

Notice of Review: 2 Lamb's Pend, Penicuik

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 change of use from office (class 4) to residential (class 9) to form 5 flatted dwellings and associated external alterations at 2 Lamb's Pend, Penicuik.

2 Background

- 2.1 Planning application 16/00474/DPP for the change of use from office (class 4) to residential (class 9) to form 5 flatted dwellings and associated external alterations at 2 Lamb's Pend, Penicuik was refused planning permission on 2 September 2016; 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 2 September 2016 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 24 October 2016; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that two consultation responses have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012 and 26 November 2013, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. 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 wall materials; and
 - b) Details of the colour and materials of the door hereby approved.

Reason: *These details were not submitted with the original application; in order to ensure that these details are in keeping with*

and do not detract from the character and appearance of the surrounding Conservation Area.

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision and children's play provision. The legal agreement shall be concluded prior to the issuing of the LRB decision. The LRB may also wish to consider setting a 6 month time period to conclude the agreement with the sanction of refusing permission if the applicant does not conclude the agreement.

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: 11 October 2016

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

Tel No: 0131 271 3310

Background Papers: Planning application 16/00474/DPP available for inspection online.



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

Change of use from office (class 4) to residential (class 9) to form 5 flatted dwellings and associated external alterations at 2 Lamb's Pend, Penicuik

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File No. 16/00474/DPP

Scale: 1:1,250



Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100025938-001

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: *

David

Building Number:

22

Last Name: *

Thomson

Address 1
(Street): *

Sill Haugh

Company/Organisation

Address 2:

Telephone Number: *

01578 760650

Town/City: *

Fountainhall

Extension Number:

Country: *

Scottish Borders

Mobile Number:

Postcode: *

TD12SL

Fax Number:

Email Address: *

david@cradedin.co.uk

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

2 LAMB'S PEND

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PENICUIK

Post Code:

EH26 8HR

Please identify/describe the location of the site or sites

Northing

659910

Easting

323547

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)

Proposed Change of Use of Suites 5 to 7 (Office - Class 4) to form 5No Apartments (Residential – Class 9)

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.

refer to supporting documentation for "Review Statement"

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Review Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00474/DPP

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

04/07/2016

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

02/09/2016

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

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

Poor outlook from the proposed properties was sighted in the refusal, due to the convoluted nature of the building this would be better assessed by a visit.

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

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

Declaration Name: Mr David Thomson

Declaration Date: 21/09/2016

REVIEW STATEMENT

**Proposed change of use from office (class 4) to residential (class 9) in
the form of 5 (Five) flatted dwellings and associated external
alterations to 2 Lambs Pend, Penicuik**

On behalf of Mr Hendry & Mr Thomson

September 2016

Executive Summary

1. The application site comprises part of the upper floor of a two storey commercial building in Lambs Pend, Penicuik.
2. The application submitted and subsequently refused by the Planning Officer sought full planning permission for the change of use of three office suites and associated common areas to five residential flats including alterations to the external fabric.
3. The application was refused by the Planning Officer as it was considered to be contrary to the terms of the following policies:

- RP20: Development in built up areas
- DP2: Development Guidelines
- RP22: Conservation Areas

Specifically the planning Officer felt that the flatted dwellings would have significantly low levels of amenity with no usable outside space, a poor outlook and that proposed alterations to the external fabric would not maintain or enhance the appearance of an existing building within a conservation area. In addition, the Policy & Roads Safety Manger objected based on concerns regarding existing on street parking provisions being likely exacerbated and that this could lead to illegal parking and impact road safety.

4. We disagree with both the Planning Officer and Policy & Road Safety Mangers opinion and would state the following reasons:
 - A parking stress assessment was submitted which considered the available parking covering Jackson Street & Bank Street, these being closest and therefore the most likely areas to attract any additional parking. This report was benchmarked against Midlothian Councils "Parking Standards" policy (2014 edition). While the classification of the current office situation is open to interpretation the fact 57 on street parking spaces are available beyond that required by local residents is factual.
 - The subject building, located within the town centre of Penicuik, would have the highest level of amenity's Penicuik has to offer.
 - While Lamb Pend's is within the conservation area, Banks Street which is the principal elevation and proposed point of access is not. Objectively speaking any modification to this particular buildings external appearance can only be considered as an enhancement to both the structure and surrounding area.

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1. INTRODUCTION

This statement is in support of a request to review the decision of the Appointed Officer in relation to a Planning Application for the proposed change of use of a first floor office building situated at 2 Lambs Pend, Penicuik to residential use providing five flats. The application was refused planning permission under delegated powers on the 2nd of September 2016 (Planning Application Reference Number 16/00474/DPP). This review has been requested by Mr Hendry & Mr Thomson who are the owners of 2 Lambs Pend.

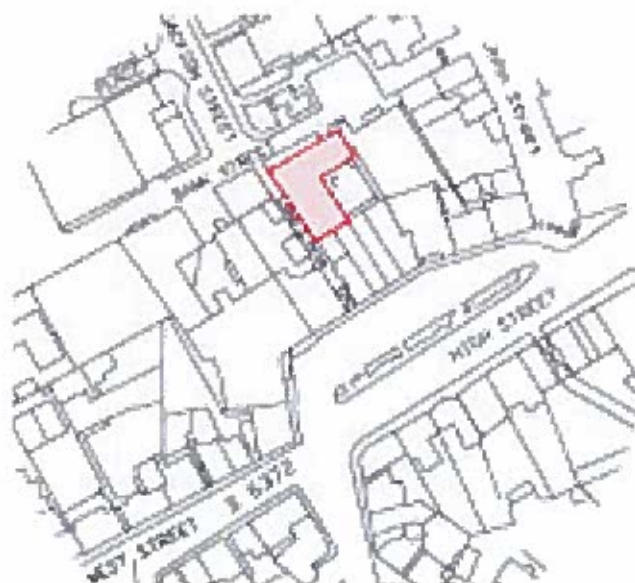
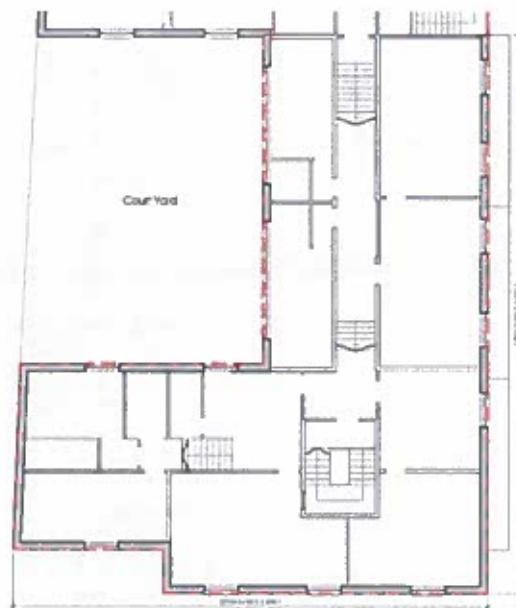


