

Minute of Meeting



Special Meeting of the Local Review Body

Date	Time	Venue
Monday 14 December 2020	2.00pm	Virtual Meeting using MS Teams

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Munro	Councillor Small

In Attendance:

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

1 Apologies

Apologies for absence were received from Councillors Baird, Lay-Douglas Milligan and Muirhead. Councillor Lay-Douglas did attempt to join the meeting, however due to technical issues with her sound withdrew, there being sufficient other Members present for the meeting to proceed without her.

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 Reports

Declaration of Interest/Sederunt

During the initial introductory overview by the Planning Advisor, Councillor Cassidy became aware that he knew the owners of one of the neighbouring properties and having declared a non-pecuniary interest left the meeting at 2.16 pm prior to the commencement of the oral presentations.

Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – Land to the Rear of 180 Main Street, Pathhead (20/00353/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 7 December 2020 by the Chief Officer Place, regarding an application from Block 9 Architects, Castle Street, Edinburgh seeking, on behalf of their client Mr S Duncan, a review of the decision of the Planning Authority to refuse planning permission (20/00353/DPP, refused on 28 July 2020) for the erection of dwellinghouse on land to the rear of 180 Main Street, Pathhead.

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

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 Bob Tait, Format Design, on behalf of the applicant's agent, and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which they both 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 due to its scale, design and positioning. Members also debated potential issues relating to the access, in particular the availability of space for vehicles to manoeuvre, the proposed inclusion of a first floor balcony, which was not supported, and where also mindful of the level of amenity space and how this might impact on the potential occupants. On balance the overall view was that the current scheme as it stood did not adequately address these issues albeit the overriding feeling was that they were not unresolvable and that with some work it should be possible to come forward with a scheme which would allow development on the site to proceed.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the refusal of planning permission for the following reasons:

- 1. The proposed development would result in a low standard of amenity for future occupants of the proposed dwellinghouse as inadequate amenity space and parking provision is proposed.*
- 2. The proposed development would have a significant detrimental impact on the amenity and privacy of neighbouring properties.*
- 3. For reasons 1 and 2 above the proposed development is an overdevelopment of the site and is contrary to policies STRAT2 and DEV2 of the Midlothian Local Development Plan 2017.*
- 4. It has not been demonstrated to the satisfaction of the planning authority that the development can be served by a safe and appropriate vehicular access and as a result there would potentially be a detrimental impact on vehicle and pedestrian safety in the area.*

In reaching this decision, the LRB emphasised that without prejudice to any future application, they were not opposed to the site being developed for housing purposes, subject to the concerns raised during the Hearing being addressed.

Action

Planning Manager

Sederunt

Having earlier advised that they had other prior engagements, Councillor Munro, left the meeting during consideration of the foregoing item of business at 2.42 pm, and Councillor Curran left the meeting at the conclusion of the foregoing item of business at 2.52pm, neither returned. Councillor Cassidy re-joined the meeting at this stage.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land South West of Cockmuir, Penicuik (19/01004/DPP).	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 7 December 2020 by the Chief Officer Place, regarding an application from Geddes Consulting, Bernard Street, Edinburgh seeking, on behalf of their client Mr M Fisher, a review of the decision of the Planning Authority to refuse planning permission (19/01004/DPP, refused on 14 February 2020) for the erection of a dwellinghouse (retrospective) on land south west of Cockmuir, 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>		
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 its refusal, the LRB considered at length the planning history of the site and the potential implications that permitting the proposed development would have in policy terms. Of further concern was the departure from the approved location for the dwellinghouse consented by Scottish Borders Council, without apparent justification.</p>		
Decision		
<p>After further discussion, the LRB agreed that in light of the particular circumstances in this case, to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The dwellinghouse sits comfortably within the existing cluster of rural dwellinghouses and other buildings and will not have a significant impact on the landscape or have a detrimental impact on the amenity of the neighbouring properties and therefore complies with the spirit of policy RD1 of the Midlothian Local Development Plan 2017.</i></p> <p>subject to the following conditions –</p> <ol style="list-style-type: none"> 1. A scheme to deal with any contamination of the site and/or previous mineral workings is submitted to and approved by the Planning Authority. The scheme shall contain details of proposals to deal with any contamination and/or previous mineral workings and include: <ol style="list-style-type: none"> a) The nature, extent and types of contamination and/or previous mineral workings on the site; b) 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; 		

- c) The condition of the site on completion of the specified decontamination measures.
2. On completion of the decontamination/remediation works referred to in condition 1, a validation report shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme.

Reason for conditions 1 and 2: *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.*

Action

Planning Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 62 Gorton Road, Rosewell (20/00343/DPP).	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 7 December 2020 by the Chief Officer Place, regarding an application from FEM Building Design, Plantain Grove, Lenzie, Glasgow seeking, on behalf of their client Mr & Mrs J Carroll, a review of the decision of the Planning Authority to refuse planning permission (20/00343/DPP on 10 July 2020) for the erection of extension and porch to dwellinghouse at 62 Gorton Road, Rosewell.

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, Members debated the potential impact that the rear extension would have due to its scale, design and positioning.

Thereafter, Councillor Cassidy, seconded by Councillor Alexander moved to uphold the review request and grant planning permission.

As an amendment Councillor Smaill, seconded by Councillor Imrie moved to dismiss the review request and to uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

On a vote being taken 2 Members voted for the amendment and 2 for the motion. There being an equality of votes, the Chair used his casting vote for the motion which accordingly became the decision of the Committee.

Decision

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

The proposed extension and porch will not have a significant impact on the character of the host building or have a detrimental impact on the amenity of the neighbouring property at 64 Gorton Road and complies with the aims of policy DEV2 of the Midlothian Local Development Plan 2017.

Action

Planning Manager

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next scheduled meeting will be held on Monday 11 January 2021 at 1.00pm.

The meeting terminated at 3.20pm.