

# Notice of Meeting and Agenda



## Local Review Body

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

**Date:** Tuesday, 04 September 2018

**Time:** 14:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

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

**Further Information:**

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

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

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**1 Welcome, Introductions and Apologies**

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**2 Order of Business**

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

**3 Declaration of Interest**

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

**4 Minutes of Previous Meeting**

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**4.1** Minutes of Meeting held on 22 May 2018 – For Approval 5 - 14

**4.2** Minutes of Special Meeting held on 20 June 2018 - For Approval 15 - 26

**5 Public Reports**

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Decision Notices: -

**5.1** Land North West of Melville Gate Road, Dalkeith, 17/00587/DPP 27 - 30

**5.2** Land West of Wellington Cottages, Springfield Road, Penicuik, 17/00900/DPP 31 - 34

**5.3** 17-26 Engine Road, Loanhead, 18/00065/DPP 35 - 38

**5.4** Mansfield, Mayfield, Dalkeith, 17/00864/DPP 39 - 42

**5.5** Land adjacent to Mansfield, Mayfield, Dalkeith, 17/00960/DPP 43 - 46

Notice of Review Requests Considered for the First Time –  
Determination Reports by Head of Communities and Economy:-

**5.6** Land South East of the Old School House, School Green, Lasswade 18/00180/DPP 47 - 80

**5.7** 15 Pendreich Terrace, Bonnyrigg, 18/00312/DPP 81 - 100

**6 Private Reports**

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No private reports to be discussed at this meeting.

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

## **7 Date of Next Meeting**

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The next meeting will be held on Tuesday 16 October 2018 at 2.00 pm.



# Minute of Meeting

Local Review Body  
Tuesday 4 September 2018  
Item No 4.1



## Local Review Body

Date	Time	Venue
22 May 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Lay-Douglas
Councillor Milligan	Councillor Munro
Councillor Smail	

## **1 Apologies**

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Apologies for absence were received from Councillor Muirhead.

## **2 Order of Business**

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

## **3 Declarations of interest**

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Councillor Milligan advised that with regards to Agenda Item 5.5 - Notice of Review Request – Land North West of Melville Gate Road, Dalkeith, 17/00587/DPP, former Councillor, Owen Thompson had contacted, and met with him and that whilst he had listen to his comments at no time had he offered an opinion on the application. With the exception of the Chair, the remaining Members of the LRB, all of whom had also been contacted or had met with Mr Thompson indicated that they had done likewise.

Councillor Smaill advised that with regards to Agenda Item 5.8 - Notice of Review Request – Land to North West of 3 Eskview Villas, Dalkeith, 17/00920/DPP, he knew the architects and was a trustee of the Scottish Civic Trust which had an interest in protecting conservation areas. Notwithstanding these facts, he did not believe either would interfere in his being able to come to an objective decision on this particular Review Request

Councillor Curran indicated that in accordance with the agreed procedures as he had been unable to attend the Site Inspection Visits, he would not participate in consideration of any of the new Review Requests.

## **4 Minutes of Previous Meetings**

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The Minutes of Meeting of 10 April 2018 were submitted and approved as a correct record.

## **5 Reports**

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<b>Agenda No</b>	<b>Report Title</b>	<b>Presented by:</b>
5.1	Decision Notice – Land North West of Braidwood House, Penicuik [17/00872/PPP].	Duncan Robertson

### Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 10 April 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Kirsty Scott, Niall Young Architecture Ltd, 32-12 Harden Green Business Park, Dalhousie Road, Eskbank seeking on behalf of their client, Mr I Walsh a review of the decision of the Planning Authority to refuse planning permission (17/00872/PPP, refused on 22 December 2017) for planning permission in principle for the erection of a dwellinghouse at land north west of Braidwood House, Penicuik and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 10 Broomhill Avenue, Penicuik, [17/00801/DPP].	Duncan Robertson

### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 10 April 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr P Alford, Peter Alford Architect, 19 Tipperwell Way, Howgate, Penicuik seeking on behalf of their clients Mr and Mrs A Hogg, a review of the decision of the Planning Authority to refuse planning permission (17/00801/DPP, refused on 31 January 2018) for the erection of two storey and single storey extension at 10 Broomhill Avenue, Penicuik and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 3 Bankmill View, Penicuik, [17/00734/DPP].	Duncan Robertson

### Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 10 April 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr G McPherson, Bryant & Cairns Ltd, 2/3 Borthwick View, Pentland Industrial Estate, Loanhead seeking on behalf of their client Mr W Hall, for the removal of Conditions 1, 2 and 3 of planning permission 17/00734/DPP (granted on 10 November 2017) for the installation of replacement windows and doors at 3 Bankmill View, Penicuik and granting planning permission subject to those conditions remaining.

Decision
To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – 75 Castlelaw Crescent, Bilston, [17/00828/DPP].	Duncan Robertson

#### Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 10 April 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr L McCaskey, 18A Rothesay Place, Edinburgh seeking on behalf of their client Mr J Murphy, a review of the decision of the Planning Authority to refuse planning permission (17/00828/DPP, refused on 18 December 2017) for the erection of an extension at 75 Castlelaw Crescent, Bilston and refusing planning permission.

#### Decision

To note the LRB decision notice.

#### Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 21 May 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Lay-Douglas, Munro, Milligan and Smaill.

Councillor Curran whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – Land North West of Melville Gate Road, Dalkeith, [17/00587/DPP].	Duncan Robertson

#### Executive Summary of Report

There was submitted report, dated 15 May 2018, by the Head of Communities and Economy regarding an application from Jessica Powell, Colliers International, 1 Exchange Crescent, Conference Square, Edinburgh seeking on behalf of their clients, Montpelier Estates a review of planning application 17/00587/DPP for the erection of residential care home with associated access, car parking, landscaping and works at land north-west of Melville Gate Road, Dalkeith, which had not been determined within the statutory time periods (2 months as extended by agreement).



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

The Local Review Body had made an accompanied visit to the site on Monday 21 May 2018.

#### Summary of Discussion

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

Thereafter, oral representations were received firstly from the applicant agent Meabhann Crowe, then from John Horsman on behalf of the applicants, and finally from Joyce Learmonth, the local authority Planning Officer; following which they all responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed development, and the apparent impasse that appeared to have developed between the applicants and the planners. Members, as a result of comments made by the applicant and Planning Officer, requested clarity on the description of the proposal and what they were being asked to assess during the review hearing. In debating how best to proceed the possibility of a continuation until the next LRB meeting was raised as this would allow a briefing note to be prepared for Members, providing more clarity regarding the description of the proposal, and also for the two parties to meet to discuss the application and to try and resolve their differences.

#### Decision

The LRB agreed to continue consideration of the review request until the next LRB meeting in order that a briefing note could be prepared for Members, providing more clarity regarding the description of the proposal, and also for the two parties to meet to discuss the application and to try and resolve their differences.

#### Action

Head of Communities and Economy/Clerk

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – Former Loanhead Ex Servicemens Club, 10 Academy Lane, Loanhead, [17/00905/S42].	Joyce Learmonth

## Executive Summary of Report

There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Colin Young, Niall Young Architecture Ltd, 32/12 Hardengreen Business Park, Eskbank seeking on behalf of their clients Mr and Mrs Farren, the removal of Condition 3 of planning permission 15/00530/DPP (granted on 11 January 2018) to increase the maximum number of children from 50 to 102.

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

The Local Review Body had made an accompanied visit to the site on Monday 21 May 2018.

## Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. She also explained that although the applicants and their agent had been informed of the date, time and venue for the Hearing, neither were currently present and the LRB may wish to consider continuing and determining the Review in their absence, and this was agreed.

Thereafter, an oral representation was received from Marie-Anne Cowie, the local authority Planning Officer; following which she responded to questions from members of the LRB.

Having heard from the Planning Adviser, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular, the LRB discussed the potential impact that the proposed increase in numbers was likely to have on the neighbouring properties. The debate amongst Members being that a development of this type by its nature was likely to generate traffic movements from parents dropping off and collecting children and noise from the children playing.

## Decision

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

*The proposed development would not have a significant detrimental impact on the character and amenity of the surrounding area and so accords with policies DEV2 and ENV18 of the adopted Midlothian Local development Plan 2017.*

subject to the following condition:-

1. Without the prior written agreement of the Planning Authority, the maximum number of children attending the nursery at any one time shall not exceed 80.
2. The hours of operation of the nursery hereby approved shall be 07.30 to 18.30 Mondays to Fridays.

**Reason:** To protect the amenity of the surrounding residential area in regards to noise and disturbance.

3. The building shall be used only as a children's nursery, and for no other purposes within Class 10 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 or the equivalent class of any subsequent order amending or superseding it.

**Reason:** To enable the Planning Authority to retain effective control over the future use of the building and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area.

**Action**

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – Land West of 14-18 The Loan, Loanhead, [17/00930/DPP].	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 15 May 2018, by the Head of Communities and Economy regarding an application from Kevin McLellan, David Paton Building Consultancy, 13 High Street, Loanhead seeking on behalf of their client Mr B Campbell, a review of the decision of the Planning Authority to refuse planning permission (17/00930/DPP, refused on 19 February 2018) for the erection of 3 flatted dwellings; change of use of existing garage to form dwellinghouse and installation of rooflight, door and windows at 14 - 18 The Loan, Loanhead.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 21 May 2018.</p>		
<b>Summary of Discussion</b>		
<p>Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the lack of parking provision might have on what was a town centre development; it being felt that suitable alternative car parking was available nearby for anyone moving into the proposed properties should they require it.</p>		

## Decision

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

*The proposed residential development is an acceptable use within the town centre. The location of the site, close to a range of town centre facilities, public parks and public transport, will ensure a sufficient level of amenity for the future occupants of the dwellings in order to compensate for the limited amenity space and lack of parking within the application site.*

subject to

- (a) the prior signing of a legal agreement to secure appropriate developer contributions. The legal agreement to be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration. The legal agreement to be concluded prior to the issuing of the LRB decision; and
- (b) the following condition:-
  - 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 all proposed external materials;
    - b) Details of the position, design, materials, dimensions and finish of all walls, fences, gates or other means of enclosure;
    - c) Proposals for the treatment and disposal of foul and surface water drainage; and
    - d) Details of secure cycle storage, including the design, dimensions, materials and position of any new building.

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 as part of the application: to ensure the buildings are finished in high quality materials; to protect the visual amenity of the surrounding area; to ensure the units are provided with adequate amenity; to help integrate the proposal into the surrounding area.*

- 2. Unless otherwise approved in writing by the Planning Authority, the roof of the flats shall be finished in natural slate.

**Reason:** *To ensure these are finished in materials appropriate to the surrounding area.*

- 3. Before the residential units are occupied, the installation of the means of drainage treatment and disposal in terms of condition 1c) shall be completed to the satisfaction of the Planning Authority.

**Reason:** To ensure that these are provided with adequate drainage facilities prior to occupation.

4. The existing vehicle dropped kerb at The Loan shall be removed and replaced with a standard footway.

**Reason:** In the interests of road safety.

5. Prior to the commencement of development, a programme of site investigation works shall take place to confirm coal mining legacy issues at the site. This programme shall include the submission of a scheme of intrusive site investigation works to be submitted to and approved in writing by the planning authority which, if approved, shall be undertaken. A further report of findings arising from the intrusive site investigations shall be submitted along with a scheme to address any remedial works necessary to be approved in writing by the planning authority which shall then be implemented.

**Reason:** To ensure that the site is suitable for development given the previous coal workings in the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent order amending or superseding it, there shall be no openings formed on any elevations of nor any extensions to the converted garage to dwellinghouse hereby approved without the prior submission of a planning application and subsequent consent of the Planning Authority.

**Reason:** To ensure that the converted dwellinghouse does not have a detrimental impact on the privacy and amenity of the occupiers of the adjacent properties as a result of overlooking.

#### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time – Land to North West 3 Eskview Villas, Dalkeith, [17/00920/DPP].	Joyce Learmonth
Executive Summary of Report		
There was submitted report, dated 15 May 2018, by the Head of Communities and Economy regarding an application from Gail Halvorsen, Halvorsen Architects, Mountskip House, Gorebridge seeking on behalf of their client Mrs C Walters, a review of the decision of the Planning Authority to refuse planning permission (17/00920/DPP, refused on 5 March 2018) for the erection of dwellinghouse and		

two flatted dwellings; formation of access, car parking and associated works at land to north-west of 3 Eskview Villas, Dalkeith.

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

The Local Review Body had made an unaccompanied visit to the site on Monday 21 May 2018.

### Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have as a result of its scale and design. The feeling being that it did not compliment the character of the surrounding conservation area and would negatively impact on the streetscape as a result of its design, scale and positioning.

### Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

- 1. The site has insufficient space to accommodate the necessary levels of private outdoor space and the necessary levels of car parking provision. The proposal is therefore contrary to policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017.*
- 2. The external stairs would be an unattractive feature that would have a detrimental impact on the character of the surrounding area. The proposal is therefore contrary to policies DEV2 and ENV19 of the adopted Midlothian Local Development Plan 2017.*
- 3. The external stairs and rear balcony would create an unacceptable loss of privacy for properties in the surrounding area. The proposal is therefore contrary to policy DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017.*

### Action

Head of Communities and Economy

The meeting terminated at 3.12 pm.

