

NOTICE OF MEETING

LOCAL REVIEW BODY

Venue: Council Chambers
Midlothian House
Buccleuch Street
Dalkeith

Date: Tuesday 21 October 2014

Time: 2.00 pm

JOHN BLAIR
Director Resources

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

AGENDA

- 1 Apologies.
- 2 Order of Business – including notice of new business submitted as urgent for consideration at the end of the meeting.
- 3 Declarations of Interest.
- 4 Minutes of Meeting of 2 September 2014 – For Approval
(Circulated: Pages 3 - 8).
- 5 Decision Notices –
 - (a) Land 70m North West of Old Pentland Sawmill, Old Pentland, Loanhead (14/00047/DPP) **(Circulated: Pages 9 - 12);** and
 - (b) 18 Ninth Street, Newtongrange (14/00064/DPP)
(Circulated: Pages 13 - 15).
- 6 Notice of Review Request Considered for the First Time – Report by Head of Communities and Economy:-
 - (a) Land at 15 Ironmills Road, Dalkeit **(Circulated: Pages 17 - 53);**
 - (b) Land at “Glenord”, 17 Broomieknowe, Lasswade
(Circulated: Pages 55 - 75); and

- (c) Land at 6A Hursted Avenue, Easthouses, Dalkeith
(Circulated: Pages 77 - 99)

14 October 2014

Note: Plans and papers relating to the above applications can also be viewed online at www.midlothian.gov.uk.

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 2 September 2014 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Bennett, Constable, Imrie, Milligan and Montgomery.

Apologies for Absence: - Councillors Beattie, de Vink and Rosie.

1. Declarations of Interest

No declarations of interest were intimated.

Councillor Milligan did however advise that with regards to Agenda Item No 6(b) Notice of Review Request – 18 Ninth Street, Newtongrange, that the applicant was a former employee of the Council and therefore known to Members. Notwithstanding this fact, he did not believe this would interfere with the LRB being able to come to an objective decision on the Review Request, a view shared by the other Members of the LRB.

2. Minutes

The Minutes of Meeting of 3 June 2014 were submitted and approved as a correct record.

3. Decision Notices –

(a) Land to the West of 25 Damhead, Lothianburn

With reference to paragraph 4(a) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Format Design, 146 Duddingston Road West, Edinburgh, seeking on behalf of their client Mr J Tickle, a review of the decision of the Planning Authority to refuse planning permission (13/00805/DPP, refused on 13 January 2014) for the change of use from agriculture to dog kennels and erection of associated kennels at land 50 metres west of 25 Damhead, Lothianburn and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

(b) Premier Inn, Melville Dykes, Lasswade

With reference to paragraph 4(b) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Walsingham Planning, Brandon House, King Street, Knutsford, seeking on behalf of their client Whitbread PLC, a review of the decision of the Planning Authority to refuse planning permission (13/00725/DPP, refused on 3 December 2013) for the erection of a 20 metre high fence at the Premier Inn, Melville Dykes, Lasswade and granting planning permission.

Decision

To note the LRB decision notice.

(c) Land South of Units 2 and 4A Butlerfield Industrial Estate, Bonnyrigg

With reference to paragraph 4(d) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr D Hogg, Crummock (Scotland) Ltd, 4A, Butlerfield Industrial Estate, Bonnyrigg, seeking a review of the decision of the Planning Authority to refuse planning permission (13/00901/DPP refused on 5 March 2014) for the re-grading of land and formation of storage yard (part retrospective) at land south of units 2 to 4A, Butlerfield Industrial Estate, Bonnyrigg and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

(e) 14 Hillhead, Bonnyrigg

With reference to paragraph 4(d) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from PMAS Ltd, 17 Blackford Bank, Edinburgh, seeking on behalf of their client Mr and Mrs S Macintosh, a review of the decision of the Planning Authority to refuse planning permission (14/00132/DPP refused on 7 April 2014) for the installation of replacement windows at Edgerton, 14 Hillhead, Bonnyrigg and granting planning permission.

Decision

To note the LRB decision notice.

(e) Land 25m West of Junction with Lugton Brae, Old Dalkeith Road, Dalkeith

With reference to paragraph 4(c) of the Minutes of 3 June 2014, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Niall Young Architecture Ltd, 32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, seeking on behalf of their client Mr F Ewart, a review of the decision of the Planning Authority to refuse planning permission (13/00843/DPP refused on 31 January 2014) for the change of use of vacant land to a temporary overspill car park (retrospective) at land 25m west of junction with Lugton Brae, Old Dalkeith Road, Dalkeith and refuse 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 1 September 2014 participated in the review process, namely Councillors Bryant (Chair), Baxter, Bennett, Constable, Imrie, Milligan and Montgomery.

4. Notice of Review Requests –

(a) Land 70m North West of Old Pentland Sawmill, Old Pentland, Loanhead

There was submitted report, dated 26 August 2014, by the Head of Communities and Economy regarding an application from Mr A Mackenzie, M Mackenzie, Old Pentland, Loanhead, seeking a review of the decision of the Planning Authority to refuse planning permission (14/00047/DPP, refused on 26 March 2014) for the change of use of vacant land to storage area for storage of skips at land 70m north west of Old Pentland Sawmill, Old Pentland, 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 accompanied visit to the site on Monday 1 September 2014.

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. He also welcomed on behalf of the Chair, Councillor Bryant, the applicant's representative, Mr Alasdair Mackenzie, and interested parties, Mr Gordon Marshall, Ms Lorna Goudie, Dr Henry Marsh and Mr Stuart Clark to the meeting.

Thereafter, oral representations were received from the applicant's representative, interested parties and the local authority Planning Officer; following which they provided responses to questions from members of the LRB.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. The policy position in terms of both the existing and emerging MLDP was discussed. The potential visual impact and the possible impact that the proposed use might have on the amenity of neighbouring residential properties were also debated. The use of conditions as a way of mitigating concerns and tying the extended site to the existing site, together with the extent of the extended site that would be usable and the underlying ground conditions were also all considered.

Councillor Constable, seconded by Councillor Baxter, moved to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds given in the original decision notice.

As an amendment, Councillor Imrie, seconded by Councillor Montgomery, moved that the review request be upheld and that planning permission be granted subject to the recommended conditions detailed in the Head of Communities and Economy's report and a further condition tying the operating hours to those specified in the SEPA license.

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

Decision

The Local Review Body agreed to uphold the review request and grant planning permission subject to the following conditions:-

1. Development shall not begin until details of a 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 for all storage areas 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, wildflowers 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 drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
 - vii proposed areas of hardstanding; and
 - viii a programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed within six months of the grant of planning permission. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August).

All hard and soft landscaping, including the formation of bunding and hardstanding, shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (viii). 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.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1, RP2 and RP3 of the Midlothian Local Plan and national planning guidance and advice.*

2. No operations, industrial processes, movement of skips, engineering or other works or the operation of machinery shall take place outwith the hours of 7.30am to 18.00pm.

Reason: *To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution and to accord with the operating licence issued by SEPA.*

(Action: Head of Communities and Economy)

(b) 18 Ninth Street, Newtongrange

There was submitted report, dated 26 August 2014, by the Head of Communities and Economy regarding an application from FEM Building Design Services, 8 Plantain Grove, Lenzie, Glasgow, seeking on behalf of their client Mr R Rorrison, a review of the decision of the Planning Authority to refuse planning permission (14/00064/DPP, refused on 28 April 2014) for the erection of a single storey rear extension to dwellinghouse and formation of decking at 18 Ninth Street, Newtongrange. 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 1 September 2014.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. It was felt that in this particular case the nature and number of rear extensions in this locality was of such significance as to potentially outweigh the policy provisions. It was also felt that it would be possible to address by way of appropriate conditions any concerns regarding overlooking of the neighbouring property.

Decision

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

The proposed extension by means of its scale, siting, design and relationship to the host dwellinghouse will not result in an unacceptable loss of privacy, overlooking or a sense of overbearing to the occupants of the neighbouring properties and therefore accords with policies RP20 and DP6 of the Midlothian Local Plan.

subject to the following conditions:-

1. Unless otherwise approved in writing by the Planning Authority a 1.6m high screen shall be erected on top of the deck platform along the west edge, details of which shall be submitted to the Planning Authority and no work shall begin on the extension or deck until this detail has been approved in writing by the Planning Authority.

2. Unless otherwise approved in writing by the Planning Authority the screen approved in terms of condition 1 shall be erected within three months of the extension or deck being completed or brought in to use whichever is the earlier date.

Reason for conditions 1 and 2: In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.

(Action: Head of Communities and Economy)

The meeting terminated at 3.12pm.

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 21 October 2014
Item No 5(a)

Local Review Body: Review of Planning Application Reg. No. 14/00047/DPP

Mr Alasdair Mackenzie
M McKenzie
Old Pentland
Loanhead
EH20 9NU

Midlothian Council, as Planning Authority, having considered the review of the application by M McKenzie, Old Pentland, Loanhead, EH20 9NU, which was registered on 23 June 2014 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use of vacant land to storage area for storage of skips at Land 70M North West Of Old Pentland Sawmill, Old Pentland, 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	21.02.2014
Illustration/Photograph		21.01.2014
Site Plan		06.03.2014

Subject to the following condition:

1. Development shall not begin until details of a 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 for all storage areas 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, wildflowers 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 drainage details, watercourse diversions, flood prevention measures and sustainable urban drainage systems to manage water runoff;
- vii proposed areas of hardstanding; and
- viii a programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed within six months of the implementation of planning permission. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August).

All hard and soft landscaping, including the formation of bunding and hardstanding, shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (viii). 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.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP1, RP2 and RP7 of the Midlothian Local Plan and national planning guidance and advice.

2. No operations, industrial processes, movement of skips, engineering or other works or the operation of machinery shall take place outwith the hours of 7.30am to 18.00pm.

