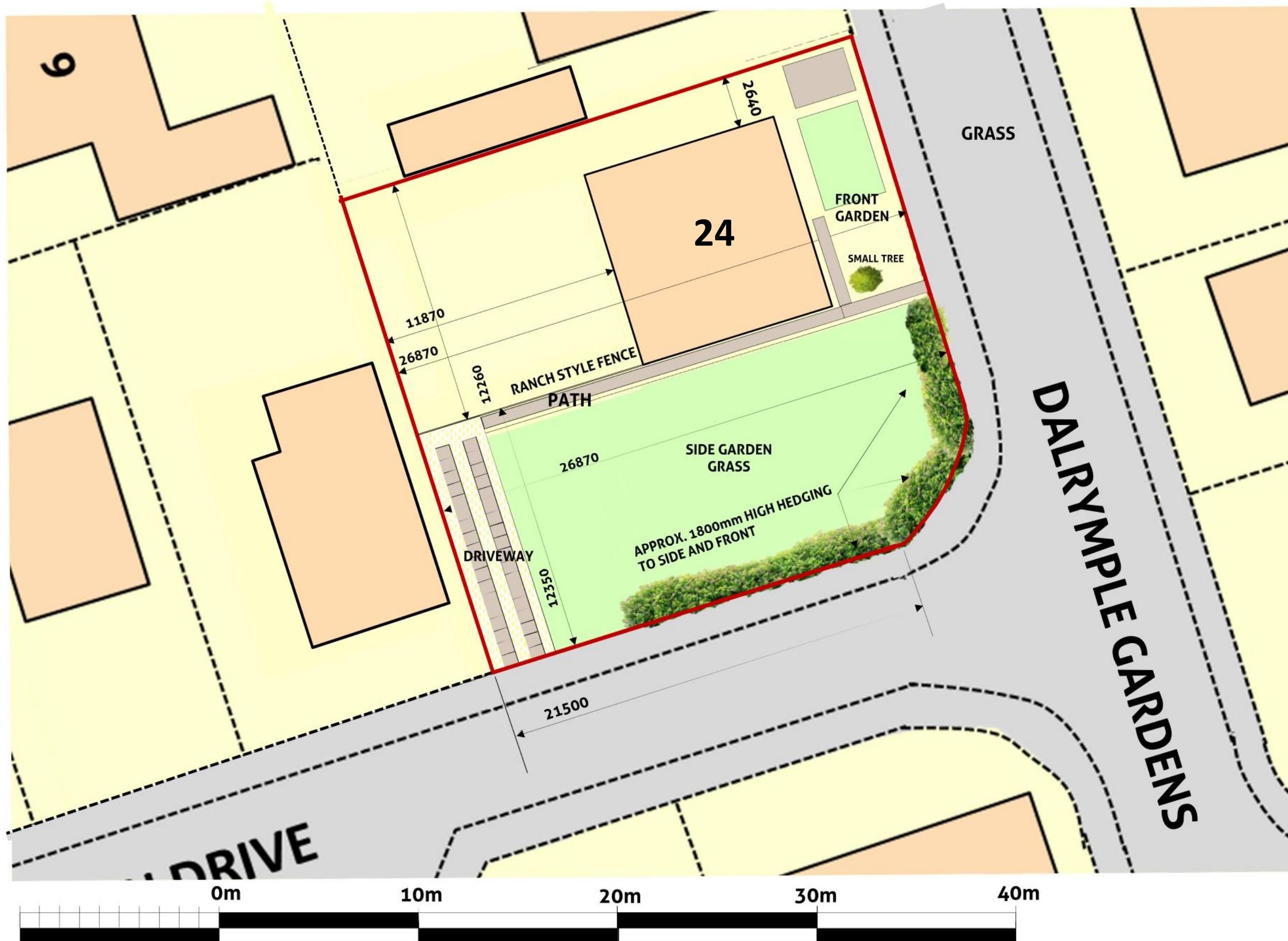
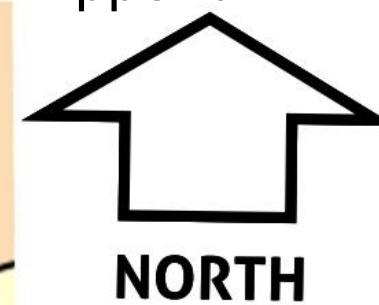
Planning and Local Authority Liaison
Direct Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022