# Minute of Special Meeting



## Local Review Body

Date	Time	Venue
20 June 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Lay-Douglas
Councillor Milligan	Councillor Munro
Councillor Smail	

## 1 Apologies

Apologies for absence were received from Councillor Muirhead.

## 2 Order of Business

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

## 3 Declarations of interest

Councillor Milligan advised that with regards to Agenda Item 5.5 - Notice of Review Request – Land North West of Melville Gate Road, Dalkeith, 17/00587/DPP, former Councillor, Owen Thompson had contacted, and met with him and that whilst he had listen to his comments at no time had he offered an opinion on the application. With the exception of the Chair, the remaining Members of the LRB, all of whom had also been contacted or had met with Mr Thompson indicated that they had done likewise.

Councillor Curran indicated that in accordance with the agreed procedures as he had been unable to attend the Site Inspection Visit for the above item, he would not participate in consideration of the continued Review Request.

## 4 Reports

Agenda No	Report Title	Presented by:
4.1	Decision Notice – Former Loanhead Ex Servicemens Club, 10 Academy Lane, Loanhead, [17/00905/S42].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 22 May 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Colin Young, Niall Young Architecture Ltd, 32/12 Hardengreen Business Park, Eskbank seeking on behalf of their clients Mr and Mrs Farren, the removal of Condition 3 of planning permission 15/00530/DPP (granted on 11 January 2018) to increase the maximum number of children from 50 to 102 and granting planning permission subject to conditions.

### Decision

To note the LRB decision notice.



Agenda No	Report Title	Presented by:
4.2	Decision Notice – Land to North West of 3 Eskview Villas, Dalkeith [17/00920/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>With reference to paragraph 5.7 of the Minutes of 22 May 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Gail Halvorsen, Halvorsen Architects, Mountskip House, Gorebridge seeking on behalf of their client Mrs C Walters, a review of the decision of the Planning Authority to refuse planning permission (17/00920/DPP, refused on 5 March 2018) for the erection of dwellinghouse and two flatted dwellings; formation of access, car parking and associated works at land to north-west of 3 Eskview Villas, Dalkeith and refusing planning permission.</p>		
<b>Decision</b>		
To note the LRB decision notice.		

<b>Order of Business</b>
<p>As the Applicants and their Agent were not yet in attendance for the next item of business on the agenda, the LRB agreed to continue agenda item 4.3 until the end of the meeting.</p>

<b>Eligibility to Participate in Debate</b>
<p>In considering the following item of business, only those LRB Members who had attended the site visits on Wednesday 20 June 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Curran, Lay-Douglas, Munro, Milligan and Small.</p>

Agenda No	Report Title	Presented by:
4.4	Notice of Review Request Considered for the First Time – Land West of Wellington Cottages, Springfield Road, Penicuik, [17/00900/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 13 June 2018, by the Head of Communities and Economy regarding an application from Chris Turner, Westland Horticulture, Old School House, 9 School Lane, Stow, Lincoln seeking on behalf of their clients Westland Horticulture, a review of the decision of the Planning Authority to refuse planning permission (17/00900/DPP, refused on 26 January 2018) for the siting of two residential caravans for a temporary period of two years (retrospective) at land west of Wellington Cottages, Springfield Road, Penicuik.</p>		

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

The Local Review Body had made an accompanied visit to the site on Wednesday 20 June 2018.

### Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposal, the retrospective nature of the original planning application and the reasons for its refusal, the LRB considered the current development plan policies and whether there were any material planning considerations which would justify a departure in order to allow planning permission to be granted.

### Decision

After discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

*The residential caravans are sited in the countryside, where there is a presumption against establishing new residential units/accommodation, without justification contrary to policy RD1 of the Midlothian Local Development Plan 2017. It has not been demonstrated to the satisfaction of the Planning Authority that the caravans are required for the furtherance of an acceptable countryside activity (including security requirements). Furthermore, there are alternative locations to accommodate workers in the surrounding local area which are served by good public transport links.*

### Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
4.5	Notice of Review Request Considered for the First Time – 17-29 Engine Road, Loanhead, [18/00065/DPP].	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 13 June 2018, by the Head of Communities and Economy regarding an application from Mrs Louise McVay, Ace Car Disposal & Spares Ltd, Yard 1, Camps Yard, Camps Industrial Estate, East Calder, seeking a review of the decision of the Planning Authority to refuse planning permission (18/00065/DPP, refused on 24 April 2018) for the change of use of coach depot and garage to a car breakers yard (end of life vehicle recycling centre) at 17-29 Engine Road, Loanhead.

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

The Local Review Body had made an unaccompanied visit to the site on Wednesday 20 June 2018.

### Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development might have on the neighbouring area, which was predominately industrial; it being felt that suitable conditions would allow any impacts to be mitigate.

### Decision

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

*The change of use of the former coach depot and garage to a car breakers is acceptable, subject to conditions mitigating the impacts of the development on neighbouring residential properties, considering the previous uses that have taken place on the site and its established industrial use.*

subject to the following conditions:

1. Prior to the commencement of this use, the following details shall be submitted to and approved in writing by the Planning Authority:
  - a) details of all proposed walls, fences, gates or other means of enclosure, including boundary treatments;
  - b) details of any proposed lighting, including flood lighting and security lighting, including position; and
  - c) Details of a dust management plan to prevent nearby residential and commercial properties being affected.

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; to protect the amenity of neighbouring residents.*

2. The use hereby approved shall not operate outwith the following hours:

Monday to Fridays: 8am to 5pm  
Saturdays: 8am to 1pm

3. The boundary treatments approved in condition 1a) shall be close boarded and/or solid, no lower than 2 metres high.

4. Any stored vehicles within the site shall be stacked no more than 2 vehicles high.
5. There shall be no crushing/breaking up of vehicles within the site.
6. There shall be no vehicle grabber or car crushing machinery on site.
7. Unless otherwise approved in writing by the Planning Authority, the lighting details approved in condition 1b) shall include details of their position. The lights hereby approved shall only be in use between the hours of operation approved in condition 2 and the floodlighting system installed shall be fitted with an automatic cut out to ensure these do not operate after 17.30 on Mondays to Friday and 1.30pm on Saturdays. The floodlights shall be installed and operated so that there is not direct illumination of any neighbouring sensitive property and the lamp design such that the actual lamps and inner surface of the reflectors will not be visible from the neighbouring sensitive receptors' properties.
8. Prior to the use commencing, the applicant must demonstrate to the satisfaction of the Planning Authority that noise from the development when rated in accordance with BS 4142: 2014 shall be less than +5dB above a representative LA90 (as determined by the Environmental Health Manager) at neighbouring residential use. The use shall operate in line with these restrictions hereafter.
9. The design and construction of any plant shall be such that associated noise shall not exceed noise rating curve NR25 (or NR 20 if tonal) between the hours of 2300-0700 and noise rating curve NR30 (or NR 25) between the hours of 0700-2300 within any nearby residential property (window open standard).
10. In terms of vibration from the use hereby approved movements, the vibration dose value in terms of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings shall not exceed the low probability of adverse comment day and night-time values of 0.2 to 0.4 m.s-1.75 and 0.1 to 0.2 m.s-1.75 respectively.

***Reason for conditions 2 to 10: In the interests of protecting the amenity of neighbouring residents; to mitigate for potential noise and amenity disturbance.***

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
4.6	Notice of Review Request Considered for the First Time – Mansfield, Mayfield, Dalkeith, [17/00864/DPP].	Peter Arnsdorf

## Executive Summary of Report

There was submitted report, dated 13 June 2018, by the Head of Communities and Economy regarding an application from Douglas Strachan, 79 High Street, Dalkeith seeking on behalf of their client Mrs L McKellar, a review of the decision of the Planning Authority to refuse planning permission (17/00864/DPP, refused on 7 March 2018) for the conversion of steading buildings into four dwellinghouses and associated works at Mansfield, Mayfield, Dalkeith.

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

The Local Review Body had made an unaccompanied visit to the site on Wednesday 20 June 2018.

## Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have as a result of its scale and design. The feeling being that it did not compliment the character of the surrounding area, with too many units squeezed into what was essentially a small, constrained site.

## Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

- 1. The proposal involves the conversion of outbuildings to residential units which are sited in the countryside and are not redundant and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 2. Inadequate private amenity space would be provided for the proposed houses, with one of the gardens outwith the application site boundary. Two of the gardens would be directly overlooked by the existing property adjacent to the site, resulting in a loss of privacy for both future and existing occupants. Overall the gardens of the proposed dwellings would not provide sufficient levels of amenity to the proposed dwellings.*
- 3. The proposed layout would result in a low standard of amenity for both the existing and proposed houses as a result of the proximity of the vehicular access, resulting in a lack of privacy and potential noise disturbance.*
- 4. For the above reasons, the proposal is an overdevelopment of the site, which is contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
- 5. The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

Action
Head of Communities and Economy

Agenda No	Report Title	Presented by:
4.7	Notice of Review Request Considered for the First Time – Land Adjacent to Mansfield, Mayfield, Dalkeith, [17/00960/DPP].	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 13 June 2018, by the Head of Communities and Economy regarding an application from Douglas Strachan, 79 High Street, Dalkeith seeking on behalf of their client Mrs L McKellar, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00960/PPP, refused on 19 February 2018) for the erection of three dwellinghouses and associated works at land adjacent to Mansfield, Mayfield, Dalkeith.

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

The Local Review Body had made an unaccompanied visit to the site on Wednesday 20 June 2018.

### Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered the potential impact that the proposed development would have as a result of its scale and design. The feeling being that it did not compliment the character of the surrounding area and would potentially negatively impact on road safety as a result of the proposed access arrangements.

### Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

- 1. The proposed development is sited outside the identified settlement boundary with no justification for residential development within the countryside and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 2. The proposed layout and house type appear urban in character and do not reflect the rural surroundings or character of the site and are therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*

3. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would not result in the loss of a number of mature trees which contribute positively to the character and appearance of this countryside area, contrary to policies DEV7 and ENV7 of the adopted Midlothian Local Development Plan 2017.*
4. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would provide adequate private garden ground for the occupants, contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

#### Action

Head of Communities and Economy

#### Eligibility to Participate in Debate

In considering the following item of business, only those LRB Members who had attended the site visits on Monday 21 May 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Lay-Douglas, Munro, Milligan and Smaill.

Councillor Curran whilst present during the debate had been unable to attend the site visit and accordingly did not actively participate in the proceedings.

Agenda No	Report Title	Presented by:
4.3	Notice of Review Request Considered for the First Time – Land North West of Melville Gate Road, Dalkeith, [17/00587/DPP].	Peter Arnsdorf

#### Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 22 May 2018, there was submitted update report, dated 12 June 2018, by the Head of Communities and Economy providing clarification regard the proposed use of the land subject to the 'Notice of Review' regarding the non-determination of planning application 17/00587/DPP for the erection of residential care home with associated access, car parking, landscaping and works at land northwest of Melville Gate Road, Dalkeith.

Appended to the report was (i) an agreed statement by Council officers and the applicant's agent regarding the proposed use of the site as a residential care home, not a hospital as referenced during the previous LRB meeting: and (ii) report, dated 15 May 2018, by the Head of Communities and Economy regarding an application from Jessica Powell, Colliers International, 1 Exchange Crescent, Conference Square, Edinburgh seeking on behalf of their clients, Montpelier Estates a review of planning application 17/00587/DPP for the erection of residential care home with



associated access, car parking, landscaping and works at land north-west of Melville Gate Road, Dalkeith, which had not been determined within the statutory time periods (2 months as extended by agreement).

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

The Local Review Body had made an accompanied visit to the site on Monday 21 May 2018.

### Summary of Discussion

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

Thereafter, oral representations were received firstly from the applicant agent Meabhann Crowe, then from John Horsman on behalf of the applicants, and finally from Joyce Learmonth, the local authority Planning Officer; following which they all responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, also heard from the Head of Adult and Social Care, who at the request of the Chair, explained in response to comments made during the applicants presentation the Council's current position in regards to the provision of residential care services. The LRB then discussed the fact that the proposed application site was on land currently allocated in the Midlothian Local Development Plan (MLDP) 2017 for economic development Class 4 (business) uses as defined by the Town and Country Planning (Use Classes) Scotland Order 1997 (as amended), the way in which the site had been marketed for economic uses and also the options open to the land owners to seek a change in the allocation through the local development plan process. Consideration was also given to the likely impact that the proposed development would have particularly in terms of the Council's approach to the provision of such services, and the competing demands that would be placed on potential staff recruitment and resources, given the difficulties currently being experienced due to a shortage of suitably qualified staff in this field.

After further discussion, Councillor Milligan, seconded by Councillor Smaill, moved to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Head of Communities and Economy's report.

As an amendment, Councillor Imrie, seconded by Councillor Baird, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report and a further condition regarding the approach to, and likely pressure it would put on Health and Social Care services in Midlothian.

