

Local Review Body: Review of Planning Application Reg. No. 16/00508/DPP

Mrs Leigh Seath
66 Newbattle Abbey Crescent
Dalkeith
Midlothian
EH22 3LW

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs L Seath, 66 Newbattle Abbey Crescent, Dalkeith, EH22 3LW, which was registered on 14 December 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Erection of store building and fence at 66 Newbattle Abbey Crescent, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	S01 1:2500 1:200	21.07.2016
Proposed floor plan	P01 1:50	21.07.2016
Proposed floor plan	P02 1:50	21.07.2016
Proposed elevations	PO3 1:100	21.07.2016

Subject to the following conditions:

1. The replacement fence shall comprise a 1.8m high vertical boarded timber fence, details of the colour finish of which shall be submitted to the Planning Authority and the fence shall not be erected until this detail is approved in writing by the Planning Authority.
2. Details of the materials and external finishes of the store building shall be submitted to the Planning Authority and the store shall not be erected until these details have been approved in writing by the Planning Authority.

Reason for conditions 1 and 2: For the avoidance of doubt as to what is approved in order to safeguard the visual amenity of the surrounding area.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 24 January 2017. The LRB carried out a site visit on the 23 January 2017.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP7 Midlothian Local Plan – Landscape Character
3. RP22 Midlothian Local Plan – Conservation Areas
4. DP6 Midlothian Local Plan – House Extensions

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed timber building and fence by means of their scale, form and design are compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties or on the character of the area. The Newbattle Abbey Crescent housing estate has evolved to a position where it is acceptable to enclose rear and side gardens with timber fencing. Furthermore the proposed fence will not obstruct the visibility of the neighbouring property to a greater extent than which already exists.

Dated: 24/01/2017

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a stylized, flowing script.

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

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