SCALE:- 1:200 A3 SIZE

PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

EXISTING BLOCK PLAN
SCALE:- 1:200 A3 SIZE

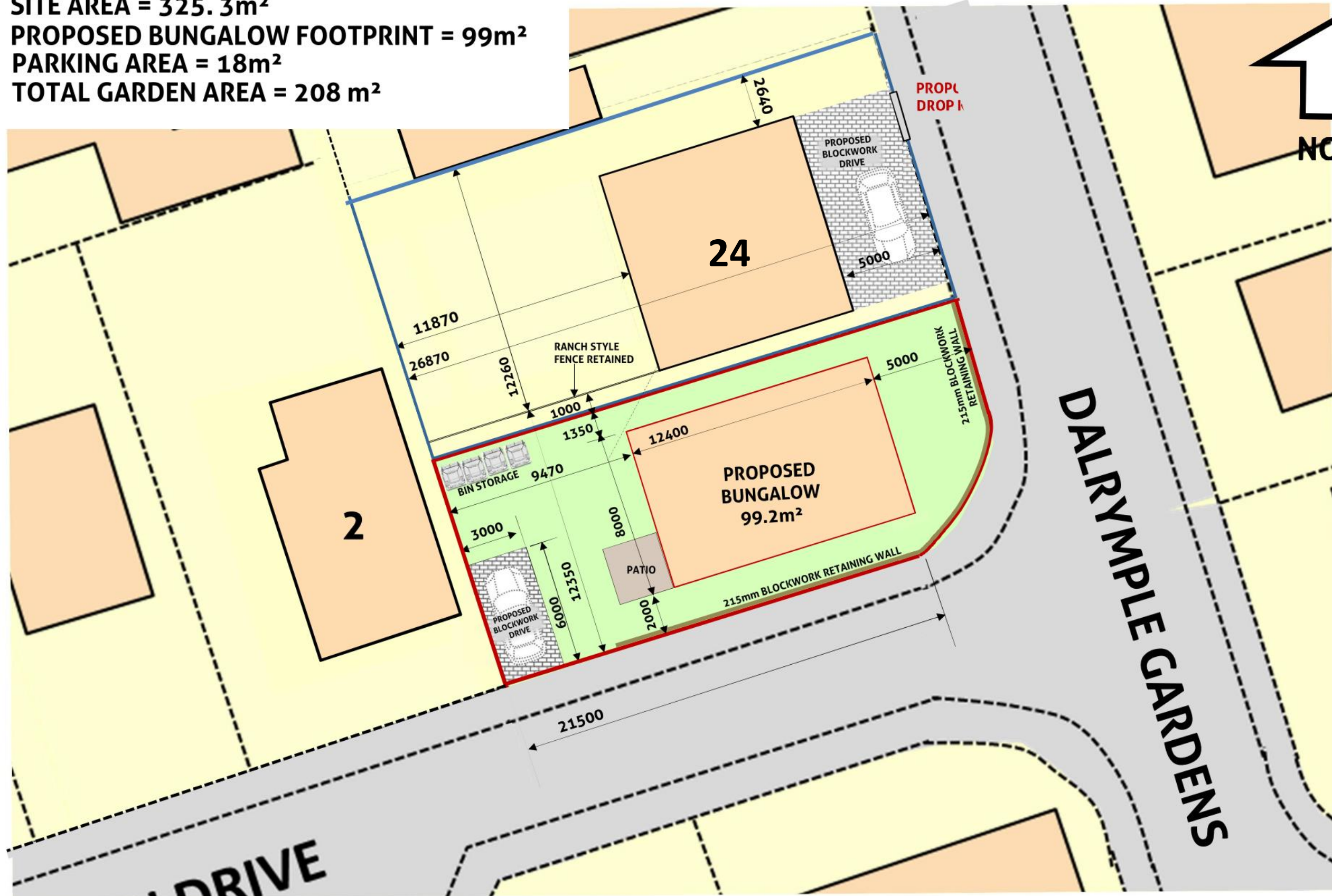
DCD - 02 REV3

This is a true copy of the plans Submitted For Planning Permission.

