

Notice of meeting and agenda



Local Review Body

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

Date: Tuesday, 16 January 2018

Time: 14:00

John Blair
Director, Resources

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

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

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

1 Welcome, Introductions and 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

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

4 Minutes of Previous Meeting

- | | | |
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| 4.1 | Minute of Meeting held on 21 November 2017 - For Approval | 3 - 8 |
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5 Public Reports

Decision Notices

- | | | |
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| 5.1 | 61A Clerk Street, Loanhead 17/00363/DPP | 9 - 12 |
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| 5.2 | 29 Waverley Road, Bonnyrigg 17/00440/DPP | 13 - 16 |
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Notice of Review Requests Considered for the First Time –
Determination Reports by Head of Communities and Economy

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| 5.3 | 2A Nivensknowe Road, Loanhead 17/00404/S42 | 17 - 66 |
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| 5.4 | 14 High Street, Lasswade 17/00636/DPP | 67 - 156 |
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| 5.5 | 31A Eldindean Road, Bonnyrigg 17/00758/DPP | 157 - 174 |
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| 5.6 | Land West of Roanshead Crescent, Easthouses 17/00690/PPP | 175 - 206 |
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6 Private Reports

No private reports to be discussed at this meeting.

Plans and papers relating to the applications on this agenda can also be viewed online at www.midlothian.gov.uk.

Minute of Meeting

Local Review Body
Tuesday 16 January 2018
Item No 4.1



Local Review Body

Date	Time	Venue
21 November 2017	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Montgomery	Councillor Munro
Councillor Smail	

1 Apologies

Apologies received from Councillor Lay-Douglas, Milligan and Muirhead

2 Order of Business

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

With the exception of the Review Request relating to 2A Nivensknowe Road, Loanhead (17/00404/S42) – Removal of Conditions 3 and 4 of Planning Permission 16/00497/DPP (Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)) – Agenda Item 5.4 refers – which at the request of the Applicant's Agent had been deferred and would now be considered at the LRB meeting scheduled for Tuesday, 16 January 2018.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 10 October 2017 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land rear of 180 Main Street, Pathhead [17/00420/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 10 October 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr H Crawford, Sir Frank Mears Associates, Lochrin Buildings, 12-14 Gilmore Place, Edinburgh seeking on behalf of their client, Mr M McIntosh a review of the decision of the Planning Authority to refuse planning permission (17/00420/DPP, refused on 7 July 2017) for the erection of a garage at land to the rear of 180 Main Street, Pathhead and refusing planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 13 Burnbrae Crescent, Bonnyrigg [17/00292/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>With reference to paragraph 5.6 of the Minutes of 29 August 2017, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Scott Allan, 36 Wallace Avenue, Wallyford seeking on behalf of their client Mr S Ramsay, a review of the decision of the Planning Authority to refuse planning permission (17/00292/DPP, refused on 2 June 2017) for the erection of a two storey extension at 13 Burnbrae Crescent, Bonnyrigg and refusing planning permission.</p>		
Decision		
To note the LRB decision notice.		

Eligibility to Participate in Debate
<p>In considering the following items of business, only those LRB Members who had attended the site visits on Monday 20 November 2017 participated in the review process, namely Councillors Imrie, Cassidy, Montgomery, Munro and Smaill.</p> <p>Councillors Alexander and Baird whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.</p>

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 61A Clerk Street, Loanhead [17/00363/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 14 November 2017, by the Head of Communities and Economy regarding an application from Mr C Allmond, DM Hall, 27 Canmore Street, Dunfermline seeking on behalf of their client, Mr N Sneddon, Full Speed Ahead Finance a review of the decision of the Planning Authority to refuse planning permission (17/00363/DPP, refused on 18 September 2017) for the Change of Use from Chiropodist (class 2) to Dwellinghouse (class 9) at 61A Clerk Street, Loanhead.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 20 November 2017.</p>		

Summary of Discussion
<p>Having heard from the Planning Adviser, who responded to Members questions, the LRB gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the potential impact that the location of the application site would have on the proposed development. Whilst concerns regarding the impact that the proximity to neighbouring properties would have on the standards of amenity were acknowledged, the constraints of the site would be clear to anybody viewing the proposed property with a view to renting it. The current condition of the garage part of the application site also drew comments, it being suggested that it would be beneficial if it could be included within the current scheme.</p>
Decision
<p>To uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposed residential development is an acceptable use within the town centre and would bring back into use a vacant building. The sites location close to facilities, public parks and public transport will provide amenity for the future occupants to compensate for its location next to a public house and the limited size of the garden.</i></p>
Action
<p>Head of Communities and Economy</p>

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 29 Waverley Road, Bonnyrigg [17/00440/DPP]	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 14 November 2017, by the Head of Communities and Economy regarding an application from Mr T Ferguson, Ferguson Planning, Shiel House, 54 Island Street, Galashiels seeking on behalf of their client Mr L Pia, a review of the decision of the Planning Authority to refuse planning permission (17/00440/DPP, refused on 31 July 2017) for the change of use of a flatted dwellinghouse to house of multiple occupation at 29 Waverley Road, Bonnyrigg.</p> <p>Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 20 November 2017.</p>		

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In particular, consideration was given to the likely impact of the proposed development on the character and amenity of the surrounding area and also because of its location the impact on existing on-street parking provision.

Decision

To dismiss the review request, and uphold the decision to refuse planning permission for the following reason:-

1. *The use of the flat as a house in multiple occupation for 5 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

Action

Head of Communities and Economy

The meeting terminated at 2.15 pm.

Local Review Body: Review of Planning Application Reg. No. 17/00363/DPP

DM Hall
27 Canmore Street
Dunfermline
KY12 7NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Nick Sneddon, Winchester House, 259-269 Suite 1.05B, Old Marylebone Road, London, NW1 5RA, which was registered on 21 September 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from Chiropodist (class 2) to dwellinghouse (class 9) at 61A Clerk Street, Loanhead, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Floor Plan	1 1:500 1:50	31.07.2017
Existing Elevations	2 1:500 1:100	31.07.2017
Proposed Floor Plan	3 1:1250 1:50	31.07.2017
Proposed Elevations	4 1:50	31.07.2017
Proposed Elevations	5 1:50	31.07.2017

The Local Review Body (LRB) considered the review of the planning application at its meeting of 21 November 2017. The LRB carried out a site visit on the 20 November 2017.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan - Protecting amenity within the built-up area;
2. DEV6 Midlothian Local Development Plan - Layout and design of new development; and
3. TCR1 Midlothian Local Development Plan – Town centres

Material considerations:

1. The individual circumstances of the proposal
2. The building has been vacant for a number of years

In determining the review the LRB concluded:

The proposed residential development is an acceptable use within the town centre and would bring back into use a vacant building. The sites location close to facilities, public parks and public transport will provide amenity for the future occupants to compensate for its location next to a public house and the limited size of the garden.

Dated: 21/11/2017

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

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

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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

Local Review Body: Review of Planning Application Reg. No. 17/00440/DPP

Tim Ferguson
Ferguson Planning
Shiel House
54 Island Street
Galashiels
TD1 1NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Luigi Pia, 9 Whitehouse Gardens, Gorebridge, EH23 4FQ, which was registered on 20 September 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Change of use from flatted dwelling to house in multiple occupation at 29 Waverley Road, Bonnyrigg, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	S01 1:1250	05.06.2017
Proposed Floor Plan	S 1:50 First Floor	05.06.2017

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

- The use of the flat as a house in multiple occupation for 5 residents will put additional pressure on the limited number of existing on-street parking spaces and may lead to inconsiderate or illegal parking to the detriment of road safety. This pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 21 November 2017. The LRB carried out a site visit on the 20 November 2017.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan - Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the proposal
2. The potential impact on highway safety and amenity

Dated: 21/11/2017

A handwritten signature in dark ink, appearing to read 'Peter', with a stylized flourish at the end.

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

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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

Notice of Review: 2A Nivensknowe Road, Loanhead

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 a Section 42 application to remove conditions 3 and 4 of planning permission 16/00497/DPP at 2A Nivensknowe Road, Loanhead.

2 Background

- 2.1 Planning application 17/00404/S42 to remove conditions 3 and 4 of planning permission 16/00497/DPP at 2A Nivensknowe Road, Loanhead was refused planning permission on 7 July 2017; a copy of the decision is attached to this report. Planning application 16/00497/DPP for alterations to, and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective) at 2A Nivensknowe Road, Loanhead was granted planning permission subject to conditions. Condition 3 and 4 on planning permission 16/00497/DPP are as follows:
3. The proposed car parking and position of fence layout as shown on drawing numbers 002 dated 1 August 2016 and 5 September 2016 is not approved. Within 28 days of the date of this decision notice, an amended layout shall be submitted to and approved in writing by the Planning Authority. This shall set back the position of the fencing hereby approved from the heel of the pavement to an agreed position to achieve the required visibility splays and will include a landscape strip.

Reason: *For the avoidance of doubt; the current position of the fencing will have a detrimental impact on road safety and the character and appearance of the surrounding area.*

4. The landscaping hereby approved as per condition 3 above shall include either beech and hornbeam or mixed native non-spikey hedging to be maintained at a height no less than 1.5 metres.

Reason: *To ensure that change of use of this prominent site does not have a detrimental visual impact on the appearance at the edge of the industrial estate and the built up 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, supporting statement and site plans (Appendix B). Any duplication of information is not attached;
- A copy of the case officer's report (Appendix C);
- A copy of the decision notice, issued on 7 July 2017 (Appendix D); and
- A copy of the case officer's report and decision notice from planning application 16/00497/DPP (Appendix E).

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

4 Procedures

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

- Have scheduled a site visit for Monday 15 January 2018; and
- Have determined to progress the review by way of a hearing.

4.2 The case officer's report identified that one consultation response and no representations have been received. As part of the review process the interested party was notified of the review. No additional comments have been received. 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 It is considered that no conditions would be required if the LRB is minded to grant planning permission. The reasons for refusing the application relate to its potential impact on amenity and it is considered that this cannot be mitigated by conditions if the LRB are minded to support the review on the basis that the proposed development is acceptable.

6 Recommendations

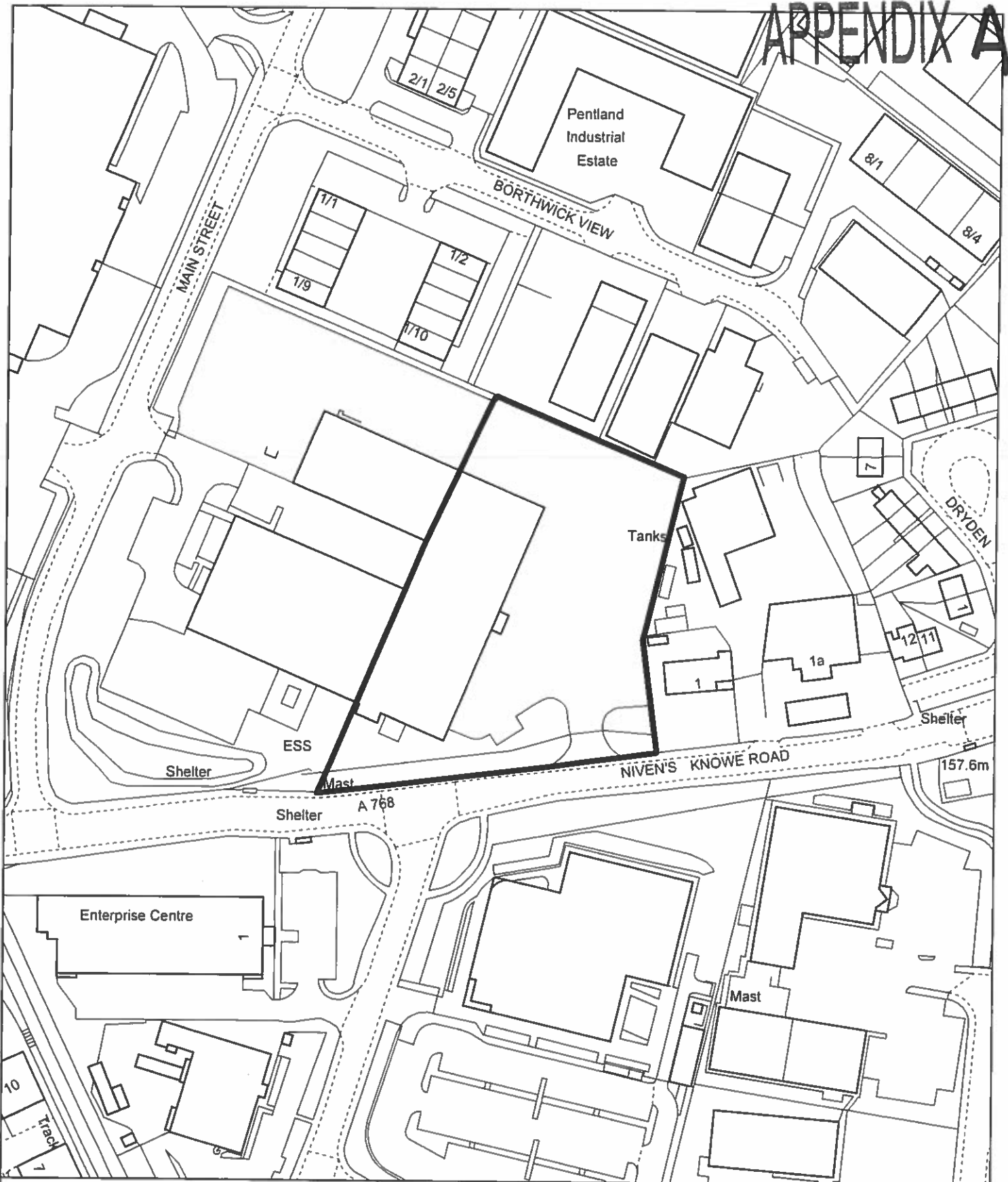
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 5 January 2018

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

Tel No: 0131 271 3310

Background Papers: Planning applications 17/00404/S42 and 16/00497/DPP are available for inspection online.



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

2A Nivensknowe Road, Loanhead

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File No. 17/00404/S42

Scale: 1:1,500

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Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100052683-002

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Sorrell Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jim	Building Name:	The Green House
Last Name: *	Sorrell	Building Number:	41
Telephone Number: *	0131 343 3463	Address 1 (Street): *	St Bernard's Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH4 1NR
Email Address: *	jimsorrell@sorrellassociates.co.uk		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Stephen	Building Number:	2
Last Name: *	Greenhorn	Address 1 (Street): *	Jessie Street
Company/Organisation	911 Rescue & Recovery Ltd	Address 2:	
Telephone Number: *		Town/City: *	Glasgow
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	G42 0GP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	2A NIVENSKNOWE ROAD
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LOANHEAD
Post Code:	EH20 9QH

Please identify/describe the location of the site or sites

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Northing	665312	Easting	327034
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Application to develop land by the erection of a boundary fence and associated landscaping without compliance with conditions 3 and 4 of planning permission 16/00497/DPP. The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Refer to Planning Statement

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

☐ Yes ☒ No

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

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

GENERAL Planning Statement Location Plan Layout Plan pre-devi APPLICATION 16/00497/DPP Proposed Site Plans, Drawing 002 (1/8/16 & Rev 5/9/16) Midlothian Transport responses, 11/8/16 & 15/9/16 Delegated Worksheet Refusal notice, 30/9/16 APPLICATION 17/00404/S42 Application form Proposed Site Plan - Drawing 002 Rev E Photo - entrance visibility Midlothian Transport response 2/6/17 Delegated Worksheet Refusal notice 7/7/17 Letter from FMG 21/07/17 Photos

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00404/S42

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

21/05/2017

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

07/07/2017

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

To fully appreciate the justification for the proposal

Please select a further procedure *

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

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

So that LRB members can see for themselves 1) the business carried on by the applicants requiring the maximum site area possible, and 2) the fence and landscaping as-constructed are visually acceptable in the context of the amenity of the area.

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

There is no difficulty in viewing the fence and boundary treatment from outside on the street. However entry to the site is not possible without prior arrangement due to the security measures which are in place and necessary for the operation of the business. It is important for the LRB members to see inside the site.

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 Jim Sorrell

Declaration Date: 06/10/2017

**2A Nivensknowe Road
Loanhead
Midlothian EH20 9QH**

**Security Fence and Boundary
Treatment**

**Planning Statement in support of a
Notice of Review**

**Review of a Decision by Midlothian
Council to Refuse a Planning
Application (ref 17/00404/S42) to
Vary Conditions 3 & 4 of Planning
Permission 16/00497/DPP**

On behalf of:

**911 Rescue & Recovery Ltd
(Stephen Greenhorn)**

6th October 2017

Sorrell Associates

planning | development | consultancy

The Green House
41 St Bernard's Crescent
Edinburgh EH4 1NR
Tel: 0131 343 3643
www.sorrellassociates.co.uk

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SECTION 1 INTRODUCTION

- 1.1 This Planning Statement is issued in support of a Notice of Review on behalf of 911 Rescue & Recovery Ltd (referred to as 'the company' or '911'). It concerns the premises in the company's ownership at 2A Nivensknowe Road, Loanhead from where it operates a car storage and vehicle inspection depot. The business largely services a contract with Police Scotland (Scottish Police Authority / 'SPA') which is administered through its managing agent FMG Ltd. The property is within the Pentland Industrial Estate, one of the prime employment areas in Midlothian.
- 1.2 The company is seeking a review by the Local Review Body of Midlothian Council ('the Council') under Section 43A of the Town and Country Planning (Scotland) Act 1997 ('the Planning Act') of the decision made by Council planning officials to refuse planning permission for application ref 17/00497/S42.
- 1.3 The application seeks approval to retain a security fence which has been erected just inside the site boundary along Nivensknowe Road in variance of the terms of two planning conditions (Conditions 3 and 4) pursuant to planning permission ref 16/00497/DPP. That consent approved the change of use of the premises generally appropriate for the company's business. However, the conditions required the fence to be set back into the site and to reinstate a landscaped verge.
- 1.4 In refusing the current application the Council's officials have maintained their opposition to the fence as they consider its appearance and the loss of the grass verge are detrimental to the amenity of Nivensknowe Road, including as a gateway to the Loanhead residential area. The company strongly disagrees with this assessment and considers that planning permission is justified for the following reasons:
- The retention of the fence is of fundamental importance to the continuing operation of the business. Its appearance derives from the need for high security. Inclusion of the former grass verge area within the operational site is vital in providing vehicular access to the main inspection building and vehicle parking which is vital to the overall storage capacity of the site.
 - ***The withdrawal of the fence into the site would cause such logistical difficulty to the company in fulfilling its contract to the Scottish Police Authority that it would be forced to consider relocation.***
 - The site is within the Pentland Industrial Estate and the appearance and function of the high security fence is appropriate in an industrial area
 - The relevance of the site as a 'gateway' to the residential area is inappropriate and is otherwise compromised by the detrimental appearance of the adjacent derelict house and former petrol filling station
 - The requirement by officials for a higher standard of amenity is not supported by planning policy or planning guidance specific to this location
- 1.5 In addition, the amenity of the site and appearance of the fence have been enhanced by the following:

- painting the fence, a dark green colour - this has been carried out since the refusal of consent, and will be evident to the Local Review Body members at the site visit.
- planting of shrubs along the edge of the visitors' car park at the site entrance
- overall improvement to the condition of the site from the building works undertaken

1.6 The company is also willing to carry out any further reasonable measures in agreement with the Council should the LRB consider this to be expedient, given the importance to the overall business operation of retaining the fence in its current position.

1.7 The Notice of Review has been submitted within the statutory three month period following the issuing of the refusal notice on 7th July 2017 and is supported by the following:

General matters

1. Planning Statement (this document)
2. Site Location Plan
3. Existing Site Plan prior to development by the company - Drawing 001

Application 16/00497/DPP

4. Proposed Site Plan - Drawing 002 (1st Aug 2016)
5. Proposed Site Plan - Drawing 002, Amendment (5th Sept 2016)
6. Midlothian Transportation consultation response, 11th August 2016
7. Midlothian Transportation consultation response, 15th September 2016
8. Delegated Worksheet
9. Decision notice, 30th September 2016

Application 17/00404/S42

10. Proposed Site Plan - Drawing 003 (Amendment - 'Revision E')
11. Photograph illustrating visibility splay at site entrance
12. Midlothian Transportation consultation response, 29th June 2017
13. Delegated Worksheet
14. Decision notice, 7th July 2017
15. Letter from FMG to 911 Rescue & Recovery, 21st July 2017

1.8 The attention of the LRB is particularly drawn to item 10, the Site Layout Plan which shows how the site has been developed and is operational today. This shows shaded in yellow the former grass verge area and the function it now fulfils for parking and access. The new fence runs on the periphery of the site along the back of the pavement. The business need for retaining these features is at the heart of this proposal and is supported by the letter from FMG (item 15). The previous alignment of the fence ran across the former landscaped area as shown on the Existing Site Plan at Item 3.

1.9 All the above matters are explained in greater detail in the following sections of this planning statement

- 1.10 Procedural Note - When application 17/00497/S42 was validated by the Council, the identity of 'the applicant' was not formally recorded as 911 Rescue & Recovery but instead as Mr Stephen Greenhorn, the company's Managing Director whose name had also been included on the application form. As the right to request a Review is reserved under planning procedure to 'the applicant', this review has also been submitted in the name of Mr Greenhorn to ensure legal compliance. However, for the avoidance of doubt, the development proposed is for the benefit of 911 Rescue & Recovery Ltd, whose interests in all regards are represented by Mr Greenhorn.

SECTION 2 BACKGROUND TO THE PROPOSAL AND PLANNING APPLICATION PROCESS

- 2.1 911 Rescue and Recovery specialise in the recovery of damaged and crashed vehicles, and the subsequent storage and processing of the vehicles involved.
- 2.2 At Nivensknowe Road the company carries out a specialist service contracted to Police Scotland, through the Scottish Police Authority's management agency FMG Ltd. This requires:
- the recovery of vehicles involved in traffic and criminal incidents in the Edinburgh area,
 - provision of a site for their secure storage and
 - premises at which forensic examination is undertaken as part of investigations by the Police and Crown Prosecution Service.
- 2.3 For these reasons the site must be highly secured.
- 2.4 The operation is central to fulfilling the SPA's remit across Edinburgh and the Lothians and particularly includes the recovery of vehicles involved in gun-crime, drug-crime and accidents where there have been fatalities. It comprises the regional hub for forensic examination of vehicles and the site is of strategic importance to the SPA in combatting crime and obtaining vital evidence to help prosecutors in the subsequent legal process. The site is required to operate 24 hours a day, seven days a week, 365 days a year.
- 2.5 The company's contract with FMG on behalf of the SPA commenced from March 2016 when it was able to step in at short notice after another operator could not fulfil the police service's requirements. At that time 911 operated from a site in Newbridge, however this was only a temporary base until a fully serviced site could be identified.
- 2.6 911 then undertook a detailed site search across Edinburgh and the Lothians. This was limited by the need for a site of at least one acre, well connected to the trunk road network and with a building of over 15,000 sqft that could operate 24/7. The site at Nivensknowe Road was the only site in the Edinburgh area available for purchase that met these criteria.
- 2.7 When 911 completed acquisition of the site there was considerable urgency from the police service for the site to become operational as quickly as possible. It had previously been leased by the British Geological Survey who had vacated but it was in poor condition and required considerable upgrade and investment to make it fit for purpose.
- 2.8 The company was aware that planning permission was required for change of use, alterations to the main building and physical works to the site, including the security fence. However, in the company's experience, security fences are common features on sites within prime industrial estates and it considered there was reasonable expectation that planning permission would be granted. It therefore decided to commission the works in parallel with the planning application process, from which planning permission was granted on 30th September 2016 and this is reviewed below.
- 2.9 Works to the site and the main building were progressed to enable the company to commence operations from April 2017, and all further works have subsequently been completed.

- 2.10 The previous perimeter fence was a wire fence set back from the road by up to 6 metres. This ran across a grass verge which extended to the pavement on one side and further into the site than the fence on the other. This is shown on the Existing Site Plan submitted with application 16/00497/DPP. This grassed area was within the private site ownership and was required by the company for operational purposes, which are explained fully in Section 4 of this planning statement. Accordingly, the new fence was constructed close to the back of the pavement. The grass verge was in relatively poor condition and various road signs had been installed on it by the Council. These have subsequently been requisitioned.

Planning Application Process

- 2.11 The planning application was submitted in the name of Survey UK Ltd (the company's project manager) on behalf of 911 Rescue and Recovery on 14th July 2016 (ref 16/00497/DPP). The description of development recorded was:

'Alterations to and change of use of the buildings from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective).'

- 2.12 Full planning permission was granted by the Council on 30th September 2016. However, the consent included the following planning conditions which are relevant to this Review:

'3. The proposed car parking and position of fence layout as shown on drawing numbers 002 dated 1 August 2016 and 5 September 2016 is not approved. Within 28 days of the date of this decision notice, an amended layout shall be submitted to and approved in writing by the Planning Authority. This shall set back the position of the fencing hereby approved from the heel of the pavement to an agreed position to achieve the required visibility splays and will include a landscape strip.'

Reason: For the avoidance of doubt, the current position of the fencing will have a detrimental impact on road safety and the character and appearance of the surrounding area.

4. The landscaping hereby approved as per condition 3 above shall include either beech and hornbeam or mixed native non-spikey hedging to be maintained at a height no less than 1.5 metres.

Reason: To ensure that change of use of this prominent site does not have a detrimental visual impact on the appearance at the edge of the industrial estate and the built-up area.

- 2.13 911 was disappointed at the requirements for the fence to be set back and to reinstate a wide landscape strip, and considered the retention of the fence was justified. Sorrell Associates was appointed to enter discussions with the Council's planning officials to seek a resolution. Correspondence with Council planning officials was then progressed regarding Conditions 3 and 4 and also to satisfy the requirements of other planning conditions (nos 1, 2, 6 and 7). This led to the submission of drawings and other details regarding the design and materials to be used in converting the existing building, inclusion of dropped kerbs on the pavement at the site entrance, visibility splay, etc.

- 2.14 The planning case officer subsequently confirmed that the matters required by the other conditions had been satisfied and that only conditions 3 and 4 remain to be addressed. However, the case officer did not accept the justification put forward to retain the fence in its current position and also indicated that the Council was minded to take enforcement action. The applicant wanted to avoid such action if possible and on 21st May 2017 submitted planning application ref 17/00497/S42 to formally seek a variation of Conditions 3 and 4.
- 2.15 The planning case officer did not alter her opinion and the application was refused under planning officials' delegated authority on 7th July 2017. There are two reasons for refusal:
1. *'The proposed removal of conditions 3 and 4 of planning permission 16/00497/DPP would result in the retention of an unattractive solid fence feature in the street scene which would have a significant detrimental impact on the character, appearance and visual amenity of the application site and the surrounding area and would therefore be contrary to the aims of policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging Midlothian Local Development Plan.'*
 2. *'Permission 16/00497/DPP was only considered acceptable on the basis that the site layout would be altered to set back the boundary fence to Nivensknowe Road and have suitable landscaping planted in order to mitigate the unattractive appearance of this inappropriate fence and to achieve a standard of landscaping suitable for the surrounding area. The absence of the required amendment to the layout renders the development unsuitable for the site.'*
- 2.16 The applicant considers that the importance of retaining the fence in its current position to the continuing operation of the business has thus far been overlooked in the determination of the applications, whereas the amenity considerations have been over-emphasised.
- 2.17 In Section 3 we refer to relevant planning policy and other material considerations and in Section 4 we address whether planning permission is justified in that context.

SECTION 3 DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Statutory Context

- 3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that *'planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.'*

Development Plan

- 3.2 The development comprises the Strategic Development Plan (SDP) for South East Scotland (SESplan), approved 2013 and the Midlothian Local Plan (MLP), adopted 2008.
- 3.3 **SESplan** provides a strategic vision for the Edinburgh city region. Its policies have no specific relevance to the site, however its aims include to *'enable growth in the economy by developing key economic sectors ...and supporting local development'* and also to *'conserve and enhance the natural and built environment'*.
- 3.4 **The Midlothian Local Plan** confirms the site is within the Pentland Industrial Estate which is zoned for general industry and business use but there are no other site-specific designations. The following policies apply.
- 3.5 **COMD1 Committed Development** commits the Council to seek the early implementation of all committed development sites including those which make up the established economic land supply which specifically include the Pentland Industrial Estate (Site e4).
- 3.6 **Policy RP20 Development Within the Built-Up Area** presumes against development within existing built-up areas, in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.
- 3.7 **Policy DP2 Development Guidelines - Landscaping** makes a general requirement for development to be accompanied by a scheme of landscaping to add interest to its appearance

Material Considerations

Scottish Planning Policy (SPP) (2014)

- 3.7 The SPP states that the planning system should focus on the delivery of 'sustainable economic development' by following principles which include:
- the promotion of business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments, and
 - to give due weight to net economic benefit of proposed development

It also requires proposals for business and industry to consider local amenity.

Midlothian Local Development Plan (MLDP) (Proposed Plan 2014)

- 3.8 The draft LDP is due to be adopted in November 2017 by the Council at which time it will replace the MLP. It is therefore a relevant material consideration.
- 3.9 The MLDP reinforces the emphasis on promoting economic growth from SESplan and SPP. It states that promoting economic growth is the primary objective of the Midlothian Economic

Development Framework and that the Council positively seeks to deliver economic benefits by:

- providing land and supporting the redevelopment of existing sites/property to meet the diverse needs of different business sectors;
- supporting measures and initiatives which increase economic activity; and
- giving due weight to the net economic benefit of the proposed development...'

- 3.10 Policy STRAT 1 Committed Development repeats Policy COMD1 from the Local Plan in actively supporting the development of sites in industrial estates and Policy ECON 1 supports economic development, redevelopment or expansion of existing employment locations.
- 3.11 ECON1 adds that the economic use should be compatible with neighbouring uses and would not have a detrimental impact on the amenity of the area. This is also a requirement of Policy DEV 2 'Protecting Amenity within the Built-Up Area' which repeats Policy RP20 from the Local Plan.
- 3.12 However there is no policy in the LDP which sets criteria for landscaping or any other design criteria further to Policy DP2 of the Local Plan

Overview of Planning Policy and Material Considerations

- 3.13 Scottish Planning Policy introduces a presumption in favour of sustainable economic development and emphasises that planning decisions should support sustainable economic development, job creation and economic activity. This is reflected and expanded upon by development plan policy, which confirms particular support for such activities in established employment areas such as Pentland Industrial Estate.
- 3.14 It is also specified by policy that economic development should protect local amenity, although there is no specific guidance on how this should be addressed. There is a general requirement in the adopted local plan for landscaping to add interest to the appearance of all development, although this policy is not repeated in the new LDP. The Council has no supplementary guidance available on landscaping and there is no design guidance for the Pentland Industrial Estate, as there is for other industrial areas in Midlothian.
- 3.15 It is a well-established tenet of planning procedure that the development plan must be considered in the round rather than focusing on particular aspects of policy. In our opinion the acceptability of the fence requires a balanced assessment of the above policies, including emphasis on economic benefit, and we do not consider this has been achieved in the consideration of the proposal to date.

SECTION 4 PLANNING JUSTIFICATION

- 4.1 The Council's planning officials consider that the position and appearance of the security fence has such a detrimental impact on the character and amenity of the area that planning permission should be refused. We understand they consider the fence compromises the ambition for a high standard of visual amenity along Nivensknowe Road which is believed to be merited as it provides entry to the residential area of Loanhead to the east.
- 4.2 We acknowledge the officials have been consistent in this opinion both in consideration of application 16/00497/DPP and more recently of 17/00404/S42. However, in our view, whilst visual amenity is relevant, the importance attributed to it has been overstated in the context of relevant planning policy and the actual circumstances of the site.
- 4.3 The officers have also given no apparent consideration to the importance of retaining the position and function of the fence in maximising the site area, enabling access to the main building and ensuring high security. These are vital to the overall functioning of the site and ensuring the continuation of the strategically important vehicle recovery and storage operation carried out by the company and the forensic examination of vehicles carried out on site by the Scottish Police Authority. This economic justification has full support in planning policy, and the Local Review Body members are asked to make a balanced planning judgement taking account of the following factors.

