

Minute of Meeting

Local Review Body
Tuesday 31 March 2020
Item No



Local Review Body

Date	Time	Venue
Tuesday 18 February 2020	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

In Attendance:

Peter Arnsdorf, Planning Manager	Duncan Robertson, Senior Planning Officer
Mhairi-Anne Cowie, Planning Officer	Mike Broadway, Democratic Services Officer

1 Apologies

Apologies for absence were received from Councillors Baird and Curran.

2 Order of Business

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

3 Declarations of interest

Councillor Smaill advised that with regards to Agenda Item 5.3 – Notice of Review Request - Land South East of Orchard House, Green Lane, Lasswade (19/00610/DPP), he knew a number of those who had made representations and therefore he would withdraw from the meeting during consideration of this particular Review Request.

Councillor Cassidy declared he was in a similar position with regards Agenda Item 5.5 – Note of Review Request - The Old Mill House, 40 Newmills Road, Dalkeith (19/00884/DPP) and he would therefore also withdraw from the meeting during consideration of this particular Review Request.

4 Minutes of Previous Meetings

The Minutes of Meeting of 2 December 2019 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 19 George Drive, Loanhead (19/00563/DPP).	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.2 of the Minutes of 2 December 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from David Paton Building Consultancy, 13 High Street, Loanhead seeking, on behalf of their client Mr T Dick, a review of the decision of the Planning Authority to grant planning permission (19/00563/DPP, granted on 21 August 2019) subject to condition for the extension to dwellinghouse at 19 George Drive, Loanhead, requesting removal of the condition, and granting planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 26 Bellerophon Drive, Penicuik (19/00211/DPP).	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.3 of the Minutes of 2 December 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Kevin Smith Architectural Technologist, 10 Halfway Avenue, Luton seeking on behalf of their client Mr H Rodgers, a review of the decision of the Planning Authority to refuse planning permission (19/00211/DPP, refused on 10 July 2019) for the installation of replacement windows (retrospective) at 26 Bellerophon Drive, Penicuik 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 and so participated in the review process.

Sederunt

With reference to paragraph 3 above, Councillor Smaill, having advising that he would not take part in consideration of the following item of business, withdrew from the meeting at 1.04pm.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Land South East of Orchard House, Green Lane, Lasswade – Determination Report (19/00610/DPP)	Peter Arnsdorf

Outline of report

There was submitted a report dated 7 February 2020 by the Director Education, Communities and Economy regarding an application from Tony Thomas, APT Planning and Development, 6 High Street, East Linton seeking, on behalf of their client Mr N Brown, a review of the decision of the Planning Authority to refuse planning permission (19/00610/DPP, refused on 12 September 2019) for the erection of a dwellinghouse on land south east of Orchard House, Green Lane, 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 Tuesday 18 February 2020.

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's agent, Mr Tony Thomas, APT Planning and Development, then from Mr Steven Donald, on behalf of a number of those who had submitted representations and finally from Mhairi-Anne Cowie, the local authority Planning Officer; following which they all responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular consideration was given to the impact the proposed development would have on neighbouring properties and on the Green Belt. Members also debated possible potential issues relating to the access and were also mindful of the precedence that could be established, depending on their decision.

After further discussion, Councillor Milligan, seconded by Councillor Lay-Douglas, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

As an amendment, Councillor Cassidy seconded by Councillor Alexander moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Director, Education, Communities and Economy's report.

On a vote being taken 3 members voted for the Amendment and 4 for the Motion which accordingly became the decision of the Committee.

