

Notice of Review: Land to the rear of 180 Main Street, Pathhead

Determination Report

Report by Derek Oliver, Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of dwellinghouse on land to the rear of 180 Main Street, Pathhead.

2 Background

- 2.1 Planning application 20/00353/DPP for the erection of dwellinghouse on land to the rear of 180 Main Street, Pathhead was refused planning permission on 28 July 2020; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 28 July 2020 (Appendix D); and
 - A copy of the key plans/drawings.
- 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 determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was three consultation responses and five representations received. As part of the review process the interested parties were notified of the review. Two additional comments reinforcing their objections have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported 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. Prior to the commencement of development, the following details shall be submitted and approved in writing by the planning authority:
 - a) Details and a sample of all external materials;
 - b) Details of the materials of any areas of hardstanding; and
 - c) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

Reason: *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the surrounding conservation area.*

2. The roof material approved in condition 1a) above shall be natural slate.

Reason: *In order to ensure that the development hereby approved does not detract from the character and appearance of this listed building and surrounding conservation area.*

3. Prior to the commencement of development, a dimensioned plan showing the area of land available for manoeuvring vehicles shall be submitted to and approved in writing by the planning authority. This shall include an AutoTrack showing the tracking of a standard private vehicle entering, turning and exiting the site.

Reason: *It has not been satisfactorily demonstrated that there is sufficient space available for vehicles to turn within the site.*

4. Prior to the commencement of development, a comprehensive Construction Method Statement shall be submitted for the approval of the planning authority, after consultation with Transport Scotland. This shall include details of how material deliveries will be made to the site so as to prevent delivery vehicles reversing out onto the A68 trunk road across the footway or obstructing northbound through traffic on the A68 trunk road.

Reason: *To minimise interference with the safety and free flow of the traffic on the trunk road.*

5. Details of the proposed surface water management plan for the new development shall be submitted to and agreed in writing by the Planning Authority.

Reason: *To ensure that no additional flooding risk will arise from the proposed development.*

6. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of 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 in accordance with the requirements of policy IT1 of the adopted Midlothian Local Development Plan 2017.*

7. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the planning

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

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

6 Recommendations

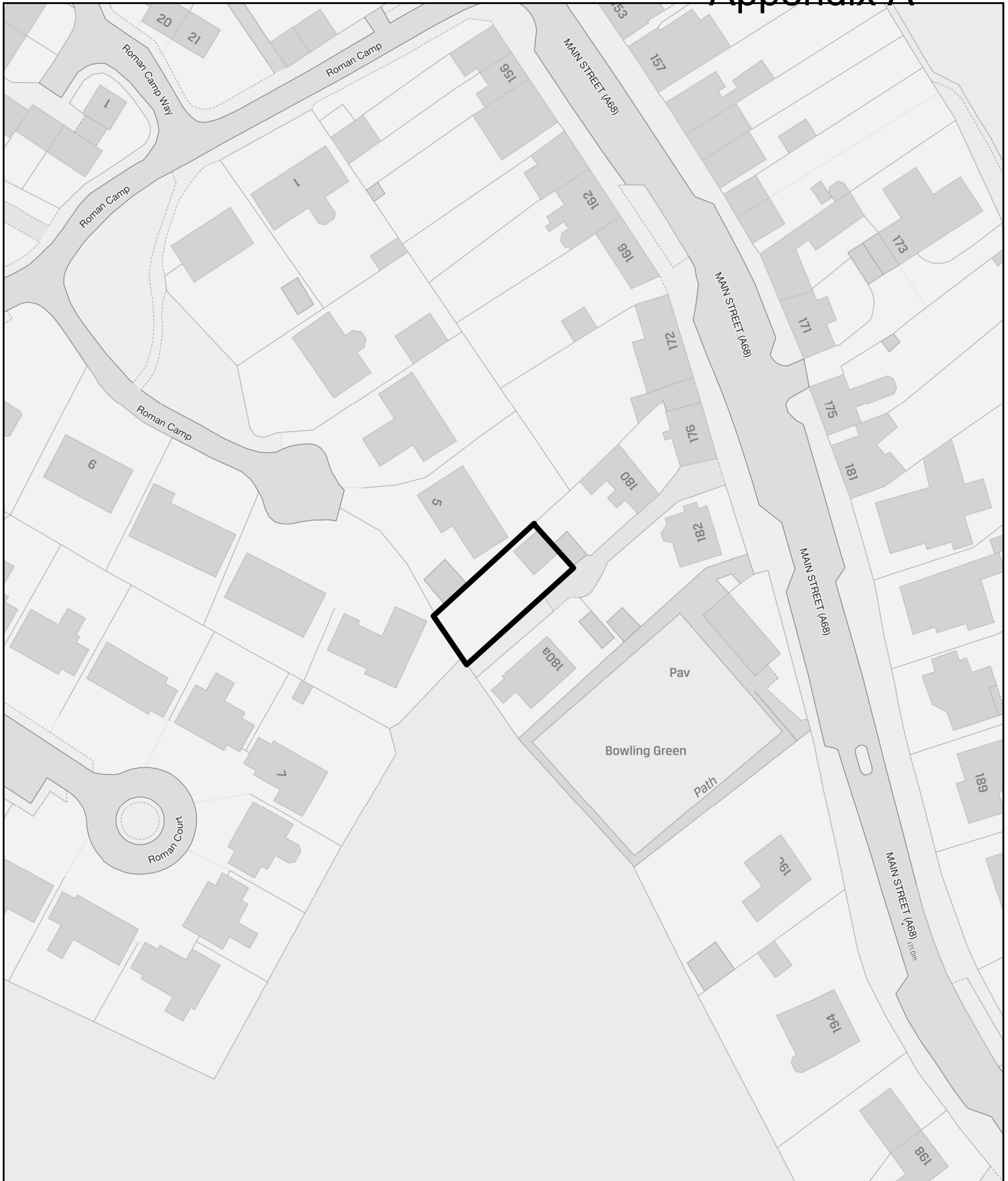
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 7 December 2020

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

Background Papers: Planning application 20/00353/DPP available for inspection online.

Appendix A



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Erection of dwellinghouse at Land to Rear of 180 Main Street,
Pathhead

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File No: 20/00353/DPP

Scale: 1:1,000





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 100251116-002

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:	<input type="text" value="block 9 Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stephanie"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Else"/>	Building Number:	<input type="text" value="21"/>
Telephone Number: *	<input type="text" value="0131 629 4950"/>	Address 1 (Street): *	<input type="text" value="Castle Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH2 3DN"/>
Email Address: *	<input type="text" value="stephanie@block9architects.com"/>		

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

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Stuart"/>	Building Number: <input type="text" value="21"/>
Last Name: *	<input type="text" value="Duncan"/>	Address 1 (Street): * <input type="text" value="Castle Street"/>
Company/Organisation	<input type="text" value="block 9 Architects"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH2 3DN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="info@block9architects.com"/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="663882"/>	Easting	<input type="text" value="339707"/>
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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)

Construction of 1 no. new dwellinghouse, including private landscaped garden and driveway, on vacant land to the rear of 180 Main Street, Pathhead.

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 refer to "Grounds for Review" document provided.

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)

Original Application Form, Community Consultation Letter, Original Planning Drawings - Location Plan, Proposed Site Plan, Proposed Plans, Proposed Elevations, Proposed Sections, Design & Planning Statement, Objection Comments Response, Decision Notice, Delegated Short Report, Grounds for Review document

Application Details

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

20/00353/DPP

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

28/05/2020

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

28/07/2020

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)

A hearing would be beneficial to allow further representation from the agent and consultants to the project, as well as a site visit to allow the LRB to gain a full appreciation of the issues relating to the application site.

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: Miss Stephanie Else

Declaration Date: 04/09/2020

Due to the contentious history of planning applications on the site, it was our intention to undertake a full community consultation, inviting neighbours, residents from close by and interested parties along to a presentation of the proposals, held at Pathhead Village Hall. Unfortunately, due to the enforcement of Lockdown on 23rd March, this meant that this approach was no longer viable. Instead, the immediate neighbours were approached with a written letter sent in the post with details of how to contact us so we could issue them with a direct copy of the full Planning submission in order that we could gain their thoughts and opinions and incorporate this within our proposals.

A copy of this letter can be found below, along with a list of neighbouring properties which this was sent to:

Preston Hall Estate, Pathhead

5 Roman Camp Way, Pathhead

6 Roman Camp Way, Pathhead

176 Main Street, Pathhead

180 Main Street, Pathhead

180A Main Street, Pathhead

182 Main Street, Pathhead

There were two responses to this consultation letter, both of whom we immediately followed up with by their provided e-mails. All application drawings and the design statement were forwarded to them, along with additional follow up e-mails.

One respondent had no further response to the two e-mails which were sent.

The other noted that they were largely in support of the application, stating that it had been designed well and they were in support of the principal of development on the site, they believed the proposals comprised a well-designed and sensible layout. Their only concern was with ensuring the reinstatement of the lane should it be excavated for the installation of services. We have consulted with our client on this matter and it is their full intention to reinstate the lane to a higher standard to that of the existing condition once works to the lane are completed.

To whom it may concern



Dear Sir / Madame

Re: Preparation of Application for Planning Permission – Land to the rear of 180 Main St, Pathhead

I would like to take this opportunity to invite you to view our proposals and approach for the erection of a single dwelling on the above land. We would have preferred to have taken the opportunity to meet with all neighbours in person and presented our proposals to you on site, however given the current restrictions on movement this is unfortunately not possible, so we have attached a web link to our designs and invite you to review them, feed back to us with any comments or questions you may have to us and allow us to open a dialogue with you.

We appreciate there appears to have been a problematic history of planning applications and building work undertaken on the site in the past, and that you may well have looked at proposals for this site before and written to the council without having had the opportunity to discuss with the designers prior to planning submissions being made.

This new approach for our client is for a modest house which we believe to be more appropriate with its immediate context. Our client is hoping to relocate to Pathhead from East Lothian with his family. The house has been designed to meet their requirements, and also in an effort to address some of the issues which resulted in the refusal of previous proposals (such as its impact on neighbouring properties, scale, suitability of design etc).

We would like to offer you the opportunity to see how the proposals are progressing and enable you to have a say in how the development on this site moves forward. We are therefore approaching you at this early stage, before presenting these drawings to the Planning department, so we can gather any views or comments suggested by residents and try to incorporate these in our formal submissions if possible.

The documents for the application can be viewed and downloaded here:
<https://www.dropbox.com/sh/xi7r8vuzfgpqf83/AAD-dsle7-UbapoHF8HMQWOga?dl=0>

I hope you will find this useful and we look forward to hearing from you by reply - either by email on sandy@block9architects.com, or by phone on 0131 629 4950 .

I would be very grateful if you were able to respond to me within the next week or so if that is possible.

Yours faithfully,

A black rectangular box used to redact the signature of Sandy Anderson.

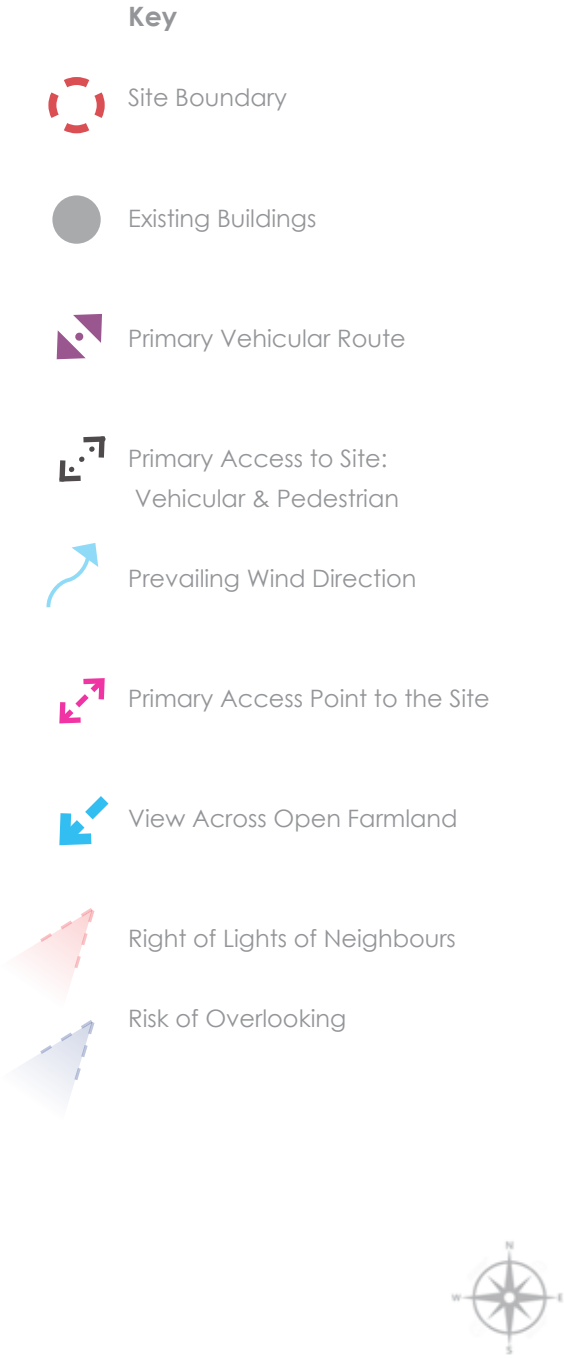
Sandy Anderson, Director, block 9 ARCHITECTS LTD

block 9 ARCHITECTS LTD
21 Castle Street
Edinburgh
EH2 3DN
Edinburgh Office - 0131 629 4950
info@block9architects.com
www.block9architects.com

3.2 Site Analysis

Both physical and environmental conditions are taken into consideration to ensure the design suitably responds to these.

The site has several neighbouring properties and gardens around it that will be key factors in developing our design proposals. Maintaining privacy to the existing dwellings as well as to the new proposed dwelling shall be of the utmost importance.



Site Analysis Diagram - As existing.

4.0 PREVIOUS APPLICATION

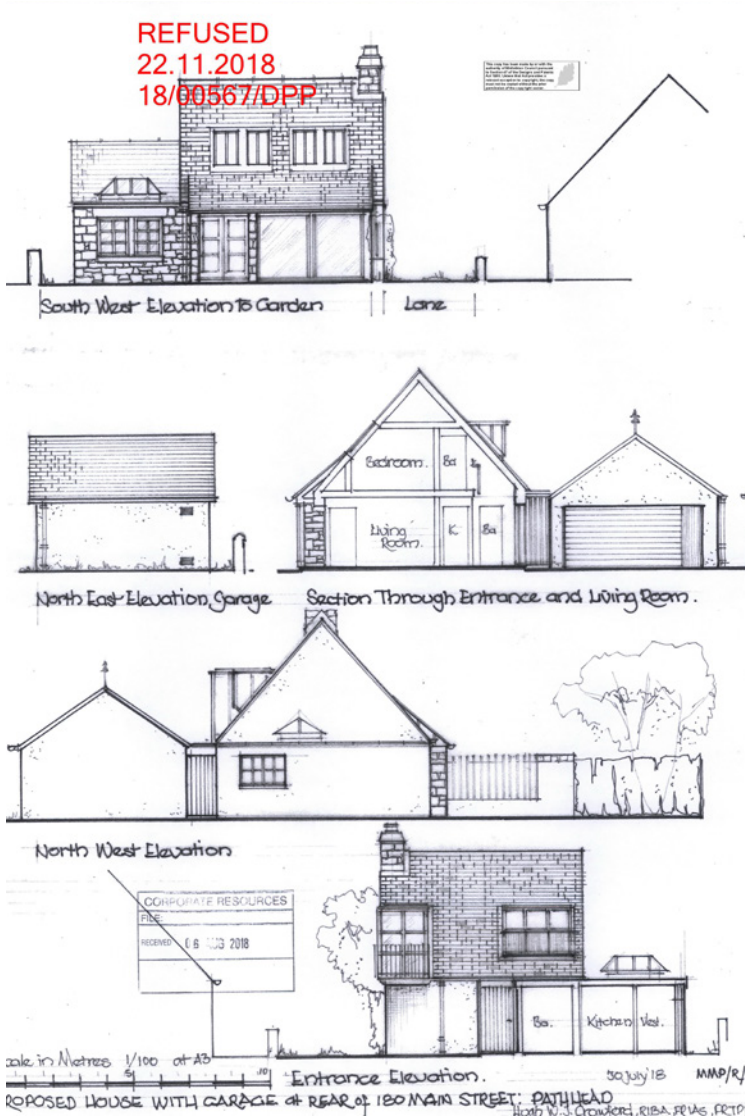
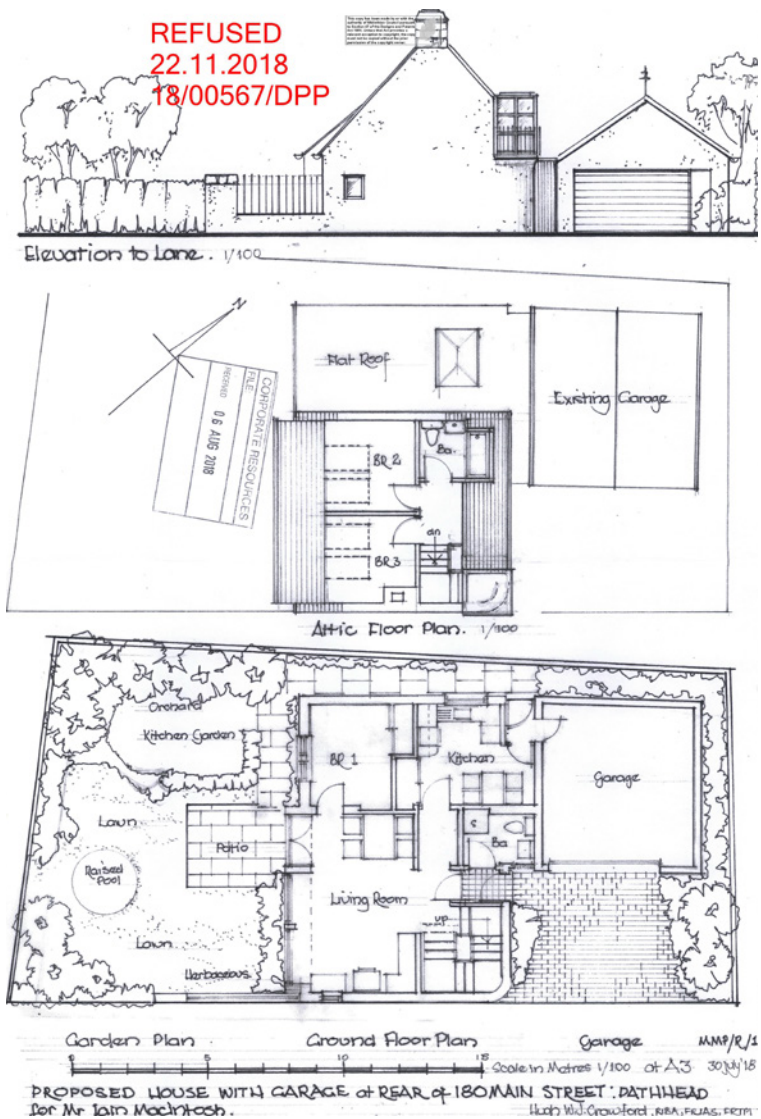
4.0 Previous Application

Following the refusal of a previous planning application for a new dwelling on the site (submitted by our client's previous architect), block 9 were appointed by Mr Macintosh to develop a new design approach.

