

Local Review Body: Review of Planning Application Reg. No. 18/00747/S42

WYG Planning
Miss Hannah Munro
Rotterdam House
116 Quayside
Newcastle-upon-Tyne
NE1 3DY

Midlothian Council, as Planning Authority, having considered the review of the application by WYG Planning, Miss Hannah Munro, Rotterdam House, 116 Quayside, Newcastle-upon-Tyne, NE1 3DY, which was registered on 21 January 2019 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Section 42 application to amend condition 2 of planning permission 18/00134/DPP (to allow development without requirement of screen planting along southwestern area of fence) at Sainsburys Supermarket, Straiton Mains, Loanhead, EH20 9PW, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	CHQ.18.12395-PL0001 1:1250	03.10.2018
Site Plan	CHQ.18.12447-PL0005 1:200	03.10.2018

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

1. *The proposed amendment of condition 2 of planning permission 18/00134/DPP would remove the requirement for planting to screen a 2.4 metre high fence at a prominent area of a supermarket car park which would have a detrimental impact on the appearance and visual amenity of the area and would therefore be contrary to the aims of policy DEV2 of the adopted Midlothian Local Development Plan 2017.*
2. *The fence approved in planning permission 18/00134/DPP was considered acceptable only on the basis that it would be screened by planting to limit the visual impact of the fence and yard that it surrounds.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 5 March 2019. The LRB carried out a site visit on the 5 March 2019.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Development in the Built-Up Area;
2. TCR2 Midlothian Local Development Plan – Location of New Retail and Commercial Leisure Facilities

Material considerations:

1. The individual circumstances of the proposal

In reaching its decision the LRB considered that painting the fence and softening its appearance with planting (via the use of planters) in accordance with details to be agreed in writing with the local planning authority would be an acceptable means of mitigating the visual impact of the fence.

Dated: 05/03/2019

A handwritten signature in dark ink, appearing to read 'Peter', with a stylized flourish at the end.

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