

Minute of Meeting



Local Review Body

Date	Time	Venue
27 February 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Smail	

1 Apologies

No apologies were received.

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 16 January 2018 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – 2A Nivensknowe Road, Loanhead [17/00404/S42].	Peter Arnsdorf
Executive Summary of Report		
With reference to paragraph 5.3 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr J Sorrell, Sorrell Associates, The Green House, 41 St Bernard's Crescent, Edinburgh seeking on behalf of their client, Mr S Greenhorn, 911 Rescue & Recovery Ltd a review of the decision of the Planning Authority to refuse planning permission (17/00404/S42, refused on 7 July 2017) for the removal of Conditions 3 and 4 of Planning Permission 16/00497/DPP (Alterations to and change of use of building from warehouse to vehicle maintenance and service depot, erection of gatehouse, fencing, gates, formation of hardstanding, car parking and truck wash bay (retrospective)) at 2A Nivensknowe Road, Loanhead and granting planning permission.		
Decision		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 14 High Street, Lasswade [17/00636/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.4 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request application from Mr A Hird, Cundall, 4th floor Partnership House, Regent Farm Road, Gosford, Newcastle upon Tyne seeking on behalf of their client Mrs L Toye, a review of the decision of the Planning Authority to refuse planning permission (17/00636/DPP, refused on 13 October 2017) for the change of use of office building (class 4) to restaurant (class 3) and installation of roof vent at 14 High Street, Lasswade and granting planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.3	Decision Notice – 31A Eldindean Road, Bonnyrigg [17/00758/DPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mrs M Anderson, 31a Eldindean Road, Bonnyrigg seeking a review of the decision of the Planning Authority to refuse planning permission (17/00758/DPP, refused on 14 November 2017) for the erection of an extension at that address and refusing planning permission.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.4	Decision Notice – Land west of Roanshead Crescent, Easthouses [17/00690/PPP].	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 16 January 2018, there was submitted a copy of the Local Review Body decision notice dismissing a review request from Mr R McQueenie, REM Associates, 21 Young Street, Edinburgh seeking on behalf of their client Mr B McBride, a review of the decision of the Planning Authority to refuse planning permission in principle (17/00690/PPP, refused on 17 October 2017) for the erection of three dwellinghouse at land west of Roanshead Crescent, Easthouses, Dalkeith and refusing 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 26 February 2018 and therefore they all participated in the review process.

Agenda No	Report Title	Presented by:
5.5	Notice of Review Request Considered for the First Time – Land at Airybank, Quarrybank, Cousland [17/00649/DPP].	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an application 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.

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 26 February 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 Andrew Bennie, Andrew Bennie Planning Ltd (the applicant's agent).

Thereafter, oral representations were received firstly from Mr Bennie on behalf of the applicants, then from Mr Robertson, 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, reference was made to the planning history of the site, in particular the rejection of proposals for the erection of eight dwellinghouses on a larger site that encompassed the current application site (paragraph 5.3 of the LRB minutes of 7 March 2017 refer) and an earlier application, subsequently withdrawn by the applicants, for four dwellinghouses again on the larger site, which officers had been minded to approve; these being viewed as material considerations. Whilst the LRB were not opposed to the principle of the larger site being developed out for four houses, there was concern that the current proposals represented an overdevelopment of the smaller application site; failed to take full cognisance of the requirements of the site's edge of village rural setting and could be seen as a backdoor method of achieving the eight houses proposed in the rejected scheme.

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 development, on account of its scale, massing, form and design, is significantly out of character with the edge-of village setting and surrounding area and will have a materially detrimental impact on the character and appearance of the area. As a result of the proposed development being incompatible with the surrounding area it is contrary to policies DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.*
2. *The proposed development, on account of its massing, form, impact on existing trees and lack of additional planting, will have a significant adverse impact on the character and appearance of the local landscape and this edge-of-village site which is contrary to policies ENV11, ENV7, DEV2 and STRAT2 of the adopted Midlothian Local Development Plan.*
3. *The proposed development, on account of its scale, massing and layout, comprises an overdevelopment of the site to the detriment of the surrounding area and is therefore contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
4. *On account of the scale and layout of the proposed development the proposal represents a low quality and unimaginative urban design solution, significantly at odds with the overriding character of this semi-rural edge-of-village location, which is contrary to the aims and objectives of the Scottish Government's 'Designing Streets' and 'Creating Places' policy documents and policies ENV7 and DEV2 of the adopted Midlothian Local Development Plan.*
5. *The proposed development would result in overlooking, and loss of amenity, to the private rear garden of the dwellinghouse at 1 Hadfast Road, which is contrary to policies DEV2 of the adopted Midlothian Local Development Plan.*
6. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	Notice of Review Request Considered for the First Time – 16 School Green, Lasswade [17/00672/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an 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.

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 26 February 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 T Thomas, APT Planning and Development Ltd (applicant's agent).

Thereafter, oral representations were received firstly from Mr Thomas on behalf of the applicants, then from Ms Cowie, 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 the information provided both in writing and in person at the Hearing. Whilst noting the reasons for refusal, the LRB discussed the proposed development at some length, in particular, consideration was given to the fact that the designation of the application site as Green Belt, had been challenged by the applicants, but not upheld, at the recent Local Plan Inquiry. Notwithstanding this fact, the sympathetic nature of the proposed scheme with its innovative design drew favourable comments, as did the applicants involvement in a scheme on land adjoining the application site. The debate amongst Members being where these in themselves sufficient material grounds to justify a departure from the policy position. The fact that the application site lay within a Conservation Area was also given due consideration by the LRB as part of its deliberations.

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

As an amendment, Councillor Milligan, seconded by Councillor Smaill, 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, four Members voted for the amendment and five 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, form, design and materials fits into the landscape and is not detrimental to the green belt, special landscape area or conservation area and as such does not undermine the spirit of those development plan policies designed to protect the local landscape and green belt.

subject to the following conditions:-

1. Development shall not begin until a revised 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 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 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 house is occupied; and
 - vii drainage details and sustainable urban drainage systems to manage water runoff.

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. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April–Sept).

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies ENV1, ENV6, ENV19 and DEV6 of the Midlothian Local Development Plan 2017 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: *In the interest of protecting the character and appearance of the conservation area so as to comply with ENV6 and ENV19 of the Midlothian Local Development Plan 2017 and Historic Environment Scotland's policy and guidance.*

3. Development shall not begin until a programme of archaeological work and investigation has been submitted to and approved by the planning authority. The approved programme shall be carried out prior to the commencement of development unless an alternative phasing is agreed as part of the approved programme.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policies ENV24 and ENV25 of the Midlothian Local Development Plan 2017.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.7	Notice of Review Request Considered for the First Time – 153 The Loan, Loanhead [17/00630/DPP].	Peter Arnsdorf
Executive Summary of Report		
<p>There was submitted report, dated 15 February 2018, by the Head of Communities and Economy regarding an 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.</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 26 February 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 that the proposed use was compatible to its location and that it would see a property that had been vacant for some time being brought back into use; these being viewed as material considerations. The LRB also discussed the issues of the lack of off street car parking provision, and of outdoor amenity space.</p>		

Decision
After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason: <i>The proposed change of use would bring a vacant building within a residential area back into use and as such this would outweigh concerns regarding the lack of outdoor amenity space and off street parking provision. The proposed alterations would enhance the appearance of the building to the benefit of the street scene.</i>
Action
Head of Communities and Economy

The meeting terminated at 3.07 pm.