Bank Street above / Lambs Pend Below



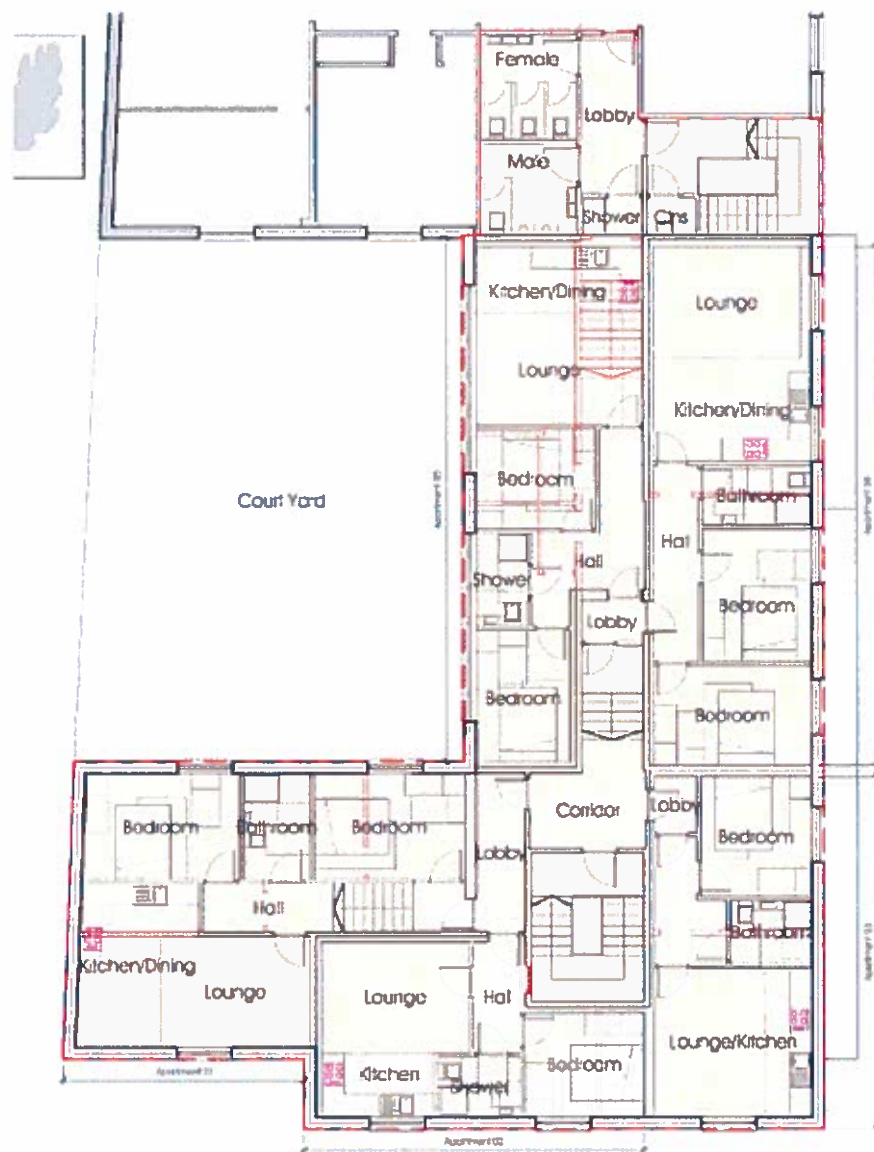
2. LOCATION & SITE DESCRIPTION

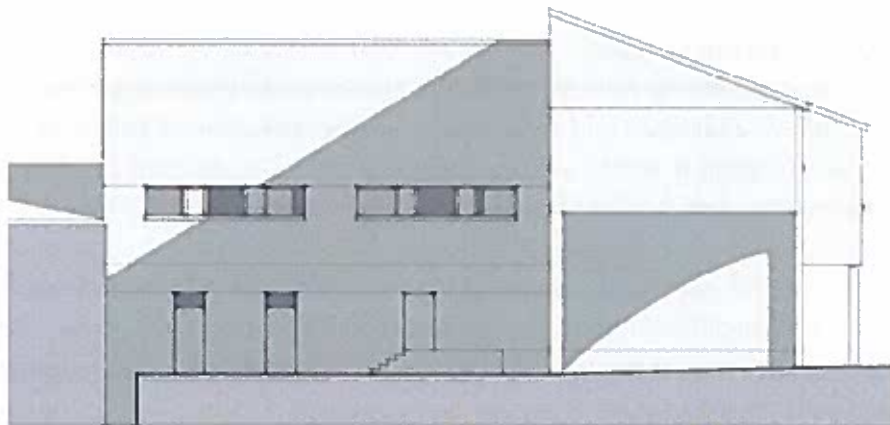
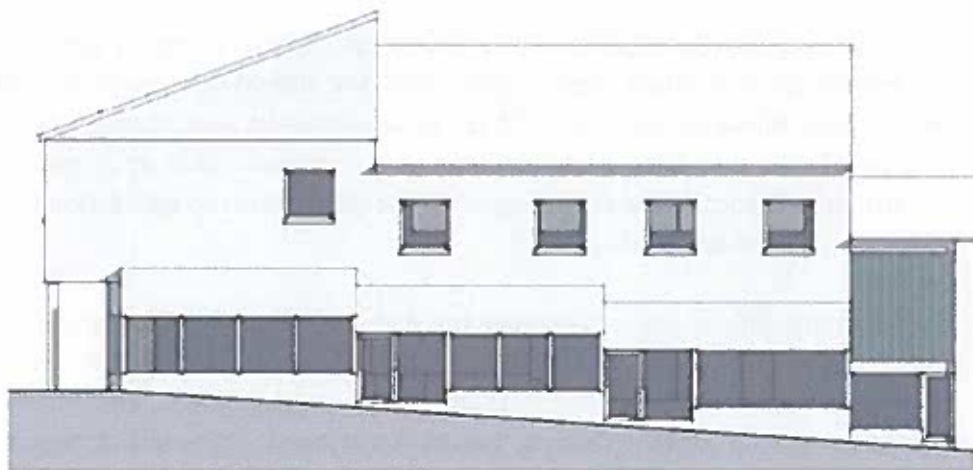
The application site encompasses the first floor of a commercial building within Penicuik town centre. The full building footprint, although not all subject to the submitted planning application, straddles High Street, Lambs Pend and Bank Street with a number of self-contained retail premises at ground floor. The first floor, 2 Lambs Pend, houses seven self-contained office suites with separate toilet facilities. The office suites cover four different floor levels following the incline of Lambs Pend. Lambs Pend itself consists entirely of commercial properties and overlooks the rear of Railway Tavern, with the Bank Street end of the property situation at the south end of a residential street. Bank Street itself is predominantly residential with a small number of commercial premises.



