

Minute of Meeting



Local Review Body

| Date | Time | Venue |
|------------------------|--------|--|
| Monday 2 December 2019 | 1.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

| | |
|--------------------------|----------------------|
| Councillor Imrie (Chair) | Councillor Alexander |
| Councillor Cassidy | Councillor Muirhead |
| | |

In Attendance:

| | |
|----------------------------------|--|
| Peter Arnsdorf, Planning Manager | Mike Broadway, Democratic Services Officer |
| | |

1 Apologies

Apologies for absence were received from Councillors Baird, Curran, Lay-Douglas, Milligan, Munro and Smail.

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 received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 22 October 2019 was submitted and approved as a correct record.

5 Reports

| Agenda No | Report Title | Presented by: |
|--|--|----------------|
| 5.1 | Decision Notice – 16 Lady Brae, Gorebridge (18/00759/S42). | Peter Arnsdorf |
| Executive Summary of Report | | |
| With reference to paragraph 5.2 of the Minutes of 22 October 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mark Skinner, City Access Scaffolding Ltd, 16 Lady Brae, Gorebridge seeking, a review of the decision of the Planning Authority to refuse planning permission (19/00247/DPP, refused on 31 May 2019) the erection of a temporary building at that address and granting planning permission subject to conditions. | | |
| 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.

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.2 | Notice of Review Request Considered for the First Time – 19 George Drive, Loanhead (19/00563/DPP). | Peter Arnsdorf |

Executive Summary of Report

There was submitted report dated 21 November 2019 by the Director, Education, Communities and Economy, regarding an application 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.

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 Monday 2 December 2019.

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 the condition, the LRB acknowledged that this was in accordance with the normal practice to require use of matching materials on extensions. In this particular instance however, the LRB where of the view that given the particular circumstances, the scale and location of the proposed extension meant that it was, on balance unlikely to have a significantly detrimental impact on the amenity of the neighbouring properties if the condition requiring the use of matching materials was removed.

Decision

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

The proposed roof design on the extension, by nature of its size, the proposed materials and its partial screening by the boundary hedge, does not undermine the amenity of the local area, nor is it detrimental to the character of the existing building and as such the condition on the original decision requiring the form and materials of the roof to match the existing extension is not required. The proposed development accords with the Midlothian Local Development Plan 2017.

Action

Planning Manager

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.3 | Notice of Review Request Considered for the First Time – 26 Bellerophon Drive, Penicuik (19/00211/DPP). | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 21 November 2019 by the Director, Education, Communities and Economy, regarding an application 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.

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 Monday 2 December 2019.

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 proposed development and the reasons for its refusal, the LRB considered the potential impact that permitting the use of UPVC in a Conservation Area would have in Policy terms and in terms of setting a precedent. It being noted that in terms of consistency a similar case in close proximity to the current application site and within the same conservation area had recently been refused planning permission. The general feeling was that if the use of UPVC was to be permitted in conservation areas then it should be as a result of a review of the current policy. With regards the current application, the retrospective nature of the application was remarked upon as was the fact that previous planning permission has expressly prohibited the use of UPVC.

After further discussion, Councillor Muirhead, seconded by Councillor Imrie, 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 to uphold the review request, and grant planning permission.

On a vote being taken, two Members voted for the motion and two for the amendment. There being an equality of votes, the Chair in terms of Standing Order 11.2(iv) exercised his casting vote in favour of the motion, which accordingly became the decision of the meeting.

Decision

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

1. *The introduction of uPVC framed windows fails to preserve or enhance the character or appearance of the conservation area or the application dwelling, resulting in a significant adverse impact on the character and appearance of the conservation area, which is contrary to policies ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

2. *Approval of the proposed scheme would be contrary to a recent Local Review Body decision on a similar case in close proximity to the application site and within the same conservation area. There are no overriding material considerations to outweigh the recent decision of the Local Review Body.*

Action

Planning Manager

The meeting terminated at 1.20 pm.