Reason: To minimise disturbance to nearby residential properties from noise, construction traffic and other pollution and to accord with the operating licence issued by SEPA.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 2 September 2014. The LRB carried out an accompanied site visit on the 1 September 2014.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP7 Midlothian Local Plan – Landscape Character
4. ECON8 Midlothian Local Plan – Rural Development

Material Considerations:

1. The individual circumstances of the site; and
2. The neighbouring land owners need to expand their business.

In determining the review the LRB concluded:

The proposed use is an extension to the neighbouring skip hire business and waste transfer station and as such is justified in this location. The limited scale of development and the local topography and landscaping means that the use can be incorporated into the landscape with limited visual impact.

Dated: 2/09/2014

Councillor J Bryant
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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 21 October 2014
Item No 5(b)

Local Review Body: Review of Planning Application Reg. No. 14/00064/DPP

Douglas Mack
8 Plantain Grove
Lenzie
Glasgow
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr And Mrs Rorrison, 18 Ninth Street, Newtongrange, EH22 4JL, which was registered on 20 May 2014 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Extension to dwellinghouse and erection of timber decking at 18 Ninth Street, Newtongrange, EH22 4JL, 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	17.02.2014
Elevations, floor plan and cross section	14/RORR/1 1:200 1:100 1:50	24.02.2014

Subject to the following conditions:

1. Unless otherwise approved in writing by the Planning Authority a 1.6m high screen shall be erected on top of the deck platform along the west edge, details of which shall be submitted to the Planning Authority and no work shall begin on the extension or deck until this detail has been approved in writing by the Planning Authority.
2. Unless otherwise approved in writing by the Planning Authority the screen approved in terms of condition 1 shall be erected within three months of the extension or deck being completed or brought in to use whichever is the earlier date.

Reason for conditions 1 and 2: In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 2 September 2014. The LRB carried out an unaccompanied site visit on the 1 September 2014.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. DP6 Midlothian Local Plan – House Extensions

Material Considerations:

1. The individual circumstances of the site; and
2. Similar extensions in the vicinity.

In determining the review the LRB concluded:

The proposed extension by means of its scale, siting, design and relationship to the host dwellinghouse will not result in an unacceptable loss of privacy, overlooking or a sense of overbearing to the occupants of the neighbouring properties and therefore accords with policies RP20 and DP6 of the Midlothian Local Plan.

Dated: 2/09/2014

Councillor J Bryant
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)

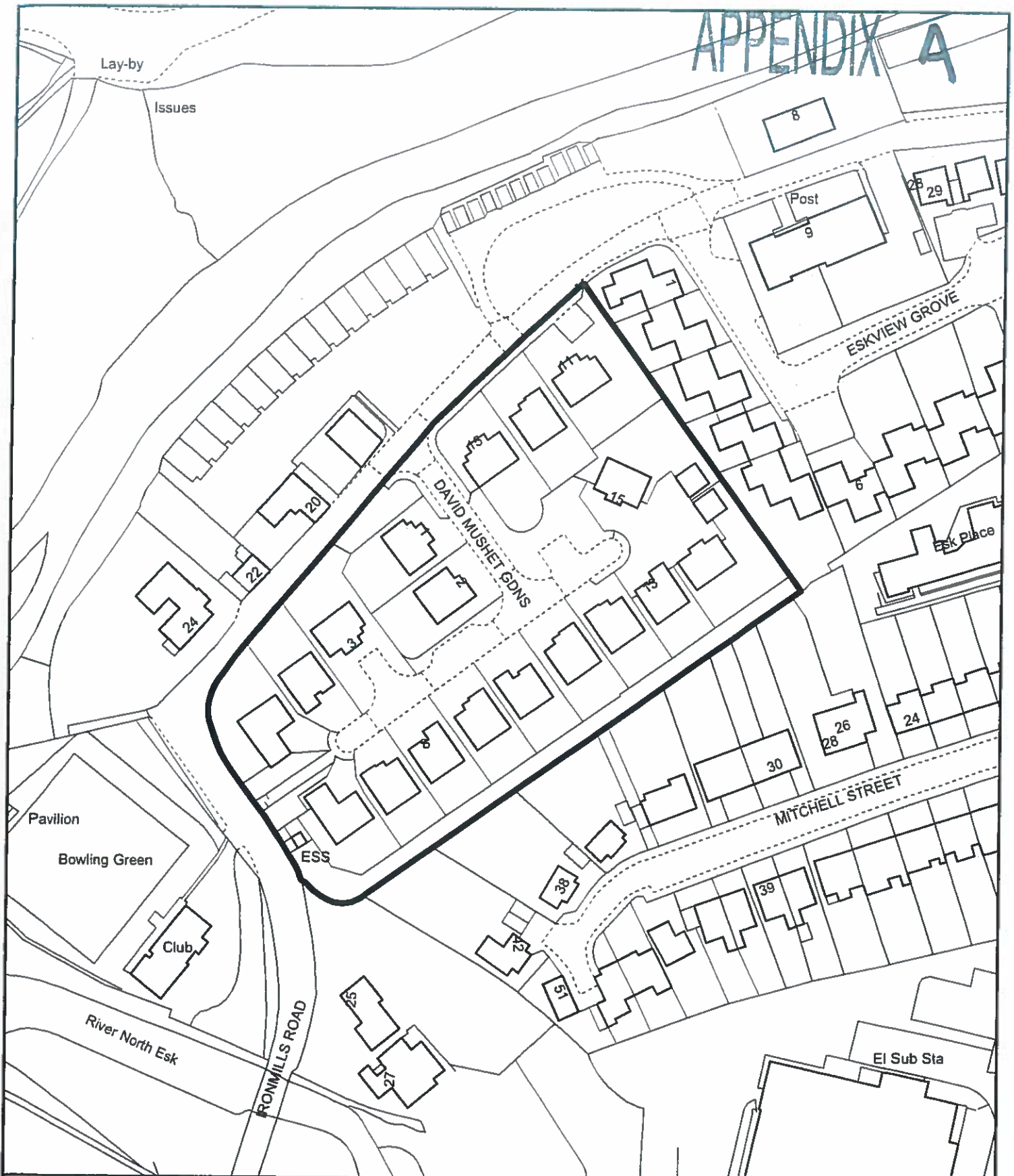
1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making 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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk

APPENDIX A



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

**Erection of satellite dish and associated supporting column
at Land At 15 Ironmills Road Dalkeith**

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File No. 13/00865/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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000083230-001

The online ref number 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

Other Title:

First Name: * Philip

Last Name: * McCulloch

Company/Organisation: CALA Homes (EAST) Ltd

Telephone Number: * 01324 600042

Extension Number:

Mobile Number:

Fax Number: 01324 600001

Email Address: * pmcculloch@cala.co.uk

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

Building Name: Cairnlee House

Building Number:

Address 1 (Street): * Callendar Boulevard

Address 2: Callendar Business Park

Town/City: * Falkirk

Country: * UK

Postcode: * FK1 1XE

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

15 IRONMILLS ROAD

Address 5:

Address 2:

Town/City/Settlement:

DALKEITH

Address 3:

Post Code:

EH22 1JP

Address 4:

Please identify/describe the location of the site or sites.

Northing

667433

Easting

332754

Description of the Proposal

Please provide a description of the 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)

Erection of Satellite Dish and associated supporting column at Land at 15 Ironmills Road, Dalkeith.

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 of 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.

See Supporting Documents

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

☐ Yes ☒ No

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)

- 1) Statement of Reasons for Seeking Review
- 2) Original Planning Application Drawing
- 3) Photographs of the surrounding area

Application Details

Please provide details of the application and decision.

What is the application reference number? *

13/00865/DPP

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

19/12/13

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

13/02/14

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Mr Philip McCulloch

Declaration Date: 20/02/2014

Submission Date: 20/02/2014

Planning Application Refused - Erection of Satellite Dish and associated supporting column at land at 15 Ironmill Road, Dalkeith. Ref: 13/00865/DPP.

Statement of reasons for seeking review.

There are three reasons given for refusal of this proposal in the Decision Notice.

With regard to reason No. 1:

The proposed location ensures that the effect on the visual amenity is kept to a minimum:

- Approaching the proposed location from either end of Ironmills Road the dish would not be readily visible until arriving right next to it. See photos in supporting documents section.
- Considering the visual impact from afar in any direction, it would be at the lowest possible point in the surrounding area.
- The proposed location would mean the dish could be mounted at less than 3m height from the ground, much lower than many other dishes mounted in the area.
- The proposed location is not overlooked directly by existing properties on either side of the road.

In contrast the location preferred by the Planning Dep't next to Plot 17, as referred to in the Planning Report for the application, has a much greater impact on visual amenity:

- Much higher up on the topography of the area so more visible from afar in all directions.
- Overlooked directly by a number of properties within the cul-de-sac.
- Would need to be mounted much higher to gain a signal over the houses to the South East of the completed development.

With regard to Reason No. 2:

Our Specialist who has surveyed the signal strengths has determined that the location proposed was generally capable of receiving adequate satellite and terrestrial tv signals in around that area.

Its immediate proximity to the tree was not essential to achieve the required signal strengths, but it was deemed that the tree would provide a degree of screening, so the closer the Dish could be located to the tree, the less visual impact it would have on the streetscape.

On the matter of "continuous pruning", the location proposed was established as optimum in terms of being screened by the tree but not unduly subjected to interference from the tree. Given it's proximity to the public road, it is reasonable to expect the tree to be pruned from time to time at the request of the Roads Dep't or as part of the regular landscaping management to be carried out by the Factor on behalf of the residents of the completed development.

It should be noted that our Landscaping Consultant gave advice on this particular tree by way of a drawing detailing all of the trees on the development, back in 2012. His advice was entirely consistent with the report given by Donald Rodger, Arboriculturalist, for the pruning of the tree in November 2013. I have attached both documents in the supporting documents section.

If, despite the points raised here, it was deemed that the tree should not be pruned at any time for purposes of TV/Satellite signal quality, then the exact location of the dish could be agreed with Midlothian Council whereby continuous pruning of the adjacent tree would not be required.

