

Minute of Meeting

Local Review Body
Tuesday 10 September 2019
Item No 4.1



Local Review Body

Date	Time	Venue
Tuesday 16 April 2019	1.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

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

1 Apologies

Apologies for absence were received from Councillors Curran and Milligan.

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 5 March 2019 was submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 28-30 Buccleuch Street, Dalkeith [18/00643/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 14 January 2019, there was submitted a copy of the Local Review Body decision notice upholding a review request from Stuart Hannah, Stuart Hannah Architectural Services, 9 Bonaly Brae, Edinburgh seeking, on behalf of their clients Miss A Khan, a review of the decision of the Planning Authority to refuse planning permission (18/00643/DPP, refused on 5 November 2018) for the Change of Use from Flatted Dwelling to House in Multiple Occupancy (HMO); Formation of Dormer Window and New Window Opening and Installation of Rooflights at 28 – 30 Buccleuch Street, Dalkeith and granting planning permission subject to conditions.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 36 Cowden Crescent, Dalkeith [18/00750/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mrs C Moffat, 36 Cowden Crescent, Dalkeith, seeking a review of the decision of the Planning Authority to refuse planning permission (18/00750/DPP, refused on 6 November 2018) for the formation of driveway and erection of retaining walls at that address and refusing planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – Land at Sainsburys, Loanhead [18/00747/S42].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Hannah Munro, WYG Planning, 4th floor, Rotterdam House, 116 Quayside, Newcastle-Upon-Tyne seeking, on behalf of their clients Sainsbury's Supermarket Limited, a review of the decision of the Planning Authority to refuse planning permission (18/00747/S42, refused on 12 November 2018) to amend condition 2 of planning permission 18/00134/DPP, to not include landscaping along the south western area of the fence erected at Sainsbury's Supermarket, Straiton Mains, Loanhead and refusing planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – Land at 39 The Brae, Auchendinny, Penicuik [18/00581/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.1 of the Minutes of 5 March 2019, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Douglas Mack, FEM Building Design, 8 Plantain Grove, Lenzie, Glasgow seeking, on behalf of their client Mr P McVey, a review of the decision of the Planning Authority to refuse planning permission (18/00581/DPP, refused on 23 October 2018) for the erection of a dwellinghouse at land at 39 The Brae, Auchendinny, Penicuik and refusing planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following item of business, all the LRB Members present had attended the site visit and so participated in the review process.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 70 Lothian Street, Bonnyrigg [18/00654/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report dated 4 April 2019 by the Director, Education, Communities and Economy, regarding an application from Derek Scott, Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh seeking, on behalf of their clients Scottish Midland Co-Operative Society Limited (Scotmid), a review of the decision of the Planning Authority to refuse planning permission (18/00654/DPP, refused on 20 December 2018) for the change of use from retail (Class 1) to hot food take away (sui generis) and installation of flue at 70 Lothian Street, Bonnyrigg.

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 unaccompanied visit to the site on Tuesday 16 April 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 reason for refusal, the LRB acknowledged that this was in accordance with the recently adopted Supplementary Guidance on Food and Drink and Other Non-Retail Uses in Town Centres, which was a material consideration. In addition, concerns about the potentially detrimental impact that the proposed change of use might have on the amenity of the surrounding predominately residential area and on road safety were also considered; some of the issues likely to arise in respect of the latter having been witness during the site visit.

Decision

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

- The proposed hot food takeaway would be within 400 metres of the Curtilage of Lasswade Primary School and so the proposal does not comply with the Supplementary Guidance for Food and Drink and Other Non-Retail Uses in Town Centres.*

Action

Planning Manager

The meeting terminated at 1.13 pm.