

# Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Monday 6 December 2021  
Item No 5.1

## Local Review Body: Review of Planning Application Reg. No. 21/00481/DPP

Mr George Burnett  
10 Poplar Street  
Mayfield  
Dalkeith  
EH225LW

Midlothian Council, as Planning Authority, having considered the review of the application by Mr George Burnett, 10 Poplar Street, Mayfield, Dalkeith, EH225LW, which was registered on 10 August 2021 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Formation of driveway; erection of retaining walls/fence (retrospective) at 10 Poplar Street, Mayfield, Dalkeith, EH22 5LW**, in accordance with the application and the following plans:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	07.06.2021
Proposed floor plan	1:50	07.06.2021
Proposed floor plan	Not to scale	07.06.2021
Illustration/Photograph		07.06.2021
Supporting statement	Annotated Photographs	07.06.2021

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

*The driveway can be accommodated at the application site without a detrimental impact on road safety; on the basis that limited traffic volumes use Poplar Street and the ability to park a vehicle on the driveway parallel to the carriageway (not perpendicular to it) and not overhanging or blocking the public footpath. The erected retaining wall and fence are acceptable features in the local urban setting.*

Subject to the following conditions:

1. A dropped kerb footway crossing shall be constructed at the vehicle entrance within 3 months from this grant of planning permission. The dropped kerb shall run the entire length of the site and be implemented to facilitate parallel parking.

**Reason:** *In the interests of road safety and the free flow of traffic.*

2. Within 3 months of this grant of planning permission the timber retaining wall and erected fencing shall be painted/stained dark brown to complement the other fencing and timber structures in the locality. It shall be maintained dark brown unless otherwise agreed in writing with the local planning authority.

**Reason:** *In the interests of visual amenity.*

Advisory Note

*Please note that in reaching its decision the Local Review Body supported the proposed development on the basis that any vehicle parking on the driveway does not overhang the footpath causing an obstruction or hazard to other road/footpath users – please ensure you do not obstruct the public footpath.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 25 October 2021.

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

Midlothian Local Development Plan 2017 Policies:

1. Policy DEV2 - Protecting amenity within the built-up area.

Material considerations:

1. The individual circumstances of the proposal.

Dated: 25/10/2021



Peter Arnsdorf  
Planning, Sustainable Growth and Investment Manager  
Advisor to the Local Review Body  
Place Directorate  
Midlothian Council

On behalf of:  
Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

# SCHEDULE 2

Regulation 21

## 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.

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



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison  
Direct Telephone: 01623 637 119  
Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2021 until 31st December 2022