1. Strategic Economic Importance of the Business

- 4.4 The location of the site at Nivensknowe Road and the vehicle recovery, storage, inspection and repair activities which are undertaken, constitute a business operation which is of strategic importance to the Scottish Police Authority.
- 4.5 Location - 911 is tasked by the SPA to achieve a 30-minute response time to attend any incident in and around Edinburgh. A strategic location is therefore important to access the motorways and main trunk routes of Edinburgh and to ensure they can be kept open following incidents. The Nivensknowe Road site is ideally located due to its accessibility to the City Bypass, the wider motorway and trunk road network, to urban Edinburgh and outlying areas.
- 4.6 When the company carried out its site search in 2016, this was the only site available for sale in the Edinburgh area with appropriate accessibility, sufficient yard space for vehicle storage and a building of adequate size and facilities to convert for the necessary forensic testing facility. If relocation was required, the company is doubtful a comparable site could be found.
- 4.7 Facilities – The site provides three related functions which enable it to operate as the regional hub for the vehicle recovery and inspection requirements of the Scottish Police Service. It provides storage capacity for recovered cars and HGVs, a building with state-of-the-art inspection bays for the forensic investigation of recovered cars and also an HGV testing/MOT facility.
- 4.8 Its location in the Pentland Industrial Estate and the investment it has brought to the locality can be regarded as a significant economic benefit. In our view, it is a business that constitutes sustainable economic benefit in terms of Scottish Planning Policy, and which accords with Policies COMD1 of the Midlothian Local Plan and STRAT1 of the Local

Development Plan. Considerable weight should be afforded to ensuring the business can be retained and thrive at Nivensknowe Road.

- 4.9 ***By contrast if its functions and facilities are unduly constrained then the capability of the site in fulfilling the SPAs requirements will be prejudiced.*** We now consider each of these functions in turn, to demonstrate the importance of retaining the fence in its current position.

2. Existing Position of Fence Required to Achieve Access to the Forensic Testing Facility

- 4.10 It is critical to the SPA that the forensic investigation of vehicles necessary in the crown prosecution process can be carried out at the site provided by 911 and this was a significant factor in the company being awarded the contract with FMG in 2016. Police Scotland lacked a bespoke forensic examination facility of this nature with the necessary on-site security measures in the Edinburgh region, or indeed the East Coast area as a whole. They had not received the required services from previous contractors and the previous operator lost their contract as they were unwilling to invest in additional security.
- 4.11 The facility is required as the police must carry out increasingly intensive and protracted examinations of vehicles in accordance with strict criteria. In particular the specialist facility is required for the SPA to negate any claims of cross contamination in multi-vehicle cases and to support the increasing use of forensic technology in their examination regime.
- 4.12 When vehicles are delivered to the site they are either stored in an external part of the site or taken into the holding area within the inspection building. When detailed inspection of the vehicles is required they are allocated individual 'garages' within the building for the Scene of Crime Officers to inspect the vehicles in sterile conditions.
- 4.13 The company has converted the existing building at the site, some 23,500sqft in total, which includes the state-of-the-art forensic examination bays in the southern section of the building. This is nearest the Nivensknowe Road frontage and a large access door has been built into the gable end of the building. This provides the sole, and bespoke, access to the forensic area. For delivery vehicles to use this door, access and egress is required across the area of land that formerly comprised the grass verge, and which is now part of the operational site.
- 4.14 The previous perimeter fence was close to the gable end of the building, as is evident from the Site Layout Plans. If planning permission is refused, and the new security fence must be repositioned closer to the building, it would no longer be possible to use this access door as it would result in insufficient manoeuvring space for the delivery vehicles.
- 4.15 There is also no possibility of an alternative access door being built in another part of the building either along the eastern elevation or the far end of the building. There are bespoke offices along the side elevation and the specialist HGV testing facility in the remaining part of the building would be compromised by introduction of a dual-purpose access. This is explained further below.
- 4.16 ***The retention of the new security fence in its existing position is therefore fundamental to the continuing operation of the forensic vehicle examination facility to enable sufficient manoeuvring space for vehicles to access and egress the building.***

3. Importance of Retaining the Bespoke HGV Facility

- 4.17 911 carry out MOTs and vehicle checks/repairs on vehicles of 3-5 tonnes or more, to VOSA standards (Vehicle Operator Standard Agency). This includes HGVs, trucks, coaches, mail vans, buses, etc. The rear section of the building has been substantially redesigned for this purpose including inspection pits, the addition of 6 goods doors along the east elevation facing the yard and a concrete apron. External storage is also required to enable 10 MOTs per day.
- 4.18 The company operates the HGV facility as a distinct enterprise, but it is also fundamental to the SPA's requirements. This is because larger vehicles, articulated vehicles, coaches, etc, which have been involved in fatal incidents are also brought to the site for inspection, as well as cars. These are often retained on site for over one month.
- 4.19 *Both the forensic testing facility at the front of the building and the larger vehicle inspection/repair facility at the rear of the building are crucial to the SPAs purposes. The location of test pits and other HGV infrastructure within the building preclude the introduction of an alternative access to the forensic car bays. The separation of the two facilities is also required to prevent any forensic contamination.*

4. Importance of the Site Frontage Area for Car Storage Capacity

- 4.20 The SPA requires 911 to provide a recovery operation of vehicles and deliver them to the site where they must be stored securely. This requires a large area for vehicle parking/storage. The external parts of the site have been laid out accordingly including a large compound at the rear (130 cars) and the area in front of the building with a further 24 spaces. These accommodate cars and other vehicles pending their examination, repair or collection. There is a further area of hardstanding in the central part of the site, but this is required for turning and manoeuvring of vehicles and is not available for parking/vehicle storage.
- 4.21 There is high level of crime in the Edinburgh area involving vehicles, and it is not uncommon for up to 70 vehicles to be recovered over a weekend. In the 12-month period that 911 fulfilled the SPA contract from Newbridge an average of 290 vehicles per month were recovered. Since moving to Loanhead this has increased to around 300 per month with expectation of further increase. This represents around 10-15% of all vehicles recovered in Scotland.
- 4.22 The amount of time each vehicle remains on site depends on the circumstances of the traffic incidents but in some cases the vehicles are retained for considerable periods. In a typical month some 70 vehicles may be 'on hold' at the site, representing 10% of all retained vehicles in Scotland.
- 4.23 Of all vehicles recovered, those requiring forensic examination comprise, on average, stolen vehicles (20%), others involved in crime (4%), burnt out vehicles (2%) plus others involved in road crashes.
- 4.24 Space for vehicle storage on the external parts of the site is therefore at a premium and the site is frequently at capacity. Every available part of the site is required.

- 4.25 The company recognised at the outset that it was necessary to utilise the grass verge/landscaping strip fronting Nivensknowe Road to achieve sufficient vehicle storage capacity. Accordingly, this area has been levelled and laid with hardstanding to achieve parking spaces for the additional 24 cars and the new security fence has been erected along the back of the pavement.
- 4.26 This land is of fundamental importance to the operation of the business in maximising the site's overall storage capacity for cars and vehicles, in addition to the compound area at the rear. This will only increase with the anticipated ongoing high turnover of vehicles.
- 4.27 There is a clear business need to use every available part of the site for operational purposes. *If the new security fence had to be moved into the site this will result in the loss of parking spaces and will fundamentally restrict the site's operational storage capacity.*

5. The Need for a High Security Fence

- 4.28 The site must be highly secure due to the nature of the vehicles recovered, the possibility of firearms or drugs remaining in the vehicles, and to ensure the forensic analysis of the recovered vehicles is not prejudiced.
- 4.29 High security is also necessary to prevent any attempts by the perpetrators of crimes to take back vehicles by force before forensic examination takes place. Serious criminals are keen to repatriate their 'goods' and will go to great lengths to prevent evidence being attributed to them.
- 4.30 Of importance there should be no visibility into the site through the external fence. This is to prevent criminals identifying the exact whereabouts of specific vehicles within the site and any journalists or members of the public seeking to view vehicles involved in particular incidents.
- 4.31 To ensure the required security the company has taken measures to operate the entire site as a secure car compound. This includes:
- a metal palisade fence around the entire perimeter of 2.2m height with a pulse-wire extending above (3m height total)
 - timber panelling fixed inside the palisade fence. This is required for added security but also to prevent visibility from outside
 - floodlighting of the yard, CCTV cameras
 - a security gate-house and a sliding security gate at the site entrance controlled from the gatehouse.
 - a visitors' car park is provided outside the security fence adjacent to the entrance. This is required as most visitors are not usually admitted to the site and are required to report to the gate-house.
- 4.32 All of these measures have been acknowledged as suitable and appropriate by the SPA and FMG, the managing agent for the police service.
- 4.33 The planning officials refer in the 'Delegated Worksheet' for application 17/00404/S42 (page 3, para 5) to the desirability of seeing through the fence to achieve visual permeability, as was possible with the wire perimeter fence previously at the site. Unfortunately, such a wire fence would be entirely inappropriate and not fit for purpose. The security of the site

requires a fence strong enough to resist considerable force and which must also prevent visibility of the vehicles stored. The nature of the criminality associated with some of the vehicles being recovered should not be underestimated.

- 4.34 ***The fence is fundamental to achieving the operational requirement. Its solid structure is necessary to ensure high security at the site. Notwithstanding this, the company is open minded on means to improve the appearance of the fence and has already taken some steps in this regard (below).***

6. Support from FMG and Police Scotland

- 4.35 FMG Ltd is the contract management company which acts for Police Scotland in managing the site and is the point of contact for 911 Rescue & Recovery.
- 4.36 The importance of the Nivensknowe Road operation is demonstrated by the letter to the company from FMG dated 21st July 2017 which is submitted in support of this Review. This confirms the support from the police service for the ongoing operation of the site by 911 and refers to the importance of the security measures which have been installed, including the high security fence.

7. Road Safety - Satisfactory Visibility Splays at Site Entrance

- 4.38 The site entrance is on the north side of Nivensknowe Road and is protected by an electronically controlled rolling entrance gate. It is usual for crashed vehicles to be brought in by a wrecker lorry with a trailer or on a flat-bed vehicle. Consequently, the entrance gate is set 15m into the site, back from the kerb. This allows the vehicles to pull in and stop in front of the gates without blocking the roadway.
- 4.39 Condition 3 of planning consent 16/004097/DPP states that the fence line of the security fence has:

'a detrimental impact on road safety...'

- 4.40 This derived from the consideration of Mr Gilfillan, the consultant acting for the Council's Policy & Road Safety team. His opinion was initially set out in a consultation response dated 11th August 2016 and subsequently, following submission of a revised proposed layout plan, in a further response dated 15th September 2016.
- 4.41 He expressed concern in both consultation responses that visibility available to drivers along Nivensknowe Road when leaving the site entrance was obscured by the new fence and was below the Council's required standard. The submitted plans indicated a visibility splay of 2.5m x 33m, but a requirement was specified by Mr Gilfillan of 2.4m x 70m.
- 4.42 The company reviewed the situation and it transpired that the visibility splay achieved at the site entrance, as-built, complies with the required 2.4m x 70m dimension. A further amendment to the proposed layout plan (Revision E) was accordingly submitted with application 17/00404/S42 in which the visibility splay is confirmed as 2.4m x 70m. This was supported by a photograph taken from the site entrance looking westwards, which demonstrates that oncoming traffic is visible at a distance greater than the minimum required of 70m, and that the visibility is not impeded by the new boundary security fence. The photograph is also submitted with this Review.

- 4.43 The revised visibility splay led to a consultation response from Mr Gilfillan for Policy & Road Safety dated 29th June 2017 which confirmed:

'I have no objection to the application'.

- 4.44 The response also included an addendum note which states:

'Given the specialised nature of the operation and the low usage of the entrance, the existing access arrangements appear to be operating well and I would not be looking for any alterations to the existing visibility splays.'

- 4.45 Despite this we note that the 'delegated worksheet', which sets out the detailed consideration by the planning officials, concludes (final page, para 5) that the current fence continues to obstruct the visibility splay and that this must be overcome by setting the fence further back into the site. We consider this opinion is wholly unfounded, being contrary to the professional advice received from the Council's transportation consultant, and we trust this will be recognised by the Local Review Body.
- 4.46 We also note that the reasons for refusal for application 17/00404/S42 make no reference to deficient visibility splays or any detriment to road safety. In our view this confirms that **this matter has been properly addressed, that Council standards are satisfied, and it is not a relevant consideration for the planning review.**
- 4.47 The alleged detriment to road safety was a fundamental concern for the Council planning officials allied to the visual appearance, as evident by the wording of Condition 3 of the 2016 consent. Now it has been confirmed that visibility of approaching traffic for vehicles departing the site is no longer a concern, the acceptability of the fence is concentrated solely on the consideration of visual impact and amenity.

8. Appropriate Visual Appearance of the Fence and Site Frontage

- 4.48 The company acknowledges that the solid nature of the fence is not of great attraction, but this is a consequence of the security measures required for the business to operate, and should be regarded as generally acceptable within industrial areas. However, and in recognition that this has caused concern, the company has sought to mitigate the appearance of the fence.
- 4.49 **Fence Painting** - The fence has now been painted an appropriate dark shade of green. This has the effect of removing the stark appearance of the silver metal palisades and providing a more appropriate backdrop visible to passers-by than the plain colour of the timber panels.
- 4.50 Should the Council consider that an alternative colour is preferred the company will accept a planning condition to that effect. It also pledges to maintain the appearance by repainting the fence after a designated period.
- 4.51 **Grass Strip** - There is a grass strip between the fence and the pavement. This is small by comparison to the previous landscaped verge; however, it does provide a degree of separation and contrast along the site frontage.

- 4.52 **Shrub Planting** - Shrubs have been planted around the edge of the visitor car park to provide a visual buffer to the residential property to the east, and to soften the appearance of this part of the site frontage when viewed from the road.
- 4.53 The shrubs used have been selected as similar to those widely used on other sites. However, the officials have indicated in the Delegated Worksheet (last page, para 3) that these do not reflect the style and species of the surrounding area. No details are specified but we presume this may refer to the buffer strip of shrubs on the south side of Nivensknowe Road opposite the site, in front of the Police Area Control building.
- 4.54 911 considers the shrubs planted are appropriate, however should the Council wish different or additional planting to be undertaken in the planting beds available the company will gladly discuss an appropriate solution, as per condition 4 of the 2016 consent

9. Compatible with the Character, Appearance and Visual Amenity of the Surrounding Area

- 4.55 The planning officials' opposition to the security fence is founded on the proposition that its unsightly appearance, and the lack of a landscaped strip between the fence and the road, are detrimental to the character and amenity of the immediate locality. It is also suggested that the site's location at the edge of the Pentland Industrial Estate requires a different standard of visual amenity than within the heart of the industrial area.
- 4.56 We acknowledge that Nivensknowe Road includes stretches of its frontage which comprise either a grassed verge or a buffer strip of mature shrubs/bushes. However, this is not continuous as there are certain uses particularly on the north side of the road with discordant frontages and only limited back from the road. Also, immediately adjacent to the company's site is a derelict house and a former petrol filling station now used as a car repair outlet. These are very unsightly. They have a low boundary wall which gives a hard edge to the road and zero planting or landscaping. The character of the locality is therefore mixed in terms of frontage quality.
- 4.57 It is also relevant to record that whilst Policy RP20 of the adopted local plan and Dev2 of the new LDP presume against detrimental impact to local amenity, this ambition is predominantly directed at residential areas rather than industrial areas.
- 4.58 Nivensknowe Road runs between two major business/industry areas with Pentland Industrial Estate to the north and Bilston Industrial Estate to the south. The Council's officers place weight on the 911 site being at the edge of the Pentland Estate in seeking to justify a higher level of amenity than normally expected in an industrial estate. However, it is a matter of fact that the site is at the centre of a much larger employment area comprising the two industrial estates and the officers' interpretation should be qualified by the corresponding adjacency to Bilston.
- 4.59 We consider that, notwithstanding the frontage treatment along the road, the immediate area is undeniably industrial in character and the impact on amenity must be considered in this context.
- 4.60 The company acknowledges that the replacement of the former grass verge in front of the subject site with an extended security fence represents a change to the previous position and that planning policy requires economic uses to respect local amenity.

- 4.61 In this context the company's significant investment in the site has resulted in a considerable overall improvement to its rather dilapidated condition which is to the benefit of the location. Against this background the painting of the fence and planting of shrubs carried out by the company can also be regarded as acceptable mitigation. The company is also willing to consider any further reasonable measures which may be suggested by the LRB members or planning officials for any further enhancement to the fence appearance.
- 4.62 In the Delegated Worksheet the planning officials state that the site is a *'highly prominent public area at the edge of the industrial estate where such fencing is not acceptable'*. Use of the expression 'public area' suggests a site which is a public gathering place such as a park or square, or which is otherwise in public ownership. This is misleading as there is no right of public access to the land. The impression is also given that the former site frontage contributed to an area of public realm. This is incorrect as the verge is part of the same ownership as the rest of the site and no other party has rights to use the land whether for landscaping, amenity ground or any other purpose.
- 4.63 It was apparent when the company acquired the site that various installations were in place on the verge. These included a lamp-post, a road sign and traffic monitoring equipment installed by the Council and water valves installed by Scottish Water. However, these had apparently been installed without owner's consent. The road sign has since been repatriated by Highways and it is incorrect of the officials to give the impression that the approval for the previous use of the site *'provided scope to retain important signage'*.
- 4.64 Neither the site nor the former verge has an established public presence, as suggested. On the contrary, the extent of public perception is the site's visibility to passing drivers on a public road.
- 4.65 Officers also suggest that Nivensknowe Road provides a public 'gateway' to the Loanhead residential area to the east. This is true to an extent, however the road remains a conduit through an industrial area and any 'gateway' effect is considerably dissipated by the very poor condition of the house plot adjoining the subject site to the east and the former petrol filling station beyond. These are the first properties in the residential area but provide a very poor level of amenity which detrimentally affects the subject site.
- 4.66 We understand there is an ambition within the planning department to require a landscape verge along the roadside whenever opportunity arises. However, we would point out there is no specific planning policy, nor planning brief nor supplementary planning guidance for Pentland Industrial Estate or Nivensknowe Road which details any specific requirement for landscaping or sets any standards for amenity. Any such ambition therefore has no specific status in development plan policy or supplementary guidance.
- 4.67 It is quite possible to take the contrary view to the planning officials and conclude that the extent of grass verge and planted areas along Nivensknowe Road provides ample landscaping such that there is capacity to absorb a short stretch comprising the frontage of the subject site which does not offer this design feature.
- 4.68 We have set out above a justification based on operational business grounds for the retention of the security fence in its present position, without a landscape buffer along the road frontage. We consider this has strong merit in accordance with the presumption in favour of sustainable economic development in the SPP and with economic policy in the local plan and emerging LDP.

- 4.69 Taking this into consideration, it must lead to a balanced judgement being made regarding any impact on the amenity of the area. In that regard we invite the LRB to recognise that the detrimental impact on amenity asserted by the Council's officials is over-stated, and that the measures undertaken by the company to improve the appearance of the fence by painting and planting will enhance the amenity of the area, thereby justifying approval of application 17/00404/S42 in conformity with Policy RP20 of the Midlothian Local Plan.

SECTION 5 CONCLUSION

- 5.1 We consider that the refusal of the security fence in its current position by planning officials has failed to take into account the strategic economic importance of the overall operation of the site. The fence in its current format is particularly important in maximising vehicle storage, enabling access to the principal building and in achieving the required security measures. Emphasis has only been given to the appearance, amenity and road safety considerations. Whilst these are relevant, we consider they are outweighed by other matters and their impact has been overstated.
- 5.2 The reasons for refusal of the existing fence are based on the desire expressed by planning officials to achieve a high standard of amenity along the Nivensknowe Road frontage which they consider is compromised by the physical appearance of the fence and the loss of the previous grass verge.
- 5.3 The company's justification for retaining the fence in its existing position is based on two areas of consideration:

Business Need

- 5.4 If planning permission is refused and the security fence must be moved back from the Nivensknowe Road frontage, it will cause such logistical difficulty in continuing to operate at the site *that the company will be forced to relocate*. This derives from the crucial importance to the business of that part of the site between the fence and the operations building, which formally comprised the grass verge, in two regards:
- i) It provides access to the main door in the gable end of the operations building and is necessary for vehicles to manoeuvre in and out, but would become too cramped for this purpose. This door is the sole access to the forensic testing facility carried out in this part of the building which is the core function of the business. There is no prospect of an alternative access being used in another part of the building due to constrained building dimensions and the disruption this would cause to other facilities.
 - ii) It provides an external area laid out with 24 parking spaces which are vital to achieving the overall car storage capacity in addition to the vehicle compounds at the rear of the site. The site is frequently at full capacity and any reduction would compromise the overall business.
- 5.5 911 specialise in the recovery of damaged and crashed vehicles, and the site is used for the storage and processing of vehicles for the specific purposes of the Scottish Police Authority (SPA). This includes a specialist vehicle inspection operation carried out within the building which is the SPA's principle facility of this nature for the whole of Edinburgh and the Lothians region. The business should therefore be regarded as having strategic importance and given considerable weight by the Council in any planning determination.
- 5.6 The site at Nivensknowe Road was the only suitable facility found from an extensive site search carried out by 911 around Edinburgh in 2016 and it would be of great concern if a further relocation was required.

Amenity Considerations

- 5.7 To achieve the high level of security required for the business the fence must be sufficiently robust to prevent intruders and prevent visibility into the site. A wire mesh fence, or similar, would simply not be effective.
- 5.8 In recognition of concerns over the appearance of the fence, the company has sought mitigation by:
- i) Planting of shrubs and foliage around the visitors' car park area adjacent to the site entrance,
 - ii) Painting the fence a dark green colour seeking to blend with the boundary treatment along the road.
- 5.9 These measures have the effect of softening the appearance of the fence, and the company is willing to consider further enhancement in agreement with the Council if the LRB considers appropriate.
- 5.10 The company considers that the ambition expressed by planning officials for landscaping and high amenity levels, whilst well intentioned, must be balanced by the circumstances of the site:
- i) This is a site within the Pentland Industrial Area, one of the prime employment areas in Midlothian, where emphasis should be given to job creation and business investment. A fence of this nature is not uncommon in an industrial area.
 - ii) The company's investment has included major ground works and improvements to the building that have significantly enhanced the overall appearance of the site to the benefit of the locality.
 - iii) The disused house and former petrol garage immediately adjacent to the east of the site are unsightly and present a very poor standard of amenity as a 'gateway' to the Loanhead residential area. With such an unsightly and visually prominent neighbour, the company is perplexed why such a high standard of amenity should be required at its own site, and generally along Nivensknowe Road, despite being located within the designated industrial estate.
 - iv) The amenity standards sought by planning officials do not appear to be supported by planning policy, a development brief or other policy guidance.
- 5.11 In considering all aspects of amenity, the Local Review Body is urged to recognise the importance of retaining the fence in its current position to ensure this strategically important business can continue trading.
- 5.12 The retention of the fence benefits from the presumption in favour of sustainable economic development put in place by Scottish Planning Policy. It also accords with SESPLAN, Policy

COMD1 of the adopted Local Plan and Policies STRAT1 and ECON1 of the emerging Local Development Plan. The amenity measures proposed are in conformity with Policy RP20 of the Midlothian Local Plan.

- 5.13 We respectfully submit that the proposal can be approved as being in conformity with the development plan. We request that the refusal of application 17/00404/S42 is reversed by the Midlothian LRB and planning permission is granted.

Mr. D Christie
911 Rescue Recovery
2 Jessie Street
Glasgow
G42 0PG

Your Ref
Our Ref Loanhead

FMG
THINKING AHEAD

21st July 2017

Dear David

**Police Scotland Vehicle Recovery Scheme
911 Rescue Recovery Loanhead Depot**

As you are now approaching six months of operating from your new depot at Loanhead, Edinburgh, I thought it appropriate to review the operational commitment made by 911 to this new facility and update you as to the police reaction.

It is worth mentioning that the situation that was presented to FMG during early 2016 in finding a replacement operator for the Edinburgh area at short notice was difficult in the extreme. To find that your company was willing and able, to step into the void was very much appreciated and only served to forge a greater working relationship, not only with FMG but also Police Scotland.

Historically there have been difficulties in arranging an appropriate response to vehicle recovery in the City of Edinburgh and the surrounding area. Not least the availability of capable recovery agents but also the desire from police to have a facility on their doorstep in Edinburgh. To find that your company was in a position to provide a temporary base at Newbridge at very short notice and ultimately move to the bespoke facility now in place at Loanhead was welcomed by all involved.

Officers from Police Scotland have already remarked favourably on the premises at Loanhead and the facilities available to them in support of their policing of the area.

Since taking over the deployment of recovery operations for FMG in Edinburgh your service has continued to improve and concomitantly grown in volume of work. In the 12 month period that 911 operated from Newbridge you averaged 290 vehicles per month moved under the police scheme. Since moving to your new premises at Loanhead earlier this year the figure is currently sitting at 300 per month. I have no doubt that as the scheme progresses and Police Scotland officers recognize the benefits available to

them at your facility this figure will continue to increase.

Unfortunately the Edinburgh area is not without its criminal element and that brings with it concerns, both from FMG and the police concerning the security of premises where vehicles are stored. Above average security applies to all vehicles recovered under the police scheme, but specifically to those involved in crime. It is clear to me that organised criminality is growing and it is reassuring that your company has recognised the need for the state of the art security measures which have been put in place at Loanhead. I am sure this would be echoed by Police Scotland. Despite the fact the Police Area Control Room facility is directly opposite your premises this would not deter some of the criminal fraternity from attempting to disrupt our operations and that of the police. So it is reassuring to know that full account was taken of this when designing and implementing the security measures now in place.

I also recognise that commercial estate is at a premium in the Edinburgh area. Despite the fact that Loanhead is a commercial business park you have managed, successfully in my opinion, to introduce a facility that is capable of dealing with the large volume of vehicles that pass through our scheme on behalf of Police Scotland, while at the same time remaining unobtrusive to your surroundings and maintaining the necessary above average security measures required by Police Scotland. This is testament to you as a forward thinking company who recognises the need to work alongside partner agencies involved in the planning and implementation processes.

In my meetings with Police Scotland personnel, it has been made clear to me that Loanhead is viewed very positively and the storage and examination facilities now available to operational police officers is second to none in the area, if not the country. The fact that you have the capability to store both light and heavy vehicles along with state of the art examination facilities for both categories is welcomed by operational staff in the Edinburgh area.

My own staff have echoed these comments and highlighted that the well-designed yard is capable of coping with the large numbers of vehicles passing through the gates, many of which are held by police for examinations over lengthy periods of time. There is no doubt that the facility you have provided for both FMG and Police Scotland is first class and designed to meet the needs of future operations for many years to come.

I would take this opportunity to thank you for your continued commitment to FMG and our vehicle recovery scheme contract with Police Scotland.

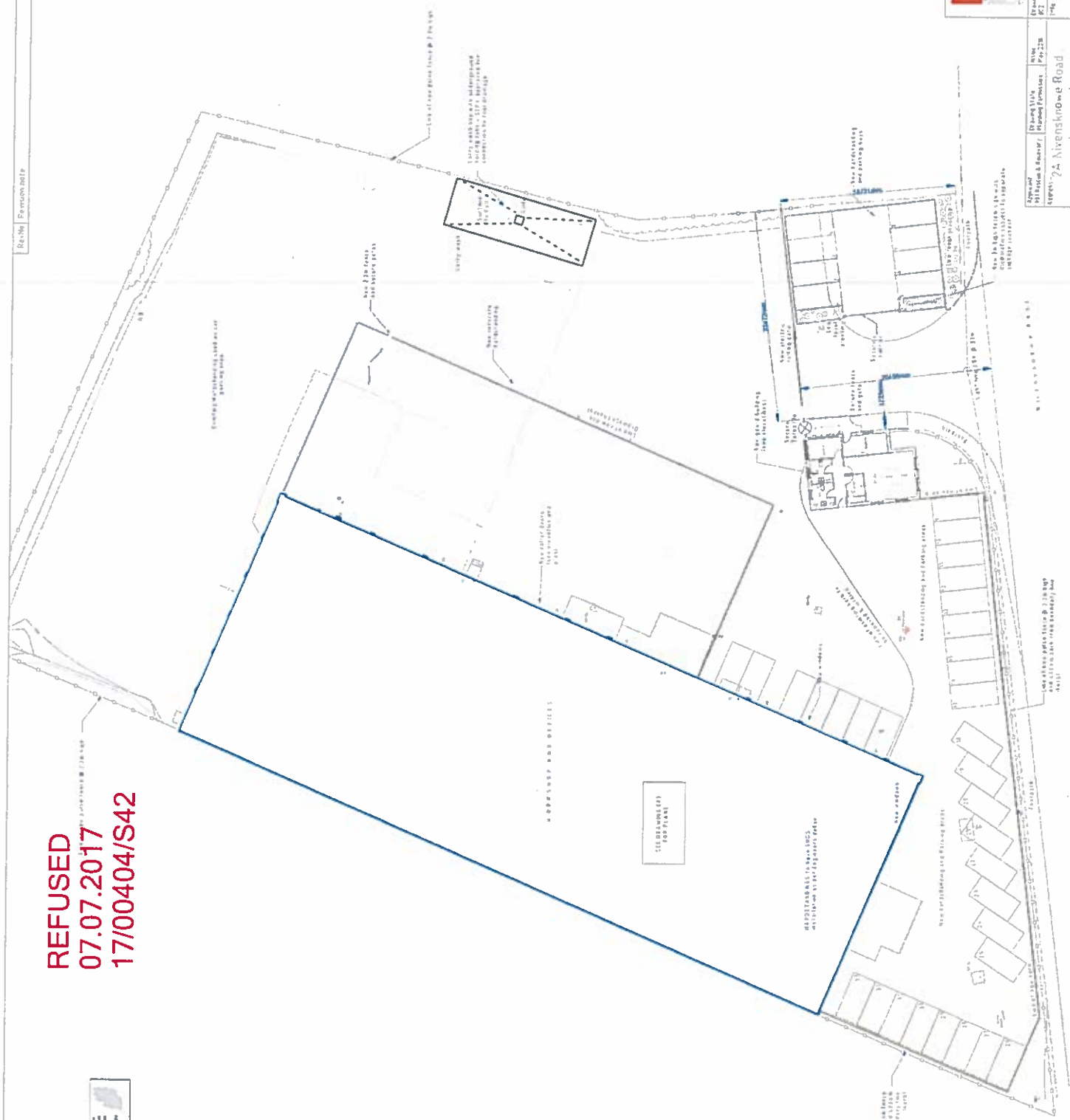
Yours sincerely

Jim Dawson
Head of Rapid Response and Network
FMG

Key No	Revision note	Date	Signature checked
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 "The first thing I noticed when I stepped out of the plane was the smell of fresh air. It was a relief after being cooped up for so long. The plane was a small, single-engine propeller plane, and the pilot was a young man with a friendly smile. He greeted me as I stepped out and showed me to the cabin. The cabin was small and cozy, with a few seats and a small table. I sat down and looked out the window. The landscape below was a mix of fields and forests, and the sky was a clear blue. I felt a sense of freedom and adventure. The pilot was a good man, and he made the flight a pleasant one. We landed at a small airfield, and I was greeted by a group of people. They were all smiling and looking at me with interest. I felt like I had arrived at a new world. The people were friendly and welcoming, and they made me feel like I was part of their community. I stayed in a small, simple house, and I was given a tour of the area. The people were all very kind, and they showed me the best of their country. I was in good luck. The pilot was a good man, and he made the flight a pleasant one. We landed at a small airfield, and I was greeted by a group of people. They were all smiling and looking at me with interest. I felt like I had arrived at a new world. The people were friendly and welcoming, and they made me feel like I was part of their community. I stayed in a small, simple house, and I was given a tour of the area. The people were all very kind, and they showed me the best of their country."

REFUSED
07.07.2017
17/00404/S42



Survey UK
 17 Ainslie Street, Edinburgh, E14 6DQ
 Tel: 0131 622 2222
 Email: info@surveyuk.co.uk

Project Info
 Project Name: 17 Ainslie Street, Edinburgh, E14 6DQ
 Project Ref: 17/00404/S42
 Project Date: 07/07/2017

Client Info
 Client Name: 17 Ainslie Street, Edinburgh, E14 6DQ
 Client Ref: 17/00404/S42
 Client Date: 07/07/2017

Prepared Site Plan

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

Planning Application Reference: 17/00404/S42

Site Address: 2A Nivensknowe Road, Loanhead.