Signed: _____

Date: APRIL 2022

SITE AREA = 325.3m²
 PROPOSED BUNGALOW FOOTPRINT = 99m²
 PARKING AREA = 18m²
 TOTAL GARDEN AREA = 208 m²



SCALE:- 1:200 A3 SIZE

PROPOSED CONSTRUCTION OF A BUNGALOW AT
 24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
 FOR MR JAMES SCALLY

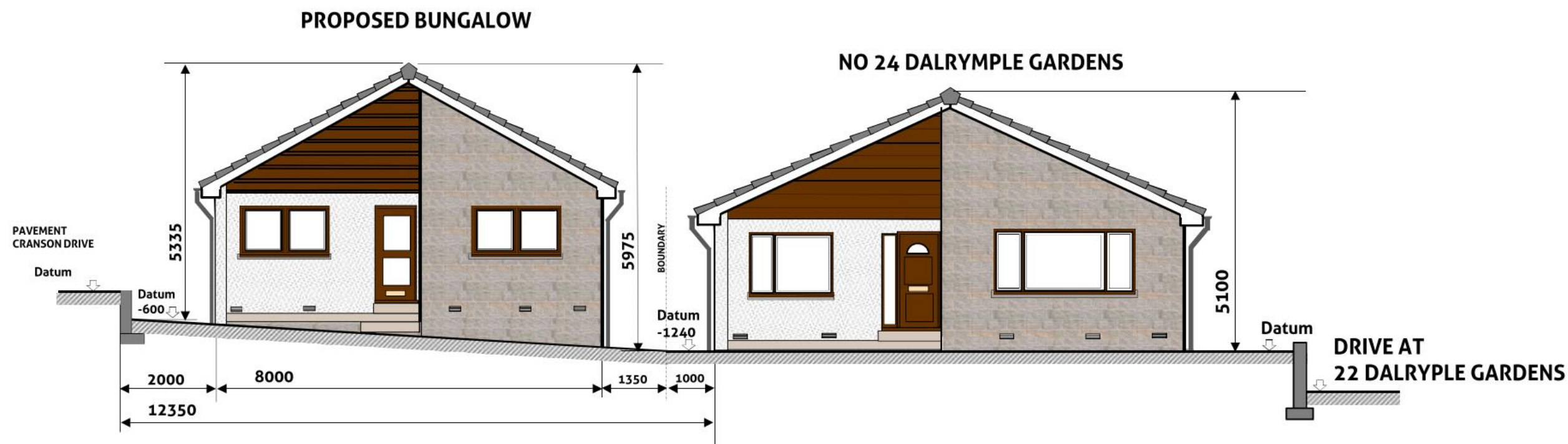
PROPOSED BLOCK PLAN
 SCALE:- 1:200 A3 SIZE

DCD – 02A REV3

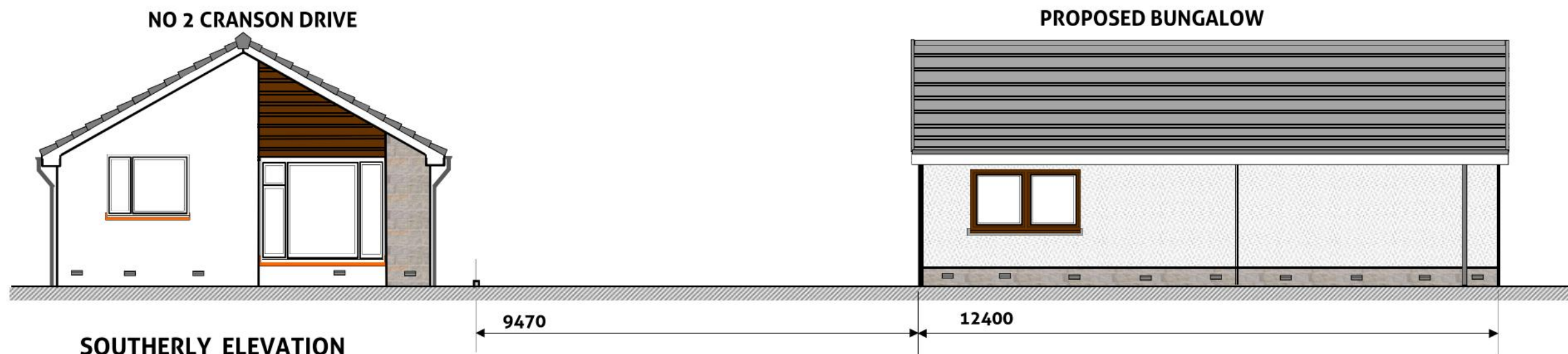
This is a true copy of the plans Submitted For Planning Permission.

Signed:

Date: APRIL 2022



**EASTERLY ELEVATION
FROM DALRYMPLE GARDENS
SCALE 1:100 – A3 SIZE PAPER**



**SOUTHERLY ELEVATION
FROM CRANSON DRIVE
SCALE 1:100 – A3 SIZE PAPER**



**PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY**

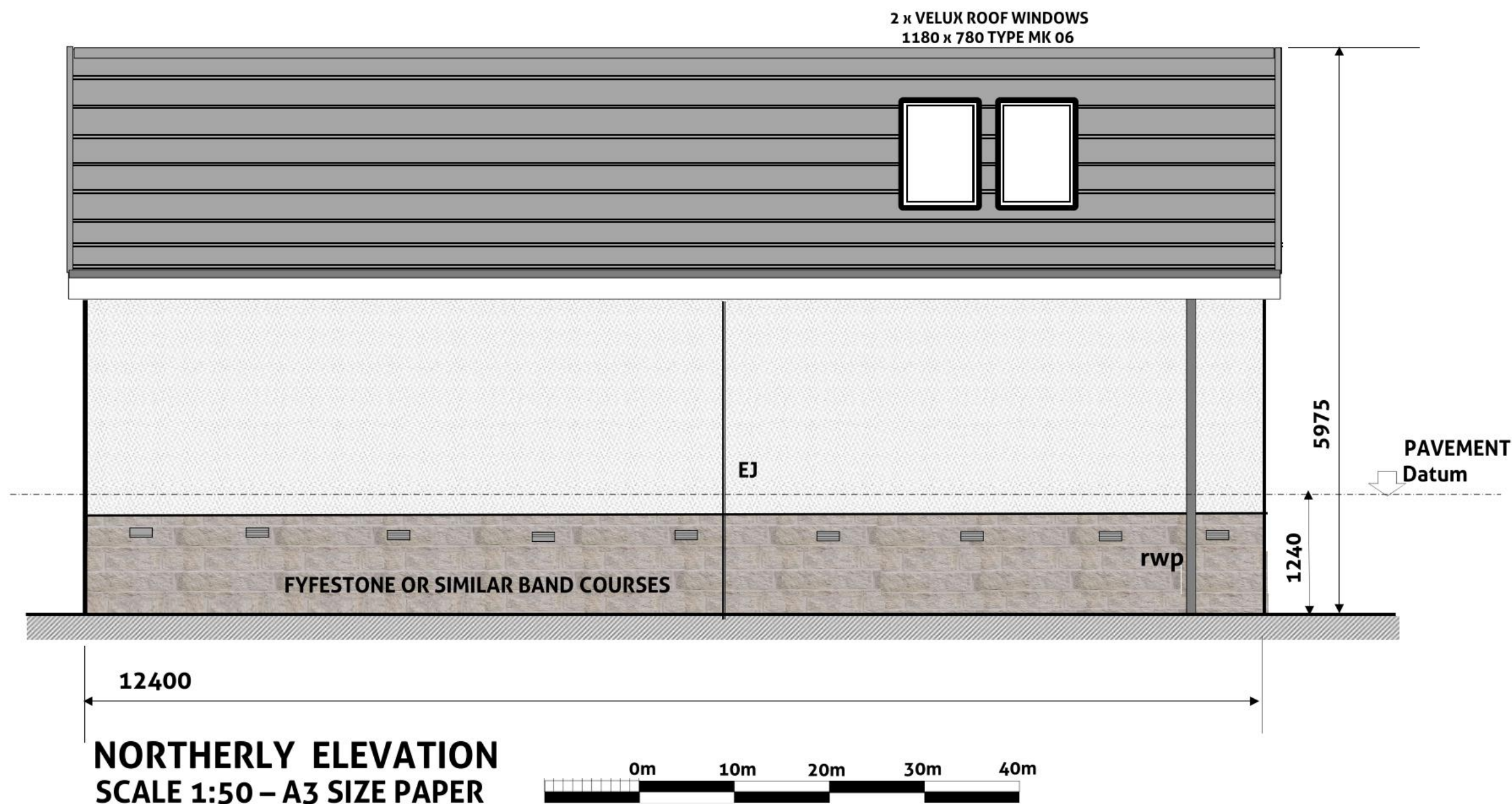
**PROPOSED BUNGALOW
SITE POSITION
SCALE:- 1:100 A2 SIZE**