With regard to Reason No. 3:

The precedent in Planning terms of Satellite dishes within this immediate locale has already been long established, unless the other dishes in the area do not have consent. I have attached in the supporting documents section a file of photographs taken showing a number of prominent satellite dishes and TV Aerials all readily visible from Ironmills Road. There are more in the adjacent streets within the Conservation Area. In some cases the dish and aerial are mounted separately causing further unnecessary visual impact. The mounting poles and cabling are not particularly neat and tidy either.

In contrast what has been proposed is both neat and tidy with dish and aerial mounted together. We have also gone to great lengths to provide a fibre optic underground distribution network to ensure there is only one dish and aerial rather than potentially eighteen separate facilities on each property of the new development. Even if separate facilities were only tv aerials, many would need to be on extended poles above the roof lines in order to get an adequate tv signal.

Mr Phil McCulloch
CALA Homes (East) Ltd.

28 November 2013

Dear Phil

Pruning to Tree at The Glade, Ironmills Road, Dalkeith

I refer to our discussion regarding the pruning of a tree at the above development. I have visited the site and set out below my comments and recommendations.

The tree in question is one of a pair of semi-mature London plane. These stand adjacent to Ironmills Road outside plot 18 and are identified on my original tree survey of July 2011 as trees 699 and 700.



Tree 699 (foreground)

Both trees are in satisfactory condition and appear to have been successfully retained within the new development. I note that there are two small branches which are broken and hung-up in the crown of tree 699. This appears to be old storm damage, rather than caused by construction works. It would be prudent to remove both of these broken branches.

I understand that it is your intention to move the communal satellite and aerial pole to a new location closer to tree 699 to obtain an improved signal, and that this will necessitate

some pruning works to the crown. Taking into account the species of tree, its good vigour and its relatively small size, I feel that it would be acceptable in arboricultural terms to reduce to spread of the canopy on the west side (i.e. nearest the pole) by up to one third. This will require the cutting back to a suitable point only light and small diameter growth, which will not adversely affect the health of the tree or its overall amenity value. The tree is, however, likely to produce new growth from the cut ends, therefore this operation may need to be repeated on a regular basis to maintain a suitable clearance.

My recommendation is set out below.

Tree 699

- Remove two broken and hung-up branches from crown.
- Reduce the overall branch spread by no more than one third on the west face of the tree only.

The above works must be carried out to British Standard 3998:2010 by a professional tree surgeon.

I trust that this of some assistance, however please do not hesitate to get in touch should you have any queries.

Yours sincerely

Donald Rodger

Registered Consultant of the Arboricultural Association





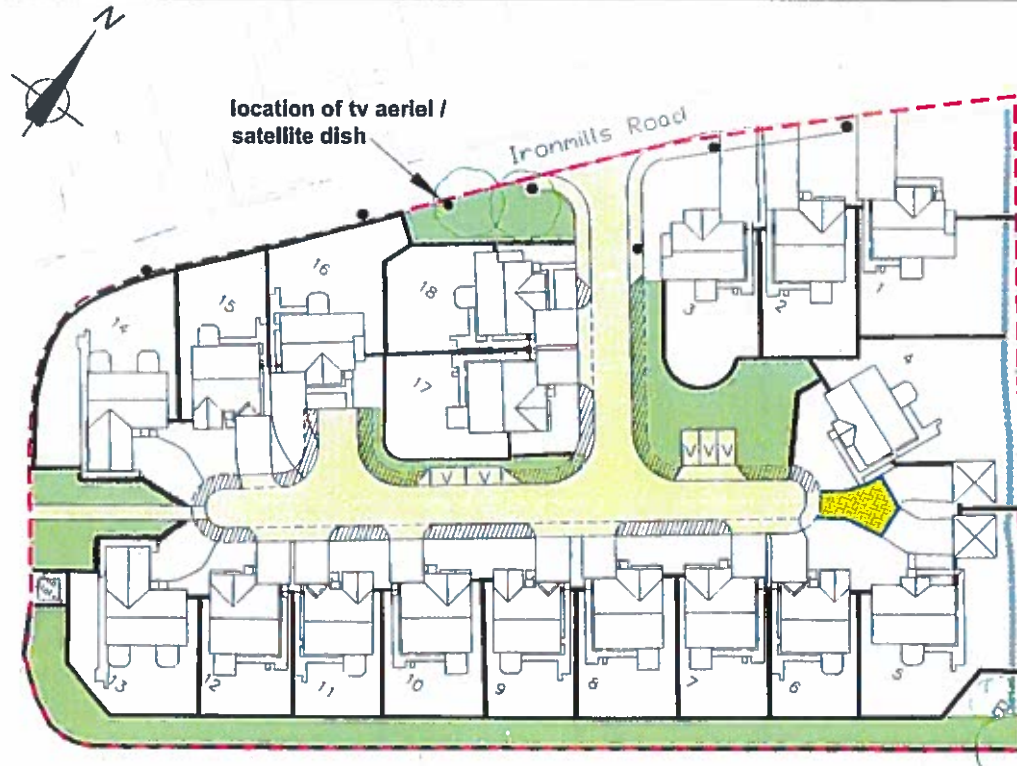












Example Photo of Installation at Development at Lasswade Road, Eskbank

DETAILS OF DIGITAL SATELLITE AND DIGITAL TERRESTRIAL TELEVISION SIGNAL QUALITY

CALA DEVELOPMENT, IRONMILLS ROAD, DALKEITH PC_01

A & R SYSTEMS LTD

SATELLITE & AERIAL INSTALLATIONS

- NOTES:**
- Satellite Dish will be 60cm diameter stand and domestic size mounted 4m high on 6m lighting column to match other lighting columns along the road.
 - TV Aerial will be Philips SDV2540 mounted on the top of the 6m lighting column.
 - All cables will be internal to the lighting column and screens.
 - Dish will be either Option 1 - transparent Plastic or Option 2 - "Solid" 43cm square finished in colour of choice.

Proposal Details

Proposal Name	Review of Decision to Refuse Satellite Dish
Proposal Description	Review the Planning Decision to refuse a communal satellite dish adjacent to Ironmills Road
Address	15 IRONMILLS ROAD, DALKEITH, EH22 1JP
Local Authority	Midlothian Council
Application Online Reference	000083230-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

Landscape Architects Proposals for existing trees	Attached	A1
Notice of Review	System	A4
Notice of Review	System	A4
Photos	Attached	A4
Planning Application Drawing	Attached	A3
Reasons For Review	Attached	A4
scotapp	System	A4
Tree Report for tree adjacent to proposed satellite dish location	Attached	A4

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 13/00865/DPP

Site Address: Land at 15 Ironmills Road, Dalkeith

Site Description:

The application site is the recently constructed housing development at 15 Ironmills Road. The site is located within Eskbank and Ironmills Conservation Area.

Planning permission is sought for the erection of a proposed satellite dish and a digital terrestrial television aerial and supporting column within a landscape pocket on the northern part of the site the subject of planning permission 11/00858/DPP. The landscape pocket is located to the immediate west of the vehicular access into the site and is adjacent to Ironmills Road.

Development:

Erection of satellite dish, digital terrestrial television aerial and associated supporting column.

Development Details:

The proposed column would be positioned on the northern edge of it landscape pocket. It measures some 6 metres in height and is constructed of unfinished galvanised steel.

The applicant has submitted details of two alternative satellite antenna - one being round and constructed of transparent plastic and the other being square and of solid construction with 43cm long sides and rounded corners. The proposed satellite antenna would be attached to the column at a point some 4 metres above ground level.

The proposed digital terrestrial television aerial is rectangular in shape and is mounted on top of the column. All cables are internal to the column. The proposed satellite dish and digital terrestrial television aerial are for communal satellite tv and terrestrial tv for all of the 18 houses in the new development.

There exists on site an unauthorised satellite dish, digital terrestrial television aerial and supporting column positioned in the south west corner of the same landscape pocket the subject of this application. That existing satellite dish is round - 60cm in diameter and solid with a dark grey finish. It is mounted on a vertical pole some 2 metres high, which pole is attached with two brackets to a 6 metre high vertical column. The dish is mounted some 4 metres above the ground. That existing unauthorised satellite dish, digital terrestrial television aerial and supporting column

is the subject of an on-going planning enforcement investigation and if necessary, appropriate enforcement action will be taken to secure the removal of them.

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

In May 2012 planning permission ref.11/00858/DPP was granted for the erection of 18 dwellinghouses; the erection of substation; the formation of an access road; and associated works on the site. The houses have been built and are occupied and the associated works are nearing completion.

Consultations:

None required.

Representations:

Four letters of objection were received. The grounds of objection raised are summarised as follows:

- The satellite dish is unsightly, harmful to the appearance of the conservation area.
- There exists an alternative location(s) within the site where the dish could be located which is less conspicuous and which would not harm the character and visual amenity of the conservation area.
- The satellite dish is unsightly from neighbouring properties.
- It would spoil views from windows in neighbouring houses.

Relevant Planning Policies:

Section 64 of the **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997** states that in determining an application for development on land in a conservation area, the planning authority will pay special attention to the desirability of preserving or enhancing the character and appearance of the area.

The relevant policies of the **2008 Midlothian Local Plan** are;

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

Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;

Midlothian Local Plan Policy **RP22: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

The **Scottish Planning Policy** states that planning authorities can help to safeguard historic assets through development plans and development management decisions...When preparing development plans or considering development proposals with a potential significant impact on historic character, planning authorities should consider the capacity of settlements and the surrounding areas to accommodate development without damage to their historic value... The design, material, scale and siting of new development within a conservation area and development out with the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area.

Planning Issues:

The relevant Midlothian Local Plan policies (RP20 and RP22) seek to protect the character and amenity of the built-up area and the character and appearance of conservation areas.

The determining issue in this case concerns the size, height, position and appearance of the satellite dish, digital terrestrial television aerial and associated supporting column and the effect that they have on the character and visual amenity of street scene and the Conservation Area.