3. DESCRIPTION OF PROPOSED DEVELOPMENT

The application submitted to the Council Planning Department sought full planning permission for the part conversion of a 1st floor of an office building to residential. The works would comprise the conversion of office suites five, six and seven which would be accessed off an existing private stair situated on Bank Street with associated internal modifications to relocate toilet facilities to the lower retained section of office suites. The proposal included over cladding the existing render in zinc, with stone cladding to replace the existing muster tiled columns with the entrance to be framed in new stone walls including glazed entrance and grey framed replacement window throughout.





4. PLANNING POLICY

4.1 RP20: Development within Built-up Area

"Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character and amenity of the area"

National Planning Policy SPP1 states the three general objectives of development plans to maintain and enhance the quality of our natural heritage and built environment as mistakes cannot be easily rectified. The Planning Officer has made reference to the current building form not contributing positively to the surrounding conservation area, in short the building could be classified as an Architectural and Planning mistake. The introduction of zinc cladding does not add another finish, rather replacing the existing harling on the elevations that can be viewed from Bank Street and Lambs Pend. Any proposal to change the cladding must be given careful consideration to ensure that it does enhance the building while not emphasizing the poorer design aspect of the lower building.

The conversion can be achieved without any material change to the elevations with the exception of window replacements and the alterations associated with the ground floor entrance vestibule. To do so would be an opportunity missed to, in part, rectify the perceived design failures of the original 1960s development. Both the Structure & Local plans encourage the redevelopment and conversion of existing buildings within existing urban areas.

The Planning Officer did not engage the client or their duly appointed agent to explore other options in regard to the proposed over cladding. This would have resulted in a constructive dialogue to achieve any planning requirement related to the design as our client's primary object is to improve the visual aspect of the building. The client would be amenable to the incorporation of constructive design advice from the Planning Authority.

4.2 RP22: Conservation Areas

"The development will not be permitted in such areas which would have any adverse effect on its character and appearance. In the selection of choice of material and details of design it will be ensured that alterations to existing buildings preserve or enhance the character and appearance of the conservation area"

Lambs Pend is within the conservation area albeit the subject building and the rear of the Railway Tavern are only two structures that frame the Pend. Works are ongoing to reconstruct the Railway Tavern which include a significant extension to the rear with the original beer garden being reduced in size. During the course of the

works the property has now been de-listed with the image below showing how the completed renovation will look on the opposing side of the Pend.



Bank Street is a mixture of more modern residential property to the west with a small terrace of original stone office buildings to the east. The proposed new access would be positioned in the middle of Bank Street with commercial properties either side.



The pictorial record above suggests that there are no buildings within the immediate area that could be considered of special Architectural or Historical interest, and therefore suggest any proposed development could only enhance this very tired area of Penicuik Town Centre. Again RP22 encourages the reuse and enhancement of buildings in conservation areas.

4.3 DP2: Development Guidelines

"Sets out guidelines for residential development, indicating standards that should be applied when consider applications for dwellings"

The Planning officer has not considered the quality of the development high enough to make allowances in reference to outside space, amenity's and further sighted poor outlooks for the rationale behind non-compliance with the above policy.

As a first floor conversion, without flat roof, there is no scope to provide outside space. The site is 50m from designated public outside seating areas within the precinct and High Street, the public park is 300m to the north end of Jackson Street with the public swimming baths and gym situated at the opposite end of the park.

Penicuik's shopping centre including the bulk of restaurants and bars are all within 75m from the building.

The current proposal encompasses an off street bin store situated within the building.

We understand the client made contact with the Planning Officer to arrange a site visit. The client was subsequently informed that a visit was not necessary to assess the application. Given the building is situated on the 1st floor and stepped, with the section of building under consideration constructed on three different levels we would suggest that the Planning Officers conclusions in reference to outlook would not withstand closer scrutiny.

The following pictorial record is a sample of the available outlooks. The building offers clear views to the Pentland Hills, Uttershill Castle with further broken views to the Cowan Centre clock, St Mungos church and St James with the proposed flats layouts ensuring any lesser outlooks are situated at bedroom locations.



Flat 1 - Lounge View



Flat 2 - Lounge View



Flat 4 - Lounge View

5. MIDLOTHIAN COUNCIL PARKING POLICY (2014)

During the consultation period the Policy & Road Safety Manager objected to the application based on the lack of parking provision – *“The proposed development would place additional pressure on the limited number of on street space presently available in the area and may lead to inconsiderate or illegal parking”*

A Parking Stress Assessment, which is attached to this document, was submitted. This assessment concluded that within the Bank Street and Jackson Street area there were 115 available unrestricted parking spaces for long term use against a local residential need for 63 spaces, thus the area is oversubscribed by 57 on street parking spaces.

A residential / office comparative parking requirement was assessed and concluded the following based on the office building being situation in a rural area, which Penicuik's usual town centre position relative to the pollution density, reinforced by a transport survey of the current office tenants, suggests is the correct clarification.

	Max	Min
Office Use (Rural)	12.4	7.75
Office Use (Town centre)	6	3
Residential Use (5 Apartments)	N/A	7.5

The report conclude that in a rural office classification a change of use to residential would have little impact, if not slightly favourable for residential use based on the minimum provision. If considered a town centre the minimum provision of three spaced would fall 4.5 short of the residential requirement. Given the calculated 57 long term on street available parking spaces there clearly would be no additional pressure applied to the surrounding area as the provision would not be considered “limited”

The parking calculations were based on Midlothian Council's current Parking Policy which has not been referred to directly at any time by the Planning Officer or the Road Safety Manager as policy requirement for the proposal.