The previous application (appeal reference: PPA-290-2052) was refused for a number of key reasons, including (but not limited to):

- Retrospective permission for a partly constructed garage on the site. The presence of the garage severely disrupted the scale and orientation of the proposed dwelling. ** Note that this has since been demolished and therefore the enforcement notice has been met.
- Removing the existing hedgerow, thus reducing the proximity of the proposed dwelling to the bungalow at 180A Main Street.
- The impact of the proposal on the character and appearance of the Pathhead and Ford conservation area:-
- The proposal in question was described as being a “hybrid” aesthetic, neither entirely traditional nor contemporary.
- The proposal had an unnecessarily steep roof pitch and flat roof.
- Generally inconsistent design of the proposal.
- General scale, height and massing, with the proposal “appearing top heavy and squeezed in.”
- Lack of evidence illustrating the impact to neighbouring dwellings, particularly in terms of overlooking and overshadowing.
- Limited private amenity space/ overlooking from the existing track which runs parallel to the site.
- Insufficient parking provisions.

Ultimately, our aim with the new approach illustrated within this planning application is to show how we are addressing the aforementioned issues while also fully acknowledging the requirements set out within the Local Development Plan.



5.0 DESIGN APPROACH

5.0 Design Approach

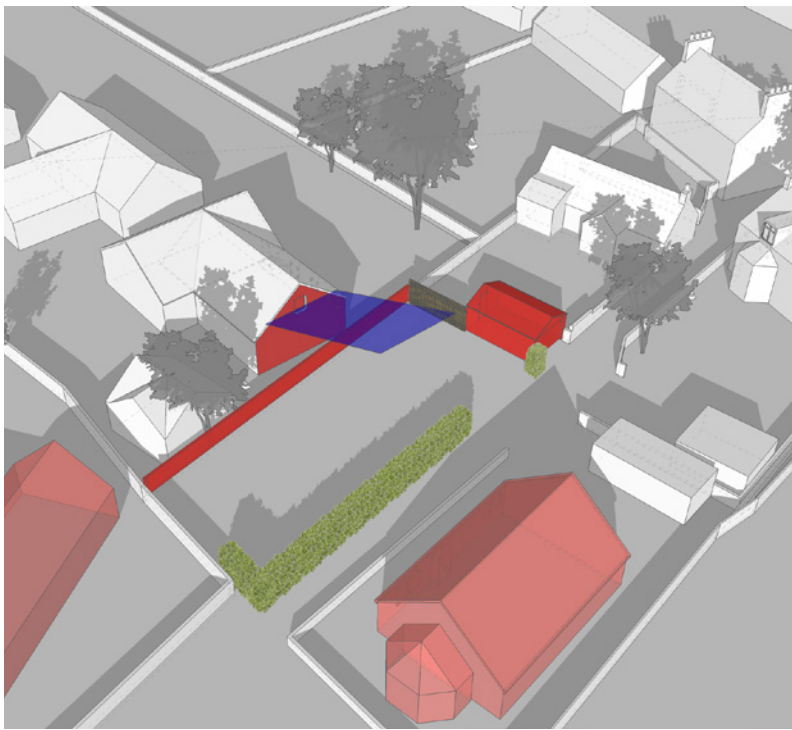
5.1 Massing Development



01_Existing

View of existing site. The land is currently vacant, bounded by a hedgerow to the South-East. The remaining boundaries are currently a mix of stone walling and timber fencing. To the North-West the single garage of 180 Main Street also bounds the site.

The building vernacular in Pathhead typically ranges from 1 to 1.5 and 2 storey dwellings with pitched roofs. Aesthetically, walls tend to be of local sandstone and white/ light coloured harling, though there are recent examples where this varies, including the bungalow opposite which is clad in red brick. Roofs tend to be finished in either grey slate or red clay tiles.



02_Site Parameters

Establishing the primary site parameters is our foremost consideration. The existing physical boundaries to site as well as neighbouring properties are paramount.

The gable of the property immediately adjacent to the site has a window at the upper storey which has rights of light as illustrated (blue rectangle) which shall be maintained. Overshadowing and overlooking to other neighbouring properties shall also be mitigated.

Environmental conditions around the site shall also be considered, including direction of prevailing winds and sun-paths.



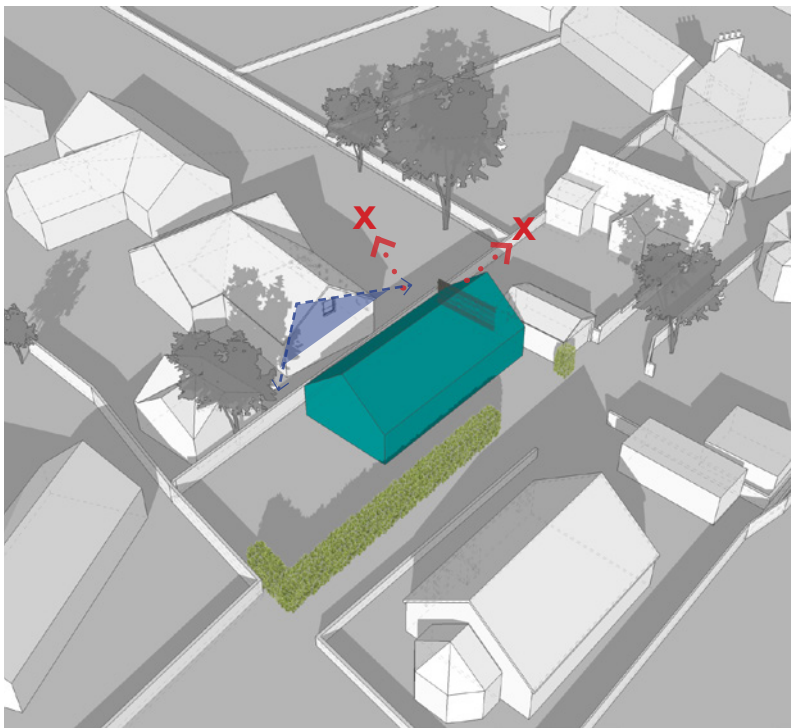
03_Built - Un-built Ratio

In developing the initial design approach, we are conscious of the requirement to provide adequate external amenity space. The new dwelling's footprint shall therefore be suitably proportioned within the site to provide a large garden space suitable for family use.

The current area illustrated maintains the building's footprint at approximately 30% of the overall site area.

Comparatively, the bungalow with conservatory opposite (180A Main Street) consumes approximately 37% of the site.

5.1 Massing Development (cont.)

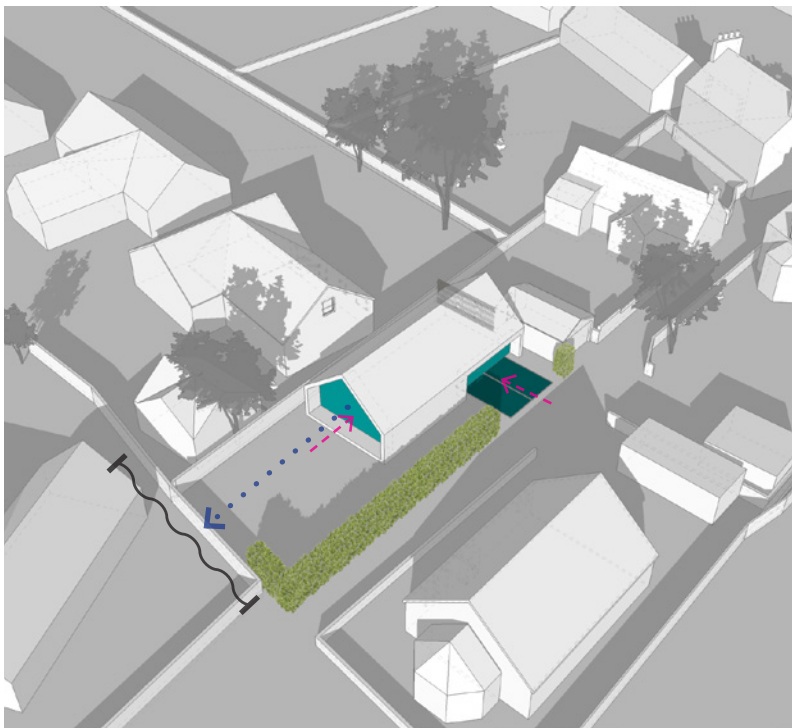


04_Massing & Form

Based on the site parameters already established, as well as the local vernacular, we proposed a simple form as illustrated above.

At 1.5 storeys, the pitched roof maintains the right of light to the window in the adjacent property and proportionally reflects the existing building-plot ratios.

Positioned to the Northern-most corner, the proposed dwelling shall have no transparent low-level windows to the rear gable or North-West corner to prevent any overlooking.



05_Adapted Massing

To further break down the proposed massing, the introduction of set-backs beings to articulate how parts of the dwelling may be utilised.

Parking provision for 2 no. vehicles shall be provided with a semi-covered, fully integrated car port, this in turn articulates the entrance to the dwelling. To the South, views will be maximised from the main open plan living space; privacy shall be maintained to both the proposed dwelling and surrounding properties with set-back glazing .

With the property set back this far into the site, there is little risk of overlooking to the property at the South-West, particularly with the existing boundary conditions which include timber fencing and hedgerows.



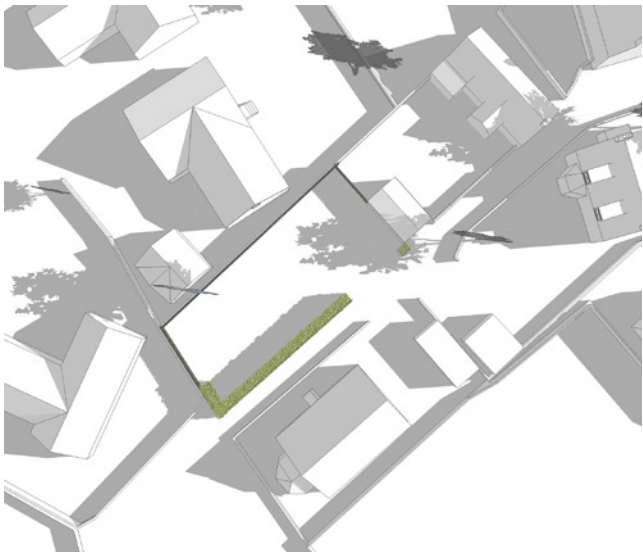
06_Materiality

The aim is to articulate the proposed form in a manner which both enhances the local vernacular and contributes to the Pathhead and Ford conservation area.

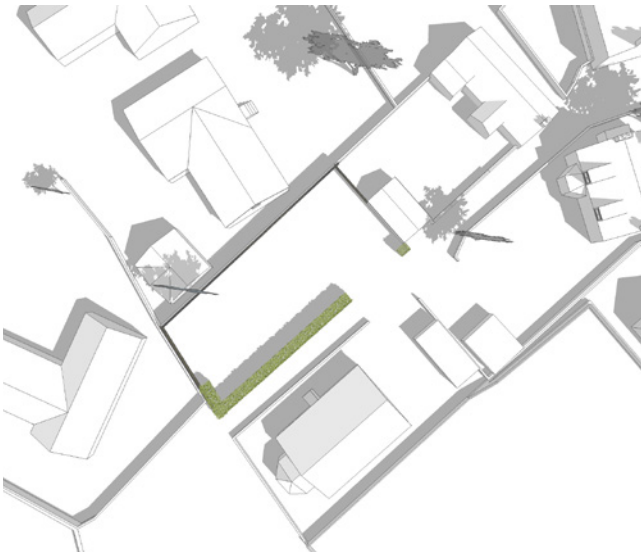
Our intention for the dwelling is to embrace the vernacular form and to express it in a wholly contemporary manner. Material cues shall be taken from the surrounding area, utilising natural cladding materials such as slate, timber and white render.

Boundary treatments shall also be enhanced. The existing mature hedgerow and stone walling shall be maintained, with new fencing erected to provide an additional degree of privacy both to and from the new dwelling.

5.2 Sun Path Analysis
SUMMER EQUINOX



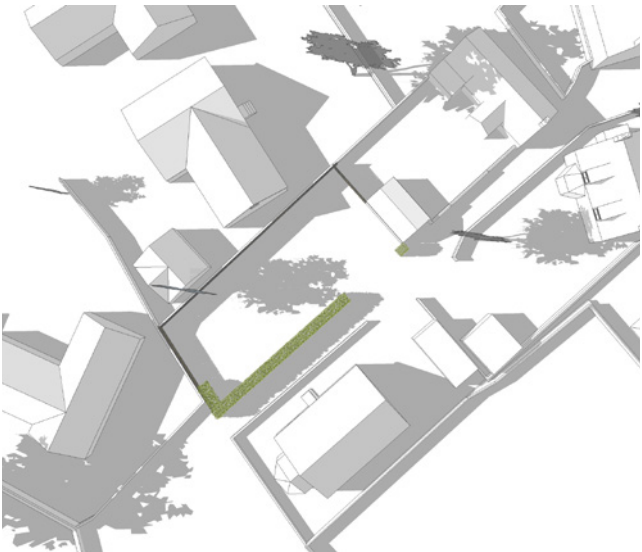
Existing - June 21st at 07:00



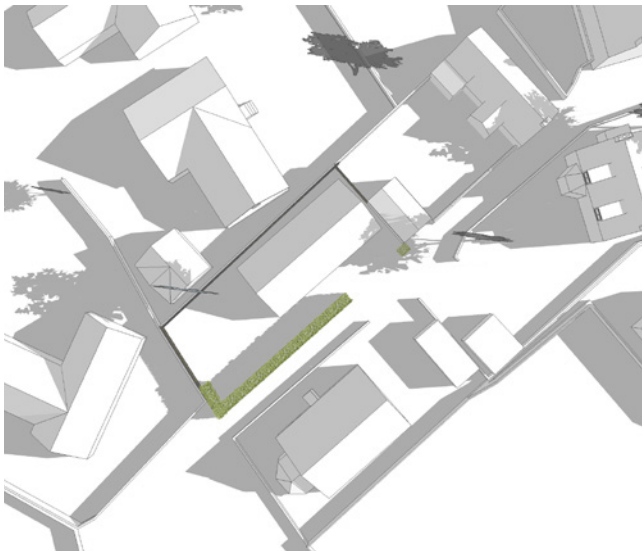
Existing - June 21st at 10:00



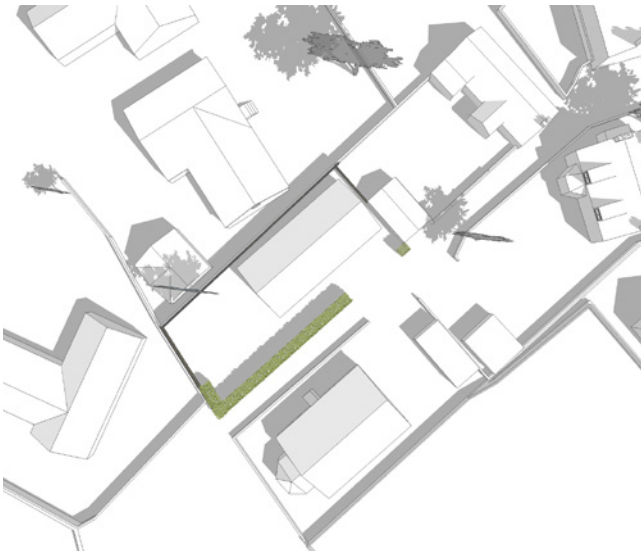
Existing - June 21st at 12 noon



Existing - June 21st at 17:00



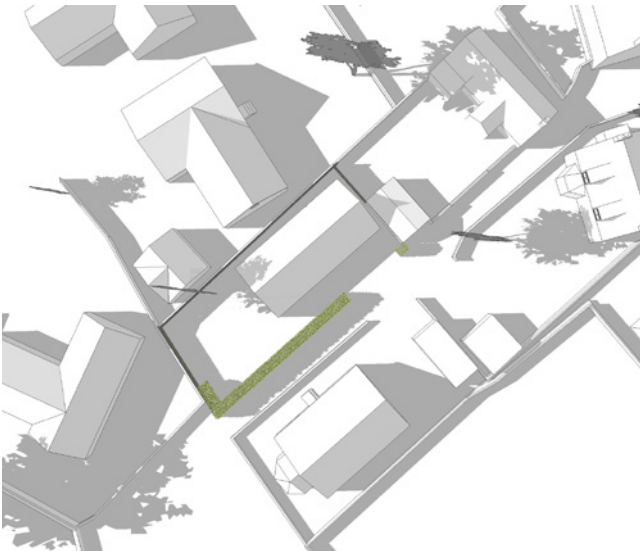
Proposed - June 21st at 07:00



Proposed - June 21st at 10:00



Proposed - June 21st at 12 noon



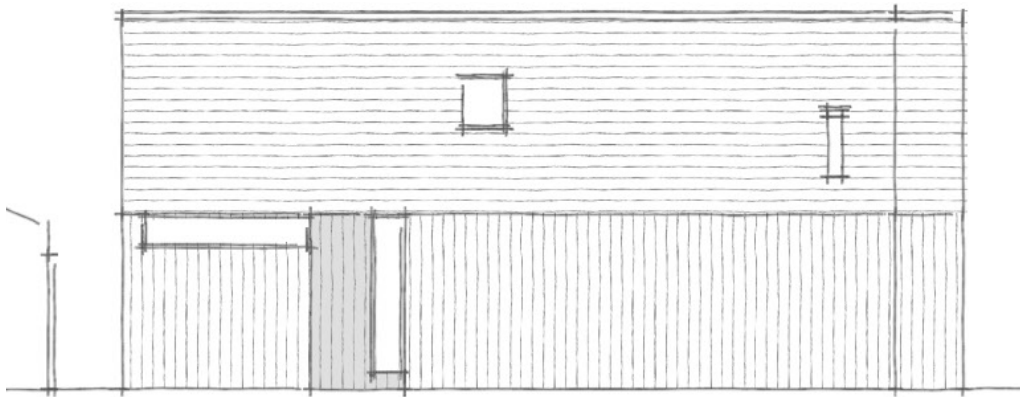
Proposed - June 21st at 17:00

5.3 Design Development

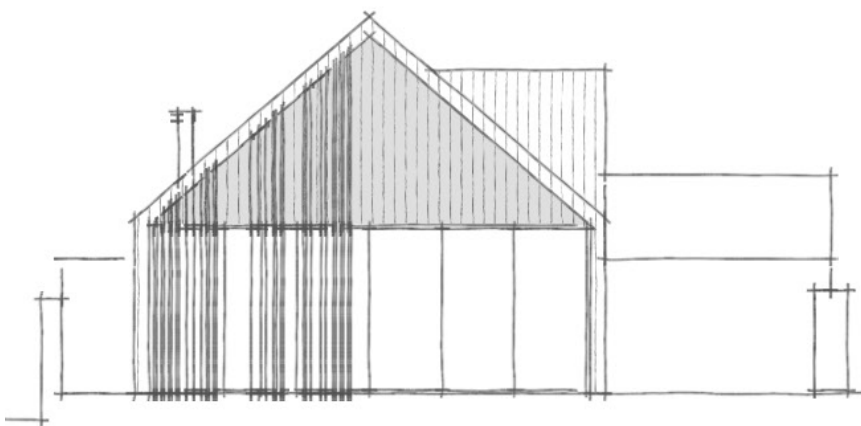
Prior to submitting this planning application, we submitted a pre-application to the council to gain some feedback on our initial feasibility proposals. (Ref: 19/00728/PREAPP).

At this early stage, based on the planning history on the site we were keen to have feedback on the general contemporary nature of our design approach. This new approach was based on comments made on the original refused planning application (by others) which was that the submitted proposals were neither traditional or contemporary.

