

Minute of Meeting



Local Review Body

| Date | Time | Venue |
|-------------|--------|--|
| 7 June 2016 | 2.00pm | Council Chambers, Midlothian House, Buccleuch Street, Dalkeith |

Present:

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|---------------------------|----------------------|
| Councillor Bryant (Chair) | Councillor Beattie |
| Councillor Bennett | Councillor Constable |
| Councillor Imrie | Councillor Rosie |

1 Apologies

Apologies received from Councillors Baxter, de Vink, Milligan and Montgomery.

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 26 April 2016 were submitted and approved as a correct record.

5 Reports

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.1 | Decision Notice – Land at 22 Tipperwell Way, Howgate, Penicuik [15/00794/DPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 26 April 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs H Larkins, 22 Tipperwell Way, Howgate, Penicuik seeking, a review of the decision of the Planning Authority to refuse planning permission (15/00794/DPP, refused on 26 November 2015) for the change of use from agricultural land to private garden ground (retrospective) at land north of 22 Tipperwell Way, Howgate, Penicuik and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.2 | Decision Notice – Land at Rosebank North Cottage, Roslin [15/00948/DPP] | Peter Arnsdorf |

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 26 April 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Ms Fiona Macaulay, Rosebank Cottage, Chapel Loan, Roslin seeking a review of the decision of the Planning Authority to refuse planning permission (15/00948/DPP, refused on 8 February 2016) for the demolition of derelict outbuildings and erection of replacement outbuilding at Land at Rosebank North Cottage, Roslin 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, only those LRB Members who had attended the site visits on 6 June 2016 participated in the review process, namely Councillors Bryant (Chair), Beattie, Bennett, Constable, Imrie and Rosie.

| Agenda No | Report Title | Presented by: |
|-----------|---|----------------|
| 5.3 | Notice of Review Requests Considered for the First Time – (a) Land West of Springfield House, Lasswade [15/00994/DPP] | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application regarding an application from APT Planning and Development, 6 High Street, West Linton, seeking on behalf of their client Mr J Lessels, a review of the decision of the Planning Authority to refuse planning permission (15/00994/DPP, refused on 17 February 2016) for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade.

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 accompanied visit to the site on Monday 6 June 2016.

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. He then introduced the applicant's agent, Mr Tony Thomas, APT Planning and Development, Mr Peter Cain and Mr Keith Fuller, Poltonhall Community Council both of whom had made representations, to the meeting.

Thereafter, oral representations were received from the applicant's agent, Mr Cain and Mr Fuller, and the local authority Planning Officer; following which they responded to questions from members of the LRB.

Summary of Discussion

Thereafter, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the present and emerging development plan policies, the LRB debated whether there were material planning considerations that justified a departure. It was acknowledged that the representations and consultation responses received were material considerations. The LRB discussed the current appearance of the site which it was felt could be improved without the need to redevelop the site for residential purposes as was currently proposed. Concerns regarding issues of precedent were also considered.

Decision

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

1. The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.
2. It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.
3. The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
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| 5.4 | (b) Land at Gourlaw Farm, Rosewell [15/00939/DPP] | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from Format Design, 146 Duddingston Road West, Edinburgh, seeking on behalf of their client Ms L Sillars, a review of the decision of the Planning Authority to refuse planning permission (15/00939/DPP, refused on 29 January 2016) for the change of use of steading building to dog day care centre at Gourlaw Farm, 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.

The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.

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. He then introduced the applicant Ms Lyn Sillars, the applicant's agent, Mr Bob Tait, Format Design, and Mrs H Martin, who had made representations, to the meeting

Thereafter, oral representations were received from the applicant's agent, the applicant, Mrs Martin and the local authority Planning Officer; following which they responded to questions from members of the LRB.

Summary of Discussion

Having heard from the Planning Adviser, the LRB 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, the LRB discussed the potential impact that the noise from barking dogs might have and also the vehicular access to the application site. It was felt that the rural nature of site, lent itself to such a development and that as the dogs would be picked up and taken to the site, the access could accommodate the additional traffic movements likely to be generated.

