

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 28 April 2015
Item No 5(a)

Local Review Body: Review of Planning Application Reg. No. 14/00731/DPP

Slorach Wood
The Station Masters Office
Dalmeny Station
South Queensferry
EH30 9JP

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Brian Martin, 4 Toscano Court, Danderhall, Midlothian, EH22 1SY, which was registered on 24 December 2014 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Formation of driveway at 3 Toscana Court, Danderhall, EH22 1SY, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14056 P01	09.10.2014
Site Plan	14056 P02	09.10.2014

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

As a result of the removal of the wall and the reduction of on-street parking on Edmonstone Road the proposal will detract materially from the character and amenity of the surrounding area; the proposal is therefore contrary to policy RP20 of the adopted Midlothian Local Plan.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 March 2015. The LRB carried out an unaccompanied site visit on the 9 March 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.

Material Considerations:

1. The individual circumstances of the site; and
2. The consultation response and the representations made as part of the application.

Dated: 10/03/2015

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