On a vote being taken, four Members voted for the amendment and four for the motion. There being an equality of votes, the Chair in terms of Standing Order 11.2(iv) exercised his casting vote in favour of the amendment, which accordingly became the decision of the meeting.



### Decision

The LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:

1. *The site is within the Green Belt and development for uses other than the Business Uses identified in the Midlothian Local Development Plan 2017 are contrary to local development plan policies STRAT1 Committed Development, ECON1 Existing Development Locations, ENV1 Protection of the Green Belt and ENV4 Prime Agricultural Land.*
2. *The Strategic Development Plan (SDP) for Edinburgh and the South-East Scotland (approved in 2013) identifies the A7/A68/Borders Rail Corridor for economic growth. The proposal is contrary to Policy 2 Supply and Location of Employment Land which states that the Strategic Development Plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area.*
3. *There are no material considerations that are considered to be of sufficient weight to indicate that the proposed development should be supported despite its non-compliance with development plan policy.*
4. *The proposed development conflicts with the Council's approach to Health and Social Care and as such has the potential of having a detrimental impact of the wider provision of those services in Midlothian.*

### Action

Head of Communities and Economy

The meeting terminated at 3.24 pm.



## Local Review Body: Review of Planning Application Reg. No. 17/00587/DPP

Meabhann Crowe  
Colliers International  
1c Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8AN

Midlothian Council, as Planning Authority, having considered the review of the application by Montpelier Estates, Middle Barn, Chilton Business Centre, Chilton, Aylesbury, HP18 9LS which was registered on 9 March 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Erection of residential care home with associated access, car parking, landscaping and works at land north-west of Melville Gate Road, Dalkeith**, in accordance with the application, supporting statements and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	5240(2)LP001 1:1250	25.07.2017
Site Plan	SP002	25.07.2017
Proposed Ground Floor Plan	Phase A 3-PL001	25.07.2017
Proposed Floor Plan	Phase A 3-PL002	25.07.2017
Proposed Lower Ground Floor Plan	Phase B 3-PL501	25.07.2017
Proposed Ground Floor Plan	Phase B 3-PL502	25.07.2017
Proposed Floor Plan	Phase B 3-PL503	25.07.2017
Proposed Elevations	Phase A 3-EL001	25.07.2017
Proposed Elevations	Phase A 3-EL002	25.07.2017
Proposed Elevations	Phase B 3-EL501	25.07.2017
Proposed Elevations	Phase B 3-EL502	25.07.2017
Landscape Plan	ADL194B	25.07.2017
Proposed Cross Sections	Phase A 3-SE001	25.07.2017
Proposed Cross Sections	Phase B 3-SE501	25.07.2017
Site Sections	5240(3)SE101 E	03.08.2017

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

1. The site is within the Green Belt and development for uses other than the Business Uses identified in the Midlothian Local Development Plan 2017 are

contrary to local development plan policies STRAT1 Committed Development, ECON1 Existing Development Locations, ENV1 Protection of the Green Belt and ENV4 Prime Agricultural Land.

2. The Strategic Development Plan (SDP) for Edinburgh and the South-East Scotland (approved in 2013) identifies the A7/A68/Borders Rail Corridor for economic growth. The proposal is contrary to Policy 2 Supply and Location of Employment Land which states that the Strategic Development Plan supports the development of a range of marketable sites of the size and quality to meet the requirements of business and industry within the SESplan area.
3. There are no material considerations that are considered to be of sufficient weight to indicate that the proposed development should be supported despite its non-compliance with development plan policy.
4. The proposed development conflicts with the Council's approach to Health and Social Care and as such has the potential of having a detrimental impact of the wider provision of those services in Midlothian.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 21 May 2018.

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

Development Plan Policies:

1. Policy 2 Strategic Development Plan (SDP) for Edinburgh and the South East Scotland – Supply and Location of Employment Land
2. ECON1 Midlothian Local Development Plan (MLDP) – Existing Employment Locations
3. DEV5 MLDP – Sustainability in New Development
4. DEV6 MLDP – Layout and design of New Development
5. DEV7 MLDP – Landscaping in New Development
6. TRAN1 MLDP – Sustainable Travel
7. TRAN5 MLDP – Electric Vehicle Charging
8. IT1 MLDP – Digital Infrastructure
9. ENV1 MLDP – Protection of the Green Belt
10. ENV4 MLDP – Prime Agricultural Land
11. ENV7 MLDP – Landscape Character
12. ENV9 MLDP – Flooding
13. ENV10 MLDP – Water Environment
14. ENV11 MLDP – Woodland, Trees and Hedges
15. ENV15 MLDP – Species and Habitat Protection and Enhancement
16. ENV17 MLDP – Air Quality
17. ENV18 MLDP – Noise
18. ENV25 MLDP – Site Assessment, Evaluation and Recording
19. NRG3/NRG4 MLDP – Energy Use and Low and Zero Carbon Generating Technology
20. NRG6 MLDP – Community Heating

21.IMP1 MLDP – New Development

22.IMP2 MLDP – Essential infrastructure required to enable new development to take place

Material considerations:

1. Scottish Planning Policy 2014;
2. The individual circumstances of the proposal;
3. Health and Social Care considerations and the provision of the residential care offer proposed.

Dated: 20/06/2018

A handwritten signature in dark ink, appearing to read 'Peter', with a large, sweeping flourish underneath.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:  
Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

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

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

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

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

*Advisory note:*

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

## Local Review Body: Review of Planning Application Reg. No. 17/00900/DPP

Chris Turner Consultant  
Old School House  
School Lane  
Stow  
Lincoln  
LN1 2DQ

Midlothian Council, as Planning Authority, having considered the review of the application by Westland Horticulture, 14 Granville Industrial Estate, Dungannon, BT70 1NJ, which was registered on 25 April 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Siting of two residential caravans for a temporary period of two years (retrospective) at Land West of Wellington Cottages, Springfield Road, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:20000	29.11.2017
Site Plan	1:500	29.11.2017
Site Plan		29.11.2017

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

The residential caravans are sited in the countryside, where there is a presumption against establishing new residential units/accommodation, without justification contrary to policy RD1 of the Midlothian Local Development Plan 2017. It has not been demonstrated to the satisfaction of the Planning Authority that the caravans are required for the furtherance of an acceptable countryside activity (including security requirements). Furthermore, there are alternative locations to accommodate workers in the surrounding local area which are served by good public transport links.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. RD1 Midlothian Local Development Plan – Development in the Countryside
2. ENV6 Midlothian Local Development Plan – Special Landscape Areas

Material considerations:

1. The individual circumstances of the associated peat extraction business.

Dated: 20/06/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council



## NOTICE TO ACCOMPANY REFUSAL ETC.

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

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

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

***Important Advisory Note:***

***The caravans located on site do not benefit from planning permission and as such shall be removed from the site – the Council will contact you separately under its Planning Enforcement powers regarding this breach of planning control.***

*Advisory note:*

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



## Local Review Body: Review of Planning Application Reg. No. 18/00065/DPP

Mrs Louise McVay  
Ace Car Disposal and Spares Ltd  
Yard 1  
Camps Yards  
Camps Industrial Estate  
East Calder  
EH27 8DF

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Louise McVay, Yard 1, Camps Yards, Camps Industrial Estate, East Calder, EH27 8DF which was registered on 27 April 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use of land to car breakers yard at 17 - 29 Engine Road, Loanhead,**  
in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	29.01.2018
Illustration/Photograph		29.01.2018
Illustration/Photograph		29.01.2018
Other Statements		29.01.2018

Subject to the following conditions:

1. Prior to the commencement of this use, the following details shall be submitted to and approved in writing by the Planning Authority:
  - a) details of all proposed walls, fences, gates or other means of enclosure, including boundary treatments;
  - b) details of any proposed lighting, including flood lighting and security lighting, including position; and
  - c) Details of a dust management plan to prevent nearby residential and commercial properties being affected.

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; to protect the amenity of neighbouring residents.*

2. The use hereby approved shall not operate outwith the following hours:  
Monday to Fridays: 8am to 5pm  
Saturdays: 8am to 1pm
3. The boundary treatments approved in condition 1a) shall be close boarded and/or solid, no lower than 2 metres high.
4. Any stored vehicles within the site shall be stacked no more than 2 vehicles high.
5. There shall be no crushing/breaking up of vehicles within the site.
6. There shall be no vehicle grabber or car crushing machinery on site.
7. Unless otherwise approved in writing by the Planning Authority, the lighting details approved in condition 1b) shall include details of their position. The lights hereby approved shall only be in use between the hours of operation approved in condition 2 and the floodlighting system installed shall be fitted with an automatic cut out to ensure these do not operate after 17.30 on Mondays to Friday and 1.30pm on Saturdays. The floodlights shall be installed and operated so that there is not direct illumination of any neighbouring sensitive property and the lamp design such that the actual lamps and inner surface of the reflectors will not be visible from the neighbouring sensitive receptors' properties.
8. Prior to the use commencing, the applicant must demonstrate to the satisfaction of the Planning Authority that noise from the development when rated in accordance with BS 4142: 2014 shall be less than +5dB above a representative  $L_{A90}$  (as determined by the Environmental Health Manager) at neighbouring residential use. The use shall operate in line with these restrictions hereafter.
9. The design and construction of any plant shall be such that associated noise shall not exceed noise rating curve NR25 (or NR 20 if tonal) between the hours of 2300-0700 and noise rating curve NR30 (or NR 25) between the hours of 0700-2300 within any nearby residential property (window open standard).
10. In terms of vibration from the use hereby approved movements, the vibration dose value in terms of BS 6472-1:2008 Guide to Evaluation of Human Exposure to Vibration in Buildings shall not exceed the low probability of adverse comment day and night-time values of  $0.2$  to  $0.4 \text{ m.s}^{-1.75}$  and  $0.1$  to  $0.2 \text{ m.s}^{-1.75}$  respectively.

**Reason for conditions 2 to 10:** *In the interests of protecting the amenity of neighbouring residents; to mitigate for potential noise and amenity disturbance.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
2. ECON1 Midlothian Local Development Plan – Existing employment locations
3. ECON5 Midlothian Local Development Plan – Industries with potentially damaging impacts
4. ENV18 Midlothian Local Development Plan – Noise

Material considerations:

1. The industrial history of the site.

In determining the review the LRB concluded:

The change of use of the former coach depot and garage to a car breakers is acceptable, subject to conditions mitigating the impacts of the development on neighbouring residential properties, considering the previous uses that have taken place on the site and its established industrial use.

Dated: 20/06/2018



Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

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

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

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

*Advisory note:*

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

## Local Review Body: Review of Planning Application Reg. No. 17/00864/DPP

Douglas Strachan  
79 High Street  
Dalkeith  
EH22 1JA

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Lorna McKellar, Mansfield Farmhouse, Mansfield Farm, Mayfield, EH22 5TJ, which was registered on 25 April 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Conversion of steading to form 4 dwellinghouses at Mansfield, Dalkeith, EH22 5TJ**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	#3.01 1:1250	13.12.2017
Site Plan	#3.02 1:200	13.12.2017
Existing floor plan	#3.05 1:100	13.12.2017
Existing floor plan	#3.09 1:100	13.12.2017
Existing elevations	#3.06 1:100	13.12.2017
Existing elevations	#3.11 1:100	13.12.2017
Existing elevations	#3.10 1:100	13.12.2017
Site Plan	#3.03 1:200	13.12.2017
Proposed floor plan	#3.07 1:100	13.12.2017
Proposed floor plan	#3.12 1:100	13.12.2017
Proposed elevations	#3.08 1:100	13.12.2017
Proposed elevations	#3.13 1:100	13.12.2017
Illustration/Photograph	#3.04	13.12.2017
Design and Access Statement		13.12.2017

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

1. *The proposal involves the conversion of outbuildings to residential units which are sited in the countryside and are not redundant and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*

2. *Inadequate private amenity space would be provided for the proposed houses, with one of the gardens outwith the application site boundary. Two of the gardens would be directly overlooked by the existing property adjacent to the site, resulting in a loss of privacy for both future and existing occupants. Overall the gardens of the proposed dwellings would not provide sufficient levels of amenity to the proposed dwellings.*
3. *The proposed layout would result in a low standard of amenity for both the existing and proposed houses as a result of the proximity of the vehicular access, resulting in a lack of privacy and potential noise disturbance.*
4. *For the above reasons, the proposal is an overdevelopment of the site, which is contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. DEV6 Midlothian Local Development Plan – Layout and design of new development
2. DEV7 Midlothian Local Development Plan – Landscaping in new development
3. IT1 Midlothian Local Development Plan – Digital infrastructure
4. RD1 Midlothian Local Development Plan – Development in the countryside
5. ENV15 Midlothian Local Development Plan – Species and habitat protection and enhancement
6. IMP1 Midlothian Local Development Plan – New development
7. IMP2 Midlothian Local Development Plan – Essential infrastructure required to enable new development to take place

Material considerations:

1. The individual circumstances of the application site.



Dated: 20/06/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

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

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

*Advisory note:*

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

## Local Review Body: Review of Planning Application Reg. No. 17/00960/DPP

Douglas Strachan  
79 High Street  
Dalkeith  
EH22 1JA

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Lorna McKellar, Mansfield Farmhouse, Mansfield Farm, Mayfield, EH22 5TJ, which was registered on 25 April 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Planning Permission in principle for the erection of 3 dwellinghouses at Land Adjacent to Mansfield, Dalkeith**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	3.01 1:1250	07.12.2017
Site Plan	3.02 1:500	07.12.2017
Site Plan	3.03 1:200	07.12.2017
Proposed Cross Section	3.04 1:200	07.12.2017
Illustration/Photograph	3.05	07.12.2017
Design and Access Statement		07.12.2017

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

- 1. The proposed development is sited outside the identified settlement boundary with no justification for residential development within the countryside and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 2. The proposed layout and house type appear urban in character and do not reflect the rural surroundings or character of the site and are therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
- 3. It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would not result in the loss of a number of mature trees which contribute positively to the character and appearance of this countryside*

*area, contrary to policies DEV7 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

4. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would provide adequate private garden ground for the occupants, contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. DEV6 Midlothian Local Development Plan – Layout and design of new development
2. DEV7 Midlothian Local Development Plan – Landscaping in new development
3. IT1 Midlothian Local Development Plan – Digital infrastructure
4. RD1 Midlothian Local Development Plan – Development in the countryside
5. ENV7 Midlothian Local Development Plan – Landscape character
6. IMP1 Midlothian Local Development Plan – New development
7. IMP2 Midlothian Local Development Plan – Essential infrastructure required to enable new development to take place

Material considerations:

1. The individual circumstances of the application site.

Dated: 20/06/2018



Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:  
Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

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

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

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

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

*Advisory note:*

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



## **Notice of Review: Land South East of the Old School House, School Green, Lasswade**

### **Determination Report**

Report by Ian Johnson, Head of Communities and Economy

#### **1 Purpose of Report**

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade.