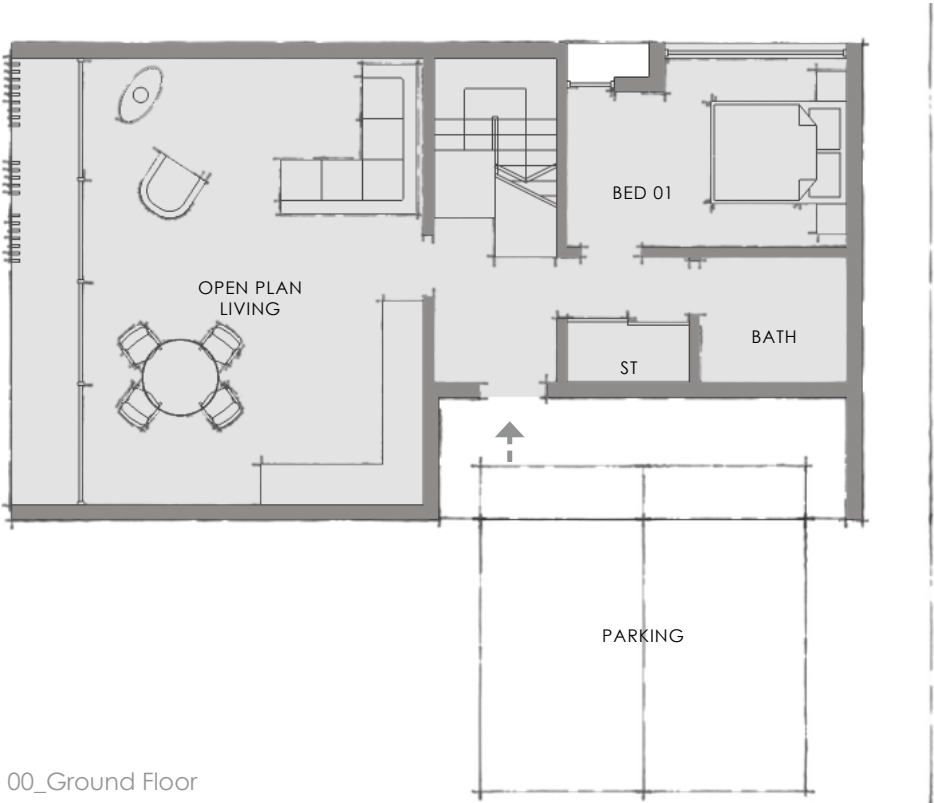
Our initial feasibility sketches (floor plans and elevations) are illustrated opposite.



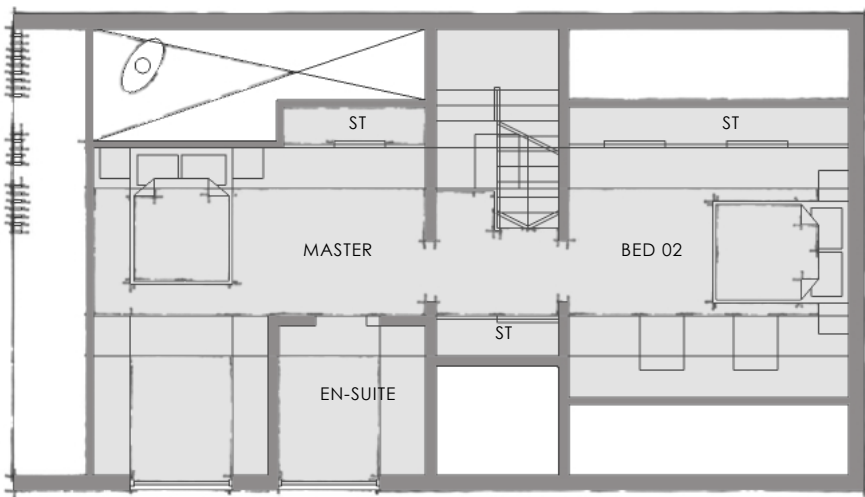
North-West Elevation



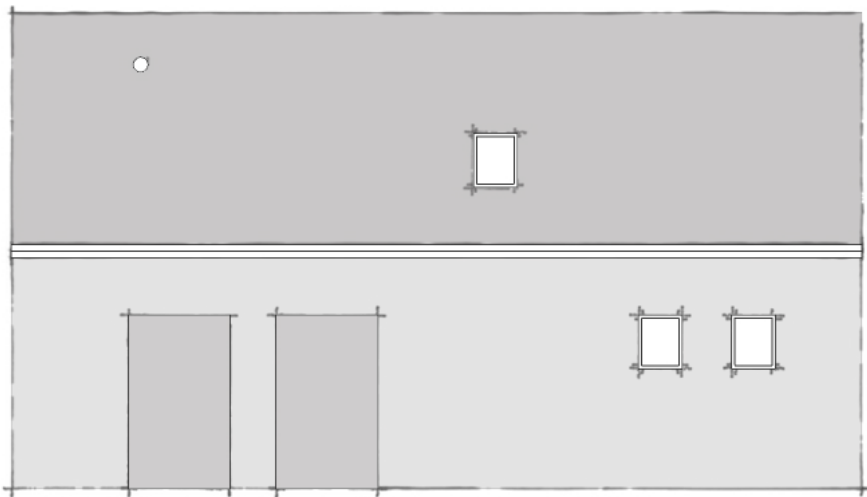
South-West Elevation



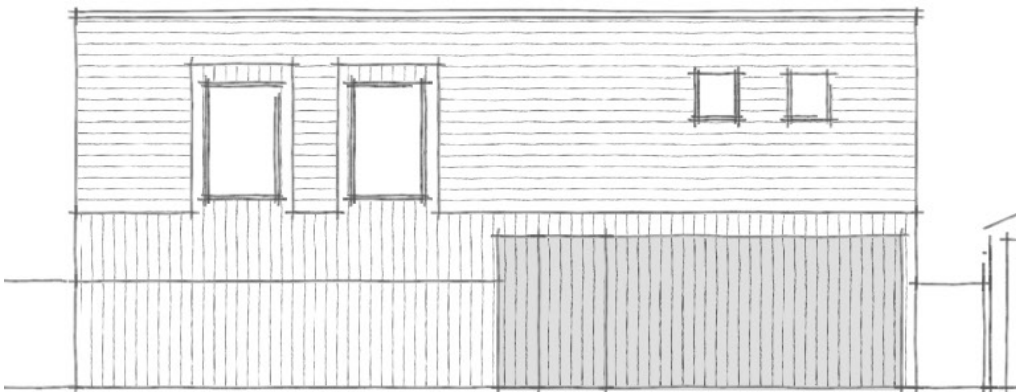
00_Ground Floor



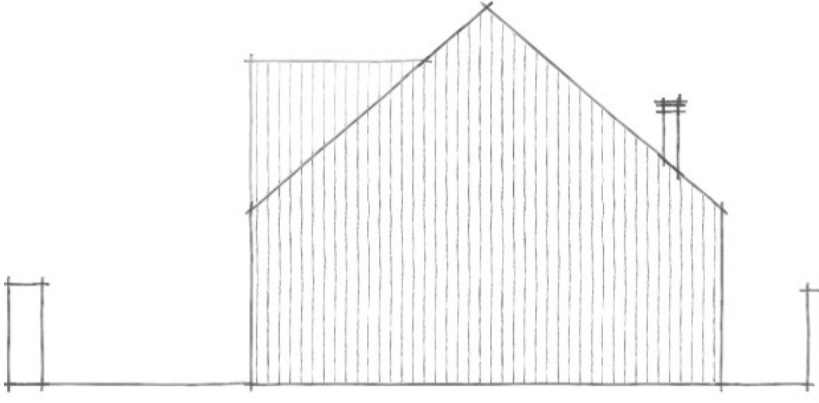
01_First Floor



Roof Plan



South-East Elevation



North-East Elevation

5.4 Pre-Application Feedback

(Ref: 19/00728/PREAPP)

The case officer for the pre-application, Mhairi-Anne Cowie raised some key points as follows:

“The proposed application site is within the built up area as defined in the Midlothian Local Development Plan which was adopted in 2017. As such, policy DEV2 Protecting Amenity within the Built-Up Area is relevant. This states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area.

The proposed site is with the Pathhead and Ford Conservation Area and so policy ENV19, Conservation Areas, is relevant. This states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings.

As the proposal relates to the erection of a new dwellinghouse policy DEV6, Layout and Design of New Development, is relevant. This states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking.

Policy DEV7, Landscaping in New Development, states development proposals will be required to be accompanied by a comprehensive scheme of landscaping which should include a number of criteria.

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

In proposals for residential developments, policies IT1 Digital Infrastructure and TRAN5 Electric Vehicle Charging are relevant. Policy IT1 states that new homes and business properties and redevelopment proposals should be designed in such a way as to incorporate high speed broadband connections and other digital technologies that could optimise the energy efficiency and contribute to reducing the carbon footprint of the building. Policy TRAN5 states the Council will support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment.

The proposed site is located within the built-up area of Pathhead where there is a presumption in favour of appropriate development which does not detract materially from the character or amenity of the area. The site is within the Pathhead and Ford Conservation Area where the design of any development should preserve or enhance the character and appearance of the area.

Comments on design:

The indicative house design is traditional in form and scale, with the appearance of being a timber clad unit. This has limited glazing on all but one elevation. Although it is acknowledged that the limited glazing is proposed to limit overlooking to neighbouring properties, this results in a building with uninteresting elevations. This indicates that the proposed site is too small to accommodate a house without having an adverse impact on the privacy of neighbouring residents.

The proposed house is an attempt at a contemporary design which does not seem to include the detailing to carry this through the proposal. Should you wish to proceed with a proposed house here, the design could be enhanced by better architectural detailing. Any proposal should clarify the proposed materials and include a design statement providing a rationale for the design.

The proposed dormer windows are likely to result in overlooking to the house at 180A Main Street, to the detriment of the amenity of the occupants of the existing property."

Relevant planning policies noted:

- DEV2
- ENV19
- STRAT2
- DEV5
- DEV6
- DEV7
- IT1
- TRAN5

Our planning application therefore seeks to address the concerns and comments noted above.

6.0 DESIGN PROPOSALS

6.0 Design Proposals

6.1 Design Description

Pathhead, as mentioned, is a primarily residential area with some local amenities, including a school, shops, takeaways, post office, doctors surgery and pharmacy. Located to the south of Edinburgh, it is a key commuter village with direct access into the city.

As noted in the pre-application feedback, “the proposed site is located within the built-up area of Pathhead where there is a presumption in favour of appropriate development which does not detract materially from the character or amenity of the area.”

House types range from 1 storey bungalows to 1.5 storeys, with some two storey buildings lining Main Street.

This planning application is for the erection of a new contemporary 1.5 storey, 3 bedroom dwelling on currently disused land. Our client, Mr Stuart Duncan, is seeking to relocate to Pathhead with his young family.

The proposed dwelling includes:

- 3 bedrooms
- 3 bathrooms (2 en-suite)
- Modern, south facing, open-plan kitchen/ living/ dining space
- Separate utility space
- 2 off-street, semi-covered parking spaces
- Bin & recycling stores
- Bicycle store

The wholly contemporary approach draws on positive characteristics of the area, with the overall form and mass taking cues from the local vernacular. The pitched roof is similar to neighbouring properties, with flush rooflights and hidden gutter detailing to bring a contemporary edge to the design.

The open plan living space is south facing and will maximise solar gain in the winter months, with the glazing set back below the 1st floor, solar shading will be provided in the summer months. A combination of glazed bi-fold and sliding doors will offer fantastic access to the large landscaped garden.

Positioning of window openings has been thoroughly considered to ensure the privacy of neighbouring properties is maintained, while allowing plenty of natural light into the internal spaces.

A wood burning stove is also proposed for supplementary heating.

The general composition of the elevations is kept simple to reflect the characteristics of the area.

6.2 Materiality

The proposed material palette is restrained to reflect the generally restricted palette within the area.

Key materials proposed:

- White render
- Natural timber
- Dark stained timber
- Natural grey slate roofing
- Dark grey aluminium window frames

Generally there is a play on the use of light and dark materials where the contrast is used to highlight key design features.

White render:
A high quality white silicone render is the primary material, accentuated as a “plinth” around the dwelling.

Natural timber:
A durable species of natural timber is used on all recessed elements. The timber selected will be appropriately detailed to ensure a good visual appearance is retained over time.

Stained timber:
A dark grey/black stained timber (also a durable species) is utilised at high level to break down the composition of the elevations.

Natural grey slate:
The roofing material shall be a high quality, natural grey slate to match the predominant roofing type within the area.

Landscaping:
The dwelling will have a 130m² private, south-facing, landscaped garden space. The boundaries to the plot will be a combination of existing stone walls, mature hedgerow and new fencing.

A projecting timber deck, leading to a large lawn will provide an ideal family garden area, with views across the open farmland to the South.



Material palette in-situ



Proposed material palette; white render, dark stained timber, natural timber & natural slate.

6.3 Site Analysis (Proposed Dwelling)

The diagram opposite illustrates how the proposals respond to the immediate context, maintaining privacy and amenity to neighbouring properties. The design has been carefully considered and developed to ensure there is no detrimental affect to the surrounding area.

With the primary sections of glazing orientated to the south, and with the use of rooflights and high-level glazing to the rear, we have removed any risk of overlooking to and from the new proposed dwelling.

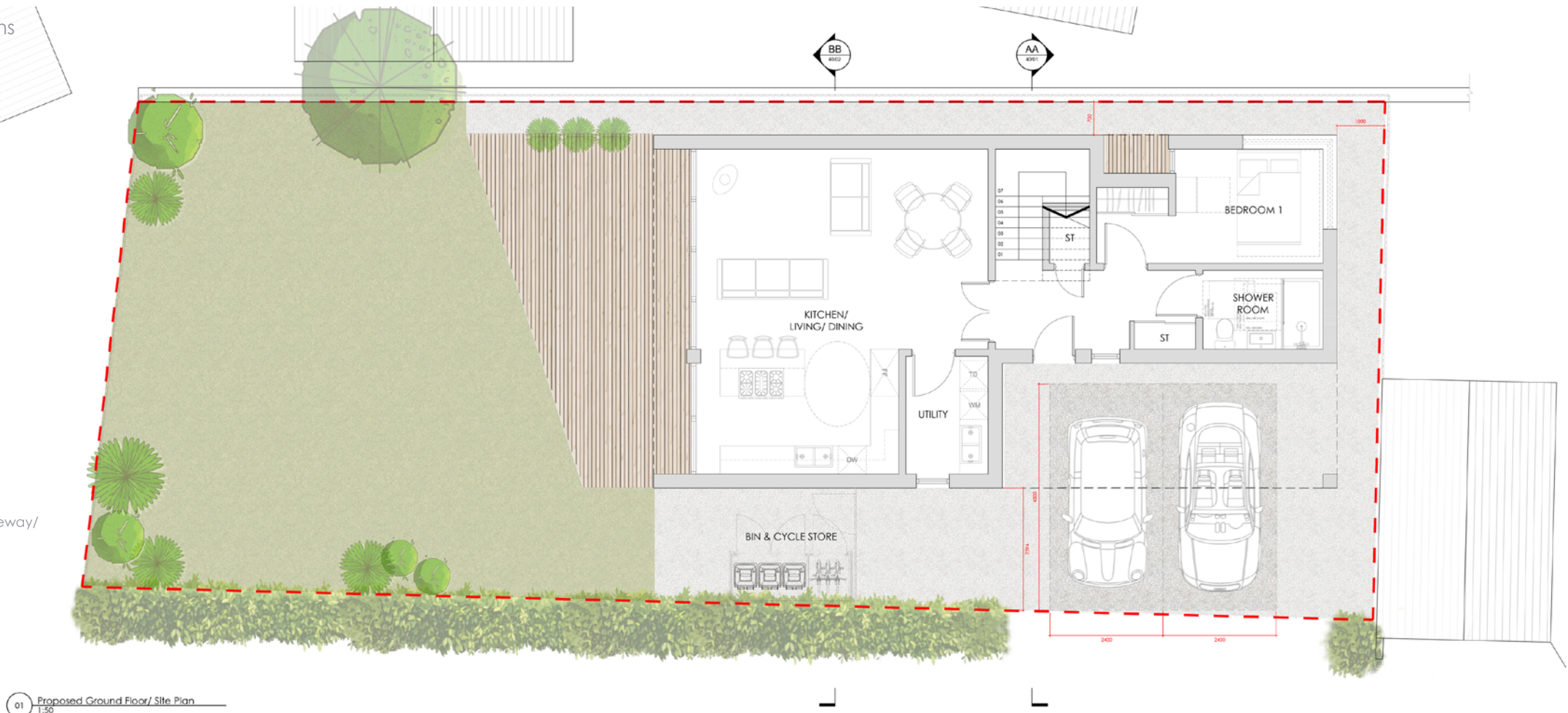
By orientating the dwelling north-south, we are able to maximise the environmental and physical conditions. This has also enabled good off-street parking access to the property as well as a generous south facing garden.

- Key
- Site Boundary
 - Existing Buildings
 - Primary Vehicular Route
 - Primary Access to Site:
Vehicular & Pedestrian
 - Prevailing Wind Direction
 - Primary Access Point to the Site
 - View Across Open Farmland
 - Right of Lights to neighbouring
properties retained.
 - Risk of overlooking removed.
 - South-facing landscaped garden.
 - 2 no. off-street parking spaces

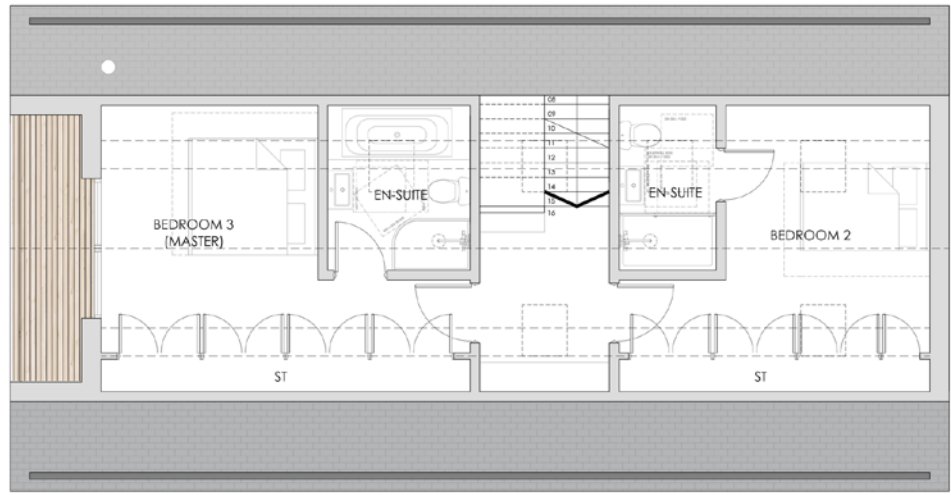


6.4 Proposed Plans

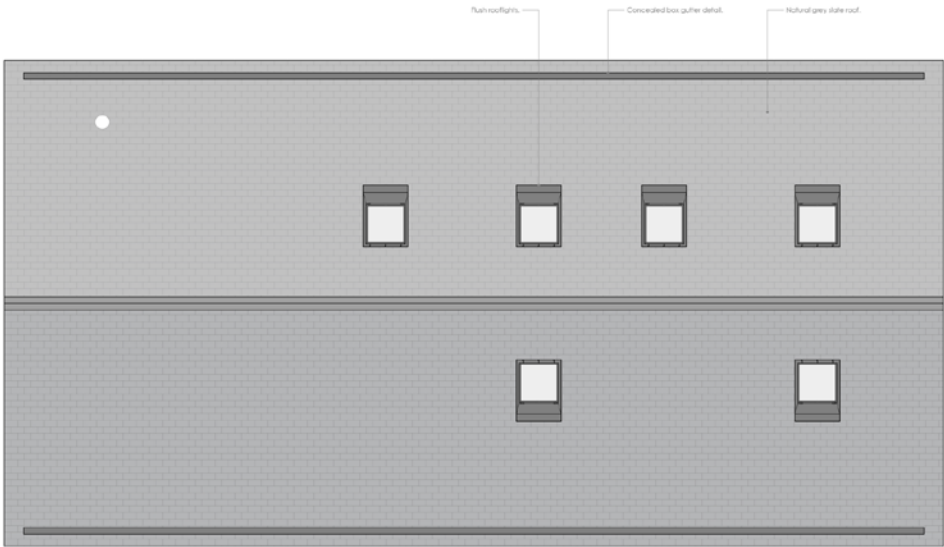
- Landscaping to include:
- Lawn
 - Soft planting
 - Integrated timber decking
 - Light grey pea gravel to driveway/ perimeter of dwelling
 - Timber fencing
 - Existing stone walls & mature hedgerow



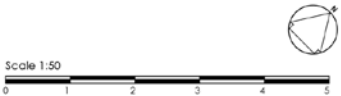
01 Proposed Ground Floor/ Site Plan
1:50



02 Proposed 1st Floor Plan
1:50



03 Proposed Roof Plan
1:50



Design & Planning Statement

Design & Planning Statement in support of planning application submitted for the construction of 1 no. new dwellinghouse on land to the rear of 180 Main Street, Pathhead EH37 5QB.



block 9 ARCHITECTS

21 Castle Street

Edinburgh EH2 3DN

Phone:0131 629 4950

Email: info@block9architects.com

www.block9architects.com

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1.0 Introduction

The land to the rear of 180 Main Street, Pathhead, is located in the Pathhead and Ford conservation area. This conservation area was originally designated in July 1971 (later re-designated in March 1996) and is a primarily residential area of significant architectural character and appearance.