A second response from the Policy & Road Safety Manager simply noted the report and reaffirmed his original position remained unchanged effectively dismissing the factual content within the report. At this time the agent made contact with the Planning Officer to arrange a meeting with the Policy & Road Safety Manager with a view to agreeing times and days to conduct a parking stress test survey to validate the submitted report. Within hours of the Policy & Road Safety Manager second response the planning refusal notice had been issued through the online portal.

6. MIDLOTHIAN COUNCIL – PLANNING PRECEDENT

The most recent planning application which is directly comparable to this application is summarised below.

Site Address: 1 Edinburgh Road, Dalkeith

Planning Application Reference: 12/00599/DPP

Description

The conversion of three upper floors of four storey office building to 6(six) residential flats. The building is "B" listed and located within Dalkeith Town Centre, Dalkeith House and Park Conservation area.



Policy & Road Safety Manager Response:

"No objection to the development. Normally the provision of 6 flats would require one and a half parking spaces each. However, the application is for the change of uses of an existing building within a town centre where there is access to public transport and local shops and services. There is also on-street parking and car parks in the area."

Representations

Two objections were received from sitting office tenants on the second floor.

Planning Officer

"Whilst policy DP2 requires the provision of private outdoor space for new residential development, where an existing building is to be reused it can be appropriate to make allowances for the constraints of the particular site, especially within a town

centre, if the amenity of the property created is otherwise of a high standard. The flats will be adequate in respect of their outlook and level of daylight provided. The location, in the town centre, provides a high level of amenity in terms of the facilities available. In these circumstances, the absence of private open space would not warrant refusal"

"From a transportation perspective, the proposal does not fully address the issues of residential and visitor parking which would arise from the provision of residential accommodation. Notwithstanding these reservations, exceptions can be made for the conversion of existing building where the site is within an area of high amenity. The site is located in close proximity to public transport and local service. As such, refusal of the application on these grounds would not be warranted."

Approval Observations:

1. The owners of the flats must keep their refuse bins within their properties and only bring to street level on agreed days and times.
2. Apartment 6 which is within the roof space is served by small slit windows for the kitchen and bathroom. The lounge which is also the bedroom has daylight provided by a roof light with no outlook at all.
3. The building is situated on the road junction between Edinburgh Road and High Street. It is not possible to stop a vehicle and park within 50m of the building with Dalkeith High Street parking limited, particularly for long stay, on street, unrestricted parking.
4. There is no external space provision.
5. External public seating is available 100m to the south within the shopping precinct.
6. Dalkeith County Park, 500m to the north, provides the closest recreational outside space.
7. Throughout the application process there was dialogue between the Planning Officer and the agent with suggestions on how best to adapt the building within the constraints applied.

7. PENICUIK NEIGHBOURHOOD PROFILE

The following key points were obtained from the "Midlothian Moving Forward" community planning document issued in January 2015.

The key housing points are:

- Midlothian has a growing population
- There is a high need for affordable housing, particularly in Penicuik which is considered to be a high-pressure area.
- Penicuik's housing stock survey reveals 17.6% flats, with the Scottish town average at 36.4%
- Penicuik housing is 71% privately owned, the national average is 62%

- Recent social housing construction in Penicuik centre has been predominantly one and two bedroom flatted development.

This development would support housing strategy / requirements of Midlothian Council are currently perusing in terms of town centre affordable housing. While not social rented accommodation the flats would be available to the lower quartile of those most in need of affordable housing.

8. SUMMARY AND CONCLUSIONS

Having considered the proposed development against the terms of both the development plan and other material considerations we are firmly of the opinion that the application should be granted planning permission.

The applicant believes that the Planning Officer and Road Safety Manger have misdirected themselves in their interpretation and application of the relevant policies, please note the following points -

- The conversion could be achieved with minimal change to the appearance of the building. However, this would be an opportunity missed to enhance a building which sits within a very run down, tired area of Penicuik Town Centre.
- The conservation policies primary objective is to protect and enhance buildings that are of Architectural or Historical importance. The application of this policy in this particular location may be considered harsh given the poor quality to building in the vicinity. Any sympathetic and carefully considered external upgrading to the building would only enhance both Lambs Pend and Bank Street.
- The Road Safety Manager has not considered the factual content of a Stress Assessment report and based his conclusion solely on his judgment rather than objectively considering the reports content.
- The proposed development site is served by the highest level of services Penicuik has to offer in terms of local shopping, public services and public transport.
- Each planning application must assessed on its own merits however, we would consider the Planning Officer & Road Safety Manager to have applied the relevant policy inconsistently when reviewing the very similar Edinburgh Road application as described in section 6, which was approved. The building itself does not compare to our application in terms of its obvious

Architectural and Historical importance nevertheless the application of identical planning policy beyond conservation is arbitrary at best.

"In the exercise of planning judgement relevant consideration may be the local authorities own approach to similar applications in the locality. Public law principles demand consistency in the application of policies by public bodies such as local planning authorities, unless there are good reasons to the contrary. Consistency is required as a board principle of good administration and derives from general principles of fairness in the treatment of citizens"

The Planning Authority's position would indicate that any further development or redevelopment in this particular area of Penicuik Town Centre would be viewed negatively, where investment and redevelopment should be encouraged.

We reserve the right to respond to any submissions made to the review body in response to this review by either the Appointed Officers or relevant third parties.

Parking Stress Assessment



Bank Street & Jackson Street, Penicuik

August 2016

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Table 1.1 Property Review by Classification

Drawing: HT01

1.0 Introduction

This report has been commissioned in support of the current live planning application ref: 16/00474/DPP following the consultee report issued by Mr Jim Gilfillan, Policy & Road Safety consultant representing Midlothian Council.

The proposal constitutes a change of use to a proportion of an existing first floor office building (class 4) to residential (class 9). Five new apartments would be formed with pedestrian access off Bank Street. The object of this report is to review the existing parking conditions relative to the proposed development and consider the impacts associated with the change of use.

2.0 Current Policy

This assessment will be carried out in accordance with the parameters and requirements of Midlothian Councils "Parking Standards" (MCPS) policy (2014 edition). This policy outlines the maximum/minimum parking standards covering vehicles, cycling and disabled requirements.

