

Notice of Review: Land West of Roanshead Crescent, Easthouses, Dalkeith

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' regarding an application for planning permission in principle for the erection of three dwellinghouses at land west of Roanshead Crescent, Easthouses, Dalkeith.

2 Background

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

3 Supporting Documents

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

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 15 January 2018; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that four consultation responses and eight representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. Comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Recommendations

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

Date: 5 January 2018

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

Tel No: 0131 271 3310

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

APPENDIX A



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

Land West of Roanshead Crescent, Easthouses

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File No. 17/00690/PPP

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Scale: 1:1,000



Midlothian



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100074934-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

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

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

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

Site Address Details

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

Please identify/describe the location of the site or sites

Land West of Roanshead Crescent, Easthouses, Dalkeith

Northing

665484

Easting

334077

Description of Proposal

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

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

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

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

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

☐ Yes ☒ No

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

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

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

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00690

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

31/08/2017

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

17/10/2017

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr RICHARD MCQUEENIE

Declaration Date: 08/11/2017

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On consultation of the application there was eight representations received with varying comments. The other comment was received from the Policy & Road Safety who commented on the there was no objection in principle to the access arrangements other than there would be more detailed information required regarding road widths, gradients and drainage, which would normally be provided at a detailed application stage, however the construction of the private access road and the house foundations has been considered by Addison Conservation, civil engineers and the construction of the road and the house foundations are all within the scope of normal foundation and construction methods. No specialized foundations or underbuilding required.

The other comment was that the occupants have a long way to walk to present their waste bins. This would seem a muted point and is an issue for any prospective owner and not a planning issue on a private shared access road.

In terms of the objections received regarding road access, road safety, construction traffic, all of these factors would be covered by a management construction plan and a health and safety plan, this would be a mandatory for a development of this nature and this would govern access times, working times. It should be noted that this is small development and as such the timescales should be reflective of this and would be covered by planning conditions as per the previous consent conditions as approved by the Council.

In terms of loss of amenity the area of ground is currently scrub ground with no natural planting of any importance. The trees to the adjoining conservation area will not be disturbed as these are deemed to be protected and would be covered by planning condition as per the previous consent conditions as approved by the Council.

There would be no undermining of current land during the operations as all the ground works and engineering works are of standard construction and currently some of these operations have been carried out without any concerns being raised.

There would be no loss of daylight to any of the current properties as the distances are within policy guidelines and there would be no over looking as the proposed house would have no apartment windows overlooking the existing houses. House 3 is located opposite garden ground and house 4 is in line with the current line of dwellings, a

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“gable to gable” situation currently adopted within the current residential development. The location of house 2 is actually better than the approved location as it is now located further away from the existing houses.

We can now turn our attentions to the reasons for the refusal and comment on these in order: -

Reasons

1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicular numbers and construction traffic on unsuitable roads.

The proposal as previously stated is in essence for an additional two dwellings and as such it is hard to see where the adverse effect to the amenity will take place when a controlled management system for ground works and construction of the houses would be implemented as put forward and approved for the consented application 12/00288/DPP. The plant required for the development of the site has already been on site without an effect to the unsuitable roads. If the Roads are adopted there is assumption that the roads are capable of taking construction traffic. Again this would all be covered by a condition and a suitable management plan as already agreed by condition with the Council for application 12/00288/DPP.

2. It has not been demonstrated that access can be provided to the proposed dwelling houses; in absence of an access to the dwelling houses there would be additional on-street car parking which would have an adverse impact on the amenity of the area and have a adverse impact on vehicle and pedestrian safety in the area.

It is clear that an access to the dwelling houses has been demonstrated as per site plan 90.03 R, which clearly indicates private road access with passing places to houses 3 and 4. It would be anticipated that further details would be required as per the consultation by the Policy & Road Safety on a detailed application. It is noted that Policy & Road Safety had no concerns in principle. 300 % car parking has been provided to new houses more than the current properties have and if required there is space for additional off-street car parking. The private shared private access has passing places for ease of use. The construction of the private access is 3.5 m wide and the construction method of the road is within normal guidelines with no specialized engineering.

3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the level of the site.

