

Grant of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 27 February 2018
Item No 5.1

Local Review Body: Review of Planning Application Reg. No. 17/00404/S42

Jim Sorrell
Sorrell Associates
The Green House
41 St Bernard's Crescent
Edinburgh
EH14 1NR

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Stephen Greenhorn, 2 Jessie Street, Glasgow, G42 0GP, which was registered on 6 October 2017 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Section 42 application to remove conditions 3 and 4 of planning permission 16/00497/DPP at 2A Nivensknowe Road, Loanhead, 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	22.05.2017
Site Plan	001 1:100	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:200	22.05.2017
Site Plan	002 1:100	22.05.2017

A consequence of the Section 42 application is to grant planning permission for alterations to, and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective) at 2A Nivensknowe Road, Loanhead

Subject to the following condition:

1. The metal and timber fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site shall be painted green within 2 months from this grant of planning permission and maintained as such thereafter.

Reason: *In the interest of visual amenity*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.

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

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area; and
2. Policy STRAT1: Committed Development

Material considerations:

1. The individual circumstances of the proposal
2. Supporting a local business

In determining the review the LRB concluded:

The proposed change of use and alterations are in keeping with the character of the surrounding industrial estate, would not detract from the amenity of the surrounding area and is likely to improve the economic activity and employment levels at the site and so complies with policies DEV2 and STRAT1 of the Midlothian Local Development Plan 2017. The fence and access gate erected along Nivensknowe Road on the southern boundary and south west corner of the site are required for the operation of the business and do not have a detrimental impact on amenity as to require their removal or relocation.

Dated: 16/01/2018



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