

Minute of Meeting



Local Review Body

Date	Time	Venue
13 September 2022	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	Councillor Milligan
Councillor Smail	Councillor Virgo
Also in Attendance:	Councillor Parry

In Attendance:

Matthew Atkins	Lead Officer Planning Obligations
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the meeting.

No apologies for absence had been received.

2 Order of Business

The order of business was as outlined in the agenda previously circulated.

3 Declarations of interest

Councillor McManus declared an interest with regards to Item 5.3 advising that he had been involved in the initial application when he was in the Community Council prior to being elected.

4 Minute of Previous Meeting

The Minutes of the meetings of 20 June 2022 and 27 June 2022 were submitted and both were approved as correct records.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Notice of Review – 144 Main Street Pathhead (22/00264/DPP) – Determination Report.	Matthew Atkins
Outline of report and summary of discussion		
<p>There was submitted a report, dated 26 August 2022 by the Chief Officer Place, regarding an application seeking a review of the decision of the Planning Authority to refuse planning permission for the installation of replacement windows (retrospective) at 144 Main Street, Pathhead.</p> <p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed replacement windows and the reasons for its refusal, the LRB considered the potential impact that it would have on the character and appearance of the conservation area and noted that the adjoining property had windows in keeping with the conservation area however it was also noted that there were multiple different windows within this area.</p> <p>Thereafter, Councillor Smaill, seconded by Councillor Virgo moved to dismiss the review request and to uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.</p> <p>As an amendment Councillor Cassidy, seconded by Councillor McManus moved to uphold the review request and grant planning permission.</p>		

On a vote being taken 4 Members voted to dismiss the review and uphold the decision to refuse planning permission and 4 Members voted for the Amendment to uphold the review and grant planning permission.

There being an equality of votes, in terms of Standing Order 11.2 (iv), the Chair used his casting vote to dismiss the review and uphold the planning decision to refuse planning permission which accordingly became the decision of the Local Review Body.

Decision

The Local Review Body agreed to dismiss the review and uphold the Planning Decision to refuse Planning Permission for the replacement windows (retrospective) at 144 Main Street, Pathhead, for the following reason:

1. The replacement windows are located within the principal elevation and replaced four traditional timber framed sash and case windows. The visual mix of four bulky framed, non-traditional, uPVC windows and a uPVC mullion alongside traditional timber framed sash and case windows within the principle street elevation visually detracts from the appearance of the traditional application property and conservation area.
2. The uPVC framed windows are not of a high quality, traditional design or opening method. Therefore, the replacement windows fail to preserve or enhance the character or appearance of the conservation area or the application building, resulting in a significant adverse impact on the character and appearance of the application property and the conservation area, which is contrary to policies ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	Notice of Review – 2 Louis Braille Way, Gorebridge (22/00008/DPP) – Determination Report.	Matthew Atkins
Outline of report and summary of discussion		
<p>There was submitted a report, dated 26 August 2022 by the Chief Officer Place, regarding an application seeking a review of the decision of the Planning Authority to refuse planning permission for the erection of decking and fencing (retrospective) at 2 Louis Braille Way, Gorebridge.</p> <p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for the refusal of planning permission, the LRB considered the impact of the visual appearance of the decking and fencing and noted that the fencing was in keeping with the other fencing in this area and did not have a detrimental impact.</p>		

Concerns were also expressed about the stability of the structure and the Planning Advisor confirmed that he would highlight these potential health and safety concerns to Building Standards.

Decision

The LRB agreed to uphold the review request and grant Planning Permission for the erection of decking and fencing (retrospective) at 2 Louis Braille Way, Gorebridge for the following reason:

The fence and decking is in-keeping with the fences in the surrounding area and does not have a significant detrimental impact on the visual amenity of the surrounding area.

Action

Planning, Sustainable Growth and Investment Manager

Prior to the commencement of the following item of business, Councillor McManus having declared an interest took no part in the consideration of this review request.

Agenda No	Report Title	Presented by:
5.3	Notice of Review – 12 Dryden Terrace, Loanhead (21/01024/DPP) – Determination Report.	Matthew Atkins

Executive Summary of Report

There was submitted report dated 26 August 2022 by the Chief Officer Place, regarding an application seeking a review of the decision of the Planning Authority to refuse planning permission for alterations to the shopfront including installation of roller shutter and fascia sign (part retrospective) at 22 John Street, Penicuik.

The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the installation of the roller shutter and fascia sign and the reasons for its refusal, the LRB considered the potential impact on the visual amenity within the conservation area and the security of the premises. It was also noted that the shutters sourced were in keeping with the ones on the other side of the street which was not within the conservation area.

Decision

The LRB agreed to uphold the review request, and grant Planning Permission for the alteration to the shopfront including installation of roller shutter and fascia sign at 22 John Street, Penicuik for the following reason:

The proposed retrospective application does not have a detrimental impact on the visual amenity and the shutters are in keeping with others in this area. Consideration was also given to the security of the premises.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

Special Meeting of LRB will be held on Monday 26 September 2022 at 1 pm.

The meeting terminated at 13.41 pm