DCD - 05 REV 3

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Date: APRIL 2022



PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

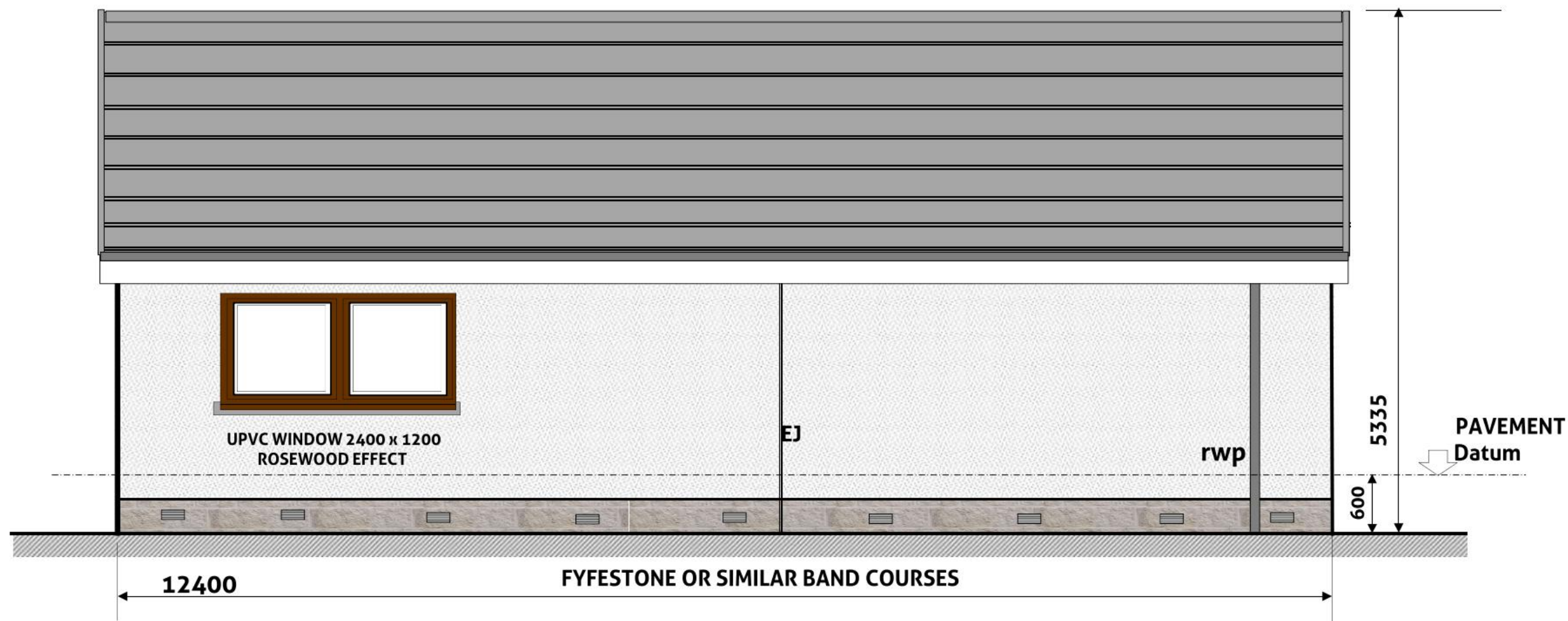
**NORTHERLY ELEVATION OF
PROPOSED BUNGALOW**

DCD - 03C REV 3

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Date: APRIL 2022



SOUTHERLY ELEVATION **SCALE 1:50 – A3 SIZE PAPER**



PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

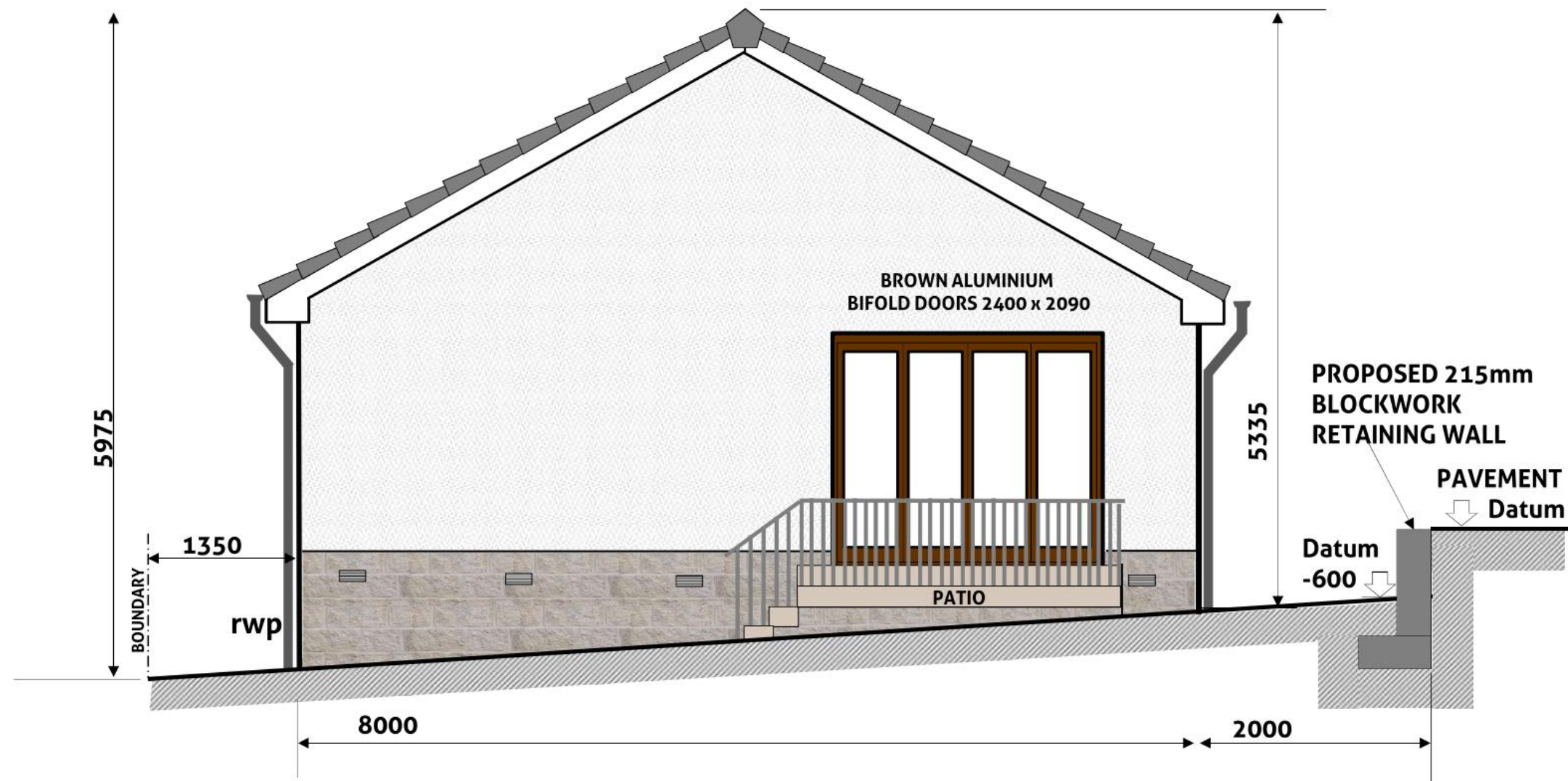
SOUTHERLY ELEVATION OF PROPOSED BUNGALOW