The application site is currently vacant; the garage that was previously on the site has since been demolished.

This document will outline our general design approach in support of the planning application, submitted on behalf of our client Mr Stuart Duncan.



Main Street, Pathhead - Google Maps™



Pathhead - Bing Maps™ Aerial View

 Site Location

2.0 LOCATION

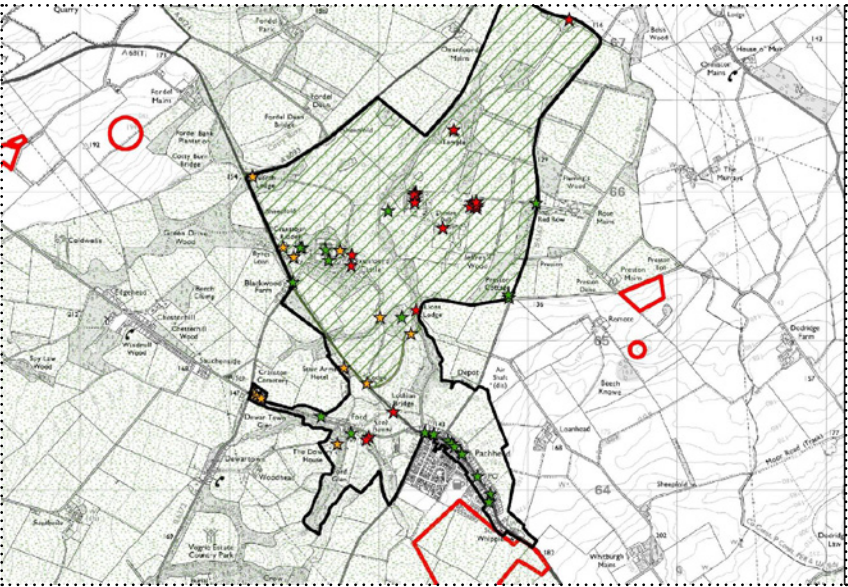
2.0 Location

2.1 Site & Context Description

The village of Pathhead runs along either side of the A68 main road as it climbs up the hillside on the south side of the Tyne Water. It is not quite as linear as it appears, with several new housing developments having been established over the decades, but this is a village which both geographically and historically can be defined by the road running through it. This primary route of infrastructure led to the original town developing in a traditional “fish-bone” street pattern, with buildings primarily lining the main road with long, linear gardens to the rear.

Although now largely residential, a primary school, bowling club, a bank and several shops remain to serve the village and the surrounding agricultural community.

The site for the proposed development is located to the rear of 180 Main Street in a residential area and lies within the Pathhead and Ford Conservation Area.



Pathhead & Ford Conservation Area



Satellite image courtesy of Google™

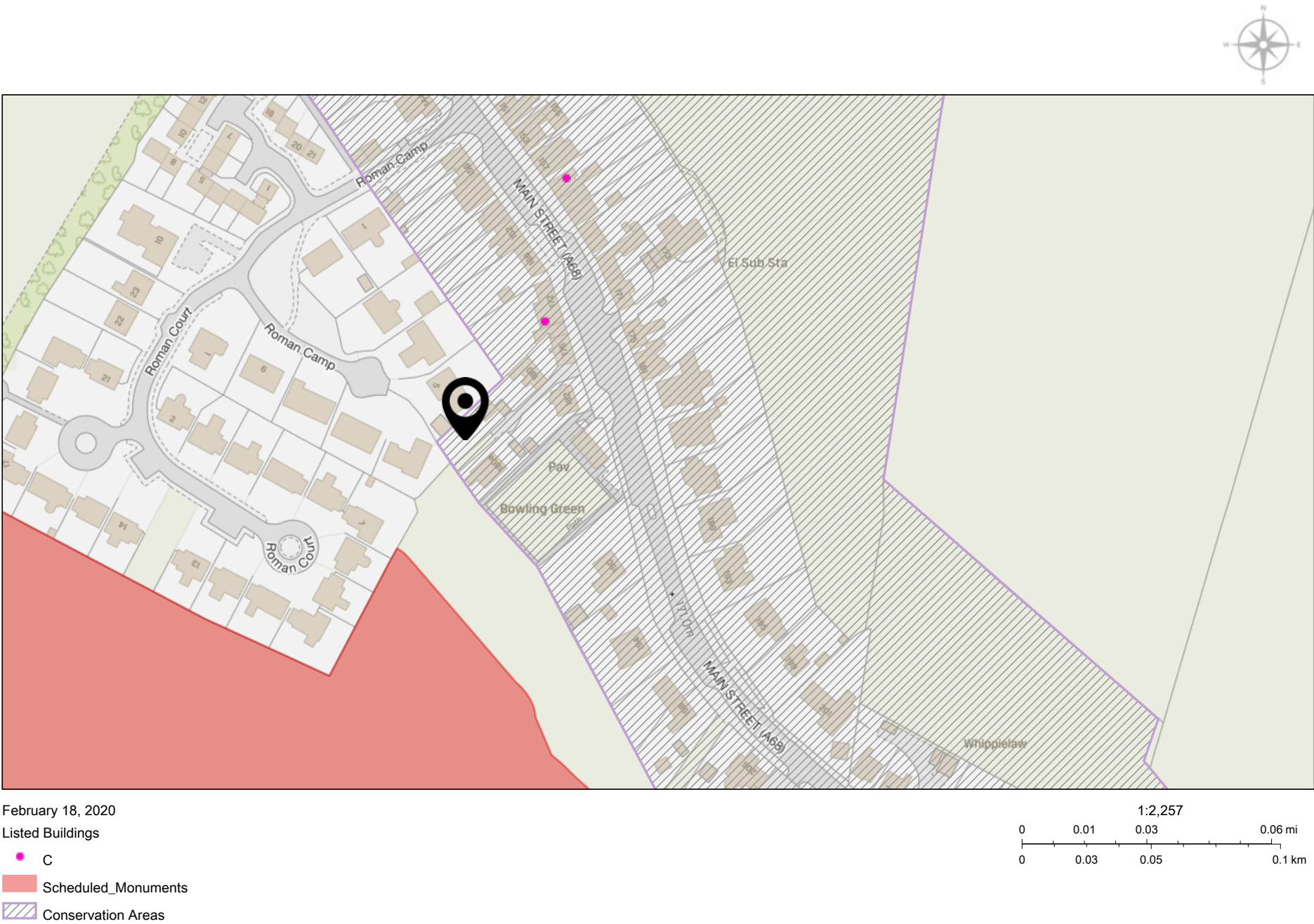
- Site boundary
- Old Town “fish-bone” pattern
- Conservation Area border

2.2 Historic Environment - Conservation Area Appraisal

Pathhead lies close by the Roman road Dere Street (now Main Street) that ran from the fort at Newstead in Northumbria to Cramond near Edinburgh. Vestiges of a Roman camp have been found on the outskirts of the village (the edges of which can be seen on the adjacent map, highlighted in red).

The current form of the settlement can be traced to the 18th century but the town grew considerably in the later part of the 19th century, almost doubling in size. Many of the buildings were raised, adapted and enlarged. The village grew again at the beginning of the 20th century with the introduction of local authority housing at the north-west end. Main Street remained relatively unchanged although with the formation of shops, the original ground floor elevations were sometimes lost. In the 1970s a small housing development, subsequently expanded in the 1990s, was constructed at Roman Camp and Roman Court, again on the south side.

A design-led approach to any new development, particularly within the Conservation Area, is therefore fundamental in ensuring the proposals achieve the high quality design expected in such a historically rich location.



Pathhead - Listed Building/ Monument Designations Map
Courtesy of Historic Environment Scotland

2.3 Local Architectural Vernacular

Despite the evolution of the village over the centuries, Pathhead's original building stock has remained largely unchanged, particularly along Main Street where the 18th century cottages have generally survived in their original form.

The local material palette is natural - mostly stone with slated or pantiled roofs. Main Street has many fine and well-proportioned façades often largely unspoilt and many with attractive details. The walls of many of the original buildings are of local sandstone, varying in colour from cream through to yellow and pink. However there are also many examples of harling, usually painted white or cream though in some instances these have received a more vibrant colour wash. Further variety is illustrated by examples of brick and timber clad buildings within the Conservation Area.

Massing and composition is generally single or two storey cottages with pitched roofs and chimneys as a prominent feature.

Examples of the local vernacular are provided opposite.



01 Main Street - painted harling



02 Main Street - stone cottages with slate/ pantile roofs



03 Main Street - Pathhead Bowling Club, clad in black timber



04 Main Street - white/ cream coloured harling with decorative detailing



05 Main Street - blended material palette; harling, stone, slate, pantile



06 Roman Court - (New housing development)

3.0 SITE

3.0 Site Information & Analysis

3.1 Existing Site / Photographs

Set back from the main road through the town, the site is currently vacant and is accessible via a shared access road which serves existing properties.

To the South of the site there is open farmland and countryside; to the South-East, the Pathhead Bowling Club; and to the South-West a more modern housing development (which lies just outwith the conservation area).

To the North, there is direct access to Main Street and to the myriad of local amenities.

The site boundaries are currently formed with stone walls, fencing and a mature hedgerow.



01 View across site (looking south)



02 Existing access road to site.



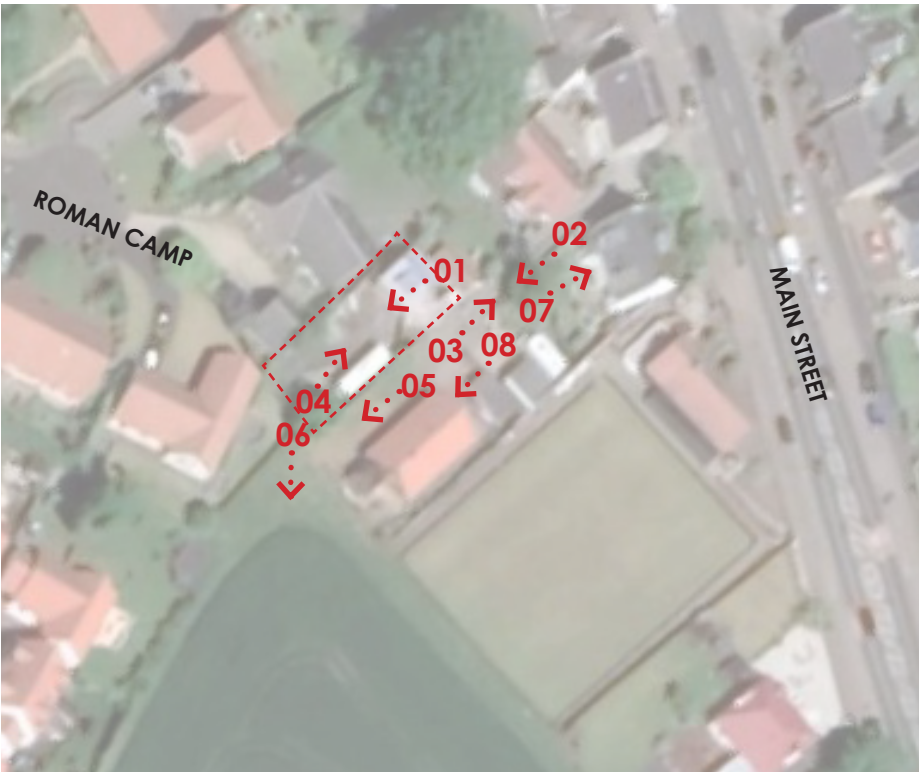
03 View back down access road, towards Main St.



04 View across site (looking north).



05 Existing track to farmland with existing hedgerow.



3.1 Existing Site / Photographs (Continued)



06 View across open farmland from site.

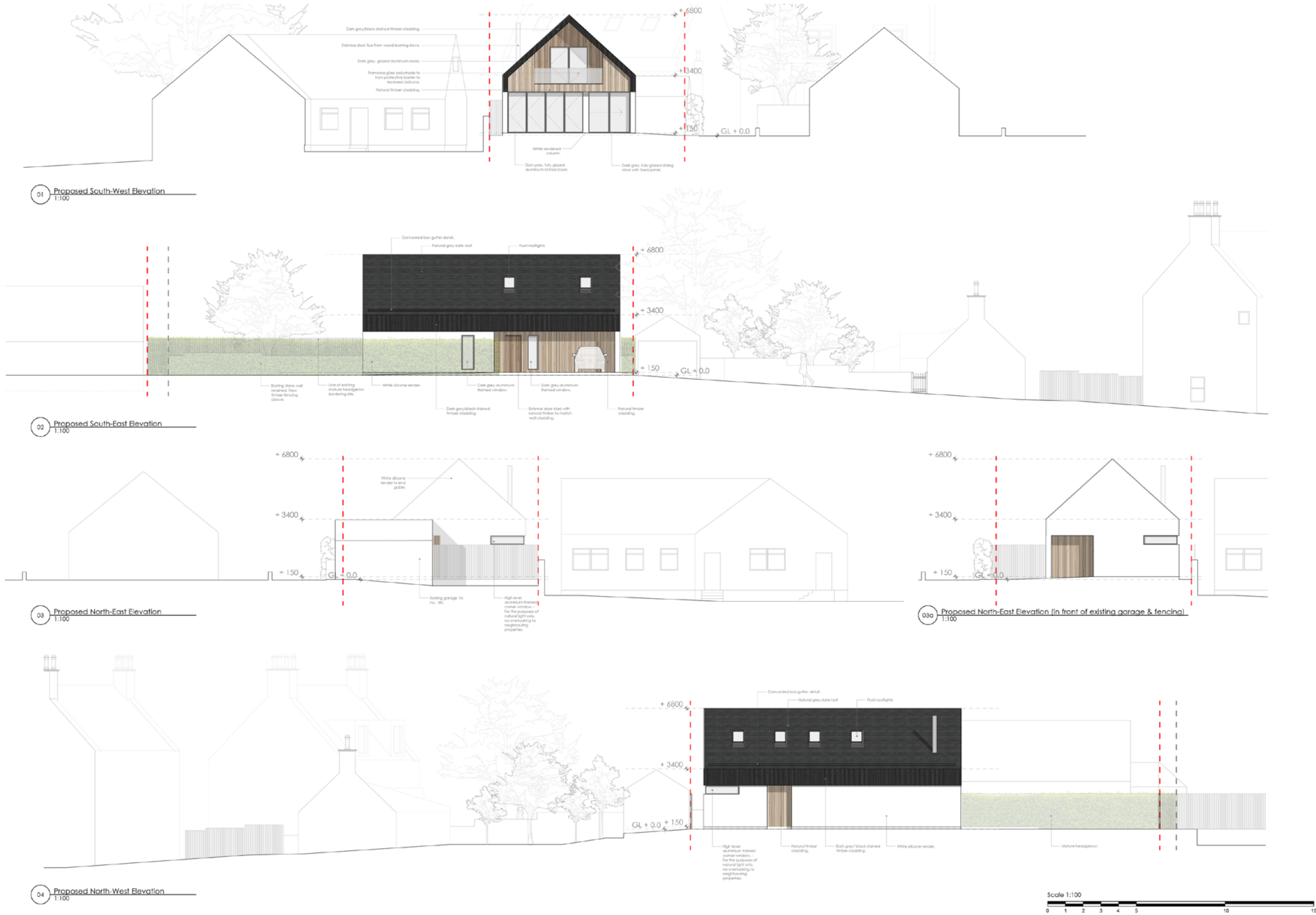


07 Neighbouring property - No. 182

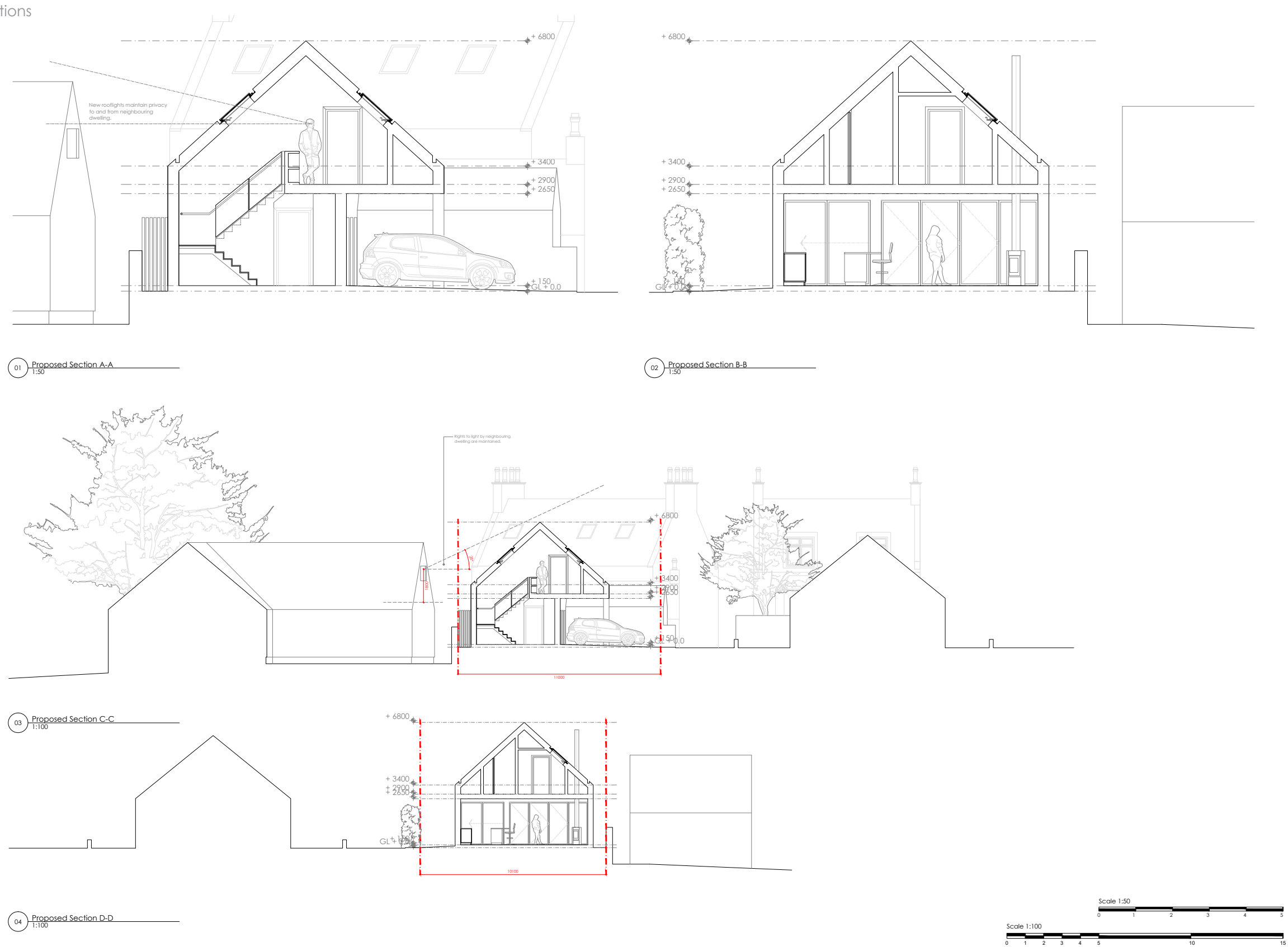


08 Neighbouring property - No. 180 A

6.5 Proposed Elevations



6.6 Proposed Sections



6.7 3D Imagery

Top: Looking towards primary garden elevation
Below: Site approach from access road



Above: Site aerial view
Below left: northern corner, illustrating high level corner window to maintain privacy to and from the dwelling
Below right: entrance to site with semi-covered car port (2 spaces)



7.0 ARCHITECTURAL PRECEDENT



Examples of contemporary dwellings that draw cues from the Scottish vernacular.

