

**MINUTES** of **MEETING** of the **LOCAL REVIEW BODY** held in the Council Chambers, Midlothian House, Buccleuch Street, Dalkeith on Tuesday 25 November 2014 at 2.00 pm.

**Present:** - Councillors Bryant (Chair), Baxter, Constable, Milligan and Imrie.

**Apologies for Absence:** - Councillors Beattie, Bennett, de Vink, Montgomery and Rosie.

**1. Declarations of Interest**

No declarations of interest were intimated.

**2. Minutes**

The Minutes of Meeting of 21 October 2014 were submitted and approved as a correct record.

**3. Decision Notices –**

**(a) Land at 15 Ironmills, Dalkeith**

With reference to paragraph 4(a) of the Minutes of 21 October 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr P McCulloch, Cala Homes (East) Ltd, Cairnlee House, Callendar Boulevarde, Callendar Business Park, Falkirk seeking a review of the decision of the Planning Authority to refuse planning permission (13/00865/DPP, refused on 13 February 2014) for the erection of satellite dish and associated supporting column (Retrospective) at land at 15 Ironmills Road, Dalkeith and granting planning permission subject to conditions.

**Decision**

To note the LRB decision notice.

**(b) Glenord, 17 Broomieknowe, Lasswade**

With reference to paragraph 4(b) of the Minutes of 21 October 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Format Design, 146 Duddingston Road West, Edinburgh, seeking, on behalf of their client Mr P Fairbairn, removal of Condition 1 of planning permission 14/00361/DPP, granted on 14 July 2014, for the erection of entrance gates and fence (Retrospective) at Glenord, 17 Broomieknowe, Lasswade and granting planning permission without the requirement to paint the gates and fence black as stated in the original decision notice issued on 14 July 2014.

**Decision**

To note the LRB decision notice.

**(c) 6A Hursted Avenue, Easthouses**

With reference to paragraph 4(c) of the Minutes of 21 October 2014, there was submitted a copy of the Local Review Body decision notice upholding a review request from Eskbank Design Studio, 7 Newbattle Road, Eskbank, Dalkeith, seeking on behalf of their client Mr H Jack, a review of the decision of the Planning Authority to refuse planning permission (14/00421/DPP, refused on 8 July 2014) for the erection of veranda and associated steps at 6A Hursted Avenue, Easthouses, Dalkeith 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 November 2014 participated in the review process, namely Councillors Bryant (Chair), Baxter, Constable, Milligan and Imrie.

**4. Notice of Review Requests –**

**(a) 12A Stobhill Road, Gowkshill, Gorebridge**

There was submitted report, dated 18 November 2014, by the Head of Communities and Economy regarding an application from Mr D Scott, Derek Scott Planning, 21 Landsdowne Crescent, Edinburgh seeking on behalf of their client Mr M Caulfield, a review of the decision of the Planning Authority to refuse planning permission (14/00402/DPP, refused on 14 August 2014) for the change of use of a domestic garage to dwellinghouse (Retrospective) at 12A Stobhill Road, Gowkshill, Gorebridge. 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 24 November 2014.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. It was felt that in this particular case the proposed change of use would result in an overdevelopment of what was a very compact site.

**Decision**

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

1. *The proposal would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private usable garden space; and*
2. *For the above reason the proposed development is considered to be an overdevelopment of the site and is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan.*

In addition, the LRB noted that the applicant would as a result of the decision to refuse planning permission, be asked to cease using the building as a dwellinghouse and remove those works which had already taken place without planning permission, in this case the kitchen and bathroom, within a reasonable timescale. Failure to carry out the required works would result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

(Action: Head of Communities and Economy)

**(b) 19 Robert Smillie Avenue, Mayfield**

There was submitted report, dated 18 November 2014, 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 Miss L Watson, a review of the decision of the Planning Authority to refuse planning permission (14/00566/DPP, refused on 8 September 2014) for the erection of a two storey extension at 19 Robert Smillie Avenue, Mayfield. 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 24 November 2014.

The LRB then gave careful consideration to the merits of the case based on all the written information provided. It was felt on balance that whilst the design of the proposed extension was acceptable, it's prominent location would have a detrimental impact on the neighbouring properties.

**Decision**

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

1. *The extension would be an overly dominant feature when viewed from the adjoining house and rear garden at 20 Robert Smillie Avenue, with an overbearing impact on the amenity of the occupiers; and*

2. *For the above reason the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.*

(Action: Head of Communities and Economy)

The meeting terminated at 2.10pm.