It is explicit in national planning policy and guidance that within conservation areas it is desirable to preserve or enhance the character and appearance of the locality. It is the duty of the planning authority to pay special attention to the character and appearance of conservation areas.

The housing development on the site has recently been constructed and the Council has a significant input to ensure that the design of the development and subsequent extensions and alteration/additions to it are sympathetic to its surroundings, particularly taking into account its location within Eskbank and Ironmills Conservation Area.

The existing unapproved satellite dish is very prominent in the street scene. The proposed satellite dish, digital terrestrial television aerial and associated supporting column would be even more prominent in the street scene. When viewed from points along Ironmills Road the proposed satellite dish, digital terrestrial television aerial and associated supporting column would break the skyline. Due to their positioning, size, height, appearance including finishes and colours, they would appear as incongruous and unduly conspicuous features. They would exacerbate the visual clutter in the street, spoiling the appearance of the main entrance to the site. Consequently they would harm the character and visual amenity of the Eskbank and Ironmills Conservation Area.

The developer was granted permission by the Council for the pruning of the mature Plane tree within the landscape pocket the subject of this application. However, they were advised that this would not be a permanent solution as the tree would need

continued pruning to prevent encroachment on the existing satellite dish. This would be detrimental to the long term health and viability of the tree. The location of the currently proposed satellite dish, digital terrestrial television aerial and associated supporting column would prevent the planting of a replacement tree for the Plane tree. Therefore the proposed development is not acceptable in landscape terms, contrary to Midlothian Local Plan Policy RP5.

If the proposed satellite dish, digital terrestrial television aerial and associated supporting column were approved, it would be difficult for the Council to justifiably oppose similar proposals for satellite dishes, digital terrestrial television aerials and supporting columns adjacent to the public roadside frontage of other sites within Ironmills Road, the cumulative impact of which would erode the character and visual amenity of the Conservation Area.

In landscape visual impact terms the preferred location for a satellite dish would be within the housing site at the south-east facing gable end of plot 17. The applicant has not submitted to the planning authority any supporting evidence demonstrating that the currently proposed location of the satellite dish, digital terrestrial television aerial and associated supporting column is the only location on the site where a signal would be strong enough for the satellite dish and aerial to work. There appears to be no immediate reason why the re-siting of them elsewhere within the site in a less conspicuous position and where they would not break the skyline, could not receive reception as it would appear that the satellite dish and digital terrestrial television aerial would be pointing in the same direction as at present with no obvious obstructions.

Recommendation:

Refuse planning permission.

REASONS FOR REFUSAL:

1. In terms of their positioning, height, form and appearance the proposed satellite dish; whether round and constructed of transparent plastic or square and of solid construction, the digital terrestrial television aerial and column would all be unduly prominent and incongruous features, harmful to the character and visual amenity of Eskbank and Ironmills Conservation Area, contrary to and Scottish Planning Policy and policies RP20 and RP22 of the adopted Midlothian Local Plan 2008.
2. Owing to their position the proposed satellite dish, the digital terrestrial television aerial and column would necessitate the continued pruning of an existing mature Plane tree to prevent it encroachment on them. This would be detrimental to the long terms health and viability of the tree which makes a valuable contribution to the landscape character and amenity of the area. The proposed location of the satellite dish, digital terrestrial television aerial and associated supporting column would prevent the planting of a replacement tree for the Plane tree. Therefore the proposed development is unacceptable in landscape terms, contrary to Policy RP5 of the adopted Midlothian Local Plan 2008.

3. If approved the proposed development would set an undesirable precedent for the erection of other similar satellite dishes, digital terrestrial television aerial, and associated mounting columns on public roadside frontage of other sites within Ironmills Road, the cumulative impact of which would erode the character and visual amenity of Eskbank and Ironmills Conservation Area.

DATE: 27 January 2014

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997/26.01.2014/26.01.2014

Reg. No. 13/00865/DPP

Cala Homes
Cairnlee House
Callendar Boulevard
Callendar Business Park
Falkirk
FK1 1XE

Midlothian Council, as Planning Authority, having considered the application by Mr Philip McCulloch, Cairnlee House, Callendar Boulevard, Callendar Business Park, Falkirk, FK1 1XE, which was registered on 19 December 2013 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of satellite dish and associated supporting column at Land At 15 Ironmills Road, Dalkeith,

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PC_01	19.12.2013
Illustration/Photograph		19.12.2013

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

1. In terms of their positioning, height, form and appearance the proposed satellite dish; whether round and constructed of transparent plastic or square and of solid construction, the digital terrestrial television aerial and the column on which they would be mounted would all be unduly prominent and incongruous features, harmful to the character and visual amenity of Eskbank and Ironmills Conservation Area, and contrary to Scottish Planning Policy and policies RP20 and RP22 of the adopted Midlothian Local Plan 2008.
2. Owing to their position the proposed satellite dish, the digital terrestrial television aerial and the supporting column would necessitate the continued pruning of an existing mature Plane tree to prevent its encroachment on them. This would be detrimental to the long term health and viability of the tree which makes a valuable contribution to the landscape character and amenity of the area. The proposed location of the satellite dish, digital terrestrial television aerial and associated supporting column would prevent the planting of a replacement tree for the Plane tree. Therefore the proposed development is unacceptable in landscape terms, contrary to Policy RP5 of the adopted Midlothian Local Plan 2008.
3. If approved the proposed development would set an undesirable precedent for the erection of other similar satellite dishes, digital terrestrial television aerials, and associated mounting columns on public roadside frontage of other sites within

Ironmills Road, the cumulative impact of which would erode the character and visual amenity of Eskbank and Ironmills Conservation Area.

Dated 13 / 2 / 2014

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

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 require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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 reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the 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.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submit in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.

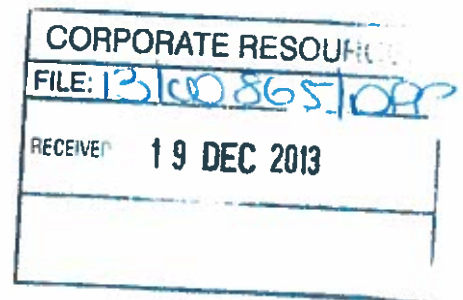
APPENDIX E

Philips
Aerial

DVB-T/DAB

Indoor / outdoor

SDV2940



Receive digital TV and radio

with this 18 dB amplified aerial

This 18 dB amplified aerial offers excellent digital reception. It's compact and easy to install. Suitable for indoor or outdoor installation. Check set top box owner's manual for powering options.

Enjoy more programming choices

- 18 dB amplification for extended reception
- Digital TV optimized UHF panel array
- DAB band III capable