Site Description: The site comprises part of a large industrial unit and associated car parking within, but at the edge of, Pentland Industrial Estate. The building is 2 storeys high with grey metal clad walls and a pitched roof. Access is from Nivensknowe Road. There is a fence hard up along most of the boundary to Nivensknowe Road, with a small area of landscaping beside a parking area.

There is a builders' merchant, a showroom and two sales businesses within the larger industrial unit. There is a dwellinghouse to the east with Pentland Industrial Estate to the north and west and Bilston Glen Industrial Estate to the south.

Proposed Development: Section 42 application to remove conditions 3 and 4 of planning permission 16/00497/DPP.

Proposed Development Details: The application seeks non-compliance of two conditions attached to a planning permission granted in 2016. These conditions required a fence along Nivensknowe Road to be moved from the heel of the pavement to allow landscaping between the pavement and the fence. It is currently proposed for the majority of the fence along Nivensknowe Road to be hard up to the pavement with no landscaping. These works have been completed and are in place. The applicant states the fence as existing is required for the security of the operations carried out on site. Application 16/00497/DPP allowed a change use of the site from warehouse storage to an HGV maintenance and service depot and the site is partially used by Police Scotland relating to recovered and impounded vehicles.

Three site plans have been submitted, all with the same drawing number and date showing generally the same layout with some slight differences in parking and ancillary buildings. The position of the fence is the same on all plans.

Condition 3 of 16/00497/DPP Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)

The proposed car parking and position of fence layout as shown on drawing numbers 002 dated 1 August 2016 and 5 September 2016 is not approved. Within 28 days of the date of this decision notice, an amended layout shall be submitted to and approved in writing by the Planning Authority. This shall set back the position of the fencing hereby approved from the heel of the pavement to an agreed position to achieve the required visibility splays and will include a landscape strip.

Reason: *For the avoidance of doubt; the current position of the fencing will have a detrimental impact on road safety and the character and appearance of the surrounding area.*

Condition 4 of 16/00497/DPP

The landscaping hereby approved as per condition 3 above shall include either beech and hornbeam or mixed native non-spikey hedging to be maintained at a height no less than 1.5 metres.

Reason: *To ensure that change of use of this prominent site does not have a detrimental visual impact on the appearance at the edge of the industrial estate and the built up area.*

A small area of planting as been installed by the visitor parking, which is low level in a small section, not reflective of the landscaping in the surrounding area.

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

Application site

16/00497/DPP Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective). Consent with conditions, including: details of materials; details of lighting; landscaping details; access; and restriction on the use of the site as per the information submitted; as well as conditions 3 and 4 stated above.

15/01001/DPP Change of use from class 6 (storage and distribution) to builders merchants (sui generis). Consent with conditions – restricting the use of the site; additional plans; landscaping along Nivensknowe Road to limit the visual impact on the surrounding area.

Neighbouring site

07/00148/FUL Change of use from Class 6 (storage and distribution) to builders merchants. Consent with conditions – related to the use of the site, access, landscaping, areas of sale and storage within the site.

Consultations: The **Policy and Road Safety Manager** states given the specialised nature of the operation and the low usage of the entrance, the existing (proposed) access arrangements appear to be operating well. Therefore they would not be looking for any alterations to the existing visibility splays.

Representations: No representations were received.

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

COMD1 Committed Development states that Midlothian Council will continue to seek the early implementation of all committed development sites; and

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

The relevant policies of the **2014 Midlothian Local Development Plan Proposed Plan** are;

STRAT1 Committed Development contains similar policy requirements to COMD1 of the adopted Local Plan; and

DEV2 Protecting Amenity Within the Built-Up Area contains similar policy requirements to RP20 of the adopted Local Plan.

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.

Throughout the assessment of the previous application, the Planning Authority had serious concerns over the loss of the landscaping which ran along the boundary to Nivensknowe Road. The applicant was made aware of these at an early stage.

The position of the fence and landscaping were important features of the site at the edge of the industrial estate as they softened the visual impact of the estate from the surrounding built up area and entrance to Loanhead. The previous fence was lightweight in appearance and set back from Nivensknowe Road with a grassed area, with hedging and tree planting alongside. This layout reflected the general character of large areas landscaping and vegetation on the opposite side of Nivensknowe Road which bounds Bilston Glen Industrial Estate. The previous landscaping at the site was considered of such importance that a permission granted in 2015 required additional landscaping along this boundary to ensure the proposed works would not have a detrimental impact on the surrounding area. Although this section of Nivensknowe Road is bound by industrial estates on two sides, the previous layout and landscaping provided a buffer between the public realm and the industrial estates, softening the impact of the industrial uses and screening these from the surrounding area. This was a highly successful way of integrating the commercial and industrial uses at the entrance into Loanhead and creating a pleasant and attractive entrance point into one of Midlothian's strategic towns.

The landscaping was removed and the fence repositioned without planning permission, and carried out during the assessment of the previous application. The fence is palisade to a height of 2.2 metres hard up to the heel of the pavement. Such fencing could be appropriate within industrial estates where the character of the area is different, however this site is a highly prominent public area at the edge of an industrial estate where such fencing is not acceptable. The previous fence was more lightweight which reduced it's visual impact and more suited to the surrounding prominent public area. The concern over the fence design is compounded as timber has been attached to the back of the fence, resulting in a more solid/non-permeable structure, to prevent visibility into the site, as well as security/electric fencing being erected on top of the 2.2 metre high fence. This creates a very hard, blank, unattractive frontage to a very public site where it is clear that a lot of consideration and care had been previously taken to ensure that the adjacent industrial estates did not have such an impact on a public area.

The Planning Authority accepts the requirement for a fence for security reasons but considers this could have been carried out in a way more appropriate to the area. It

is for this reason that condition 3 was attached, as this would have been a suitable compromise for both parties given the works already carried out at the site. The repositioning by setting the fence back from the heel of the public footpath to allow for hedge planting would help integrate the site into the surrounding area without having a considerable impact on the amount of hardstanding provided within the site.

The scheme as previously approved allowed scope to retain important signage to direct traffic into Bilston Glen Industrial Estate, which has now been removed.

Condition 4 was attached to ensure that any new landscaping would be of an appropriate species and type to integrate into the surroundings given the significant amount of landscaping in the area. The landscaping which has been planted at the small section by the visitor parking does not reflect the species and style of the planting in the surrounding area. Instead of helping integrate the site into the area, this almost has the opposite effect, making this area stand out even more in its surroundings.

The applicant has not submitted any information or justification to support why they request that conditions 3 and 4 be removed.

Setting back the fencing would ensure that the required visibility splays can be fully achieved. Although the Policy and Road Safety Manager has not raised any objection to the proposal, the position of the fence causes a slight obstruction to the required visibility splay meaning this cannot be fully achieved. It is likely that the visibility splays could be achieved if the fence is moved back within the site, as required by the previous conditions.

The Planning Authority's position on the boundary treatment at this section remains as per the previous application. It is considered that conditions 3 and 4 remain necessary. The retention of the fencing as existing as per the submitted plans is wholly unacceptable.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00404/S42

Sorrell Associates
The Green House
41 St Bernard's Crescent
Edinburgh
EH4 1NR

Midlothian Council, as Planning Authority, having considered the application by Mr Stephen Greenhorn, 2 Jessie Street, Glasgow, G42 0GP, which was registered on 23 May 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Section 42 application to remove conditions 3 and 4 of planning permission
16/00497/DPP at 2A Nivensknowe Road, Loanhead, EH20 9QH**

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	22.05.2017
Site Plan	001 1:100	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:100	22.05.2017

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

1. *The proposed removal of conditions 3 and 4 of planning permission 16/00497/DPP would result in the retention of an unattractive solid fence feature in the street scene which would have a significant detrimental impact on the character, appearance and visual amenity of the application site and the surrounding area and would therefore be contrary to the aims of policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging Midlothian Local Development Plan.*
2. *Permission 16/00497/DPP was only considered acceptable on the basis that the site layout would be altered to set back the boundary fence to Nivensknowe Road and have suitable landscaping planted in order to mitigate the unattractive appearance of this inappropriate fence and to achieve a standard of landscaping suitable for the surrounding area. The absence of the required amendment to the layout renders the development unsuitable for the site.*

Dated 7/7/2017

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

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

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00497/DPP

Survey Uk Ltd
12 Alva Street
Edinburgh
EH24QG

Midlothian Council, as Planning Authority, having considered the application by Mr Jim Wright, 12 Alva Street, Edinburgh, EH24QG, which was registered on 1 August 2016, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Alterations to, and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective) at 2A Nivensknowe Road, Loanhead, EH20 9QH

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	01.08.2016
Site Plan	001 1:200	01.08.2016
Site Plan	002 1:200	01.08.2016
Site Plan	002 1:200	05.09.2016
Floor Plan	003 1:200	01.08.2016
Elevations	004 1:50	01.08.2016
Proposed Floor Plan	041 1:20	05.09.2016
Proposed Elevations	041 1:100	05.09.2016
Proposed Cross Section	041 1:20	05.09.2016
SUD's Plan	046 1:200 1:50	05.09.2016
Site Plan	5406-100 C 1:200	05.09.2016
SUD's Plan	5406-101 C 1:200	05.09.2016
SUD's Plan	5406-102 C 1:200	05.09.2016
Other Statements		01.08.2016

This permission is granted for the following reasons:

With the exception of the boundary treatment along Nivensknowe Road, the proposed change of use and alterations are in keeping with the character of the surrounding industrial estate, would not detract from the amenity of the surrounding area and is likely to improve the economic activity and employment levels at the site and so complies with policies RP20, COMD1 and ECON4 of the adopted Midlothian Local Plan.

Subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Planning Authority:
 - a) Details of the proposed materials and colour of the cladding of the existing building;
 - b) Details of the colour and materials of all doors hereby approved;

- c) Details of the colour and materials of all window frames hereby approved;
- d) Details of all external materials of the gatehouse;
- e) Details of the design, dimensions and materials of all proposed canopies;
- f) Details of the design, dimensions, materials and colour finish of all proposed fences and gates;
- g) Details of the position and direction of any lighting to be installed at the site; and
- h) Details of the design, materials and dimensions of the brickhouse, as well as confirmation of its proposed use.

Reason: *These details were not submitted with the original application; in order to ensure that these details are in keeping with and do not detract from the character and appearance of the surrounding area.*

2. The security shutter on the window of the gatehouse hereby approved shall be internally housed: prior to the commencement of development, details of the internally housed roller shutter shall be submitted to and approved in writing by the Planning Authority.

Reason: *To protect the character and amenity of the proposed building and the surrounding area.*

3. The proposed car parking and position of fence layout as shown on drawing numbers 002 dated 1 August 2016 and 5 September 2016 is not approved. Within 28 days of the date of this decision notice, an amended layout shall be submitted to and approved in writing by the Planning Authority. This shall set back the position of the fencing hereby approved from the heel of the pavement to an agreed position to achieve the required visibility splays and will include a landscape strip.

Reason: *For the avoidance of doubt; the current position of the fencing will have a detrimental impact on road safety and the character and appearance of the surrounding area.*

4. The landscaping hereby approved as per condition 3 above shall include either beech and hornbeam or mixed native non-spikey hedging to be maintained at a height no less than 1.5 metres.

Reason: *To ensure that change of use of this prominent site does not have a detrimental visual impact on the appearance at the edge of the industrial estate and the built up area.*

5. The scheme of landscaping approved in terms of conditions 3 and 4 shall be completed within six months of the date of the decision notice. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

6. The amended layout approved in terms of condition 4 shall include two pedestrian dropped kerb crossing, one on either side of the vehicular entrance.

Reason: *In the interest of road safety; to protect the safety of pedestrians in the surrounding area.*

7. Unless otherwise agreed in writing by the Planning Authority, the use of the site shall operate in compliance with the information detailed in the agent's email dated 6 July 2016 approved as 'other statements' dated 1 August 2016.

***Reason: To ensure that the use operates as detailed in the supporting information;
to ensure that the Council retains control over the use so there is no detrimental
impact on the character and amenity of the surrounding area.***

Dated 30 / 9 / 2016

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

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

This Standing Advice is valid from 1st January 2015 until 31st December 2016

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 16/00497/DPP

Site Address: 2A Nivensknowe Road, Loanhead.

Site Description: The application site comprises part of a large industrial unit and associated car parking within, but at the edge of, Pentland Industrial Estate. The building is 2 storeys high with grey metal clad walls and a pitched roof. Access is from Nivensknowe Road and there is a parking area within the site. There is a builders' merchant, a showroom and two sales businesses within the larger industrial unit. There is a dwellinghouse to the east of the site with Pentland Industrial Estate to the north and west and Bilston Glen Industrial Estate to the south.

Proposed Development: Alterations to, and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective).

Proposed Development Details: It is proposed to change the use of the site from warehouse storage to an HGV maintenance and service depot. The agent has submitted further information stating that the site will be partially used by Police Scotland relating to recovered vehicles.

A number of external alterations are proposed, namely the inclusion of roller shutter doors and windows on the east and south elevation. One of the doors is to be covered by a glass canopy. The walls are to be re-clad but there are not details of colour finish.

Hardstanding is proposed on all the land around the existing building, with the majority used as car parking. A truck wash bay is proposed to the east of the site. New high palisade fencing is proposed along the boundary of the site and also within the site, along with a number of gates. The plans state the fencing is to be 2.2 metres high but the agent says 3 metres.

A new gate house is proposed by the vehicular entrance, which is to be a single storey building. This is to be clad, have canopies and a roller shutter. One site plan shows a brick house but no additional information has been submitted.

Work is well underway at the site, with the agent aware that planning permission was required.

The site plans include a note regarding a 3 metre high totem sign at the vehicular entrance. This does not form part of the current application.

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

Application site

15/01001/DPP Change of use from class 6 (storage and distribution) to builders merchants (sui generis). Consent with conditions – restricting the use of the site; additional plans; landscaping along Nivensknowe Road to limit the visual impact on the surrounding area.

Neighbouring site

07/00148/FUL Change of use from Class 6 (storage and distribution) to builders merchants. Consent with conditions – related to the use of the site, access, landscaping, areas of sale and storage within the site.

Consultations: The Policy and Road Safety Manager initially had some concerns over the following: the visibility splay at the access; crossing points for pedestrians; and SUDs information. They also noted that water valves which were previously on the grass verge at the front of the site have now been enclosed within the site. The agent submitted additional information relating to the SUDs and the surfacing of the parking areas. However, inadequate information has been submitted to address the concerns over the visibility splays.

Representations: No representations were received.

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

COMD1 Committed Development states that Midlothian Council will continue to seek the early implementation of all committed development sites;

ECON4 Storage and Distribution and other non-residential uses on existing industrial land and buildings states that in exceptional circumstances and in locations close to the strategic road network, consideration may be given to a storage and distribution or other non-residential use on such sites subject to the following criteria being met: the level of employment arising from the proposed use is equivalent to Class 4 or Class 5 uses; there is no loss of land identified for research and development/knowledge based industries; and provision is made to accommodate traffic generated by the proposed use and for suitable access without adversely affecting the local area; and

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

The site is within an established industrial estate and the proposed use is generally considered acceptable given the location of the site and the surrounding uses. The former use of the site was for storage and it would be reasonable to assume that the proposed change of use would result in an increase in employment numbers and therefore economic activity. The proposed use would not result in the loss of land identified for research and development/knowledge based industries. Given the

specific nature of the proposed use, with combined uses of the Police Scotland element and the vehicle maintenance and service depot, it would be prudent to condition that the use of the site be as per the agent's email dated 1 August 2016.

The proposed external alterations to the existing building are generally in keeping with the industrial nature of the area and are acceptable subject to details of materials being submitted and approved. It is of note that the position of the window and door openings on the proposed floor plan does not match the proposed elevations, however this would not affect the acceptability of these alterations.

In general terms, the Planning Authority does not have an issue with the large areas of hardstanding at the site or car parking as this would not be markedly different from the previous situation. However, the creation of car parking has resulted in the removal of areas of landscaping which were located along the roadside boundary to Nivensknowe Road. This landscaping was an important feature of this site at the edge of the industrial estate as it softened the visual impact of the estate from the surrounding built up area and entrance to Loanhead, with the boundary fence set back from the landscaping. This replicated the landscaping and vegetation on the opposite side of Nivensknowe Road which sets back Bilston Glen Industrial Estate. This was considered of such importance that the previous application at the site required additional landscaping along this boundary in order to ensure that the proposed works would not have a detrimental impact on the surrounding area. Given the nature of the proposed use, a 3 metre high palisade fence has been erected along the roadside, as well as around the site for security purposes.

Although the site is within the established Pentland Industrial Estate, it is also highly publically visible from Nivensknowe Road. The Planning Authority has concerns regarding the design and position of the fence along the boundary to Nivensknowe Road. The proposed fence, which has been erected without planning permission, has been positioned at the edge of site with a very narrow area of grass between it and the pavement. This, combined with the design and colour of the fence, has a significant detrimental impact on the appearance of the site and the surrounding area. The site is at the edge of the industrial estate and is highly prominent when entering and exiting Loanhead. The removal of the landscape strip and erection of the 3 metre high palisade fence is not considered acceptable to the Planning Authority and this has been relayed to the applicant. The Planning Authority accepts the requirement for the fence, but has serious concerns over the design and position. It would be more appropriate for the position of the fence to have remained as it previously was with the landscaping retained and supplemented. It may be possible for the concerns over the design and height of the fence to be allayed by setting this back from the heel of the public footpath to allow for hedge planting which would help integrate the site into the surrounding area, which shall be conditioned. It is worth noting that although one of the site plans shows a narrow area of low level planting by the parking spaces to the east, the fence has been erected along the site boundary to heel of the pavement and does not allow for any landscaping.

Setting back the fencing may also address the visibility concerns raised by the Policy and Road Safety Manager. They have raised concerns over the lack of adequate visibility splays and have no records of discussions/agreement with the agent as

stated. It may be possible for the visibility splays to be improved to an acceptable distance if the fence is moved back within the site, as required above.

There is a residential property to the east of the site which will be adjacent to the proposed parking area and an area of hardstanding. The proposed parking area replaces an area of landscaping between the site and the residential unit, however given the previous use of the site and it being within an industrial estate, the Planning Authority considers that the proposed use would not have a significant detrimental impact on the amenity of the residential property as compared the existing situation.

A truck wash bay is proposed to the east of the site which will face on to an industrial unit to the east. Given the proposed boundary treatment and the neighbouring use, it is not considered that this would have a detrimental impact on the character or amenity of the area.

The proposed gatehouse is a relatively large building positioned at the site entrance. The design is generally unobtrusive, although the structure is relatively large. Given that it is set back from Nivensknowe Road, it will have a limited impact on the character or appearance of the area. The submitted plans state there will be a security shutter on the gatehouse. These can be bulky additions which detract from the appearance of buildings and surrounding area and should be avoided. Any security shutters should be internal and integrated into the design of the building, not an externally housed shutter. This would improve the appearance of the building.

One site plan shows a brick house but no additional information has been submitted. Further information is required in relation to the brick house which is annotated on one site plan.

Further information is required in relation to the position and direction of any lighting proposed given that the site is to be used 24 hours a day and the proximity to residential properties.

As detailed above, in general terms a large amount of the proposal is acceptable. However, it is highly regrettable that a number of these works have already been carried out without the required permissions in place, especially the removal of the landscaping and erection of fencing. Had these works not been undertaken in advance of permission being granted, the existing landscaping could have been retained with the proposed fencing set back from the road. However, this was not the case and the works were well underway before the application was submitted.

Recommendation: Grant planning permission.

Notice of Review: 14 High Street, Lasswade

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade.

2 Background

- 2.1 Planning application 17/00636/DPP for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade was refused planning permission on 13 October 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 13 October 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an accompanied site visit for Monday 15 January 2018; and
 - Have determined to progress the review by way of a hearing.

- 4.2 The case officer's report identified that three consultation responses and 64 representations have been received. As part of the review process the interested parties were notified of the review. One additional comment has been received. 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 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The kitchen of the restaurant shall be ventilated by an extraction ventilation system which shall:
 - a) be designed to achieve 30 air changes per hour;
 - b) provide adequate ventilation to the cooking area to eliminate the need to leave doors and windows open;
 - c) prevent the emission of cooking odours likely to cause nuisance to neighbouring commercial units and surrounding residential properties; and
 - d) terminate at sufficient height to permit the free disposal of exhaust fumes.
 2. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible within any nearby living apartment.

3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 (an acceptable noise rating level based on an international standard) when measured within any nearby living apartment and no structure borne vibration is perceptible within any living apartment.

Reason for conditions 1 to 3: To safeguard nearby residential amenity

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

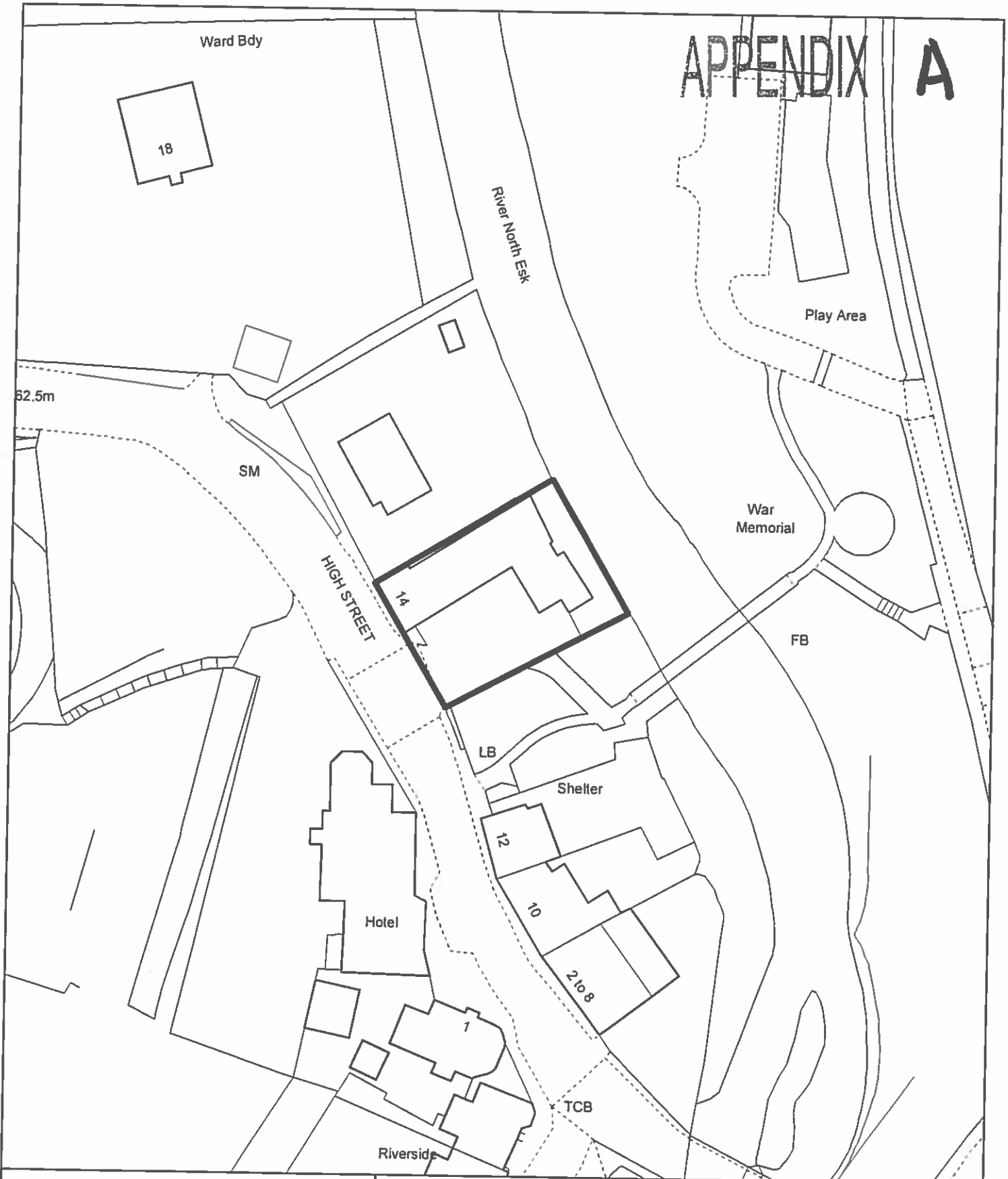
Date: 5 January 2018

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00636/DPP available for inspection online.

APPENDIX A



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

14 High Street, Lasswade, EH18 1ND

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File No. 17/00636/DPP

Scale: 1:750

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Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100070998-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cundall"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Andrew"/>	Building Name:	<input type="text" value="4th Floor, Partnership House"/>
Last Name: *	<input type="text" value="Hird"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="0191 211 2400"/>	Address 1 (Street): *	<input type="text" value="Regent Farm Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Gosforth"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Newcastle upon Tyne"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="NE3 3AF"/>
Email Address: *	<input type="text" value="a.hird@cundall.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Louise	Building Number:	14
Last Name: *	Toye	Address 1 (Street): *	High Street
Company/Organisation	n/a	Address 2:	
Telephone Number: *		Town/City: *	Lasswade
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH18 1ND
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	14 HIGH STREET
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	LASSWADE
Post Code:	EH18 1ND

Please identify/describe the location of the site or sites

--	--

Northing	666207	Easting	330349
----------	--------	---------	--------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from office (class 4) to restaurant (class 3).

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see document contained within the '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

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

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

- Lasswade Review Statement - Planning Statement - Transport Statement - Associated Plans

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00636/DPP

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

10/08/2017

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

13/10/2017

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

Please refer to review statement.

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 Andrew Hird

Declaration Date: 20/10/2017

14 High Street, Lasswade

Planning Statement

For: Mrs L Toye

Job No: 1015155

Doc Ref: -

Latest Revision: A

Date: 28/07/2017

Document Revision History

Project Name:		14 Lasswade High Street
Client:		Mrs L Toye
Report Title:		Planning Statement
Job Number:		1015155
Revision Ref	Issue Date	Purpose of Issue / description of revision
-	28/07/17	First Draft
A	03/08/17	Second Draft
B	04/08/17	Final for Issue

Document Validation (latest issue)

 Recoverable Signature

X 

Principal author

Signed by: r.taylor@cundall.com

 Recoverable Signature

X 

Checked by

Signed by: r.taylor@cundall.com

 Recoverable Signature

X 

Verified by

Signed by: r.taylor@cundall.com

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1. Introduction

This Planning Statement has been prepared by Cundall ('the Agent') on behalf of Louise Toye ('the Applicant') to accompany a change of use application from Office (Class 4) to Restaurant (Class 3) and installation of a roof vent at 14 High Street, Lasswade, EH18 1ND.

The application site is located entirely within the administrative boundary of Midlothian Council.

The primary purpose of this Planning Statement is to describe the development for which the change of use application is sought and to evaluate this in the context of national, regional and local planning policy and other material considerations. Through the process of policy assessment, this Planning Statement seeks to demonstrate that the proposed change of use is in accordance with the extant development plan. It is important that the applicant is able to demonstrate compliance with development plan policy as a sound basis for approval of the application.

The initial sections of this report provide information about the site and its surroundings, with the latter sections discussing the planning policy context for the proposed change of use.

The Planning Statement should be read in conjunction with the other documents produced in support of the planning application, namely:

- Covering Letter;
- Application Form and Plan;
- Supporting Drawings; and
- Transport Assessment.

2. Site and Surroundings

The site is currently comprised of an empty office building and associated parking, located towards the north of Lasswade, with the River North Esk running along the eastern boundary. To the west of the site is Lasswade High Street, with residential properties to the north and the south.

Within the wider surroundings of the site are further residential properties to the south and the Laird and Dog Inn. The main access to the site is off Lasswade High Street, and the residential property to the south accesses their property via the site. The site is shown in Figure 1 below:

Figure 1: Site Location



The site is comprised of a single storey building, dating from the 19th Century. The materials are comprised of stone walls and a slate roof. A modern extension to the south and extending along the eastern boundary of the site was erected in 2008. There is currently a car park within the site which has 8 parking spaces.

The site is within Lasswade and Kevoek Conservation Area and there are a number of listed buildings within the vicinity of the site including: Lasswade Old Parish Church (Scheduled Ancient Monument), Lasswade, High Street, Briggend House (Category C), Lasswade, High Street, Lasswade Bridge, River North Esk (Category B), Lasswade, 5 School Green, Droman House, Including Former Stable Block, Gate

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2.1 Scheme Description

The proposal is for a change of use from office (Class 4) to Restaurant (Class 3) and installation of roof vent. The proposal will not include any external alterations to the original building or extension with the exception of the roof vent. The proposal will include provision for 9 car parking spaces.

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The site's previous planning history shows it has had varied uses but has remained in commercial operation since 2013 with one application for a conversion to residential refused. The proposed development will therefore retain the commercial use on site and accords with previous development permitted in this location.

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This principle has been developed and clarified by subsequent case law, which has confirmed that a particular proposal does not need to accord with each and every policy in the development plan; the key issue is that it accords with the overall thrust of development plan policies taken as a whole. This chapter identifies those statutory and non-statutory planning documents, which for the proposal are considered to be material considerations. In particular, this will focus on the current status of each document and the weight that should be attached to it in the decision-making process.

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- South East Scotland Strategic Development Plan (SESplan) (2013);
- Supplementary Guidance issued in support of the Local Plan and SESplan.

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Midlothian Council Local Plan was formally adopted on 23rd December 2008. The Local Plan is a strategic planning framework that includes policies to guide development within the local authority area. The following policies are relevant to the proposed development:

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delivery which will promote and secure economic growth and the delivery of housing in the most sustainable locations; and promote the development of strategic transport and infrastructure networks to support that growth and to meet the needs of communities. The Plan reflects the ambitions and commitment of the six authorities to realising the potential of the area and ensuring it continues to play a leading role in a national context.

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The Midlothian Local Development Plan (MLDP) was submitted to the Scottish Ministers for examination on 09 September 2016. As the emerging local development plan the MLDP is a material consideration in the assessment of this application. The following policies are relevant to this application:

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- Policy ENV19: Conservation Areas

4. Key Issues

This section of the Planning Statement sets out the relevant planning policy context within which the planning application should be considered. Planning policies are analysed at national and local levels, with consideration and appropriate weight given to emerging Local Plans. For each of these, the policies considered to be the most relevant are discussed.

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The building has been openly marketed since it first became available in August 2016 by BNP Paribas. The site was advertised on the internet and sent to letting agents to market. The building has therefore been empty for 12 months, and BNP Paribas have indicated that they had received limited interest in the building, of which it was predominantly for refurbishment/redevelopment which included change of use potential.

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The deterioration of the internal fabric will result in less interest from potential occupier's due to remediation costs. Deterioration of the external fabric will result in an unattractive external appearance, which would be a detriment to the character and appearance of the area, particularly as the site is within a conservation area. The change of use would bring an attractive building with frontage on the High Street back into use and would retain the visual character of the area in accordance with policy RP20 and RP22.

The proposed application would result in a positive impact on the community, by providing another eating establishment that would attract more visitors to the area. It would also diversify the restaurant offer within Lasswade and encourage competitors to become more competitive to attract patrons. Additionally, there would be number of local employment opportunities arising from the proposed change of use.

It is therefore considered that the proposed application would result in a benefit to the area through the occupation of a currently prominent, empty building on the High Street, provide employment opportunities and would add to the range of eating establishments available within Lasswade.

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"On the High Street, the curve of the road and the buildings set immediately on the pavement combine to give a strong sense of enclosure. These buildings retain a certain amount of their original character, the Laird and Dog providing a welcoming focus to the street".

The Conservation Area Character Appraisal outlines the historical development of Lasswade, indicating that the High Street was once the centre of commercial activities centred over the bridge crossing the River North Esk. The historical closure and redevelopment of sites previously used for commercial use, and the development and residential expansion of Lasswade during the 1950's eroded the High Street as the centre of Lasswade.

The proposed development would retain the historical commercial use of the building, and, unlike the current use as an office, would encourage patrons to visit the historical centre of the conservation area. The proposed development does not include the scope for any external alterations with the exception of a roof vent and as such will not result in a detrimental impact on the character or appearance of the conservation area, in accordance with policies RP22 and emerging policy ENV19.