The proposed houses are of a similar design and material finish as the existing dwellings and comply in terms of over shadowing, daylight and distance to boundaries for apartment windows. They are also similar to the recent approved dwelling with the site

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area being discussed; the argument that they will have an adverse affect is not founded. The significant engineers works referred to is again not dissimilar to the works for the approved houses and the current proposals indicate that the foundation works are within the normal scope of house foundations and are not specialized. There is works at the burn but these would take the form of a culvert and localized engineering works to form the road access to house 4. There are alterations to the site contours to accommodate the dwellings and has already been carried out for the houses 1 & 2 without any consequences and all planning conditions where met, therefore the engineering works are not specialized and are not excessive. The works are adjacent to the conservation area, however the site was once considered as a road access and as such would have had more impact on the conservation area than two additional dwelling house and engineering works. The conservation area is not to be disturbed and there would be no loss of trees. Before any works were to be commenced a further tree survey would require to be carried out to update the current tree survey, however it would be anticipated that the trees have deteriorated further given that no maintenance has been carried out since the last tree survey. The previous tree survey commented that the trees along the boundary of the conservation area are of moderate quality only. The existing stone boundary wall is in a state of disrepair and any further repairs would have to be assessed, if to be undertaken. It may be that the cost of the works could be shared with the current landowner.

4. For the above reasons the proposal does not comply with policies RP20, RP22 of the Midlothian Local Plan and policies DEV2 and ENV19.

In response to the final statement of the refusal notice the following comments and arguments are sought to overcome the decision for refusal.

RP5 - There is no loss of significant landscape, no loss of trees. The land does bound the conservation area but this area is badly managed is not in a good shape, with the stone wall badly requiring repair which could become a condition of the application and the trees bounding the site only moderate quality. A landscape proposal is already in place for the current houses and this would be extended to the proposed two houses as indicated on drawing 90.03. See the attached original tree report in support of comments regarding the boundary trees.

RP7 - The landscape character of the site is not of any great significance, with the ground mainly containing scrub and has been partly developed for the approved houses. There are currently no significant trees on the site and all major trees are bounding the site. Care has been and will be taken not to adversely affect any of the trees as they do provide amenity to the area.

RP20 - In terms of development within a built up area, again the density of the proposals are less than the existing dwelling houses either built or approved, the design and style is similar as is the proposed materials. The current land offers no amenity to the existing houses, with it being general low-level scrub and grasses. The

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real amenity is the conservation area, which is to be preserved and in the long term enhanced with regular maintenance. Given that the site was once considered for a major road access, this development forms much less of an impact.

RP22 – The site its self is not in a conservation area but bounds the conservation area. It currently has planning for two houses and the current application is for a further two dwellings, which is not excessive given the site area. The proposed house would be of similar design and scale to the current dwellings. The extent of the site does reflect the wish to make it feel part of the original development and not encroach in any on to the conservation area, which is the natural buffer, as the current site is mainly scrub, has no amenity value and has planning currently for two dwellings.

DEV2 – The proposed development is very similar to the current development and does not detract from the existing character, it is set behind the existing residential development. The house and garden design are similar in nature to the existing; the site is a slopping site that involved engineering works to accommodate the existing houses, roads, drainage and services. The strip of land in question was not utilised as it was ear marked for road development and was never considered for anything else at the time and now partly approved for house and partly scrub land with no vegetation or trees of any significant note, it is not amenity land to the existing house, it is private land with no relationship to the current house. It would be sensible complete the development and maintain the character of the overall site and complete the relationship.

ENV19 –The development of the far end of the site will not adversely affect the character and appearance of the Conservation area. The approved development for two houses, 12/00288/DPP has had all it's conditions met in terms of the proposal and this bounds the conservation area. There is not intention for the further development to encroach on to or in to the conservation area, but to maintain the conservation area but making sure non of the trees are adversely affected or the stone wall, by providing suitable protection during any construction works. All as per the previous planning conditions, which have been met. Consideration should be applied to the conservation area but this should be via the current land owner to establish a maintenance plan for the current trees, which are deteriorating year on year and the stone boundary wall is falling down in sections.

In conclusion it is felt that decision to refuse the planning application in principle is unfounded and unjust given that housing development is supported within Midlothian and is supported by Council policy. The proposed development is in fact a small-scale development only for an additional two dwellings not three as stated in the planning application. The Conservation area is being preserved along with the trees and the boundary stone walling. There is no significant loss of amenity to the existing residents and any disruption will be kept in check by a suitable construction management plan. The engineering works are of normal considerations and well within the scope of a minor development. The existing adopted roads would be suitable for this type of

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works and would have to comply with a management plan to be agreed with the Council, they have already been subject to site works for the two approved houses without any concerns.