Customize the appearance

- Weatherproof, paintable surface

Easily install anywhere

- Extremely compact design

PHILIPS

sense and simplicity

CORPORATE RESOURCES
 FILE: 30085102
 RECEIVED 19 DEC 2013



FIG 11 Client



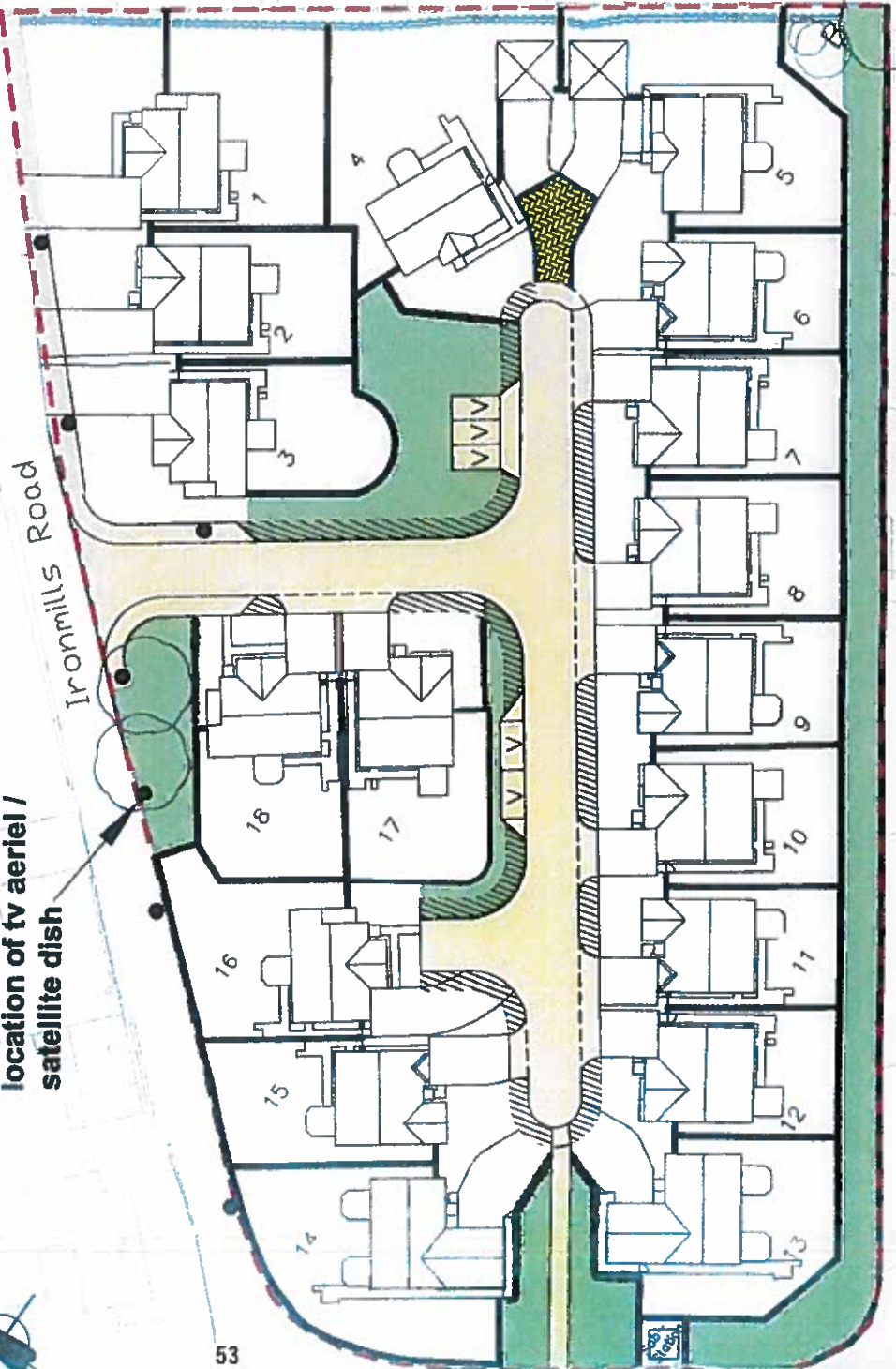
FIG 12 Client

FIG 13 Client

ENTRANCE



location of tv aerial /
 satellite dish



Satellite Dish - Option A



Satellite Dish - Option B



TV Aerial



Example Photo of
 Installation at
 Development at
 Lasswade Road, Eastbank

DETAILS OF DIGITAL
 SATELLITE AND DIGITAL
 TERRESTRIAL TELEVISION
 SIGNAL QUALITY

CALA DEVELOPMENT,
 IRONMILLS ROAD,
 DALKEITH PC_01

A & R SYSTEMS LTD

SATELLITE & AERIAL
 INSTALLATIONS

- NOTE:
- Satellite Dish will be 60cm diameter standard domestic size mounted 4m high on 6m lighting column to match other lighting columns along the road.
 - TV Aerial will be Philips SDV2940 mounted on the top of the 6m lighting column.
 - All cables will be internal to the lighting column and unseen.
 - Dish will be either Option 1 - transparent Plastic or Option 2 - "Square" 43cm square finished in colour of choice.

Notice of Review: Land at 15 Ironmills Road, Dalkeith

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of satellite dish and associated supporting column (Retrospective) at land at 15 Ironmills Road, Dalkeith.

2 Background

- 2.1 Planning application 13/00865/DPP for the erection of satellite dish and associated supporting column (Retrospective) at land at 15 Ironmills Road, Dalkeith was refused planning permission on 13 February 2014; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisor notes, issued on 13 February 2014 (Appendix D); and
 - A copy of the relevant plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 20 October 2014; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and four representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 As a consequence of the works on the proposed development already taken place, it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, those works which have already taken place without planning permission will have to be removed. In this case the applicant will be asked to remove the works within a reasonable time frame. However the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to secure the removal of those works already undertaken.

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: 14 October 2014

**Report Contact: Peter Arnsdorf, Development Management Manager
peter.arnsdorf@midlothian.gov.uk**

Tel No: 0131 271 3310

Background Papers: Planning application 13/00865/DPP available for inspection online.

NO.	DATE	PROJECT	BY	REV.	DATE	REVISION	BY	<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING PERMITS. APPROVE PLUMBING PERMITS AND SEAL THIS SET FOR USE AS A VOUCHER DURING THE INSPECTION FOR PERMITS BUILDING DEPT.</p> <p>THIS OFFICE'S LIABILITY ENDS WITH THE ISSUING OF A PERMITS AND BUILDING CODES. APPROVE THE PLUMBING SET ATTACHED.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM APPROVED DRAWING WITHOUT ADVANCE PERMIT FROM BUREAU.</p> <p>ALL NOTES AND COMMENTS TO BE COMPLETED BY CONTRACTOR AND SIGNED OFF.</p>	<p>REVISIONS LIST</p> <p>MAJOR REVISIONS PLUMBING CODES, TEST'S PLUMBING SYSTEMS NEW BUILD</p> <p>PLUMBING APPLICATIONS LETTER BUILDING APPLICATIONS BUILDING MAJOR REVISIONS APPLICATIONS LETTER BUILDING APPLICATIONS TEST PLANS</p>	<p>Drawing Title Location Page</p> <p>job No. 17 Development, Development</p> <p>client Mr. P. P. P. P.</p> <p>date 14.05.2014</p> <p>drawn CS</p>	<p>scale: 1:250 @A4</p> <p>drawing No. 1020</p> <p>date 14.05.2014</p> <p>drawn CS</p>
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Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: planning-applications@midlothian.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 000099157-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Format Design

Ref. Number:

First Name: *

Bob

Last Name: *

Tait

Telephone Number: *

01316617666

Extension Number:

Mobile Number:

Fax Number:

01316596033

Email Address: *

formatdesign@aol.com

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

Building Name:

Format Design

Building Number:

146

Address 1 (Street): *

Duddingston Road West

Address 2:

Town/City: *

Edinburgh

Country: *

UK

Postcode: *

EH16 4AP

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>		Building Name:
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text" value="17"/>
Last Name: *	<input type="text" value="Fairbairn"/>	Address 1 (Street): *	<input type="text" value="Broomieknowe"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Lasswade"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH18 1LN"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text" value="GLENORD"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text" value="17 BROOMIEKNOWE"/>	Town/City/Settlement:	<input type="text" value="LASSWADE"/>
Address 3:	<input type="text" value="BONNYRIGG"/>	Post Code:	<input type="text" value="EH18 1LN"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northings	<input type="text" value="665735"/>	Easting	<input type="text" value="330406"/>
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Description of the Proposal

Please provide a description of the 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)

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 of 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 Grounds of appeal and photographs of appeal fence and gates

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

☐ Yes ☒ No

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)

Supporting statement and photos of gates and fence

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00361/DPP

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

16/05/14

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

14/07/14

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 conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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)

To allow the Local Review Body to see the gates and fence

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:	Bob Tait
Declaration Date:	05/09/2014
Submission Date:	05/09/2014

Proposal Details

Proposal Name	APPEAL TO LRB - 17 BROOMIEKNOWE
Proposal Description	APPEAL TO LRB - 17 BROOMIEKNOWE
Address	GLENORD, 17 BROOMIEKNOWE, BONNYRIGG, LASSWADE, EH18 1LN
Local Authority	Midlothian Council
Application Online Reference	000099157-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

Grounds of Appeal	Attached	A4
Notice of Review	System	A4
Notice of Review	System	A4
Photos of gates and fence	Attached	A4
scotapp	System	A4

Grounds of Appeal - 17 Broomieknowe – Planning Ref: 14/00361/DPP

The planning application was lodged for the erection of entrance gates and fence in retrospect and was approved on the basis that the "scale and design of the gates do not have an adverse effect on the character and appearance of the Conservation Area; the gates therefore comply with policies RP20 and RP22 of the Midlothian Local Plan."

The planning permission is subject to the following condition "Unless otherwise approved in writing by the Planning Authority the gates and fence shall, within one month of the date of this planning permission, be painted black." The reason for this condition is "to safeguard the character and appearance of the conservation area." We are appealing against this condition as the gates are primarily black, however the gates are not simply traditional entrance gates they are "a work of art". The very reason given for the approval is that the "scale and design of the gates do not have an adverse effect on the character and appearance of the Conservation Area; the gates therefore comply with policies RP20 and RP22 of the Midlothian Local Plan". There is a slight tinge of dark green and a slight tinge of purple to the gates and fence, the traditional colours of the thistle, Scotland's national emblem, and they are very subtly painted.

We appeal against the condition on the basis that painting the gates and fence black would have an adverse and detrimental effect on the artwork that has been put together in creating the gates and fence.

For the above reasons we hope that the appeal can be upheld by the Local Review Body.



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Case Officer: Graeme King **Site Visit Date:** 23/05/2014

Planning Application Reference: 14/00361/DPP

Site Address: Glenord, 17 Broomieknowe, Lasswade

Site Description: Glenord is a large detached 2 storey 19th century dwellinghouse; the walls are finished in stone, the roof is slate and the windows are timber sash and case. Like many properties of this age in the Broomieknowe area the principal elevation does not front the road and instead faces North Westwards to maximise the view across the valley of the North Esk. The house is not easily visible from the street and the only street facing section of the plot is an 8.6m wide corridor which contains a driveway with landscaping either side. The gates and fence that are the subject of this application are the street entrance to the said corridor. The property is situated within Broomieknowe conservation area.

Proposed Development: Erection of entrance gates and fence (retrospective)

Proposed Development Details: The gates and fence were erected in February of this year. The gates are 4.5m wide and range in height from 2m, at the gate piers, to 2.6m, where the 2 gates meet in the centre of the opening. There are 2 sections of fencing either side of the gate piers, these fencing sections are mounted above a 0.8m high stone wall and are 2.1m wide and 0.9m wide. The gates are metal and are predominantly black in colour with the exception of large thistle motifs which are coloured purple and green and an area of silver coloured distressed metalwork at the bottom of the gates.

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

11/00218/DPP

Glenord, 17 Broomieknowe, Bonnyrigg, Lasswade, Midlothian, EH18 1LN

Erection of decking (part retrospective)

Case Officer: Ingrid Forteath

Decision: CONPER

09/00626/DPP

Glenord, 17 Broomieknowe, Bonnyrigg, Lasswade, Midlothian, EH18 1LN

Erection of dwellinghouse

Case Officer: Mhairi-Anne Cowie

Decision: REF

08/00183/OUT

Glenord, 17 Broomieknowe, Bonnyrigg, Midlothian, EH18 1LN

Erection of dwellinghouse

Case Officer: Mr Iain McFarlane

Decision: WDN

06/00675/FUL

Glenord, 17 Broomieknowe, Bonnyrigg, Midlothian, EH18 1LN

Extension and alterations to dwellinghouse, including replacement windows, erection of garage block, formation of hard standing, landscaping and erection of new boundary wall and entrance gates.

