

Minute of Meeting



Local Review Body

Date	Time	Venue
10 April 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Muirhead	

1 Apologies

Apologies for absence were received from Councillors Lay-Douglas, Milligan, Munro and Smaill.

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 27 February 2018 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land at Airybank, Quarrybank, Cousland [17/00649/DPP].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.5 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr A Bennie, Andrew Bennie Planning Ltd, 3 Abbott's Court, Dullatur seeking on behalf of their clients, Midlothian Developments Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00649/DPP, refused on 13 November 2017) for the erection of four dwellinghouses at Airybank, Quarrybank, Cousland and refusing planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 16 School Green, Lasswade [17/00672/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr T Thomas, APT Planning and Development Ltd, 6 High Street, East Linton seeking on behalf of their client Mr C McClung, a review of the decision of the Planning Authority to refuse planning permission (17/00672/DPP, refused on 23 October 2017) for the erection of a dwellinghouse at 16 School Green, Lasswade and granting planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 153 The Loan, Loanhead [17/00630/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 27 February 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their clients Owners Group, a review of the decision of the Planning Authority to refuse planning permission (17/00630/DPP, refused on 22 December 2017) for the change of use of office to form two dwellinghouses and associated external alterations at 153 The Loan, Loanhead and granting planning permission.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, all the LRB Members present had attended the site visits on Monday 9 April 2018 and therefore they all participated in the review process.

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Land North West of Braidwood House, Penicuik [17/00872/PPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Kirsty Scott, Niall Young Architecture Ltd, 32-12 Harden Green Business Park, Dalhousie Road, Eskbank seeking on behalf of their client, Mr I Walsh a review of the decision of the Planning Authority to refuse planning permission (17/00872/PPP, refused on 22 December 2017) for planning permission in principle for the erection of a dwellinghouse at land north west of Braidwood House, 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 accompanied visit to the site on Monday 9 April 2018.

Summary of Discussion

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 Mr Ian Walsh (the applicant).

Thereafter, oral representations were received firstly from the applicant Mr Walsh, then from Mr King, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB then gave careful consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing. In discussing the proposed development, the vehicular access arrangements were debated at considerable length, with a number of question to the applicant about potential alternatives. Whilst the LRB were not opposed to the principle of the site being developed, some Members were concern about the potential creation of another access onto the trunk road.

After further discussion, Councillor Cassidy, seconded by Councillor Alexander, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report.

As an amendment, Councillor Muirhead, seconded by Councillor Imrie, moved that the review request be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

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

Decision

The LRB agreed to uphold the review request, and grant planning permission for the following reason:-

The proposed dwelling by means of its siting and its relationship to the existing properties at Braidwood House/Steading fits into the landscape and can be considered as part of the housing cluster in compliance with policy RD1 of the Midlothian Local Development Plan 2017.

subject to the following conditions:-

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
 - a. A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access and parking provision within the site and details of all walls and fences to be erected;
 - b. Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
 - c. Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
 - d. Details of all hard surfacing and kerbing;
 - e. Details of the proposed water supply;
 - f. Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
 - g. Details of a scheme of landscaping for the site. Details shall include a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

Reason: *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouses and site access arrangements.*

2. Prior to occupation of the house the vehicular access referred to in Condition 1 (a) above shall be completed to the satisfaction of the Planning Authority and the Roads Authority. The vehicular access shall comply with the following details:
 - a. The proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with layout 3. The junction shall be constructed in accordance with details that shall be submitted to and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced;
 - b. The gradient of the access road shall not exceed 1 in 40 for a distance of 5 metres from the nearside edge of the trunk road carriageway, and the first 5 metres shall be surfaced in a bituminous surface and measures

- shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road;
- c. Visibility Splays shall be provided and maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 2.4 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension;
 - d. The width of the access shall be at least 5.5 metres wide for a distance of 10 metres from the nearest edge of the trunk road carriageway; and
 - e. There shall be no drainage connections to the trunk road drainage system.

Unless otherwise approved in writing by the Planning Authority the above standards shall be adhered to for the duration of the vehicular access' use.

Reason: *To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.*

3. Before the new house is occupied the installation of the means of water supply approved in terms of Condition 1(e) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure the appropriate supply of potable water to the development in, compliance with Midlothian Local Development Plan policy RD1, and to ensure that the addition of the new house has no adverse impact upon the quality or reliability of the water supply for existing residents in the area.*

4. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of Condition 1 (f) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

5. The scheme of landscaping approved in accordance with condition 1 (g) above shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason: *To ensure the landscaping is carried out and becomes successfully established.*

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any subsequent order amending or superseding it, no external alterations to or extensions to the dwellinghouse, nor the erection of any new buildings within the application boundary, shall be permitted without the prior written consent of the Planning Authority.