There are notes of opposition and concern to the proposal from neighbouring properties, these concerns should be noted and addressed under normal practice of carry out a development of this nature via planning condition and health and safety and construction planning. The proposed development will be for a limited period only and is small scale and would be closely monitored, and controlled by planning conditions, which are applied for all construction developments within residential areas. Full protection to current amenities would be paramount and could not be ignored. Therefore it is argued that these objections cannot form a refusal of planning policy.

The style, design and the materials to be used for the proposed houses are to match the existing. The engineering and the private road access are not dissimilar to the formation of the existing development but of a minor scale.

The engineering works associated with this proposal are not specialized and are normal engineering works and have to be carried out in a professional manor providing full consideration to the adjoining properties and the conservation area at all times. Again we would confirm that some of these works have already been carried out without any concerns being raised and in line with the planning conditions.

It is therefore felt that positive decision for the planning appeal application would be the correct decision and any remaining concerns should be considered and agreed by a detailed planning application to allow for further detailed information to be provided and planning conditions applied to safe guard all planning concerns.

Documents in support of this statement

Drawing 90.03 R SITE PLAN

Previous Planning application supporting statement

ITS tree survey

Council letter – Dated 19 July 2000

Planning Permission 12/00288/DDP

Addison Conservation – Road engineering report

Our Ref 17-917
Your Ref

06th November 2017

Bush House
Room F4
Edinburgh Technopole
Milton Bridge
nr Penicuik
EH26 0BB

Tel 0131 445 8624
Fax 0131 445 8625

REM ASSOCIATES
21 Young Street
Edinburgh
EH12 4HU

Dear Sirs

**PHASE 2 DEVELOPMENT
LAND WEST OF ROANSHEAD CRESCENT,
EASTHOUSES, DALKEITH
DITCH/ROAD CROSSING AND FOUNDATIONS**

We have been asked to look at the plans of the site of the above development and to comment on any engineering involved in taking the extended road over an existing overflow ditch which traverses the site. A question has been raised over its feasibility.

We have also been asked to comment on the engineering involved in creating the foundation profiles for the houses and whether there are any risks from excavating the site to create level platforms for them.

1. DITCH CROSSING

Subject to a check on the design requirement derived from a site survey and "200 year" flood estimate and associated hydraulic flow calculation, we do not see any particular problems with such a minor partly used watercourse in designing either a precast concrete/piped culvert or a rectangular channel of a small bridge. Moreover we would see no practical difficulty in engineering or constructing such a structure. The road carrying capacity will not be an issue with the modest span which will emerge from a calculation.

We are aware that the local ground conditions are favourable for excavations and for foundation and wing wall construction.

Its depth would appear to require the crossing to have a parapet to Road Standards and a means of clearing debris from the channel.

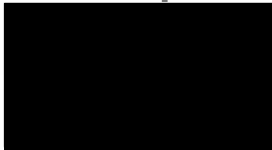
2. EARTHWORK AND HOUSE FOUNDATIONS

The maximum excavation depth to create a level platform at each house location would appear to be no more than 1 metre and a "cut and fill" approach would therefore be reasonably practical with the actual footings extended down through the fill on to original ground. The excavations are located such that instability of the adjoining houses could ever occur. There would be no abnormal engineering involved.

The fill material would have to be suitably compacted for supporting external drains and the gardens.

We trust that these comments are helpful to you.

Yours faithfully



John Addison
for Addison Conservation + Design

Midlothian Council
Midlothian House
Buccleuch Street
Dalkeith
Midlothian EH22 1YL
Tel 0131 270 7500

Strategic Services

Director
John Allan

Midlothian

19 July 2000

Mr J McBride
Parkhead Garage
Easthouses
DALKEITH
Midlothian EH22 4EL

Dear Mr McBride

**FINALISED MIDLOTHIAN LOCAL PLAN : SAFEGUARDING OF
BONNYRIGG - DALKEITH DISTRIBUTOR ROAD : LAND AT
EASTHOUSES**

Thank you for your recent correspondence regarding the intention of the Finalised Midlothian Local Plan in respect of the continued safeguarding of the line of the A6094 - A68 Bonnyrigg - Dalkeith Distributor Road.