8.0

PLANNING STATEMENT

8.0 Planning Statement

RELEVANT PLANNING POLICY CONSIDERATIONS

S25 of the Town and Country Planning (Scotland) Act 1997 (as amended) reinforces the primacy of the development plan and requires that planning decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan in this case is the Midlothian Local Development Plan 2017 (MLDP).

Midlothian Council will also consider how the proposal meets the requirements of the supplementary planning guidance and other material considerations eg. the representations made by neighbours to the site and other relevant parties.

The relevant policies to this proposal in the Midlothian Local Development Plan (MLDP) are: STRAT2, DEV2, DEV5, DEV6, DEV7 and ENV19.

STRAT2: Windfall Housing Sites provides policy criteria for consideration in any application for a housing development, located within the built up area, that is essentially not within an allocated site identified in the LDP. The policy advises that these are permitted where they will not lead to loss of open space, conflict with the established land use in the area, have regard to the character of the area in terms of scale, form, design and materials and meet traffic and parking requirements. The proposal is also required to meet the criteria in a number of other relevant policies.

In this case the land is within the built up area of Pathhead village, it does not form part of an open space. It is a house plot, surrounded by other private houses, has its own access and parking potential on-site that can be achieved on the plot without creating detrimental impacts on its neighbours by way of negative impacts on light, privacy or general levels of amenity enjoyed by neighbouring occupiers. The siting and layout of the proposal will also create a single house that enjoys its own good levels of amenity. The quality in the architecture proposed will lift the environmental quality and impact of the plot and its setting, creating a bespoke house that will read as part of the fabric of the village with clear references to the vernacular materials, form, height, scale and orientation.

Policy DEV2: Protecting Amenity within the Built-Up Area. This policy supports development within the built up area unless it is likely to detract materially from the existing character or amenity of the area.

It is demonstrated in this application that the proposal will provide an ideal architectural solution for this site. The proposal relates well to its setting; its form and location are derived from the scale, form and mass of similar buildings in the village, set back from the main street. It will create an interesting solution that will respect the spatial parameters for a single house within the built up area in terms of: space between the house on the plot and neighbouring houses, location of windows, impact on light enjoyed by existing neighbours'

windows, window to window overlooking distances, plot to building ratio, extent of private usable garden space, provision of safe access and off road parking, suitable locations for recycling etc. The proposal will provide a well thought through, balanced solution for this plot that meets each of the criteria the Planning Authority will use to assess its resultant impacts. The design responds well to the positioning of neighbouring buildings.

Policy DEV5: Sustainability in New Development. This policy requires the proposal to have regard to the principles of sustainability. Each of the criteria in this policy are addressed in the design of the proposal and functionality of the building eg. building orientation, shelter, encouraging biodiversity, conserving water, treatment of surface water, energy generation/ conservation, provision of recycling facilities, use of materials, accessibility and adaptability of the building etc. For these reason the proposal is acceptable in terms of this policy's requirements.

Policy DEV6: Layout and Design of New Development. In line with this policy the proposal exhibits a high quality architectural response in its design and layout and meets the criteria the policy sets out. The proposal will complement its village, conservation area setting and integrate well in terms of its siting, landscaping and boundary treatment. It will utilise appropriate materials and provide a respectful development in this location. Its siting relates well to neighbouring buildings.

In line with the council's aspirations in relation to Place the proposal is a bespoke design solution for this plot and not an off the shelf house type.

Policy DEV 7: Landscaping in New Development. The visibility of the plot from outwith the site is somewhat limited and as such the interaction of the plot with the access for example will be where the landscape treatment of the plot will be visible from outwith its boundaries. All materials are set out in the supporting drawings and this design statement.

Policy ENV19: Conservation Areas. This policy relates to the general appearance of the development not having an adverse effect on the character or appearance of the area. In relation to new buildings in the conservation area these are generally required to provide a positive impact on the conservation area in terms of design, siting, external appearance etc. The proposal has been designed to the highest standard in relation to each of the relevant policies in order to achieve a single house on this site that will complement the village and be a positive contribution to the conservation area.

MATERIAL PLANNING CONSIDERATIONS

Other material planning considerations that have a bearing on the consideration of this proposal will be the planning history of the plot, public opinion in relation to the proposal or for example whether there is a specific local need for a particular type of development that could be accommodated on this plot or a suitable viable alternative use the land could be put to.

The planning history of the plot is covered in section 4.0 of this report where the last proposal for development of the plot is detailed. That proposal had been refused by the council and a Reporter on appeal. At that time there was a garage building on the site and that was being retained as part of the proposals. The site, now being cleared offers a different scenario and a much more comprehensive approach is being taken to the design of the single house plot that hopefully the council can support.

Public opinion from neighbours had been against the previous proposal, a number of concerns had been raised in relation to the principle and the detail of the previous proposals. We have taken steps to write to each of the neighbours around the site giving them the opportunity to view the proposals prior to lodging the application in order that any concerns may be addressed. A further analysis of any comments will be undertaken once these have been received. It is hoped that these proposals address the concerns previously expressed by neighbours.

As regards whether there is a specific local need for a particular type of development that could be accommodated on this plot or a suitable viable alternative use the land could be put to none has been forthcoming from the community or the council in recent years.

CONCLUSION

The proposal complies with the current planning policies and guidance relating to the site and its setting. It will provide a proposal of quality and positive impact upon the conservation area location and will not adversely impact upon the amenity enjoyed by neighbouring residents; as such it is hoped that it can be supported by the council.

Planning statement provided by:
Suzanne McIntosh Planning Ltd.



9.0 Conclusion

Based on the content within this statement as well as the supporting statement from our Planning consultant, we believe our design approach meets the criteria of the Local Development Plan, with particular emphasis on clarity and quality of design which is appropriate for the Pathhead and Ford conservation area.

We believe we have illustrated that the site at the centre of these proposals will comfortably accommodate 1 no. new dwellinghouse suitable for 21st century living with substantial private amenity space, without compromising the neighbouring properties. Indeed, the site parameters do not restrict development but have rather encouraged an innovative, contemporary design approach.

We do not seek to provide a replica of the rich vernacular already well established in Pathhead, but rather a fully contemporary interpretation of this. Contributing to the local area, not by imitating what is already in place, but by complementing and adding to the prevailing, multifaceted architectural language of the area.



APPEAL TO THE LOCAL REVIEW BODY

**AGAINST REFUSAL OF PLANNING PERMISSION
FOR THE ERECTION OF A DWELLING HOUSE
AT LAND TO THE REAR OF 180 MAIN STREET, PATHHEAD**

On behalf of: MR S DUNCAN

Application ref: 20/00353/DPP

block 9 ARCHITECTS

21 Castle Street

Edinburgh EH2 3DN

Phone: 0131 629 4950

Email: info@block9architects.com

www.block9architects.com

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1.0 Introduction

2.0 Grounds for Refusal

3.0 Conclusion

1.0 Introduction

Under the delegated powers granted to the Head of Planning at Midlothian Council planning permission for the erection of a dwellinghouse, within the confines of the village of Pathhead has been refused for the following reasons:

- 1. *The proposed development would result in a low standard of amenity for future occupants of the proposed dwellinghouse as inadequate amenity space and parking provision is proposed.*
- 2. *The proposed development would have a significant detrimental impact on the amenity and privacy of neighbouring properties.*
- 3. *For reasons 1 and 2 above the proposed development is an overdevelopment of the site and is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017.*
- 4. *It has not been demonstrated to the satisfaction of the planning authority that the development can be served by a safe and appropriate vehicular access and as a result there would potentially be a detrimental impact on vehicle and pedestrian safety in the area.*

The applicant seeks an independent review of the delegated decision by the Local Review Body (LRB) and for the LRB to consider that the proposal complies with the council's policies and guidance, is a high quality architectural solution for a constrained site, creates a small family home for a family who wish to be located in Pathhead and is an ideal solution for this brownfield site.

2.0 Grounds for Review

The appellant wishes the LRB to consider all of the information lodged to support the application: the package of drawings, Design and Access Statement, Supporting letter explaining how the appellant has dealt with the objections raised and the willingness of the appellant to present a satisfactory alternative that addresses the criticisms of previous proposals and refusals by others. In particular, we note that there are a number of issues in the delegated report by the Planner that should be highlighted to the LRB.

Reason for Refusal 1

“The proposed development would result in a low standard of amenity for future occupants of the proposed dwellinghouse as inadequate amenity space and parking provision is proposed. “

KEY POINTS:

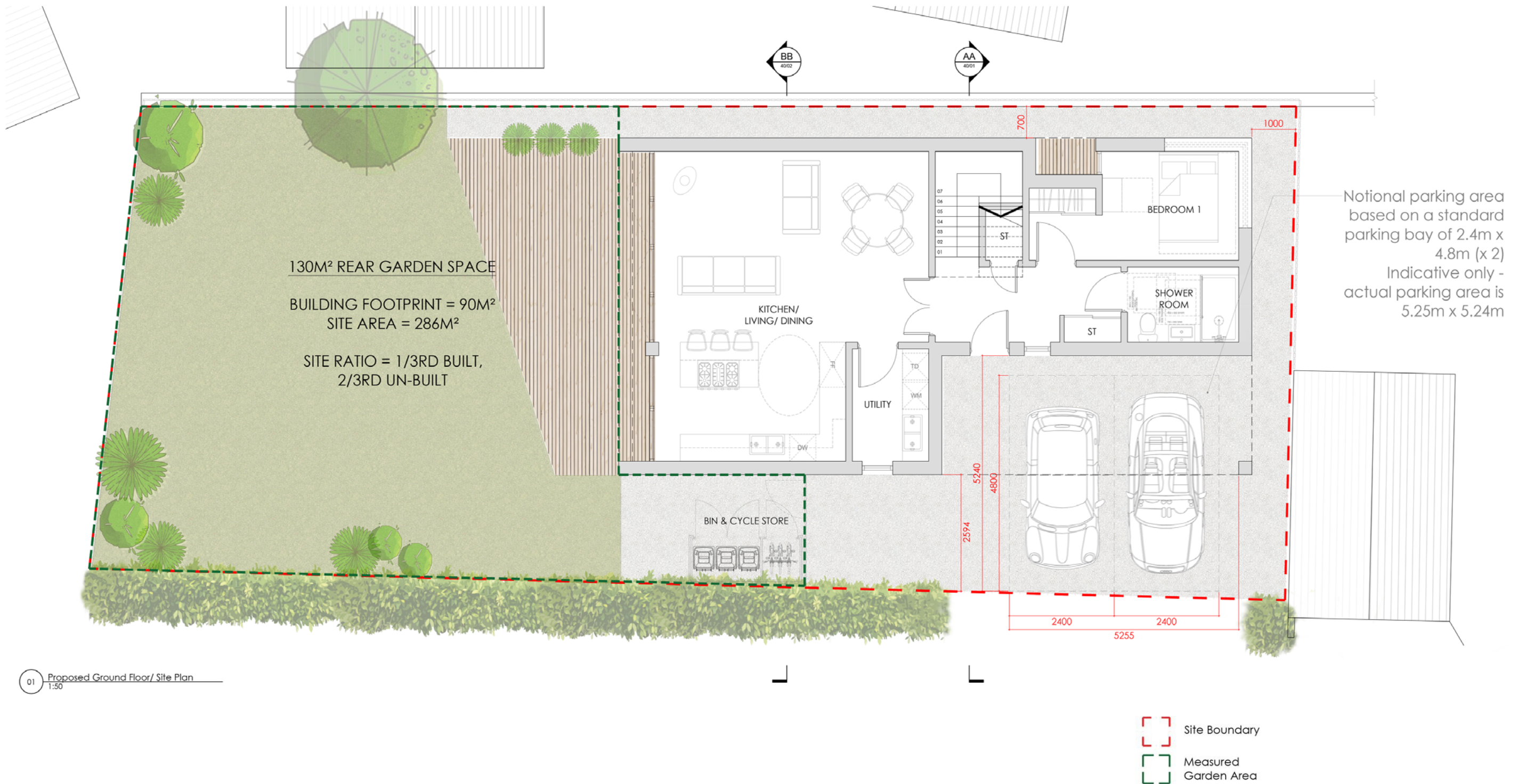
- The low standards of amenity cited in the Delegated Short Report are factually incorrect
- Parking provision not being adequate as described in the Delegated Short Report is also factually incorrect

FURTHER DETAILS:

- The criticism is of ‘the low standards of amenity for future occupants’. However, the Planner has incorrectly detailed the size of the garden area available to future occupants. The drawing lodged reference: b9-1902-p-11 illustrates that 130 m2 private usable garden space is available which is more than adequate for this type and size of property and is what Midlothian would ask a housebuilder to provide for a family sized house on a new development site.
- Two parking spaces are provided. A standard parking bay is usually 2.4m x 4.8m and this is what was dimensioned on the plans, however evidently we would not be providing “defined” parking bays as such in a domestic situation, and can therefore confirm the overall “parking area” is in fact 5.25m x 5.24m which is in compliance with the “5 metres minimum usually required” as stated in the Delegated Short Report. This is also illustrated on drawing ref: b9-1902-p-11.
- The required levels of amenity are therefore met; Reason for Refusal 1 falls and should be disregarded.

REFERENCED DRAWING b9-1902-p-11 PROVIDED OVER PAGE.

DRAWING b9-1902-p-11



2.0 Grounds for Review

Reason for Refusal 2

"The proposed development would have a significant detrimental impact on the amenity and privacy of neighbouring properties."

KEY POINTS:

- Rights of Light & Privacy are maintained
- Minor design amendments suggested could easily be conditioned

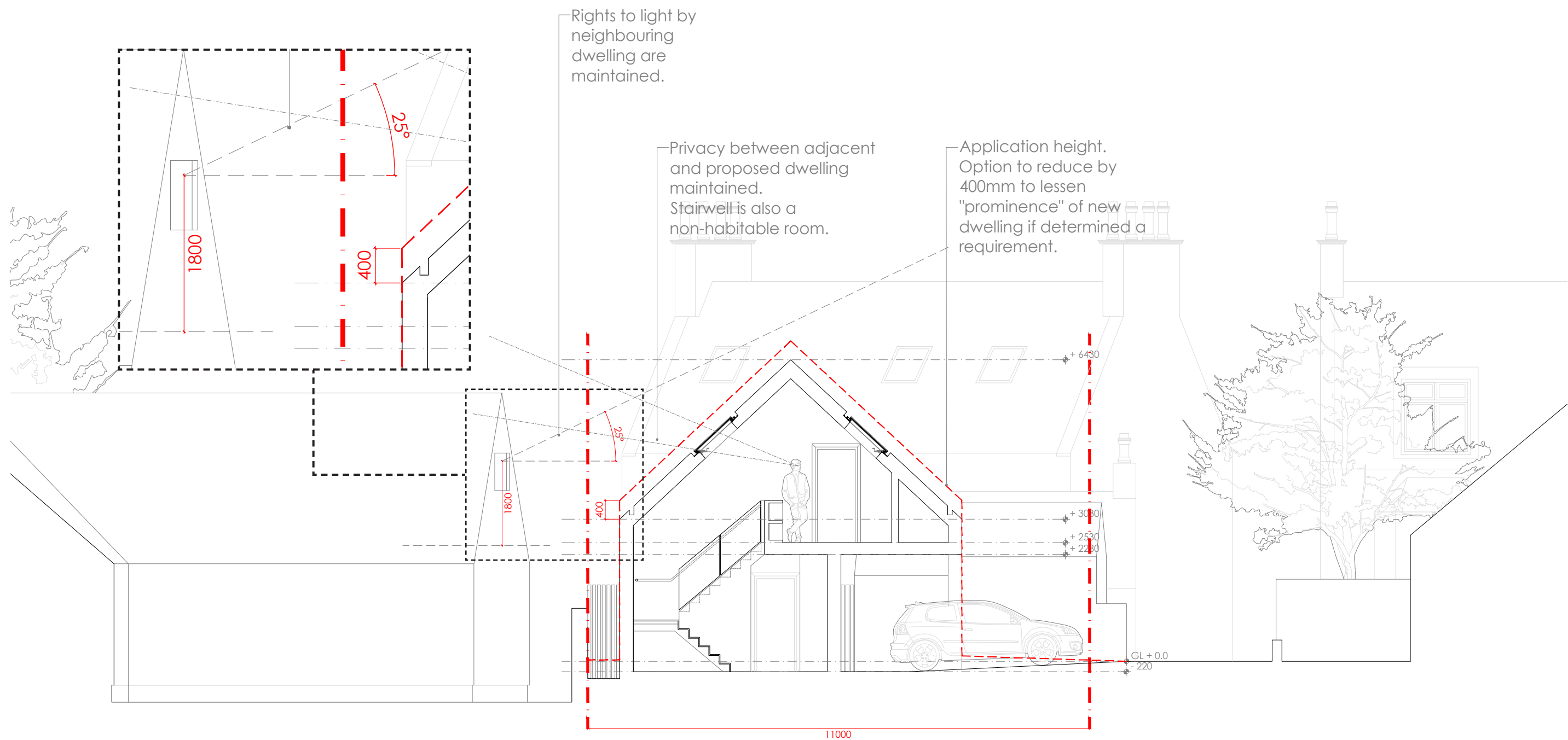
FURTHER DETAILS:

- Drawing b9-1902-41 illustrates that the rooflights proposed to the rear 1st floor do not impact on privacy to neighbouring dwellings. Rights of light are maintained to the neighbouring property and it is illustrated that there is no direct line of vision through the rooflights either.
- In the Delegated Short Report the only rooflight called into question is the one to Bedroom 2 (2 others are serving en-suites and can be obscured glazing, the other is over the stairwell which is a non-habitable room). This could be easily rectified or conditioned that this rooflight be moved to the opposite side of the roof.
- On this same drawing, it is suggested that, should the council feel the proposals are still overly "dominant" as described in the Delegated Short Report - despite compliance with rights to light and privacy - that it would be straightforward to reduce the overall height of the proposal by 400mm. The red dashed line shows the current line of the proposals for comparison. This is further illustrated in images "View 02 – Planning Proposal" and "View 02 – Option if required" on p8 of this document.
- At ground level, there are no cited reasons of over-looking in the Delegated Short Report and it is normal practice that the boundary treatment would screen outlook from ground floor windows.