DCD- 03B REV 3

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Date: APRIL 2022



WESTERLY ELEVATION
SCALE 1:50 – A3 SIZE PAPER



PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

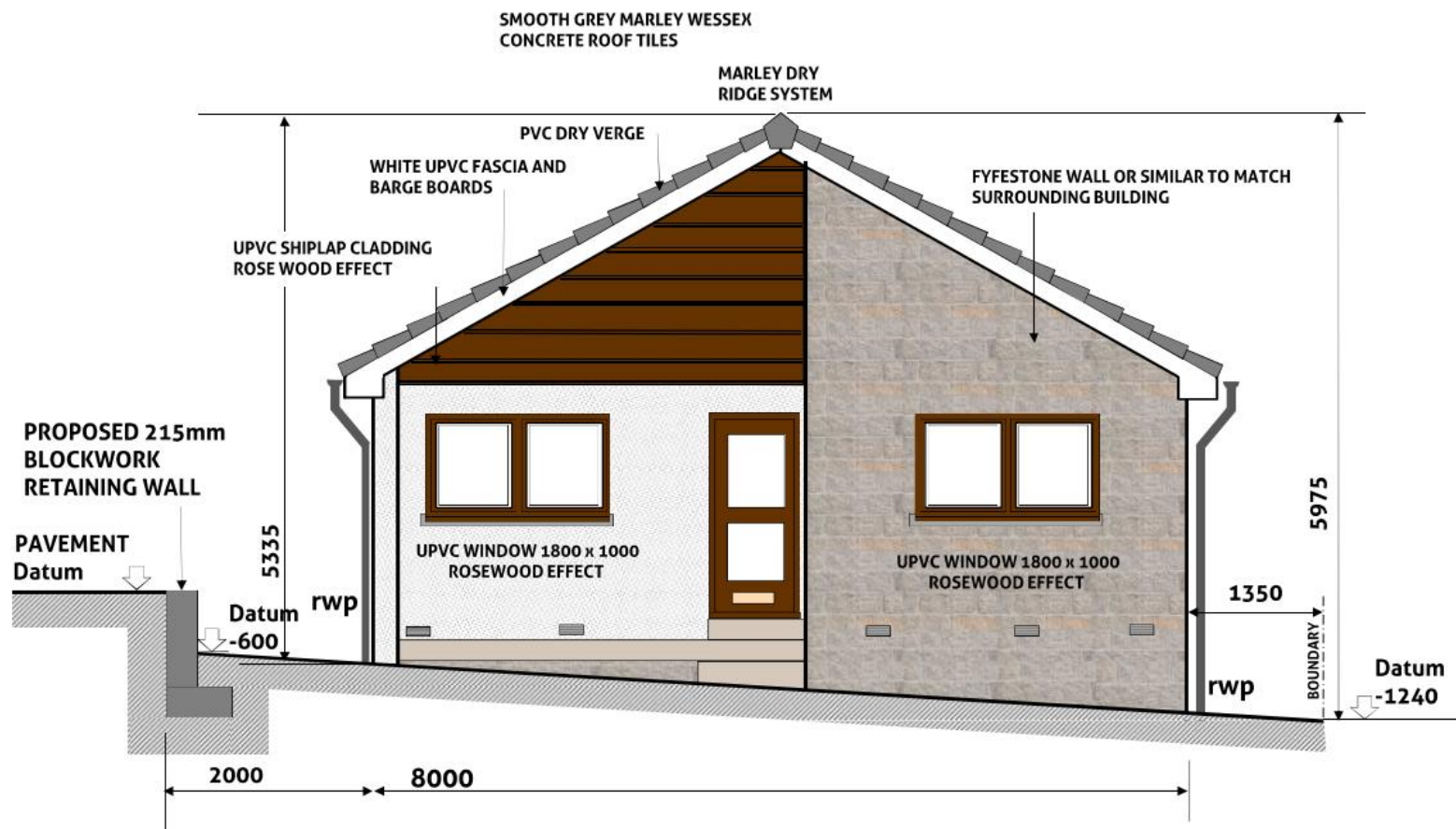
**WESTERLY ELEVATION OF
PROPOSED BUNGALOW**