The proposal will therefore not have a detrimental impact on the character and appearance of the conservation area and accords with Policies RP22 and emerging policy ENV19.

4.3 Transport

A Transport Assessment has been prepared in support of this planning application for the proposed change of use of the building to an 185sqm GFA restaurant, with a total public floor space of 150sqm. Currently the existing car park provides 8 spaces, for this application 9 spaces are proposed. The report states that demand for car parking spaces will be from patrons using the restaurant, not the ancillary bar area.

The proposed internal layout of the restaurant has a public floor area of 150sqm and according to Midlothian Parking Standards the restaurant would be expected to provide 18 car parking spaces. The proposed car park will provide 9 car parking spaces, including 2 disabled bays. In relation to cycling provision, Midlothian Parking Standards require a total of 5 cycle spaces for the proposed development, and these are proposed to be provided in the form of Sheffield stands.

Whilst it is acknowledged that the proposal falls short of 8 car parking spaces in line with the Parking Standards, the document states *"standards have been set which can be altered, but only in agreement with transportation officers, when exceptional circumstances exist that alter the requirement for parking"*.

It is considered in this instance that exceptional circumstances should be applied, as there are other public parking facilities within the vicinity of the site and the site is considered accessible by sustainable modes of transport. The applicant has explored various options to increase parking on site, but due to the limited nature of the site's boundary it is simply not possible to increase the level of car parking on site beyond what is currently proposed. The applicant has looked at further options such as purchasing adjacent land, or running a shuttle valet service but these have either been not viable or not practical.

Trip generation data was modelled for the car park. The data shows that the car park accommodated an average of three vehicles during weekdays and Saturday due to the fact it is used to access Lasswade Park. The peak times recorded were 16:00 – 17:00 on a weekday and 11:00 – 12:00 on a Saturday.

The parking demand assessment used the trip generation data and found that the restaurant would generate a maximum demand for 9 spaces and 6 on the weekday and Saturday respectively. Therefore, this demand can be accommodated within the site. The trip generation and parking demand assessments is further explored within the Transport Assessment.

Where, in exceptional circumstances, demand might be over and above the spaces provided on site, the site is located less than 1-minute walk from a public car park to the north of the site, with a capacity of 20 spaces. This can be accessed by a lit footpath which crosses a small bridge over the River North Esk.

The parking demand assessment for this car park found that the peak period for the car park was 18:00 – 19:00 and Saturday 11:00 – 12:00 and accommodated an average of 4 vehicles during the survey period. As the car park can accommodate 20 vehicles it is considered that the car park is operating below capacity.

It is therefore considered that this would be a suitable alternative for patrons to park and access the site if overflow parking space is needed. Patron would be advised of this publicly accessible car park when making bookings.

Mitigation measures are also proposed as part of the development:

- No car parking spaces for employees;
- Public transport timetable and taxi service information to be provided within the restaurant;
- Links to taxi operator and Lothian Buses websites on the restaurant's website;
- Patrons to be advised of available sustainable travel options and the limited availability of on-site parking when making a booking; and
- Provision of access to a phone for patrons to contact a local taxi operator.

The site is also accessible by public transport which links the area with Dalkeith and Bonnyrigg, with a covered bus shelter being located directly outside of the application site. The bus services serving the stop are the 31 (every 8 minutes), 40 (every 26 minutes), N31 (3 times per night on Saturdays and Sundays), R5 (once per day) and X31 (operates 4 services at peak times).

IHT's Guidelines for Providing for Journeys on Foot outline acceptable walking distances, however there is no reference specifically for restaurants. Therefore, the closest category to the proposed use is retail. The guidelines indicate that for 1-2 hours parking time (the average time one would spend in a restaurant) it recommends walking distances of 200-400m. Therefore, the use of the public car park to the north of the site would fall within this distance, should it be needed if the car park on site is operating above capacity.

It is therefore considered that the proposal represents an excellent opportunity to restrict private car parking spaces and promote sustainable modes of travel by foot, cycle and public transport. The proposed level of

car parking meets demand, including within predicted peak periods and the public car park is operating under capacity, should overflow accommodation be needed. The proposal therefore complies with policy DP7.

4.3 Flood Risk

The site is bounded by the River North Esk to the east, however SEPA's flood map for planning shows the site is within Flood Zone 1, which means that there is a less than 1 in 1,000 annual probability of river or sea flooding. The site is also not identified on SEPA's flood map for planning as at risk from surface water flooding.

4.4 Residential Amenity

The northern elevation of the building faces directly onto the driveway of number 16 High Street and is not separated by a physical boundary. The lack of delineation between the curtilage of both buildings is because the vehicular access to number 16 High street, it is therefore not possible to provide a solid boundary between the application site and this property.

Despite the close proximity to the residential building and lack of solid boundary, it is the gable end of the adjacent property that is closest to the application site and therefore is not comprised of habitable rooms. The proposed development would therefore not result in a detrimental impact to privacy. Conditions could be attached to planning permission to ensure there would be no loss of residential amenity as a result of odours or smells.

5. Summary and Conclusion

5.1 Summary

This planning statement has been written in support of the proposed change of use from office (class 4) to restaurant (class 9) at 14 High Street, Lasswade.

The proposed change of use will retain the building in commercial use, central to the historical commercial core of Lasswade and will therefore conserve the character of the conservation area. The proposed change of use will bring a currently empty building back into use, increase the range and choice of restaurants in the area, increase employment opportunities and will not harm residential amenity.

The proposed development, according to Midlothian Parking Standards, is required to provide 18 car parking spaces, 9 spaces is proposed for this development. Whilst the proposed development does not meet the required number of spaces it is considered that exceptional circumstances apply, as the proposed development has been viewed as an opportunity to promote sustainable transport uses and provide less car parking provision.

The site is well served by public transport, with multiple buses running past the site and a covered bus shelter located outside of the building. In accordance with Midlothian Parking Standards 5 Sheffield stands will be provided on site for those who wish to cycle to access the site.

A Transport Assessment prepared in support of the application has prepared modelling to show that the demand for parking spaces required by the proposed use as a restaurant will not exceed 9 spaces which will all be accommodated on-site. In rare instances overflow car parking will be required there is a public car park less than 1 minute by foot to the north of the site with a capacity of 20 spaces. This public car park also meets the IHT's Guidelines for Providing for Journey's on Foot as it is within 200-400m of the site.

After considering the proposal, it can be concluded that the proposed development complies with NPF3, SPP and Local Planning Policy, including policies RP20, RP22 and emerging Midlothian Local Plan policies DEV2 and ENV19.

5.2 Conclusion

Planning applications should be determined in accordance with the development plan unless material consideration indicate otherwise.

As outlined in this Planning Statement, the change of use application is compliant with the provisions of the development plan and relevant material considerations, including national policy.

The conclusions reached within this Planning Statement are such that the proposed change of use will not cause significant detriment to the environment or the prevailing residential amenity. The Transport

Assessment prepared in support of this application demonstrates that demand for car parking spaces can be provided within the proposed car park, even at peak times. Additionally, the site is accessible by suitable modes of transport and it is considered these modes should be encouraged to dissuade patrons from arriving by private transport. Mitigation to ensure the regulation of the car park and promotion of accessing the site by sustainable modes of transport are also proposed.

We contend that based on the evidence provided on the demand of parking spaces generated by the proposal and the significant positive impact the restaurant would have to the area, the benefits clearly outweigh any perceived harm through not providing the level of parking spaces required by the Parking Standards.

It is therefore respectfully requested that planning permission be granted accordingly.

14 High Street, Lasswade

Planning Statement

For: Mrs L Toye

Job No: 1015155

Doc Ref: -

Latest Revision: A

Date: 28/07/2017

Document Revision History

Project Name:		14 Lasswade High Street
Client:		Mrs L Toye
Report Title:		Planning Statement
Job Number:		1015155
Revision Ref	Issue Date	Purpose of Issue / description of revision
-	28/07/17	First Draft
A	03/08/17	Second Draft
B	04/08/17	Final for Issue

Document Validation (latest issue)

 Recoverable Signature

X 

Principal author

Signed by: r.taylor@cundall.com

 Recoverable Signature

X 

Checked by

Signed by: r.taylor@cundall.com

 Recoverable Signature

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Verified by

Signed by: r.taylor@cundall.com

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1. Introduction

This Planning Statement has been prepared by Cundall ('the Agent') on behalf of Louise Toye ('the Applicant') to accompany a change of use application from Office (Class 4) to Restaurant (Class 3) and installation of a roof vent at 14 High Street, Lasswade, EH18 1ND.

The application site is located entirely within the administrative boundary of Midlothian Council.

The primary purpose of this Planning Statement is to describe the development for which the change of use application is sought and to evaluate this in the context of national, regional and local planning policy and other material considerations. Through the process of policy assessment, this Planning Statement seeks to demonstrate that the proposed change of use is in accordance with the extant development plan. It is important that the applicant is able to demonstrate compliance with development plan policy as a sound basis for approval of the application.

The initial sections of this report provide information about the site and its surroundings, with the latter sections discussing the planning policy context for the proposed change of use.

The Planning Statement should be read in conjunction with the other documents produced in support of the planning application, namely:

- Covering Letter;
- Application Form and Plan;
- Supporting Drawings; and
- Transport Assessment.

2. Site and Surroundings

The site is currently comprised of an empty office building and associated parking, located towards the north of Lasswade, with the River North Esk running along the eastern boundary. To the west of the site is Lasswade High Street, with residential properties to the north and the south.

Within the wider surroundings of the site are further residential properties to the south and the Laird and Dog Inn. The main access to the site is off Lasswade High Street, and the residential property to the south accesses their property via the site. The site is shown in Figure 1 below:

Figure 1: Site Location



The site is comprised of a single storey building, dating from the 19th Century. The materials are comprised of stone walls and a slate roof. A modern extension to the south and extending along the eastern boundary of the site was erected in 2008. There is currently a car park within the site which has 8 parking spaces.

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Whilst it is acknowledged that the proposal falls short of 8 car parking spaces in line with the Parking Standards, the document states *"standards have been set which can be altered, but only in agreement with transportation officers, when exceptional circumstances exist that alter the requirement for parking"*.

It is considered in this instance that exceptional circumstances should be applied, as there are other public parking facilities within the vicinity of the site and the site is considered accessible by sustainable modes of transport. The applicant has explored various options to increase parking on site, but due to the limited nature of the site's boundary it is simply not possible to increase the level of car parking on site beyond what is currently proposed. The applicant has looked at further options such as purchasing adjacent land, or running a shuttle valet service but these have either been not viable or not practical.

Trip generation data was modelled for the car park. The data shows that the car park accommodated an average of three vehicles during weekdays and Saturday due to the fact it is used to access Lasswade Park. The peak times recorded were 16:00 – 17:00 on a weekday and 11:00 – 12:00 on a Saturday.

The parking demand assessment used the trip generation data and found that the restaurant would generate a maximum demand for 9 spaces and 6 on the weekday and Saturday respectively. Therefore, this demand can be accommodated within the site. The trip generation and parking demand assessments is further explored within the Transport Assessment.

Where, in exceptional circumstances, demand might be over and above the spaces provided on site, the site is located less than 1-minute walk from a public car park to the north of the site, with a capacity of 20 spaces. This can be accessed by a lit footpath which crosses a small bridge over the River North Esk.

The parking demand assessment for this car park found that the peak period for the car park was 18:00 – 19:00 and Saturday 11:00 – 12:00 and accommodated an average of 4 vehicles during the survey period. As the car park can accommodate 20 vehicles it is considered that the car park is operating below capacity.

It is therefore considered that this would be a suitable alternative for patrons to park and access the site if overflow parking space is needed. Patron would be advised of this publicly accessible car park when making bookings.

Mitigation measures are also proposed as part of the development:

- No car parking spaces for employees;
- Public transport timetable and taxi service information to be provided within the restaurant;
- Links to taxi operator and Lothian Buses websites on the restaurant's website;
- Patrons to be advised of available sustainable travel options and the limited availability of on-site parking when making a booking; and
- Provision of access to a phone for patrons to contact a local taxi operator.

The site is also accessible by public transport which links the area with Dalkeith and Bonnyrigg, with a covered bus shelter being located directly outside of the application site. The bus services serving the stop are the 31 (every 8 minutes), 40 (every 26 minutes), N31 (3 times per night on Saturdays and Sundays), R5 (once per day) and X31 (operates 4 services at peak times).

IHT's Guidelines for Providing for Journeys on Foot outline acceptable walking distances, however there is no reference specifically for restaurants. Therefore, the closest category to the proposed use is retail. The guidelines indicate that for 1-2 hours parking time (the average time one would spend in a restaurant) it recommends walking distances of 200-400m. Therefore, the use of the public car park to the north of the site would fall within this distance, should it be needed if the car park on site is operating above capacity.

It is therefore considered that the proposal represents an excellent opportunity to restrict private car parking spaces and promote sustainable modes of travel by foot, cycle and public transport. The proposed level of

car parking meets demand, including within predicted peak periods and the public car park is operating under capacity, should overflow accommodation be needed. The proposal therefore complies with policy DP7.

4.3 Flood Risk

The site is bounded by the River North Esk to the east, however SEPA's flood map for planning shows the site is within Flood Zone 1, which means that there is a less than 1 in 1,000 annual probability of river or sea flooding. The site is also not identified on SEPA's flood map for planning as at risk from surface water flooding.

4.4 Residential Amenity

The northern elevation of the building faces directly onto the driveway of number 16 High Street and is not separated by a physical boundary. The lack of delineation between the curtilage of both buildings is because the vehicular access to number 16 High street, it is therefore not possible to provide a solid boundary between the application site and this property.

Despite the close proximity to the residential building and lack of solid boundary, it is the gable end of the adjacent property that is closest to the application site and therefore is not comprised of habitable rooms. The proposed development would therefore not result in a detrimental impact to privacy. Conditions could be attached to planning permission to ensure there would be no loss of residential amenity as a result of odours or smells.

5. Summary and Conclusion

5.1 Summary

This planning statement has been written in support of the proposed change of use from office (class 4) to restaurant (class 9) at 14 High Street, Lasswade.

The proposed change of use will retain the building in commercial use, central to the historical commercial core of Lasswade and will therefore conserve the character of the conservation area. The proposed change of use will bring a currently empty building back into use, increase the range and choice of restaurants in the area, increase employment opportunities and will not harm residential amenity.

The proposed development, according to Midlothian Parking Standards, is required to provide 18 car parking spaces, 9 spaces is proposed for this development. Whilst the proposed development does not meet the required number of spaces it is considered that exceptional circumstances apply, as the proposed development has been viewed as an opportunity to promote sustainable transport uses and provide less car parking provision.

The site is well served by public transport, with multiple buses running past the site and a covered bus shelter located outside of the building. In accordance with Midlothian Parking Standards 5 Sheffield stands will be provided on site for those who wish to cycle to access the site.

A Transport Assessment prepared in support of the application has prepared modelling to show that the demand for parking spaces required by the proposed use as a restaurant will not exceed 9 spaces which will all be accommodated on-site. In rare instances overflow car parking will be required there is a public car park less than 1 minute by foot to the north of the site with a capacity of 20 spaces. This public car park also meets the IHT's Guidelines for Providing for Journey's on Foot as it is within 200-400m of the site.

After considering the proposal, it can be concluded that the proposed development complies with NPF3, SPP and Local Planning Policy, including policies RP20, RP22 and emerging Midlothian Local Plan policies DEV2 and ENV19.

5.2 Conclusion

Planning applications should be determined in accordance with the development plan unless material consideration indicate otherwise.

As outlined in this Planning Statement, the change of use application is compliant with the provisions of the development plan and relevant material considerations, including national policy.

The conclusions reached within this Planning Statement are such that the proposed change of use will not cause significant detriment to the environment or the prevailing residential amenity. The Transport

Assessment prepared in support of this application demonstrates that demand for car parking spaces can be provided within the proposed car park, even at peak times. Additionally, the site is accessible by suitable modes of transport and it is considered these modes should be encouraged to dissuade patrons from arriving by private transport. Mitigation to ensure the regulation of the car park and promotion of accessing the site by sustainable modes of transport are also proposed.

We contend that based on the evidence provided on the demand of parking spaces generated by the proposal and the significant positive impact the restaurant would have to the area, the benefits clearly outweigh any perceived harm through not providing the level of parking spaces required by the Parking Standards.

It is therefore respectfully requested that planning permission be granted accordingly.

14 High Street, Lasswade

Transport Statement

For: Mrs L Toye

Job No: 1015155

Doc Ref: RPT-TC-001

Latest Revision: A




Date: 4/08/2017

Project Name:	14 High Street, Lasswade
Client:	Mrs L Toye
Report Title:	Transport Statement
Job Number:	1015155

Document Revision History

Revision Ref	Issue Date	Purpose of issue / description of revision
-	19/04/17	Draft for discussion
A	04/08/17	Final

Document Validation (latest issue)

04/08/2017	04/08/2017	04/08/2017
X 	X 	X 
Principal author	Checked by	Verified by
Signed by: Low, Graeme	Signed by: Low, Graeme	Signed by: Low, Graeme

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1. Introduction

1.1 Purpose Of This Report

Cundall has been commissioned by Mrs L Toye to provide transportation advice in support of the redevelopment of a site at 14 High Street, Lasswade to accommodate a 185sqm GFA restaurant.

This Transport Statement (TS) has been prepared to support the planning application associated with the proposed redevelopment from office to restaurant use and includes a review of the local transport network in addition to quantifying the level of trips generated by the restaurant's operation.

2. Existing Conditions

2.1 Site Location

The site is located in the centre of Lasswade in Midlothian and is bound by the A768 (High Street) on the west and the River North Esk to the east. Figure 2.1 shows the site's location in relation to the surrounding area.

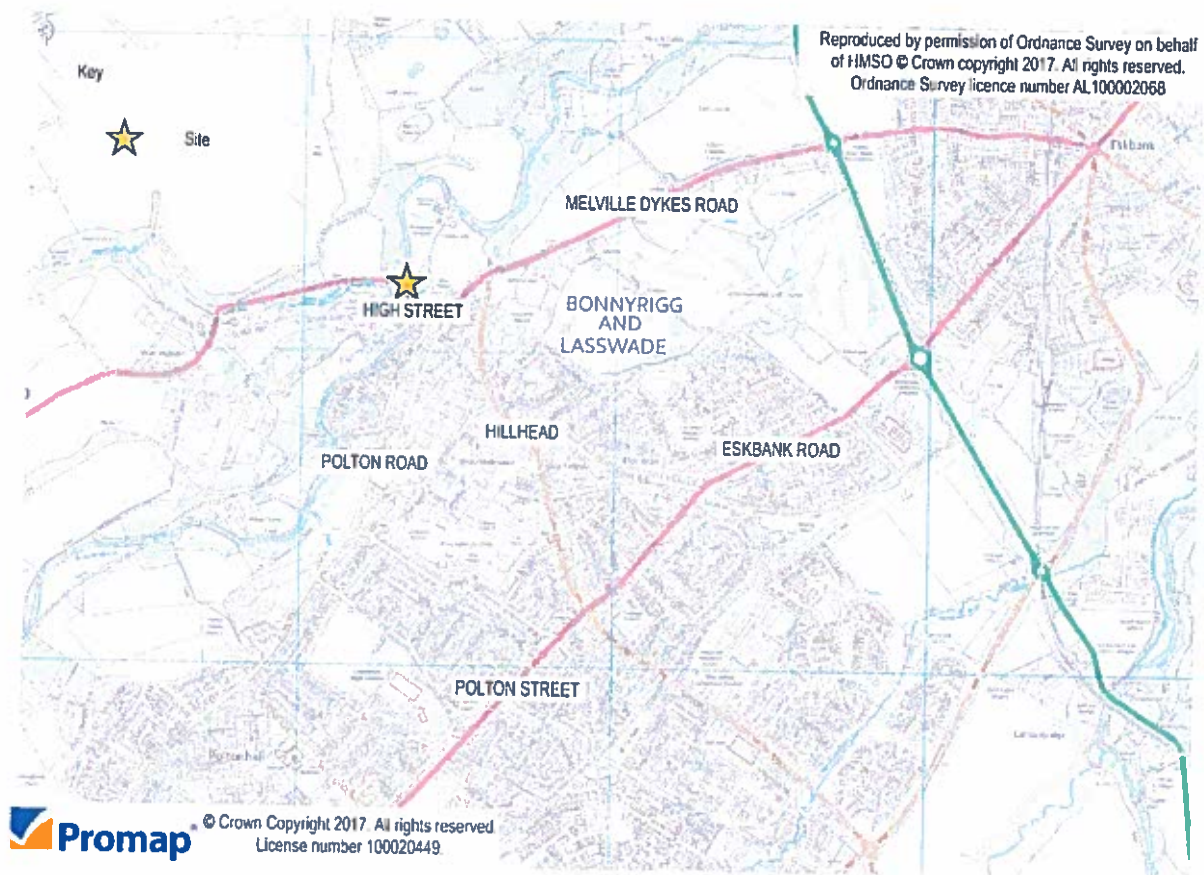


Figure 2.1 Site Location

2.2 Pedestrian Facilities

A comprehensive network of pedestrian facilities is provided throughout Lasswade, with a large proportion of these provided by way of footways located adjacent to the road network, the majority of which is lit.

Footways are provided on both sides of High Street in the vicinity of the site with a signalised pedestrian crossing located immediately to the south of the site. The form of the crossing is shown in photograph 2.1.



Photograph 2.1: High Street Pedestrian Facilities

A segregated footpath and footbridge connects High Street with Lasswade Park (a recreation ground located immediately to the east of the River North Esk), with its associated parking area. The form of the footbridge is shown in Photograph 2.2.



Photograph 2.2: River North Esk Footbridge

A footbridge is provided adjacent to the A768 bridge over the River North Esk, to enable pedestrians to access High Street from the main area of Lasswade and Bonnyrigg which are located to the south-east of the river.

The site's location will provide excellent opportunity for patrons and employees to access the site on foot.

2.3 Cycle Facilities

While there are limited cycling facilities provided in the vicinity of the site, a proportion of the local road network is subject to a 20mph speed limit, including High Street, providing an environment which is likely to be attractive for cyclists.

It is expected that restaurant patrons are unlikely to access the site by bicycle. However, the site's location in relation to Lasswade and Bonnyrigg is expected to offer good opportunity for employees living within these areas to access the site by bicycle.

2.4 Public Transport Facilities

The nearest bus stops to the site are located immediately to the south of the site on High Street with a bus shelter provided for passengers waiting to access southbound services. The form of the shelter is shown in Photograph 2.3.



Photograph 2.3: Local Bus Stop Facilities

A signalised crossing provides a safe means of accessing the bus stop located on the west side of High Street, from the site.

Figure 2.2 shows the location of the adjacent bus stops and signalised crossing in relation to the site.

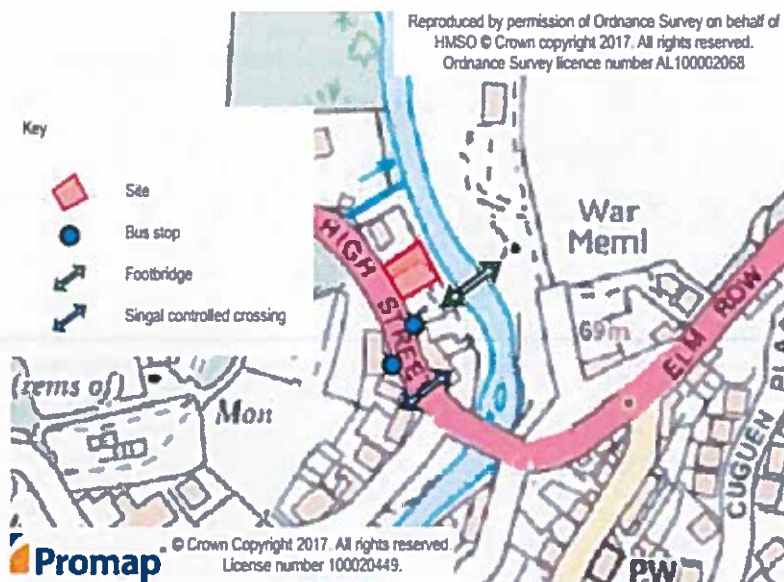


Figure 2.2 Pedestrian Accessibility

Lothian Buses operate the majority of the services which can be accessed from the stops, with frequent services linking the area with Bonnyrigg, Polton and Dalkeith, providing excellent opportunity for patrons and employees living outwith a convenient walk or cycle of the site, to access the restaurant sustainably. Table 2.1 summarises the average frequency of the local services.

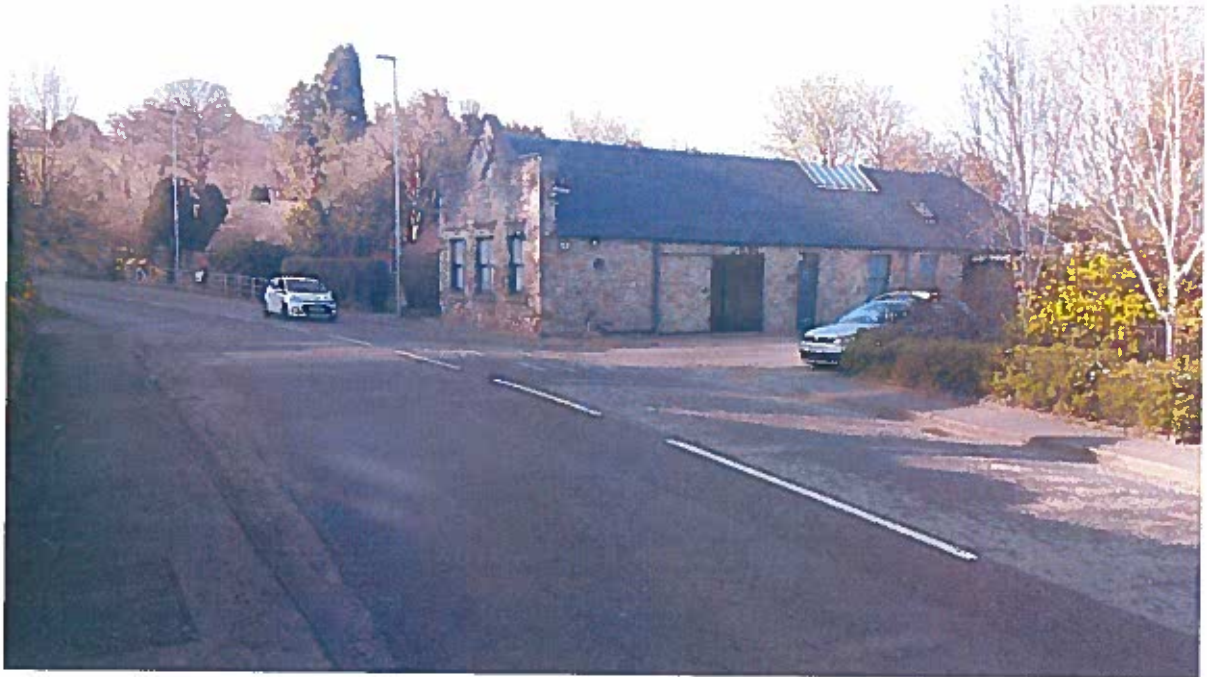
Table 2.1 Local Bus Services

Service No.	Operator	Route	Weekday Frequency	Saturday Frequency	Sunday Frequency
31	Lothian Buses	Edinburgh city centre – Lasswade – Bonnyrigg - Polton	30 mins	30 mins	30 mins
40	Lothian Buses	Penicuik – Loanhead – Lasswade – Bonnyrigg – Dalkeith – Musselburgh	10 mins	15 mins	30 mins
R4 / R5	Lothian County Transport	Bonnyrigg – Lasswade – Gorebridge - Straiton	Monday service only	-	-
X31	Lothian Buses	Edinburgh city centre – Lasswade – Bonnyrigg - Polton	4 service AM peak / 3 services PM peak	-	-

As can be seen from the above summary, the site is well served by local bus services with the site able to be conveniently accessed from Bonnyrigg and Polton which are anticipated to be the main catchment areas for the restaurant. The service frequency and journey times will provide excellent opportunity for both employees and patrons to access the site by bus.

2.5 Existing Access Arrangements

The site is accessed directly from High Street and the form of the access junction is shown in Photograph 2.4. Access is provided into the Laird & Dagg Inn, which is located on the opposite side of High Street, at a point approximately 10m to the north of the site access.



Photograph 2.4: Existing Site Access

A review of aerial mapping confirms that the site provided space to accommodate a total of 11 vehicles prior to the construction of an extension on the south of the building. The current car park can accommodate 10 spaces and the car park layout is shown in Photograph 2.5.



Photograph 2.5: Existing Car Park Layout

The area to the south of the car park appears to be maintained by Midlothian Council (although it has not been possible to confirm ownership of the area at this time), and is provided as a small recreation area. Vehicle access is currently provided from the development site's car park to an adjacent residential property, with the access routing through the recreation area.

2.6 Existing Conditions Summary

The development is located adjacent to a comprehensive network of pedestrian facilities and frequent bus services providing excellent opportunity for patrons and employees to access the site using sustainable modes of travel as opposed to the private car.

3. Proposed Development

3.1 Introduction

It is proposed to redevelop the site at 14 High Street to accommodate a 185sqm GFA restaurant with existing access arrangements retained to ensure that the site is accessible from the adjacent pedestrian network. While there is planned to be a cocktail bar element to the development, this is an ancillary use to the restaurant with the majority of trips expected to be linked to the restaurant. Any trips attracted solely to the bar are not expected to access the site by car.

It is proposed to provide a total of 9 spaces for use by patrons within the site and the proposed car park layout is shown in Figure 3.1.



Figure 3.1 Car Park Layout

3.2 Pedestrian Facilities

As described in Chapter 2, the site is located adjacent to an existing network of pedestrian facilities. It is proposed to provide direct access into the site for pedestrians from the adjacent pedestrian network with convenient access provided from the signalised pedestrian crossing located on High Street and the bus stops located adjacent to the site.

3.2.1 Walking Accessibility Assessment

The Institution of Highways and Transportation Guidelines for Providing for Journeys on Foot confirms that residents are generally prepared to walk up to 2km to access employment opportunities and although there is no guidance specifically relating to patrons accessing restaurants, it is considered that this distance, which also relates to pedestrians accessing sight-seeing destinations, is also appropriate to apply to patrons.

A walking accessibility assessment has been undertaken to appraise the accessibility of the development on foot based on this distance and the results of the assessment are shown in Figure 3.2.

