

# Minute of Meeting

Local Review Body  
Tuesday 13 September 2022  
Item No: 4.2



## Local Review Body

Date	Time	Venue
Monday 27 June 2022	2.00pm	Virtual Meeting using MS Teams

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Bowen	Councillor Cassidy
Councillor Drummond	Councillor McManus
Councillor Milligan	Councillor Smail

### Also Present:

Councillor Pottinger	
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### In Attendance:

Peter Arnsdorf, Planning, Sustainable Growth and Investment Manager	Mike Broadway, Democratic Services Officer
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## 1 Apologies

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Apologies for absence had been received from Councillors McEwan and Virgo.

## 2 Order of Business

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The Clerk advised that with regards Item 5.1 - Land at Whitehill Farm, Whitehill Village, Dalkeith (21/00239/PPP) on today's Agenda, following the receipt of a request from the Applicant's Agent seeking to continue this item, it had been agreed following consultation with the Chair, Councillor Imrie, and Planning Advisor, Peter Arnsdorf to accede to the request and defer consideration to a future meeting of the LRB.

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

## 3 Declarations of interest

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Councillor Bowen declared a non-pecuniary interest in Agenda Item 5.3 - Land West of 6 Ramsay Cottages, Bonnyrigg (21/00806/DPP) advising that he lived nearby and prior to being elected as a Councillor he had discussed the application with a number of residents, including his daughter, who lived on the street leading to the proposed site and he would therefore not take part in consideration of this particular review request.

Councillor Cassidy declared a non-pecuniary interest in Agenda Item 5.2 - Land 25m South West Deaflawhill Cottage, Carrington Road, Dalkeith (21/00352/DPP) on the grounds that he believed that the applicant was a customer of his own business, and although he did not know the applicant personally he would not take part in consideration of this particular review request.

Councillor Drummond advised that with regards to the same Agenda Item 5.2, she was aware that a party colleague was a notifiable neighbour, however as they were not well-known to her, she did not believe that this in itself would interfere in her being able to come to an objective decision on this Review Request, therefore she would still take part in the decision making process.

## 4 Minute of Previous Meeting

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There were no Minutes submitted for approved at this meeting.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.2	Notice of Review – Land 25m South West Deaflawhill Cottage, Carrington Road, Dalkeith (21/00352/DPP) – Determination Report.	Peter Arnsdorf

## Executive Summary of Report

There was submitted a report, dated 17 June 2022 by the Chief Officer Place, regarding an application from Rick Finc Associates Ltd, Melford House, 3 Walker Street, Edinburgh seeking, on behalf of their client Mr I Dickson, a review of the decision of the Planning Authority to refuse planning permission (21/00422/DPP, refused on 12 October 2021) for the erection of two dwellinghouses; formation of access, car parking and areas of hard standing and associated works at land 25m south west of Deaflawhill Cottage, Carrington Road, Dalkeith (between Bonnyrigg and Newtongrange).

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 and the reasons for the refusal of planning permission, the LRB considered the potential impact that the proposed development would have on the character and appearance of the conservation area and on the site itself which was the subject of a Tree Preservation Order. Concerns regarding the proposed access arrangements were also considered.

## Decision

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

1. The proposal does not satisfy any of the criteria in relation to acceptable rural development set out in the Midlothian Local Development Plan 2017. As such, the principle of the development cannot be supported as development is contrary to policies RD1, ENV3, ENV4 and ENV8 of the Midlothian Local Development Plan 2017.
2. The development is unable to demonstrate safe access into the site by virtue of insufficient distance for suitable visibility splays.
3. The proposed development, by virtue of its proposed scale and massing, is unsympathetic to the character of the conservation area, the existing built and the natural landscaped character of the area and so conflicts with policies DEV 6, ENV7 and ENV 19 of the Midlothian Local Development Plan 2017.
4. The proposed removal of vegetation from the site would harm the Tree Preservation Order and so conflict with policy ENV11 of the Midlothian Local Development Plan 2017.