Reason: *In order that the visual impact of the development is controlled and that the concept of the development is not compromised by improper extensions or alterations, and that the quality and form of development remains to a high standard.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – 10 Broomhill Avenue, Penicuik, [17/00801/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr P Alford, Peter Alford Architect, 19 Tipperwell Way, Howgate, Penicuik seeking on behalf of their clients Mr and Mrs A Hogg, a review of the decision of the Planning Authority to refuse planning permission (17/00801/DPP, refused on 31 January 2018) for the erection of two storey and single storey extension at 10 Broomhill Avenue, 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 9 April 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. Whilst noting the reasons for refusal, the LRB discussed the proposed development at some length, in particular, consideration was given to the design of the proposed extensions and the potential impact that they might have. The debate amongst Members being whether the proposed development rather than detract from the character of the original building might actually prove beneficial. It was also suggested that if the roof height of the extension on the north side of the house could be lowered this might lessen its impact.

After further discussion, Councillor Muirhead, seconded by Councillor Imrie, moved that the review request be dismissed and planning permission refused for the reasons outlined in the planning officers' decision.

As an amendment, Councillor Cassidy, seconded by Councillor Baird, moved that the review request be upheld and planning permission granted subject to the conditions contained in the report.

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

Decision

The LRB agreed to uphold the review request, and grant planning permission for the following reason:-

The proposed extensions by means of their design and form will complement the host dwellinghouse and will not have a detrimental impact on the amenity of the neighbouring property at 8 Broomhill Avenue, Penicuik.

subject to the following condition:-

1. A revised set of elevations of the proposed extensions to accurately show the height and size of the roof of the single storey hipped roof extension on the north side of the house shall be submitted to the Planning Authority and no work shall start on the extensions until these details have been approved in writing by the Planning Authority.

Reason: *For the avoidance of doubt as to what is approved; there is a discrepancy between the height of the hipped roof extension as shown on the rear elevation as compared to the front and side elevations.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – 3 Bankmill View, Penicuik, [17/00734/DPP].	Peter Arnsdorf
Executive Summary of Report		
There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr G McPherson, Bryant & Cairns Ltd, 2/3 Borthwick View, Pentland Industrial Estate, Loanhead seeking on behalf of their client Mr W Hall, for the removal of Conditions 1, 2 and 3 of planning permission 17/00734/DPP (granted on 10 November 2017) for the installation of replacement windows and doors at 3 Bankmill View, 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 9 April 2018.

Summary of Discussion

Having heard from the Planning Advisor, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development the LRB acknowledged that the removal of the stated conditions would effectively result in a grant of planning permission for the installation of white uPVC windows and a red uPVC front door in what was a Conservation Area. The LRB discussed the sample green uPVC provided by the applicant and the considerable advances made in uPVC in recent years. Whilst it was accepted that this colouring was more acceptable and in keeping with the Conservation Area, concerns were expressed that it would set a precedent contrary to existing Policy.

Decision

After further discussion, the LRB agreed to dismiss the review request, and uphold the grant of planning permission for the following reason:

That because of the location of the property within a Conservation Area and because of the consistency of materials/colours used within the estate, in which the application site is situated, it is appropriate to retain the use of traditional materials (timber) for doors and windows on the front elevation of the dwellinghouse. Furthermore the colour of the doors and windows shall match those of the surrounding area to contribute the aesthetic quality of the estate.

subject to the following condition:-

1. Notwithstanding the plans hereby approved, the replacement windows within the front and side elevations are hereby not approved.

Reason: *The introduction of uPVC within the front and side elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

2. Notwithstanding the plans hereby approved, the replacement door within the front elevation is hereby not approved.

Reason: *The introduction of a red uPVC door within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

3. Notwithstanding the plans hereby approved, the replacement windows within the rear elevation shall be green uPVC as per the sample provided on the 31st of October 2017.

Reason: *The installation of white uPVC fenestration within the rear elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

The LRB in reaching this decision also suggested that Officers review the Policy position on replacement windows to ensure that it took cognisance of the advances in uPVC technology.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time – 75 Castlelaw Crescent, Bilston, [17/00828/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 3 April 2018, by the Head of Communities and Economy regarding an application from Mr L McCaskey, 18A Rothesay Place, Edinburgh seeking on behalf of their client Mr J Murphy, a review of the decision of the Planning Authority to refuse planning permission (17/00828/DPP, refused on 18 December 2017) for the erection of an extension at 75 Castlelaw Crescent, Bilston.</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 9 April 2018.</p>		
Summary of Discussion		
<p>Having heard from the Planning Advisor, the LRB 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 the proposed extension would have as a result of its scale and location on the character and appearance of the existing dwellinghouse and the surrounding streetscape. The general feeling being that the proposed extension did not compliment the character of the existing building and would negatively impact on the streetscape as a result of its scale and prominent positioning.</p>		

Decision

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

1. *The proposed extension does not reflect the roof design, form or character of the existing dwellinghouse and would result in a significant adverse impact upon the character and appearance of the dwellinghouse and streetscape.*
2. *The prominent siting and excessive scale of the extension detracts from the character of the application dwelling and attached neighbouring property (particularly as they form a symmetrical pair), and results in an adverse visual impact upon the character and appearance of the streetscape/locale.*
3. *For the above reasons the proposal is contrary to policies DEV2 of the adopted Midlothian Local Development Plan 2017. If the application was approved it would undermine the principals set out within DEV2, which seeks to ensure that development does not materially detract from the existing character or amenity of the area.*

Action

Head of Communities and Economy

The meeting terminated at 3.12 pm.