

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 19 June 2012 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Constable, Milligan, Rosie and Russell.

Apologies for Absence: - Councillors Beattie, de Vink, Imrie and Pottinger.

1. Declaration of Interest

No declarations of interest were intimated.

2. Membership and Terms of Reference

There was submitted and noted report, dated 12 June 2012, by the Director, Corporate Resources, setting out the membership and terms of reference of the Local Review Body.

3. Minutes

The Minutes of Meeting of 17 April 2012 were submitted and approved as a correct record.

4. Procedures for the Local Review Body

With reference to paragraph 3 of the Minutes of 18 January 2011, there was submitted report, dated 12 June 2012, by the Head of Planning and Development advising the Local Review Body (LRB) of the procedural arrangements for the determination of Local Reviews by the LRB.

The LRB, having heard from the Development Management Manager who briefly outlined the various stages that comprised the procedural process, considered the likely effects that the recent Council elections and upcoming summer recess might have on those cases currently awaiting a review decision. In discussing the position, the LRB felt that in order to avoid any possible negative impact, that a Special LRB meeting should be held in late July, in order that the cases being considered at today's meeting could be determined.

Decision

- (a) To note the administrative and procedural arrangements as set out in the report; and
- (b) To agree that, in view of the particular circumstances, a Special Meeting of the Local Review Body be held on Tuesday 31 July 2012 at 2.00pm.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

5. Decision Notices –

(a) 15 Dundas Street, Bonnyrigg

With reference to paragraph 3(a) of the Minutes of 17 April 2012, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr M Robertson, 15 Dundas Street, Bonnyrigg, seeking a review of the refusal of planning permission (11/00677/DPP, refused on 23 December 2011) for the extension to dwellinghouse (retrospective) at that address and refusing planning permission.

Decision

To note the LRB decision notice.

(b) Brewlands House, Abbey Road, Eskbank, Dalkeith

With reference to paragraph 3(b) of the Minutes of 17 April 2012, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr S McMartin, Brewlands House, Abbey Road, Eskbank, Dalkeith, seeking a review of the refusal of planning permission (11/00673/DPP, refused on 9 December 2011) for the extension to dwellinghouse and installation of rooflights at that address and refusing planning permission.

Decision

To note the LRB decision notice.

(c) Land at Seafield Mill, Seafield Moor Road, Bilston, Roslin

With reference to paragraph 3(c) of the Minutes of 17 April 2012, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr M Milne, Seafield Mill, 1 Seafield, Bilston seeking a review of the refusal of planning permission (11/00731/PPP, refused on 5 March 2012) for mixed use commercial development comprising showroom, office, industry and storage and distribution uses at Land at Seafield Mill, Seafield Moor Road, Bilston, Roslin and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

6. Notice of Review Requests Considered for the First Time –

(a) Oxenfoord Home Farm, Pathhead

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr A Herdman, Sprayways, 1 Oxenfoord Home Farm, Pathhead, seeking a review of the refusal of planning permission (11/00857/DPP, refused on 8 February 2012) for the change of use from agricultural building and associated land to car wash and valeting business (retrospective) at that address. Accompanying the Notice of Review

Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(b) 92 Burnbrae Road, Bonnyrigg

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr MacDougal, 92 Burnbrae Road, Bonnyrigg, seeking a review of the refusal of planning permission (11/00799/DPP, refused on 27 January 2012) for the extension to dwellinghouse at that address. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(c) Lyndean, St Leonards, Lasswade

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Dr W MacKenzie, Lyndean,

St Leonards, Lasswade seeking a review of the refusal of planning permission (12/00153/DPP, refused on 16 April 2012) for the installation of replacement windows at that address. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

Declaration of Interest

Councillor Milligan declared a non pecuniary interest in the following item of business on the grounds that he had been involved in correspondence with the applicants and had been invited to attend an accompanied visit to the review site. As at no time had he offered a view on the particular review request now before the Local Review Body, he considered that the nature of his interest was such that he did not need to withdraw, and he therefore intended to remain and participate in consideration thereof.

(d) 37 Belwood Road, Milton Bridge, Penicuik

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr A Mason, 2 Livesey Terrace, Penicuik seeking a review of the refusal of planning permission (12/00143/DPP, refused on 8 May 2012) for the erection of one and a half storey extension to dwellinghouse at 37 Belwood Road, Milton Bridge, Penicuik. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;

- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(e) 16 Temple, Gorebridge

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr L Porteous, 5 Station Road, Gorebridge seeking a review of the refusal of planning permission (11/00748/DPP, refused on 13 December 2011) for the installation of rooflights and installation of window to replace existing door (part retrospective) at 16 Temple, Gorebridge. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review should be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(f) 74 Newbattle Abbey Crescent, Eskbank, Dalkeith

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr H Macdonald, 74 Newbattle Abbey Crescent, Eskbank, Dalkeith seeking the amendment/removal of Conditions 1 and 2 of planning permission 11/00864/DPP for the erection of boundary fence and decking area at that address. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review should be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(g) Land Adjacent to 7 Westfield Park, Eskbank, Dalkeith

There was submitted report, dated 12 June 2012, by the Head of Planning and Development regarding an application from Mr F Watson, 5 Hawk Crescent, Dalkeith seeking a review of the refusal of planning permission (11/00780/DPP, refused on 20 January 2012) for the erection of a dwellinghouse on Land Adjacent to 7 Westfield Park, Eskbank, Dalkeith. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review should be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 30 July 2012; and
- (iv) agreed to otherwise continue consideration of the review to the Special LRB meeting on Tuesday 31 July 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

The meeting terminated at 2.12 pm.