

Local Review Body: Review of Planning Application Reg. No. 18/00218/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the review of the application by Mr V Crolla, Format Design, Holyrood Business Park, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 5 October 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of 4 dwellinghouses; formation of access road and associated works at Land Adjoining Meyerling, Penicuik, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	10141-03-05 1:2500	04.04.2018
Site Plan	10141-03-04 1:500	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 01 1:100	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 02 1:100	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 03 1:100	04.04.2018

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

- 1. The proposal for four dwellinghouses does not comply with the housing group policy where only one house per five units may be supported.*
- 2. The proposed site does not comply with the establish principles and criteria for accommodating a new house in a housing group as it is not on a gap site within the housing group nor is it adjoining two other boundaries of the group.*
- 3. It has not been demonstrated that the proposed dwellinghouses are required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*

4. *For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
5. *The layout of the proposal has a suburban character and is not reflective of the character of the rural surroundings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
6. *The proposed two storey house is positioned on an elevated area which is particularly prominent in views from the west and it has not been demonstrated that the position and design of this proposed house could successfully fit into the landscape without having a significant adverse impact on the character or appearance of the area, nor would it enhance the character and appearance of the existing group of buildings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
7. *The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals.*
8. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

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

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

Development Plan Policies:

1. DEV5 Midlothian Local Development Plan – Sustainability in New Development
2. DEV6 Midlothian Local Development Plan – Layout and Design of New Development
3. DEV7 Midlothian Local Development Plan – Landscaping in New Development
4. TRAN5 Midlothian Local Development Plan – Electric Vehicle Charging
5. IT1 Midlothian Local Development Plan – Digital Infrastructure
6. RD1 Midlothian Local Development Plan – Development in the Countryside
7. ENV7 Midlothian Local Development Plan – Landscape Character

8. ENV11 Midlothian Local Development Plan – Woodland, Trees and Hedges
9. NRG6 Midlothian Local Development Plan – Community Heating
- 10.IMP1 Midlothian Local Development Plan – New Development
- 11.IMP2 Midlothian Local Development Plan – Essential Infrastructure Requirements

Material considerations:

1. The individual circumstances of the proposal

Dated: 27/11/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

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