- Regarding the 1st floor balcony to the south-west. The proposed balcony is set back and is limited in size and is therefore designed for in-frequent use by a maximum of 1-2 people to step out on momentarily. It is not designed for entertainment.
- If the council determines the balcony does impact privacy, this can be easily rectified by removing the balcony and windows completely and instead put 2 no. rooflights on the south-east elevation. This is illustrated for comparison in images "View 01 – Planning Proposal" and "View 01 – Option if required" on p8 of this document. This would remove any potential over-looking entirely.
- For the above reasons, Reason for Refusal 2 falls.

REFERENCED DRAWING b9-1902-p-41 & ADDITIONAL IMAGES PROVIDED OVER PAGE.

DRAWING b9-1902-p-41



03 Proposed Section C-C
1:100



View 01 - Planning Proposal



View 01 - Option if required (removal of balcony)



View 02- Planning Proposal



View 02 - Option if required (dwelling lowered by 400mm)

2.0 Grounds for Review

Reason for Refusal 3

“For reasons 1 and 2 above the proposed development is an overdevelopment of the site and is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017. ”

- This relates to the development plan policies. The text above coupled with the policy analysis in the Design and Access Statement clearly demonstrates compliance with the local development plan policies.
- In addition, the council has not considered the out of date nature of the Sesplan in this case. A recent judgement from the Court of Session in Gladman v Scottish Ministers sets out the concept of the 'tilted balance'. The tilted balance is applicable in this case. We have an out of date part of the development plan – the structure plan, a housing land shortfall, the need in the SPP to provide a generous land supply, yet on a brownfield site, within the village confines planning permission is refused for spurious reasons on a site that should be a relatively straightforward route to a planning permission for a small family house. This must be taken into account by the LRB and Reason no3 must be dismissed.

2.0 Grounds for Review

Reason for Refusal 4

"It has not been demonstrated to the satisfaction of the planning authority that the development can be served by a safe and appropriate vehicular access and as a result there would potentially be a detrimental impact on vehicle and pedestrian safety in the area. "

- The LRB must note that there was no objection by Transport Scotland to the proposals. Conditions were made by them and we can confirm these would be met.
- Midlothian's own Roads engineer stated that he had no objection in principle but notes the existing vehicle entrance from the A68 trunk road is narrow and unable to accommodate the flow of two-way traffic. This is incorrect as two-way traffic use the access and sometimes one of the existing occupiers parks a van in the lane.
- The lane can adequately accommodate another house and indeed used to accommodate the coming and going to the former garage building on this site.
- The existing shared access road is privately owned and the owner remained neutral to the application.
- Reason for Refusal no4 therefore falls given the former use of the site and the width and length of the access road.



Existing access to lane from A68
- Illustrating 2-way access at junction

3.0 Conclusion

The LRB is respectfully requested to take into the account the applicant's comprehensive package of information lodged with the application and the information contained in this document and overturn the delegated decision and allow the appeal.

Planning application 20/00353/DPP land at rear 180 Main Street, Pathhead

Objection Comments – Response.

1. Issue regarding over-development of the site.

- We believe we have illustrated within our Design Statement that the building to plot ratio is not over-development. The proposed footprint will take up approximately 30% of the overall site area, leaving 70% as external amenity space. Comparatively, the bungalow opposite the site (180A) consumes 37% of the site.

2. Issue regarding parking provision

- As per planning policy, we must provide a minimum of 2 no. parking spaces. We believe we have integrated this requirement successfully and discreetly into the design proposals. This will not add any adverse traffic noise, air pollution or impact road safety in any way. The existing access track is already well used for vehicle access by the neighbouring properties; therefore, we do not believe the addition of 2 cars will have a negative effect.
- Furthermore, our client has confirmed that to future proof the dwelling we would also provide an EV charging point to encourage the use of electric/ hybrid vehicles.

3. Issue regarding over-shadowing/ over-looking (part 1)

- In our Design Statement (p17) we have provided sun-path diagrams which illustrate the new dwelling will not adversely affect the neighbouring properties. The rear of No.5 Roman Camp is affected by its own shadow in the height of Summer; therefore the proposal will not result in a significant impact that would warrant refusal of the application in this regard.
- With the ground floor bedroom, we have intentionally positioned the windows at high-level so over-looking is not an issue material to the determination of the application thereby warranting its refusal on this basis. There is also an additional window which is set back and orientated away from the boundary so there is no over-looking.

4. Issue regarding impact of additional cars on health

- We believe this argument is not a material planning consideration in the determination of this application.

5. Issue regarding location of decking

- This decked area is part of the landscape designs located well within the plot boundary. It is not raised in any way. We would also note that it is proposed to erect a new fence to the perimeter, alongside the existing stone boundary wall to improve privacy to both our client's property and neighbouring properties (this can be seen in the visuals provided in our Design Statement). This area of the garden is also located adjacent to the driveway of No.5 therefore we don't believe they will be adversely affected in this matter.

6. Issue regarding over-looking (part 2)

- As per item 3 above. Additionally, the windows at first floor level are rooflights and have been positioned to ensure there is no over-looking. We have illustrated this on our site sections (drawing 40a) and in our Design Statement on p25.
- In our sections, we also illustrate compliance with maintaining Rights of Light to the neighbouring property at No.5 Roman Camp.

7. Issue regarding proximity of dwelling & noise

- Our proposals are in compliance with the policies set out in the Local Development Plan on which the determination of the application should be based. We believe this comment is unfounded. Evidently, we will also be in compliance with required Building Regulations in terms of construction and acoustics.

8. Issue regarding the 1st floor balcony

- We have designed this so that it is set significantly back into the property, with walls either side, and due to the positioning of the new dwelling compared with No.5 Roman Camp there are no over-looking issues that would warrant the refusal of the application.
- We also believe the new dwelling is set far enough back into the plot, so that over-looking to No.6 Roman Camp is also not an issue that would warrant the refusal of the application.
- Generally, this balcony has been designed for 1 or 2 people to step out onto momentarily to admire the countryside views. It is not large enough for entertaining or for anybody to spend any great length of time on.
- ** If Planning felt that the application should be redesigned to address issues in regard to the balcony this could be requested to the agent or dealt with by way of a condition on any planning permission. **

9. Issue regarding location of chimney

- We are in full compliance with Planning & Building Regulations with the location of the proposed flue, therefore we believe this is not a material issue which would warrant the refusal of the application.

10. Issue regarding change in level

- Evidently, this is part of the existing topography. We have taken this into full consideration with our design proposals and have, at every opportunity, minimised the impact of this without compromising the integrity of the design proposals.

11. Issue regarding existing boundary wall

- We have stated that this boundary wall will be maintained as part of the character of the site. Therefore, any remedial works or strengthening works will be undertaken as part of the site development to ensure this retains its integrity.

12. Comments relating to previous proposals

- This application should be determined on its own merits, not what has come before. The "site" is clearly appropriately located within the built-up confines of the village and the expectation by all is that it would accommodate a use or a building, as it has previously. It is not for the planning process to stifle development or sterilise sites. We note the objector's comment but it is essentially an unrealistic expectation of anyone to expect nothing to happen on this piece of land.

Generally, the intention of our design proposals is such that it enhances the Conservation Area. Given it has been left vacant for a number of years, we believe our proposals certainly do not detract from the local area and will, in fact, bring a positive contribution to the area.

We would be grateful if the Planning Officer could confirm whether this application will be determined by delegated powers and what the recommendation will be.

If there are any further queries on any matters pertaining to the Design Proposals, please do not hesitate to contact us.

Stephanie Else

Architect

block 9 ARCHITECTS

M 07449 872 651

stephanie@block9architects.com

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 100251116-001

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.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Construction of 1 no. new dwellinghouse, including private landscaped garden and driveway, on vacant land to the rear of 180 Main Street, Pathhead.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

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:	block 9 Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephanie	Building Name:	
Last Name: *	Else	Building Number:	21
Telephone Number: *	0131 629 4950	Address 1 (Street): *	Castle Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH2 3DN
Email Address: *	stephanie@block9architects.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> 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: *	Stuart	Building Number:	21
Last Name: *	Duncan	Address 1 (Street): *	Castle Street
Company/Organisation	block 9 Architects	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH2 3DN
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

663882

Easting

339707

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

We submitted sketch proposals as a Pre-Application for this proposal. The case officer explained that the contemporary approach would require more detailing to carry through the proposal - and that the design could be enhanced with better architectural detailing - in order to proceed with a house on the site. Any proposal should also detail materials, with a design statement to explain the rationale behind the proposals. Dormer windows would also have overlooking issues to neighbours.

Title:

Ms

Other title:

First Name:

Mhairi-Anne

Last Name:

Cowie

Correspondence Reference
Number:

19/00728/PREAPP

Date (dd/mm/yyyy):

24/10/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

286.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The site is currently vacant.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒

Yes – connecting to public drainage network

☐

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

A new combined bin store and bicycle store is proposed, located within the garden area - as illustrated on the ground floor plan.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stephanie Else

On behalf of: block 9 Architects

Date: 22/04/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Sandy Anderson

Declaration Date: 28/05/2020

Payment Details

Online payment: XMEP00003622

Payment date: 28/05/2020 11:46:00

Created: 28/05/2020 11:46

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 20/00353/DPP

Site Address: Land to Rear of 180 Main Street, Pathhead.

Site Description: The application site comprises a former area of garden ground serving 176 Main Street that is now in separate ownership and does not form part of the curtilage of this or any other property. There are houses and associated gardens to the north, east, south and west. The site is relatively flat, with the houses to the north and west at a lower level. The site is accessed from Main Street by a lane shared with 180 and 180A Main Street to the south. 180 Main Street sits behind 176 Main Street with the site beyond. The boundaries comprise a mix of masonry walls, timber fencing and hedging. The site lies within the Pathhead and Ford Conservation Area. The site is in a predominately residential area with a variety of housetypes, ranging from single storey, single storey with accommodation in the roofspace and two storey which are largely traditional in scale and design. There was previously an unauthorised garage here which has since been demolished, however an area of hardstanding remains to the east of the site.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: The house is to be sited to the east of the site, measuring 14.5 metres long by 7.5 metres wide with a pitched roof 6.8 metres high with accommodation in the roofspace. The first floor is served by six rooflights and a large opening and balcony. The walls are white render, dark grey/black and natural timber clad, the roof natural slate, the window and door frames dark grey aluminium, with one door timber and flush rooflights. A stainless steel flue is proposed on the north elevation projecting 2.3 metres from the roof.

The house is 0.7 metres from the north boundary, a maximum of 1 metre from the east boundary, 2.5 metres from the south boundary and a maximum of 11.8 metres from the west boundary. The existing hedge is to remain along the south boundary, with the stone wall retained at the north with a fence added to a maximum height of 2.1 metres. There are no details of the east and west boundaries. Two parking spaces are proposed. The applicant states that the house will connect to the public drainage and water supplies.

The applicant's agent has submitted a supporting statement, providing a rationale for the design, addressing overlooking, overshadowing and other potential impacts on the neighbouring properties as well as the impact of the house on the character and appearance of the conservation area. They have also provided a response to the representations received as well as details of information sent to neighbouring properties before the application was submitted.

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

19/00244/WTT Felling of tree within the Pathhead conservation area. Approved.
18/00567/DPP Erection of dwellinghouse and garage (part retrospective). Refused – poor design for the conservation area and surroundings; low standard of amenity for occupants; detrimental impact on amenity and privacy of neighbouring properties; contrary to STRAT2, DEV2. Appealed to DPEA– refused: inaccurate plans; same as Council decision.

17/00420/DPP Erection of garage (part retrospective). Refused – for the same reasons as 16/00676/DPP. Review dismissed by LRB for the same reasons.

16/00676/DPP Erection of garage (part retrospective). Refused – the garage was no longer associated with a residential property, the design included dormer windows and the use of the roof space would result in overlooking of the neighbouring property and the overall design and scale of the building was not sympathetic to its location.

662/92 Erection of a dwellinghouse. Refused - over development; the potential impact on neighbouring properties. Appealed - upheld for the same reasons. The land was no longer owned by the owner of 176 Main Street and as such does not form part of its residential curtilage.

382/91/FUL Erection of garage. Consent with conditions - restricting its use to domestic uses associated with 176 Main Street – at the time the land was associated with 176 Main Street and formed part of its residential curtilage (garden).

Land to north

20/00293/DPP Subdivision of existing dwellinghouse to form two dwellinghouses and associated demolition of existing extensions, erection of new extension and external alterations; erection of new dwellinghouse; formation of access; car parking and areas of hardstanding and associated works. Withdrawn.

Consultations:

The **Policy and Road Safety Manager** has no objection in principle but notes the existing vehicle entrance from the A68 trunk road is narrow and unable to accommodate the flow of two-way traffic. An additional dwelling using this access would result in an increase in the number of vehicles using the entrance which may result in vehicle waiting to enter, having to queue on the main road. There are also concerns over the proposed parking. While the proposal shows two private parking spaces each 4.8m long, less than the minimum 5 metres usually required, it is not clear if there is sufficient space available for vehicles to turn within the site. Details of the proposed surface water management plan are required to ensure that no additional flooding risk will arise from the proposed development.

Scottish Water has no objection but states that they will not accept any surface water connections to the combined sewer.

Transport Scotland has no objection subject to a condition being attached to any consent requiring a comprehensive Construction Method Statement be approved before works begin that includes details of how material deliveries will be made to the site, to prevent delivery vehicles reversing out onto the A68 trunk road across the footway or obstructing northbound through traffic on the A68 trunk road.

Representations: Five objections have been received on the following grounds:

- The proposal is overdevelopment of the site;
- The proposal would detract from the character of the conservation area;
- The design does not reflect the character of the area, including materials, roof pitch and inclusion of car port;
- The proposal would adversely affect the rural character of the village which is being eroded by overdevelopment of plots;
- The proposal would be detrimental to the privacy and amenity of existing properties, through overlooking to existing properties and gardens as well as noise between properties;
- The house would be overbearing from adjacent houses and gardens, exacerbated by the proximity of the house to adjacent properties and ground levels in the area;
- The flue is 3 metres from a window on the house to the north, causing pollution into this existing property;
- The house is accessed by a narrow lane from a trunk road adjacent to houses;
- Concern over trunk road safety;
- The proposal will add to traffic noise;
- Additional pollution leading to health concerns;
- Loss of views of the countryside;
- The existing boundary walls are damaged at present which will be exacerbated by the proposed development;
- The condition of the land, planning history of the site and number of applications mean the site is unsuitable for further development and detracts from neighbouring properties. The site should be returned to an acceptable use, such as garden ground;
- The dimensions of the plans are not accurate which makes the access more restricted than it appears;
- The proposal is not significantly different from those previously refused at the site, in regards overdevelopment and impact on existing properties; and
- The proximity between the proposed house and the house to the north appears a fire hazard.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

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

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

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

DEV6 Layout and Design of New Development states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access,

passive energy gain, positioning of buildings, open and private amenity space provision and parking;

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

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

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings.

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. The representations and consultation response received are material considerations.

The application site is located within the built-up area of Pathhead where there is a presumption in favour of appropriate development which does not detract materially from the character or amenity of the area. The site is within the Pathhead and Ford Conservation Area where the design of any development should preserve or enhance the character and appearance of the area.

The proposed house has the form of a single storey cottage of traditional proportions with a pitched roof, traditional materials but with modern design detailing, which incorporates some large glazed areas. This design approach is different from the immediately surrounding houses. However a modern contemporary approach can be acceptable in conservation areas where this does not detract from the character and appearance, but compliments and respects this.

The form and proportions of the house are traditional and in keeping with the area. The material finishes and detailing are more contemporary in style however these would not have an adverse visual impact on the area. The use of timber cladding and larger areas of glazing have been successfully used in other conservation areas and in this case the pairing of high quality materials with good design would positively contribute to, and not have a significant detrimental impact on, the character and appearance of the Pathhead and Ford Conservation Area.

The application site is closely surrounded by residential properties. The house at 180 Main Street is approximately 13 metres from the proposed house. The only opening on the proposed elevation facing this house is a high level window 2 metres from ground level. This limits overlooking between these properties.

This high level window wraps around the corner of the proposed house and faces onto the house and garden at 5 Roman Camp. The existing house is 2.3 metres from the proposed house, with the ground level in the application site sitting approximately 1 metre higher. Although this window will directly face onto 5 Roman

Camp, it is 2 metres from the finished floor level of the proposed house and so overlooking to the existing house and garden is limited.

There are four rooflights facing towards 5 Roman Camp, 1.6 metres from ground level. While two serve en-suites, which could be obscured, and another a hall, which is not a habitable room, one serves a bedroom (it is the only window serving that bedroom) and directly overlooks the house and garden at the neighbouring property. This rooflight is 1.6 metre from floor level on the first floor meaning that overlooking will be limited, however there could still be overlooking from the proposed house into the garden and potentially the house due to the orientation of the properties.

There is a bedroom window on the elevation of 5 Roman Court facing the site. This would be around 3 metres from the roof of the proposed house. From this window the proposed house would have a very dominant presence to the detriment of residential amenity currently enjoyed by the occupiers on 5 Roman Camp, detracting from their outlook and potentially be over bearing due to the change in ground levels, the proximity and height of the house.

In order to address the impact on privacy to 5 Roman Court from the garden, a fence is proposed along the top of the existing stone wall, to be 2.1 metres high. While this will address any overlooking from the site to the 5 Roman Court, the change in ground levels means the boundary treatment will appear almost 3 metres high from the existing property which will be a dominant and overbearing feature. There is also to be a flue from the proposed house in close proximity to 5 Roman Court.

The house at 180A Main Street is 9.5 metres to the south, across the access track. The position of the opening on the elevation facing the existing house as well as the retention of the boundary hedge means there will not be any significant overlooking between this window and the existing house. There are two rooflights proposed on the elevation facing 180A Main Street, with the closest serving a hall and the other serving a bedroom. This could result in overlooking of the gardens at 180A and 182 Main Street, however these areas are already overlooked by each other and so the proposed house would not be significantly worse than the existing situation.

The proposed house is 12 metres from the house at 5 Roman Camp to the southwest and approximately 11.8 metres from the shared boundary. There is a large glazed opening at the ground floor of the elevation facing 5 Roman Camp and a balcony at first floor level, set back 1.2 metres. Due to the orientation of the properties, the proposed house would have clear unrestricted eye-level views into and directly overlook the existing house and garden at 5 Roman Camp, to the significant detriment of their privacy and amenity.

The proposed house would be served by 120 square metres of usable garden ground. This is less than that required for a house of this size (3 bedrooms). The garden would be overlooked by the house at 5 Roman Camp, thereby further reducing the level of amenity to occupants of the proposed house. Whilst there are some small gardens in the local area, there are more gardens which are larger than that of the proposal, and the character of the area is not sufficiently defined by such small gardens as to justify a departure from the required standards (130sqm). It is also the case that space standards have been improved and formalised over the

years since the neighbouring developments were built and provide an accepted good level of amenity for future residents.

Two parking spaces are proposed, measuring 4.8 metres long, less than the 5 metres minimum usually required. It has not been demonstrated that there is sufficient space for vehicles to turn within the site.

The vehicular access to the site from the trunk road is narrow and unable to accommodate the flow of two-way traffic. A new house using this access would result in an increase in the number of vehicles using the entrance. This may result in vehicles waiting to enter, having to queue on the main road. Transport Scotland requires a condition be attached to any consent requiring a comprehensive Construction Method Statement be approved before works begin that includes details of how material deliveries will be made to the site. This shall prevent delivery vehicles reversing out onto the A68 trunk road across the footway or obstructing northbound through traffic on the A68 trunk road.

