

MINUTES of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 23 October 2012 at 2.00 pm.

Present: - Councillors Bryant (Chair), Baxter, Beattie, Constable, de Vink, Imrie, Milligan, Pottinger, Rosie and Russell.

1. Declaration of Interest

Councillor Bryant declared a non-pecuniary interest in agenda item 7(a) Notice of Review Request - 10 Eskbank Road, Dalkeith (paragraph 5(a) below refers) in view of the fact he was joint owner of a property on the opposite side of Eskbank Road. He indicated that it was his intention to vacate the Chair for this particular item and to withdraw from the meeting for its duration.

2. Minutes

The Minutes of Meeting of 4 September were submitted and approved as a correct record.

3. Decision Notice – Land Adjacent to 7 Westfield Park, Eskbank, Dalkeith

With reference to paragraph 5(b) of the Minutes of 4 September, there was submitted and noted a copy of the Local Review Body decision notice dismissing a review request from Mr F Watson, 5 Hawk Crescent, Dalkeith seeking a review of the refusal of planning permission (11/00780/DPP, refused on 20 January 2012) for the erection of a dwellinghouse on Land Adjacent to 7 Westfield Park, Eskbank, Dalkeith and refusing planning permission.

4. Notice of Review Requests Considered for the First Time –

(a) 48 Sixth Street, Newtongrange

There was submitted report, dated 16 October 2012, by the Head of Planning and Development regarding an application from Mr J Bogie, 56 Duddingston Park, Edinburgh, seeking a review of the refusal of planning permission (12/00188/DPP, refused on 30 May 2012) for the erection of a two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;

- (ii) agreed that the review be dealt with by way of written submissions;
- (iii) agreed that an unaccompanied site visit be made to the review site on Monday 26 November 2012; and

(Note:- Following the meeting, it was agreed that the date for the Site Visit be changed to Wednesday 21 November 2012).

- (iv) agreed to otherwise continue consideration of the review to the next LRB meeting on Tuesday 27 November 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(b) 2 Glen View, Penicuik

There was submitted report, dated 16 October 2012, by the Head of Planning and Development regarding an application from Mr J Allison, 2 Glen View, Penicuik, seeking a review of the refusal of planning permission (12/00377/DPP, refused on 16 July 2012) for the erection of a detached garage at that address. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 26 November 2012; and

(Note:- Following the meeting, it was agreed that the date for the Site Visit be changed to Wednesday 21 November 2012).

- (iv) agreed to otherwise continue consideration of the review to the next LRB meeting on Tuesday 27 November 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

(c) Cleikhimin Cottage, Howgate

There was submitted report, dated 23 October 2012, by the Head of Planning and Development regarding an application from D2 Architectural Design Ltd, 28 Bridge Street, Penicuik, seeking a review of the refusal of planning permission (12/00314/DPP, refused on 10 July 2012) for the extension to dwellinghouse at Cleikhimin Cottage, Howgate, Penicuik. Accompanying the Notice of Review Form, which was appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

Decision

After discussion, the Local Review Body:-

- (i) agreed that there was sufficient information to allow the review to be considered;
- (ii) agreed that the review be dealt with by way of a hearing to supplement the written submissions;
- (iii) agreed that an accompanied site visit be made to the review site on Monday 26 November 2012; and

(Note:- Following the meeting, it was agreed that the date for the Site Visit be changed to Wednesday 21 November 2012).

- (iv) agreed to otherwise continue consideration of the review to the next LRB meeting on Tuesday 27 November 2012.

(Action: Head of Planning and Development/Legal and Secretariat Manager)

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on 22 October 2012 participated in the review process, namely Councillors Bryant (Chair), Baxter, Beattie, Constable, Imrie, Milligan, Pottinger, Rosie and Russell.

Councillors de Vink whilst present during the debate had been unable to attend the site visits and accordingly did not actively participate in the proceedings

Declaration of Interest/Chair

With reference to paragraph 1 above Councillor Bryant, having declared a non-pecuniary interest in the following item of business, vacated the Chair and left the meeting for its duration at 2.03pm.

Councillor Imrie, with the unanimous agreement of the LRB, took the Chair for this item.

5. Notice of Review Requests Considered at a Previous Meeting –

(a) 10 Eskbank Road, Dalkeith

With reference to paragraph 4(b) of the Minutes of 4 September 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from M & A Restaurants Ltd, 9 Logie Green Gardens, Edinburgh, seeking a review of the refusal of planning permission (12/00207/DPP, refused on 7 May 2012) for the cladding of the front elevation of a building (retrospective) at 10 Eskbank Road, Dalkeith.

In this regard, there was submitted report, dated 16 October 2012, by the Head of Planning and Development. The Development Management Manager informed the Local Review Body that no further comments had been received. The Local Review Body had made an unaccompanied visit to the site on 22 October 2012.

The LRB then gave careful considered to the merits of the case based on all the written information provided. Whilst unhappy about the retrospective nature of the application, the LRB felt that on balance as there was no uniformity to the frontages in this part of Dalkeith, that the cladding did not have a detrimental impact on the building or the overall street scene.

Decision

After further discussion, the Local Review Body agreed to uphold the Review Request and to grant planning permission without conditions as a consequence of the development having already taken place.

(Action: Head of Planning and Development)

Sederunt/Chair

Councillor Bryant rejoined the meeting upon the conclusion of the foregoing item of business at 2.08pm, and having thanked Councillor Imrie, reassumed the Chair.

(b) 8 Mayburn Walk, Loanhead

With reference to paragraph 4(a) of the Minutes of 4 September 2012, the Local Review Body resumed consideration of a Notice of Review Request in respect of an application from Mr J Gardiner, 8 Mayburn Walk, Loanhead, seeking a review of the refusal of planning permission (12/00208/DPP, refused on 10 May 2012) for the erection of a balcony (retrospective) at that address.

In this regard, there was submitted report, dated 16 October 2012, by the Head of Planning and Development, which incorporated a further written submission from Mr and Mrs Gosling, reiterating their objections to the proposed development. The Head of Planning and Development informed the Local Review Body that the applicants had advised that they had no further comments. The Local Review Body had made an unaccompanied visit to the site on 22 October 2012.

The LRB then gave careful considered to the merits of the case based on all the written information provided. Whilst understanding the matters raised by the residents of the neighbouring property, the LRB felt that on balance the provision of appropriate permanent screening would assist in adequately addressing their concerns and ensure that there was not an unacceptable level of overlooking or loss of sunlight as a result of the screening.

Decision

After further discussion, the Local Review Body agreed to uphold the Review Request and to grant planning permission subject to the following condition:-

1. Within two months of the date of this permission a scheme of screening shall be installed along part of the site's eastern boundary. Prior to the installation, details of the scheme shall be submitted to and approved in writing by the local planning authority. The proposal shall remain in situ unless the balcony approved by this permission is removed. The screen shall be of a design which protects the privacy of the occupiers of 6 Mayburn Walk, but without being overbearing or result in an unacceptable loss of sunlight.

Reason: *To protect the privacy of the occupants of 6 Mayburn Walk*

(Action: Head of Planning and Development)

The meeting terminated at 2.16 pm.