Case Officer: Ingrid Forteath

Decision: CONPER

05/00927/FUL

Glenord, 17 Broomieknowe, Bonnyrigg, Midlothian, EH18 1LN

Extension and alterations to dwellinghouse, erection of garage block, replacement windows, formation of hardstanding, landscaping and erection of new boundary wall and entrance gates

Case Officer: Ingrid Forteath

Decision: WDN

00/00653/FUL

15 Broomieknowe, Lasswade, Midlothian, EH18 1LN

Alterations to boundary wall to increase height to 2 metres

Case Officer: Joyce Learmonth

Decision: PER

Consultations: No consultations were required.

Representations: Seven representations have been received, all seven are objections to the proposal. Six representations are from local residents, the seventh is from Lasswade District Civic Society. The grounds for objection are that the design of the gates and fence are too modern and ostentatious and are therefore out of character with the conservation area; and that the scale of the gates is not in keeping with that of other gates in the conservation area.

Relevant Planning Policies:

Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area.

Midlothian Local Plan Policy **RP22: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

Planning Issues: New gates and fencing were approved as part of application 06/00675/FUL; the approved gates and fencing were of similar scale to those that have been erected, however they were of a plainer design with smaller thistle motifs along the top of the gates and fences. Condition 13 of the said planning permission required that the gates and fence panels be painted black unless otherwise approved in writing by the Planning Authority.

The scale of the gates and fence sections that have been erected is acceptable. While the central section of the gates is taller than the gate piers the height is not out of proportion with the width of the opening or the scale of the piers. It is acknowledged that the gates are taller than the other gates in the immediate surrounding area however the scale of the gates is not out of character with the scale of the buildings and boundary treatments in the surrounding area.

The design of the gates is undoubtedly more ostentatious than other gates in the area, however there is no common design of gates in the area. There are examples of more decorative gate designs within the surrounding area and these designs may well have appeared similarly ostentatious when first erected; such gates are now accepted features of the area. The design of the gates, while not to everyone's taste, is reflective of current fashions and the gates have been finished to a high standard. On balance the design of the gates is acceptable

The aspect of the gates and fences that most readily draws attention is the choice and variety of colours; gates and fences within the area are predominantly muted in colour and generally of a single colour. If the gates and fences were a single colour they would match the character of the surrounding area. As the approved gates were conditioned to be painted black it would be appropriate to attach a similar condition on this occasion.

The scale and design of the gates and fences will not have a detrimental impact on the character and amenity of the surrounding conservation area, subject to the gates and fences being painted black within an agreed time period.

Recommendation: Grant planning permission subject to condition

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00361/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Mr Peter Fairbairn, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 16 May 2014, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Erection of entrance gates and fence (retrospective) at Glenord, 17 Broomieknowe, Lasswade, EH18 1LN

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	9624 1:1250	16.05.2014
Illustration/Photograph	9624 01	16.05.2014

This permission is granted for the following reasons:

The scale and design of the gates do not have an adverse effect on the character and appearance of the Conservation Area; the gates therefore comply with policies RP20 and RP22 of the Midlothian Local Plan

Subject to the following condition:

1. Unless otherwise approved in writing by the Planning Authority the gates and fence shall, within one month of the date of this planning permission, be painted black.

Reason: *To safeguard the character of the character and appearance conservation area.*

Dated 14 / 7 / 2014



.....
Duncan Robertson
Senior Planning Officer; Local Developments,
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

Notice of Review: Glenord, 17 Broomieknowe, 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' to remove condition 1 of planning permission 14/00361/DPP for the erection of entrance gates and fence (Retrospective) at Glenord, 17 Broomieknowe, Lasswade

2 Background

- 2.1 Planning application 14/00361/DPP for the erection of entrance gates and fence (Retrospective) at Glenord, 17 Broomieknowe, Lasswade was granted planning permission subject to a condition on 14 July 2014; a copy of the decision is attached to this report. Condition 1 on planning permission 14/00361/DPP is as follows:

1. Unless otherwise approved in writing by the Planning Authority the gates and fence shall, within one month of the date of this planning permission, be painted black.

Reason: To safeguard the character of the character and appearance conservation area.

- 2.2 The review has progressed through the following stages:

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

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisor notes, issued on 14 July 2014 (Appendix D); and
- A copy of the relevant plans (Appendix E).

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

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 20 October 2014; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and seven representations have been received. As part of the review process the interested parties were notified of the review. Three additional comments have been received objecting to the application. 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 As a consequence of the works on the proposed development already taken place, it is considered that no conditions would be required if the LRB is minded to grant planning permission without condition 1 as stated in paragraph 2.1 of this report.

- 5.2 If the LRB dismisses the review, those works which have already taken place without planning permission will have to be removed. In this case the applicant will be asked to paint the gates and fence black within one month of the LRB decision. However the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

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: 14 October 2014

**Report Contact: Peter Arnsdorf, Development Management Manager
peter.arnsdorf@midlothian.gov.uk**

Tel No: 0131 271 3310

Background Papers: Planning application 14/00361/DPP available for inspection online.

esbank design studio

7 Newbattle Road, Eskbank, Midlothian, EH22 3DA.
 web: www.esbankdesignstudio.co.uk email: esbankdesignstudio@talktalk.net

+44 131 6633308

+44 7708 479050

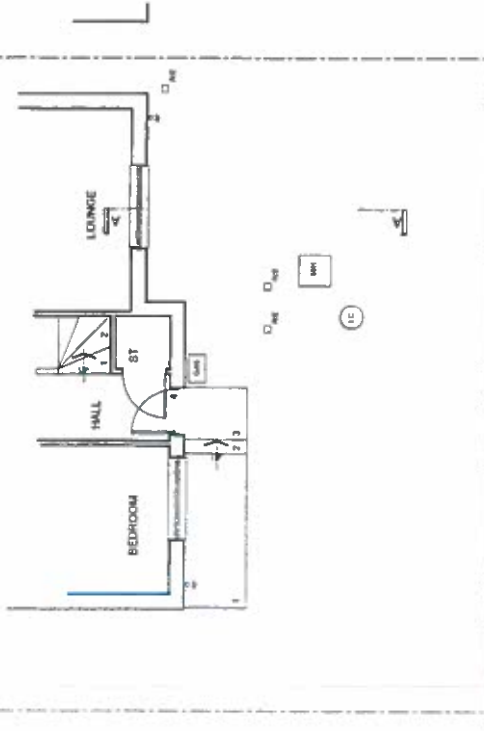
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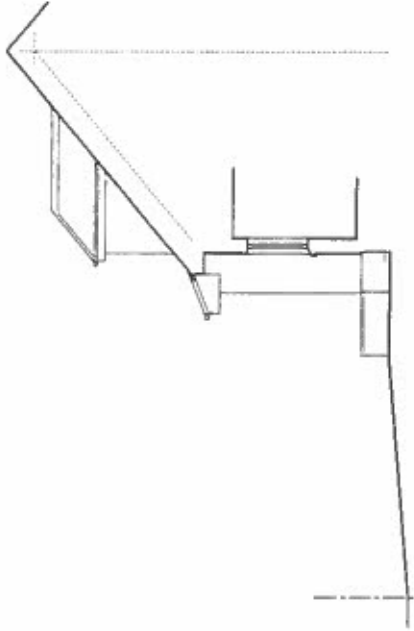
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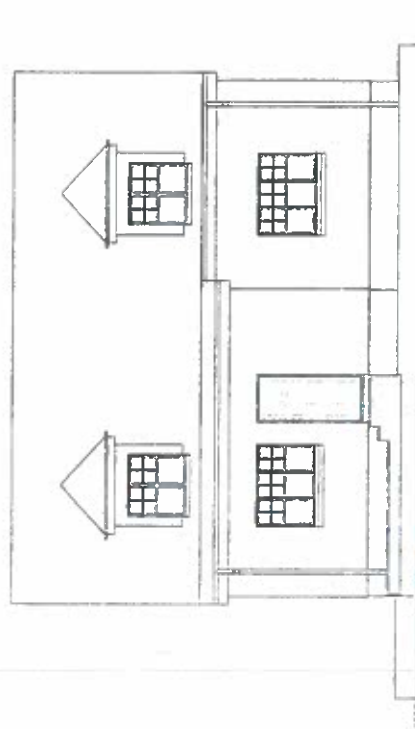
EXISTING PART PLAN 1:100



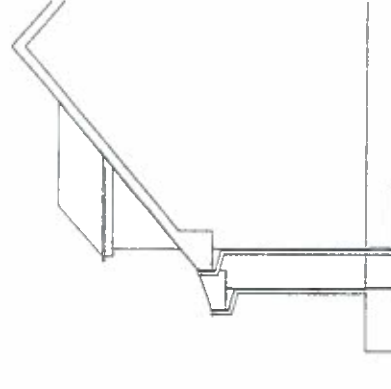
EXISTING SECTION A-A 1:100



NORTH



EXISTING FRONT (WEST) ELEVATION 1:100



EXISTING SIDE (SOUTH) ELEVATION 1:100



LOCATION PLAN 1:1250



FRONT VIEW

REVISIONS:

EXISTING PLAN, ELEVATIONS, SECTION AND LOCATION PLAN

PROPOSED VERANDA

6A HURSTED AVENUE, EASTHOUSES, DALKEITH,

MIDLOTHIAN, EH22 4HR. for MR. and MRS. JACK.

DATE: MAR 2014 SCALE: 1:100 1:1250 DRWN:CD DRG. No:141301

APPENDIX A

A3

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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000096141-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

First Name: *

Last Name: *

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Other Title:

First Name: *

Last Name: *

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

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

Easting

Description of the Proposal

Please provide a description of the 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)

Timber covered veranda, guard rail and associated steps.

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 of 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.

We disagree with the planning decision. RP20 - Porches are a common feature on local historic and new housing and is not 'out of character'. The criteria in DP6 is met and the proposed works are supported by affected neighbours.

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 now be considered in your review: * (Max 500 characters)

The new matters are raised to accompany this application in the form of a 'Planning Review Supporting Statement'. This highlights that porches/verandas are a local architectural feature, that it addresses the criteria in RP20 and DP6 and affected neighbour letters of support are included.