The following section addresses representors' comments not addressed above. Any increase in traffic pollution or noise is not considered to be a significant level as compared the existing situation. Any damage to walls or other properties is not a material planning consideration but a private legal matter between the relevant parties. The loss of a view from a property is not a material planning consideration. The fire safety regulations and proximity to boundaries are not material planning considerations but matters that would be considered in the related building warrant. The dimensions of the site have been checked and are considered accurate.

Overall, there is inadequate spacing between the proposed house and properties at 5 and 6 Roman Court and the proposal would have an adverse impact on the privacy and residential amenity of the occupiers of these houses. Also the amenity provided for the proposed occupants would also be below the required amounts in regards private usable garden ground and parking, due to the site's restricted dimensions and proximity to other houses. The proposal is therefore overdevelopment.

It is clear from the planning history of the site that the Planning Authority has consistently refused applications for housing here. The site is small and has a number of properties in close proximity, restricting any form of acceptable development. Anecdotally, the Planning Authority is aware that there may be some local interest to buy the site and make this into garden ground for local properties. Given that the site used to form part of the garden ground to 176 Main Street and the issues raised through this and previous planning decisions here, this would be a more appropriate use of the land.

Recommendation: Refuse planning permission.

Appendix

After the publication of this worksheet, it was noted that this contained a number of inaccuracies in the addresses of the properties described in the following sections:

Page 5, 2nd paragraph, line 1 - 5 Roman Court should be 5 Roman Camp.

Page 5, 3rd paragraph, lines 1, 3 & 6 - 5 Roman Court should be 5 Roman Camp.
Page 5, 5th paragraph, lines 1, 3 & 6 - 5 Roman Camp should be 6 Roman Camp.
Page 6, 4th paragraph, line 2 - 5 and 6 Roman Court should be 5 and 6 Roman Camp.

These inaccuracies did not impact the assessment of the proposal, however this note has been added in the interests of clarity and accuracy.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00353/DPP

Block 9 Architects
21 Castle Street
Edinburgh
EH2 3DN

Midlothian Council, as Planning Authority, having considered the application by Block 9 Architects, Mr Stuart Duncan, 21 Castle Street, Edinburgh, EH2 3DN, which was registered on 29 May 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at Land to Rear of 180 Main Street, Pathhead

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	b9-1902-p-00 A 1:1250	29.05.2020
Site Plan	b9-1902-p-01 A 1:200	29.05.2020
Proposed Floor Plan	b9-1902-p-10 A 1:50	29.05.2020
Proposed Elevations	b9-1902-p-30 A 1:100	29.05.2020
Proposed Cross Sections	b9-1902-p-40 A 1:50	29.05.2020

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

- 1. The proposed development would result in a low standard of amenity for future occupants of the proposed dwellinghouse as inadequate amenity space and parking provision is proposed.*
- 2. The proposed development would have a significant detrimental impact on the amenity and privacy of neighbouring properties.*
- 3. For reasons 1 and 2 above the proposed development is an overdevelopment of the site and is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017.*
- 4. It has not been demonstrated to the satisfaction of the planning authority that the development can be served by a safe and appropriate vehicular access and as a result there would potentially be a detrimental impact on vehicle and pedestrian safety in the area.*

Dated 28 / 7 / 2020

A handwritten signature in dark ink, consisting of a stylized 'D' and 'R' joined together.

.....
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.

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

This Standing Advice is valid from 1st January 2019 until 31st December 2020

Appendix E

- Notes
- All dimensions are to be checked on site prior to construction.
 - Dimensions marked with an asterisk thus * are open site dimensions to be confirmed on site.
 - Should any discrepancy be found with this drawing please report to this office immediately.
 - The copyright of all information contained within this drawing resides with block 9 architects.

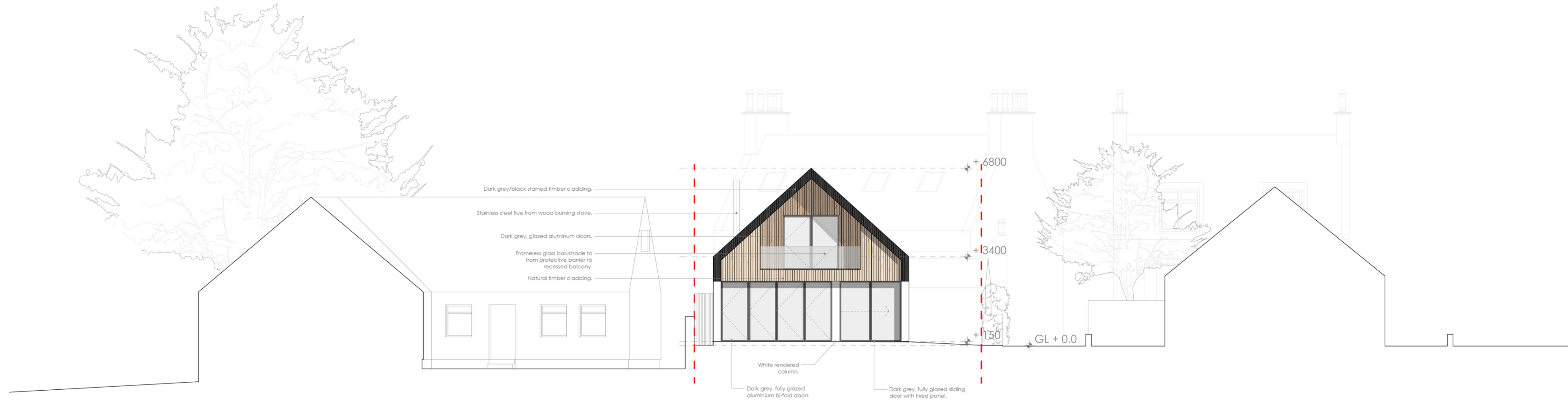
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PLANNING ISSUE

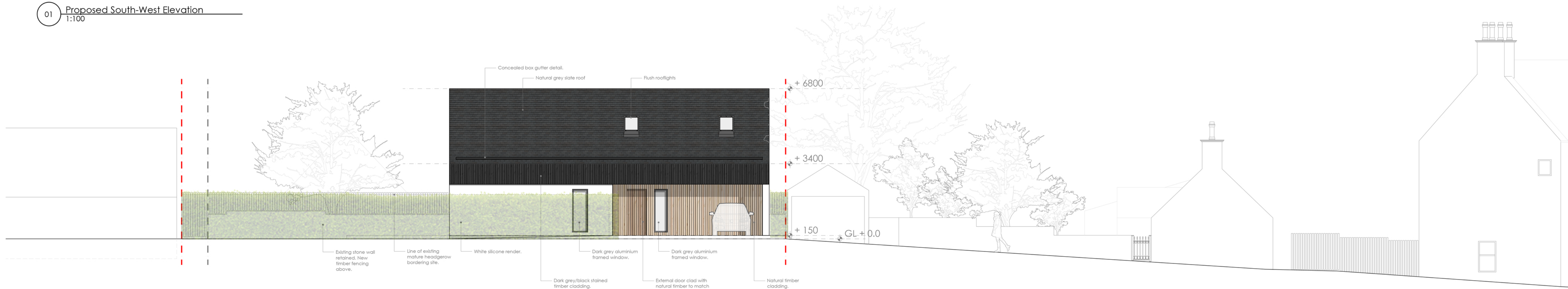
NOT FOR CONSTRUCTION

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- Site Boundary (in distance)

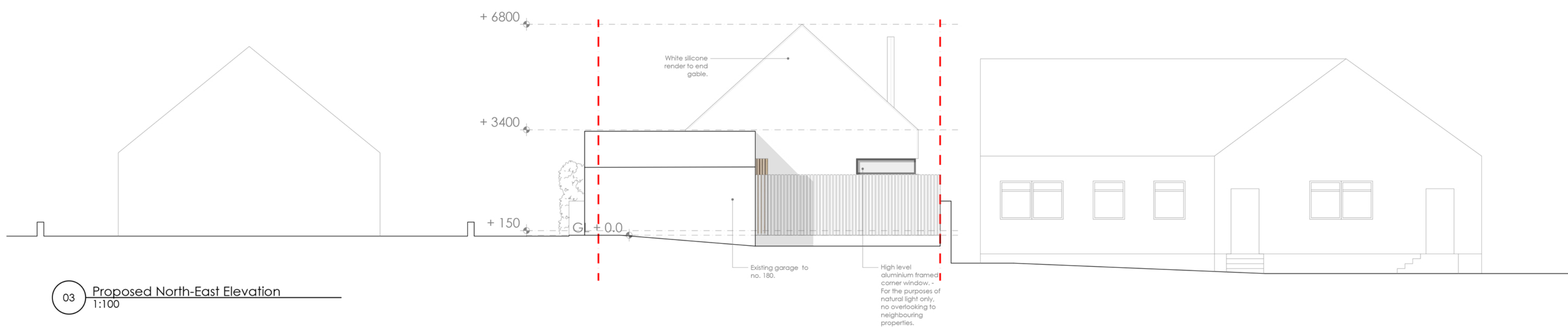
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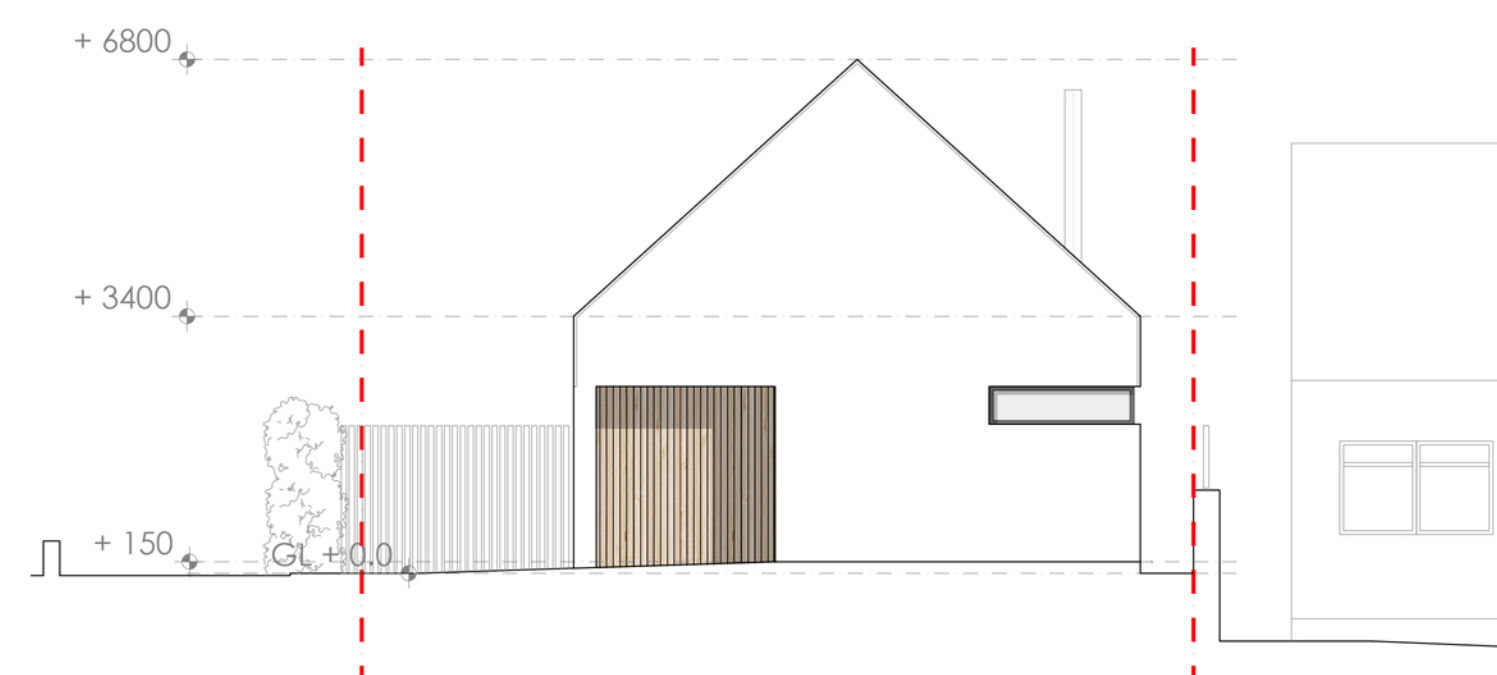
02 Proposed South-East Elevation
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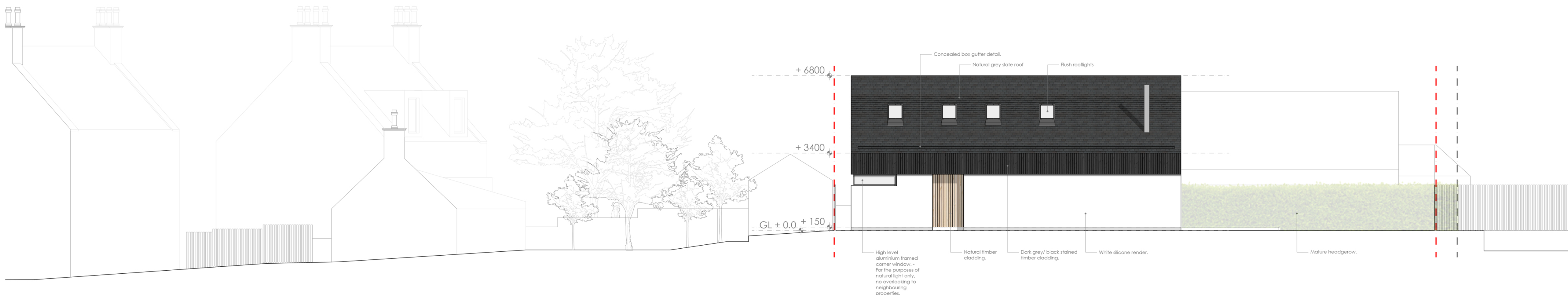
03 Proposed North-East Elevation
1:100



03a Proposed North-East Elevation (in front of existing garage & fencing)
1:100



04 Proposed North-West Elevation
1:100



Scale 1:100



A	29.01.20	PLANNING	se	se
Rev	Date	Note	By	Chk

Status

PLANNING

block 9
ARCHITECTS

21 Castle Street
Edinburgh
EH2 3DN
tel: 0131 629 4950
info@block9architects.com
www.block9architects.com

Project
(Land to rear of) 180 Main Street
Painhead
EH37 5SG

Client
Mr Stuart Duncan

Drawing
Proposed Elevations

Scale
1:100@A1

Drawn by
se

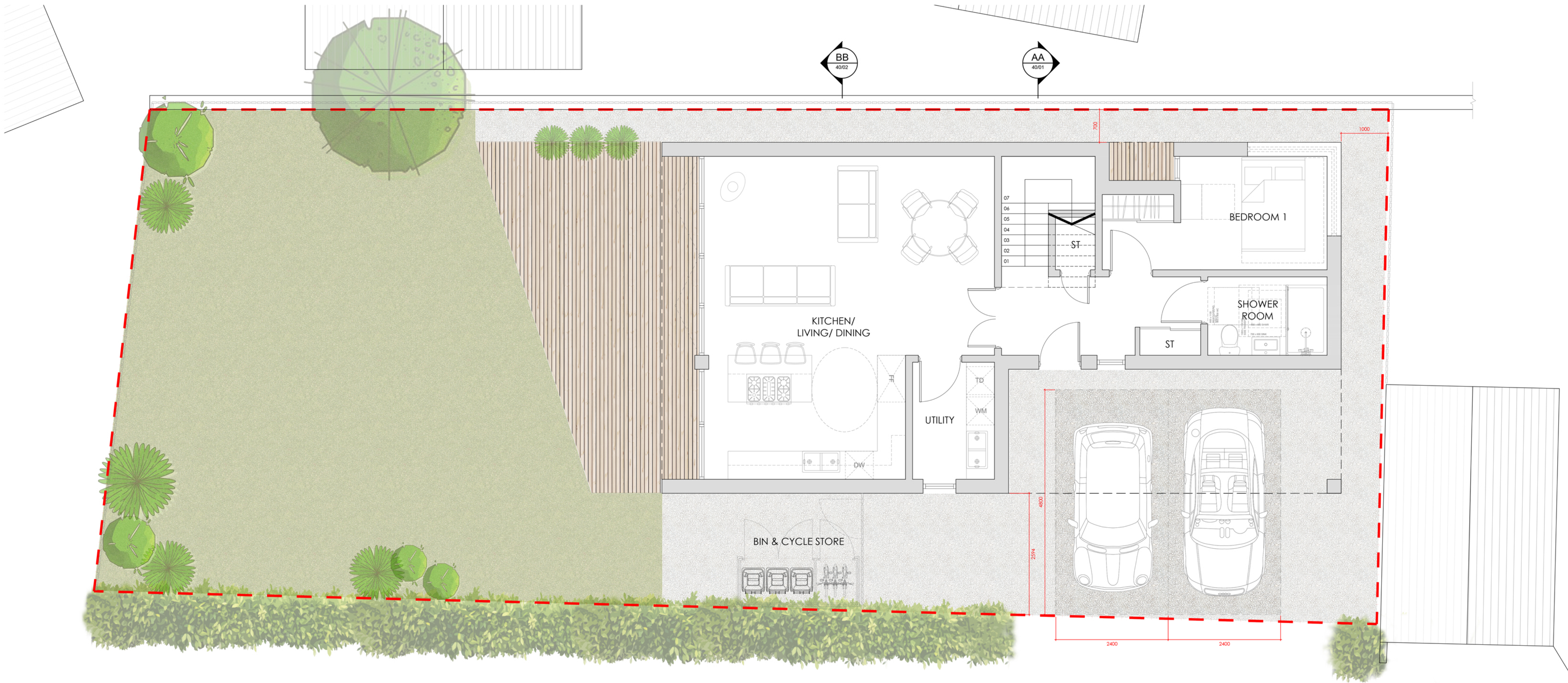
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b9-1902

