

## Local Review Body: Review of Planning Application

Reg. No. 18/00750/DPP

Mrs Caroline Moffat  
36 Cowden Crescent  
Dalkeith  
EH22 2HN

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Caroline Moffat, 36 Cowden Crescent, Dalkeith, EH22 2HN, which was registered on 18 January 2019 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Formation of driveway and erection of associated retaining walls at 36 Cowden Crescent, Dalkeith**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan		02.10.2018
Illustration/Photograph		02.10.2018
Illustration/Photograph		02.10.2018

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

*The proposed length of the driveway at 4.3m may result in parked vehicles overhanging and obstructing the public footway, resulting in pedestrians being required to walk on the carriageway. It has not been demonstrated to the satisfaction of the Planning Authority that a driveway could be accommodated at the application site without a detrimental impact on road safety.*

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

Material considerations:

1. The individual circumstances of the proposal;
2. The length of other driveways in the area; and
3. The length of other driveways previously granted planning permission by the Council as the local planning authority.

In reaching its decision the LRB considered that an alternatively proposal for a longer driveway (4.9m – 5m) would be acceptable in principle and therefore the applicant (property owner/occupier) is invited to submit an amended application.

Dated: 05/03/2019

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

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](mailto:peter.arnsdorf@midlothian.gov.uk)*