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)

Planning Review Supporting Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00421/DPP

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

06/06/14

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

08/07/14

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Craig Douglas

Declaration Date: 04/09/2014

Submission Date: 04/09/2014

Planning Application Reference: 14/00421/DPP (Dated - 06/06/14)

PROPOSED PORCH/VERANDA

6A HURSTED AVENUE, EASTHOUSES, DALKEITH, MIDLOTHIAN. EH22 4HR.

FOR Mr. and Mrs. JACK.

PLANNING REVIEW SUPPORTING STATEMENT.

The planning application was refused on 08/07/14, the refusal notice omitted to list one of the drawings that were submitted as part of the original application – Drawing Number 1413/03 'Proposed Views' (not to scale).

The refusal cites that the proposed porch/veranda is contrary to policies RP20 and DP6 of the local plan.

RP20 – Notes that the proposals 'should not detract materially from the existing character or amenity of the area'. Porches are a common feature on historic and new local housing, which softens the house facade, as demonstrated in the photographs below;



Traditional semi-detached houses in the same street (6A Hursted Avenue located in the background of the photograph). The house roof reduces in pitch and extends over the porch.



Further examples of local traditional porches.



Recent new house in Eskbank with a full width veranda.



Typical examples of new housing in the area.

eskbank design studio ltd

DP6 – Notes that 'Novel architectural solutions can be acceptable'. With reference to the detailed requirements of this policy;

Extensions to existing houses must be well designed and must maintain or enhance the appearance of the house and the locality. The design of extensions should take account of the guidelines summarised below:

The porch is designed to match and enhance the existing building. The existing eaves is high relative to the window/door heads and the dropped roof of the proposed porch softens this.

a) the size of the extension should be clearly subservient to the original property;

Conforms to this requirement.

b) matching or complementary external wall and roof materials should be used.

Conforms to this requirement.

c) use of facing brick for an extension to a stone building and use of concrete tiles where the existing roof is slate or clay tiles should be avoided;

Not applicable.

d) the roof pitches should match those of the existing roof;

The roof reduces in slope to match the traditional adjacent houses. The roof of the house does reduce in pitch at eaves above the front entrance presently.

e) architectural detailing, scale and proportion should be similar to the existing;

Conforms to this requirement.

f) when extending in the same plane, especially if changes in external materials are to be used or if it is likely to be difficult to obtain a close match, a break or step from the main building should be pointed;

Not applicable.

g) extensions must not block, to a material extent, sunlight from reaching adjoining gardens;

Conforms to this requirement.

h) extensions must not result in loss of privacy for neighbouring property;

Having a porch/veranda does not result in increased loss of privacy. The proposals are supported by the neighbour directly across the street – see supporting letters.

i) an adequate garden area must remain after the house has been extended; and

Conforms to this requirement.

j) extensions which are two or more storeys high must incorporate a pitched roof unless the existing roof is flat.

Not applicable.

3 Front Porches

Front porches to detached or semi-detached houses are usually acceptable where their design follows the principles described above, provided they project less than two metres out from the front of the house.

The porch extends 1.75m from the front at the entrance to the house.

The proposed porch/veranda offers protection at the entrance to the house and provides an outdoor space to enjoy when the weather is inclement. It is practical and child friendly.

The street is not a main thoroughfare.

Neighbour's supporting letters are attached;

eskbank design studio ltd

Mr and Mrs Folan
8 Hursted Avenue
Easthouses
EH22 4HR

Midlothian Council
Planning Department
Fairfield House
Dalketh

Reference- 14/00421/DPP

Dear Sir/ Madam

We are writing to you in Full support of the appeal of the above planning application from our Neighbour's Mr and Mrs Jack, 6A Hursted Avenue, Easthouses.

We were very disappointed to be informed of the council's decision to refuse the application of the formation of a Veranda and for our comments to be considered not to be of importance in the planning decision.

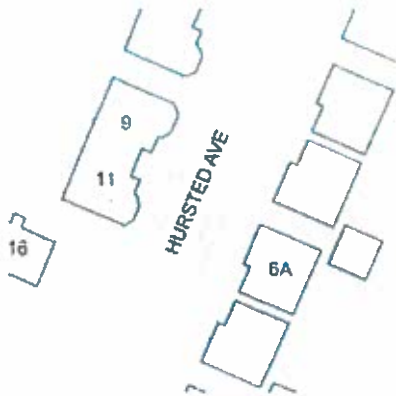
We believe wholeheartedly that the proposed plans would enhance the property and in no way deter from the design of the street. We live in a street where there is a diverse range of properties and we feel that to say that the proposed plans will go against the uniformity of the street to be hugely unfair and inaccurate. Many of the properties in the surrounding area have verandas and are not detrimental in any way.

We were most excited to see the plans proposed as we ourselves would hope to also put in an application in the near future as we feel so strongly that the modifications will not only be aesthetically pleasing but will enhance and add value to the property and surrounding area.

Your sincerely

Mr and Mrs Folan

9 and 11 Hursted Avenue is directly across the street.



Steven Turnbull & Karen McLachlan
9 Hursted Avenue
Easthouses
Dalkeith
Midlothian
EH22 4DZ

Dated: 26 August 2014

Dear Sir/Madam,

We are writing in support of an application to form a porch to the front of house number 6A Hursted Avenue, Easthouses.

After viewing the design drawings and hearing the family's need to have the porch, We can only support the idea, as we think it would enhance look to the frontage of the property and provide the family with a safe area to relax with the children. As an immediate neighbour who overlooks this property, we would have no problem with view from our house window.

Other houses have formed structures to the front of their property, however, none will enhance the frontage of the street better than the design for house 6a

Yours Faithfully

To whom it may concern re:
6A Hursted Avenue
Easthouses
Dalkeith

With reference to the proposed veranda we believe that the modifications will enhance the appearance of their house, add value to their property and to the surrounding area. It would also be a welcome modification to their home and fit in well with the street.

It would also be a safer area for the children to play in as it can be a busy street with speeding vehicles.

Susanne Brady and Ian Piacentini
11 Hursted Avenue

Comments made by neighbours in response to the original planning application;

Planning » Application Comments

[Help with this page](#)

14/00421 DFP | Formation of veranda and associated steps | 6A Hursted Avenue Easthouses Dalkeith EH22 4HR

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Mrs Lina Fotan (Supports)

Comment submitted date: Tue 24 Jun 2014

We wholeheartedly support this application. We feel it would be a welcome modification to the home and fit in well within the street. We would endeavour to submit planning application for similar works in the near future for our own home.

Dr Christophe Lacomme (Supports)

Comment submitted date: Sun 15 Jun 2014

We fully support this application. We think the proposed modifications will improve the appearance of the house, add value to the house and surroundings, and we plan to undertake similar alterations to our house in the future.

[Midlothian Council](#)

Midlothian



Midlothian Council, Midlothian House, Buccleuch Street, Dalkeith, EH22

10%

0114 273 7600 [contact@midlothian.gov.uk](#)

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Weather forecast



Link to short animation;

<https://www.youtube.com/watch?v=nCt0hMjWcBY>

eskbank design studio ltd

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

Planning Application Reference: 14/00421/dpp

Site Address: 6A Hursted Avenue, Easthouses

Site Description:

The application property comprises a detached house with accommodation at first floor level within the roof space. It is finished externally in drydash render with grey concrete roof tiles.

Proposed Development:

Formation of veranda and associated steps

Proposed Development Details:

It is proposed to erect an extension across the entire frontage (10m) of the house comprising a covered veranda, incorporating a raised deck and balustrade, measuring a maximum of 2.6m deep. The roof line of the existing house is to be projected forward to cover the decked area.

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

History sheet checked.

05/00787/ful – Erection of 11 dwellinghouses and associated works at Land between Easthouses Road and Hursted Avenue, Easthouses

Consultations:

None required.

Representations:

Two representations have been received from the occupiers of nos 6 and 8 Hursted Avenue in support of the application stating that the proposals will improve the appearance of the house, fit in well with the street, add value to the house and surroundings and that they plan to undertake similar alterations to their houses.

Relevant Planning Policies:

The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

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.

Extensions to the fronts of houses are generally approved if they are small and sympathetically designed; in these cases the existing character of the individual house and of the street scene is retained. The majority of such extensions are front porches.

The proposed alterations at the front of the property would dominate the front elevation totally changing the character and appearance of the principal elevation of the existing house.

The 8 houses on this side of the road have a uniform building line and form, albeit some of the houses are handed, reflecting the uniform character of the 4 older properties on the opposite side of the road.

Front verandas are not an original feature and are totally uncharacteristic of this house type on this side of Hursted Avenue. It would be 4.2m from the road and would be very prominent in the street scene. It would detract from the uniform character of the street scene.

The notes on the original application for the houses on this side of the road note that the scheme was amended to relate better to surrounding streets and with nearby properties. Allowing the current proposal would undermine this.

As such the proposal is contrary to policy DP6 which requires that extensions must maintain or enhance the appearance of the locality and RP20 which seeks to protect the character and amenity of the area.

There are no other covered verandas on this side of the street. Nos 2A and 8A have a small deck at the front of the house. There is no record of planning permission having been granted for these. There is no record of planning applications having been received from the occupiers of nos 6 and 8 for similar extensions.

The proposal would not have a significant impact on the amenity of the occupiers of no 6 or 8 Husted Avenue.

The veranda would be 14.9m from the nearest part of the house at no 11 on the opposite side of the road. The floor level of the veranda would be approximately 0.68m above the ground level at no 11. The design of the veranda would permit its use as an outdoor seating area with the perceived impact of a viewing platform affording views to the front of the property opposite. However taking in to account that this is a public elevation on balance the impact on the amenity of the occupiers of no 11 is not sufficient to refuse planning permission.

The impact of the proposals on property values is not a material planning consideration in the assessment of the application.

