

Minute of Meeting

Local Review Body
Tuesday 17 April 2023
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 6 March 2023	1.00pm	Council Chambers

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McEwan
Councillor McManus	

In Attendance:

Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Janet Ritchie	Democratic Services Officer

1 Welcome, Introductions and Apologies

Apologies for absence were received from Councillor Virgo, Councillor Milligan and Councillor Smail

2 Order of Business

The order of business was as outlined in the agenda previously circulated.

3 Declarations of interest

No declaration of interests were received

4 Minute of Previous Meeting

The Minute of the Meeting of 23 January 2023 was submitted and approved as correct record, moved by Councillor McEwan, seconded by Councillor McManus.

5 Reports

Notice of Reviews – Determination Reports by Chief Officer Place

Agenda No	Report Title	Presented by:
5.1	Land at 2 Finlay Place, Mayfield (22/00481/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from public open space to private garden ground at land at 2 Finlay Place, Mayfield.</p> <p>Planning application 22/00481/DPP for the change of use for the land at 2 Finlay Place, Mayfield was refused planning permission on 24 August 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided. He also provided clarity that the ownership of the land is independent from the planning permission and the Local Review Body is only considering the change of use from public open space to a private garden.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the impact on the area with the loss of open space. The Planning, Sustainable Growth and Investment Manager in responding to a comment confirmed that if planning permission was granted it would give the owner some rights but also highlighted that some developments could trigger the need for another planning application.</p>		

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

Decision

The Local Review Body agreed to uphold the review request and to grant planning permission for the change of use from public open space to private garden ground for the following reason:

The proposed change of use would not result in the unacceptable loss of open space and that it would not have a detrimental impact on the setting and character of the local residential area.

Subject to the condition as detailed in the report.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.2	40-42 Hamilton Crescent, Newtongrange (22/00720/DPP	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report was to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension at first floor level to form three flatted dwellings above existing shop and associated works at 40-42 Hamilton Crescent, Newtongrange.</p> <p>The planning application 22/00720/DPP for the proposed development and associated works at 40-42 Hamilton Crescent, Newtongrange was refused planning permission on 2 December 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided.</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, gave careful consideration to the parking, garden space and the impact on the surrounding properties.</p> <p>Councillor Cassidy, seconded by Councillor Alexander moved to uphold the review request and grant planning permission.</p>		
Decision		
<p>The Local Review Body agreed to uphold the review request and to grant planning permission for the following reasons:</p>		

The proposed development would not have an unacceptable adverse impact on the residential surrounding properties and their associated garden grounds and did not agree that parking would be an issue.

Subject to the condition as detailed in the report with an additional condition that the owner is approached to secure a further piece of green space as part of the application.

Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	124 Main Street, Pathhead (22/00702/DPP)	Peter Arnsdorf
Outline of report and summary of discussion		
<p>The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for: the erection of two storey extension to dwelling house; extension to dwelling house at first floor level; infill of window openings; installation of roof lights; and replacement door and windows at 124 Main Street, Pathhead.</p> <p>Planning application 22/00702/DPP for the proposed developments at 124 Main Street, Pathhead was refused planning permission on 16 November 2022; a copy of the decision is attached to this report.</p> <p>The Planning, Sustainable Growth and Investment Manager presented this report and advised that the review would proceed on the written submissions provided</p> <p>The Local Review Body in discussing the proposed development and the reasons for its refusal, discussed the proposed improvements to the rear of this property and agreed this was a positive development.</p> <p>Councillor McEwan, seconded by Councillor McManus moved to uphold the Appeal and grant planning permission.</p>		
Decision		
<p>The Local Review Body agreed to uphold the review request and grant planning permission for the following reasons:</p> <p style="padding-left: 40px;">This development was to the rear of the property and did not agree it would have an impact on the character and appearance of the area and felt that the plans put forward were of a high standard.</p> <p>Subject to the conditions as set out in the report.</p>		
Action		
Planning, Sustainable Growth and Investment Manager		

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 17 April 2023 at 1 pm

The meeting terminated at 13.23 pm