DCD - 03A REV 3

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Date: APRIL 2022



EASTERLY ELEVATION
SCALE 1:50 – A3 SIZE PAPER

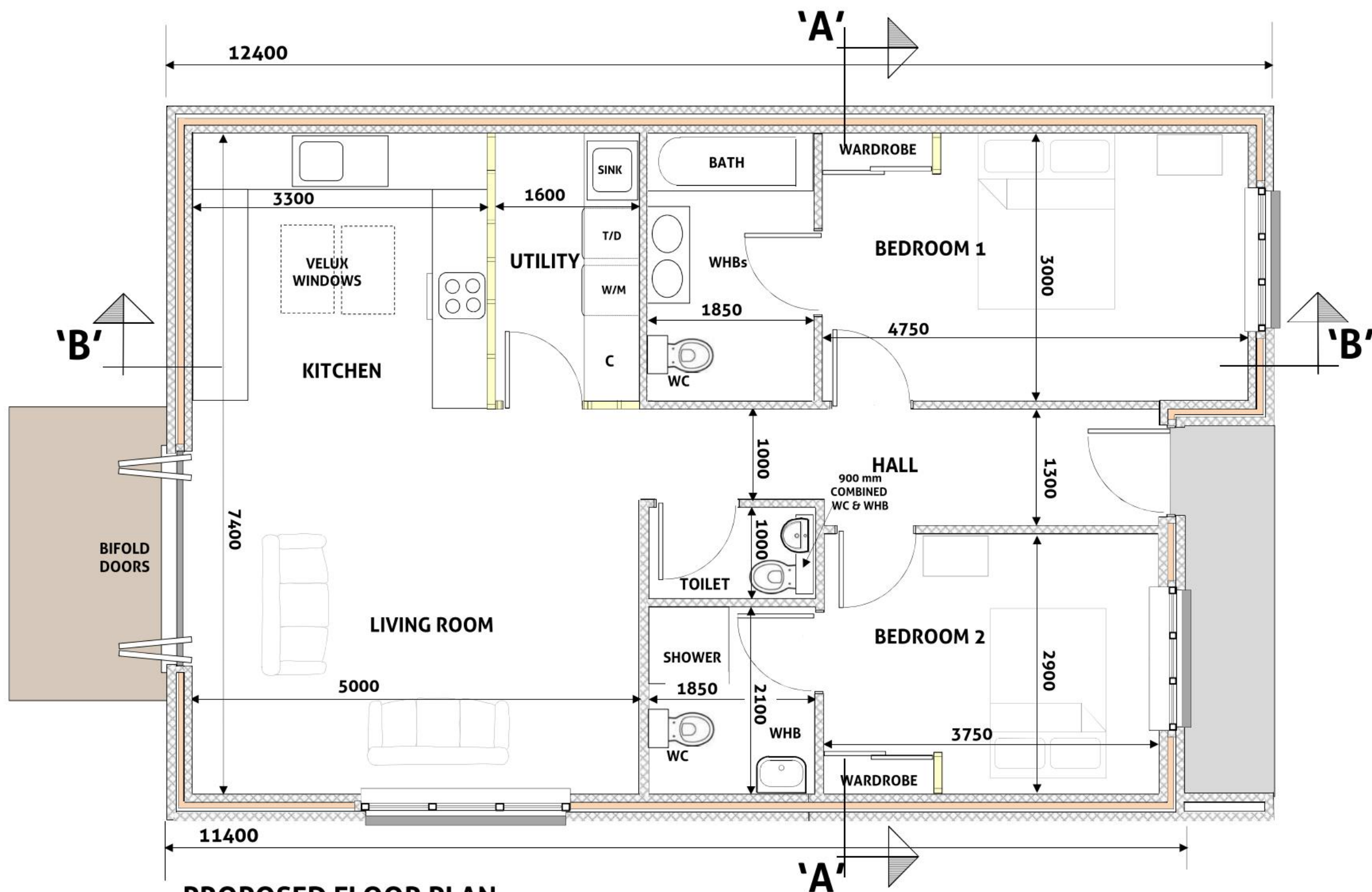


PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

**EASTERLY ELEVATION OF
PROPOSED BUNGALOW**

DCD - 03 REV 3

This is a ☐ Final Design Drawing. It is not to be used for Building Permission.
Signed: Date: **APRIL 2022**



