

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 24 November 2015
Item No 5(a)

Local Review Body: Review of Planning Application Reg. No. 15/00199/DPP

Mr Ross Mackay
Rightway Property Ltd
2A Stone Place
Mayfield
EH22 5PG

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Ross Mackay, Rightway Property Ltd, 2A Stone Place, Mayfield, EH22 5PG, which was registered on 23 June 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use from vacant ground to allow siting of temporary site huts at Land At Stone Place, Mayfield, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		11.03.2015
Illustration/Photograph		11.03.2015

Subject to the following condition:

1. The use hereby approved shall cease within two years of the date of this permission and the land returned to its condition prior to the development commencing within one month of the cessation of the use. All storage containers, material, structures and equipment brought onto the land in association with the temporary use shall also be removed within one month of the cessation of the use.

Reason: *The proposed use does not accord with development plan policies; however the material considerations of the application mean a temporary use is considered acceptable and enables the local planning authority to consider the environmental impacts of the development in the future.*

2. Within 42 days of this grant of planning permission the advertisements positioned on, attached to and/or adjacent to the temporary building/structure shall be removed from the site.

3. Within 42 days of this grant of planning permission the temporary building/structure shall be painted a single colour in accordance with details to be submitted to and approved in writing by the local planning authority.
4. Within 42 days of this grant of planning permission a hedge shall be planted on the grass verge between the temporary building/structure and footpath running along Stone Place in accordance with details to be submitted to and approved in writing by the local planning authority. The hedge shall run the length of the temporary building/structure and the length of the adjoining building (2A Stone Place, Mayfield).

Reason for condition 2, 3 and 4: To mitigate the detrimental impact the proposed development has on the local streetscape.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 October 2015. The LRB carried out an unaccompanied site visit on the 31 August 2015.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built up area

Material Considerations:

1. The individual circumstances of the site.

In determining the review the LRB concluded:

The erected structure is required to continue a programme of housing improvements in the local area and as such the proposed development is acceptable on a temporary basis subject to environmental improvements.

Dated: 20/10/2015

Councillor J Bryant
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