

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mrs DOUGLAS HIGGINS"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Nicola Stephenson &"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Nadine Higgins"/>	Surname	<input type="text"/>
Company Name	<input type="text" value="Residential"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="54"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="Forrest Place"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text" value="Armadale"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="West Lothian"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="EH54 2GY"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text" value=""/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value=""/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="East Lothian Council"/>		
Planning authority's application reference number	<input type="text" value="15/00580p"/>		
Site address	<input type="text" value="Millers Court
Elphinstone Road
Tranent"/>		
Description of proposed development	<input type="text" value="To build a family home"/>		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. 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.

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

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Background

Due to unaffordable house prices in East Lothian, my husband and I moved to West Lothian to start our family and now have two children under 3 years of age. Despite the considerable distance between Armadale and Musselburgh where my parents live, my husband and I rely on my parents to help with child care in order that we can continue to work. This means in a practical sense that my parents (who are also still working) travel a 70 miles round-trip twice a week to help.

We were sold this land on the assumption that we would be able to build a house here, given the overall presumption in favour of development within settlement envelopes (as set out in Local Plan policy DP7), and given the Council is required to address a shortfall in the five year housing land supply. Buying this land represented a huge step toward building our family home in the town we grew up in. At the time we bought the land we were completely unaware of any likely restriction on development, and feel in retrospect that the vendors may have been disingenuous in selling the land to us which, owing to the recent planning decision appears now to be effectively worthless.

The Officers report of handling acknowledges that the architectural design is sympathetic with the surrounding homes in terms of design, privacy and external finishes. There were also no external consultees that objected to the proposals. Indeed the only reasons for refusal relate to: the orientation and positioning of the proposed house; and, to the loss of public amenity open space. The following paragraphs seek to address both of these matters and therefore give the Local Review Body a chance to reconsider the validity of these reasons for refusal in the hope that these will be overturned.
(see additional paragraphs attached)

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

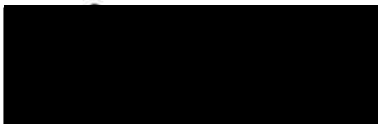
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Nicola Stephenson

Douglas Higgins

Date:

03/02/2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

03/02/2016

Ref Planning Application 15/00580p

Background

Due to unaffordable house prices in East Lothian, my husband and I moved to West Lothian to start our family and now have two children under 3 years of age. Despite the considerable distance between Armadale and Musselburgh where my parents live, my husband and I rely on my parents to help with child care in order that we can continue to work. This means in a practical sense that my parents (who are also still working) travel a 70 miles round-trip twice a week to help.

We were sold this land on the assumption that we would be able to build a house here, given the overall presumption in favour of development within settlement envelopes (as set out in Local Plan policy DP7), and given the Council is required to address a shortfall in the five year housing land supply. Buying this land represented a huge step toward building our family home in the town we grew up in. At the time we bought the land we were completely unaware of any likely restriction on development, and feel in retrospect that the vendors may have been disingenuous in selling the land to us which, owing to the recent planning decision appears now to be effectively worthless.

The Officers report of handling acknowledges that the architectural design is sympathetic with the surrounding homes in terms of design, privacy and external finishes. There were also no external consultees that objected to the proposals. Indeed the only reasons for refusal relate to: the orientation and positioning of the proposed house; and, to the loss of public amenity open space. The following paragraphs seek to address both of these matters and therefore give the Local Review Body a chance to reconsider the validity of these reasons for refusal in the hope that these will be overturned.