PROPOSED CONSTRUCTION OF A BUNGALOW AT
 24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
 FOR MR JAMES SCALLY

PROPOSED FLOOR PLAN
SCALE 1:50 – A3 SIZE PAPER

DCD - 04 REV 3

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Signed: _____

Date: APRIL 2022

SPECIFICATIONS

ROOF.

SMOOTH GRAY MARLEY WESSEX CONCRETE ROOF TILES ON 38 x 25 TREATED TIMBER BATTENS ON 38 x 25 TREATED TIMBER COUNTER BATTENS ON DuPONT TYVEK LOW EMISSIVE BREATHABLE MEMBRANE ON 18mm TREATED TIMBER SARKING PLANKS WITH 3mm GAPS BETWEEN PLANKS MANUFACTURED ROOF TRUSSES @ 600 mm CRS . WITH 150mm THICK ECOTHERM ECO VERSAL BETWEEN RAFTERS WITH 50 mm THICK ECOTHERM ECO VERSAL UNDER RAFTERS. ALL BOARD JOINTS SEALED AS VCL AND AIR LEAKAGE BARRIER.U-VALUE 0.13W/m²k

CEILING

12.5 PLASTERBOARD FIXED TO CEILING TIES WITH SKIMCOAT PLASTER FINISH

WALLS

WHITE POLYMER RENDER ON 100mm THERMATLITE SHIELD BLOCKWORK EXTERNAL WALL WITH 100mm CAVITY WITH 100mm THERMALITE SHIELD BLOCKWORK INNER WALL WITH 90 mm ECOTHERM ECO-CAVITY FULL FILL INSULATION BETWEEN CAVITY WITH 37.5 KINGSPAN ECOTHERM ECO LINER FIXED TO WALL WITH PLASTER DABS (15mm) INSULATED PLASTER BOARD PLASTER DABS TO INTERNAL WALL WITH SKIM PLASTER FINISH.

'U' VALUE 0.15W/M²k

NOTE: SIMPSON STRONG STAINLESS STEEL WALL TIES WTS2-225 WITH INSULATION CLIPS. TIES PLACED AT NOT LESS THAN 2.5 PER SQUARE METRE (900mm HORIZONTAL x 450mm VERTICAL CENTRES).

GROUND FLOOR

18mm T&G CHIPBOARD FLOORING ON 1000mm GAUGE 0.25mm POLYTHENE VAPOUR CONTROL LAYER AND FIXED TO 47 x 170 C24 TREATED TIMBER FLOOR JOISTS AT 600mm CRS WITH 110mm THICK ECOTHERM ECO VERSAL INSULATION BETWEEN JOISTS 'U' VALUE =0.15W/m²K

DRAWING REGISTER

DRAWING No	
DCD - 00 REV3	SPECIFICATIONS AND DRAWING REGISTER
DCD - 01 REV3	LOCATION PLAN
DCD - 02 REV3	BLOCK PLAN
DCD - 02A REV3	PROPOSED BLOCK PLAN
DCD - 03 REV3	EASTERLY ELEVATION OF PROPOSED BUNGALOW
DCD - 03A REV3	WESTERLEY ELEVATION OF PROPOSED BUNGALOW
DCD - 03B REV3	SOUTHERLY ELEVATION OF PROPOSED BUNGALOW
DCD - 03C REV3	NORTHERLY ELEVATION OF PROPOSED BUNGALOW
DCD - 04 REV3	PROPOSED FLOOR PLAN OF BUNGALOW
DCD - 4A REV3	SECTION THROUGH 'A' - 'A'
DCD - 4B REV3	SECTION THROUGH 'B' - 'B'
DCD - 05 REV 3	PROPOSED BUNGALOW SITE POSTION
DCD - 06 REV3	EXISTING FLOOR PLAN AT 24 DALRYPLE GARDENS
DCD - 06A REV3	PROPOSED FLOOR PLAN AT 24 DALRYPLE GARDENS

PROPOSED CONSTRUCTION OF A BUNGALOW AT
24 DALRYMPLE GARDENS, COUSLAND, DALKEITH, EH22 2PW
FOR MR JAMES SCALLY

SPECIFICATIONS AND DRAWING REGISTER

DCD - 00 REV3

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