At the meeting on the 28 June 2000 the Strategic Services Committee considered a report on the objections received to the Finalised Midlothian Local Plan transportation issues. One objection was received to the possible dropping of the safeguarding of the line of the A6094 - A68 Bonnyrigg - Dalkeith Distributor Road (Kippielaw Section). This section includes the land in your ownership. The objection was concerned that should a decision be taken not to proceed with the A68 Dalkeith Bypass, the strategic need for the A6094 - A68 distributor in traffic terms will increase.

The Committee decided that, should a need for the road be demonstrated in the future, the northernmost section of the distributor could be provided by Easthouses Road. It would therefore no longer be necessary to continue safeguarding the land in your ownership.

Please ask for:	Anne W Geddes	Direct Dial:	0131 271 3468
Your Reference:		Fax Number:	0131 271 3239
Our Reference:	2858/AWG/SM	Minicom No:	0131 271 3610
E-mail:			DX 540 568 DALKEITH

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

Planning Application Reference: 17/00690/PPP

Site Address: Land West Of Roanshead Crescent, Easthouses, Dalkeith.

Site Description:

The application site comprises of a long strip of land, which is some 17 to 19 metres in width, to the west of a residential development at Roanshead Crescent. The application site is set down from the land on which the dwellings at Roanshead Crescent are located. The strip of land varies in levels to the southern side of the site with steep slopes in areas whereas the northern side is relatively flat.

The land contains some self seeded vegetation and there are young trees located to the southern half of the application site. To the west of the application site there is a natural stone boundary wall with an area of mature trees located west of this. The land immediately west of the application site is located within the conservation area.

The residential development to the east comprises two-storey detached and semi-detached dwellings.

Proposed Development: Application for planning permission in principle for the erection of 3 dwellinghouses.

Proposed Development Details:

Planning permission in principle is sought for the erection of three dwellinghouses.

While the submitted planning application is in principle only the applicant has submitted some indicative drawings for the Planning Authority to consider.

One of the proposed dwellinghouses relates to an earlier planning permission. This house is labelled house 2 on the submitted plans. The submitted plan also indicates the location for house 1 which was granted permission in 2012, planning application 12/00288/DPP, but does not form part of this planning application.

The submitted plan details an indicative layout for the three dwellinghouses which are labelled houses 2, 3 and 4. It is detailed on the submitted plan that the proposed dwellinghouses will comprises of 4 bedrooms and will be two storey detached dwellings.

The gable end of house 2 is proposed some 16 metres west of the rear of no.15 and 16 Roanshead Crescent which are a semi-detached pair. House 2 picks up the building line of no.15 and 16 Roanshead Crescent.

The gable end of house no.3 is proposed some 16 metres west of the rear elevation of no. 12 Roanshead Crescent and is located some 10 metres north west of no. 11 Roanshead Crescent.

The gable end of house no.4 is located some 5 metres west of no.9 Roanshead Crescent and picks up the building line the neighbouring property.

The proposed indicative layout details a private access which will connect to Roanshead Crescent at the northern end of the site and will run along the eastern boundary to provide vehicle access to each dwelling. The proposed vehicle access runs along the rear gardens of neighbouring properties east of the application site. It is proposed that each dwelling will have 3 parking spaces to the front of the property.

It is noted that a similar proposal was submitted and refused planning permission in principle in May 2017. The current application differs slightly as it includes one passing bay between house no. 2 and no.3 and two passing bays between house no. 3 and no.4.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

Planning permission was refused in May 2017 for planning permission in principle for the erection of three dwellinghouses. Planning ref: 17/00150/PPP.

Planning permission was granted in 2012 for the erection of two dwellings and formation of driveways and associated work. (this application is associated with house no.1 and the relocation of house no.2) Planning ref; 12/00288/DPP.

Planning permission was refused in 2011 for the erection of one dwellinghouse and four flatted dwellings, the formation of car parking area and associated works. Planning ref: 10/00437/DPP.

