

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 10 April 2018
Item No 5.1

Local Review Body: Review of Planning Application Reg. No. 17/00649/DPP

Andrew Bennie Planning Limited
3 Abbots Court
Dullatur
G68 0AP

Midlothian Council, as Planning Authority, having considered the review of the application by Midlothian Developments, 26 Forth Street, Edinburgh, EH1 3LH, which was registered on 28 November 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of 4 dwellinghouses at Airybank, Quarrybank, Cousland, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	(PL)00 1:1250	15.08.2017
Site Plan	(PL)102C 1:250	15.08.2017
Site Plan	(PL)103C 1:250	28.09.2017
Proposed Floor Plan	(X)BW01B 1:100	15.08.2017
Proposed Floor Plan	(X)BW03B 1:100	15.08.2017
Proposed Floor Plan	(Y)BW01B 1:100	15.08.2017
Proposed Floor Plan	(Y)BW02B 1:100	15.08.2017
Proposed Elevations	(X)BW01B 1:100	15.08.2017
Proposed Elevations	(X)BW04B 1:100	15.08.2017
Proposed Elevations	(Y)BW04B 1:100	15.08.2017
Proposed Elevations	(Y)BW03B 1:100	15.08.2017
Proposed Cross Section	(Y)BW05B 1:100	15.08.2017
Elevations, Floor Plan And Cross Section	(G)101A 1:100	15.08.2017
Proposed Cross Section	(S)01C 1:200	15.08.2017
Planning Statement		15.08.2017
Planning Statement		15.09.2017

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

1. *The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the Midlothian Local Development Plan 2017.*
2. *The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the Midlothian Local Development Plan 2017.*
3. *The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017.*
4. *On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the Midlothian Local Development Plan 2017.*
5. *The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policy DEV2 of the Midlothian Local Development Plan 2017.*
6. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 27 February 2018. The LRB carried out a site visit on the 26 February 2018.

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

Development Plan Policies:

1. STRAT2 Midlothian Local Development Plan - Windfall Housing Sites
2. DEV2 Midlothian Local Development Plan – Protecting Amenity within the Built Up Area
3. DEV6 Midlothian Local Development Plan - Landscaping in New Development
4. DEV7 Midlothian Local Development Plan – Landscaping in New Development
5. ENV7 Midlothian Local Development Plan – Landscape Character
6. ENV11 Midlothian Local Development Plan – Woodland, Trees and Hedges
7. ENV15 Midlothian Local Development Plan – Species and Habitat Protection and Enhancement
8. IMP1 Midlothian Local Development Plan – New Development
9. IMP2 Midlothian Local Development Plan – Essential Infrastructure Required to Enable New Development to Take Place

Material considerations:

1. The individual circumstances of the proposal

Dated: 27/02/2018



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

On behalf of:

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

Advisory note:

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