3.0 Change of Use Comparative Assessment

Two Lambs Pend provides access to seven self-contained office suites and associated sanitary facilities. The proposed new access off Bank Street is the existing secondary fire escape serving office suites five, six and seven. The total floor area subject to conversion equates to 310m². The offices do not have any designated parking provision for staff or visitors with rear yard access off Bank Street restricted to the lower commercial units that are situated on the High Street and Lambs Pend. This yard area is only for delivery's and does not constitute parking.

MCPS Table 1 – Housing (extract)

Housing	Number of Bedrooms			
	1		2	
Private	residents	visitors	residents	visitors
	1.0	0.5	1.0	0.5

The proposal is for three, two bed apartments and two, one bed apartments.

This would constitute a parking requirement of 7.5 parking spaces.

MCPS Table 2 – Office & Industry (extract)

Office / General Industry m ² per space					
Town Centre		Public Transport Corridor		Rural Areas	
Min	Max	Min	Max	Min	Max
100	50	50	40	40	25

Penicuik town centre, or at least what is referred to as main shopping centre has a quite unique position in that it's located on the southern edge of the town. The most densely populated areas are in excess of one mile from this centre. From Lambs Pend, Penicuik extends 400 meters to the south residentially, and then is extremely rural following the A701 where the next sizable town is Peebles, some 21 mile away.

When assessing the Lambs Pend office parking requirements it is clear that it could sit within all three designated areas noted in the above table.

Office suites one, two, three and four are currently occupied by CRA (Edinburgh) Ltd Consulting Engineers who employee five staff and Allan MacDougall Solicitors who employee twelve. The bulk of the staff travel from other towns in Midlothian and indeed Edinburgh, with four who are Penicuik residents. Due to the residential locations only two of the four walk to work, with all other utilising private transport.

The remaining four office suites have a combined floor area of 410m² which with fifteen traveling by single car journeys would equated to 27.33m² office space to parking ratio. Based on this sample of information the office would most comfortably sit within the rural classification, with the upper end maximum parking provisions likely to be required.

The office area subject to change of use equates to 310m², if categories as rural, which the survey evidence would suggest is more than a reasonable assumption, a minimum parking provision of one space per 40m² would generate a requirement of 7.75 parking spaces.

4.0 Public Transport

By foot from the proposed Bank Street access, the nearest bus stop is situated on the High Street 60m away.

Lothian Busses (Service 40)	-	Every 30min to Edinburgh weekdays Every 60min Sunday & Evenings
Lothian Busses (Service 37)	-	Every 15min to Edinburgh weekdays Every 20min at weekends
First Buses (service x62)	-	Every 30min to Edinburgh weekdays

From the High Street bus stop travel to Edinburgh is available every 15 minutes with travel to the Scottish Borders every 30 minutes.

5.0 Area Analysis

Bank Street is in-effect a hammer head to the south end of Jackson Street. Jackson Street mainly comprises of two storey flatted residential properties with a small number of two storey semi-detached and detached dwelling. Toward the hammer head that is Banks Street, there are small scale commercial properties, offices and one leisure club amongst further residential developments. In modelling the current parking stress levels we would restrict the review area to 200m from the subject development which is a 2 minute walk. In this instance we would restrict this further to only consider Banks Street and Jackson Street and these are the only unrestricted on-street parking areas available.

Within a street context MCPS outlines the standard dimensions for a single parking space as 5m long x 2.5m wide with a minimum of 2m head room. In addition, any assessment should not include a garage as an additional parking space.

Table 1.1 "Property Review by Classification" calculates the parking requirements for Banks Street and Jackson Street based on the requirements of MCPS and is detail on our drawing HT01.

The tabulated findings are based on the following assumptions:

1. Defined on street disabled spaces are not considered as restricted parking for calculation purposes. The associated property without off street parking would be scored as 1.5 so an allowance is recognised.
2. All private flats are assumed to be two bed.
3. Only off street drives with drop kerbs will be considered. I.e. 18 Jackson Street has off street parking for four vehicles with no drop kerb.
4. All social housing that require on street parking are assumed to be 3 bed or less.
5. Social housing on Bank Street i.e. bock 13, 15, 17, 18 are served by private off street parking. It is assumed that the parking meets the minimum requirements at the time of development and these properties are therefore excluded from calculation.
6. 1 – 22 Vaucluse Place are designed general need housing and are served by off street parking. It is assumed that the parking meets the minimum requirements at the time of development and these properties are therefore excluded from calculation.
7. 11A – 11H / 13A – 13E Jackson Street are all social housing but do not have private parking. During our walk over survey we noted parking bay's to the rear

of these properties with stair access to their common stair and ground floor back entrances. For this reason we have included these parking areas with the calculation.

8. 15A – 15H and 16A & B Jackson Street are the most recent social housing addition with off street parking provided to the rear. It is assumed that the parking meets the minimum requirements at the time of development and these properties are therefore excluded from calculation.
9. Flats within the High Street and the shopping precinct have been omitted for the calculation. There are only a small number and these could not be quantified.
10. 8A – 8J High Street private parking is located off Bank Street. It is assumed that the parking meets the minimum requirements at the time of development and these properties are therefore excluded from calculation.
11. St Mungo's Parish Church has a significantly sized off street car park. Given the optimum traffic generated would be considered off peak, the Church has been omitted from calculation.
12. Impact of Lambs Pend / Kentigern mall as existing has not been factored in.

Summary of on street parking:

Street	Requirement	Provision
Bank Street	7	10
Jackson Street	56.1	99
Off Street Parking Provided		7
Total	63.1	115

Net total parking provisions beyond minimum requirement – 51.9 parking spaces

6.0 Conclusions

The analysis of parking stresses did not consider parking requirements for the immediately adjacent High Street or the retail situated Kentigern Mall. Although time restricted, the mall is served by a 90 space off street parking facility, with a further 25 spaces available on the High Street. These parking areas which are within 200m of the proposed development would provide further unrestricted off peak parking for potential visitors to the area. Residential flatted property above ground floor commercial units are sparse in number and could be further served by a 16 space permit holder only facility situated behind the High Street. This level of parking with the private parking noted in Bank Street and Jackson Street does provide a significant total designated parking, possibly more than would be expected in a town centre setting.

Public transport has been demonstrated to be very regular and in close proximity to the development. MCPS states that a *"town centre with high frequency, quality buses service with short walking distance"* could be used as a contributing factor to reduce the parking provision required. The development would meet this criteria.

