

Minute of Meeting

Local Review Body
Tuesday 13 September 2022
Item No: 4.1



Local Review Body

Date	Time	Venue
Monday 20 June 2022	2.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	Councillor Milligan
Councillor Smail	Councillor Virgo

Also Present:

Councillor Pottinger	
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In Attendance:

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager	Matthew Atkins, Lead Officer Planning Obligations
Mike Broadway, Democratic Services Officer	

1 Welcome, Introductions and Apologies

In terms of Standing Order 7, the Local Review Body (LRB) were invited to elect a Chair.

Councillor Imrie, having been proposed, and there being no other nomination, was duly elected as Chair of the LRB.

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

There were no Minutes submitted for approved at this meeting.

5 Reports

Item No	Item Title	Presented by:
5.1	Membership and Terms of Reference.	Peter Arnsdorf
Outline of report and decision		
There was submitted and noted report setting out the membership and terms of reference of the Local Review Body.		

Item No	Item Title	Presented by:
5.2	Procedures for the Local Review Body.	Peter Arnsdorf
Outline of report and decision		
There was submitted and noted report setting out the procedural arrangements for the determination of Local Reviews by the LRB.		
The Planning Advisor outlined the various stages that comprised the procedural process, in particular highlighting that:-		
<ul style="list-style-type: none">• reviews would normally be considered by the LRB at the first available meeting;• the LRB would determine Reviews by way of written submissions unless the applicant had specifically requested a Hearing in their Notice of Review Request;		

- site visits would normally be scheduled for the morning of the meeting of the LRB at which the Review was to be determined. Whilst Members were encouraged to attend the Site Visits visuals would continue to be provided to enable those not able to attend to continue to be able to participate in the determination of the Review. The site visit would be unaccompanied if the Review was to be determined by way of written submissions and accompanied if the Review was to be determined by way of a Hearing. The LRB would be notified in advance of any changes to this timetable; and
- the LRB could decide to defer the consideration of any Review if they felt they required further information.

The LRB, in welcoming the guidance offered on the procedural arrangements, acknowledged the Chair's remarks regarding his hopes for a return to face-to-face LRB meetings and to all Members attending Site Visits.

Declaration of Interest/Sederunt

Prior to the commencement of the following item of business, Councillor Cassidy and Councillor Bowen both declared non-pecuniary interests and took no part in consideration of this particular review request.

Agenda No	Report Title	Presented by:
5.3	Notice of Review – Glencairn, 13 Waverley Road, Dalkeith (21/00933/DPP) – Determination Report.	Peter Arnsdorf

Executive Summary of Report

There was submitted a report, dated 10 June 2021 by the Chief Officer Place, regarding an application from Mr C Shaw, Glencairn, 13 Waverley Road, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (21/00933/DPP, refused on 8 February 2022) for the erection of a treehouse (retrospective) at that address.

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 treehouse 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 the listed building in whose grounds the treehouse was sited. The LRB welcomed the steps taken by the applicant to lessen the visual impact through staining the treehouse and felt on balance that the fact that the siting and design was such that as it did not appear to adversely impact on neighbouring properties, nor the conservation area that it could be supported.

Decision

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

The treehouse as erected, by means of its siting, size and design, is not detrimental to the Eskbank and Ironmills Conservation Area and does not detract from the listed building in whose grounds the treehouse is sited and as such accords with the presumption in favour of supporting sustainable development as set out in the Midlothian Local Development Plan 2017.

subject to the following condition:

A tree inspection shall be carried out by a suitably qualified arboriculturalist within three months of the date of decision to assess the condition of the two sycamore trees within which the treehouse is constructed. A report shall be submitted to the planning authority for review within six months of the date of decision, including details of any damage to the trees and their roots; likely effects on tree health as a result of construction (e.g. coach screws in trees, concrete foundations in Root Protection Area (RPA)); recommendations and timetable for re-inspection. The planning authority shall then confirm if the treehouse is required to be removed (because it is causing damage to the stated trees) and the time period in which it shall be removed.