#### **2 Background**

- 2.1 Planning application 18/00180/DPP for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade was refused planning permission on 24 May 2018; 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 24 May 2018 (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](http://www.midlothian.gov.uk).

#### **4 Procedures**

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

- Have scheduled an accompanied site visit for Monday 3 September 2018; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was two consultation responses and two representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received from the interested parties. All the consultation responses and representations can be viewed online on the electronic planning application/review 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 The specified matters that the LRB should consider are:
- The principle of development;
  - The siting, layout and form of the development;
  - The design of the proposed buildings and structures;
  - The proposed developments siting within the Esk Valley Special Landscape Area and the Lasswade and Kevock Conservation Area;
  - The developments relationship with neighbouring properties 3 and 3A School Green;
  - The developments impact on the setting of the listed building at 6 School Green;
  - The boundary treatment and landscaping;
  - The provision of amenity space; and
  - The access.
- 4.5 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.6 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.
- 4.7 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.



## 5 Conditions

5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting including trees, shrubs, hedging and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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

**Reason:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of*

*the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. 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 throughout the development has 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 with the planning authority.

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

4. 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.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority and a validation report confirming the works have been completed shall be submitted to the planning authority.

***Reason:*** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation 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.*

5. Development shall not begin until details of the provision of an electric vehicle charging station has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details.

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

6. Prior to the dwellinghouse being occupied the vehicular access arrangements detailed on drawing number LASS (LP)002 and in the Design & Access Statement shall be completed and operational.

**Reason:** *To ensure that the dwellinghouse is provided with a safe access.*

## **6 Recommendations**

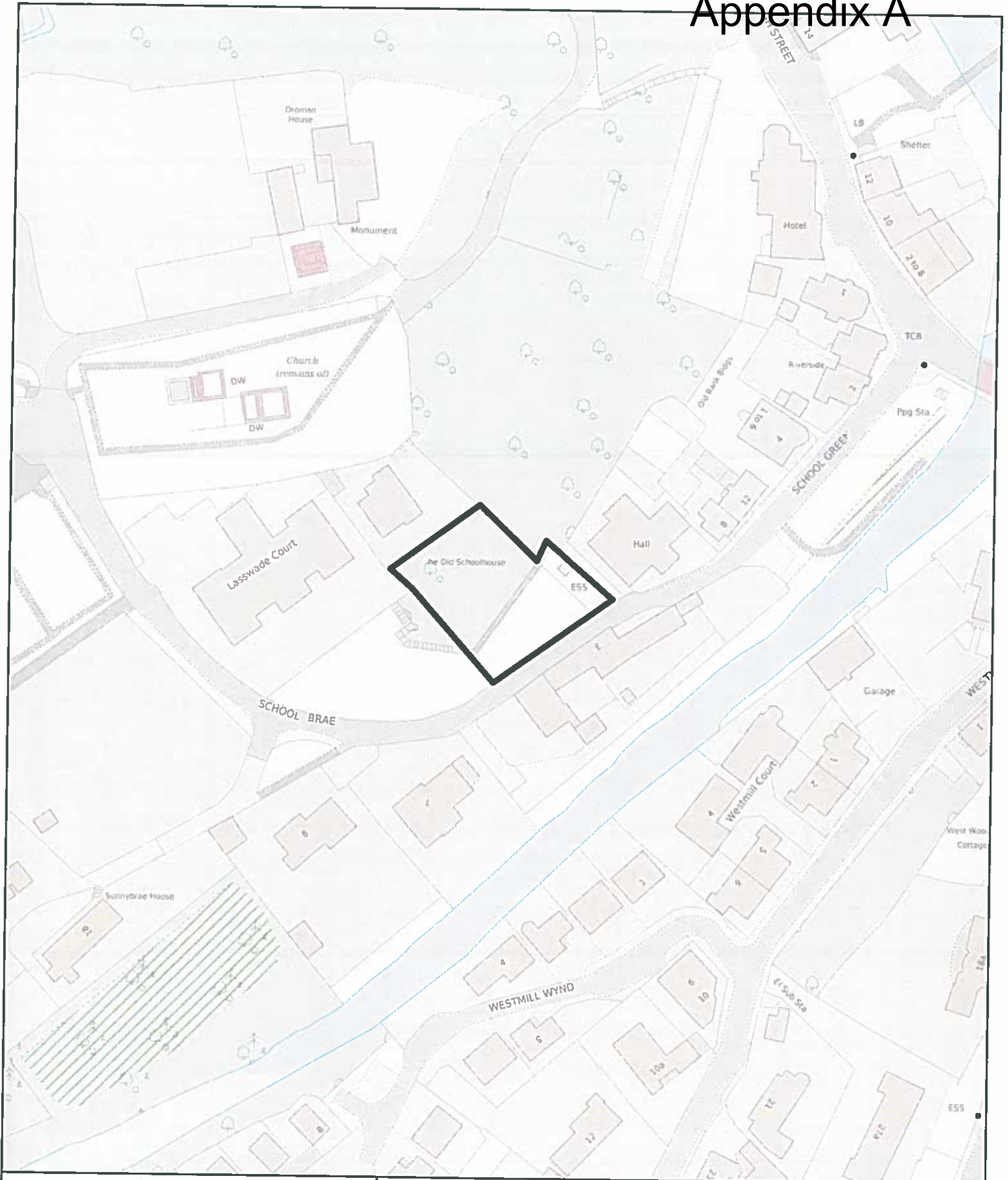
- 6.1 It is recommended that the LRB:
  - a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 28 August 2018

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 18/00180/DPP available for inspection online.



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

Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works at Land South East Of The Old School House, School Green, Lasswade

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File No. 18/00180/DPP

Scale: 1:1,250

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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](mailto:planning-applications@midlothian.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 100111780-001

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

## Applicant or Agent Details

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

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

Title:

Mr

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

Other Title:

Building Name:

First Name: \*

Stuart

Building Number:

19

Last Name: \*

Armstrong

Address 1  
(Street): \*

Polton Terrace

Company/Organisation

Address 2:

Telephone Number: \*

Town/City: \*

Lasswade

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

EH18 1BN

Fax Number:

Email Address: \*

## Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

666055

Easting

330257

## 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)

New single dwelling with supporting access and hard landscaping works. Erection of fencing, gates and walls to existing substation enclosure.

## Type of Application

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

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



What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see supporting 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)

Review Design & Access Statement, Street Elevations, Mass & Positioning Drawing

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00180/DPP

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

16/03/2018

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

24/05/2018

## Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

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

The review is against the reasons for refusal and their subjective nature that are not consistent with applications/ developments within the area. For this reason I feel a debate is required to best discuss the outstanding points.

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 Stuart Armstrong

Declaration Date: 28/05/2018





## SELF BUILD – SCHOOL GREEN, LASSWADE

Local Review Body Supporting Statement

### SITE ADDRESS

Land to the South East of The Old Schoolhouse,  
Lasswade, Midlothian, EH18 1NB

### Applicant

Mr Stuart Armstrong

## **CONTENTS**

**1.0 - SUPPORTING STATEMENTS (SUMMARY)**

**2.0 - REASONS FOR REFUSAL**

**3.0 - LOCAL VIEWS, OBJECTIONS, SUPPORT**

## 1.0 Supporting Statements (Summary)

1. This site has lay redundant for numerous years and is a considerable size within the conservation village – Lasswade. It is considered further neglect without development will have a negative impact on the conservation area rather than encouraging sympathetic development.
2. The applicant is the owner of the application land with no interest from any other party. The applicant and his partner have lived in the area for circa 10 years and is looking to self-build to live within the village that will see a dilapidated area rejuvenated.
3. 19 Neighbours notified with no objections from neighbours.
4. A letter of support has been received from the immediately adjoining property of The Old School House. This welcomes development to ensure this land is best used and maintained for years to come.
5. The planning authority recommended for approval 9No 3 storey townhouses to the rear of School Green. These were 4 metres higher than the proposed development and overlooked gardens of all the existing houses on School Green. It is difficult to comprehend that this application has been refused due to the scale of the building next to 6 School Green and concerns on overlooking to 3 & 3A School green from 1No 600mm window.

This is a 2 storey building split over 3 levels. Sits 4 metres lower than the townhouses detailed above and uses design features and materials found within the conservation area.

6. The officer's report persistently makes reference to the levels on the site. Retaining walls and different levels of ground are common throughout the Lasswade River valley. The house design creatively raps around these levels to provided level parking, patio, and garden areas that provide interesting features. Modern building techniques provide various options for this type of application that are used worldwide and are not considered uncommon. This application involves significantly less excavations and retaining walls to the development approved at Elm Row, Lasswade which is on the main road.
7. The existing trees on the boundary wall will be partially trimmed. It is not the applicant's intentions to remove these completely and therefore create overlooking issues. These are a prominent feature of the river valley and serve a cohesive boundary to the end of School Green street scene. These will be trimmed and managed as part of the development and there are no concerns on incoming daylight due to the vast amounts of glass on the gable elevations.

8. There was no reference to the LRB approved development at 16 School Green within the officer's report. Although this was also within the conservation area, the site was out with the village settlement boundary and within green belt space. A brief comparison between the sites:
  - The application site is within the village boundary.
  - The application site is out with the Green-belt.
  - The application site also incorporates modern building techniques and energy efficiencies.
  - The application site uses traditional and modern materials applied to traditional design forms rather than very contemporary design forms. It is considered this is applicable due to being within the village surrounded by existing dwellings.
9. The only restriction on the application site is the designated Conservation area. The proposed house reflects this and incorporates high quality materials and traditional design forms to ensure the appearance of the conservation area is not impacted. The latter was highlighted within the officer's report.
10. Midlothian Development Plan supports self-build. Government reports show continued encouragement of self-building to meet local housing demands. It is considered this application site is a direct answer to how this can be achieved with a positive approach.
11. Midlothian Council – Lasswade & Kevock Conservation Area Appraisal Document  
Paragraph 34  
*Opportunities to fill gap sites throughout the village should be taken. Sympathetic infill redevelopment will tighten the fabric of the village. –*

## 2.0 Reasons For Refusal

All reasons for refusal relate to the scale and siting of the building. With reference to supporting evidence and drawing LASS(LP)005 under the original application, a full review of the size and scale of surrounding properties was carried out at design stage. In summary the proposed house is one of the lowest compared to the following immediate adjoining properties:

The Old School House - **23%** Building to Plot Ratio (Area - 169m<sup>2</sup>)

3 School Green - **37%** Building to Plot Ratio (Area - 190m<sup>2</sup>)

3A School Green - **36%** Building to Plot Ratio (Area - 62m<sup>2</sup>)

The Nursery - **48%** Building to Plot Ratio (Area - 311m<sup>2</sup>)

Proposed House – **17.5%** Building to Plot Ratio (Area - 204m<sup>2</sup>)

Based on the above we feel the proposed scale of the building is in keeping with surrounding properties.