## Action

Planning, Sustainable Growth and Investment Manager

Agenda No	Report Title	Presented by:
5.3	Notice of Review – Land West of 6 Ramsay Cottages, Bonnyrigg (also known as land at Cockpen Farm, Newtongrange) (21/00806/DPP) – Determination Report.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted a report, dated 17 June 2022 by the Chief Officer Place, regarding an application from Geddes Consulting, Quadrant, 17 Bernard Street, Edinburgh seeking, on behalf of their clients Miller Homes Limited, the LRB to determine the application for planning permission (21/00806/DPP) for the erection of 10 dwellinghouses and associated works at land west of 6 Ramsay Cottages, Bonnyrigg (also known as land at Cockpen Farm, Newtongrange) the Planning Authority having not determined the application within the statutory time period (2 months as extended by agreement).</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 refusal decision notice which had been prepared by Officers but not issued.</p>		
<b>Summary of Discussion</b>		
<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 the proposed refusal of planning permission, the LRB considered the potential impact that the loss of an important area of open space would have on the amenity and biodiversity of the area. The LRB also considered the importance of the site in providing a natural boundary between the existing settlement and the proposed development at Redheugh.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to dismiss the review request, and to refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The development will result in the loss of open space without an overriding justification contrary to Midlothian Local Development Plan policies STRAT2 and DEV8.</li> <li>2. The proposed removal of vegetation from the site would conflict with Midlothian Local Development Plan policy ENV11 to the detriment of public amenity, biodiversity and in conflict to the objectives of the Council's Climate Strategy.</li> <li>3. The development would result in the overdevelopment of a greenfield site that connects two areas of woodland and habitat that support biodiversity and as such the development would conflict with Midlothian Local Development Plan policies DEV6, ENV14 and ENV15.</li> </ol>		
<b>Action</b>		
Planning, Sustainable Growth and Investment Manager		

Agenda No	Report Title	Presented by:
5.4	Notice of Review – Land at North Lodge (also known as Harvieston Lodge), Powdermill Brae, Gorebridge (21/01008/DPP) – Determination Report.	Peter Arnsdorf
<b>Executive Summary of Report</b>		
<p>There was submitted a report, dated 17 June 2022 by the Chief Officer Place, regarding an application from Gray Planning &amp; Development Ltd, AYE House, Admiralty Park, Rosyth seeking, on behalf of their client Mr K Craig, a review of the decision of the Planning Authority to refuse planning permission (21/01008/DPP, refused on 18 February 2022) for the erection of a dwellinghouse and associated works at land at North Lodge (also known as Harvieston Lodge), Powdermill Brae, Gorebridge.</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>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, 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 proposed development would likely have on the character and appearance of the general area, and in particular on the setting of the historically listed North Lodge. Concern were also expressed regarding the adequacy of the level of amenity, and off street parking associated with the proposed development.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to dismiss the review request, and to refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed dwellinghouse fails to connect visually to the character, appearance and layout of the area or relate to the historic character and appearance of the important listed building, North Lodge (also known as Harvieston Lodge). The proposed dwellinghouse will materially detract from the character of the area which is contrary to policy DEV2 of the adopted Midlothian Local Development Plan.</li> <li>2. The proposed dwellinghouse does not respect the localised setting of North Lodge (also known as Harvieston Lodge) and in turn fails to relate to its historic character and appearance. The proposed dwellinghouse will materially detract from the setting of the listed building which is contrary to policy ENV22 of the adopted Midlothian Local Development Plan.</li> </ol>		

3. The proposed dwellinghouse will not be afforded an adequate level of amenity and therefore does not comply with policy DEV6 and DEV2 of the adopted Midlothian Local Development Plan.
4. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed dwellinghouse and North Lodge could be afforded an adequate level of off-street parking spaces. The proposed dwellinghouse may result in a pressure for parking spaces will have a significant detrimental impact on the character and amenity of the surrounding area and is therefore contrary to policy DEV2 of the adopted Midlothian Local Development Plan.

Action
Planning, Sustainable Growth and Investment Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next scheduled meeting will be held on Tuesday 13 September 2022 at 1.00pm.

The meeting terminated at 2.38 pm.