Reason: *To protect trees at the site which contribute to the character and visual amenity of the surrounding area.*

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.4	Notice of Review – 38 Lawrie Terrace, Loanhead (21/00727/DPP) – Determination Report.	Matthew Atkins

Executive Summary of Report

There was submitted a report, dated 10 June 2022 by the Chief Officer Place, regarding an application from Mr S Howgate, 12 Broughton Place Lane, Edinburgh seeking a review of the decision of the Planning Authority to refuse planning permission (21/00727/DPP, refused 1 December 2021) for the change of use of former storage building to church/place or worship (retrospective) at 38 Lawrie Terrace, Loanhead.

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 refusal of planning permission, the LRB considered the potential impact that the proposed change of use would likely have on the privacy and amenity of the neighbouring residential properties. Concerns were also expressed about the potential increase in traffic movements, and pressure on car parking, associated with the proposed use and the impact that this might have on the surrounding area, particularly from a road safety point of view.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons:-

1. The use of the site as a church/place of worship would result in a significant adverse impact on the privacy and amenity of the occupants of the residential properties to the north.
2. The use of the site as a church/place of worship would result in a risk to road safety with regards to the intensification in the number of vehicles accessing the site through a small and constrained car park.
3. For the above reasons, the proposal does not comply with policy DEV2 of the adopted Midlothian Local Development Plan 2017
4. The use of the site as a church/place of worship would have a significant detrimental impact on the amenity of nearby residents as a result of noise and disturbance and so does not comply with policies DEV2 and ENV18 of the adopted Midlothian Local Development Plan 2017.

Action

Planning, Sustainable Growth and Investment Manager

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

Executive Summary of Report

There was submitted report dated 10 June 2022 by the Chief Officer Place, regarding an application from Suzanne McIntosh Planning Limited, 45C Bath Street, Edinburgh seeking, on behalf of their client Mr S Quinn, a review of the decision of the Planning Authority to refuse planning permission (21/01024/DPP, refused on 8 February 2022) for the extension of roof at 12 Dryden Terrace, Loanhead.

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. On balance, Members' concluded that the proposed development would not adversely impact the streetscape and could therefore be supported.

Decision

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

The proposed roof extension by means of its form, design and materials complements the host dwellinghouse and will not be detrimental to the streetscape or the character of the area and as such accords with the presumption in favour of supporting sustainable development as set out in the Midlothian Local Development Plan 2017. Furthermore the symmetrical form of the host building and those in the immediate locality is not such a strong architectural feature that justifies resisting the evolution of the built form.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.6	Notice of Review – 1 Tipperwell Way, Howgate, Penicuik (22/00056/DPP) – Determination Report.	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report dated 10 June 2022 by the Chief Officer Place, regarding an application from Dr A Fraser, 1 Tipperwell Way, Howgate, Penicuik seeking a review of the decision of the Planning Authority to refuse planning permission (21/00056/DPP, refused on 29 March 2022) for the installation of replacement windows at that address.</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>		
Summary of Discussion		
<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 potential impact that permitting the proposed development would likely have on the character and appearance of the dwellinghouse and the conservation area. The LRB recalled that sympathetic consideration had previously</p>		

been given to the use of modern materials where they were of a matching design to that which was already installed and of such a high standard so as to make it difficult to differentiate from the original timber framed fittings.

Decision

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

The proposed replacement windows will not have a detrimental impact on the host building or the Howgate Conservation Area and as such accords with the presumption in favour of supporting sustainable development as set out in the Midlothian Local Development Plan 2017.

subject to the following conditions:

1. The profile of the window frames on the replacement windows shall match the square profile of the frames of the windows which are to be replaced.
2. The design of the bedroom window at the rear and the bedroom window at the side of the house shall incorporate a mullion.
3. The window frames shall not protrude beyond the outer face of the mullions where present or the case frames.

Reason for conditions 1-3: In order to reduce the visual impact of the replacement windows on the character and appearance of this part of the Howgate Conservation Area.

In reaching this decision the LRB noted that Supplementary Guidance on the use of modern materials of the same design and style as those they were replacing and of a standard which could not be differentiated from timber frames when viewed from a public vantage point was being prepared for consideration by the Planning Committee.

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 27 June 2022 at 2.00pm.

The meeting terminated at 2.48 pm.