Decision

To agree to uphold the review request, and grant planning permission for the following reason:

The proposed use of the site for a dog day care centre is compatible with its rural location and will not have a detrimental impact on neighbouring and nearby properties, above that level of disturbance which can be reasonably expected in the countryside. Furthermore, the careful management of the site and the collection and return of dogs can mitigate any concerns over road safety.

subject to the following conditions:-

1. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. a green transport plan designed to minimise the number of vehicles accessing the site. The plan should include measures to ensure that dogs are not dropped off and collected by individual owners; and details of the size and number of vehicles that will be used by the applicant to collect and return the dogs.
 - b. a scheme of advanced signage to be displayed on roads approaching the two concealed entrances.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure safe and convenient access to/from the site.*

2. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. Details of the design, height, specification and location of acoustic fencing to be located around the external paddocks and the parking area.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To minimise noise disturbance to nearby residential properties.*

3. The use hereby approved shall accommodate a maximum of 20 dogs at any one time.
4. No dog shall be allowed into any external run area outwith the hours of 9.00am to 6.00pm Monday to Saturday unless otherwise approved in writing by the Planning Authority.

5. There shall be no overnight boarding of dogs.

Reason for Conditions 3 - 5: *To minimise noise disturbance to nearby residential properties.*

6. The dog day care use hereby approved shall be operated by the occupant of the house known as Gourlaw Farm, Rosewell.

Reason: *Occupation of the house by persons unconnected with the business would create a sub-standard level of amenity for the occupants of the house.*

| Action |
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| Head of Communities and Economy |

| Agenda No | Report Title | Presented by: |
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| 5.5 | (c) 1Galadale Drive, Newtongrange [16/00044/DPP] | Peter Arnsdorf |

| Executive Summary of Report |
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| <p>There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from GSM Architecture, 36-12 Malbet Park, Edinburgh, seeking on behalf of their client Mr A Wilkie, a review of the decision of the Planning Authority to refuse planning permission (16/00044/DPP, refused on 14 March 2016) for the erection of extension at 1Galadale Drive, Newtongrange.</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> <p>The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.</p> |
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| Summary of Discussion |
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| <p>Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, it was felt that on balance the individual circumstances of the application site meant that the proposed extension, which was in keeping with other similar extensions in the area, would not have a significantly detrimental impact, albeit the sloping nature of the ground was acknowledged.</p> |

| Decision |
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| <p>To agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposed extension by means of its scale, form and design is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.</i></p> <p>subject to the following condition:-</p> <ol style="list-style-type: none"> 1. Development shall not begin until samples of materials to be used on external surfaces of the extension have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority. |
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Reason: To ensure the quality of the development is enhanced by the use of complementary materials to reflect its setting in accordance with policies RP20 and DP6 of the Midlothian Local Plan and national planning guidance and advice.

Action

Head of Communities and Economy

| Agenda No | Report Title | Presented by: |
|-----------|--|----------------|
| 5.6 | (d) Cherrytrees, Fala, Bonnyrigg [15/00995/DPP] | Peter Arnsdorf |

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh, seeking on behalf of their clients Dr's C & V Rofe, a review of the decision of the Planning Authority to refuse planning permission (15/00995/DPP, refused on 22 February 2016) for the demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, 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, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.

Summary of Discussion

The LRB, having heard from the Planning Adviser, then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, the LRB felt that the location of the application site on the edge of the settlement envelope, together with the design of the proposed replacement dwellinghouse would make a positive contribution to its surroundings. It was acknowledged that there was considerable local support for the proposal, albeit base predominately on non-planning related grounds.

Decision

To agree to uphold the review request, and grant planning permission for the following reason:

The proposed dwellinghouse by means of its scale, form and design is compatible with its countryside location and positively contributes to its village setting. The individual design of the proposed building is of merit to justify the demolition of the existing building on the site and to provide a strong built form on the edge of the settlement.

subject to the following conditions:-

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii boundary planting along the external boundaries of the application site;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details and sustainable urban drainage systems to manage water runoff; and
 - viii proposed driveway configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP7 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

Reason: In order to safeguard the visual amenity of the Fala Conservation Area.

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

Reason: To protect the residential amenity of surrounding properties.

| Action |
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| Head of Communities and Economy |

The meeting terminated at 2.56pm.