

Minute of Meeting



Local Review Body

Date	Time	Venue
Monday 10 January 2022	1.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor McKenzie
Councillor Milligan	Councillor Muirhead
Councillor Munro	Councillor Smail

In Attendance:

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager	Mike Broadway, Democratic Services Officer
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1 Apologies

No apologies for absence had been received.

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated.

3 Declarations of interest

No declarations of interest were intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minutes of Meeting held on 6 December 2021 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 23 Larkfield Drive, Dalkeith (21/00542/DPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 6 December 2021, there was submitted a copy of the Local Review Body decision notice upholding a review from Arkiplan Ltd, 28 Grahamsdyke Place, Bo'ness seeking, on behalf of their client Ms R Lewis, a review of the decision of the Planning Authority to refuse planning permission (21/00542/DPP, refused on 24 August 2021) for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Notice of Review – 8 St Davids Avenue, Dalkeith (21/00745/DPP) – Determination Report.	Peter Arnsdorf
Executive Summary of Report		
There was submitted a report, dated 23 December 2021 by the Chief Officer Place, regarding an application from John Gordon Associates Ltd, 3 Dean Acres, Comrie, Dunfermline seeking, on behalf of their clients Mr & Mrs Badger, the removal of		

Conditions 1 and 2 from the grant of planning permission (21/00745/DPP, granted 21 October 2021) for the installation of replacement windows and doors at 8 Saint Davids Avenue, Dalkeith.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Summary of Discussion

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 conditions attached to the original consent of planning permission, the LRB considered the potential impact that their removal would have on the character and appearance of the dwellinghouse and conservation area. The LRB whilst sympathetic to the applicants' desire to use modern materials felt that this would be best achieved if they were of a matching design to what was already installed and evident in other neighbouring properties, and also of a high standard which would make it difficult to differentiate from the original timber framed door and windows.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the conditions attached to the original grant of planning permission for installation of replacement windows and doors at 8 St Davids Avenue, Dalkeith, namely:-

1. Notwithstanding the plans hereby approved, the replacement windows within the front elevation are hereby not approved.
2. The door as proposed is not hereby approved, it shall be of timber construction in a colour to be approved in writing by the planning authority.

Reason for conditions 1 and 2: The introduction of uPVC within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local, Development Plan and Historic Environment Scotland policy and guidance. This part of the housing development was designed to incorporate traditional materials in order to integrate it in to the existing conservation area and the use of non-timber windows and door on the front elevation would significantly undermine that design approach.

In reaching this decision the LRB agreed to confirm that it would however be more supportive of replacement UPVC windows/door on the front elevation if they were of the same design and style as the existing (and matched those of the other dwellinghouses in the street) and of a standard which could not be differentiated from timber frames when viewed from a public vantage point.

Action

Planning, Sustainable Growth and Investment Manager

Declaration of Interest/Sederunt

Prior to the commencement of the following item of business, Councillor Cassidy indicated that his brother lived in one of the neighbouring properties on Milkhall Road, and having declared a non-pecuniary interest, left the meeting at 1.24 pm and did not return.

Agenda No	Report Title	Presented by:
5.3	Notice of Review – Land South West of Mosshouses, Penicuik (21/00422/DPP) – Determination Report.	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 23 December 2021 by the Chief Officer Place, regarding an application from Miss C Wilson, 9 Wilson Street, Penicuik seeking a review of the decision of the Planning Authority to refuse planning permission (21/00422/DPP, refused on 12 October 2021) for the change of use of land to form dog-park; erection of cabin, field shelters and fencing at land south west of Mosshouses, Penicuik.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Summary of Discussion

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 its refusal, the LRB considered the potential impact that permitting the proposed development would likely have on the character and appearance of the area. Of particular concern were the proposed access arrangements which were discussed at some length; it being noted that, on balance, the section of Milkhall Road between the proposed site and the A701 would be more appropriately able to cope with the likely increase in traffic flow to and from the application site, all of which led Members to the conclusion that the scheme should be supported.

Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

The proposed development is an appropriate use of land in a rural location and accords with the principles of supporting the rural economy by providing a valued facility. Furthermore, the LRB concluded the access arrangements are adequate for the proposed limited scale of use and should not result in highway safety concerns.

subject to the following conditions:

1. Prior to the commencement of development, the following details shall be submitted to and approved in writing by the planning authority:

- a) A Management Plan;
- b) Details of the colour finish or treatment of the external walls of the cabin and field shelters;
- c) Details of the proposed floodlighting system and security lights;
- d) Details of any proposed drainage works; and
- e) Details of a scheme of landscaping for the site. Details shall include the position, number, size and species of all trees and shrubs that are proposed to be planted, as well as identifying all trees on site which are proposed to be removed and retained.

Reason: *These details were not submitted with the original application; in order to protect the character and appearance of the surrounding rural area.*

- 2. The maximum number of dogs in either activity field hereby approved at any time will be 8.
- 3. The hours of operation of the activity fields hereby approved shall be restricted to the following:

Mondays to Sundays - 9am to 8pm.

- 4. Notwithstanding the plans hereby approved, the proposed perimeter fencing shall be erected at a height of 2 metres.

Reason for conditions 2 to 4: *In the interests of clarification; to protect the character and amenity of the surrounding rural area.*

- 5. The floodlight and/or security lighting approved in Condition 1c) shall not be used between the hours of 8.30pm and 7.30am and shall be designed to minimise the spillage of light out with the site boundaries or up into the sky. No other floodlighting or security lighting to that approved shall be installed.

Reason: *To minimise any impact on amenity from floodlighting and security lighting on the surrounding area.*

- 6. The landscaping plan required in terms of Condition 1e) shall include details of hedgerow planting with trees in a position to be agreed in writing by the planning authority around the boundary of the activity areas. The hedgerow planting shall comprise species such as mixed hawthorn, blackthorn and beech or single species hedgerows of hawthorn or beech unless otherwise agreed in writing by the planning authority.

Reason: *To integrate the development into the surrounding countryside.*

- 7. Within six months of the use hereby approved being implemented, the landscape scheme approved under the terms of Condition 1e) above shall be carried out; thereafter, any trees or shrubs removed, dying, becoming seriously diseased or being severely damaged within five years of planting shall be replaced during the next available planting season with others of a similar size and species.

Reason: *To enhance the landscaping of the area by ensuring that planting on the site is carried out as early as possible, and has an adequate opportunity to become established.*

The LRB also agreed that the applicant be asked to encourage all visitors, customers and staff to access and leave the site via the A701 as this section of Milkhall Road was considered to be more appropriate for the increase in traffic movements.

Action

Planning, Sustainable Growth and Investment Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 22 February 2022 at 1.00 pm.

The meeting terminated at 1.51 pm.