

Minute of Meeting



Local Review Body

Date	Time	Venue
29 November 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Baxter
Councillor Beattie	Councillor Milligan
Councillor Montgomery	Councillor Rosie

1 Apologies

Apologies received from Councillors Bennett, Constable, de Vink and Imrie.

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 25 October 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Grange Dell Lodge, Penicuik [16/00470DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 25 October 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Alan Hardie Architect, Suite 4, Dundas House, Westfield Park, Eskbank, seeking on behalf of their clients Mr A, and Mrs F Reynolds, a review of the decision of the Planning Authority to refuse planning permission (16/00470/DPP, refused on 16 August 2016) for the Subdivision of Single Dwellinghouse to form Two Dwellinghouses and Associated Extension and Alterations at Grange Dell Lodge, Penicuik 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 Monday 24 October 2016 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Milligan, Montgomery and Rosie.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Requests Considered for the First Time – (a) 5 Thornyhall, Dalkeith [16/00575/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 17 November 2016, by the Head of Communities and Economy regarding an application from Ms G Hay, 5 Thornyhall, Dalkeith seeking a review of the decision of the Planning Authority to refuse planning permission (16/00575/DPP, refused on 30 September 2016) for the Alteration of Existing Conservatory Roof at that address.

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 28 November 2016.

Summary of Discussion

Having heard from the Planning Adviser, the LRB gave careful consideration to the merits of the case based on all the written information provided. In particular, the LRB discussed the potential visual impact that the proposed development was likely to have on the host property and on the neighbourhood as a whole. The LRB felt that on balance, the materials to be used appeared to offer an acceptable match in terms of colour, and acknowledged that there were a wide number of conservatories of differing design in the area.

Decision

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

The proposed alteration 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.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.3	(b) 7 Cochrina Place, Rosewell [16/00568/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 17 November 2016, by the Head of Communities and Economy regarding an application from FEM Building Design Services, 8 Plantain Grove, Lenzie, Glasgow, seeking on behalf of their client Mrs A Ainsworth, a review of the decision of the Planning Authority to refuse planning permission (16/00568/DPP, refused on 30 September 2016) for the Erection of an Extension at 7 Cochrina Place, 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 28 November 2016.

Summary of Discussion

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 notwithstanding the policy position, on balance the individual circumstances of the application site meant that the proposed extension would be acceptable.

Decision

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

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.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	(c) Land at Howgate Restaurant, Penicuik [16/00429/PPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 17 November 2016, by the Head of Communities and Economy regarding an application from Rick Finc Associates Ltd, 3 Walker Street, Edinburgh, seeking on behalf of their client Mr N Cameron-Hogg, a review of the decision of the Planning Authority to refuse planning permission in principle (16/00429/DPP, refused on 12 August 2016) for the Erection of three Dwellinghouses at Land at Howgate Restaurant, 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 28 November 2016.

Summary of Discussion

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 there was a division of opinion, on the one hand it was felt that notwithstanding the policy position, on balance the individual circumstances of the application site meant that the proposed development would be acceptable. However, on the other hand there were concerns regarding the policy position and issues of precedent.

After discussion, Councillor Montgomery, seconded by Councillor Rosie, moved that the Review Request be upheld and that planning permission in principle be grant subject to (i) the prior signing of a legal agreement; and (ii) the suggested conditions, proposed by the Head of Communities and Economy in his report.

As an amendment, Councillor Beattie, seconded by Councillor Baxter, moved to dismiss the Review Request and uphold the decision to refuse planning permission in principle on the grounds given in the original decision notice.

On a vote being taken, two Members voted for the amendment and four for the motion which accordingly became the decision of the meeting.

Decision

To agreed to uphold the review request, and grant planning permission in principle for the following reason:

The proposed erection of three dwellinghouses discreetly designed to fit into the landscape would not have a detrimental impact on the openness of the countryside and would help support the Howgate Restaurant business. These material considerations outweigh the policy objection to the application.

subject to:-

- (i) the prior signing of a legal agreement to secure contributions towards education provision and the local 'ring and go' scheme; and
- (ii) the following condition:-
 1. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works 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 and roads 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 proposed new planting in communal areas and open space, including trees, shrubs, hedging and grassed areas;
 - 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 all soft and hard landscaping. The landscaping shall be completed prior to the houses being occupied;
 - vii drainage details and sustainable urban drainage systems to manage water runoff;
 - viii proposed car park configuration and surfacing;
 - ix proposed footpaths and cycle paths (designed to be unsuitable for motor bike use); and
 - x proposed cycle parking facilities.

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 RP8, RP1, RP7, DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of all residential units and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the

buildings; hard ground cover surfaces; means of enclosure and ancillary structures. 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 RP1, RP7, DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.*

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, roads, footpaths, cycle ways and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels for all roads and cycle ways in relation to a fixed datum;
 - ii proposed vehicular, cycle and pedestrian accesses;
 - iii proposed roads (including turning facilities), footpaths and cycle ways;
 - iv proposed visibility splays, traffic calming measures, lighting and signage;
 - v proposed construction traffic access and haulage routes;
 - vi a green travel plan designed to minimise the use of private transport and to promote walking, cycling, safe routes to school and the use of public transport;
 - vii proposed car parking arrangements;
 - viii a programme for completion for the construction of access, roads, footpaths and cycle paths.

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 the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

4. Development shall not begin until an application for approval of matters specified in conditions for details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the planning authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

Reason: *To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure.*

The LRB further agreed that the legal agreement should be concluded prior to the issuing of the LRB decision and that in the event that the legal agreement was not concluded within a 6 month time period to sanction refusal of permission for the reasons outlined in the planning officer's decision.

Action

Head of Communities and Economy

The meeting terminated at 2.27pm.