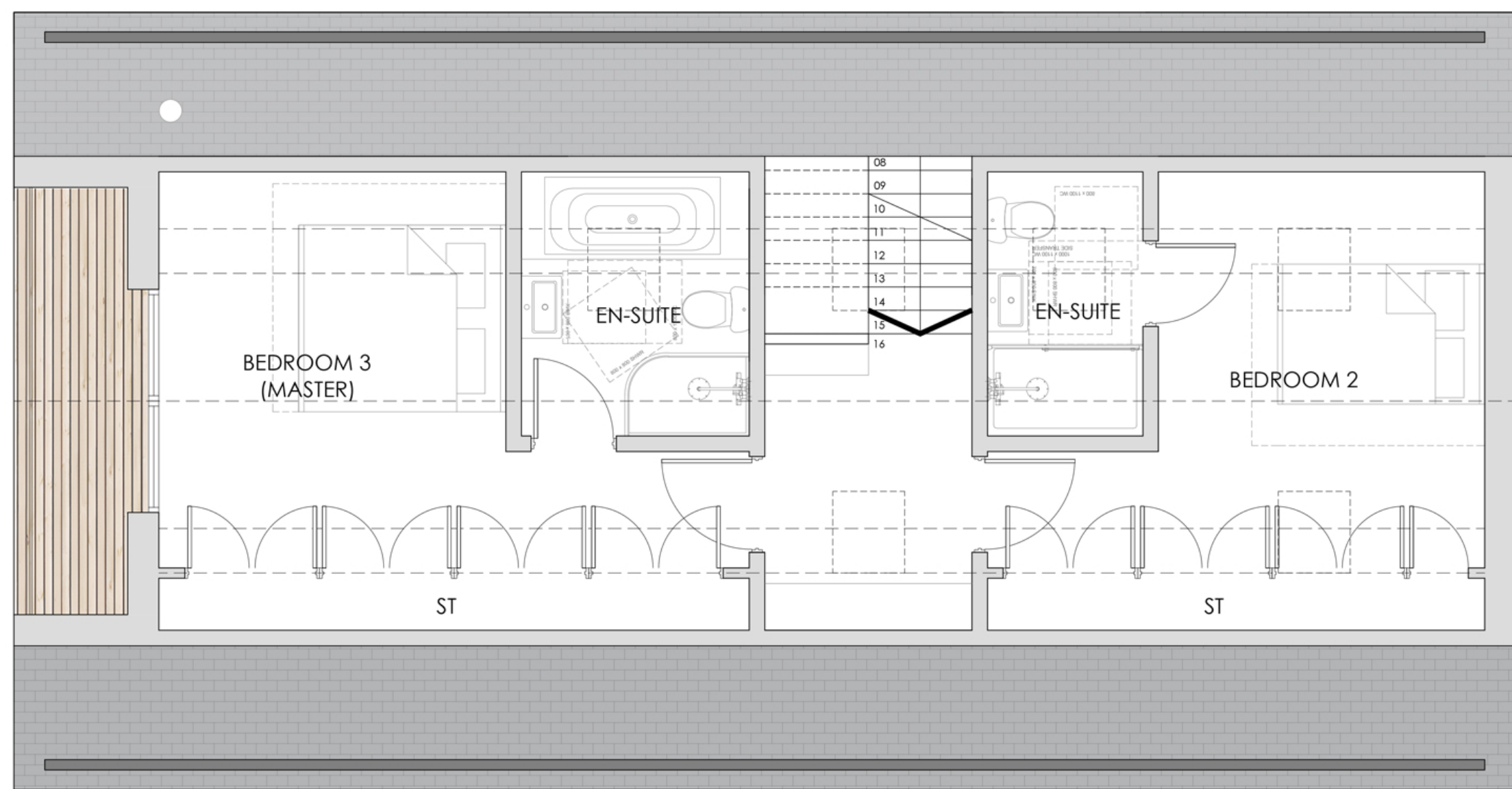
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Drawing Number
b9-1902-p-30

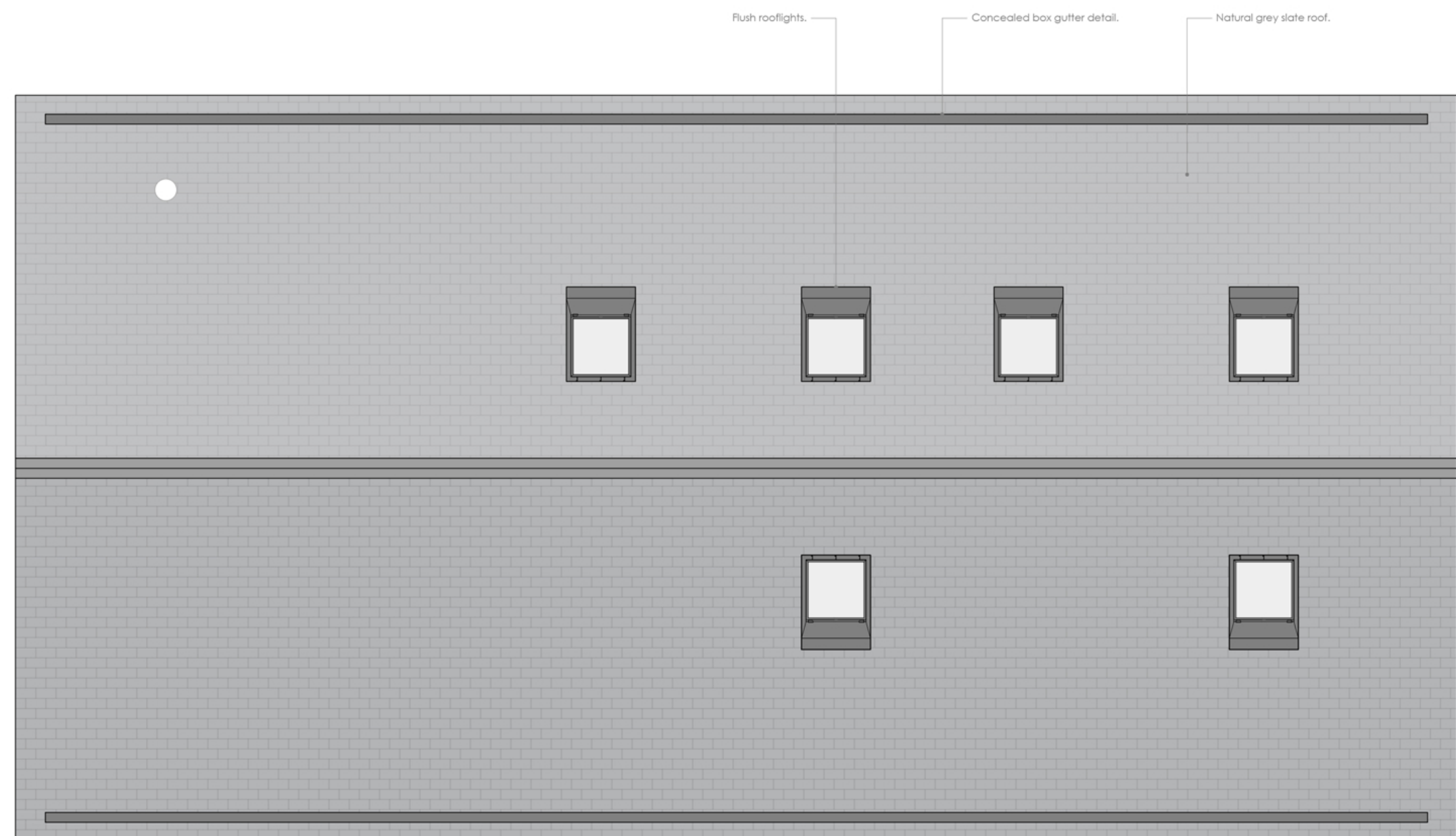
Rev
A



01 Proposed Ground Floor/ Site Plan
1:50



02 Proposed 1st Floor Plan
1:50



03 Proposed Roof Plan
1:50

Notes:

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Site Boundary

A 18.02.20 PLANNING
/ 21.08.19 PRE-PLANNING
Rev Date Note By Chk

Status

PLANNING

block 9
ARCHITECTS

21 Castle Street
Edinburgh
EH2 3DN
tel: 0131 629 4950
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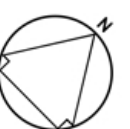
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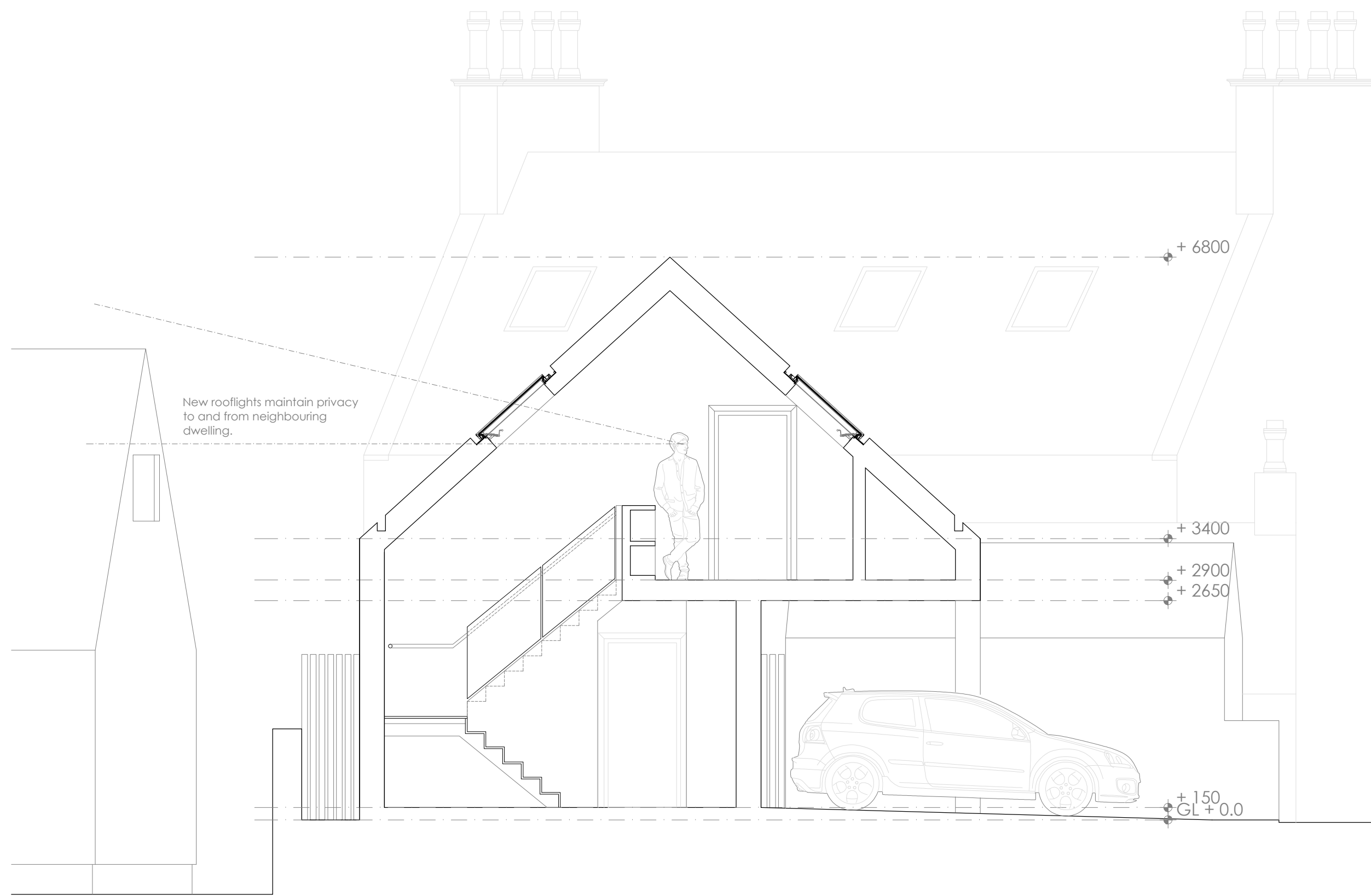
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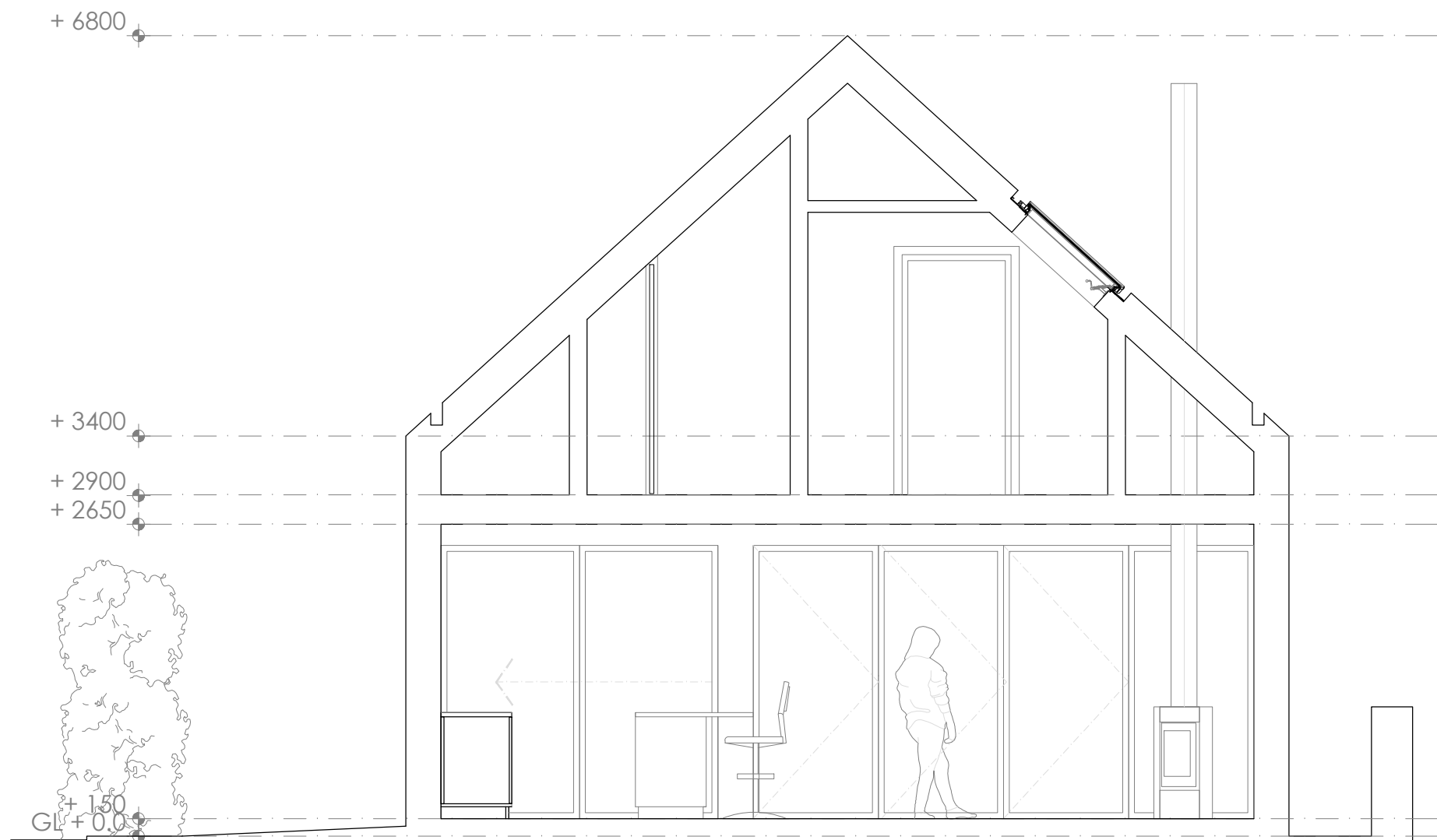
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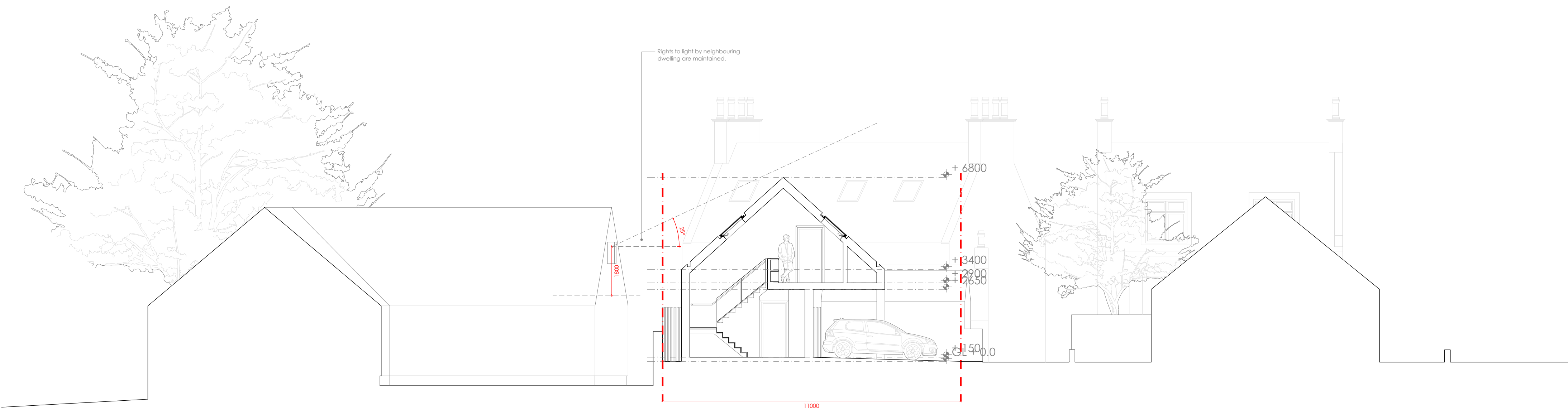




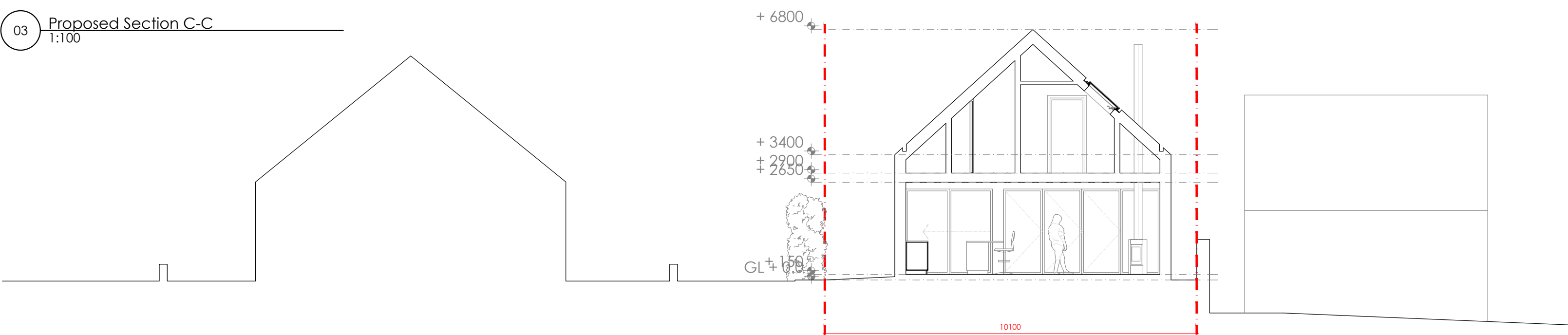
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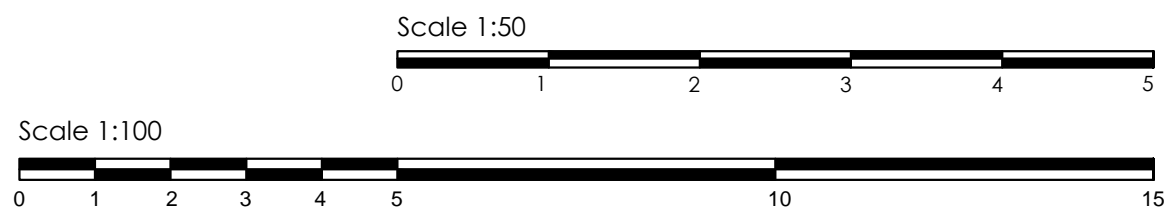
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03 Proposed Section C-C
1:100



04 Proposed Section D-D
1:100



Notes:

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NOT FOR CONSTRUCTION

Site Boundary

A	29.01.20	PLANNING	se	se
/	21.08.19	PRE-PLANNING	se	se
Rev	Date	Note	By	Chk

Status

PLANNING

block 9
ARCHITECTS

21 Castle Street
Edinburgh
EH2 3DN
tel: 0131 629 4950
info@block9architects.com
www.block9architects.com

Project

(Land to rear of) 180 Main Street
Pathhead
EH37 5SG

Client

Mr Stuart Duncan

Drawing

Proposed Sections

Scale

Varies@A1

Drawn by

se

Check By

se

Job number

b9-1902

Date

07.08.19

Drawing Number

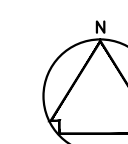
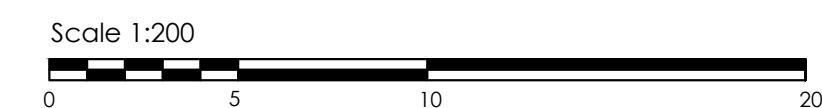
b9-1902-p-40

Rev

A

- Original Drawing Size: A1

PLANNING 1990
NOT FOR CONSTRUCTION



PLANNING