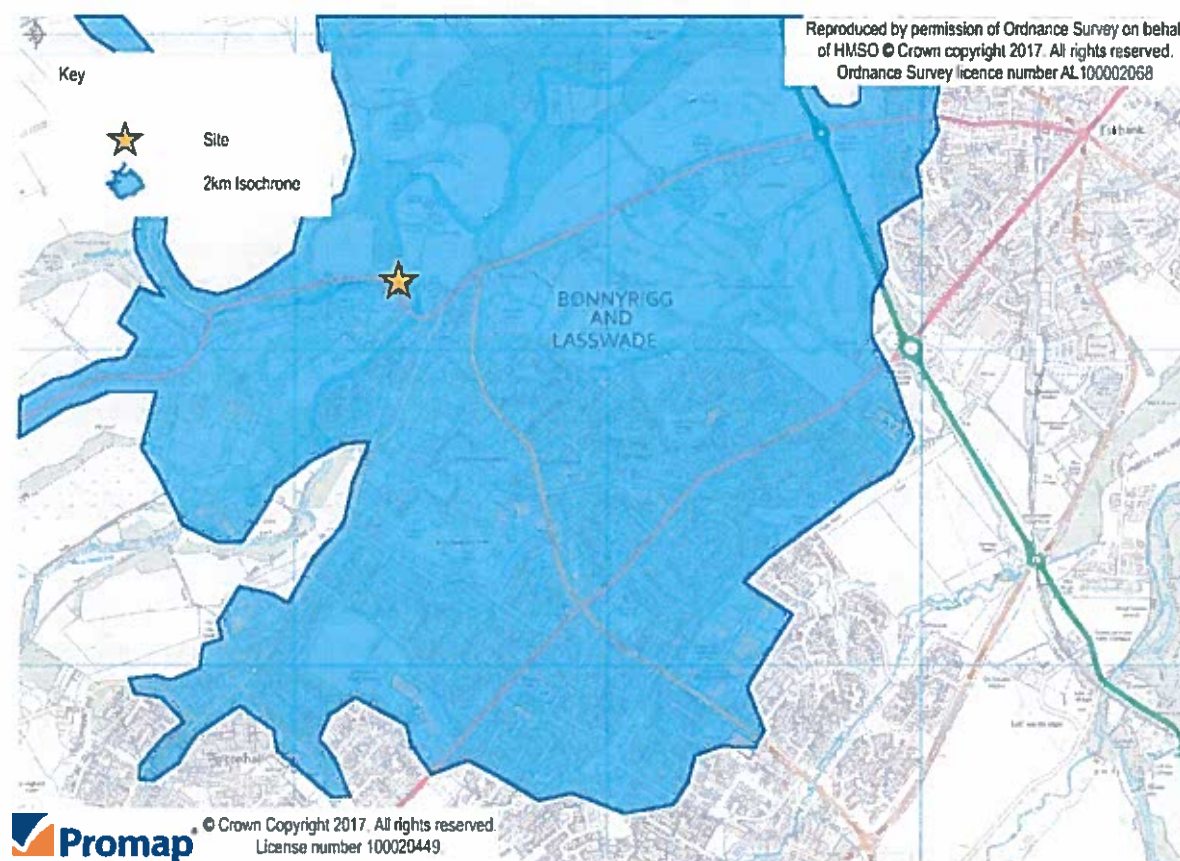


Figure 3.2 Walking Accessibility Appraisal

As can be seen, the majority of Lasswade and Bonnyrigg are located within a 2km walk of the site. While the analysis does not take cognisance of the area's topography, it provides an indication of the site's accessible location which provides excellent opportunity for both employees and restaurant patrons living within Lasswade and Bonnyrigg to access the site on foot.

3.3 Cycle Facilities

The majority of the adjacent highway network is lit and subject to a 20 / 30 speed limit making it attractive for use by cyclists.

Secure cycle parking will be provided in accordance with Midlothian Council guidelines which specify the following provision for a development of the form being proposed:

- Staff: 1 Space plus 1 Space per 20 staff; and
- Customers: 1 Space plus 1 Space per 100m2 PFA.

Applying the above guidelines results in a requirement to provide a total of 5 cycle spaces within the site and these will be accommodated by way of Sheffield type stands in a convenient location within the site.

3.3.1 Cycling Accessibility Assessment

It is generally accepted that employees are prepared to cycle up to 20 minutes to access their place of employment by bicycle, a distance which equates to a 5km cycle. While the area's topography is likely to reduce the distance that employees would be prepared to cycle to access the proposed development, the whole of Lasswade, Bonnyrigg and Polton are located within a 3km cycle of the site, providing excellent opportunity for employees living within these areas, to access the site by bicycle.

3.4 Public Transport Facilities

The site is located adjacent to frequent bus services operating on High Street which link the area with Dalkeith and Bonnyrigg and these services will provide excellent opportunity for both employees and restaurant patrons to access the site by bus

Information on the availability of bus services (including links to Lothian Buses timetable information) will be provided on the restaurant's website with patrons advised at the time of booking, of the availability of local bus services and limited level of parking availability within the site.

In addition, access will be provided to a phone from which patrons can contact a local taxi operator.

3.5 Vehicle Access

It is proposed to retain the existing access arrangements to serve the site with the access to the adjacent residential property also retained. The existing keep clear road markings, which are provided on High Street, will enable vehicles to access and leave the site without blocking the flow of general traffic during peak periods of the road network's operation. Vehicles will be able to access and leave the site in a forward gear.

3.6 Proposed Parking Provision

Midlothian Council specify a provision of 12 spaces per 100sqm Public Floor Area (PFA). The guidelines do however, confirm that travel by sustainable modes of travel can be promoted by limiting parking provision and that standards '*can be altered, but only in agreement with transportation officers, when exceptional circumstances exist that alter the requirement for parking*'. The guidelines go on to confirm that an example of this is '*a town centre development with a high frequency, quality bus service within short walking distance*' where a reduction in the parking provision may be considered.

Of the 185sqm GFA associated with the development proposal, 150sqm of this will be PFA. The guidelines therefore require a provision of 18 spaces including 3 accessible spaces to be provided. It is however, proposed to provide a total of 9 spaces including two provided as accessible, to support the highly accessible site location and encourage use of sustainable modes of travel. This will dissuade patrons from using the car to access the site in accordance with local and national planning policy. The proposed car park layout is shown in Figure 3.1 with vehicles able to access and leave the site in a forward gear as demonstrated by the tracking exercise shown in Figure 3.3.

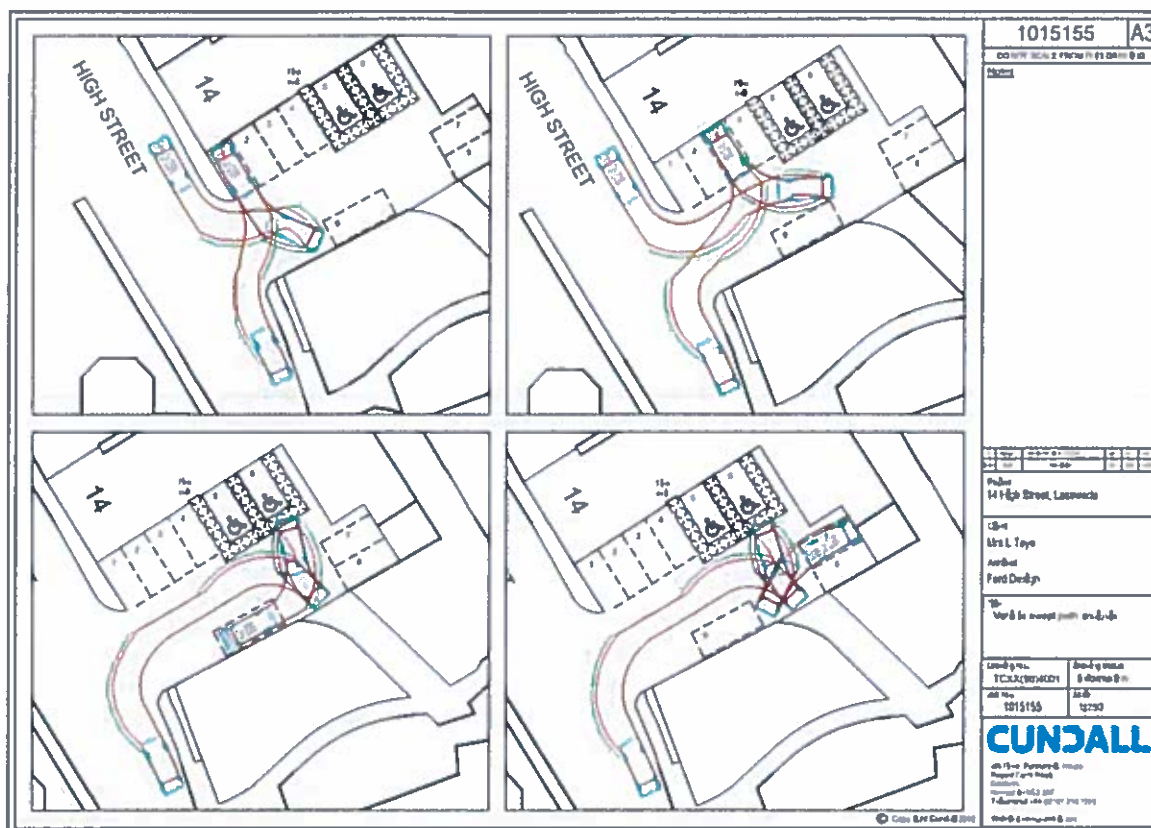


Figure 3.3 Swept Path Analysis

Employees will not be permitted to park within the site and use of the car park will be managed through the booking process. Chapter 4 reviews the proposed level of parking provision in terms of the level of trips forecast to be generated by the proposed development.

3.7 Access Summary

The site is located in an accessible location adjacent to a network of pedestrian facilities and frequent bus services. The site location will therefore provide excellent opportunity for both employees and patrons to access the site using sustainable modes of transport as opposed to the private car and this approach accords with local and national planning policy.

It is proposed to support the accessible site location by providing a parking provision less than that specified by Midlothian Council. The operation of the car park will be managed through the booking process, to ensure that it operates within capacity with no vehicles required to park outwith the site.

4. Trip Generation

4.1 Introduction

The following sections set out the trip generation assumptions used to inform this study.

4.2 Trip Generation

Due to the limited number of multi-modal surveys contained within the TRICS database for a restaurant land use, vehicular surveys have been used to estimate the level of vehicular trips generated by the proposed development. The following selection criteria has been applied to identify the trip generation associated with the proposed restaurant development:

- Hotel, Food & Drink – Restaurant land use selected;
- Sites in town centre, edged of town centre and suburban areas selected;
- Sites with less than 500sqm GFA selected; and
- Date range extended back to 01/01/05 to increase the number of available sites.

Tables 4.1 and 4.2 summarise the extracted trip rates and the level of vehicular trip generation forecast to be generated by a development of the form and scale being proposed. Associated TRICS outputs are provided in Appendix A.

Table 4.1 Trip Rates

Time	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
09:00-10:00	0.000	0.000	0.114	0.114
10:00-11:00	0.736	0.613	0.000	0.000
11:00-12:00	1.115	0.649	1.171	0.293
12:00-13:00	2.732	0.804	2.342	0.878
13:00-14:00	2.985	2.732	2.283	2.693
14:00-15:00	2.273	3.215	1.815	2.518
15:00-16:00	2.342	2.526	0.995	1.054
16:00-17:00	2.320	1.955	1.288	1.171
17:00-18:00	3.416	2.599	1.932	1.405
18:00-19:00	4.318	3.201	1.932	1.756
19:00-20:00	5.285	5.070	2.166	2.342
20:00-21:00	3.931	4.662	1.112	1.581
21:00-22:00	2.771	3.867	1.230	1.874
22:00-23:00	1.267	2.621	0.176	0.585
23:00-24:00	0.215	0.816	0.000	0.715
Daily Total	35.706	35.330	18.556	18.979

Table 4.2 Development Trip Generation

Time	Weekday		Saturday	
	Arrivals	Departures	Arrivals	Departures
09:00-10:00	0	0	0	0
10:00-11:00	1	1	0	0
11:00-12:00	2	1	2	1
12:00-13:00	5	2	4	2
13:00-14:00	6	5	4	5
14:00-15:00	4	6	3	5
15:00-16:00	4	5	2	2
16:00-17:00	4	4	2	2
17:00-18:00	6	5	4	3
18:00-19:00	8	6	4	3
19:00-20:00	10	9	4	4
20:00-21:00	7	9	2	3
21:00-22:00	5	7	2	4
22:00-23:00	2	5	0	1
23:00-24:00	0	2	0	1
Daily Total	64	67	33	36

As can be seen from the above summary, the TRICS database suggests that the restaurant will be experiencing its peak hours of operation between 19:00 – 20:00 on a weekday and between 13:00 -14:00 on a Saturday. The peak periods of generation will therefore not coincide with the peak hours of the adjacent road network's operation.

5. Existing Car Park Operation

5.1 Introduction

Manual classified traffic surveys were undertaken between 09:00 – 00:00 at the site access and access to Lasswade Park on Friday 31st March and Saturday 1st April 2017, to record the operation of the two car parks.

5.2 Site Car Park

Table 5.1 summarises the results of the survey of the existing site car park in terms of the observed accumulation.

Time	Weekday	Saturday
10:00-11:00	1	6
11:00-12:00	3	8
12:00-13:00	2	6
13:00-14:00	3	3
14:00-15:00	3	4
15:00-16:00	4	7
16:00-17:00	6	5
17:00-18:00	5	2
18:00-19:00	1	1
19:00-20:00	1	1
20:00-21:00	2	0
21:00-22:00	0	0
22:00-23:00	2	1
23:00-24:00	1	1

As can be seen from the above summary, the car park was observed to accommodate an average of 3 vehicles throughout both the weekday and Saturday survey periods. It is understood that the car park is currently used to access Lasswade Park and this appears to be borne out by the results of the survey which identifies the car park accommodating the greatest number of vehicles between 16:00 – 17:00 on a weekday and between 11:00 – 12:00 on a Saturday.

5.3 Lasswade Park Car Park

Table 5.2 summarises the results of the Lasswade Park survey in terms of the observed accumulation.

Table 5.2 Lasswade Park Car Park Accumulation

Time	Weekday	Saturday
10:00-11:00	2	4
11:00-12:00	2	13
12:00-13:00	3	8
13:00-14:00	4	4
14:00-15:00	4	5
15:00-16:00	3	5
16:00-17:00	4	4
17:00-18:00	9	1
18:00-19:00	11	1
19:00-20:00	6	2
20:00-21:00	3	1
21:00-22:00	1	1
22:00-23:00	1	1
23:00-24:00	1	1

The survey identifies a maximum accumulation of 11 vehicles and 13 vehicles respectively on the Friday between 18:00 – 19:00 and the Saturday between 11:00 – 12:00. The car park was observed to accommodate an average of 4 vehicles throughout the rest of the Friday and Saturday.

The car park currently has a capacity for around 20 vehicles and the results of the survey confirm that there is a minimum of 7 spaces available throughout the Friday and Saturday. The car park was observed to be operating well within capacity outwith the peak periods of operation.

6. Development Impact Assessment

6.1 Introduction

It is proposed to provide an on-site parking provision which is less than the guidelines identified by Midlothian Council. This is to support the accessible location of the site and encourage both patrons and employees to use sustainable modes of travel when accessing the site.

The following sections estimate the number of vehicles using the car park which is to have a total of 9 spaces, throughout an average weekday and Saturday of operation.

6.2 Parking Demand Analysis

Table 6.1 summarises the results of the parking accumulation analysis using the trip generation data presented in Table 4.2. The accumulations have been increased by three vehicles to ensure that no vehicles remained in the car park after midnight

Table 6.1 Parking Demand Analysis

Time	Weekday			Saturday		
	Arrivals	Departures	Accumulation	Arrivals	Departures	Accumulation
09:00-10:00	0	0	3	0	0	3
10:00-11:00	1	1	3	0	0	3
11:00-12:00	2	1	4	2	1	4
12:00-13:00	5	2	7	4	2	6
13:00-14:00	6	5	8	4	5	5
14:00-15:00	4	6	6	3	5	3
15:00-16:00	4	5	5	2	2	3
16:00-17:00	4	4	5	2	2	3
17:00-18:00	6	5	6	4	3	4
18:00-19:00	8	6	8	4	3	5
19:00-20:00	10	9	9	4	4	5
20:00-21:00	7	9	7	2	3	4
21:00-22:00	5	7	5	2	4	2
22:00-23:00	2	5	2	0	1	1
23:00-24:00	0	2	0	0	1	0
Daily Total	64	67		33	36	

As can be seen from the results of the parking accumulation analysis, the development is forecast to generate a maximum demand for 9 and 6 spaces on the weekday and Saturday respectively. This demand can be accommodated within the site.

The accumulation analysis does not take cognisance of the measures which will be implemented in association with the site's redevelopment, to encourage employees and patrons to access the site by car, and it is therefore considered that the car park usage will be less than that forecast within Table 6.1.

6.3 Proposed Mitigation Measures

As previously stated, it is expected that the site's accessible location will encourage patrons to access the site on foot or by bus. No spaces will be provided within the site for use by employees and patrons will be advised of the availability of bus services at the time of making a booking and via the restaurant's website.

Measures that will be implemented by the operator to support the proposed level of on-site parking, will include:

- Provision of no spaces for employee use within the site;
- Public transport timetable and taxi service information to be provided within the restaurant;
- Links to taxi operator and Lothian Buses websites on the restaurant's website;
- Patrons to be advised of available sustainable travel options and the limited availability of on-site parking when making a booking; and
- Provision of access to a phone for patrons to contact a local taxi operator.

The restaurant is targeting a local catchment area with a large number of patrons expected to access the site on foot. There is however, excellent opportunity for patrons from further afield to access the site using local bus or taxi services.

The above measures will support the accessible site location and encourage both employees and patrons to use sustainable modes of transport when accessing the site in preference to the car, in accordance with local and national planning policy.

7. Summary & Conclusion

7.1 Summary

Cundall has been commissioned by Mrs L Toye to provide transportation advice in support of the redevelopment of a site at 14 High Street, Lasswade to accommodate a 185sqm GFA restaurant.

The development is located adjacent to a comprehensive network of pedestrian facilities and frequent bus services, providing excellent opportunity for patrons and employees to access the site using sustainable modes of travel as opposed to the private car. This accords with the approach supported by local and national planning policy.

It is proposed to support the accessible site location by providing a parking provision less than that specified by Midlothian Council. This level of provision is supported by a range of measures to encourage use of sustainable modes of transport when accessing the site including providing no spaces for employee use within the site.

Vehicles are able to access and leave the car park in a forward gear.

The operation of the Lasswade Park car park has been surveyed to be operating well within capacity and it has been demonstrated that the proposed level of on-site parking will be sufficient to accommodate the level of demand forecast to be generated by the proposed redevelopment.

7.2 Conclusion

The on-site car park is forecast to operate within capacity on an average weekday and Saturday of operation. It is therefore considered that the site at 14 High Street, Lasswade is suitable to accommodate a redevelopment of the form and scale which is being proposed.

Appendix A – TRICS Outputs

Calculation Reference: AUDIT-830401-170418-0437

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 06 - HOTEL, FOOD & DRINK
 Category : B - RESTAURANTS

VEHICLES

Selected regions and areas:

01	GREATER LONDON	
	CN CAMDEN	1 days
02	SOUTH EAST	
	HC HAMPSHIRE	1 days
03	SOUTH WEST	
	DC DORSET	1 days
06	WEST MIDLANDS	
	WM WEST MIDLANDS	1 days
08	NORTH WEST	
	CH CHESHIRE	1 days
09	NORTH	
	DH DURHAM	1 days
11	SCOTLAND	
	EA EAST AYRSHIRE	1 days
	FA FALKIRK	1 days
13	MUNSTER	
	LI LIMERICK	1 days
14	LEINSTER	
	KK KILKENNY	1 days
15	GREATER DUBLIN	
	DL DUBLIN	1 days
17	ULSTER (NORTHERN IRELAND)	
	AN ANTRIM	1 days
	DE DERRY	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Secondary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Gross floor area
 Actual Range: 178 to 500 (units: sqm)
 Range Selected by User: 130 to 500 (units: sqm)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/05 to 23/11/15

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	1 days
Tuesday	1 days
Wednesday	1 days
Thursday	1 days
Friday	9 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	13 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	5
Edge of Town Centre	4
Suburban Area (PPS6 Out of Centre)	4

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Development Zone	3
Retail Zone	1
Built-Up Zone	4
High Street	2
No Sub Category	3

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:**Use Class:**

A3	13 days
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This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Secondary Filtering selection (Cont.):Population within 1 mile:

1,001 to 5,000	1 days
10,001 to 15,000	3 days
15,001 to 20,000	3 days
20,001 to 25,000	2 days
25,001 to 50,000	2 days
50,001 to 100,000	2 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

50,001 to 75,000	2 days
75,001 to 100,000	2 days
100,001 to 125,000	3 days
125,001 to 250,000	1 days
250,001 to 500,000	2 days
500,001 or More	3 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.5 or Less	2 days
0.6 to 1.0	5 days
1.1 to 1.5	6 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

No	13 days
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This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	13 days
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This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	AN-06-B-03	MODERN CUISINE	ANTRIM
	LISBURN ROAD		
	BELFAST		
	Suburban Area (PPS6 Out of Centre)		
	High Street		
	Total Gross floor area:	320 sqm	
	Survey date: FRIDAY	25/09/15	Survey Type: MANUAL
2	CH-06-B-01	BBQ RESTAURANT	CHESHIRE
	SOUTERS LANE		
	CHESTER		
	Edge of Town Centre		
	Built-Up Zone		
	Total Gross floor area:	500 sqm	
	Survey date: TUESDAY	11/11/14	Survey Type: MANUAL
3	CN-06-B-01	WAGAMAMA	CAMDEN
	STREATHAM STREET		
	HOLBORN		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	341 sqm	
	Survey date: FRIDAY	14/11/08	Survey Type: MANUAL
4	DC-06-B-01	PIZZA EXPRESS	DORSET
	HIGH STREET		
	POOLE		
	Town Centre		
	No Sub Category		
	Total Gross floor area:	178 sqm	
	Survey date: FRIDAY	18/07/08	Survey Type: MANUAL
5	DE-06-B-01	RESTAURANT	DERRY
	CARLISLE ROAD		
	LONDONDERRY		
	Town Centre		
	High Street		
	Total Gross floor area:	300 sqm	
	Survey date: FRIDAY	21/05/10	Survey Type: MANUAL
6	DH-06-B-01	CHIQUITO	DURHAM
	FREEMANS PLACE		
	MILLENIUM PLACE		
	DURHAM		
	Edge of Town Centre		
	Development Zone		
	Total Gross floor area:	500 sqm	
	Survey date: THURSDAY	04/12/08	Survey Type: MANUAL
7	DL-06-B-01	DOMINIUM	DUBLIN
	TALBOT STREET		
	DUBLIN		
	Edge of Town Centre		
	Built-Up Zone		
	Total Gross floor area:	330 sqm	
	Survey date: WEDNESDAY	09/12/09	Survey Type: MANUAL
8	EA-06-B-01	PIZZA HUT	EAST AYRSHIRE
	LOW GLENCAIRN STREET		
	KILMARNOCK		
	Suburban Area (PPS6 Out of Centre)		
	Retail Zone		
	Total Gross floor area:	350 sqm	
	Survey date: FRIDAY	20/06/08	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

9	FA-06-B-01	FRANKIE & BENNY'S	FALKIRK
	STIRLING ROAD		
	FALKIRK		
	Edge of Town Centre		
	No Sub Category		
	Total Gross floor area:	425 sqm	
	Survey date: FRIDAY	27/04/07	Survey Type: MANUAL
10	HC-06-B-01	PIZZA HUT	HAMPSHIRE
	BINNACLE WAY		
	COSHAM		
	PORTSMOUTH		
	Suburban Area (PPS6 Out of Centre)		
	Development Zone		
	Total Gross floor area:	325 sqm	
	Survey date: MONDAY	23/11/15	Survey Type: MANUAL
11	KK-06-B-01	MED. RESTAURANT	KILKENNY
	WILLIAM STREET		
	KILKENNY		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:	500 sqm	
	Survey date: FRIDAY	28/11/08	Survey Type: MANUAL
12	LI-06-B-01	CHINESE RESTAURANT	LIMERICK
	PUNCH'S CROSS		
	LIMERICK		
	Suburban Area (PPS6 Out of Centre)		
	No Sub Category		
	Total Gross floor area:	380 sqm	
	Survey date: FRIDAY	20/05/05	Survey Type: MANUAL
13	WM-06-B-04	WAGAMAMA	WEST MIDLANDS
	EDGBASTON STREET		
	BULL RING		
	BIRMINGHAM		
	Town Centre		
	Development Zone		
	Total Gross floor area:	275 sqm	
	Survey date: FRIDAY	28/11/08	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 06 - HOTEL, FOOD & DRINK/B - RESTAURANTS

VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00									
09:00 - 10:00									
10:00 - 11:00	9	362	0.736	9	362	0.613	9	362	1.349
11:00 - 12:00	11	350	1.115	11	350	0.649	11	350	1.764
12:00 - 13:00	12	363	2.732	12	363	0.804	12	363	3.536
13:00 - 14:00	12	363	2.985	12	363	2.732	12	363	5.717
14:00 - 15:00	12	363	2.273	12	363	3.215	12	363	5.488
15:00 - 16:00	12	363	2.342	12	363	2.526	12	363	4.868
16:00 - 17:00	13	358	2.320	13	358	1.955	13	358	4.275
17:00 - 18:00	13	358	3.416	13	358	2.599	13	358	6.015
18:00 - 19:00	13	358	4.318	13	358	3.201	13	358	7.519
19:00 - 20:00	13	358	5.285	13	358	5.070	13	358	10.355
20:00 - 21:00	13	358	3.931	13	358	4.662	13	358	8.593
21:00 - 22:00	13	358	2.771	13	358	3.867	13	358	6.638
22:00 - 23:00	13	358	1.267	13	358	2.621	13	358	3.888
23:00 - 24:00	13	358	0.215	13	358	0.816	13	358	1.031
Total Rates:			35.706			35.330			71.036

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP*FACT. Trip rates are then rounded to 3 decimal places.

Parameter summary

Trip rate parameter range selected: 178 - 500 (units: sqm)
 Survey date range: 01/01/05 - 23/11/15
 Number of weekdays (Monday-Friday): 13
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

Calculation Reference: AUDIT-830401-170418-0450

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 06 - HOTEL, FOOD & DRINK
 Category : B - RESTAURANTS

VEHICLES

Selected regions and areas:

05	EAST MIDLANDS	
	DS DERBYSHIRE	2 days
	LE LEICESTERSHIRE	1 days
10	WALES	
	CP CAERPHILLY	1 days

This section displays the number of survey days per TRICS@ sub-region in the selected set

Secondary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter:	Gross floor area
Actual Range:	383 to 450 (units: sqm)
Range Selected by User:	130 to 500 (units: sqm)

Public Transport Provision:

Selection by:	Include all surveys
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Date Range:	01/01/05 to 23/11/15
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This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Saturday	3 days
Sunday	1 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	4 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Town Centre	1
Edge of Town Centre	1
Suburban Area (PPS6 Out of Centre)	2

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Commercial Zone	1
Development Zone	1
Built-Up Zone	1
No Sub Category	1

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:

Use Class:

A3 4 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Population within 1 mile:

15,001 to 20,000 1 days

20,001 to 25,000 1 days

25,001 to 50,000 2 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

125,001 to 250,000 2 days

250,001 to 500,000 2 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.6 to 1.0 1 days

1.1 to 1.5 3 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes 1 days

No 3 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present 4 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	CP-06-B-01	PIZZA HUT	CAERPHILLY
	PARC PONTYPANDY		
	CAERPHILLY		
	Suburban Area (PPS6 Out of Centre)		
	No Sub Category		
	Total Gross floor area:		383 sqm
	Survey date: SATURDAY		11/11/06
2	DS-06-B-01	LITTLE FRANKIES	DERBYSHIRE
	CORN MARKET		
	DERBY		
	Town Centre		
	Built-Up Zone		
	Total Gross floor area:		425 sqm
	Survey date: SATURDAY		20/06/09
3	DS-06-B-02	CHIQUITO	DERBYSHIRE
	PRIDE PARKWAY		
	DERBY		
	Suburban Area (PPS6 Out of Centre)		
	Development Zone		
	Total Gross floor area:		450 sqm
	Survey date: SUNDAY		19/10/14
4	LE-06-B-01	THAI RESTAURANT	LEICESTERSHIRE
	BRAUNSTONE GATE		
	LEICESTER		
	Edge of Town Centre		
	Commercial Zone		
	Total Gross floor area:		450 sqm
	Survey date: SATURDAY		19/05/07
			Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 06 - HOTEL, FOOD & DRINK/B - RESTAURANTS

VEHICLES

Calculation factor: 100 sqm

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate	No. Days	Ave. GFA	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00									
08:00 - 09:00									
09:00 - 10:00	2	438	0.114	2	438	0.114	2	438	0.228
10:00 - 11:00	4	427	0.000	4	427	0.000	4	427	0.000
11:00 - 12:00	4	427	1.171	4	427	0.293	4	427	1.464
12:00 - 13:00	4	427	2.342	4	427	0.878	4	427	3.220
13:00 - 14:00	4	427	2.283	4	427	2.693	4	427	4.976
14:00 - 15:00	4	427	1.815	4	427	2.518	4	427	4.333
15:00 - 16:00	4	427	0.995	4	427	1.054	4	427	2.049
16:00 - 17:00	4	427	1.288	4	427	1.171	4	427	2.459
17:00 - 18:00	4	427	1.932	4	427	1.405	4	427	3.337
18:00 - 19:00	4	427	1.932	4	427	1.756	4	427	3.688
19:00 - 20:00	4	427	2.166	4	427	2.342	4	427	4.508
20:00 - 21:00	4	427	1.112	4	427	1.581	4	427	2.693
21:00 - 22:00	4	427	1.230	4	427	1.874	4	427	3.104
22:00 - 23:00	4	427	0.176	4	427	0.585	4	427	0.761
23:00 - 24:00	3	419	0.000	3	419	0.715	3	419	0.715
Total Rates:			18.556			18.979			37.535

This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: COUNT/TRP*FACT. Trip rates are then rounded to 3 decimal places.

Parameter summary

Trip rate parameter range selected: 383 - 450 (units: sqm)
 Survey date range: 01/01/05 - 23/11/15
 Number of weekdays (Monday-Friday): 0
 Number of Saturdays: 3
 Number of Sundays: 1
 Surveys automatically removed from selection: 0
 Surveys manually removed from selection: 0

This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.

We note the concerns raised by Midlothian Council supporting the recommendation for refusal. The concerns primarily relate to the intention to provide an on-site parking provision which is less than that specified by Midlothian Council standards, with the suggestion that the level of provision *'may lead to inconsiderate or illegal parking on the surrounding road network to the detriment of road safety'*. This is anecdotal and the opinion of the Officer and would not appear to have been based on any evidence. Using industry standard methodology, as presented within the submitted Transport Statement (appended to this form), would indicate that the proposed parking provision (9 spaces) will be able to accommodate the level of demand generated by the proposed development.

The Transport Statement was submitted in association with the planning application and this demonstrated that the site is in an accessible location, providing excellent opportunity for both patrons and employees to access the site on foot, by bicycle and by public transport, in preference to accessing the site by car. The accessible location will be supported by the provision of parking at a level which is less than that specified by parking standards to further discourage use of the car in accordance with national planning policy. It is also noted that Midlothian Council's parking standards suggest that a degree of flexibility can be adopted in their application for sites in a town centre location adjacent to high frequency quality bus services such as the application site.

Nevertheless, the standards appear to be an outdated minimum based policy which is contrary to current best practice and is not in line with national policy. Indeed, Paragraph 279 of Scottish planning Policy (SPP) states that *'uses should be sited at locations which are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services.'* This could be seen to be an exact description of this type of site and it is, therefore, surprising that Midlothian Council have refused the application on policy grounds relating to parking. Additionally, national standards identified in SPP, would suggest that a **maximum** provision of 11 spaces is appropriate for a development of the form and scale being proposed. The current proposal, therefore, complies with this standard. The outdated **minimum** standards required by Midlothian Council are contrary to National Policy and could also lead to an exacerbation of any traffic issues in Lasswade by promoting car use, which is again contrary to national policy.

The operator is extremely keen to promote a sustainable development in accordance with local and national planning policy, and all patrons will be advised (at the time of booking) of the limited number of parking spaces available within the site and encouraged to access the site on foot, by bicycle, by bus or by taxi rather than travelling by private car. Indeed, the building entrance is located within 50m of the nearest bus stops to the site, a distance which equates to less than a minute's walk. Furthermore, no spaces will be available for staff use. The operator would be willing to accept a planning condition relating to the provision of a Travel Plan and monitoring which will assist in reducing the level of private vehicle use associated with the site.

It is noted that a concern has also been raised with regard to the operation of the car park in terms of vehicles being able to manoeuvre within the car park and the potential for the access to the adjacent residential dwelling to be blocked. The swept-path analysis presented within the Transport Statement, demonstrated that vehicles can access and leave the car park in a forward gear to address the main concern raised by Midlothian Council. Contrary to the view of Midlothian Council, it is not considered that the car park layout will require vehicles to *'undertake extensive reversing manoeuvres to be able to turn and exit the car park in a forward gear'* and that it provides the most efficient use of the space available to accommodate as many spaces as possible within the site. This is proved in the swept-path analysis which was included within the submitted Transport Statement

and demonstrated that all spaces can be accessed using standard parking manoeuvres. The operator will monitor the use of the car park, with any instances of illegal parking, including blocking of the access to the adjacent residential dwelling being promptly addressed. If required, road markings could be introduced to highlight the location of the access and dissuade vehicles from parking in this location. It is very surprising given the inconsistencies with OS mapping, that a concern has been raised over parking bay lengths. Notwithstanding this, there is sufficient space within the site to provide spaces of 4.8m x 2.4m to meet with accepted minimum standards as set out by Midlothian Council.

