

# Minute of Meeting



## Local Review Body

Date	Time	Venue
4 September 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Baird
Councillor Cassidy	Councillor Curran
Councillor Milligan	Councillor Muirhead

## 1 Apologies

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Apologies for absence were received from Councillors Alexander, Lay-Douglas Munro and Smaill.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of (i) Meeting of 22 May 2018 and (ii) Special Meeting of 20 June 2018 were submitted and approved as correct records.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land North West of Melville Gate Road, Dalkeith, [17/00587/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
With reference to paragraph 4.3 of the Minutes of 20 June 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Jessica Powell, Colliers International, 1 Exchange Crescent, Conference Square, Edinburgh seeking on behalf of their clients, Montpelier Estates a review of planning application 17/00587/DPP for the erection of residential care home with associated access, car parking, landscaping and works at land north-west of Melville Gate Road, Dalkeith, which had not been determined within the statutory time periods (2 months as extended by agreement) and refusing planning permission.		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – Land West of Wellington Cottages, Springfield Road, Penicuik, [17/00900/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>With reference to paragraph 4.4 of the Minutes of 20 June 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Chris Turner, Westland Horticulture, Old School House, 9 School Lane, Stow, Lincoln seeking on behalf of their clients Westland Horticulture, a review of the decision of the Planning Authority to refuse planning permission (17/00900/DPP, refused on 26 January 2018) for the siting of two residential caravans for a temporary period of two years (retrospective) at land west of Wellington Cottages, Springfield Road, Penicuik and refusing planning permission.</p>		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 17-29 Engine Road, Loanhead, [18/00065/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>With reference to paragraph 4.5 of the Minutes of 20 June 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs Louise McVay, Ace Car Disposal &amp; Spares Ltd, Yard 1, Camps Yard, Camps Industrial Estate, East Calder, seeking a review of the decision of the Planning Authority to refuse planning permission (18/00065/DPP, refused on 24 April 2018) for the change of use of coach depot and garage to a car breakers yard (end of life vehicle recycling centre) at 17-29 Engine Road, Loanhead and granting planning permission subject to conditions.</p>		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.4	Decision Notice – Mansfield, Mayfield, Dalkeith, [17/00864/DPP].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 4.6 of the Minutes of 20 June 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Douglas Strachan, 79 High Street, Dalkeith seeking on behalf of their client Mrs L McKellar, a review of the decision of the Planning Authority to refuse planning permission (17/00864/DPP, refused on 7 March 2018) for the conversion of steading buildings into four dwellinghouses and associated works at Mansfield, Mayfield, Dalkeith and refusing planning permission.

### Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.5	Decision Notice – Land Adjacent to Mansfield, Mayfield, Dalkeith, [17/00960/DPP].	Peter Arnsdorf

### Executive Summary of Report

With reference to paragraph 4.7 of the Minutes of 20 June 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Douglas Strachan, 79 High Street, Dalkeith seeking on behalf of their client Mrs L McKellar, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00960/PPP, refused on 19 February 2018) for the erection of three dwellinghouses and associated works at land adjacent to Mansfield, Mayfield, Dalkeith and refusing planning permission.

### Decision

To note the LRB decision notice.

### Eligibility to Participate in Debate

In considering the following items of business, all the LRB Members present had attended the site visits on Monday 3 September 2018 and therefore they all participated in the review process.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – Land South East of the Old School House, School Green, Lasswade, [18/00180/DPP].	Peter Arnsdorf

### Executive Summary of Report

There was submitted report, dated 28 August 2018, by the Head of Communities and Economy regarding an application from Mr Stuart Armstrong, 19 Polton

Terrace, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (18/00180/DPP, refused on 24 May 2018) for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade

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

The Local Review Body had made an accompanied visit to the site on Monday 3 September 2018.

#### Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from the applicant Stuart Armstrong, and then from Duncan Robertson, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed development, in particular the siting and design of the proposed dwellinghouse. It was acknowledged that whilst the principle of development of the application site was supported, there were concerns regarding whether or not the current scheme made best use of the site due to its topography and the boundary planting within the neighbouring site. With regards the boundary planting the applicant sought to reassure Members that he had reached agreement with the owner of the neighbouring property regarding its future maintenance, however the potential for this to become an issue in the future remained a possibility. These issues aside, the LRB concluded that on balance the proposed development would not adversely impact on the conservation area or special landscape area and was therefore worthy of support.

#### Decision

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

*The proposed dwelling by means of its siting, form, design and materials fits into the landscape and is not detrimental to the special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and conservation area. Furthermore, the proposed dwelling will not have an unacceptable impact on the amenity of neighbouring residential properties or the adjoining listed building.*

subject to the following conditions:

1. Development shall not begin until a revised 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 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 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 house is occupied; and
  - vii drainage details and sustainable urban drainage systems to manage water runoff.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

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:** *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter

be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

**Reason:** *To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.*

4. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
- i the nature, extent and types of contamination and/or previous mineral workings on the site;
  - ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
  - iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
  - iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority and a validation report confirming the works have been completed shall be submitted to the planning authority.

**Reason:** *To ensure that any contamination on the site/ground conditions is adequately identified and that appropriate decontamination measures/ground mitigation measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.*

5. Development shall not begin until details of the provision of an electric vehicle charging station has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details.

**Reason:** *To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.*

6. Prior to the dwellinghouse being occupied the vehicular access arrangements detailed on drawing number LASS (LP)002 and in the Design & Access Statement shall be completed and operational.

**Reason:** *To ensure that the dwellinghouse is provided with a safe access.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time –15 Pendreich Terrace, Bonnyrigg, [18/00312/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 28 August 2018, by the Head of Communities and Economy regarding an application from Mr and Mrs J Millar, Bowling Green Cottage, Murderdean Road, Newtongrange seeking a review of the decision of the Planning Authority to refuse planning permission (18/00312/DPP, refused on 26 June 2018) for the erection of a two storey extension at 15 Pendreich Terrace, Bonnyrigg.</p> <p>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.</p> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 3 September 2018.</p>		
<b>Summary of Discussion</b>		
<p>In accordance with the procedures for the Local Review Body, the Planning Advisor then gave a brief overview of the background to the case and the review procedures. Thereafter, having heard from the Planning Adviser, the LRB 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 current policy position and the potential impact on neighbouring properties many of which also had extensions.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:-</p> <p><i>The proposed extension by means of its design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring properties. Furthermore, the proposed extension is comparable in scale to extensions on neighbouring/nearby properties.</i></p>		
<b>Action</b>		
Head of Communities and Economy		

The meeting terminated at 2.32 pm.