Recommendation:

Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00421/DPP

Eskbank Design Studio
7 Newbattle Road
Eskbank
Dalkeith
EH22 3DA

Midlothian Council, as Planning Authority, having considered the application by Mr. and Mrs. Hamish Jack, 6A Hursted Avenue, Easthouses, Dalkeith, EH22 4HR, which was registered on 6 June 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of veranda and associated steps at 6A Hursted Avenue, Easthouses, Dalkeith, EH22 4HR

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Elevations, floor plan and cross section	1413/01 1:1250 1:100	06.06.2014
Elevations, floor plan and cross section	1413/02 1:100 1:50	06.06.2014

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

1. The proposed veranda would appear over-dominant on the public front elevation of the dwelling totally changing the character and appearance of the principal elevation and is uncharacteristic of the houses on this side of Hursted Avenue and would detract from the uniform character of the street scene.
2. For the above reason the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan. If the proposal were approved it would undermine the consistent implementation of the policies, the objective of which is to protect the character and amenity of the built-up area.

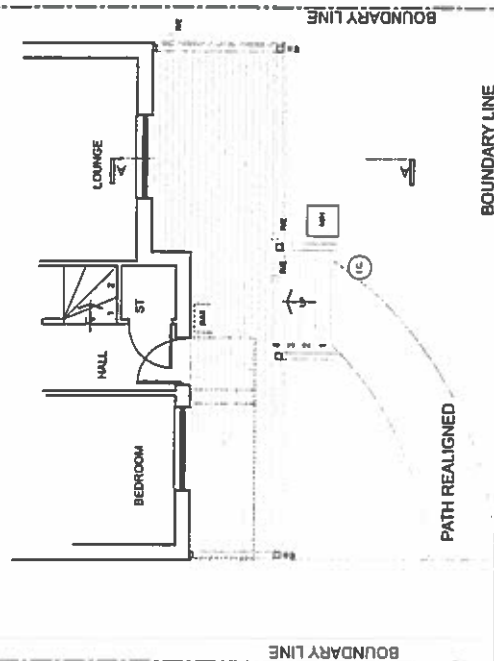
Dated 8 / 7 / 2014



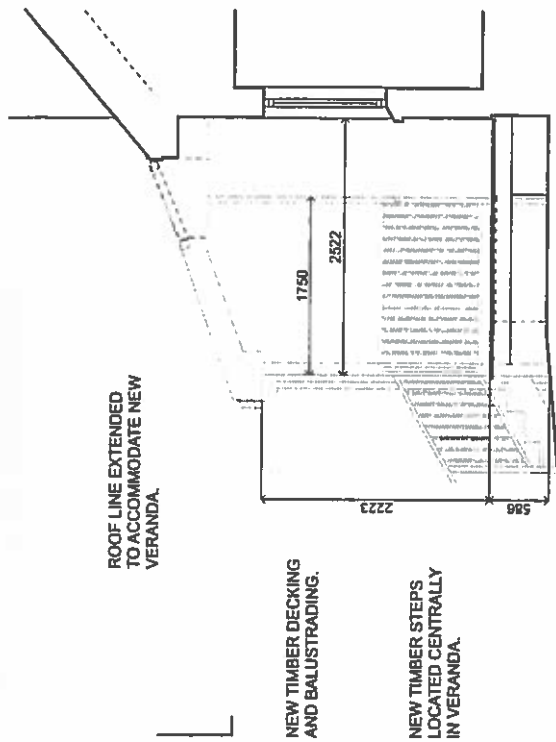
.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

DO NOT SCALE THIS DRAWING - IF IN DOUBT PLEASE ASK.

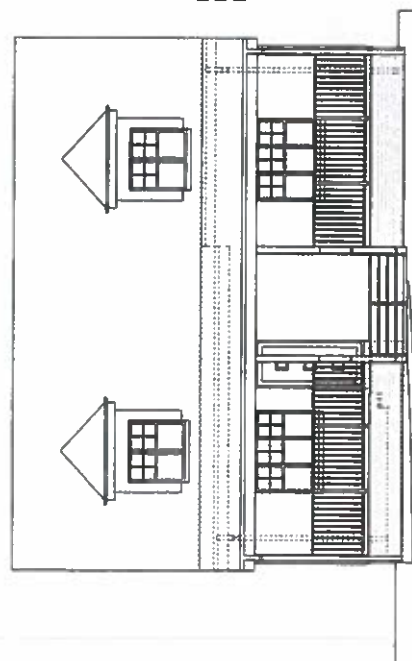
esbank design studio
 7 Newbattle Road, Eskbank, Midlothian, EH22 3DA.
 web: www.esbankdesignstudio.co.uk email: esbankdesignstudio@talktalk.net
 +44 131 6633308
 +44 7708 479656
 SCALE 1:100mm 1:100mm 1:100mm
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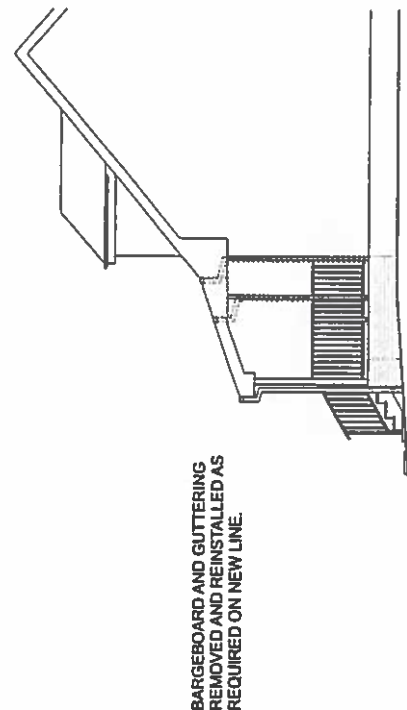
PROPOSED PART PLAN 1:100



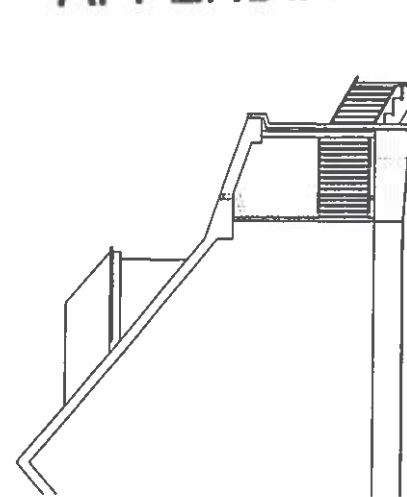
PROPOSED SECTION A-A 1:50



PROPOSED FRONT (WEST) ELEVATION 1:100



PROPOSED SIDE (SOUTH) ELEVATION 1:100



PROPOSED SIDE (NORTH) ELEVATION 1:100

REVISIONS:

PROPOSED PLAN, ELEVATIONS AND SECTION.

PROPOSED VERANDA.

6A HURSTED AVENUE, EASTHOUSES, DALKEITH,
 MIDLOTHIAN, EH22 4HR. for MR. and Mrs. JACK.

DATE: MAR 2014 SCALE: 1:100 1:50 DRWN:CD DRG. No:1413/02

A3

DO NOT SCALE THIS DRAWING - IF IN DOUBT PLEASE ASK



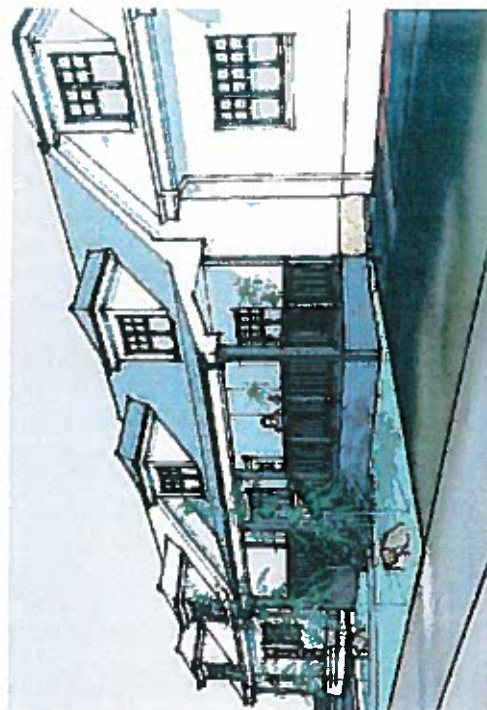
PROPOSED FRONT VIEW



PROPOSED FRONT VIEW



PROPOSED SIDE VIEW



PROPOSED FRONT VIEW

REVISIONS

PROPOSED VIEWS

PROPOSED VERANDA

6A HURSTED AVENUE, EASTHOUSES, DALKEITH,
 MIDLOTHIAN, EH22 4HR. for Mr. and Mrs. JACK

DATE APR '14 SCALE NTS DRW CD DRG No 1413/03

Notice of Review: 6A Hursted Avenue, Easthouse, Dalkeith

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of veranda and associated steps at 6A Hursted Avenue, Easthouses, Dalkeith.

2 Background

- 2.1 Planning application 14/00421/DPP for the erection of veranda and associated steps at 6A Hursted Avenue, Easthouses, Dalkeith was refused planning permission on 8 July 2014; a copy of the decision is attached to this report.

- 2.2 The review has progressed through the following stages:

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

3 Supporting Documents

- 3.1 Attached to this report are the following documents:

- A site location plan (Appendix A);
- A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, excluding the standard advisor notes, issued on 8 July 2014 (Appendix D); and
- A copy of the relevant plans (Appendix E).

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

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 20 October 2014; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and two representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 19 June 2012, and 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. The colour, size, texture and profile of the roof tiles on the veranda shall match those of the roof tiles on the existing building.
 2. The material and colour of the fascia and barge boards on the veranda shall match those on the existing building.

Reason for conditions 1 and 2: *To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.*

3. Details of the colour finish of the deck and balustrade shall be submitted to the Planning Authority and no work shall start on the veranda until this detail has been approved in writing by the Planning Authority.

Reason: *To safeguard the character of the existing building and the visual amenity of the surrounding area.*

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: 14 October 2014

Report Contact: Peter Arnsdorf, Development Management Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 14/00421/DPP available for inspection online.