Bank Street on street parking's spaces 5, 6,7,8,9 & 10 were includes as during our walk over survey vehicles were sighted in these locations with no parking restrictions applicable. Lambs Pend is a pedestrian link between Banks Street and High Street, with Bank Street itself used as pedestrian access to Kentigern Mall. This is an area of safety concern as parked vehicles in these locations significantly narrow access to the surround areas with one vehicle mounting the pavement to pass during our visit. Enforced restricted parking along these parking lines would be beneficial to pedestrian safety and would not be to the detriment of capacity.

Jackson Street would provide parking for both staff and customers to Kentigern Mall. While the calculation makes no allowance for this, with a spare capacity of 64 spaces, 115 spaces with two hours max stay, and no further assessment of parking provided by the Bridge Street, West Street and John Street which are in close proximity to the centre, we would suggest the town centre has satisfactory levels of parking.

When comparing office to residential uses it has become clear that additional parking resulting from the proposed change of use are likely negligible, if not slightly in favour of the residential change.

The analysis leads to the conclusion that there is an ample level of parking available, particularly considering the high level of off street residential parking provision at Banks Street and Jackson Street.

Table 1.1 Property review by classification

Address	Property Classification	Number of Bedrooms	On street Parking Requirement	Existing Parking Provision
1 Bank Street	Retail (Closed > 20 years)	Not applicable	None	None
4-6 Bank Street	Office	Not applicable	1	None
5 Bank Street	Public Toilet	Not Applicable	1 (assumed allowance)	None
8 Bank Street	Hot food takeaway (closed)	Not Applicable	1	None
12 Bank Street	Retail (closed)	Not Applicable	2	None
12A Bank Street	Commercial	Not Applicable	2	None
13A – 13E Bank Street	Social Housing	Assumed all two bed	None	Private off street parking
15A – 15F Bank Street	Social Housing	Assumed all two bed	None	Private off street parking
17A – 17F Bank Street	Social Housing	Assumed all two bed	None	Private off street parking
18A – 18F Bank Street	Social Housing	Assumed all two bed	None	Private off Street Parking
20A – 20F Bank Street	Social Housing	Assumed all two bed	None	Private off street parking
8A – 8J High Street	Private Residential	Two & Three bed	None	Private off street parking (via Bank Street Access)
1 – 22 Vauluse Place	Social (general Needs)	20 Flats & two Houses	None	Private off street parking
2-4 Jackson Street	Commercial	Not Applicable	2	None
5 Jackson Street	Private Residential	Assumed two bed	1.5	None
7 Jackson Street	Private Residential	Assumed two bed	1.5	None
6A Jackson Street	Private Residential	Assumed two bed	1.5	1
6B Jackson Street	Private Residential	Assumed two bed	1.5	1
8 Jackson Street	Private Residential	Assumed two bed	1.5	None
9A Jackson Street	Private Residential	Assumed two bed	1.5	None
9B Jackson Street	Private Residential	Assumed two bed	1.5	None
10 Jackson Street	Private Residential	Assumed two bed	1.5	None

11 Jackson Street	Snooker Club(Leisure)	Not Applicable	Estimation: 10 Players – 5 3 Staff – 0.6 Total – 5.6	None
11A – 11H Jackson Street	Social Housing	Assumed < three bed	8	None
12 Jackson Street	Private Residential	Assumed two bed	1.5	None
13A – 13E Jackson Street	Social Housing	Assumed < three bed	5	1
14 Jackson Street	Private Residential	Assumed two bed	1.5	None
15 Jackson Street	Private	Five	2.5	1
15A – 15H Jackson Street	Social	Assumed < three bed	None	Off street parking provided
16A Jackson Street	Private Residential	Assumed two bed	1.5	1
16B Jackson Street	Private Residential	Assumed two bed	1.5	1
18A – 18d Jackson Street	Social	Assumed < three bed	None	Off street parking provided
20 Jackson Street	Private Residential	Assumed two bed	1.5	None
22 Jackson Street	Private Residential	Assumed two bed	1.5	None
24 Jackson Street	Private Residential	Assumed two bed	1.5	None
26 Jackson Street	Private Residential	Assumed two bed	1.5	None
28 Jackson Street	Private Residential	Assumed two bed	1.5	None
30 Jackson Street	Private Residential	Assumed two bed	1.5	1
32 Jackson Street	Private Residential	Assumed two bed	1.5	None
34 Jackson Street	Private Residential	Assumed two bed	1.5	None
36 Jackson Street	Private Residential	Assumed two bed	1.5	None
38 Jackson Street	Private Residential	Assumed two bed	1.5	None
St Mungo's Parish Church	Place of worship	Not Applicable	None	Private car park access of Wilson Street
Total			63.1	7
Total Current Parking required			56.1	

- | SET | Requirement Set |
|-----|--|
| 98 | Low Street unrestricted parking
no holding off Street private parking |
| 99 | High Street unrestricted parking |
| 100 | High Street unrestricted parking
No 8 Return to Home |
| 101 | Private Church off street parking |
| 102 | 15A - 15F High Street private off street parking |
| 103 | Private Retail off street parking holding |
| 104 | Kensington Multi Parking 7 hours- Restricted time |
| 105 | 1 - 22 Vanbrugh Place Private off street parking |
| 106 | Black Street Block 1 15 - 17 18 & 20 Private off street parking |
| 107 | 8A - 8J High Street Private off street parking |
| 108 | High Street Private (only) Private off street parking |

PROJECT
Parking Stress Review -
Lamb's Pond: Residential

DWG No. HT/01

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Planning Application Reference:** 16/00474/DPP**Site Address:** 2 Lamb's Pend, Penicuik.

Site Description: The application site forms part of the first floor accommodation of a two storey building within Penicuik Town Centre. The walls are finished with stone and harled with slate and concrete tile roofs. There are currently three offices within the site. The remainder of the first floor of the building, outwith the application site, are also offices. The ground floor units are in commercial use, including a cafe and hot food takeaway. There is a public house to the west (currently under renovation), commercial units to the south and east and a public toilet to the north. The site is also within Penicuik Conservation Area.

Proposed Development: Change of use from office (class 4) to residential (class 9) to form 5 flatted dwellings and associated external alterations.