Decision

The LRB agreed to dismiss the review request, and uphold the decision to refuse planning permission for the following reasons::

1. *It has not been demonstrated that the house is required for the furtherance of an established Green Belt activity, nor that there are material planning considerations to otherwise justify approval of the proposal. The proposal is therefore contrary to policy ENV1 of the adopted Midlothian Local Development Plan 2017.*
2. *The proposed development has potential for overlooking between the proposed house and the garden ground Barony House, to the detriment of the amenity and privacy of the existing and future occupants. The proposal is therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
3. *Green Lane is a narrow road with insufficient width to accommodate two-way traffic and no separate pedestrian facilities. There are also restricted sightlines from Green Lane onto Church Road. The additional traffic associated with the proposed development will impact on the safety of the road. The road safety issues are a material consideration that warrant refusal of the application.*

Action
Planning Manager

Sederunt
Councillor Smail re-joined the meeting at the conclusion of the foregoing item of business at 1.30pm.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Land at Glencorse Mains Steading, Penicuik – Determination Report (19/00611/DPP).	Peter Arnsdorf

Executive Summary of Report
<p>There was submitted report dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Tim Simpson, Architect, 27 Park Road, Edinburgh seeking, on behalf of his clients Mr S and Mrs W McHarg, a review of the decision of the Planning Authority to refuse planning permission (19/00611/DPP, refused on 3 September 2019) for the erection of a dwellinghouse on land at Glencorse Mains Steading, Penicuik</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 Tuesday 18 February 2020.</p>

Summary of Discussion
<p>Having heard from the Planning Advisor, the LRB gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for refusal, the LRB acknowledged that this was in accordance with the current development plan policies. In this particular instance however, the LRB where of the view that given the particular circumstances, the scale and location of the proposed dwellinghouse meant that it would complement/complete the courtyard feel of the cluster of properties in this locality and was, on balance unlikely to have a significantly detrimental impact on the amenity of those neighbouring properties. It also would not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.</p>

Decision
<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 dwelling by means of its siting, form, design and materials fits into the landscape, complements the neighbouring cluster of dwellinghouses and is not detrimental to the green belt and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.</i></p>

subject to the proposed conditions contained in the Director, Education, Communities and Economy's report.

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 1 Laurelbank Road, Mayfield (19/00687/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Mr James Bevis, 1 Laurelbank Road, Mayfield seeking a review of the decision of the Planning Authority to refuse planning permission (19/00687/DPP, refused on 13 September 2019) for the erection of a garage, sunroom and decking (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.

The Local Review Body had made an unaccompanied visit to the site on Tuesday 18 February 2020.

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 in its current form would have on the visual amenity of the surrounding area.

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. As a result of a combination of its forward projection, design and materials the building appears as an incongruous feature out of keeping with the character of the original house at the application property and has a detrimental impact on the visual amenity of the surrounding area.*
- 2. For the above reason the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

In addition, the LRB agreed to authorised whatever necessary follow up action was required in order to secure the removal of the unauthorised garage and sunroom.

Action
Planning Manager

Sederunt
With reference to paragraph 3 above, Councillor Cassidy, having advising that he would not take part in consideration of the following item of business, left the meeting at 1.40pm and did not return.

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – The Old Mill House, 40 Newmills Road, Dalkeith – Determination Report (19/00884/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 7 February 2020 by the Director, Education, Communities and Economy, regarding an application from Douglas Strachan, Architect, 11 South Street, Dalkeith seeking, on behalf of his client Ms S DeWaard, a review of the decision of the Planning Authority to refuse planning permission (19/00884/DPP, refused on 5 December 2019) for the change of use from dwellinghouse to a mixed use of dwellinghouse and temporary events venue and associated erection of marquee at the Old Mill House, 40 Newmills Road, 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.

The Local Review Body had made an unaccompanied visit to the site on Tuesday 18 February 2020.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the reasons for refusal, the LRB acknowledged that these were in accordance with the current development plan policies. In this particular instance however, the LRB where of the view that given the particular circumstances, its scale and location meant that it was, on balance unlikely to have a significantly detrimental impact on the local amenity. In addition, the LRB considered that the development of this type of venue should be supported as it would potentially bring associated benefits to the local community.

Decision

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

The proposed development by means of its separation from other residential properties, by its limited frequency and its proximity and accessibility to a main road (Newmills Road) will not have a detrimental impact on local amenity and will provide a quality venue in support of Dalkeith.

Action

Planning Manager

The meeting terminated at 1.50 pm.