The submitted Transport Statement included an estimate of the level of parking demand generated by the restaurant to determine the level of parking which would be required to accommodate the anticipated operational needs of the development. This exercise demonstrated that the anticipated demand determined using empirical trip generation data, can be accommodated within the site and it is, therefore, considered that the provision of parking at a level which accords with Midlothian Council, will result in an over-provision of spaces which may even attract a greater number of vehicle trips to access the site. Indeed, the analysis did not take cognisance of the intention to promote the use of sustainable modes of travel when accessing the site and it is, therefore, expected that the identified demand is likely to be greater than that achieved by the operational restaurant. The level of parking which is being proposed, is considered to be appropriate to meet the anticipated demand.

The conclusion of the Transport Statement which was based on analysis of the development's operation, therefore, remains valid and it is considered the site is suitable to accommodate a development of the form and scale which is being proposed while at the same time promoting a sustainable development in accordance with local and national planning policy.

The decision notice considers that the lack of adequate parking will have a significant detrimental impact on the character and amenity of the surrounding area and is contrary to policies RP20 of the adopted Midlothian Local Plan and DEV2 of the proposed Midlothian Local Development Plan. Given the Transport Statement, provided as part of the application, states that parking provision for this size of development can be accommodated within the spaces provided, it is considered that there will be no detrimental impact on the character and amenity of the surrounding area. Indeed, it is considered that bringing a derelict, unused building back into operation will actually enhance the character of the area by preserving the built environment within the designated Conservation Area. Deterioration of the external fabric will result in an unattractive external appearance, which would be a detriment to the character and appearance of the area. The change of use proposed would bring an attractive building with frontage on the High Street back into use and would retain the visual character of the area in accordance with policies RP20 of the adopted Midlothian Local Plan and DEV2 of the proposed Midlothian Local Development Plan.

We therefore request a review of the planning decision made by Midlothian Council at Local Review Body

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:****Case Officer:** Graeme King **Site Visit Date:** 28/08/2017**Planning Application Reference:** 17/00636/DPP**Site Address:** 14 High Street, Lasswade

Site Description: The application site is an existing office building and associated car park situated within the centre of Lasswade. The building is a single storey laundry building dating from the 19th Century. The walls are stone and the roof is finished with slate. The building was converted to an office in 2006 and a modern extension was added to the building in 2008. The extension is a contemporary design with flat roof and timber cladding. The existing tarmac car park is laid out with 8 parking spaces. The building has been vacant since August 2016.

To the West the site is bounded by Lasswade High Street. To the East the site is bounded by the River North Esk. To the North is a detached dwellinghouse. To the South is an area of landscaped public open space beyond which is a terrace of dwellinghouses fronting onto the High Street. The houses to the South have a vehicular access through the car park of the application site. The site is within Lasswade and Kevoek Conservation Area.

Proposed Development: Change of Use from Office (Class 4) to Restaurant (Class 3) and installation of roof vent

Proposed Development Details: It is proposed to change the use of the building to a restaurant. The proposed floor plan submitted with the application shows a seating layout with 66 covers. The application form states that 9 car parking spaces will be provided. The application is supported by a Planning Statement and a Transport Statement; they both refer to 9 car parking spaces being provided. The proposed site plan submitted with the application shows 8 car parking spaces being provided. The only external change proposed is a vent in the roof of the North elevation.

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

14 High Street:

04/00352/FUL - Change of use from laundry to form two dwellinghouses, including associated extension and alterations. Refused

05/00530/FUL - Erection of decking, installation of rooflights and other external alterations. Consent with conditions.

07/00905/FUL - Erection of extension to existing office building. Consent with conditions

17/00046/DPP - Change of Use from Office (Class 4) to Restaurant (Class 3) and installation of roof vent. Application withdrawn

16 High Street:

13/00669/DPP - Change of use from dwellinghouse (class 9) to office (class4) and formation of car parking. Consent with conditions

16/00358/DPP - Change of use from office (Class 4) to dwellinghouse (Class 9). Consent with conditions

17/00072/DPP - Installation of rooflight and replacement windows and door; formation of bifold doors and new door opening; erection of fence and gates. Consent with conditions

Land West of the Laird and Dog Hotel, High Street:

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

30 School Green:

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

Consultations: The Council's **Environmental Health** Manager does not object to the application however the response notes that there is potential for noise disturbance to the neighbouring residential property at 16 High Street; and the potential for loss of amenity due to cooking odour smells. Should planning permission be granted it is recommended that any consent include conditions relating to noise outputs from plant, machinery or equipment; the soundproofing of the premises; and relating to the specification of the ventilation system. The response also notes that the application has been referred to the Food, Health & Safety Team; no further comment was provided.

The Council's **Policy and Road Safety** Manager has no objection to the principle of the proposal but has road safety concerns over the access and parking arrangements. The response notes that the proposed site layout shows 8 parking spaces and that the Council's parking standards require a minimum parking requirement of 18 spaces for a restaurant of this size. The low level of parking may result in customers arriving by private car, being unable to find a parking space and parking on the road or at nearby junctions.

The proposed internal layout of the car park with of 2 of the proposed spaces requiring drivers to undertake extensive reversing manoeuvres to be able to turn and exit the car park in a forward gear. As the car park also provides vehicle access for adjacent private dwellings any congestion or inconsiderate parking within the car park could result in access to the private driveway being blocked.

The proposal falls well short of the minimum parking requirement for a restaurant of this size which may lead to inconsiderate or illegal parking on the surrounding road

to the detriment of road safety. The Policy and Road Safety Manager recommends that the application be refused.

Bonnyrigg and Lasswade Community Council offered neutral comments on the proposal. The response notes that noise and disturbance to local residents should be limited by the licensing system. The response states that the Community Council considers parking to be the major constraint on the site. It is noted that the site does not have enough parking spaces but on the other hand the public car park is underutilised. The response states that the former office use of the building employed approximately 60 staff without parking problems. It is suggested that the lack of parking will encourage active transport solution such as walking and cycling. The response concludes by stating that the Community Council would like to see a continuing commercial use for the building and to achieve that accept that the parking situation is not ideal.

Representations: Fourteen objections have been received. The grounds for objection are as follows:

- Loss of amenity due to noise and cooking smells
- Lack of parking
- Detrimental impact on the character of Lasswade
- The increase in traffic associated with the proposal
- The impact on an existing right of vehicular access, for neighbouring residential properties, through the car park
- The lack of space for vehicle manoeuvring
- Road safety
- Queries over the relevance and accuracy of the supporting information
- Lasswade is already well served by restaurants
- Lasswade is not conducive to cycling due to its topography
- Lack of information on flood risk
- Many of the comments in support of the application are not from local residents

There have been 50 comments in support of the application. The grounds for supporting the proposal are as follows:

- Creation of new jobs
- Good public transport links
- Within walking distance for many people
- An empty building will be brought back into use
- Improved choice of restaurants within Midlothian
- Small/local businesses should be supported

Relevant Planning Policies: The adopted development plan is the **Midlothian Local Plan 2008 (MLP)**. The following policies are relevant to this application:

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.

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

Policy DP7: Control of Class 3 (Food and Drink) Uses and Hot Food Takeaway Shops states that applications for restaurants solely for the consumption of food and drink on the premises will be considered on their individual merits, taking into account such factors as the size of the proposed establishment; its relationship to adjoining uses and, in particular, residential properties; its relationship to other relevant planning policies; and its likely traffic generation and parking provision.

The **Midlothian Local Development Plan (MLDP)** was submitted to the Scottish Ministers for examination on 09 September 2016. The Examination Report was received in July 2017 with formal adoption anticipated for late 2017. As this plan is at an advanced stage of preparation it represents the settled view of the Council and is therefore a material consideration of significant weight in the assessment of applications. The following policies in the MLDP are relevant to this application:

Policy DEV2: Development within the Built-up Area states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.

Policy ENV19: Conservation Areas seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

Planning Issues: The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. Any representations and consultation responses received are material considerations.

Historically Lasswade functioned as village/town centre that served various small settlements in the surrounding area. The centre formerly contained functions such as schools, a bank, shops, a registry office, a garage and various mill buildings; many of these functions moved to neighbouring settlements, in particular Bonnyrigg, during the 20th Century. The office building that is the subject of this application; a photographer's studio; a children's nursery; and two pub/restaurants are the only non-residential uses that remain within the centre of Lasswade. Retaining the building in a non-residential use would help to retain the character of Lasswade as a destination that draws people from the surrounding area. The existing building is a discrete but attractive building that enhances the character of the surrounding area: the proposed use would retain the external appearance of the building and would not have a detrimental impact on the visual appearance of the conservation area.

The Northern elevation of the building faces directly onto the driveway of the neighbouring house at no.16; while the boundary between the properties is marked by a line of kerbing there is no obvious physical barrier between the 2 separate curtilages. The space between the 2 curtilages varies from approximately 0.3m to

approximately 1m. The application subjects have 4 windows and a door that open onto the garden of the neighbouring house. The close proximity of the 2 properties raises issues with regard to the loss of amenity to the occupants of the house due to noise and smell; the occupants of the house have objected to the application. The Planning Statement submitted in support of the application states that the elevation of the house which is closest to the application subjects does not contain habitable rooms; the occupant of the house disputes this and states that there are 2 bedrooms with external walls on that elevation. The Planning Statement also states that it is not possible to provide boundary demarcation between the properties due to the location of the vehicular access for no.16; the site plans submitted with the current application show a driveway width of 7.5m at no.16 which suggests that a solid boundary to attenuate noise would be possible.

The response from the council's Environmental Health notes the validity of the concerns raised regarding loss of amenity but goes on to recommend conditions that could mitigate against the loss of amenity. The conditions would ensure that the loss of amenity would not be significant enough to warrant refusal of the application; it is worth noting that the pub/restaurant on the opposite side of the High Street (the Laird and Dog) also abuts the garden of a residential property.

Lasswade High Street is a busy classified road that forms one of the main entry points into Midlothian from Edinburgh. The High Street is relatively narrow and follows a winding route as it drops into and out of the valley of the River North Esk; the narrow and twisting nature means that there is almost no on street parking available on the High Street. Most residential properties in the centre of Lasswade rely on their own off-street parking. The 2 existing pub/restaurants within Lasswade are longstanding uses that predate the adoption of the Council's current parking standards; notwithstanding this both of the premises benefit from significantly larger car parks than that of the application subjects. It should be noted that despite the parking available the pub/restaurant on West Mill Road (The Paper Mill) generates a significant demand for on street parking and this has proven to be an issue for local residents.

The Council's current parking standards were adopted by the Council in March 2015 and came into force in May 2015. The standards for restaurants are based on the public floor area of restaurants and require 12 spaces per 100 sqm or part thereof. The proposed internal layout of the restaurant has a public floor area of 150sqm and therefore the restaurant would be expected to provide 18 car parking spaces. The current car parking layout provides 8 spaces; these spaces comprise 6 perpendicular spaces and 2 parallel spaces. The site plan submitted with the application shows a different proposed layout which also provides 8 spaces; these spaces comprise 8 perpendicular spaces. A layout shown in the Transport Statement shows 9 spaces; these comprise 8 perpendicular spaces and 1 parallel space.

When considering the acceptability of these layouts it is necessary to consider the minimum dimensions for a car parking space, as set out in the Council's parking standards and the Scottish Government's Policy Statement "Designing Streets". The desirable dimensions for a car parking space are 5m long and 2.5m wide with an acceptable absolute minimum of 4.8m long and 2.4m wide. Parallel parking typically requires spaces 2m wide and 6m long; however these dimensions assume that cars

will be parked on a street rather than parallel to a wall as happens at the application site. To provide convenient access to perpendicular spaces a roadway width of 6m is desirable; reduction of the roadway width will require vehicles to make multiple movements to enter spaces.

The existing perpendicular spaces at the application site are situated perpendicular to the main section of the building; these spaces are 2.4m wide and 4.7m long. The parallel spaces are situated adjacent to the low stone wall that separates the application site from the public open space to the South; these spaces are 5.1m long and 2.4m wide. The roadway separating the spaces is 5.2m wide. The proposed layouts shown on the proposed site plan and the Transport Statement include 2 perpendicular spaces to the South of the modern extension. Measurements on site indicate that this space is 4.6m wide and 4.7m long; it is not possible to deliver acceptable sized spaces at this location without partially blocking the existing right of access to the neighbouring residential properties. It is clear from these figures that the dimensions of the existing car parking layout are sub-standard; to deliver acceptable dimensions the maximum number of spaces that could be delivered is 6.

As noted above, to comply with the Council's Parking Standards a restaurant of this scale would require 18 car parking spaces; the maximum achievable number of acceptably dimensioned spaces with acceptable access arrangements is 6 car parking spaces. The achievable parking provision represents 33% of the necessary standard. A provision of this level would result in congestion and unnecessary vehicle movements as diners sought parking spaces only to discover that none are available. Council Members expressed concern at traffic congestion within Lasswade and the potential for further development to exacerbate when the planning committee considered application 16/00727/DPP (a site situated on the opposite side of the High Street from the application site) and this was one of the reasons for refusal of that application. Approval of the current application with its very obviously sub-standard parking provision would run contrary to the clearly expressed will of the Council Members.

The application is supported by a Planning Statement and a Transport Statement. These documents include information from the TRICS (Trip Rate Information Computer System) database; this is a UK wide system of trip generation analysis that is widely used by transport planners and engineers throughout the UK. The available trip generation data forecasts that the proposed restaurant would generate a maximum demand of 9 spaces on weekdays and 6 spaces on Saturdays. While Midlothian Council acknowledges the benefits of TRICS data the Council is confident that the current Parking Standards reflect current demand for parking within Midlothian.

Both statements submitted suggest that additional parking provision could be accommodated via the existing public car park that serves the public park in Lasswade. The car park for the public park is situated on the opposite bank of the River North Esk and would be accessed via the existing footpath and pedestrian bridge. The public car park is approximately 100m from the application subjects, on foot, and approximately 300m from the application subjects by car; it would be unrealistic to expect customers to use this car park. In addition the car park is

accessed via narrow road with poor visibility splays; increased use of this car park would exacerbate the existing traffic congestion problems within Lasswade.

The SEPA Flood Risk Map indicates that the eastern portion of the application site is at high risk from river flooding. SEPA's standing advice for Planning Authorities advises that in the case of changes of use the Land Use Vulnerability Categorisation of the existing and proposed use should be used to determine whether or not a Flood Risk Assessment is required. Both the existing office use and the proposed restaurant use are considered by SEPA to be Less Vulnerable Uses; as the change of use will not result in an increase in vulnerability a Flood Risk Assessment is not required.

It is clear that the application subjects can provide only 33% of the minimum parking standard. Given the lack of parking on Lasswade High Street a restaurant with insufficient dedicated parking would be likely to result in dangerous and inconsiderate parking that would have a significant detrimental impact on the character, appearance and amenity of the surrounding area.

Recommendation: Refuse planning permission

Reason for refusal: The number of car parking spaces proposed for the development is significantly below that specified in the Midlothian Council Parking Standards. In addition it has not been satisfactorily demonstrated that the proposed spaces will meet the minimum car parking space sizes specified in the said Standards. Lack of adequate parking will have a significant detrimental impact on the character and amenity of the surrounding area. The proposal is therefore contrary to policies RP20 of the adopted Midlothian Local Plan and DEV2 of the proposed Midlothian Local Development Plan.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00636/DPP

Cundall
Partnership House
4th Floor
Regent Farm Road
Newcastle Upon Tyne
NE3 3AF

Midlothian Council, as Planning Authority, having considered the application by Mrs Louise Toye, 14 High Street, Lasswade, EH18 1ND, which was registered on 18 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from office (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade, EH18 1ND

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1041-01A 1:1250	18.08.2017
Existing Site Plan	1041-02 1:200	18.08.2017
Proposed Site Plan	1041-02E 1:200	18.08.2017
Existing Floor Plan	1041-03 1:50	18.08.2017
Existing Elevations	1041-04 1:100	18.08.2017
Proposed Floor Plan	1041-05B 1:50	18.08.2017
Proposed Elevations	1041-06A 1:100	18.08.2017
Planning Statement		18.08.2017
Transport Statement		18.08.2017
Transport Statement Addendum		22.09.2017

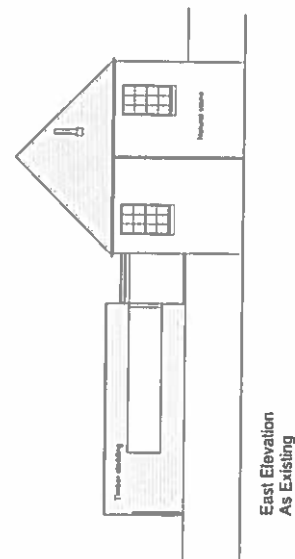
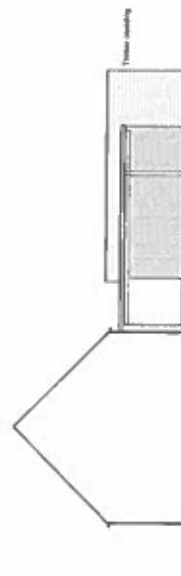
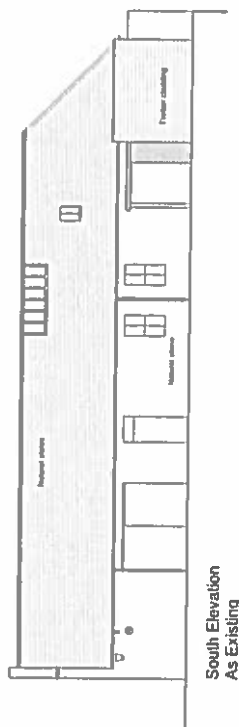
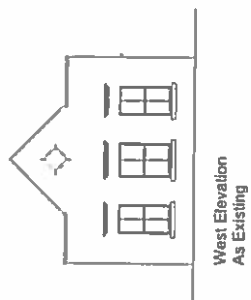
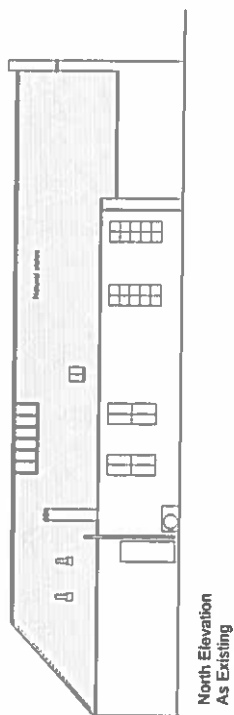
The reason for the Council's decision is set out below:

1. *The number of car parking spaces proposed for the development is significantly below that specified in the Midlothian Council Parking Standards. In addition it has not been satisfactorily demonstrated that the proposed spaces will meet the minimum car parking space sizes specified in the said Standards. Lack of adequate parking will have a significant detrimental impact on the character and amenity of the surrounding area. The proposal is therefore contrary to policies RP20 of the adopted Midlothian Local Plan and DEV2 of the proposed Midlothian Local Development Plan.*

Dated 13 / 10 / 2017



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



Approved
M 201915 Preliminary
P1 240017 Planning

Planning

Ford Design Ltd

Architecture Planning Supervision

5 Grange Court
North Street E109 4LN
Tel 01620 894174
www.forddesign.co.uk

Client
Mrs L. Tope
14 High Street
LASSWADE
EH18 1ND

Project
Proposed Alterations to
14 High Street
LASSWADE
EH18 1ND

Drawing Title

ELEVATIONS AS EXISTING

Scale

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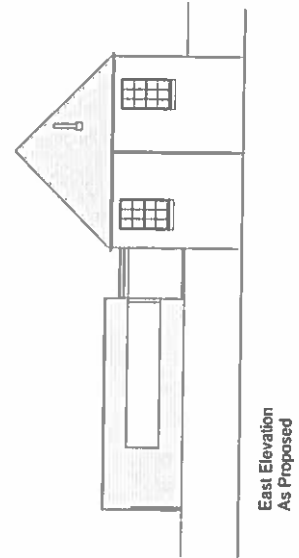
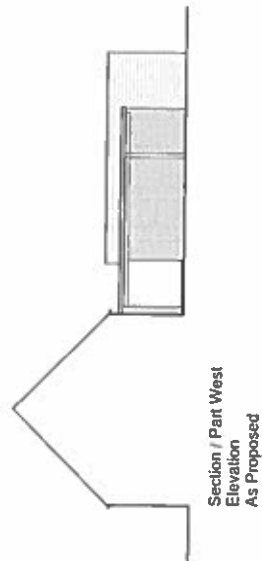
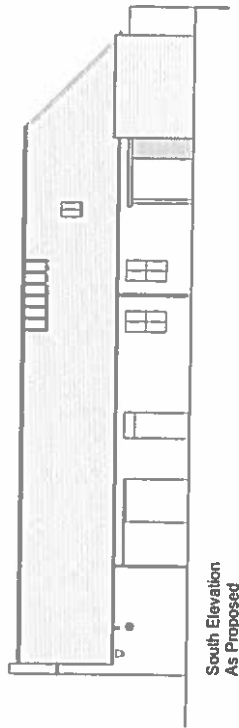
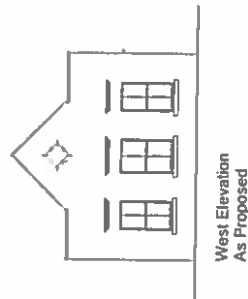
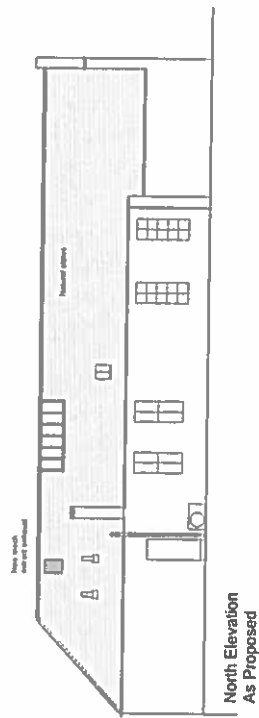
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EAO

Project No Drawing No Revision

1041 04

APPENDIX E



Revisions
1. 17/08/17 Planning
A. 07/08/17 Planning

Planning

Ford Design Ltd

Architecture Planning Supervision

5 Grange Court
Northampton NN4 6JH
Tel: 01602 864114
www.forddesign.co.uk

Client
Mrs L. Tong
14 High Street
LASSWADE
EH18 1ND

Project

Proposed Alterations to
14 High Street
LASSWADE
EH18 1ND

Drawing Title

ELEVATIONS AS PROPOSED

Date 7 Aug 2017

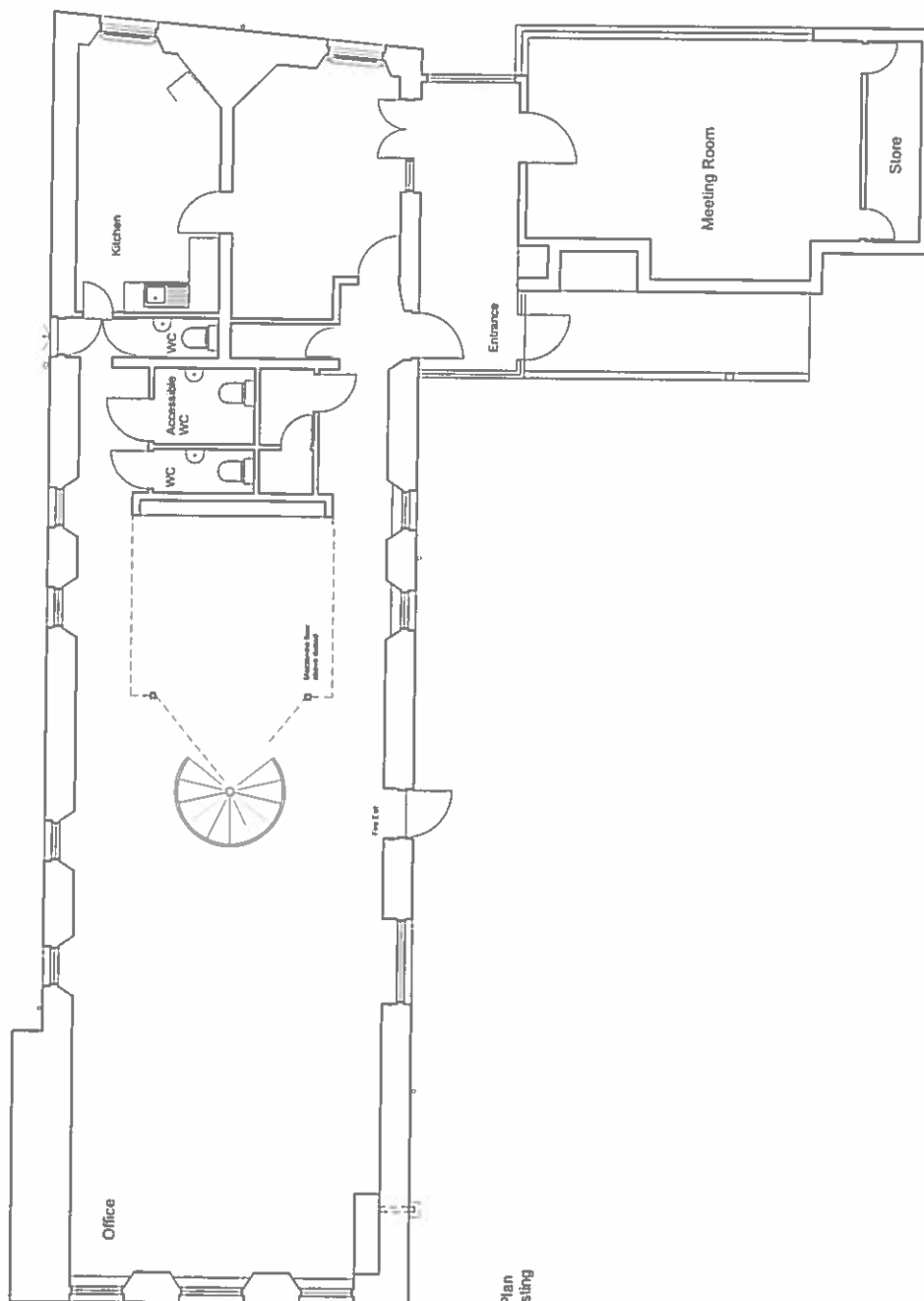
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EAO

Project No Drawing No Revision

1041 06 A



7 Floor Plan
As Existing
1:50

Revisions:
R1 22/12/16 Preliminary
R2 24/01/17 Planning

Planning

Ford Design Ltd

Architecture Planning Supervision

5 George Court
North Boreham, Essex, UK
Tel: 01206 884174
www.forddesign.co.uk

Client:

Mrs L. Toye
14 High Street
LASSWADE
EH18 1ND

Project:

Proposed Alterations to
14 High Street
LASSWADE
EH18 1ND

Drawing Title:

PLAN AS EXISTING

Date:

24 Jan 2017

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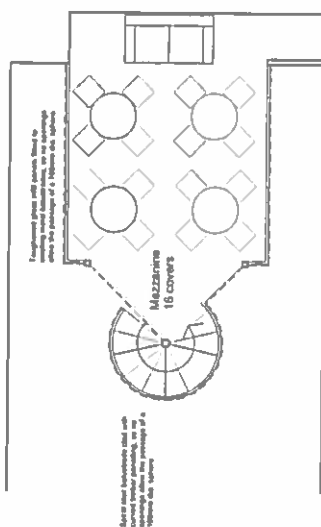
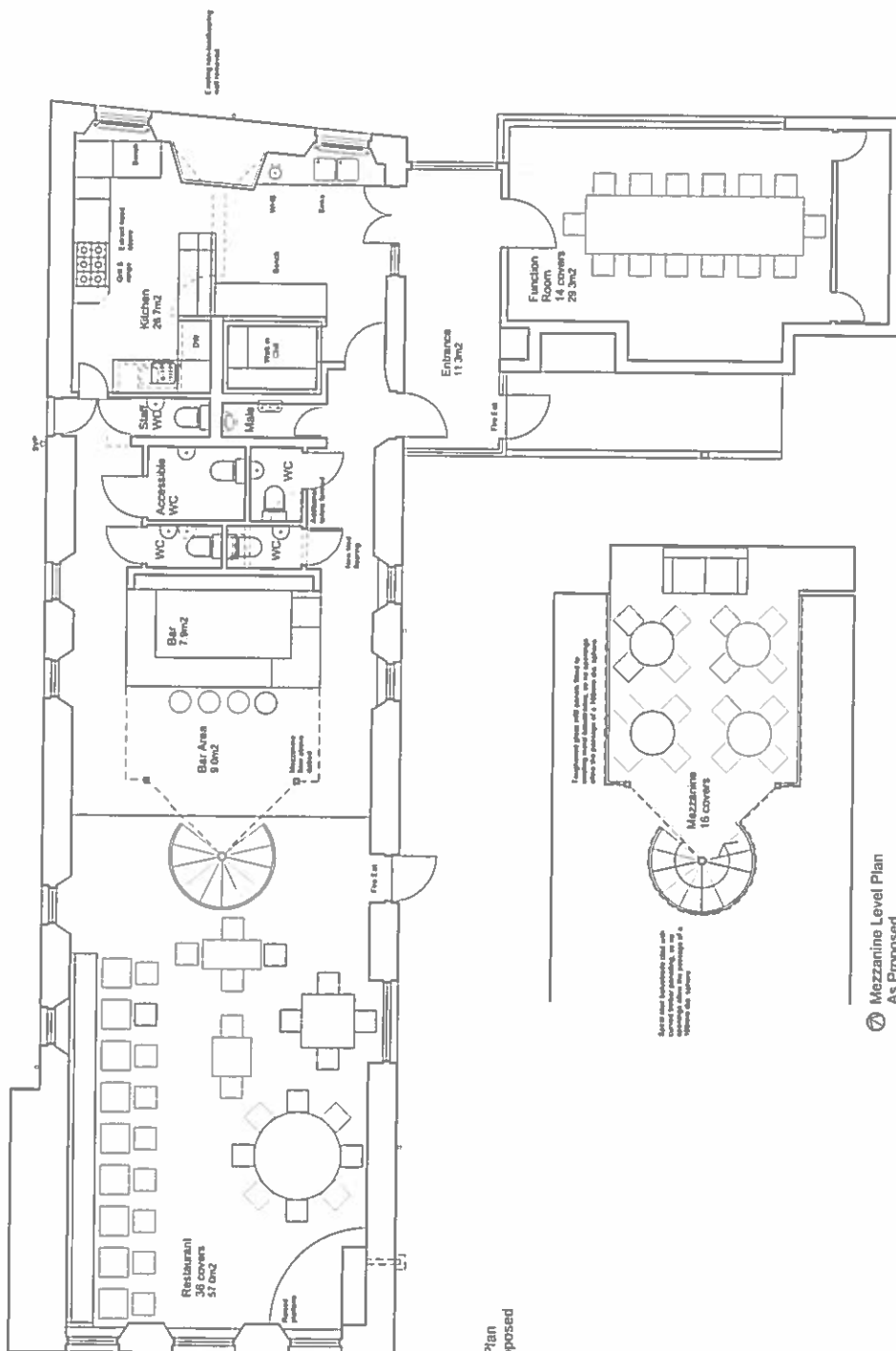
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Project No. Drawing No. Revision

1041 03



Repertoire	
PB	23-01-17 Preliminary
PI	24-01-17 Planning
A	22-02-17 Staff lecture notes added
B	08-03-17 E-mails & documents imported & cleared

Planning

Ford Design Ltd

Architecture Planning Supervision

5 Grange Court
North Barnack EH39 4LN
Tel 01620 894174
www.fardesign.co.uk

Inter-
category move

Mrs. L. Toye
14 High Street
LASSWADE
EH18 1ND

Project
Proposed Alterations to
14 High Street
LASSWADE
EH18 1ND

Spice

PLAN AS PROPOSED

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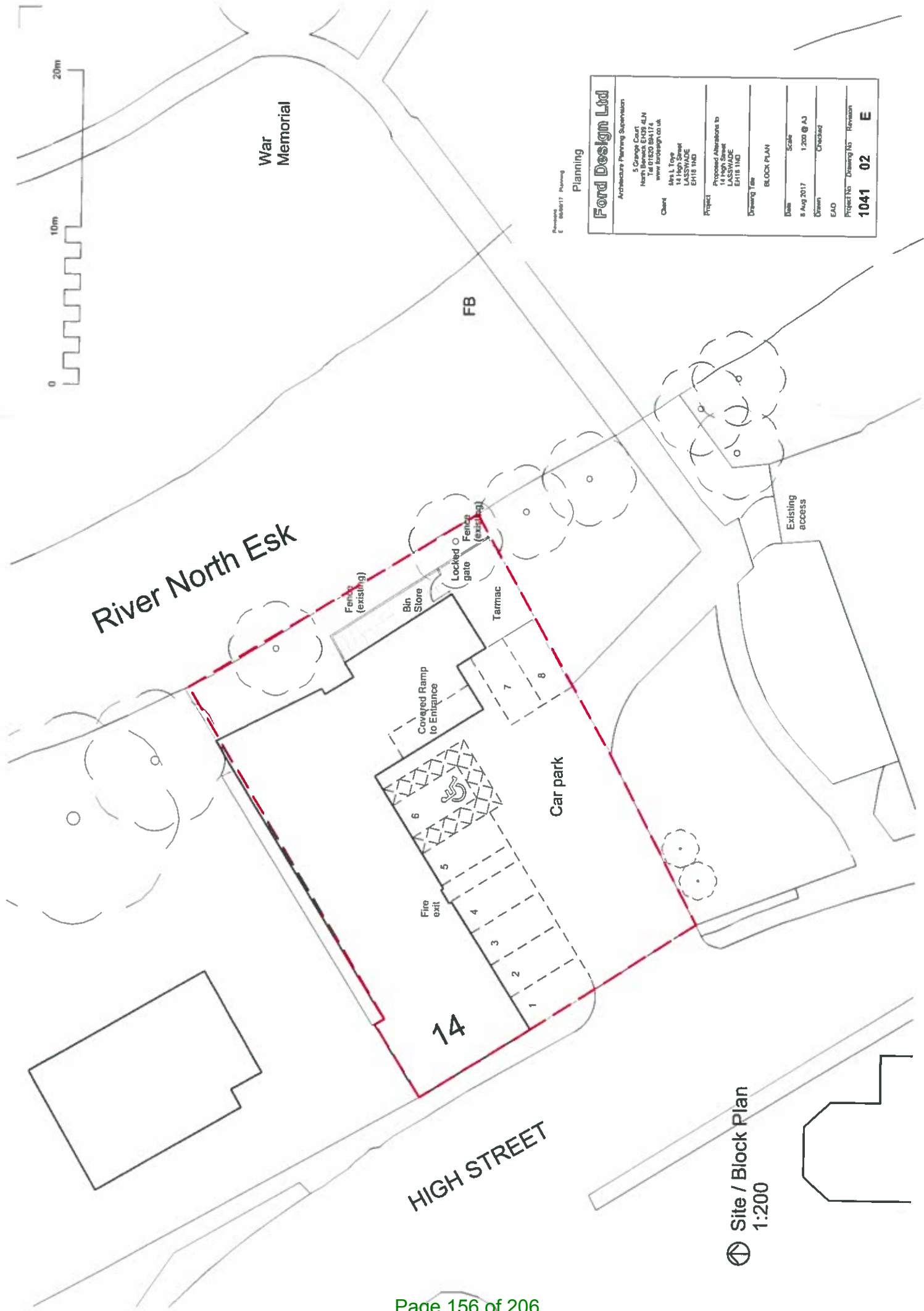
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Proposed
E 1041/17 Planning

Planning

Ford Design Ltd	
Architecture Planning Supervision	
5 Grange Court Hemsworth Road Tel 01820 884174 www.forddesign.co.uk	
Client	Mrs L Tope 14 High Street LASSWADE EH18 1ND
Project	Proposed Alterations to 14 High Street LASSWADE EH18 1ND
Drawing Title	BLOCK PLAN
Date	8 Aug 2017
Scale	1:200 @ A3
Drawn	Checked
EAD	
Project No	1041 02 E
Drawing No	Revision

① Site / Block Plan
1:200

Notice of Review: 31A Eldindean Road, Bonnyrigg

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension at 31A Eldindean Road, Bonnyrigg.