**Individual reasons for refusal & applicant response:**

**Reason 1:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the Midlothian Local Development Plan 2017.*

**Response:**

**As above the scale relates to existing properties within the conservation area. The proposed building is on an infill site within the village boundary and will merge within the existing built up area.**

**Reason 2:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the character and appearance of the Lasswade and Kevock conservation area. The proposal is therefore contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

**Lasswade's main feature is the random housing throughout the river valley to suit the ground level at that point. There is no common size or street scene.**

**Reason 3:**

*Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

**The proposed building utilises finishes found in the Category 'C' listed 6 School Green to enhance the street scene in this area. The building is always going to sit higher due to being on higher ground; however this is in line with all other buildings on School Green that are higher than 6 School Green. The planning authority recommended for approval 9 No 3 story townhouses to the rear of 6 School Green. These towered 5m higher than the proposed development; therefore it is difficult to comprehend that this development has a negative impact on the existing nursery building.**

**Reason 4:**

*Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

A site visit best help understand that the points made out above are not applicable. The house has ample glazing and the existing boundary leylandi has planning permission to be pruned under 17/00543/WTT. Development of this site will also ensure boundary planting is maintained rather than being left for several years which can only be of benefit to the North Esk Valley Special Landscape Area. Private outdoor space is available to West and North of the house with no concerns of overlooking from the applicants or neighbours.

**Reason 5:**

*Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

**Response:**

The buildings 3 & 3A School Green will be screened from the garden areas of the proposed development by a new timber fence. The entrance hall window is not considered overlooking due to this being an inhabitable space.

The only window of a habitable space is the 600mm slot window design feature from the living room. This is circa 19m from the buildings opposite and is not considered to have a detrimental impact on the existing buildings privacy.

Discussions have been held with the owners of 3 & 3A School Green and they have no objection on this.

There are building throughout Lasswade and Midlothian with larger windows within closer proximity to neighbouring dwellings.

### **3.0 Local Views, Objections, Support**

Discussions have been held with neighbouring properties with positive comments received on the design and placement of the house. There has not been one negative comments on the design, size, scale or placement.

An objection was received from Bonnyrigg & Lasswade Community Council and a letter of Neutral representation from the Lasswade Civic Society requesting the council to review the access proposals to ensure a safe solution. This has been reviewed by the transport department with no objections made.

A letter of support was received from the owners of the immediately neighbouring property – The Old School House. The owners do not own the land or have had any previous interest. The owners welcome development that will see this land maintained for years to come. The owners have been trying to maintain the land for several years to resist against fly tipping and overgrowth.





This exercise shows that the proposed house is one of the lowest in term of its footprint to plot ratio.

Key immediate neighbouring properties:

- The Nursery - 48% Building to Plot Ratio
- The Old School House - 23% Building to Plot Ratio
- 3 School Green - 37% Building to Plot Ratio
- 3A School Green - 36% Building to Plot Ratio
- PROPOSED HOUSE - 17.5% Building to Plot Ratio





## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Case Officer:** Graeme King    **Site Visit Date:** 23/03/2018

**Planning Application Reference:** 18/00180/DPP

**Site Address:** Land South East Of the Old School House, School Green, Lasswade

**Site Description:** The application site is an area of ground measuring 1075 sqm. The site is largely undeveloped, apart from a sub-station adjacent to the North Eastern boundary; historically the site was associated with the former Board School which is situated to the West of the site. The site was for many years neglected and became overgrown with bushes and self-seeded trees; the majority of the vegetation on the site has been cleared over the past year.

The main street frontage of the site is along the South Eastern boundary which fronts onto School Green. The majority of this frontage is bounded by a random rubble stone wall which varies in height from 0.9m to 2.1m. Access to the sub-station is via a 2.95m wide set of gates on this frontage. The section of School Green onto which the site fronts is 4.8m wide and does not have any pavement.

To the South West the site is bounded by a 1m high metal fence beyond which is a line of Lelylandii which form a high hedge with a maximum height of approximately 12m. Beyond the Leylandii is garden ground associated with the flats (known as Lasswade Court) that now occupy the former Board School building. To the North West the site is bounded by a timber fence which separates the site from the house known as The Old Schoolhouse. To the North East the site is bounded by a stone boundary wall beyond which is a vacant site that formerly housed Lasswade Primary School.

There are significant level changes within the site. The lowest point of the site, at the existing entrance from School Green, is 13.5m below the highest point of the site, at the Westernmost point where the site meets the curtilage of the former School and The Old Schoolhouse.

**Proposed Development:** Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works

**Proposed Development Details:** It is proposed to erect a detached dwellinghouse on the site. The house will be a split level 3 storey house with the 3<sup>rd</sup> storey accommodation contained in the roofspace. The front elevation of the house will have a maximum height of 10m and the rear elevation will have a maximum height of 7m.

The building will have a traditional form but with contemporary detailing and fenestration pattern; and a contemporary palette of finish materials. When viewed from the front the building will have 3 distinct elements: a stone clad gable with a

slate clad roof; a rendered pediment base; and zinc clad walls and roof running perpendicular to the slate clad roof. To the rear of the zinc clad section will be a flat roofed area and which will be mounted photo voltaic solar panels. The window frames will be metal clad timber frames.

The existing opening in the boundary wall will be widened to 4.8m in width. The widened opening will provide access to the substation and to a driveway serving the house. The house will be set back from the street frontage by 14.1m and will be situated 2.9m above the level of School Green.

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

**Application Site:**

12/00082/WTT - Felling of trees in Lasswade and Kevoek Conservation Area. Permitted.

17/00543/WTT - Felling and pruning of trees within the Lasswade and Kevoek conservation area. Permitted.

**Land to North East:**

04/00854/CAC - Demolition and site clearance of former school buildings. Permitted.

04/00880/CAC - Demolition of cottage. Permitted.

07/00728/FUL - Erection of two dwellinghouses. Refused.

16/00727/DPP - Erection of 9 dwellinghouses; formation of new access road and car parking and associated works. Refused

**Land to South East**

0072/98 Change of use of part of garage and adjoining land to cattery and conversion of garage to provide an extension to existing dwellinghouse and a detached garage in the garden area. Withdrawn.

0414/87 Conversion and alteration to former agricultural buildings to form dwellinghouse and domestic garage. Consent with conditions.

10/00299/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; erection of extensions to two existing dwellinghouses; and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Application withdrawn

14/00747/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; alterations and erection of extensions to two existing dwellinghouses and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Refused.

15/00982/DPP - Change of use from workshop to dwellinghouse and associated external alterations and extension to building; alterations and erection of extensions to two existing dwellinghouses and erection of two detached garages and boundary wall at 3 School Green, Lasswade. Refused.

17/00740/DPP - Extensions to two dwellinghouses; erection of two detached garages and erection of wall (part retrospective) at 3 and 3A School Green, Lasswade. Consent with conditions.

**Consultations: Bonnyrigg and Lasswade Community Council** object to the proposal. The reasons for objection are that the proposed access does not have adequate visibility and that the entrance will not be safe.

**Scottish Water** offered no comments on the proposal.

**SP Energy Networks** offered no comments on the proposal.

The Council's **Policy and Road Safety Manager** has no objection to the application. The response notes that this section of School Green is narrow with limited opportunities for vehicles to pass and has no pedestrian footpath. Due to the high boundary wall at the site frontage, visibility for drivers emerging from the site would be restricted and pedestrian and drivers coming down School Green would have limited visibility of any vehicles or pedestrian emerging from the site.

The response also confirms that a 20 mph speed limit is in force on School Green and Church Road and there has been no reported injury accidents on the School Green section during the current 3-year period. A survey was undertaken by council staff in January 2018 which indicated that the average number of vehicles using the route on a daily basis was in the order of 200 with an average vehicle speed below 20mph.

It is noted that it is intended to widen the existing access; improve the visibility by lowering a section of wall; provide adequate car parking within the site; and provide space for vehicle manoeuvring. As a single dwellinghouse the traffic generation would be of a domestic scale. As the application relates to improvements to an existing access and is for a single dwellinghouse the Policy and Road Safety manager has no objection to the application.

**Representations:** Two representations have been received; one in support of the application and one offering neutral comment on the application.

The representation in support notes that the site was for many years unmaintained and became overgrown; the self-seeded trees overshadowed the representors' property. The design of the house is sensitive to the surrounding environment and has been designed to maximise the privacy of both the new house and surrounding properties. The renovation of the boundary walls and entrance will enhance the appearance of the site. The representation states that the proposal will not significantly affect the volume of traffic and will provide improved sight lines. The representation welcomes that fact that drains serving the Old Schoolhouse and Lasswade Court will be re-laid and notes that the water supply for these properties

passes through the application site. The representation concludes by stating that the development is an appropriate use of the site and preferable to abandoning it to an unmanaged and unproductive future.

The neutral representation has been submitted on behalf of Lasswade District Civic Society. The representation raises concerns about the safety of the access to the site and queries whether the applicant has quoted the correct guidance.

**Relevant Planning Policies:** The adopted development plan is the **Midlothian Local Development Plan 2017 (MLDP)**. The following policies are relevant to this application:

**Policy 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.

**Policy DEV2: Protecting Amenity within the Built-Up Area** states that development will not be permitted where it would have an adverse impact on the character or amenity of a built-up area.

**Policy DEV5: Sustainability in New Development** sets out the requirements for development with regards to sustainability principles.

**Policy DEV6: Layout and Design of New Development** sets out design guidance for new developments.

**Policy DEV7: Landscaping in New Development** sets out the requirements for landscaping in new developments.

**Policy ENV6: Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area.

**Policy ENV19: Conservation Areas** states that development will not be permitted within or adjacent to conservation areas where it would have any adverse effect on its character or appearance.

**Policy ENV22: Listed Buildings** states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

**Planning Issues:** In dealing with a planning application the Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Any representations and consultation responses received are material considerations.

### Principle of development

The application site is situated within the built-up area of Lasswade and Bonnyrigg. The broad principle of development within the built-up area is acceptable, however an application will not be supported if it is likely to detract materially from the existing character or amenity of the area.

### Impact on character and setting of area

The topography of the application site is extremely challenging with a difference of 13.5m between the lowest and highest points of the site. The entire site is sloping with the slope being particularly pronounced towards the westernmost edge of the site where the slope exceeds 40%. The lowest point of the site is situated on the School Green street frontage; however the slope of School Green means that even on this frontage there is a 2.2m difference between the level of the entrance and the Southern corner of the application site. This Southern corner is at the base of a 2m high retaining wall. The majority of the ground within the site is at least 2m higher than the road level of School Green.

In order to address the severe limitations of the site the proposed house will be set back from the street frontage by 14.1m and will be situated 2.9m above the level of School Green. The dominant character for development on School Green is for buildings to be situated close to the street edge with ground floor finish levels close to that of the road level. The front elevation of the proposed building will be situated to the rear of the rear building line of the existing buildings to the North East of the application site. The ground floor finished floor level of the proposed house will be above the first floor finished level of the existing buildings to the North East of the application site.

The proposed house will relate poorly to the dominant building lines and finished floor levels for this section of School Green. It will appear as an overbearing and dominant feature in views of the North bank of the River North Esk. The proposed house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area; and on the character and appearance of the Lasswade and Kevoek conservation area.

### Impact on setting of listed building

The neighbouring building to the North East is a children's nursery. The nursery occupies a category C listed building that was originally built as a church hall. The building is single storey with a conventionally pitched roof; the maximum height of the roof is 5.4m. The proposed house will be 10m tall and will have ground floor finished floor level 4m above the finished floor level of the listed building. The proposed house will be an overly dominant feature that will have a detrimental impact on the setting of the listed building.

### Design and finish materials



The building will appear as an obviously modern building with contemporary design and finish materials. The design has consciously sought to minimise overlooking from windows and the building has a comparatively high solid to void ratio by the standards of modern designs, i.e. comparatively few windows. The principle elevation has a large 2 storey window serving an entrance hall and a narrow 0.6m wide window running the full height of the first floor and extending into the roof. While the principle elevation will appear slightly unconventional in the streetscape the use of high quality finish materials matching the colour palette of the existing buildings on School Green would ensure that the design would not have a detrimental impact on the character of the conservation area.

#### Amenity of the proposed house

The site has 2 very obvious constraints which impact on the amenity of the site. Firstly the challenging topography of the application site means that any house and garden space on the site will be overlooked by the front garden of The Old Schoolhouse and the external amenity and circulation space associated with Lasswade Court. Secondly the overgrown line of Leylandii beyond the South Western boundary of the site creates significant overshadowing of a large part of the site.

The site layout seeks to address the issue of overlooking by focussing the main windows onto the West elevation of the building in order to seek benefit from the screening provided by the Leylandii; however this means that the main windows will be overshadowed by the Leylandii resulting in a reduction in levels of sunlight and daylight. The main garden space will be situated between the Western elevation of the building and the line of Leylandii, and will be similarly overshadowed.

It is clear that the Leylandii would create a significant nuisance for any occupants of the house. While it would be possible for the occupants to seek to resolve this by applying for a high hedge notice; such an approach would, if successful, result in the owners of the hedge incurring expenses to remove the hedge and would significantly increase the level of overlooking of the application subjects. Retaining the Leylandii will provide mitigation against some, but not all, of the overlooking but will result in significant loss of sunlight and daylight to the proposed property; removing the Leylandii would provide acceptable levels of sunlight and daylight but will result in unacceptable levels of overlooking.