Consultations:

Scottish Gas Network (SGN): Initially objected to the development proposal due to the proximity to a High Pressure Pipeline, a site visit was to be arranged with a local engineer to gather further information. A site visit was carried out on the 3rd of October 2017 with a local engineer from SGN to locate the exact location of the High Pressure Pipeline in relation to the application site. The engineer advised that the three dwelling houses should have no effect on the High Pressure pipeline. SGN withdrew their objection on the 16th October 2017.

Policy and Road Safety Manager: No objection in principle but raised concerns with regards to the proposed vehicle access. It was noted that the Policy and Road Safety Manager would not be in a position to support the current proposal due to the concerns.

Flood Risk Manager: No objection in principle but raised concerns over the potential impact on the Mary Burn which flows through the site and surface water drainage. It was noted that the Flood Risk Manager would not be in a position to support the current proposal due to the concerns.

The **Council's Head of Education** offered comments on the previous application and advised that the development of 3 dwellings would give rise to two primary pupils and one secondary pupil. In Paragraph 4.10 of the Supplementary Guidance of Developer Contributions, it is stated that for developments of 3-9 units, the Developer Contribution ignores the first 2 units. Thus, for the calculation of Developers' Contribution, a contribution would be levied for 1 house only. The Council's Head of Education has advised that the applicant will be required to make a developer contribution towards non-denominational primary school provision for the provision of an extension to a school. A developer contribution will also be required towards secondary non-denominational provision and towards denominational secondary school capacity.

Scottish Water: Offered no response.

Representations:

There have been 8 objection representations received, all of which raise concerns in relation to the development proposal. All representations can be viewed fully via the online planning file. The representations that objected raised concerns which can be summarised as follows:

- Concerns relating to health and safety, especially during construction;
- Concerns relating to impact on neighbour amenity due to overlooking, loss of privacy and daylighting;
- Concerns relating to parking and road safety;
- Concerns regarding construction traffic resulting in safety hazards and road safety concerns for children within the locale;
- The proposed development will result in a loss of light to neighbouring gardens;
- The proposed access road will impact the stability of the sloping gardens and dwellinghouses which back onto the application site;
- Concerns relating to large vehicle access to the site such as bin lorries and removal trucks;
- Noted that neighbouring dwellinghouse no.12 is not indicated on the submitted plan;
- Concerns relating to works that may happen to neighbouring property fence; and
- Adverse visual impact upon the trees and character of the area;
- Concerns relating to the impact upon existing wildlife.

Relevant Planning Policies:

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

RP5 – Woodland, Trees and Hedges - Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order) and hedges which have particular amenity, nature conservation, recreation, landscape character, shelter, or other importance.

RP7 – Landscape Character - Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable it shall respect the local landscape character and contribute towards its maintenance and enhancement.

RP20 – Development within the Built-Up Area - seeks to protect the character and amenity area.

DP2 – Development Guidelines – This policy sets out the Development Guidelines that are to be applied for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

The **Midlothian Local Development Plan (MLDP)** was submitted to the Scottish Ministers for examination on 09 September 2016. The Council is minded to adopt the Proposed Midlothian Local Development Plan and this may happen at the meeting of the Council on 7th November 2017 (unless the Council is instructed not to by Scottish Ministers). As this plan is at an advanced stage of preparation it represents the settled view of the Council and is therefore a material consideration of significant weight in the assessment of applications. The following policies in the MLDP are relevant to this application:

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

Policy **ENV7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.

Policy **ENV11: Woodland Trees and Hedges** does not permit development that would lead to the direct or indirect loss of woodland which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter.

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

Planning Issues:

This application is for planning permission in principle for the erection of three dwellinghouses. The proposed location for the three dwellinghouses within the application site is indicative. Planning permission in principle is to establish the acceptability of a proposal in principle without having to develop the detailed proposals. Should the principle of three dwellinghouses be deemed acceptable, then any buildings should satisfy the relevant adopted policies and should be acceptable in terms of all other material considerations. Should it be demonstrated to be acceptable then conditions will be attached in relation to detailed matters.

The application site is located within the built-up area, as defined by policy RP20 of the adopted local plan, where there may be scope for the application site to be

developed so long as the development proposal does not result in a detrimental visual impact on the area or results in a harmful loss of amenity.

