

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 20 October 2015
Item No 5(d)

Local Review Body: Review of Planning Application Reg. No. 15/00325/DPP

John Gordon Associates Ltd.
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

Midlothian Council, as Planning Authority, having considered the review of the application by Mr P McGonigle, 205 Main Street, Pathhead, EH37 5SQ, which was registered on 21 July 2015 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Installation of replacement windows at 205 Main Street, Pathhead, 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	21.04.2015
Proposed elevations	30100728/1 1:20	21.04.2015

Subject to the retailing the following condition:

Planning permission is hereby granted for the replacement windows on the rear of the property only.

Reason: *For the avoidance of doubt as to what is approved. The replacement windows proposed on the front of the property would neither preserve nor enhance and would diminish the character of this part of the conservation area contrary to policy RP22 of the adopted Midlothian Local Plan.*

Please attach this decision notice to your original grant of planning permission.

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. RP22 Midlothian Local Plan – Conservation Areas

Material Considerations:

1. The individual circumstances of the site and its relationship to neighbouring properties.

In reaching its decision the Local Review Body considered that the condition attached to the grant of planning permission dated 12 June 2015 under reference 15/00325/DPP was appropriate as the proposed windows for the front elevation of the property were unacceptable and out of keeping with the Pathhead and Ford Conservation Area. Alternative window designs would be more acceptable and appropriate to its setting.

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