#### Amenity of neighbouring properties

As is noted above the proposed house has fewer windows on its principal elevation than would normally be expected on a house of this size; this is a conscious decision taken to reduce the level of overlooking of the neighbouring properties (3 and 3A School Green) on the South side of the road. The rear elevation of both properties abuts the road edge of School Green and both properties have windows on their rear elevations.

The elevated site of the proposed house and the fact that the main living accommodation is situated on the first floor of the building means that the full height 0.6m wide window that serves the living room of the proposed house will provide

elevated views into the windows on the rear elevation of the 2 affected properties. In addition to the loss of amenity from the overlooking of the 2 affected properties, the elevated site of the proposed house and the tall gable feature will be an overbearing presence when viewed from the street facing windows of the affected properties.

#### Vehicular access

School Green is a narrow road, with poor lines of visibility and no pavement for much of its length. The road does not meet contemporary standards for residential streets; notwithstanding this fact the accident figures for the street indicate that it is currently functioning safely. The house once completed will not generate significant levels of additional traffic.

The initial site preparation works will require excavation works to create a level surface for construction; in places excavation will be carried out to a depth of 3m. The construction method will require the formation of a substantial concrete platt and retaining walls. Both of these stages of development will generate increased levels of heavy vehicle movements on School Green. While there may be some localised disruption caused during construction, the size of the building will ensure that the disruption will not be a permanent issue. School Green is a public road with no restrictions on the type or size of vehicle to which it is open; it would not be reasonable for the Planning Authority to seek to restrict vehicle movements during construction.

#### Utilities

There is an existing electricity sub-station situated on the site. While the presence of a sub-station on the site would appear to be a longstanding situation, supporting information submitted with the application indicates that there is no formal lease in place; the applicant has approached SP Energy Networks to discuss formalising the situation. SP Energy Networks were consulted on the application but offered no comment.

The applicant has provided information indicating that there is Scottish Water infrastructure within the boundary of the application site. Scottish Water were consulted on the application but offered no comment. The safeguarding of the infrastructure is a private legal matter between Scottish Water and the applicant.

#### **Recommendation: Refuse Planning Permission**

#### **Reasons for refusal:**

1. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the Midlothian Local Development Plan 2017.
2. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental

impact on the character and appearance of the Lasswade and Kevoek conservation area. The proposal is therefore contrary to policy ENV19 of the Midlothian Local Development Plan 2017.

3. Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the Midlothian Local Development Plan 2017.
4. Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017.
5. Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017.





## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 18/00180/DPP**

Mr Stuart Armstrong  
19 Polton Terrace  
Lasswade  
EH18 1BN

Midlothian Council, as Planning Authority, having considered the application by Mr Stuart Armstrong, 19 Polton Terrace, Lasswade, EH18 1BN, which was registered on 16 March 2018 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works at Land South East Of The Old School House, School Green, Lasswade**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	LASS (LP)001 1:1250, 1:500	16.03.2018
Site Plan	LASS (LP)002 1:250	16.03.2018
Elevations And Floor Plans	LASS (LP)003 1:200	16.03.2018
Landscaping Plan And Site Sections	LASS (LP)004 1:2500, 1:200	16.03.2018
Site Plan	LASS (LP)005 1:500	16.03.2018
Proposed Elevations	LASS (LP)006 NTS	16.03.2018
Design And Access Statement		16.03.2018
Supporting Statement Scottish Water Capacity		16.03.2018
Supporting Statement Broadband Connections		16.03.2018
Supporting Statement Water Capacity		09.04.2018
Supporting Statement Visibility Splay		17.04.2018

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

1. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have an unacceptable impact on the special landscape qualities of the North Esk Valley Special Landscape Area. The proposal is therefore contrary to policy ENV6 of the adopted Midlothian Local Development Plan 2017.*
2. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the character and appearance of the Lasswade and Kevoch conservation area. The proposal is therefore contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.*

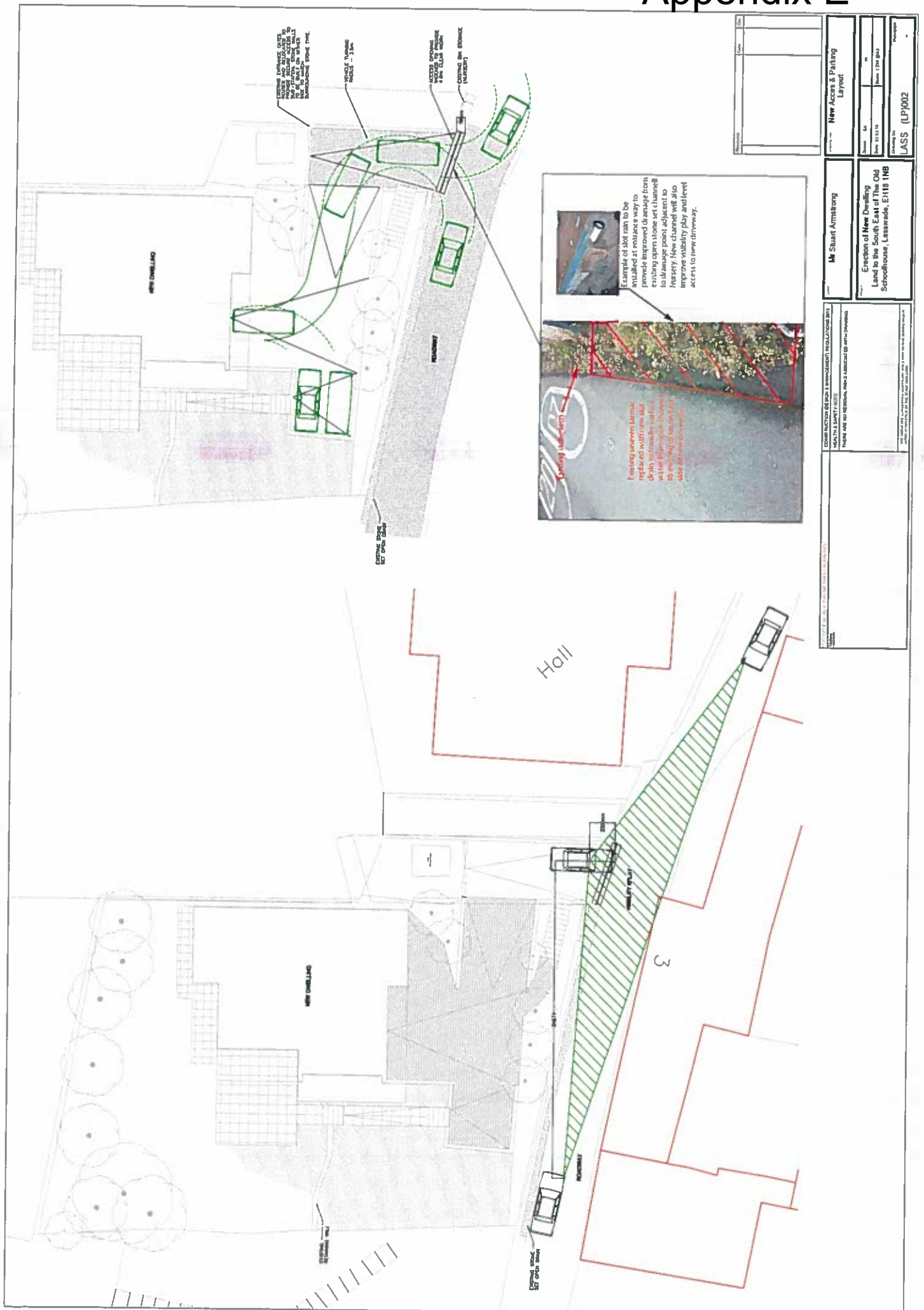
3. *Due to the scale of the building; and its siting, in relation to both the street level and building line of School Green, the house will have a detrimental impact on the setting of the listed building at 6 School Green. The proposal is therefore contrary to policy ENV22 of the adopted Midlothian Local Development Plan 2017.*
4. *Due to the topography of the site and the boundary planting within the neighbouring site the proposed house will have sub-standard levels of amenity due to overlooking, overshadowing and inadequate levels of private outdoor space. The proposal is therefore contrary to policies DEV2, DEV5 and DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *Due to the topography of the site; the scale of the building; and the siting of the building there will be a significant detrimental impact on the amenity of the residential properties at 3 and 3A School Green. The proposal is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

Dated 24 / 5 / 2018



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

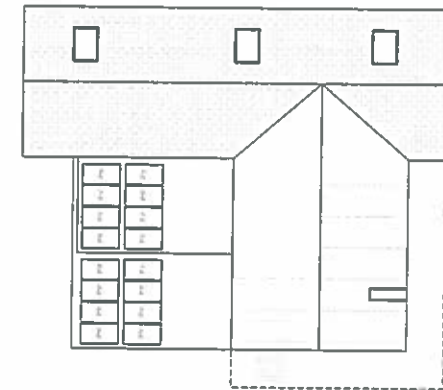
## Appendix E







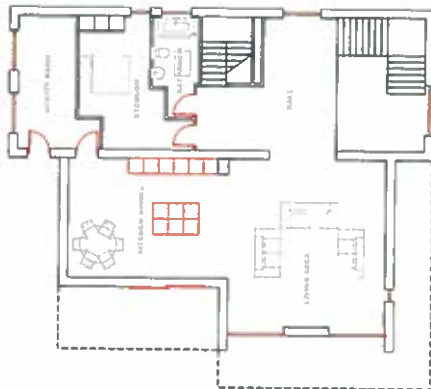




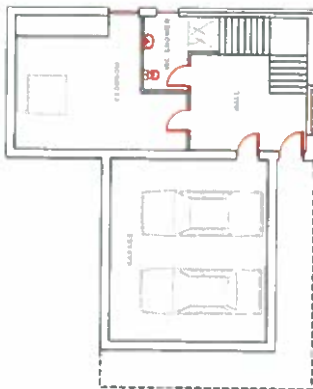
ROOF PLAN



SECOND FLOOR



FIRST FLOOR



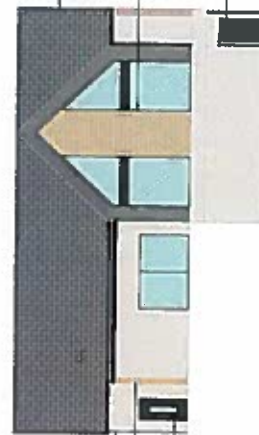
GROUND FLOOR



EAST ELEVATION



SIDE ELEVATION



WEST ELEVATION



FRONT ELEVATION



LOCATION PLAN  
1/2500 @ A3

CONSTRUCTION OF ROOF & WALLING WITH INSULATION DETAIL HEALTH & SAFETY NOTE TRADING AND NO INSULATION WITH INSULATION DETAIL	
Mr Stuart Armstrong Erection of New Dwelling Land to the South East of The Old Schoolhouse, Lasswade, EH18 1NB	
Proposed Floor Plans & Elevations	Drawn by Date 01.01.10 Scale 1:200 (A3)
Checked by Date 01.01.10 Scale 1:200 (A3)	Approved by Date 01.01.10 Scale 1:200 (A3)
LASS (LP)003	



<b>PROPOSED STREET ELEVATIONS &amp; DIGITAL VISUALS</b> Drawing No. <b>LASS (LP)006</b>	
<b>MR. STUART ARMSTRONG</b> Erection of New Dwelling Land to the South East of The Old Schoolhouse, Lesswade, EH18 1HB	Date: 05/03/15 Drawn: J.A. Checked: J.A. Date: 05/03/15
<b>CONSTRUCTION, DESIGN &amp; MANAGEMENT REGULATIONS 2013</b> HEALTH & SAFETY NOTES PREPARED AND NO PERSONS, WHO'S ASSOCIATED WITH IT'S PREPARATION	







## **Notice of Review: 15 Pendreich Terrace, Bonnyrigg**

### **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 a two storey extension at 15 Pendreich Terrace, Bonnyrigg.

#### **2 Background**

- 2.1 Planning application 18/00312/DPP for the erection of a two storey extension at 15 Pendreich Terrace, Bonnyrigg, was refused planning permission on 26 June 2018; 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 26 June 2018 (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](http://www.midlothian.gov.uk).

#### **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 3 September 2018; and
  - Have determined to progress the review by way of written submissions.

