

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 22 January 2013 at 2.00 pm.

**Present:** - Councillors Bryant (Chair), Beattie, de Vink, Imrie, Milligan and Rosie.

**Apology for Absence:** - Councillor Baxter, Constable, Pottinger and Russell.

**1. Declaration of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 27 November 2012 were submitted and approved as a correct record.

**3. Decision Notices – (a) Cleikhimin Cottage, Howgate**

With reference to paragraph 5(a) of the Minutes of 27 November 2012, there was submitted and noted a copy of the Local Review Body decision notice dismissing a review request from D2 Architectural Design Ltd, 28 Bridge Street, Penicuik, seeking a review of the refusal of planning permission (12/00314/DPP, refused on 10 July 2012) for the extension to dwellinghouse at Cleikhimin Cottage, Howgate, Penicuik and refusing planning permission.

**(b) 2 Glen View, Penicuik**

With reference to paragraph 5(b) of the Minutes of 27 November 2012, there was submitted and noted a copy of the Local Review Body decision notice upholding a review request from Mr J Allison, 2 Glen View, Penicuik, seeking a review of the refusal of planning permission (12/00377/DPP, refused on 16 July 2012) for the erection of a detached garage at that address and granting planning permission.

**(c) 48 Sixth Street, Newtongrange**

With reference to paragraph 5(c) of the Minutes of 27 November 2012, there was submitted and noted a copy of the Local Review Body decision notice upholding a review request from Mr J Bogie, 56 Duddingston Park, Edinburgh, seeking a review of the refusal of planning permission (12/00188/DPP, refused on 30 May 2012) for the erection of a two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange and granting planning permission.

**Chair**

Councillor Milligan joined the meeting at the conclusion of the foregoing item of business at 2.06pm

## **Eligibility to Participate in Debate**

In considering the following items of business, only those LRB Members who had attended the site visits on 21 January 2013 participated in the review process, namely Councillors Bryant (Chair), Beattie, Imrie, Milligan and Rosie.

Councillor de Vink whilst present during the debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

### **4. Notice of Review Requests Considered at a Previous Meeting –**

#### **(a) Land to the North of Hillview Cottage, Woolmet, Dalkeith**

With reference to paragraph 4(a) of the Minutes of 27 November 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from GSM Architecture, 36/12 Malbet Park, Edinburgh, seeking a review of the refusal of planning permission (12/00526/DPP, refused on 23 October 2012) for the erection of 2 dwellinghouses and formation of associated vehicle access at Land to North of Hillview Cottage, Woolmet, Dalkeith.

In this regard, there was submitted report, dated 15 January 2013, by the Head of Planning and Development. The Local Review Body had made an unaccompanied visit to the site on 21 January 2013.

The LRB then gave careful considered to the merits of the case based on all the written information provided. Whilst it was acknowledged that the principle of the proposed development accorded with the development plan and that the scale and form of the proposed dwellings complemented the neighbouring properties, it was felt that satisfactorily planting would be required to ensure that the proposed development could be incorporated into the existing cluster of houses and the wider landscape.

With regard the proposed developments likely impact on highway safety and the local road network, there was considerable debate as to whether the additional traffic generated by the two extra houses could be accommodated without detriment to highway safety. The LRB felt that on balance the proposed development could be accommodated, however, the resulting cluster of houses would be the maximum number of units that could be accommodated at Hilltown, off the A6106 (Millerhill Road) without highway improvements.

## **Decision**

After further discussion, the Local Review Body agreed to uphold the Review Request and to grant planning permission subject to the following conditions:-

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected

commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

**Reason:** *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels and floor levels for all buildings, open space and roads in relation to a fixed datum;
  - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
  - iii proposed new planting, including trees, shrubs, hedging, wildflowers and grassed areas;
  - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
  - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
  - vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the houses being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
  - vii drainage details and sustainable urban drainage systems to manage water runoff; and
  - viii proposed car park configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP20 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

4. The buildings permitted shall not be occupied until vehicular and pedestrian access details have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage.

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

(Action: Head of Planning and Development)

#### **(b) 5 Lothian Bank, Dalkeith**

With reference to paragraph 4(b) of the Minutes of 27 November 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Miss M MacKinnon, 5 Lothian Bank, Dalkeith, seeking a review of the refusal of planning permission (12/00486/DPP, refused on 5 October 2012) for the installation of replacement windows at that address.

In this regard, there was submitted report, dated 15 January 2013, by the Head of Planning and Development. The Local Review Body had made an unaccompanied visit to the site on 21 January 2013.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. Whilst it was acknowledged that the use of uPVC frames tended to dominate the replacement window market, it was pointed out that frames made from more traditional materials were now widely available. The LRB felt that with the application site being in a conservation area, the proposed use of uPVC frames in this instance was not considered appropriate. That led into a more general discussion about the need for vigilance in ensuring that conservation areas were protected and also the types of replacement window units that could be used without detriment to them.

#### **Decision**

After further discussion, the Local Review Body agreed to dismiss the Review Request and uphold the decision to refuse planning permission on the grounds that:-

1. The installation of uPVC glazing units on the front elevation of No. 5 Lothian Bank will be detrimental to the character and appearance of the building, the surrounding area and The Eskbank and Ironmills Conservation Area. The proposal is therefore contrary to policies RP20 and RP22 of the Midlothian Local Plan which seek to protect the character and amenity of the built-up area and that of Conservation Areas.

2. Should approval be given to the proposed replacement windows it would be difficult to resist the installation of uPVC glazing units in surrounding properties. The cumulative effect of such development would degrade the visual quality of the surrounding area contrary to policies RP20 and RP22 of the Midlothian Local Plan, which seek to protect the character and amenity of the built-up area and that of the Conservation Areas.

In addition, the LRB also agreed to seek a further report on replacement windows in conservation areas.

(Action: Head of Planning and Development)

The meeting terminated at 2.34 pm.