

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body

Tuesday 20 October 2015

Item No 5(b)

## Local Review Body: Review of Planning Application

Reg. No. 15/00222/DPP

D2 Architectural Design Ltd.  
9 Eskbank Road  
Dalkeith  
EH22 1HD

Midlothian Council, as Planning Authority, having considered the review of the application by Mr L Pia, 74 Lothian Street, Bonnyrigg, EH19 3AQ, which was registered on 9 June 2015 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Formation of car parking at land adjacent to 103 Lothian Street, Bonnyrigg**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	18.03.2015
Site Plan	1:500	18.03.2015
Illustration/Photograph		18.03.2015

The reason for the Council's decision is set out below:

*The proposal would result in the loss of an attractive area of landscaped open space which is visually important on this main road in to the centre of Bonnyrigg with a significant detrimental impact on the visual amenity of the surrounding area, contrary to policies RP20 and RP30 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and protect important areas of open space in towns and villages.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 1 September 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
2. RP30 Midlothian Local Plan – Open Space

Material Considerations:

1. The individual circumstances of the site.

Dated: 1/09/2015

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, Development Management Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*