Proposed Development Details: It is proposed to change the use of the offices to form five flatted dwellings. Associated external alterations are proposed, namely: recladding the front and side elevations with zinc cladding; rendering areas on the side elevations; replacing existing windows with uPVC grey framed units, installing enlarged window openings and a new window on the side elevations. A new entrance to the flats is proposed at the north elevation which is to be mainly glazed with areas of stone to match existing.

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

07/00375/DPP 2 Lamb's Pend (front offices facing High St) Installation of replacement windows. Permitted.

12 High Street (public house)

16/00129/DPP Partial demolition of building and erection of new frontage; erection of two storey and single storey extension and alterations to boundary wall (part retrospective). Consent with conditions.

16/00128/LBC Partial demolition of building and erection of new frontage; erection of two storey and single storey extension and alterations to boundary wall. Consent with conditions.

15/00176/DPP Erection of two storey and single storey extension; alterations to boundary wall and formation of entrance gate and change of use to form flatted dwelling. Consent with conditions.

15/00175/LBC Erection of two storey and single storey extension; alterations to boundary wall and formation of entrance gate and associated internal alterations. Consent with conditions.

12A Bank Street

15/00579/DPP Change of use from retail (class 1) to veterinary practice (class 2) and external alterations. Consent with conditions.

12/00318/DPP Change of use of mixed use building to office and shop; and installation of replacement door. Consent with conditions.

Consultations:

The **Policy and Road Safety Manager** does not support the application and raises road safety concerns over the lack of parking for the five flats proposed. This is a busy town centre area where public on-street parking is at a premium. The proposal would place additional pressure on the limited number of on-street spaces and may lead to inconsiderate or illegal parking in the area. The agent has submitted additional information responding to these comments. The Policy and Road Safety Manager has considered the additional submission but has stated this does not alter his original comments and concerns raised – see planning issues below.

The Council's **Education team** state that a development of five flatted dwellings will result in two additional pupils for non-denominational primary places and one non-denominational secondary place.

The Council's **Lead Officer for Planning Obligations** has stated that there would be a requirement for developer contributions for three of the proposed properties, including towards education provision.

Representations: No representations have been received.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 Development Within the Built-Up Area states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area;

RP22 Conservation Areas states that development will not be permitted in such areas which would have any adverse effect on its character and appearance. In the selection of choice of materials and details of design it will be ensured that alterations to existing buildings preserve or enhance the character and appearance of the conservation area;

SHOP1 Town Centres states there is a presumption in favour of development if it does not adversely affect the character and amenity of the area and complies with other development plan policies;

IMP1 New Development advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure, community facilities and services (see list in local plan); and

DP2 Development Guidelines sets out guidelines for residential development, indication standards that should be applied when considering applications for dwellings.

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.

As the proposed application site is located within the built up area, there is a presumption in favour of development provided that the proposal complies with related

local plan policies and would not have a detrimental impact on the character or amenity of the surrounding area. The main consideration for this proposal is the amenity provided for proposed and existing occupants of the area.

The submitted plans do not show any areas for amenity for the proposed occupants of the flats in relation to the provision of private garden ground and parking. Policy DP2 requires each flat property be provided with 50 square metres of amenity ground. Whilst this policy requires the provision of private outdoor space for new residential development, where an existing building is to be re-developed it can sometimes be appropriate to make allowance for the constraints of the particular site, if the amenity of the properties created and the overall quality of the development are otherwise of a high standard. The proposed flats will have a poor outlook, over a beer garden associated with a public house and a small car park with other two storey buildings in close proximity. The standard of amenity associated with the development is not sufficiently high so as to mitigate against the lack of garden ground.

Also, there is a lack of resident and visitor parking spaces proposed as part of this development and from a transportation perspective the proposal does not fully address the issues of residential and visitor parking which would arise from the provision of five flats. The agent for the application submitted a 'Parking Stress Assessment' in response to the Policy and Road Safety Manager's consultation response. The Policy and Road Safety Manager has considered this and stated that this has not altered his original comments. He has stated that while it is true that the flats would be in a town centre location with good access to public transport, the lack of private, dedicated, residential parking will still be an issue. There is a range of public and private parking areas located nearby, however the general town centre parking is designed for office / business / shopping use and as such would not be suitable as long-stay residential parking.

As above, there can be exceptions made for the conversion of existing buildings where it may be difficult to provide the expected level of parking and central locations with access to public transport is taken into consideration. However, the proposed development would place additional pressure on the limited number of on-street spaces presently available in the area and may lead to inconsiderate or illegal parking in the surrounding area.

A number of external alterations are proposed which include the use of zinc cladding on the north and west elevations. The existing north elevation has stone and harled walls with areas of tiling and glazing at ground floor level with a concrete profiled tile roof. The west elevation has slate cladding and harling at first floor level and purple mosaic, glazing and tiling at ground floor. The use of zinc cladding will introduce a sixth finish/material on the elevations of a relatively small building. Although the existing building does not positively contribute to the surrounding conservation area the proposed cladding would result in a combination of materials which do not relate to each other, result in any improvement of the existing building or the surrounding area. In addition, the combination of slate cladding, zinc cladding, purple mosaic and brown tiles on the elevation facing Lamb's Pend itself would result in a very dark, large expanse of wall which would have the effect of enclosing this alley.

The rendering the internal courtyard wall may potentially be acceptable but further details of the proposed render would be required to assess this fully. The majority of other window frames in the area are white. Given that the Planning Authority does not support the cladding of the walls, their preference is for the window frames remain white as existing and that any change from this forms part of a larger, well designed proposal for altering the existing building. The slight extension of the building at ground floor level to accommodate a larger entrance could potentially be acceptable as part of a well designed scheme of alterations to the building.