Orientation and Positioning

It is our contention that the position and orientation of the proposed house would be appropriate to its location and would provide a sense of welcome, safety and security. This is especially true in the case of Somner Park where the landscaping belt as currently formed casts a shadow on the end of the cul-de-sac and leaves those properties at its southern end rather isolated from nearby houses. The proposed house by contrast would provide passive surveillance and would therefore accord with policy DP2. For the avoidance of doubt the proposed house would not be orientated so as to have any active relationship with areas of public space. While the proposed house would not directly address Castle Road, there would be no net dilution of visual amenity as a consequence of the house being developed, as there would continue to be trees visible in the garden area of the new house which would also be visible from Castle Road

In terms of policy DP7, it is considered that the proposed development fully accords with the provisions of the policy and we do not accept that the proposed house will be intrusive or unharmonious, or will be harmful to the development pattern or character of the adjacent houses. By contrast the proposed house if developed will ensure that Castle Road can continue to be 'read' as a leafy, 1990's suburban housing cul-de-sac. There are considered to be no adverse reasons in terms of policy DP7 therefore why the development should be refused on such grounds.

In terms of PAN 67, it is our contention that the proposed house would look different but would *not* detract from any 'sense of unity and coherence for the development or the wider community'. By contrast the proposed house has been designed to assimilate with the surrounding suburban houses which, as acknowledged in the Officer's report, 'there are a variety of architectural styles of housing and flatted buildings within the locality of the application site.'

Loss of Public Amenity Open Space

While we agree that the landscaping tree belt acts as a robust and defensible limit to Tranent when viewed along Elphinstone Road/B6414, the proposals under consideration would do nothing to remove this section of the landscaping belt and would not impact on this view. Contrary to the Officer's report it is considered that the area to be removed offers no meaningful public amenity either visually or recreationally as an area of open space. By contrast, especially on the Somner Park side,

the tree belt represents a dark and rather forbidding corner of the cul-de-sac for houses toward the south of the street. It is contended here that the proposed development would actually improve the situation from that found at present. On the Castle Road side, it is not considered that the trees are visually interpreted as forming an indivisible part of the Castle Road ensemble. By contrast, the introduction of a further house here would simply reaffirm the character of the surrounding area as being leafy 1990's suburban housing.

We do not consider that just because an area of landscaping was included in a development scheme almost a quarter of a Century ago, it necessarily must remain as such in perpetuity if it is not serving any good purpose, and if a newly proposed development to replace it would enhance the character of the area. Contrary to reason number 2 given by the Officer we believe that our interpretation in this regard accords with policies DP7 and C5. Given the unfortunate circumstances we find ourselves in having bought this area of land, we would ask that the Local Review Body considers this carefully.

Precedent

The Officer's report mentions precedent in reason number 2 for refusal. I have driven all around the area and have noted a number of instances where superfluous areas of public open space has been incorporated into garden ground. Here are few examples of such plots which have set a precedent over the years:

49 Lawson Way. Planning ref : 09/00346. Incorporating unused and unattended land into garden ground

12 Muirside Drive. Planning ref 11/00832/p Changing open space to domestic garden

It is considered here that permitting the change of use of effectively redundant amenity space to allow for the erection of a well-designed family home would be little different to the process of incorporating such land into garden ground.

Also lots of houses in the area have now been granted permission to extend their home, build garages, build boundary walls and fences also church conversion to build new home.

Summary

A number of neighbours have approached us and said they would welcome a new home on our plot as they feel it would provide more security and enhance the plot which is currently poorly maintained. These are matters that we entirely agree with. Given all of the forgoing we would respectfully ask that the Local Review Body reconsiders this application sympathetically and overturns the earlier refusal of this planning application.

Local Review Body
Planning Application 15/00580/P

List of Supporting Documents

1. Superceded Location Plan AL
2. Superceded Site Plan A3 – not sure
3. Superceded Elevation section Plan A1
4. Superceded Elevation & Locations Plan A1
5. 3D Images
6. Design Slate A1
7. Application Form – Superceded
8. Drawing – Proposed Elevation A1 & Sections
9. Drawing – Elevation A1
10. Notice to Neighbours
11. Drawings – superceded proposed site plan landscape
12. Adverts
13. Proposed site plan/landscape plan A1
14. Application
15. Notice to Neighbours
16. Adverts
17. Refused
18. Officer's Report
19. Stamped Refuse Drawings

