

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 13 June 2017  
Item No 5.4

## Local Review Body: Review of Planning Application Reg. No. 15/00952/DPP

Andrew Bennie  
Andrew Bennie Planning Ltd  
3 Abbots Court  
Dullatur  
G68 0AP

Midlothian Council, as Planning Authority, having considered the review of the application by Onyx Homes, 78 Craigcrook Road, Edinburgh, EH4 3PN, which was registered on 30 November 2016 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Erection of 8 dwellinghouses at Airybank House, Cousland Kilns Road, Cousland, EH22 2NT**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	(PL)101 1:1250	25.02.2016
Elevations, floor plan and cross section	(G)101 1:100	25.02.2016
Landscaping plan	RBA001.15 SL-01 rev B 1:200	25.02.2016
Proposed cross section	(S)01 1:200	25.02.2016
Proposed elevations	(X)BW04 1:100	25.02.2016
Proposed elevations	(Y)BW03 1:100	25.02.2016
Proposed elevations	(Y)BW04 1:100	25.02.2016
Proposed elevations	(Z)BW02 1:100	25.02.2016
Proposed elevations	(X)BW02 1:100	25.02.2016
Proposed elevations	(Z)BW04 1:100	25.02.2016
Proposed floor plan	(Y)BW01 1:100	25.02.2016
Proposed floor plan	(Z)BW03 1:100	25.02.2016
Proposed floor plan	(X)BW01 1:100	25.02.2016
Proposed floor plan	(X)BW03 1:100	25.02.2016
Proposed floor plan	(Y)BW02 1:100	25.02.2016
Proposed floor plan	(Z)BW01 1:100	25.02.2016
Site Plan	(PL)103 1:250	25.02.2016

The reason(s) for the Council's decision are set out below:

1. *The proposed development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies RP20 and HOUS3 of the adopted Midlothian Local Plan.*
2. *The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies RP5, RP7, RP20 and HOUS3 of the adopted Midlothian Local Plan.*
3. *On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies RP7 and RP20 of the adopted Midlothian Local Plan.*
4. *The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 March 2017. The LRB carried out a site visit on the 6 March 2017.

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

Development Plan Policies:

1. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
2. RP7 Midlothian Local Plan – Landscape Character
3. RP13 Midlothian Local Plan – Species Protection
4. RP20 Midlothian Local Plan – Development within the Built-Up Area
5. HOUS3 Midlothian Local Plan – Windfall Housing Site
6. IMP1 and IMP2 – Implementation Policies
7. DP2 Midlothian Local Plan – Development Guidelines

Material considerations:

1. The individual circumstances of the proposal
2. The scale of local objection to the application

Dated: 07/03/2017

A handwritten signature in dark 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 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, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*