Should the proposed development have been considered acceptable, a legal agreement would have been required in order to secure contributions towards the improvement of school facilities and child play facilities.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00474/DPP

Scott Allan
36 Wallace Avenue
Wallyford
East Lothian
EH21 8BZ

Midlothian Council, as Planning Authority, having considered the application by Mr Mark/David Hendry/Thomson, 2 Lambs Pend, Penicuik, EH26 8HR, which was registered on 4 July 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from office (class 4) to residential (class 9) to form 5 flatted dwellings and associated external alterations at 2 Lamb's Pend, Penicuik, EH26 8HR

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2016-21-000 1:1250	04.07.2016
Site plan, location plan and elevations	2016-21-001 1:1250 1:500 1:250 1:100 1:50	04.07.2016
Site plan, location plan and elevations	2016-21-002 1:1250 1:500 1:250 1:100 1:50	04.07.2016

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

1. *The proposed flatted dwellings would have significantly low levels of amenity with no usable amenity space and a poor outlook.*
2. *For the above reason, the Planning Authority considers that the proposal represents an overdevelopment of the premises which does not comply with policies RP20 and DP2 of the adopted Midlothian Local Plan.*
3. *The proposed development is likely to exacerbate existing on-street parking problems in the surrounding area due to the lack of parking provided for the proposed flatted dwellings which may result in inconsiderate or illegal parking and have a detrimental impact on road safety.*
4. *The proposed external alterations would not maintain or enhance the appearance of the existing building and would detract from the character and appearance of the conservation area and are contrary to policy RP22 of the adopted Midlothian Local Plan.*

Dated 2 / 9 / 2016

A handwritten signature in black ink, appearing to be 'DR' with a vertical line through the 'R'.

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



Location Plan | 1:1250



Block Plan | 1:500



Photo 01 | NIS



Photo 02 | NIS



APPENDIX

Planning Permission

The proposed change of use of the site to a residential use is in accordance with the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987.

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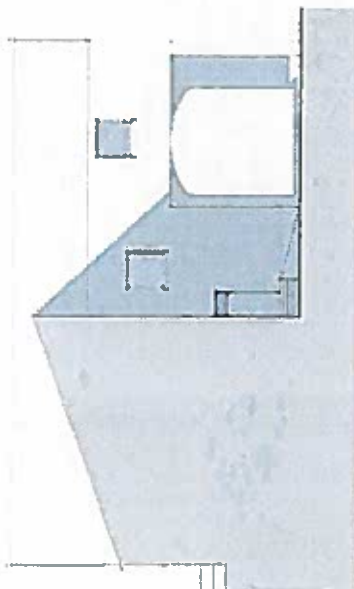
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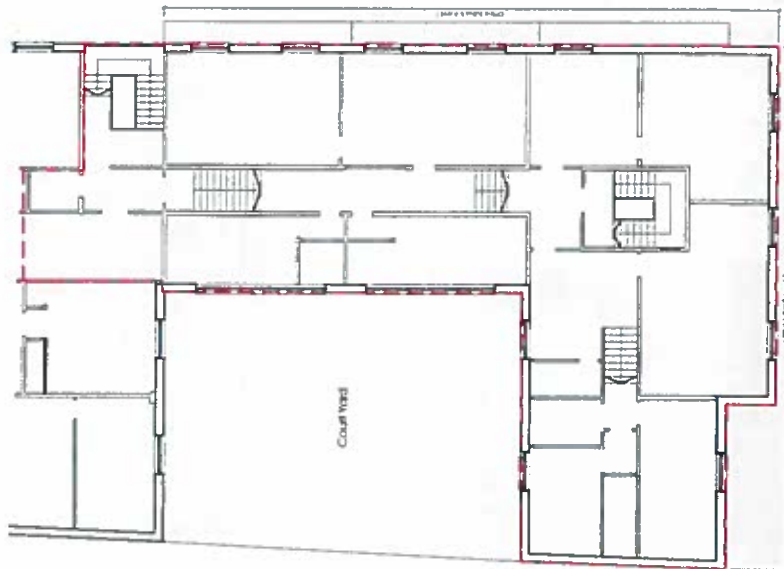
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Building Layout | 1:250



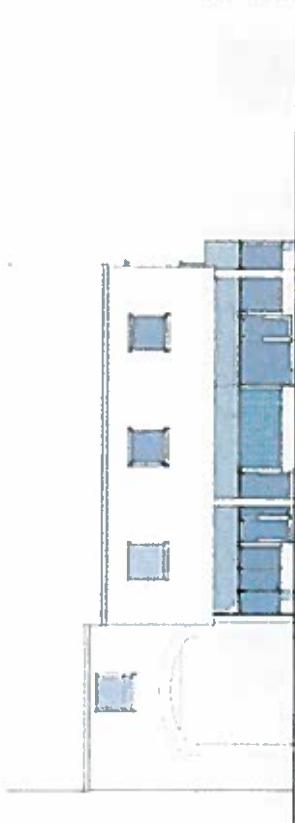
Proposed South East Elevation | 1:50



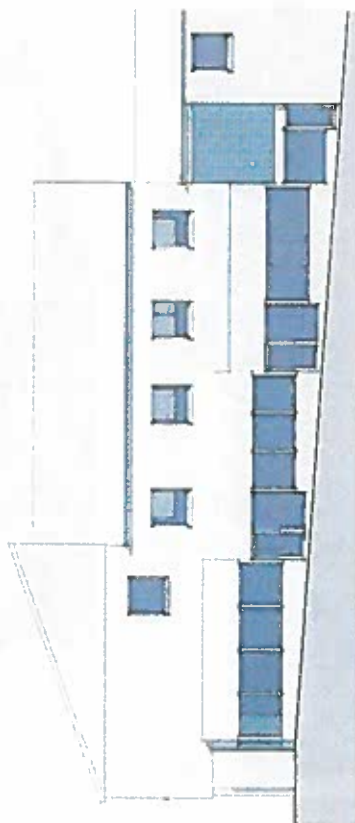
Existing Office Layout (First Floor) | 1:100



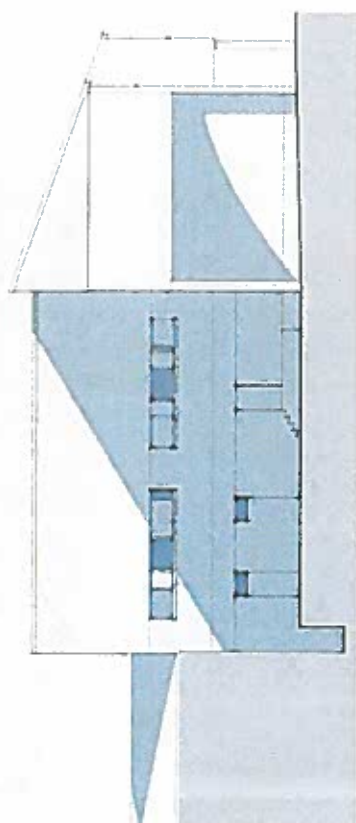
Existing Entrance | 1:100



Proposed North West Elevation | 1:100



Proposed South West Elevation | 1:100



Proposed North East Elevation | 1:100