2 Background

- 2.1 Planning application 17/00758/DPP for the erection of an extension at 31A Eldindean Road, Bonnyrigg was refused planning permission on 14 November 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 14 November 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 15 January 2018; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.

- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

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

1. The quoin detail on the front and side of the eastern end of the existing house shall be repositioned and replicated at the front and side of the eastern end of the new extension.

Reason: To ensure the extension matches the external appearance of the existing building and the wider street scene.

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: 5 January 2018



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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00758/DPP available for inspection online.

APPENDIX A



 <p>Education, Economy & Communities Midlothian Council Fairfield House 8 Lothian Road Dalkeith EH22 3AA</p>	<p>31A Eldindean Road, Bonnyrigg, EH19 2HP</p>
<p><small>Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings</small></p> <p>Midlothian Council Licence No. 100023416 (2017)</p>	<p>File No. 17/00758/DPP</p> <p>Scale: 1:500</p> <div data-bbox="1404 2016 1516 2161"> <p>N</p>  </div>

Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100075568-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Margaret"/>	Building Number:	<input type="text" value="31a"/>
Last Name: *	<input type="text" value="Anderson"/>	Address 1 (Street): *	<input type="text" value="31a Eldindean Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Bonnyrigg"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="EH19 2HP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

31A ELDINDEAN ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BONNYRIGG

Post Code:

EH19 2HP

Please identify/describe the location of the site or sites

Northing

665590

Easting

331143

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

17/00758/DPP | Extension to dwellinghouse | 31A Eldindean Road Bonnyrigg EH19 2HP

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

The first and second set of plans were refused, both were refused for the issue of overdevelopment, the second set of plans had removed the garage, leaving adequate garden space, and retaining off street parking, as these were the factors that the first plans were refused. I feel that the garden space that would be retained would be more than adequate with the retention of the off-street parking, and feel that this needs to be reviewed further.

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

☐ Yes ☒ No

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

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

Both sets of completed plans (1st - 17/00335/DPP & 2nd - 17/00758/DPP) Rough Outline of current site

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00758/DPP

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

25/09/2017

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

14/11/2017

Review Procedure

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

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

☐ Yes ☒ No

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

Please select a further procedure *

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

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

We have now submitted plans twice, both sets have been refused, and now feel that it needs a further inspection, carried out by the individuals of the Local Review Body.

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

Due to security issues, the rear of the property is secured with a locked gate, to which it can be unlocked if given notice of when the Local Review Body intent to visit, the visit will still be unaccompanied by us.

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mrs Margaret Anderson

Declaration Date: 15/11/2017



m.s.sim
Building Design

3, Castle Craig Gardens • Blyth Bridge • Peebles • EH46 7DH

Tel: 01721 752207 • Mobile 07786 166 689 • info@mssim-buildingdesign.com • www.mssim-buildingdesign.com

Planning Department
Midlothian Council
Fairfield House
8 Lothian Road
Dalkieth
EH22 3ZN

CORPORATE RESOURCE	
FILE:	17/00758/DDP
RECEIVED	25 SEP 2017

21st September 2017.

Dear Sir/Madam,

Re : Proposed Extension to House, 31A, Eldindean Road, Bonnyrigg, EH19 2HP.

Please find enclosed Householder Application for Planning Permission.

This application has now been amended since it was refused on 2/6/2017,
Application Reference : 17/00335/DDP.

The previous application was refused on the grounds that the proposal was over development and resulting in the loss of off-road carparking. The proposed garage has now been removed from the application, freeing up garden ground, which now results in 'adequate garden' and compliance with Policy DP6, section 2, subsection i.

There is sufficient space for car parking on the street outside the house however off road car parking can still be achieved if necessary and remains as existing.

We hope that the Planning Department will be more sympathetic in their decision with this application on this occasion.

A Planning Fee has not been included with the application as the previous application was less than one year ago.

Yours Faithfully,

M.S.Sim

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

Planning Application Reference: 17/00758/dpp

Site Address: 31A Eldindean Road, Bonnyrigg

Site Description:

The application property comprises a semi-detached single storey dwellinghouse. It is finished externally in drydash render with a slate roof and brown coloured framed windows.

Proposed Development:

Extension to dwellinghouse

Proposed Development Details:

It is proposed to extend the house by 4m on the east side continuing the form of the existing building. External materials are to match existing.

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

History sheet checked.

Planning permission was refused for two houses at the site of nos 31A and 31B in 1999 (0512/97) including on the grounds of the poor standard of amenity with only a small strip of ground to the rear of the property. The decision was upheld at appeal.

Planning permission was subsequently granted for two houses in 2001 (01/00176/ful). Planning permission was granted subject to conditions including a restriction on permitted development due to the space standards of the houses being of a reduced nature, in the interests of the amenity of the area and the character of the development.

Planning permission was refused for a 7.5m wide extension on the east side of the house earlier this year (17/00335/dpp) on the grounds of overdevelopment.

In support of the application the agent states that the garage has been removed from the scheme freeing up garden ground and that off road car parking can be achieved and remains as existing. He also states that there is space for parking on the street outside the house.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

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

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

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

Planning Issues:

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

The original house at the application property is symmetrical with no. 31b. 31b has a conservatory attached to its west side. Whilst the extension would affect the symmetry the application property and no. 31b are a more recent infill development in the street and the proposed extension will not have a significant impact on its overall character or the visual amenity of the street scene.

The extension will not have a significant impact on the amenity of neighbouring properties. (A window on the side of no 33 serves a bathroom and it will not be overbearing to the rear garden of this property.)

As stated above permitted development rights were restricted at this site including due to space standards of the houses being of a reduced nature. The useable garden area of the property is already limited and the extension would extend over half the width of the side garden. After the erection of the extension the remaining garden area would comprise a 13.35m long 2.65m deep strip at the rear of the house and a small garden area at the side measuring 3.6m wide and 6m deep. It is noted that policy DP2 Development Guidelines, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new developments. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted. The space standards for new houses contained in policy DP2 require that houses suitable for families should be provided with adequate useable private gardens. It goes on to state that such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily whilst also being able to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. Policy DP6 – House Extensions of the now

superseded 2008 Midlothian Local Plan also requires that an adequate garden area must remain after the house has been extended. In this case the remaining garden would be of very limited use especially in the context of a family home where you may expect a sitting out/outside dining area and space for children to play.

The useable side garden area could be increased in size albeit would still be narrow at 3.6m wide however this would involve the removal of the off road parking space at the site.

The proposal constitutes overdevelopment resulting in a very restricted useable private garden to the detriment of the occupiers of the property, including future occupiers and could effectively result in the removal of off street parking at the site.

Recommendation:

Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00758/DPP

MS Sim Building Design
3 Castlecraig Gardens
Blyth Bridge
West Linton
EH46 7DH

Midlothian Council, as Planning Authority, having considered the application by Mrs Margaret Anderson, 31A Eldindean Road, Bonnyrigg, EH19 2HP, which was registered on 25 September 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 31A Eldindean Road, Bonnyrigg, EH19 2HP

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Floor Plan	1. 1:50	25.09.2017
Existing Elevations	2. 1:50	25.09.2017
Proposed Floor Plan	3A. 1:50	25.09.2017
Proposed Elevations	4A. 1:50	25.09.2017
Proposed Elevations	5A. 1:50	25.09.2017
Location Plan	6A. 1:200 1:1250	25.09.2017

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

- The proposed extension constitutes overdevelopment resulting in a very restricted private useable garden of limited use to the detriment of the occupiers of the property, including future occupiers and could result in the removal of off street parking at the site*
- For the above reason the proposal is contrary to policy DEV2 of the adopted 2017 Midlothian Local Development Plan which seeks to protect the character and amenity of the built-up area.*

Dated 14 / 11 / 2017



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



**The Coal
Authority**

[authority](http://www.coalauthority.gov.uk)

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: [www.gov.uk/government/organisations/the-coal-](http://www.gov.uk/government/organisations/the-coal-authority)

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

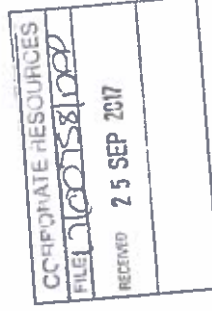
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

This Informative Note is valid from 1st January 2017 until 31st December 2018



LOCATION PLAN Scale 1:1250.



'A' - amended for Planning Application - Sept. 2017.

Scale as shown. April 2017.

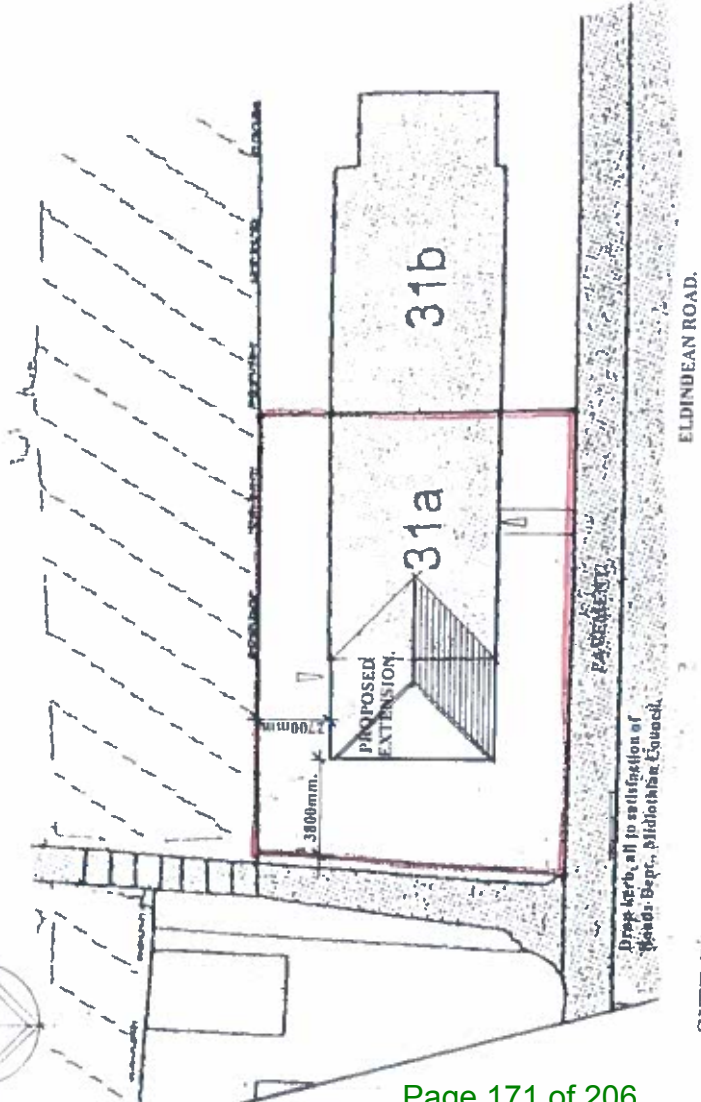
Location & Site Plan.

Proposed Alterations and Extension to House 31a, Eldindean Road, Bonnyrigg, Mrs Margaret Anderson.

m.s. sim

Architectural Consultant
Building Design

3. Castle Craig Gardens • Blyth Bridge • Peebles •
EH46 7DH • Tel. 01721 752207

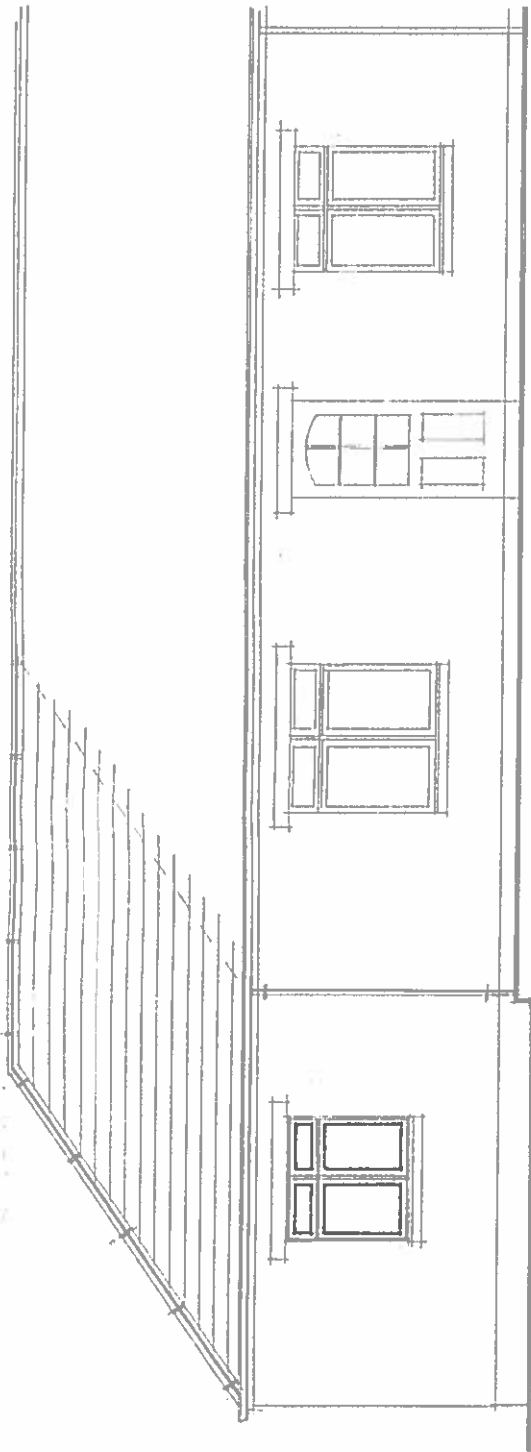


SITE PLAN Scale 1:200.

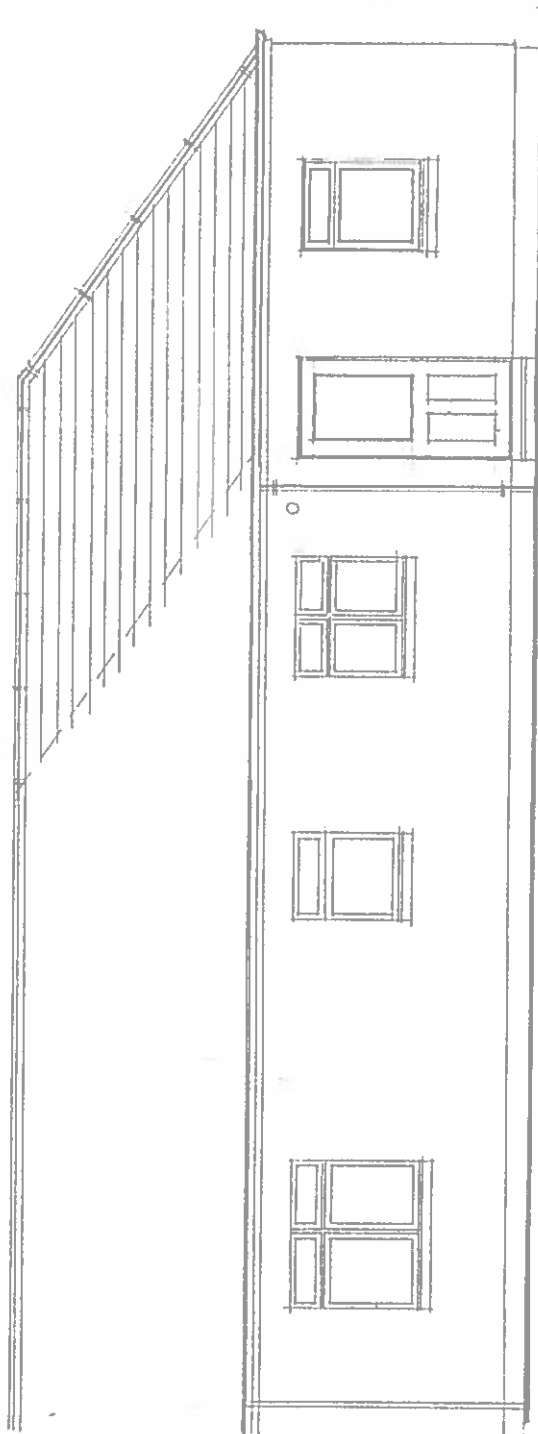
Driveway:
To be formed with either:
50mm concrete slabs on sand bed
on 150mm consolidated hardcore.
or:
Concrete paving blocks to
BS 6717:Part 1:1993, laid in
accordance with BS 6677:Part 2:1986
on 150mm consolidated hardcore.

Finishes :

Roof – natural slates to match existing.
Walls – Dry dash render to match existing.
Windows – Brown upVC casement to match existing.
Gutters & Downpipes – Black upVC to match existing.



PROPOSED FRONT ELEVATION.



PROPOSED REAR ELEVATION.

A – amended for Planning Application – Sept 2017.

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Building Design

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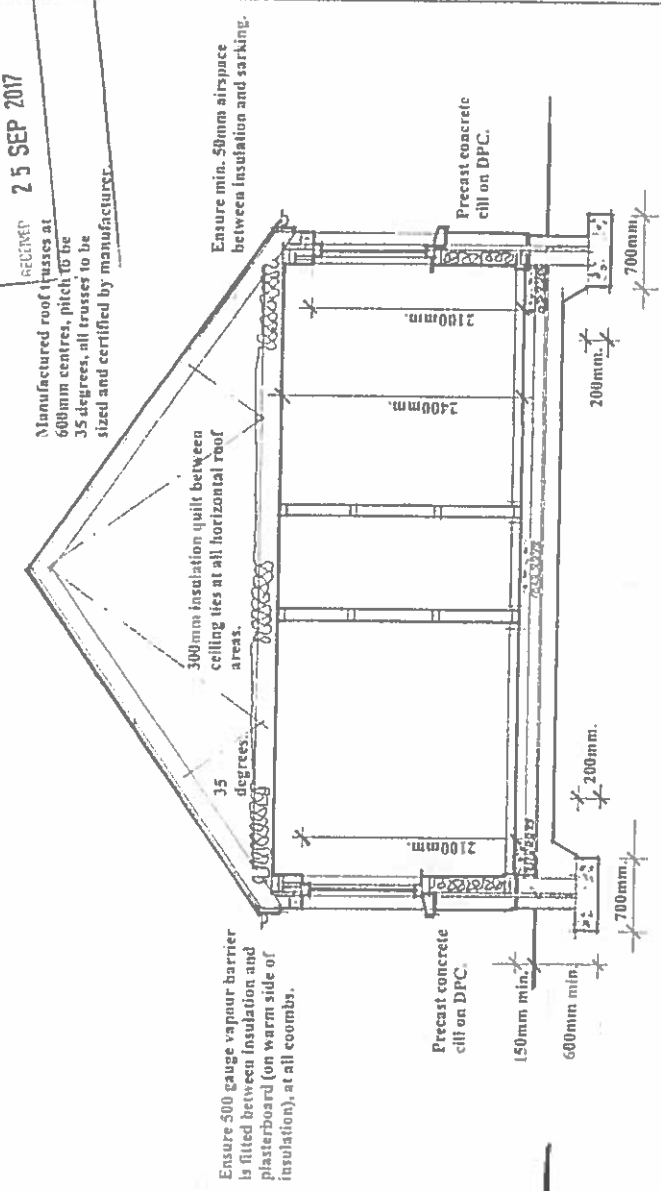


CORPORATE RESOURCES	25 SEP 2017
RECEIVED	

Scale 1:50. April 2017.
Proposed Alterations and Extension to House,
31a, Eldindcan Road, Bonnyrigg,
Mrs Margaret Anderson.

CORPORATE RESOURCES
 FILE: 1710075810X
 RECEIVED 25 SEP 2017

Manufactured roof trusses at 600mm centres, pitch to be 35 degrees, all trusses to be sized and certified by manufacturer.



PROPOSED SIDE ELEVATION.

SECTION A - A.

ROOF INSULATION-
 Fit 300mm Crown Loft Roll 40 insulation quilt between ceiling ties at all horizontal ceiling areas, (100mm between ceiling ties, 200mm over), ensure min. 50mm vented airspace between insulation and sarking. All to be finished in 12.5mm plasterboard with plaster skim finish.
 This construction gives a 'U' value of 0.13 W/m2K.

WALL INSULATION-
 Fit 145mm Kingspan Thermawall TW55 zero ODP insulation between studs and fit 500 gauge vapour barrier over between insulation and plasterboard (timber frame to be finished internally with 12.5mm plasterboard).
 All to give 'U'-value of 0.17W/m2K.

FLOOR INSULATION-
 Form 150mm well consolidated hardcore, sand blind and fit 1200 gauge Visqueen DPM, all joints lapped 150mm and taped, dressed up walls and taken above height of proposed DPC in walls. Lay 100mm oversite concrete. Fit 140mm Kingspan Thermafloor TF70 zero ODP insulation, laid as per manufacturers instructions, include for perimeter edge insulation. Lay 1000 gauge Visqueen DPM over insulation and lay 100mm concrete screed, finished with power float finish.
 This construction gives a 'U' value of 0.14 W/m2K.

'A' - amended for Planning Application - Sept. 2017.

Scale 1:50. April 2017.

Elevation & Section.

A.
5.

Proposed Alterations and Extension to House,
 31a, Eldindean Road, Bonnyrigg,
 Mrs Margaret Anderson.

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Boundary.

Garden Ground.

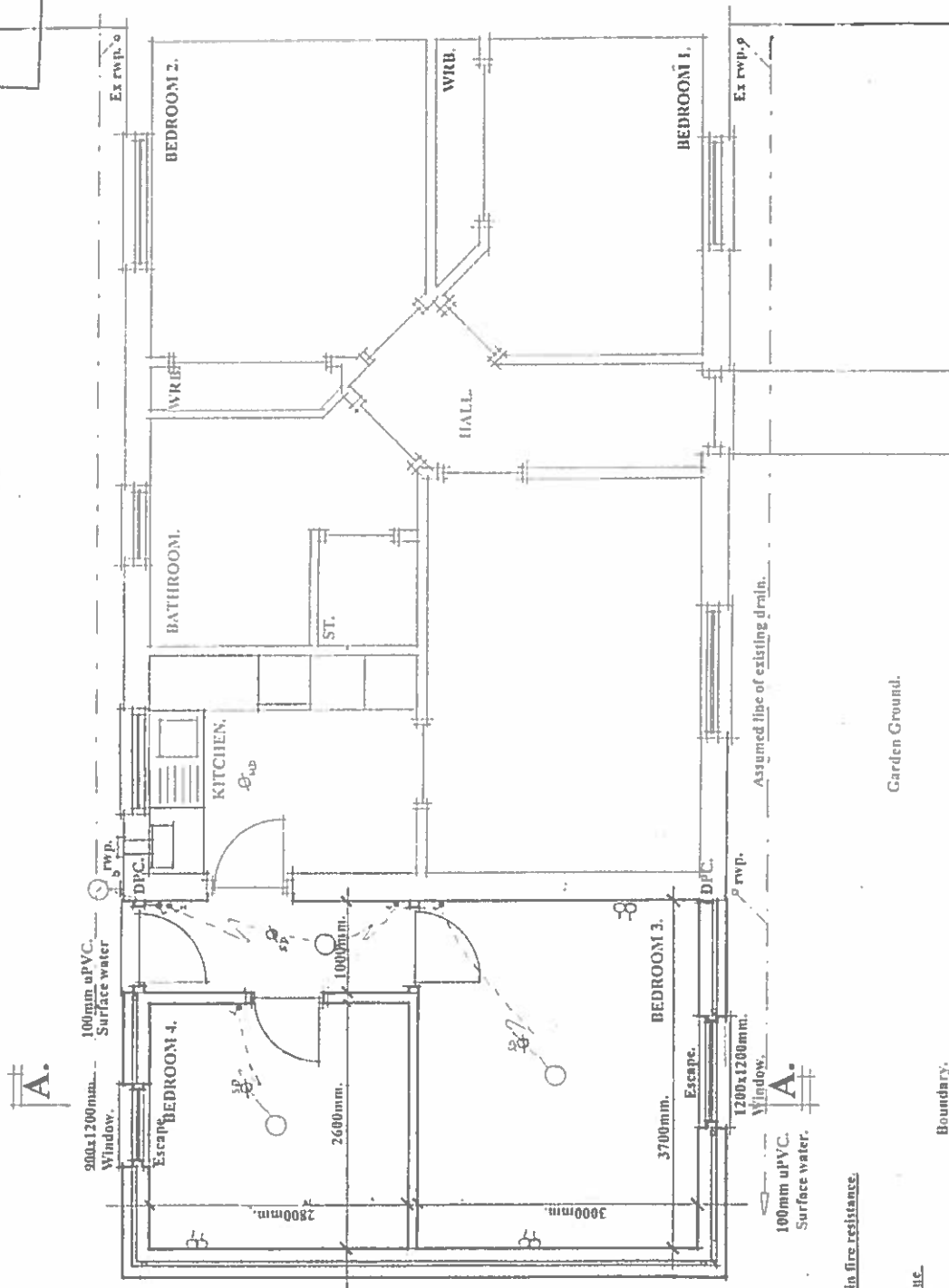
CORPORATE RESCUE	FILE: 1706215100
RECEIVED	25 SEP 2017

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Architectural Consultant
Building Design

'A' - amended for Planning Application

3. Castle Craig Gardens • Blyth Bridge • Peebles • EH46 7DH • Tel 01721 752207

Scale 1:50. April 2017.
Proposed Alterations and Extension to House,
31a, Eldindcan Road, Bonnyrigg,
Mrs Margaret Anderson.



All fire doors to be insulated and achieve 30min fire resistance.
All DPC's to be insulated type.
Ensure all windows and doors have a 'U'-value
which does not exceed 1.4W/m²K.

PROPOSED FLOOR PLAN.

Notice of Review: Land West of Roanshead Crescent, Easthouses, 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' regarding an application for planning permission in principle for the erection of three dwellinghouses at land west of Roanshead Crescent, Easthouses, Dalkeith.

2 Background

- 2.1 Planning application 17/00690/PPP for planning permission in principle for the erection of three dwellinghouses at land west of Roanshead Crescent, Easthouses, Dalkeith was refused planning permission on 17 October 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 17 October 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 15 January 2018; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that four consultation responses and eight representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. 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 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;

- iii proposed new planting, including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion of all soft and hard landscaping;
- vii drainage details and sustainable urban drainage systems to manage water runoff; and
- viii proposed car park configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV2, DEV5, DEV6, DEV7 and DEV9 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DEV2, DEV5 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i a programme for completion for the construction of access, roads and footpaths;
- ii existing and finished ground levels for all roads and footways in relation to a fixed datum;
- iii the proposed roads (including turning facilities) and footpaths;
- iv engineering details, including cross sections, of the culvert over the existing burn;

- v proposed construction traffic access and haulage routes; and
- vi proposed car parking arrangements.

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

Reason: *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

- 4. Development shall not begin until an application for approval of matters specified in conditions setting out details, including a timetable of implementation, of high speed fibre broadband has been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

- 5. Development shall not begin until an application for approval of matters specified in conditions for a scheme of sustainability/biodiversity for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

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

- 6. Unless otherwise agreed in writing by the planning authority no windows shall be installed in the east elevation of the dwellinghouses hereby approved.

Reason: *In order to ensure that there is no overlooking of neighbouring properties.*

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision, the Borders Railway and children's play provision. The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

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: 5 January 2018

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00690/PPP available for inspection online.