The strip of land which forms the application site is located between an existing residential development and the conservation area and countryside. There are a number of mature trees immediately west of the application site which is also located within the conservation area. There are a number of young trees within the southern half of the application site which will be lost as a result of the erection of House 3 and House 4. Policy DP2 states where development sites abut the countryside trees belts, an average of 30 metres buffer will be required to ensure the effect of the planting is well maintained as the trees mature. The strip of land which forms the application site is some 17-19 metres wide and currently acts as a buffer between the built up area and the countryside and conservation area. Policy RP7 and RP5 states that development will not be permitted where development will result in the loss or damage to the landscape character, local diversity and distinctiveness of landscape character including the natural and built heritage features. This is reiterated within the proposed local development plan policies ENV7 and ENV11. The erection of additional dwellinghouses will result in the loss of the landscaped buffer and will also result in a detrimental visual impact on the conservation area and locale.

It is noted that the most northern dwellinghouse (house 2) is related to a historic planning application (12/00288/DPP) which remains extant. This application seeks to relocate house 2 slightly further south-west within application site to allow for a private vehicle access road to be formed to serve house 3 and house 4 and parking spaces to be formed to the front of house 2. The relocation of house 2 is considered to be acceptable and there are no material planning considerations which would warrant the refusal of the relocation of house 2.

However, with regards to the proposed indicative layout of the house 3 and house 4, it appears that house 3 and house 4 line up with some of neighbouring dwellinghouses within Roanshead Crescent. However, it is considered that the proposed site plan shows that houses 3 and 4 are disconnected from the rest of the application site and the existing residential housing to the west of the application site. The development of the southern half of the application site does not make a positive contribution towards the character of the area. It is considered that the previous planning application for the erection of two dwellinghouses (12/00288/DPP), which remains extant, maximised the potential for the development of the application site. The principle of an additional two dwellinghouses within the southern half of the application site will result in the overdevelopment of the site and results in a detrimental visual impact upon the character of the locale and adjacent conservation area.

The application site varies in levels and significant engineering works will be required to enable development. Minimal information has been submitted with regards to the levels of the site. The cross sections that have been submitted with the application indicate a very heavily engineered detail, which is contrary to one of the aims of policy DP2, which looks for developers to work with site contours.

With regards to the proposed vehicle access there are concerns in relation to road safety. The road safety manager offered no objection to the principle of the development proposal, but has raised concerns about the deliverability of the scheme. Further details would be required to demonstrate that the proposed long private vehicle access would be at least 3.5 metres wide, including section plans to demonstrate the clearance and gradient from the existing fence to the rear of neighbouring properties to the east of the application site. It is also noted that the construction of the access road leading to house 4 will require the culverting of a section of Mary Burn. No details of this engineering feature have been provided. SEPA offer standing advice with regards to culverting. The advice is that culverting should be avoided where possible. It has not been demonstrated to the satisfaction of the Planning Authority within the submitted application that a safe vehicle access could be formed without causing detriment to neighbouring properties.

It is noted that the proposed vehicle access road to the houses 3 and 4 would be private. Therefore, waste and recycling collections would take place at the end of Roanshead Crescent resulting in a considerable walk for residents.

It is noted that this revised application now includes vehicle passing bays. It has not been demonstrated to the satisfaction of the Planning Authority that a vehicle access can be provided to serve house 4. Whilst not a reason for refusing the application in itself it would result in an undesirable situation of encouraging more on-street parking in an already quite congested area.

Should the vehicle access not be viable, the proposed houses could still be built (although it is difficult to envisage how construction traffic would gain access) and the occupants could perhaps find a way of accessing the site, they would have to park their cars elsewhere in the estate, therefore contributing further to levels of undesirable on-street parking.

The Flood Risk Manager raised concerns with regards to the proposed vehicle access in terms of the impact upon the burn which runs through the site. No information has been submitted with the application in relation to surface water drainage for the access road. Given the considerable length of the access road some form of drainage and an outfall would be required.

The application site is located to the west of Roanshead Crescent which comprises finished residential streets, laid out as two cul-de-sacs, which are not designed for construction vehicles. Vehicle access to the application site would be gained via the cul de sac located in between no. 16 and no.17 Roanshead Crescent which is to the northern half of the application site. It is noted, that if construction vehicles were to use the streets, there is a view that there would be a safety risk to the children who live and play in the area. The estate has been designed in such a way that it slows vehicles down, but this also makes it difficult for larger vehicles to navigate without causing damage to properties, particularly given the levels of on-street parking. The proposed development will have an unacceptable impact on the area by way of increased vehicle numbers and construction vehicles adversely affecting the current levels of amenity enjoyed by residents in Roanshead Crescent.