- 4.2 The case officer's report identified that there were no consultations required and no representations received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
  - Consider whether or not the proposal accords with the development plan;
  - Identify and consider relevant material considerations for and against the proposal;
  - Assess whether these considerations warrant a departure from the development plan; and
  - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

## **5 Conditions**

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

## **6 Recommendations**

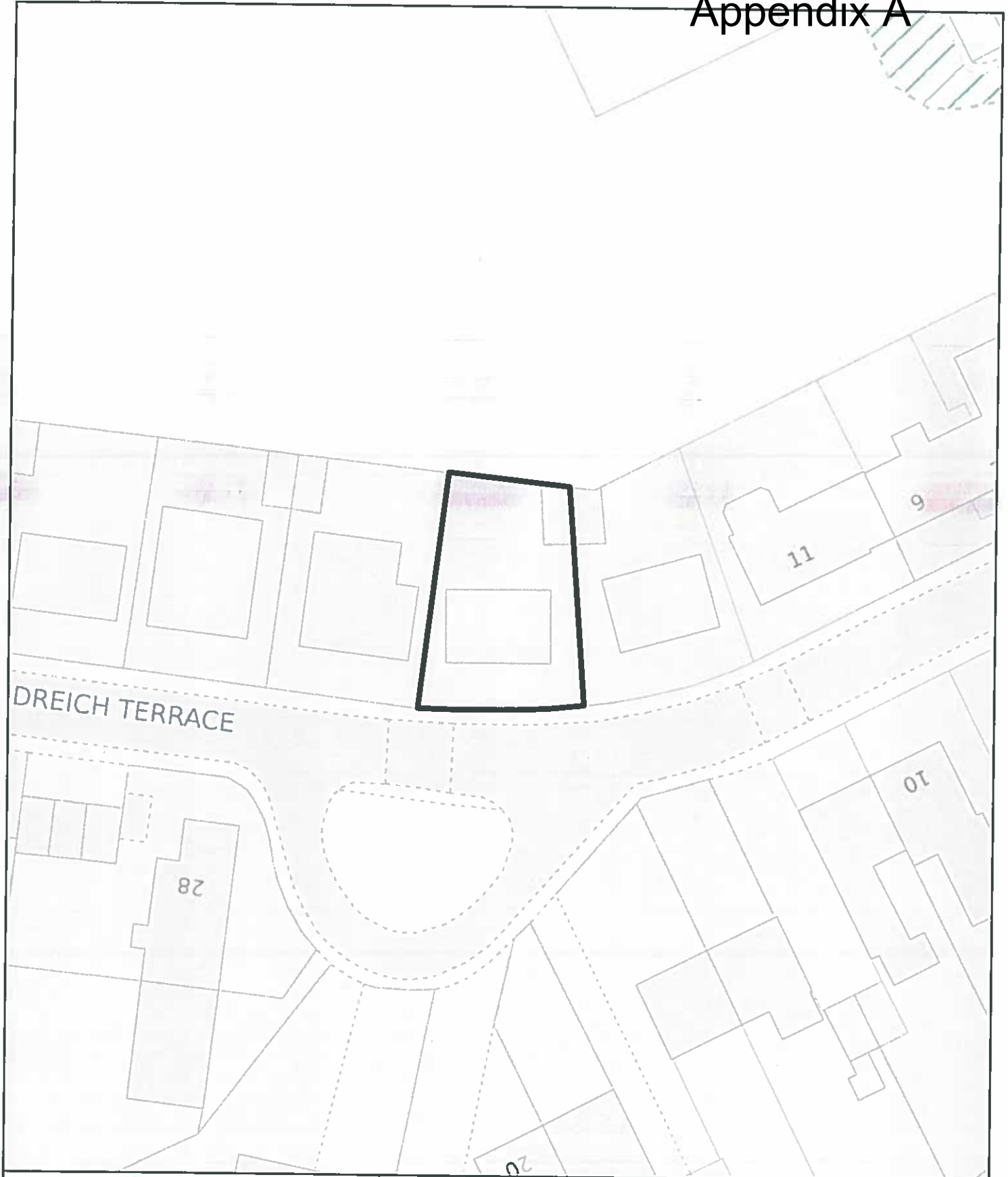
- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 28 August 2018

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 18/00312/DPP available for inspection online.



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

Two storey extension to dwellinghouse at 15 Pendreich  
Terrace, Bonnyrigg, EH19 2DT

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File No. 18/00312/DPP

Scale: 1:500



## NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	JAMES	Forename	
Surname	MILLAR	Surname	
Company Name		Company Name	
Building No./Name	BOWLING GREEN COTTAGE	Building No./Name	
Address Line 1	MURDERDIAN ROAD	Address Line 1	
Address Line 2	NEWTONGRANGE	Address Line 2	
Town/City	MIDLOTHIAN	Town/City	
Postcode	EH22 4PD	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	MIDLOTHIAN
Planning authority's application reference number	18/00312/DPP
Site address	15, PENDREICH TERRACE, BONNYRIGGS, MIDLOTHIAN EH19 2DT
Description of proposed development	3 MTR EXTENSION TO REAR OF PROPERTY, KITCHEN / DINING AREA WITH SMALL BED ROOM ABOVE.

Date of application

11/05/2018

Date of decision (if any)

26/06/2018

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

#### 4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

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

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

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

☐

Conditions imposed on consent by appointed officer

☐

#### 6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

☐  
☐  
☒  
☐

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

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

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

☒  
☒

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

## 8. Statement

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

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

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

Statement - Planning Reference No: 18/00312/DPP

I feel that the extension I have requested planning permission to build would not be in view of any of our neighbours properties as you can see from the photos provided. The extension is approximately 3 meters out from the existing building with the roof not extending higher than it currently does. The rear of the property looks on to grass playing fields, there are no other properties close enough for the building to be intrusive. The neighbours on either sides of the property are happy for the building to go ahead, they see no problem or invasion of privacy. There are other similar extensions in the street which I have enclosed photos of, these extension extend a much greater distance from there existing properties footprint and have a similar roof style to our plans. I hope the information I have provided the appeals board helps me in my effort to obtain planning permission.

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

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

### 9. List of Documents and Evidence

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

PLAN x 3 PAGES  
PHOTOS x 8

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

### 10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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



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

### DECLARATION

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

Signature:

[Redacted Signature]

Name:

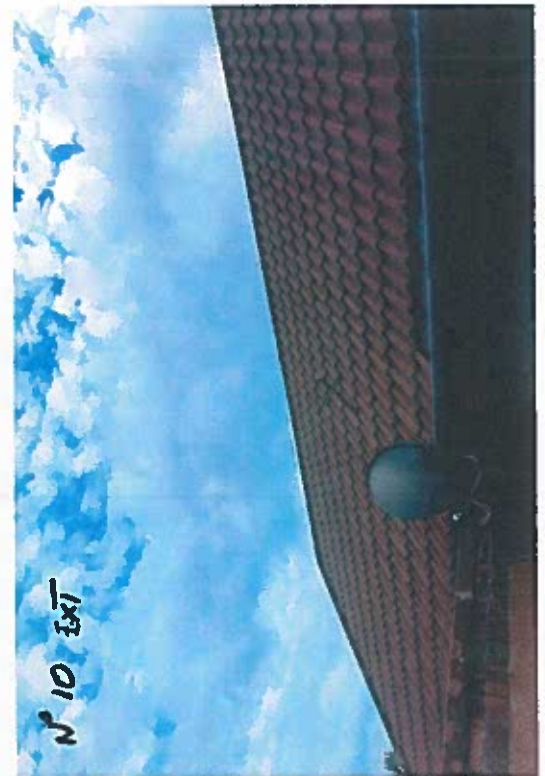
SAMES MILLAR

Date:

12/07/2018

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











## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 18/00312/dpp

**Site Address:** 15 Pendreich Terrace, Bonnyrigg

**Site Description:**

The application property comprises a detached dwellinghouse with accommodation at first floor level within the roof space with a dormer at the front and rear of the property. It is finished externally in drydash render with a brick basecourse and feature panel on the front bay window with white plastic framed windows and rosemary roof tiles. There is an existing garage in the rear garden.

**Proposed Development:**

Two storey extension to dwellinghouse

**Proposed Development Details:**

It is proposed to erect a 3.3m deep and 9.9m wide extension with accommodation at both ground floor and first floor level (within the roofspace) with a 2.6m wide section of flat roof at ridge height. The walls of the extension are to be rendered with a brick basecourse, with concrete roof tiles and white upvc framed windows.

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

History sheet checked.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

The relevant policy of the **Midlothian Local Development Plan 2017** is;

**DEV2** – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

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

applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

**Planning Issues:**

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

One of the main issues in the consideration of this application is the design of the proposed extension, in particular its massing and its effect on the character and appearance of the original house.

The original house has a traditional hipped roof and is relatively modest in scale.

The proposed extension would dominate the rear elevation of the house and its massing, in particular the flat roof section at ridge level resulting in a very bulky gable end at the rear, does not respect the traditional hipped form of the roof or the character of the original house. As a result of its overall size and design the extension will appear as a very bulky addition at the rear of the existing building the design of which is unsympathetic to and would detract from the host building. There does not appear to be anything similar nearby.

The plans are annotated that the roof of the extension is to be covered in concrete tiles whereas the roof of the existing building appears to be covered in clay rosemary tiles. Matching tiles could be conditioned should planning permission be forthcoming.

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

No 13 next door has been extended to the side and rear. The extension will not be overbearing to the outlook from the house or garden of this property. The rooflights on the east side of the extension may give rise to overlooking of the rear garden of this property. This could be minimised with the installation of obscure glazing should planning permission be forthcoming.

The extension will be very prominent to the outlook from the rear garden of no. 17 on the other side however it will not be overbearing to the garden as a whole or the house. The rear window proposed at first floor level on the extension would overlook the garden of no 17. This is already overlooked by a dormer window, albeit serving a stairway, at the rear of the application property. The rooflights on the west side of the extension may give rise to overlooking of the rear garden of this property. This could be minimised with the installation of obscure glazing should planning permission be forthcoming.

The extension will not have a significant impact on sunlight to neighbouring properties.

**Recommendation:**

Refuse planning permission



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 18/00312/DPP**

CLWG Architects  
38 Dean Park Mews  
Edinburgh  
EH4 1ED

Midlothian Council, as Planning Authority, having considered the application by Mr And Mrs James Millar, 15 Pendreich Terrace, Bonnyrigg, EH19 2DT which was registered on 11 May 2018 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Two storey extension to dwellinghouse at 15 Pendreich Terrace, Bonnyrigg, EH19 2DT**

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

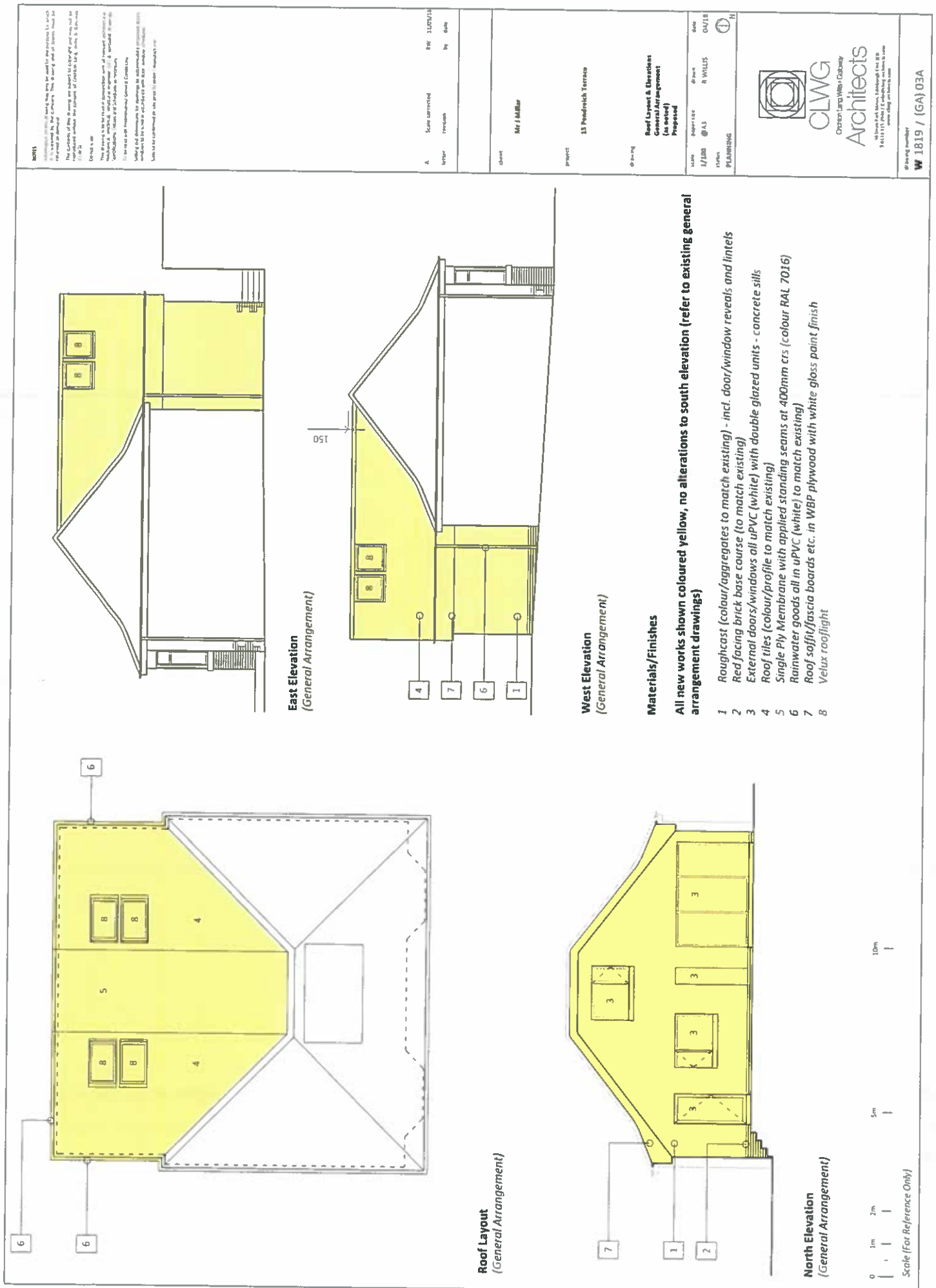
<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	11.05.2018
Site Plan	W1819/(S)01 1:200	11.05.2018
Existing elevations	W1819 (EX) 02A1:100	11.05.2018
Existing elevations	W1819 (DTK) 02A 1:100	11.05.2018
Existing floor plan	W1819/(EX)01 1:100	11.05.2018
Existing floor plan	W1819/(DTK)01 1:100	11.05.2018
Proposed floor plan	W1819/(GA)01 1:50	11.05.2018
Proposed floor plan	W1819/(GA)02 1:50	11.05.2018
Proposed elevations	W1819 (GA) 03A 1:100	11.05.2018