APPENDIX A



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

Land West of Roanshead Crescent, Easthouses

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File No. 17/00690/PPP

Scale: 1:1,000

Midlothian Council Licence No. 100023416 (2017)

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Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100074934-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	REM ASSOCIATES		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	RICHARD	Building Name:	
Last Name: *	MCQUEENIE	Building Number:	21
Telephone Number: *	0131 285 3818	Address 1 (Street): *	YOUNG STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	EDINBURGH
Fax Number:		Country: *	UK
		Postcode: *	EH2 4HU
Email Address: *	enquiries@rem-associates.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	BRIAN	Building Number:	54
Last Name: *	MCBRIDE	Address 1 (Street): *	EASTHOUSES
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	DALKEITH
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH22 4EL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Land West of Roanshead Crescent, Easthouses, Dalkeith

Northing

665484

Easting

334077

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority. *
(Max 500 characters)

APPEAL OF REFUSAL DECISION FOR PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF THREE DWELLING HOUSES AT LAND WEST OF ROANSHEAD CRESCENT, EASTHOUSES, DALKEITH - REF 17/00690/PPP

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

THE APPLICANT IS APPEALING THE DECISION NOTICE ON THE GROUNDS THAT REASONS FOR REFUSAL ARE UNFOUNDED. THE SITE HAS PLANNING APPROVAL FOR TWO HOUSES, THIS PROPOSAL IS FOR FOR TWO HOUSES NOT THREE. THERE IS SUFFICIENT INFORMATION FOR APPLICATION IN PRINCIPLE . THERE IS A COUNCIL NEED FOR HOUSING OF THIS TYPE. THE PROPOSAL IS SMALL SCALE AND IN KEEPING WITH THE LOCAL AREA DESIGN AND CHARACTER. THERES IS NO LOSS OF AMENITY OR DISRUPTION TO THE EXISTING HOUSES OR CONSERVATION

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

☐ Yes ☒ No

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

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

PLANNING APPEAL STATEMENT, SITE PLAN 90.03R, PLANNING SUPPORT STATEMENT, ITS TREE SURVEY, COUNCIL LETTER, PLANNING PERMISSION 12/00288/DDP AND ADDISON CONSERVATION - SUPPORT REPORT

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00690

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

31/08/2017

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

17/10/2017

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

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 RICHARD MCQUEENIE

Declaration Date: 08/11/2017

**SUPPORTING STATEMENT – PROPOSED RESIDENTIAL
DEVELOPMENT AT LAND WEST OF ROANSHEAD CRESCENT,
EASTHOUSES , DALKEITH**

The proposed development is for the relocation of an existing detail house consent for house location two and for forming two additional house locations three and four to the vacant ground west of Roanshead Crescent.

There is an approved plan for planning consent for two houses to the North of the proposed site and the outline submission is to formalize the remainder of the site for residential development utilizing a shared private access to house locations three and four. House two will be accessed for the approved extension to road, all providing three car parking spaces. The proposed plot sizes are generous and allow for an excess of 20.0 m between apartment windows.

The proposal forms an acceptable level of development to the current housing and does not incur any additional car parking or loss of amenity to the existing houses, with no over looking or over shadowing.

The house styles are similar to the existing houses and have previously been approved and matching finishes and window styles would be adopted and the plots sizes are very generous.

There will be no major changes to the current infrastructure and limited disruption to the adjacent landscape.

All suitable precautions would be implemented for the duration of the construction works to reduce the impact to the current houses

REM ASSOCIATES – PLANNING APPEAL

APPEAL STATEMENT FOR REFUSAL FOR PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF 2 DWELLING HOUSES AND RELOCATION OF ONE APPROVED DWELLING HOUSE AT LAND WEST OF ROANSHEAD CRESCENT, EASTHOUSES, DALKEITH – REF 17/00690/PPP

The planning appeal is being made against the refusal of the application for planning permission in principle to the erection of three dwelling house at Land West of Roanshead Crescent, Easthouses, Dalkeith,

The Council's decision for refusal are as follows: -

1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicular numbers and construction traffic on unsuitable roads
2. It has not been demonstrated that access can be provided to the proposed dwelling houses; in absence of an access to the dwelling houses there would be additional on-street car parking which would have an adverse impact on the amenity of the area and have a adverse impact on vehicle and pedestrian safety in the area.
3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the level of the site, the loss of a natural landscape buffer and the over development of the site.
4. For the above reasons the proposal does not comply with policies RP5, RP7, RP20 and RP22 of the adopted local plan.

In the form of background for the planning appeal application the site under discussion was "safeguarded" by the Council in the 1990's for the line of the A6094-A68 Bonnyrigg – Dalkeith Distributer Road, however this was lifted in July 2000. This obviously prevented the land from being included in the proposals for the now built residential development at Roanshead Crescent. If this had not been the case the land would have been developed at the same time. A copy of the letter confirming the lifting of the safeguard is attached to the application.

It should also be noted that the description of the application does not reflect the fact that house two is actually a re-location from a previous consent for two dwellings as part of application ref 12/00288/DPP. So it is a muted point to say that the application is for three new dwelling houses, it is more a relocated of an approved dwelling house and a proposal two new dwellings, which reduces the impact to the amenity, land and conservation of the surrounding area and houses. There was another application ref 10/00437/DPP for one dwelling house, four flatted dwellings and associated car parking but this was refused. However again it should be noted that the current application is for two new dwellings and one dwelling relocation, a significant reduction in the number and density of dwellings. This is borne out by the supporting statement, which clarifies this point but has not been taken account of whilst considering the application.

REM ASSOCIATES – PLANNING APPEAL

The proposed drawing ref 90.03 shows that the access is clearly taken from the approved road extension to the estate with a private shared driveway to houses three and four, all houses have an allocation of 300% car parking and are compliant with overshadowing and distance between apartment windows. The proposed dwellings are of a similar design, using similar materials to the currently built properties and should therefore not present a problem in terms of scale or design. The ground works or engineering works are similar in nature to the current engineering works for the two approved house and the built dwelling houses and as such are not excessive or obtrusive or over engineered.

On consultation of the application there was eight representations received with varying comments. The other comment was received from the Policy & Road Safety who commented on the there was no objection in principle to the access arrangements other than there would be more detailed information required regarding road widths, gradients and drainage, which would normally be provided at a detailed application stage, however the construction of the private access road and the house foundations has been considered by Addison Conservation, civil engineers and the construction of the road and the house foundations are all within the scope of normal foundation and construction methods. No specialized foundations or underbuilding required.

The other comment was that the occupants have a long way to walk to present their waste bins. This would seem a muted point and is an issue for any prospective owner and not a planning issue on a private shared access road.

In terms of the objections received regarding road access, road safety, construction traffic, all of these factors would be covered by a management construction plan and a health and safety plan, this would be a mandatory for a development of this nature and this would govern access times, working times. It should be noted that this is small development and as such the timescales should be reflective of this and would be covered by planning conditions as per the previous consent conditions as approved by the Council.

In terms of loss of amenity the area of ground is currently scrub ground with no natural planting of any importance. The trees to the adjoining conservation area will not be disturbed as these are deemed to be protected and would be covered by planning condition as per the previous consent conditions as approved by the Council.

There would be no undermining of current land during the operations as all the ground works and engineering works are of standard construction and currently some of these operations have been carried out without any concerns being raised.

There would be no loss of daylight to any of the current properties as the distances are within policy guidelines and there would be no over looking as the proposed house would have no apartment windows overlooking the existing houses. House 3 is located opposite garden ground and house 4 is in line with the current line of dwellings, a

REM ASSOCIATES – PLANNING APPEAL

“gable to gable” situation currently adopted within the current residential development. The location of house 2 is actually better than the approved location as it is now located further away from the existing houses.

We can now turn our attentions to the reasons for the refusal and comment on these in order: -

Reasons

1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicular numbers and construction traffic on unsuitable roads.

The proposal as previously stated is in essence for an additional two dwellings and as such it is hard to see where the adverse effect to the amenity will take place when a controlled management system for ground works and construction of the houses would be implemented as put forward and approved for the consented application 12/00288/DPP. The plant required for the development of the site has already been on site without an effect to the unsuitable roads. If the Roads are adopted there is assumption that the roads are capable of taking construction traffic. Again this would all be covered by a condition and a suitable management plan as already agreed by condition with the Council for application 12/00288/DPP.

2. It has not been demonstrated that access can be provided to the proposed dwelling houses; in absence of an access to the dwelling houses there would be additional on-street car parking which would have an adverse impact on the amenity of the area and have a adverse impact on vehicle and pedestrian safety in the area.

It is clear that an access to the dwelling houses has been demonstrated as per site plan 90.03 R, which clearly indicates private road access with passing places to houses 3 and 4. It would be anticipated that further details would be required as per the consultation by the Policy & Road Safety on a detailed application. It is noted that Policy & Road Safety had no concerns in principle. 300 % car parking has been provided to new houses more than the current properties have and if required there is space for additional off-street car parking. The private shared private access has passing places for ease of use. The construction of the private access is 3.5 m wide and the construction method of the road is within normal guidelines with no specialized engineering.

3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the level of the site.

The proposed houses are of a similar design and material finish as the existing dwellings and comply in terms of over shadowing, daylight and distance to boundaries for apartment windows. They are also similar to the recent approved dwelling with the site

REM ASSOCIATES – PLANNING APPEAL

area being discussed; the argument that they will have an adverse affect is not founded. The significant engineers works referred to is again not dissimilar to the works for the approved houses and the current proposals indicate that the foundation works are within the normal scope of house foundations and are not specialized. There is works at the burn but these would take the form of a culvert and localized engineering works to form the road access to house 4. There are alterations to the site contours to accommodate the dwellings and has already been carried out for the houses 1 & 2 without any consequences and all planning conditions where met, therefore the engineering works are not specialized and are not excessive. The works are adjacent to the conservation area, however the site was once considered as a road access and as such would have had more impact on the conservation area than two additional dwelling house and engineering works. The conservation area is not to be disturbed and there would be no loss of trees. Before any works were to be commenced a further tree survey would require to be carried out to update the current tree survey, however it would be anticipated that the trees have deteriorated further given that no maintenance has been carried out since the last tree survey. The previous tree survey commented that the trees along the boundary of the conservation area are of moderate quality only. The existing stone boundary wall is in a state of disrepair and any further repairs would have to be assessed, if to be undertaken. It may be that the cost of the works could be shared with the current landowner.

4. For the above reasons the proposal does not comply with policies RP20, RP22 of the Midlothian Local Plan and policies DEV2 and ENV19.

In response to the final statement of the refusal notice the following comments and arguments are sought to overcome the decision for refusal.

RP5 - There is no loss of significant landscape, no loss of trees. The land does bound the conservation area but this area is badly managed is not in a good shape, with the stone wall badly requiring repair which could become a condition of the application and the trees bounding the site only moderate quality. A landscape proposal is already in place for the current houses and this would be extended to the proposed two houses as indicated on drawing 90.03. See the attached original tree report in support of comments regarding the boundary trees.

RP7 - The landscape character of the site is not of any great significance, with the ground mainly containing scrub and has been partly developed for the approved houses. There are currently no significant trees on the site and all major trees are bounding the site. Care has been and will be taken not to adversely affect any of the trees as they do provide amenity to the area.

RP20 - In terms of development within a built up area, again the density of the proposals are less than the existing dwelling houses either built or approved, the design and style is similar as is the proposed materials. The current land offers no amenity to the existing houses, with it being general low-level scrub and grasses. The

REM ASSOCIATES – PLANNING APPEAL

real amenity is the conservation area, which is to be preserved and in the long term enhanced with regular maintenance. Given that the site was once considered for a major road access, this development forms much less of an impact.

RP22 – The site its self is not in a conservation area but bounds the conservation area. It currently has planning for two houses and the current application is for a further two dwellings, which is not excessive given the site area. The proposed house would be of similar design and scale to the current dwellings. The extent of the site does reflect the wish to make it feel part of the original development and not encroach in any on to the conservation area, which is the natural buffer, as the current site is mainly scrub, has no amenity value and has planning currently for two dwellings.

DEV2 – The proposed development is very similar to the current development and does not detract from the existing character, it is set behind the existing residential development. The house and garden design are similar in nature to the existing; the site is a slopping site that involved engineering works to accommodate the existing houses, roads, drainage and services. The strip of land in question was not utilised as it was ear marked for road development and was never considered for anything else at the time and now partly approved for house and partly scrub land with no vegetation or trees of any significant note, it is not amenity land to the existing house, it is private land with no relationship to the current house. It would be sensible complete the development and maintain the character of the overall site and complete the relationship.

ENV19 –The development of the far end of the site will not adversely affect the character and appearance of the Conservation area. The approved development for two houses, 12/00288/DPP has had all it's conditions met in terms of the proposal and this bounds the conservation area. There is not intention for the further development to encroach on to or in to the conservation area, but to maintain the conservation area but making sure non of the trees are adversely affected or the stone wall, by providing suitable protection during any construction works. All as per the previous planning conditions, which have been met. Consideration should be applied to the conservation area but this should be via the current land owner to establish a maintenance plan for the current trees, which are deteriorating year on year and the stone boundary wall is falling down in sections.

In conclusion it is felt that decision to refuse the planning application in principle is unfounded and unjust given that housing development is supported within Midlothian and is supported by Council policy. The proposed development is in fact a small-scale development only for an additional two dwellings not three as stated in the planning application. The Conservation area is being preserved along with the trees and the boundary stone walling. There is no significant loss of amenity to the existing residents and any disruption will be kept in check by a suitable construction management plan. The engineering works are of normal considerations and well within the scope of a minor development. The existing adopted roads would be suitable for this type of

REM ASSOCIATES – PLANNING APPEAL

works and would have to comply with a management plan to be agreed with the Council, they have already been subject to site works for the two approved houses without any concerns.

There are notes of opposition and concern to the proposal from neighbouring properties, these concerns should be noted and addressed under normal practice of carry out a development of this nature via planning condition and health and safety and construction planning. The proposed development will be for a limited period only and is small scale and would be closely monitored, and controlled by planning conditions, which are applied for all construction developments within residential areas. Full protection to current amenities would be paramount and could not be ignored. Therefore it is argued that these objections cannot form a refusal of planning policy.

The style, design and the materials to be used for the proposed houses are to match the existing. The engineering and the private road access are not dissimilar to the formation of the existing development but of a minor scale.

The engineering works associated with this proposal are not specialized and are normal engineering works and have to be carried out in a professional manor providing full consideration to the adjoining properties and the conservation area at all times. Again we would confirm that some of these works have already been carried out without any concerns being raised and in line with the planning conditions.

It is therefore felt that positive decision for the planning appeal application would be the correct decision and any remaining concerns should be considered and agreed by a detailed planning application to allow for further detailed information to be provided and planning conditions applied to safe guard all planning concerns.

Documents in support of this statement

Drawing 90.03 R SITE PLAN

Previous Planning application supporting statement

ITS tree survey

Council letter – Dated 19 July 2000

Planning Permission 12/00288/DDP

Addison Conservation – Road engineering report

Our Ref 17-917
Your Ref

06th November 2017

Bush House
Room F4
Edinburgh Technopole
Milton Bridge
nr Penicuik
EH26 0BB

Tel 0131 445 8624
Fax 0131 445 8625

REM ASSOCIATES
21 Young Street
Edinburgh
EH12 4HU

Dear Sirs

**PHASE 2 DEVELOPMENT
LAND WEST OF ROANSHEAD CRESCENT,
EASTHOUSES, DALKEITH
DITCH/ROAD CROSSING AND FOUNDATIONS**

We have been asked to look at the plans of the site of the above development and to comment on any engineering involved in taking the extended road over an existing overflow ditch which traverses the site. A question has been raised over its feasibility.

We have also been asked to comment on the engineering involved in creating the foundation profiles for the houses and whether there are any risks from excavating the site to create level platforms for them.

1. DITCH CROSSING

Subject to a check on the design requirement derived from a site survey and "200 year" flood estimate and associated hydraulic flow calculation, we do not see any particular problems with such a minor partly used watercourse in designing either a precast concrete/piped culvert or a rectangular channel of a small bridge. Moreover we would see no practical difficulty in engineering or constructing such a structure. The road carrying capacity will not be an issue with the modest span which will emerge from a calculation.

We are aware that the local ground conditions are favourable for excavations and for foundation and wing wall construction.

Its depth would appear to require the crossing to have a parapet to Road Standards and a means of clearing debris from the channel.

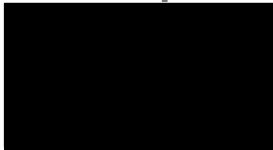
2. EARTHWORK AND HOUSE FOUNDATIONS

The maximum excavation depth to create a level platform at each house location would appear to be no more than 1 metre and a "cut and fill" approach would therefore be reasonably practical with the actual footings extended down through the fill on to original ground. The excavations are located such that instability of the adjoining houses could ever occur. There would be no abnormal engineering involved.

The fill material would have to be suitably compacted for supporting external drains and the gardens.

We trust that these comments are helpful to you.

Yours faithfully



John Addison
for Addison Conservation + Design

Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
Midlothian EH22 1YL
Tel 0131 270 7500

Strategic Services

Director
John Allan

Midlothian

19 July 2000

Mr J McBride
Parkhead Garage
Easthouses
DALKEITH
Midlothian EH22 4EL

Dear Mr McBride

**FINALISED MIDLOTHIAN LOCAL PLAN : SAFEGUARDING OF
BONNYRIGG - DALKEITH DISTRIBUTOR ROAD : LAND AT
EASTHOUSES**

Thank you for your recent correspondence regarding the intention of the Finalised Midlothian Local Plan in respect of the continued safeguarding of the line of the A6094 - A68 Bonnyrigg - Dalkeith Distributor Road.

At the meeting on the 28 June 2000 the Strategic Services Committee considered a report on the objections received to the Finalised Midlothian Local Plan transportation issues. One objection was received to the possible dropping of the safeguarding of the line of the A6094 - A68 Bonnyrigg - Dalkeith Distributor Road (Kippielaw Section). This section includes the land in your ownership. The objection was concerned that should a decision be taken not to proceed with the A68 Dalkeith Bypass, the strategic need for the A6094 - A68 distributor in traffic terms will increase.

The Committee decided that, should a need for the road be demonstrated in the future, the northernmost section of the distributor could be provided by Easthouses Road. It would therefore no longer be necessary to continue safeguarding the land in your ownership.

Please ask for:	Anne W Geddes	Direct Dial:	0131 271 3468
Your Reference:		Fax Number:	0131 271 3239
Our Reference:	2858/AWG/SM	Minicom No:	0131 271 3610
E-mail:		DX	540 568 DALKEITH

20711

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

Planning Application Reference: 17/00690/PPP

Site Address: Land West Of Roanshead Crescent, Easthouses, Dalkeith.

Site Description:

The application site comprises of a long strip of land, which is some 17 to 19 metres in width, to the west of a residential development at Roanshead Crescent. The application site is set down from the land on which the dwellings at Roanshead Crescent are located. The strip of land varies in levels to the southern side of the site with steep slopes in areas whereas the northern side is relatively flat.

The land contains some self seeded vegetation and there are young trees located to the southern half of the application site. To the west of the application site there is a natural stone boundary wall with an area of mature trees located west of this. The land immediately west of the application site is located within the conservation area.

The residential development to the east comprises two-storey detached and semi-detached dwellings.

Proposed Development: Application for planning permission in principle for the erection of 3 dwellinghouses.

Proposed Development Details:

Planning permission in principle is sought for the erection of three dwellinghouses.

While the submitted planning application is in principle only the applicant has submitted some indicative drawings for the Planning Authority to consider.

One of the proposed dwellinghouses relates to an earlier planning permission. This house is labelled house 2 on the submitted plans. The submitted plan also indicates the location for house 1 which was granted permission in 2012, planning application 12/00288/DPP, but does not form part of this planning application.

The submitted plan details an indicative layout for the three dwellinghouses which are labelled houses 2, 3 and 4. It is detailed on the submitted plan that the proposed dwellinghouses will comprises of 4 bedrooms and will be two storey detached dwellings.

The gable end of house 2 is proposed some 16 metres west of the rear of no.15 and 16 Roanshead Crescent which are a semi-detached pair. House 2 picks up the building line of no.15 and 16 Roanshead Crescent.

The gable end of house no.3 is proposed some 16 metres west of the rear elevation of no. 12 Roanshead Crescent and is located some 10 metres north west of no. 11 Roanshead Crescent.

The gable end of house no.4 is located some 5 metres west of no.9 Roanshead Crescent and picks up the building line the neighbouring property.

The proposed indicative layout details a private access which will connect to Roanshead Crescent at the northern end of the site and will run along the eastern boundary to provide vehicle access to each dwelling. The proposed vehicle access runs along the rear gardens of neighbouring properties east of the application site. It is proposed that each dwelling will have 3 parking spaces to the front of the property.

It is noted that a similar proposal was submitted and refused planning permission in principle in May 2017. The current application differs slightly as it includes one passing bay between house no. 2 and no.3 and two passing bays between house no. 3 and no.4.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

Planning permission was refused in May 2017 for planning permission in principle for the erection of three dwellinghouses. Planning ref: 17/00150/PPP.

Planning permission was granted in 2012 for the erection of two dwellings and formation of driveways and associated work. (this application is associated with house no.1 and the relocation of house no.2) Planning ref; 12/00288/DPP.

Planning permission was refused in 2011 for the erection of one dwellinghouse and four flatted dwellings, the formation of car parking area and associated works. Planning ref: 10/00437/DPP.

Consultations:

Scottish Gas Network (SGN): Initially objected to the development proposal due to the proximity to a High Pressure Pipeline, a site visit was to be arranged with a local engineer to gather further information. A site visit was carried out on the 3rd of October 2017 with a local engineer from SGN to locate the exact location of the High Pressure Pipeline in relation to the application site. The engineer advised that the three dwelling houses should have no effect on the High Pressure pipeline. SGN withdrew their objection on the 16th October 2017.

Policy and Road Safety Manager: No objection in principle but raised concerns with regards to the proposed vehicle access. It was noted that the Policy and Road Safety Manager would not be in a position to support the current proposal due to the concerns.

Flood Risk Manager: No objection in principle but raised concerns over the potential impact on the Mary Burn which flows through the site and surface water drainage. It was noted that the Flood Risk Manager would not be in a position to support the current proposal due to the concerns.

The **Council's Head of Education** offered comments on the previous application and advised that the development of 3 dwellings would give rise to two primary pupils and one secondary pupil. In Paragraph 4.10 of the Supplementary Guidance of Developer Contributions, it is stated that for developments of 3-9 units, the Developer Contribution ignores the first 2 units. Thus, for the calculation of Developers' Contribution, a contribution would be levied for 1 house only. The Council's Head of Education has advised that the applicant will be required to make a developer contribution towards non-denominational primary school provision for the provision of an extension to a school. A developer contribution will also be required towards secondary non-denominational provision and towards denominational secondary school capacity.

Scottish Water: Offered no response.

Representations:

There have been 8 objection representations received, all of which raise concerns in relation to the development proposal. All representations can be viewed fully via the online planning file. The representations that objected raised concerns which can be summarised as follows:

- Concerns relating to health and safety, especially during construction;
- Concerns relating to impact on neighbour amenity due to overlooking, loss of privacy and daylighting;
- Concerns relating to parking and road safety;
- Concerns regarding construction traffic resulting in safety hazards and road safety concerns for children within the locale;
- The proposed development will result in a loss of light to neighbouring gardens;
- The proposed access road will impact the stability of the sloping gardens and dwellinghouses which back onto the application site;
- Concerns relating to large vehicle access to the site such as bin lorries and removal trucks;
- Noted that neighbouring dwellinghouse no.12 is not indicated on the submitted plan;
- Concerns relating to works that may happen to neighbouring property fence; and
- Adverse visual impact upon the trees and character of the area;
- Concerns relating to the impact upon existing wildlife.

Relevant Planning Policies:

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

RP5 – Woodland, Trees and Hedges - Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order) and hedges which have particular amenity, nature conservation, recreation, landscape character, shelter, or other importance.

RP7 – Landscape Character - Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable it shall respect the local landscape character and contribute towards its maintenance and enhancement.

RP20 – Development within the Built-Up Area - seeks to protect the character and amenity area.

DP2 – Development Guidelines – This policy sets out the Development Guidelines that are to be applied for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

The **Midlothian Local Development Plan (MLDP)** was submitted to the Scottish Ministers for examination on 09 September 2016. The Council is minded to adopt the Proposed Midlothian Local Development Plan and this may happen at the meeting of the Council on 7th November 2017 (unless the Council is instructed not to by Scottish Ministers). As this plan is at an advanced stage of preparation it represents the settled view of the Council and is therefore a material consideration of significant weight in the assessment of applications. The following policies in the MLDP are relevant to this application:

Policy **DEV2: Development within the Built-up Area** states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.

Policy **ENV7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.

Policy **ENV11: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.

Policy **ENV19: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas.

Planning Issues:

This application is for planning permission in principle for the erection of three dwellinghouses. The proposed location for the three dwellinghouses within the application site is indicative. Planning permission in principle is to establish the acceptability of a proposal in principle without having to develop the detailed proposals. Should the principle of three dwellinghouses be deemed acceptable, then any buildings should satisfy the relevant adopted policies and should be acceptable in terms of all other material considerations. Should it be demonstrated to be acceptable then conditions will be attached in relation to detailed matters.

The application site is located within the built-up area, as defined by policy RP20 of the adopted local plan, where there may be scope for the application site to be

developed so long as the development proposal does not result in a detrimental visual impact on the area or results in a harmful loss of amenity.

The strip of land which forms the application site is located between an existing residential development and the conservation area and countryside. There are a number of mature trees immediately west of the application site which is also located within the conservation area. There are a number of young trees within the southern half of the application site which will be lost as a result of the erection of House 3 and House 4. Policy DP2 states where development sites abut the countryside trees belts, an average of 30 metres buffer will be required to ensure the effect of the planting is well maintained as the trees mature. The strip of land which forms the application site is some 17-19 metres wide and currently acts as a buffer between the built up area and the countryside and conservation area. Policy RP7 and RP5 states that development will not be permitted where development will result in the loss or damage to the landscape character, local diversity and distinctiveness of landscape character including the natural and built heritage features. This is reiterated within the proposed local development plan policies ENV7 and ENV11. The erection of additional dwellinghouses will result in the loss of the landscaped buffer and will also result in a detrimental visual impact on the conservation area and locale.

It is noted that the most northern dwellinghouse (house 2) is related to a historic planning application (12/00288/DPP) which remains extant. This application seeks to relocate house 2 slightly further south-west within application site to allow for a private vehicle access road to be formed to serve house 3 and house 4 and parking spaces to be formed to the front of house 2. The relocation of house 2 is considered to be acceptable and there are no material planning considerations which would warrant the refusal of the relocation of house 2.

However, with regards to the proposed indicative layout of the house 3 and house 4, it appears that house 3 and house 4 line up with some of neighbouring dwellinghouses within Roanshead Crescent. However, it is considered that the proposed site plan shows that houses 3 and 4 are disconnected from the rest of the application site and the existing residential housing to the west of the application site. The development of the southern half of the application site does not make a positive contribution towards the character of the area. It is considered that the previous planning application for the erection of two dwellinghouses (12/00288/DPP), which remains extant, maximised the potential for the development of the application site. The principle of an additional two dwellinghouses within the southern half of the application site will result in the overdevelopment of the site and results in a detrimental visual impact upon the character of the locale and adjacent conservation area.

The application site varies in levels and significant engineering works will be required to enable development. Minimal information has been submitted with regards to the levels of the site. The cross sections that have been submitted with the application indicate a very heavily engineered detail, which is contrary to one of the aims of policy DP2, which looks for developers to work with site contours.

With regards to the proposed vehicle access there are concerns in relation to road safety. The road safety manager offered no objection to the principle of the development proposal, but has raised concerns about the deliverability of the scheme. Further details would be required to demonstrate that the proposed long private vehicle access would be at least 3.5 metres wide, including section plans to demonstrate the clearance and gradient from the existing fence to the rear of neighbouring properties to the east of the application site. It is also noted that the construction of the access road leading to house 4 will require the culverting of a section of Mary Burn. No details of this engineering feature have been provided. SEPA offer standing advice with regards to culverting. The advice is that culverting should be avoided where possible. It has not been demonstrated to the satisfaction of the Planning Authority within the submitted application that a safe vehicle access could be formed without causing detriment to neighbouring properties.

It is noted that the proposed vehicle access road to the houses 3 and 4 would be private. Therefore, waste and recycling collections would take place at the end of Roanshead Crescent resulting in a considerable walk for residents.

It is noted that this revised application now includes vehicle passing bays. It has not been demonstrated to the satisfaction of the Planning Authority that a vehicle access can be provided to serve house 4. Whilst not a reason for refusing the application in itself it would result in an undesirable situation of encouraging more on-street parking in an already quite congested area.

Should the vehicle access not be viable, the proposed houses could still be built (although it is difficult to envisage how construction traffic would gain access) and the occupants could perhaps find a way of accessing the site, they would have to park their cars elsewhere in the estate, therefore contributing further to levels of undesirable on-street parking.

The Flood Risk Manager raised concerns with regards to the proposed vehicle access in terms of the impact upon the burn which runs through the site. No information has been submitted with the application in relation to surface water drainage for the access road. Given the considerable length of the access road some form of drainage and an outfall would be required.

The application site is located to the west of Roanshead Crescent which comprises finished residential streets, laid out as two cul-de-sacs, which are not designed for construction vehicles. Vehicle access to the application site would be gained via the cul de sac located in between no. 16 and no.17 Roanshead Crescent which is to the northern half of the application site. It is noted, that if construction vehicles were to use the streets, there is a view that there would be a safety risk to the children who live and play in the area. The estate has been designed in such a way that it slows vehicles down, but this also makes it difficult for larger vehicles to navigate without causing damage to properties, particularly given the levels of on-street parking. The proposed development will have an unacceptable impact on the area by way of increased vehicle numbers and construction vehicles adversely affecting the current levels of amenity enjoyed by residents in Roanshead Crescent.

The distance between the dwellings broadly complies with the standards set out in policy DP2. It also appears that the dwellings have sufficient amenity space around them, although it is not clear how usable this space is in the absence of a levels plan or more detailed cross-section drawings.

Given the orientation of the buildings involved it is considered that there will be no significant loss of light for existing dwellings. And although there will certainly be a change in the outlook from some existing dwellings there will be no significant overbearing impact. In any event it is not the role of the Planning Authority to protect the view from a private residence.

All material planning considerations raised within the representations have been addressed above within this section of the report. However, with regards to concerns relating to no.12 Roanshead Crescent not being detailed on the submitted plans, all of the impacts upon neighbouring dwellinghouses were taken into consideration and a site visit was carried out to fully assess the development proposal. With regards to concerns relating to private property (e.g the fence) this is not material planning considerations, this is a private legal matters between the parties involved.

On the whole, the proposed development will result in a detrimental impact on amenity in terms of increased vehicle numbers and construction traffic, the proposal will also have an adverse impact on the appearance of the area and potentially impact on the adjacent conservation area and the proposed development is also considered to be an overdevelopment of the application site and is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan policy DEV2 of the proposed Midlothian Local Development Plan. The development proposal will result in an adverse visual impact on the character of the locale and is therefore contrary to policies RP5 and RP7 of the adopted Midlothian Local Plan and policies ENV7 and ENV11 of the proposed Midlothian Local Development Plan. .

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

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00690/PPP

REM Associates
21 Young Street
Edinburgh
EH2 4HU

Midlothian Council, as Planning Authority, having considered the application by Mr Brian Mcride, 54 Easthouses, Dalkeith, EH22 4EL, which was registered on 31 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Application for planning permission in principle for the erection of three dwellinghouses at Land West of Roanshead Crescent, Easthouses, Dalkeith

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	31.08.2017
Site Plan, Location Plan and Elevations	90.04 1:1250	31.08.2017

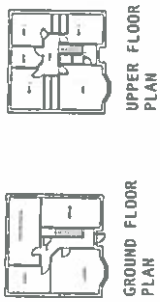
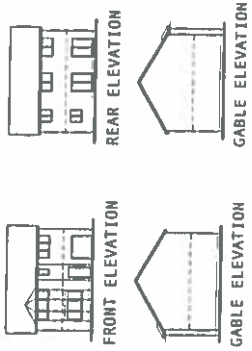
The reasons for the Council's decision are set out below:

- 1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicle numbers and construction traffic on unsuitable roads.*
- 2. It has not been demonstrated that access can be provided to the proposed dwellinghouses; in the absence of an access to the dwellinghouses there would be additional on-street parking which would have an adverse impact on the amenity of the area and have an adverse impact on vehicle and pedestrian safety in the area.*
- 3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the levels of the site.*
- 4. For the above reasons the proposal does not comply with policies RP20 and RP22 of the Midlothian Local Plan and policies DEV2 and ENV19 of the proposed Midlothian Local Development Plan.*

Dated 17 / 10 / 2017



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



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DATE	FEB 17
PROJECT NO.	98 04
TITLE	1 2500A181 5000A3
REV	REM9-219
DESIGNER	MR B MCBRIDE
PP SITE PLANS	
PHASE 2 DEVELOPMENT LAND WEST OF ROADSHEAD CRESCENT EASTHOUSES, DALKEITH	