The distance between the dwellings broadly complies with the standards set out in policy DP2. It also appears that the dwellings have sufficient amenity space around them, although it is not clear how usable this space is in the absence of a levels plan or more detailed cross-section drawings.

Given the orientation of the buildings involved it is considered that there will be no significant loss of light for existing dwellings. And although there will certainly be a change in the outlook from some existing dwellings there will be no significant overbearing impact. In any event it is not the role of the Planning Authority to protect the view from a private residence.

All material planning considerations raised within the representations have been addressed above within this section of the report. However, with regards to concerns relating to no.12 Roanshead Crescent not being detailed on the submitted plans, all of the impacts upon neighbouring dwellinghouses were taken into consideration and a site visit was carried out to fully assess the development proposal. With regards to concerns relating to private property (e.g the fence) this is not material planning considerations, this is a private legal matters between the parties involved.

On the whole, the proposed development will result in a detrimental impact on amenity in terms of increased vehicle numbers and construction traffic, the proposal will also have an adverse impact on the appearance of the area and potentially impact on the adjacent conservation area and the proposed development is also considered to be an overdevelopment of the application site and is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan policy DEV2 of the proposed Midlothian Local Development Plan. The development proposal will result in an adverse visual impact on the character of the locale and is therefore contrary to policies RP5 and RP7 of the adopted Midlothian Local Plan and policies ENV7 and ENV11 of the proposed Midlothian Local Development Plan. .

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of Midlothian Local Plan and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00690/PPP

REM Associates
21 Young Street
Edinburgh
EH2 4HU

Midlothian Council, as Planning Authority, having considered the application by Mr Brian Mcride, 54 Easthouses, Dalkeith, EH22 4EL, which was registered on 31 August 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Application for planning permission in principle for the erection of three dwellinghouses at Land West of Roanshead Crescent, Easthouses, Dalkeith

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	31.08.2017
Site Plan, Location Plan and Elevations	90.04 1:1250	31.08.2017

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

- 1. The proposed development would have an adverse impact on the amenity of the existing residential area, as a result of increased vehicle numbers and construction traffic on unsuitable roads.*
- 2. It has not been demonstrated that access can be provided to the proposed dwellinghouses; in the absence of an access to the dwellinghouses there would be additional on-street parking which would have an adverse impact on the amenity of the area and have an adverse impact on vehicle and pedestrian safety in the area.*
- 3. The proposed development would have an adverse impact on the character and appearance of the area and adjacent conservation area as a result of significant engineering works to change the levels of the site.*
- 4. For the above reasons the proposal does not comply with policies RP20 and RP22 of the Midlothian Local Plan and policies DEV2 and ENV19 of the proposed Midlothian Local Development Plan.*

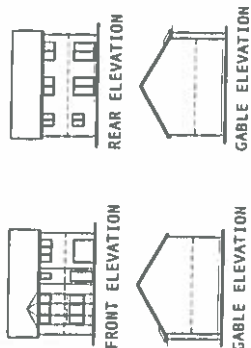
Dated 17 / 10 / 2017

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

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

APPENDIX

E



PROPOSED HOUSE TYPE

SITE PLAN

SECTION AT HOUSE 4

SECTION AT HOUSE 3

SECTION AT HOUSE 2

NOTES:
1. ALL DIMENSIONS ARE IN METRES.
2. THE SITE PLAN SHOWS THE PROPOSED HOUSE TYPE AND THE LOCATION OF THE HOUSES.
3. THE ELEVATIONS SHOW THE PROPOSED HOUSE TYPE AND THE LOCATION OF THE HOUSES.
4. THE FLOOR PLANS SHOW THE PROPOSED HOUSE TYPE AND THE LOCATION OF THE HOUSES.

DATE	FEB 17	PROJECT NO.	98 04
TITLE	1 2500A181 5000A3		
DESIGNER	MR B MCBRIDE	PP SITE PLANS	
PHASE 2 DEVELOPMENT LAND WEST OF ROANSHEAD CRESCENT EASTHOUSES, DALKEITH			