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

1. *The proposed extension is unsympathetic to the original building, in terms of its massing and design. It would appear as a very bulky addition, detracting from the character of the original building and the visual amenity of the surrounding residential area.*
2. *For the above reason the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 26 / 6 / 2018

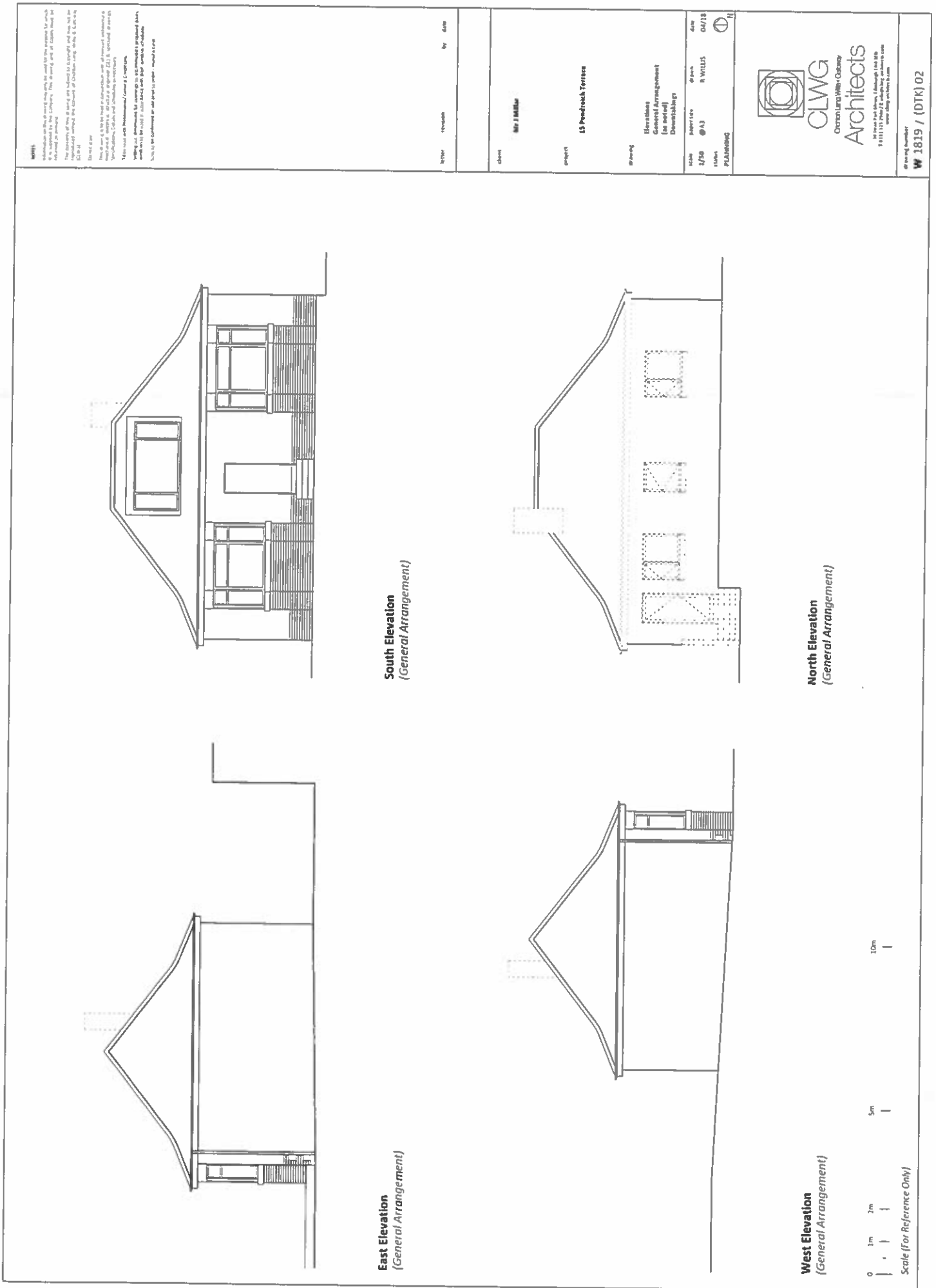
.....  
Duncan Robertson  
Lead Officer – Local Developments, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

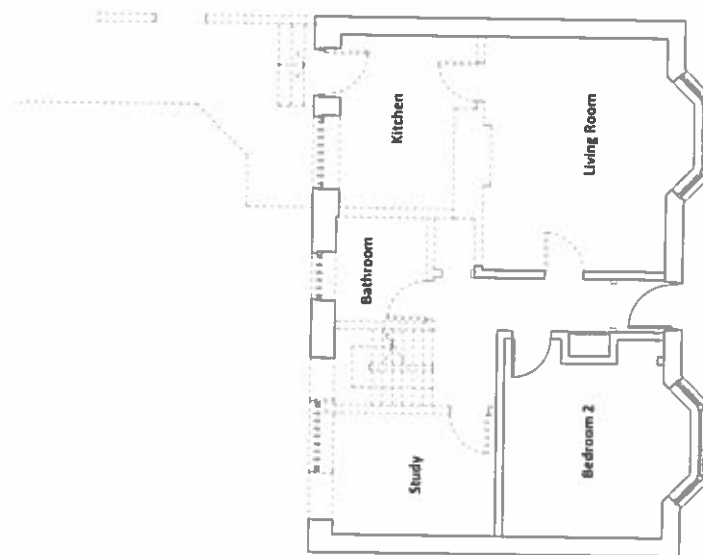




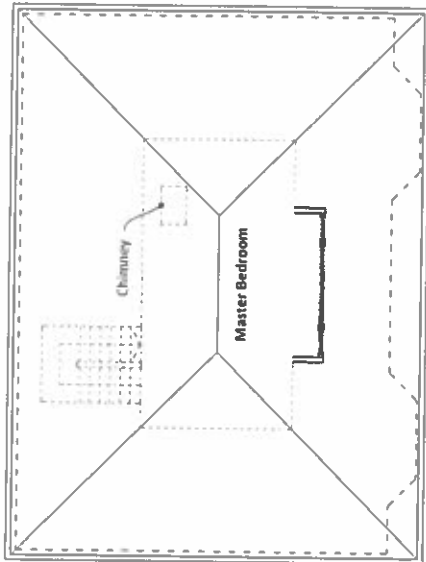




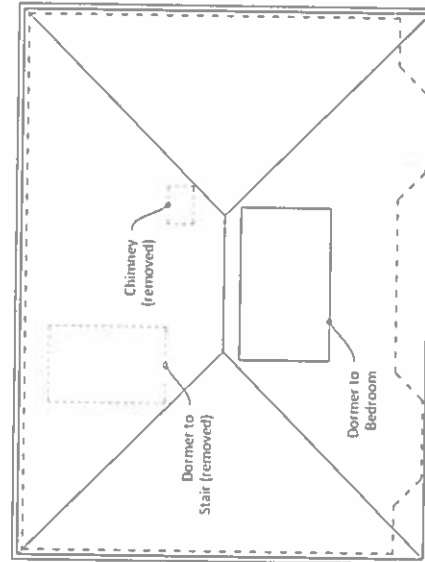




**Ground Floor**  
(General Arrangement)



**First Floor**  
(General Arrangement)



**Roof Layout**  
(General Arrangement)

NOTES

1. All dimensions are given in millimetres unless otherwise stated. Dimensions are given to the centre of the element unless otherwise stated.

2. All dimensions are given to the centre of the element unless otherwise stated.

3. All dimensions are given to the centre of the element unless otherwise stated.

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17. All dimensions are given to the centre of the element unless otherwise stated.

18. All dimensions are given to the centre of the element unless otherwise stated.

19. All dimensions are given to the centre of the element unless otherwise stated.

20. All dimensions are given to the centre of the element unless otherwise stated.

Author: [redacted] Revision: [redacted] Date: [redacted]

Client: [redacted]

Project: [redacted]

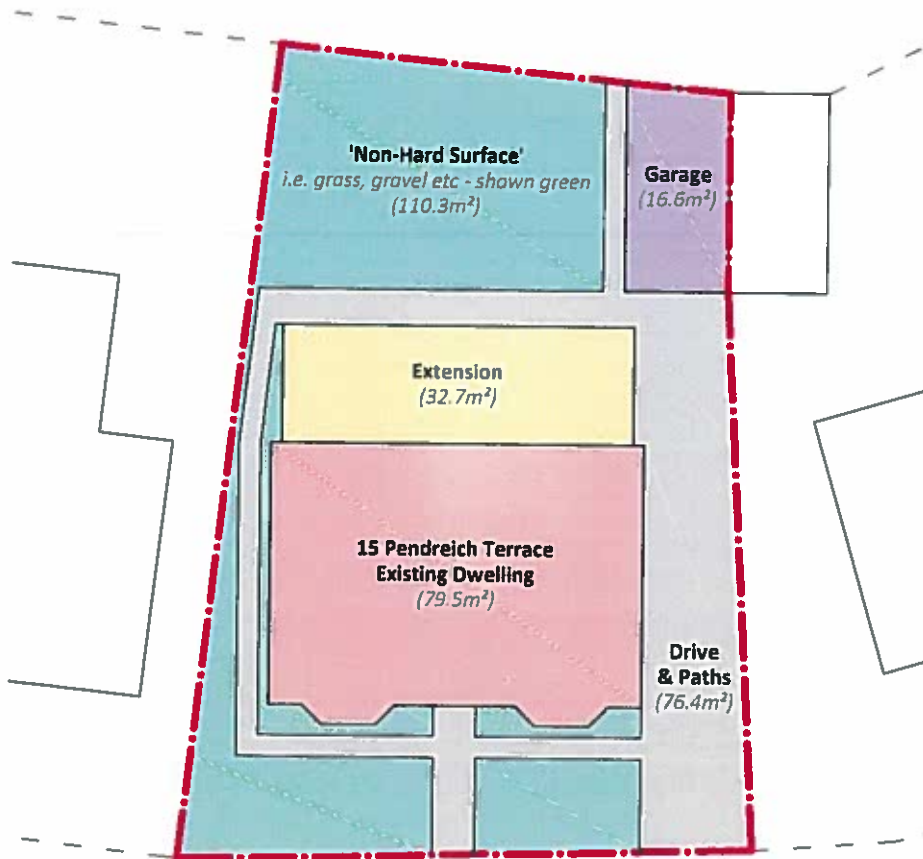
15 Pedreack Terrace

General Arrangements  
(as noted)  
Downstairing

Scale: 1/100  
Project Size: [redacted]  
Date: 04/18  
R. WILLIS  
PLANING

**CLWG**  
OCTAVIA LANG WILLIS & GALLOWAY  
Architects  
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Drawing number: **W 1819 / (DTK) 01**



#### Site Calculation

Total Area of Development (following completion of proposals)  
**128.8m<sup>2</sup>**

Total Area of Non-Hard Surface (following completion of proposals)  
**110.3m<sup>2</sup>**

0 2m 4m 10m

Scale (For Reference Only)

#### NOTES

Information on this drawing may only be used for the purpose for which it is supplied by the company. This drawing and all copies must be returned on demand.

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Do not scale

This drawing is to be read in conjunction with all relevant architectural, mechanical, electrical, structural engineer (SE) & specialist drawing, Specifications, Details and Schedules as necessary.

To be read with Preliminaries/ General Conditions.

Setting out dimensions for openings to accommodate proposed doors, windows to be sized in accordance with door/ window schedules.

Sizes to be confirmed on site prior to order / manufacturer

letter	revision	by	date

#### client

Mr J Millar

#### project

15 Pendreich Terrace

#### drawing

Site  
General Arrangement  
Proposed

scale	paper size	drawn	date
1/200	@A4	R WILLIS	04/18

status  
**PLANNING**



**CLWG**

Crichton Lang Willis & Galloway

**Architects**

38 Dean Park Mews, Edinburgh EH4 1ED  
T0131 315 2940 / Einfo@clwg-architects.com  
www.clwg-architects.com

drawing number

**W 1819 / (S) 01**

